

The original documents are located in Box 4, folder “Mescalero Apache Lands” of the Bradley H. Patterson Files at the Gerald R. Ford Presidential Library.

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**MEMORANDUM
OF CALL**

TO: Brad

YOU WERE CALLED BY— YOU WERE VISITED BY—

Miss Cummings

OF (Organization) Interior

PLEASE CALL → PHONE NO. CODE/EXT. _____

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

343-4001

No press release - have done & done until EISS transferred. local opponents. Members know of TI decision.

RECEIVED BY DM DATE 9/13 TIME 905

Feltner

505-437-6620

Doyle Klein

505

988 6316

Angela Cummings
343-7191

THE WHITE HOUSE
WASHINGTON

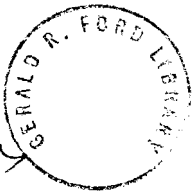
Dev. Plan for Skit
Area

E.I.S. - for both it
and other steps.

Gene Quadre
was helping

Angelo Carreras

BLM contracts for
the EIS data



BIA contracts for Develop-
ment Plan - Contract
with the tribe under 638
Tribe will contract this out -
to Davis & Moore.

THE WHITE HOUSE
WASHINGTON

September 8, 1976

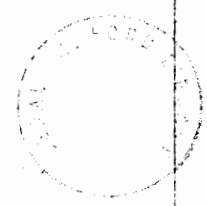
NOTE TO LOREN RIVARD

Question: What is the status of Interior's staff work on the President's Memorandum to the Secretary of June 30, 1976 about the Mescalero Apache lands?

It is essential in my opinion that this be completed so that the President can announce it during October.

Second question: The Indian Health Bill, with some slight Senate Amendments, will probably be passed tonight with a Senate Roll Call. Then to the House for greased passage. Am looking forward to the Secretary's personal advice re signature vs veto.

*1/78 for EIS
by contract
but PA now of
some sort?*



THE WHITE HOUSE

WASHINGTON

June 30, 1976

MEMORANDUM TO

THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE

SUBJECT: Memorandum of Proposed Federal
Action re: Mescalero Apache
Economic Enterprise

I have reviewed reports from your Departments submitted to me by the Office of Management and Budget concerning the proposed expansion of the Sierra Blanca ski area in the Lincoln National Forest in New Mexico.

I have concluded from the reports that the expansion of Sierra Blanca appears to be in the public interest and that it can best be accomplished by the Mescalero Apache Tribe plan which is supported by the Department of the Interior. This plan requires an Executive Order removing some 2200 acres of land (the current ski area plus the area needed for the planned expansion) from the Lincoln National Forest and placing it under the jurisdiction of the Department of the Interior (Bureau of Land Management). The Department would then be able to lease the land to the Tribe for a substantial period of time, possibly with an option to purchase, under the Recreation and Public Purposes Act, 43 U.S.C. SS 869 et seq.

Sierra Blanca is one of the most prominent examples of successful, tribally-operated economic enterprises in the country, and your efforts to aid in its expansion are fully consistent with this Administration's policy of supporting self-determination and economic self-sufficiency for American Indians.

Accordingly, I propose to sign an Executive Order of the sort I have described, dependent upon an assessment of pertinent environmental considerations. A final determination with respect to the signing of such a proposed

order will be made following the preparation and consideration of an environmental impact statement pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. SS 4321 et seq.; and I direct the Secretary of the Interior to supervise the expeditious preparation of such an impact statement, with appropriate assistance to be provided by the Department of Agriculture upon request.

Gerald R. Ford



MEMORANDUM
OF CALL

TO:

YOU WERE CALLED BY— YOU WERE VISITED BY—

Catherine Findley

OF (Organization)

Lindier

PLEASE CALL → PHONE NO. CODE/EXT. 2594

WILL CALL AGAIN IS WAITING TO SEE YOU

RETURNED YOUR CALL WISHES AN APPOINTMENT

MESSAGE

RECEIVED BY	DATE	TIME

86/17/76

THE WHITE HOUSE
WASHINGTON
June 15, 1976

ACTION

MEMORANDUM FOR THE PRESIDENT
FROM: JIM CANNON *JC*
SUBJECT: Mescalero Apache Economic Enterprise

Attached for your consideration is a proposed memorandum for the Secretary of Interior and the Secretary of Agriculture, advising them of proposed Federal action concerning a proposed expansion of the Sierra Blanca ski area in the Lincoln Forest in New Mexico.

The federally recognized Mescalero Apache Tribe of New Mexico wishes to expand its ski resort, Sierra Blanca, by using approximately 1000 additional acres of Forest Service land contiguous to the reservation.

Attached at Tab A is a memorandum from Jim Lynn discussing the Mescalero Apache proposal and the views of the Departments of Agriculture and Interior.

OMB, Max Friedersdorf, Counsel's Office (Lazarus) and I recommend approval of the proposed memorandum which has been cleared by the White House Editorial Office (Smith).

RECOMMENDATION

That you sign the memorandum at Tab B.



6/17/76: Names signed
6/20/76: Names to Sec of Interior & Agriculture
6/22/76: O. Lynch to Sec of Agriculture in a memo

No announcement - per Thyn Smith & Press Office: 6/30/76

Notes

June 10, 1976

MEMORANDUM FOR THE RECORD

Subject: Mescalero Apache Economic Enterprise

The President has the authority to "temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States ..." (43 U.S.C. 141.)

With some exceptions not pertinent to lands in New Mexico, the President has the authority to "set apart and reserve... as national forests, and the President shall, by public proclamation, declare the establishment of such forests and the limits thereof." (16 U.S.C. 471.)

The President also has the authority "to revoke, modify, or suspend any and all Executive orders and proclamations..." which established such national forests. (16 U.S.C. 473.)





EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

APR 6 - 1976

ACTION

MEMORANDUM FOR: THE PRESIDENT
FROM: JAMES T. LYNN
SUBJECT: Mescalero Apache Economic Enterprise

The federally recognized Mescalero Apache Tribe of New Mexico wishes to expand its ski resort, Sierra Blanca, by using approximately 1000 additional acres of Forest Service land. The resort is situated on 1240 acres of Forest Service land contiguous to the reservation. In order to obtain the financing required to make the proposed expansion viable, the Mescaleros want the 2240 acres, comprising the present resort and the land for expansion, transferred to the Department of Interior's Bureau of Land Management ("BLM").

The Mescaleros have successfully operated this resort under a combination of 30-year permits (for 80 acres) and annual permits (for 1160 acres) for the past 12 1/2 years with the assistance of Federal financing, and now seek expansion for the following reasons:

- to make a long-term investment in the economic future of the tribe;
- to provide over 300 new jobs for tribal members (achieving almost total employment of the existing work force);
- to ensure, to the fullest extent possible, that a new \$14M resort hotel complex located on the reservation will be a profitable venture; and
- to provide for more expert ski slopes which would improve the reputation of the operation and attract additional skiers.

The Tribe believes that highly advantageous financing must be arranged if the proposed expansion is to be viable. Such financing would consist primarily of Federal grants and low interest loans.

The Economic Development Administration ("EDA"), and most other Federal agencies which are a potential source of loans and grants, have indicated that they are reluctant to make grants and long-term loans to the Tribe when long-term tenure is not assured due to the limited authority of USDA to issue long-term permits for areas exceeding 80 acres. EDA further indicates that if the land were transferred to BLM, the broader authority of the Department of Interior would enhance the possibility of loans and grants to the Tribe.

The Departments of Agriculture, Interior, and Justice are generally in favor of the ski resort expansion. However, USDA believes strongly that the expansion should be done only under the current Forest Service permit system rather than under longer-term BLM permits.

The arguments of the Department of Agriculture are as follows:

1. The proposed action would be in conflict with a 1972 Environmental Impact Statement ("EIS"), which concluded that it would be in the public interest for the subject lands to remain a part of the National Forest. The 1972 EIS had full public involvement, and there could be litigation challenging the removal of the lands from the National Forest.

Contra. The 1972 EIS considered only the transfer of Forest Service land to Trust status, not the transfer to BLM for long-term leasing to the Mescaleros. Interior believes that the findings of adverse environmental effects as described in the 1972 EIS would no longer be relevant if the land were transferred to BLM rather than to Trust status. Because the option to transfer the land to BLM was not even considered in the 1972 EIS, a new EIS will be prepared, with full public involvement as required. CEQ attorneys advise that litigation based upon the previous EIS could, therefore, not occur.

2. Executive action has never been used to remove land from the National Forests for Indian purposes. The proposed action would set a very bad precedent and could have far-reaching consequences on the National Forests since many other tribes want National Forest land for various reasons and purposes. Previously, it has always been considered advisable to avoid this precedent and, instead, withdrawal was made by statute.

Contra. There has been one transfer to Indians by Executive Order. However, this transfer was not made for purposes of economic development, but rather to satisfy claims resulting from a 1908 survey error when the National Forests reserve was established. If the transfer were to be made through legislation rather than by Executive Order, the Tribe would ask for a transfer of title to be held in trust by Interior. Transfer by Executive Order will keep the title in the United States and avoid many of the environmental objections to Tribal ownership (1972 EIS which opposed transfer).

3. Private ski area developments are operating on nearly 200 Forest Service permitted sites and not experiencing insurmountable difficulties in securing financing. The annual permits for Forest Service land apparently are not considered a serious risk in financing these developments.

Contra. In most private ski developments on Forest Service land, the valley floor at the base of the mountain is owned by the investors and it is that land which is used to secure traditional mortgage financing. Tribal land by law cannot be mortgaged to secure financing, and the Mescaleros prefer not to use other Tribal assets as security.

4. Few lands in National Forests in the Southwest have greater multiple resource values. Watersheds, a "cork bark fir" natural area, and hunting rights might be jeopardized by the proposed transfer. Continued Forest Service administration would assure protection and public use of these valuable resources.

Contra. Management of the lands by the BLM will also result in continued protection of the resource values.

An analysis was made of the options available for expansion, the economic feasibility of the operation, the issue of setting precedent, and the USDA arguments. Although the expansion does not appear profitable in a conventional business sense, on balance, I believe that the best way to achieve the objective of economic development for the Tribe will be to transfer, by Executive Order, the acreage comprising both the resort and that land needed for the proposed expansion (2240 acres total) to DOI, Bureau of Land Management. BLM can provide the necessary long-term lease (50 years) to ensure the needed expansion.

Prior to signing an Executive Order transferring the acreage from USDA to DOI, an Environmental Impact Statement will be completed to ensure full public exposure of this matter.

Therefore, I have attached for your signature a Memorandum of Proposed Federal Action outlining the actions to be taken.

Attachment



THE WHITE HOUSE

WASHINGTON

MEMORANDUM TO: SECRETARIES OF INTERIOR AND
AGRICULTURE

SUBJECT: Memorandum of Proposed Federal
Action re: Mescalero Apache
Economic Enterprise

Your Departments have been involved in considering questions having to do with the proposed expansion of the Sierra Blanca ski area in New Mexico, which is currently operated by the Mescalero Apache Tribe of Indians on land located within the Lincoln National Forest.

I have reviewed papers dealing with these issues prepared in part by your Departments and submitted to me by the Office of Management and Budget, and have concluded that the expansion of Sierra Blanca is in the public interest and can best be facilitated by the plan suggested by the Mescalero Apache Tribe and supported by the Department of the Interior. This plan involves my signing an Executive Order removing some 2200 acres of land (the current ski area plus the area needed for the planned expansion) from the Lincoln National Forest and bringing that land under the jurisdiction of the Department of the Interior (Bureau of Land Management), which would then be able to lease it to the Tribe for a substantial period of time, possibly with an option to purchase, under the Recreation and Public Purposes Act, 43 U.S.C. SS 869 et seq.

Sierra Blanca is one of the most prominent examples of successful, tribally operated economic enterprises in the country, and your efforts to aid in its expansion are fully consistent with this Administration's policy of supporting self-determination and economic self-sufficiency for American Indians. I am persuaded that no alternative course of action can assist that expansion as adequately as the plan I have referred to.

Accordingly, I propose to sign an Executive Order of the sort I have described, dependent upon an assessment of pertinent environmental considerations. A final determination with respect to the signing of such a proposed order will be made following the preparation and consideration of an environmental impact statement pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. SS 4321 et seq.; and I direct the Secretary of the Interior to supervise the expeditious preparation of such an impact statement, with appropriate assistance to be provided by the Department of Agriculture upon request.

Gerald R. Ford