

**The original documents are located in Box 31, folder “10/17/75 S557 Land Transfer Pueblo of Laguna New Mexico” of the White House Records Office: Legislation Case Files at the Gerald R. Ford Presidential Library.**

### **Copyright Notice**

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Exact duplicates within this folder were not digitized.

APPROVED  
OCT 17 1975

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

OCT 10 1975

Posted  
10/17  
To Archives  
10/20

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 557 - Land transfer, Pueblo of Laguna, New Mexico  
Sponsors - Sen. Domenici (R) New Mexico and Sen. Montoya (D) New Mexico

Last Day for Action

October 18, 1975 - Saturday

Purpose

Declares some 520 acres of land to be held in trust for the Pueblo of Laguna Indians.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	Defers to other agencies
Indian Claims Commission	No recommendation

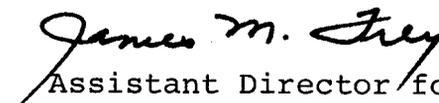
Discussion

The land covered by this bill is surrounded by land already held in trust for the Pueblo of Laguna Indians. 480 acres of the land to be transferred is public domain land that was formerly used for cattle grazing by non-Indians and is now being used for this purpose by the Pueblo. The remaining 40 acres, also in current use by the Pueblo, was inadvertently excluded from a land conveyance to these Indians authorized by a 1949 act.



When the bill was pending in committee, Interior, noting that the area might be prospectively valuable for certain minerals, recommended that the mineral estate in the 480 acres of land be reserved to the United States. As enacted, however, the mineral estate will be conveyed to the Indians. The Senate Interior Committee pointed out in its report rejecting the Interior position that the Department had supported conveyance of such rights to certain Indians as part of the transfer of so-called submarginal lands pursuant to an enrolled bill now pending before you, S.1327.

We believe that Interior's position regarding the reservation of mineral rights was sound, but we do not believe that the failure of Congress to adopt it is sufficient grounds to recommend a veto, particularly given the fact that such rights have been transferred to Indians under a number of previously enacted bills.

  
Assistant Director for  
Legislative Reference

Enclosures

*Signed 10/17*

ACTION

THE WHITE HOUSE  
WASHINGTON  
October 15, 1975

Last Day: October 18

MEMORANDUM FOR THE PRESIDENT  
FROM: JIM CANNON   
SUBJECT: Enrolled Bill S. 557 - Land  
Transfer, Pueblo of Laguna, New Mexico

Attached for your consideration is S. 557, sponsored by Senators Domenici and Montoya, which declares some 520 acres of land to be held in trust for the Pueblo of Laguna Indians.

A discussion of the bill is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Lazarus), Ted Marrs, and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 557 at Tab B.

B

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 603 539

Date: October 10

Time: 700pm

FOR ACTION: Paul Leach  
Ted Marrs  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jim Cavanaugh  
Jack Marsh  
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: noon

SUBJECT:

S. 557 - Land Transfer, Pueblo of Laguna, New Mexico

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

<sup>- 2219</sup>  
Please return to Judy Johnston, Ground Floor West Wing

*Recommend - Marrs*  
~~*Wait the form*~~

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 10 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 557 - Land transfer, Pueblo of  
Laguna, New Mexico  
Sponsors - Sen. Domenici (R) New Mexico and  
Sen. Montoya (D) New Mexico

Last Day for Action

October 18, 1975 - Saturday

Purpose

Declares some 520 acres of land to be held in trust for  
the Pueblo of Laguna Indians.

Agency Recommendations

Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	Defers to other agencies
Indian Claims Commission	No recommendation

Discussion

The land covered by this bill is surrounded by land already held in trust for the Pueblo of Laguna Indians. 480 acres of the land to be transferred is public domain land that was formerly used for cattle grazing by non-Indians and is now being used for this purpose by the Pueblo. The remaining 40 acres, also in current use by the Pueblo, was inadvertently excluded from a land conveyance to these Indians authorized by a 1949 act.

To Chairman  
10-10-75  
RSM

When the bill was pending in committee, Interior, noting that the area might be prospectively valuable for certain minerals, recommended that the mineral estate in the 480 acres of land be reserved to the United States. As enacted, however, the mineral estate will be conveyed to the Indians. The Senate Interior Committee pointed out in its report rejecting the Interior position that the Department had supported conveyance of such rights to certain Indians as part of the transfer of so-called submarginal lands pursuant to an enrolled bill now pending before you, S.1327.

We believe that Interior's position regarding the reservation of mineral rights was sound, but we do not believe that the failure of Congress to adopt it is sufficient grounds to recommend a veto, particularly given the fact that such rights have been transferred to Indians under a number of previously enacted bills.

*James M. Frey*  
Assistant Director for  
Legislative Reference

Enclosures

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 603

Date: October 10

Time: 700pm

FOR ACTION:

*Parsons on*  
~~Paul Leach~~  
Ted Marris  
Max Friedersdorf  
Ken Lazarus

cc (for information):

Jim Cavanaugh  
Jack Marsh  
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date:

October 14

Time:

noon

SUBJECT:

S. 557 - Land Transfer, Pueblo of Laguna, New Mexico

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

\_\_\_\_\_  
K. R. COLE, JR.  
For the President



# United States Department of the Interior

OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

OCT 10 1975

Dear Mr. Lynn:

This responds to your request for the views of this Department on enrolled bill S. 557, "To declare that certain land of the United States is held by the United States in trust for the pueblo of Laguna."

We recommend that the President approve the enrolled bill.

As enrolled, S. 557 declares that all right, title and interest of the United States in and to approximately 519.9 acres of land, described in the bill, are to be held by the United States in trust for the Pueblo of Laguna, New Mexico.

Of this 520 acre tract, 480 acres is national resource land administered by the Bureau of Land Management pursuant to the Act of August 13, 1949 (63 Stat. 604), and the Taylor Grazing Act (48 Stat. 1269, as amended). The 1949 Act, which declared certain lands to be held in trust by the United States for the Pueblo Indians, specifically provided that the subject tract be managed as public domain under the Taylor Grazing Act. At the time the Act was passed, this public domain was used by Lee Evans, operating as the L-Bar Cattle Company, and was used by a number of subsequent operators as a holding area or stopping place for cattle. It is likely that this parcel would have become trust land along with the other lands covered by the 1949 Act had there not been need for use by the livestock industry. The land is no longer used by the L-Bar Cattle Company, or its successor, and is presently under grazing permit to the Pueblo of Laguna.

The land is within the exterior boundaries of the Laguna Reservation. Land adjoining this parcel on the north, east and south is former public domain which became Laguna trust land by the Act of August 13, 1949 (63 Stat. 604). On the west, this parcel adjoins Laguna Executive Order Reservation lands (Executive Order dated March 2, 1917).

The Pueblo of Laguna, by tribal resolution, requested that the 480 acres of public domain lands be transferred in trust for the tribe.



The additional 39.9 acres of land to be transferred in trust by S. 557 is also within the exterior boundaries of the reservation.

Within the area added to the Laguna Reservation by the 1949 Act there is a narrow strip of land consisting of 15 small lots comprising an area of 39.9 acres. At the time of passage of the 1949 Act it was intended that such land be added to the Laguna Reservation. However, it was inadvertently omitted. The narrow strip consists of 9.65 acres of acquired land and 30.35 acres of public domain located in sections 11, 12, 14, 23, 26 and 35 of Township 9 North, Range 3 West, New Mexico principal meridian.

By Department of Interior Withdrawal Order of May 31, 1939, public domain in Township 9, Range 3 West, was temporarily withdrawn from settlement, location, sale, entry, or other forms of disposition in aid of proposed legislation to add said lands to the Indian reservations to which it was contiguous.

Boundaries of the proposed trust lands were set out in a Memorandum of Information, which became part of the Report of the Secretary of the Interior to the Senate Committee on Interior and Insular Affairs on the proposed legislation which became the 1949 Act. The Act of 1949 provided that the boundaries and descriptions adopted as part of the Act be published in the Federal Register after correction of clerical errors in the Memorandum of Information was made.

The boundaries of the land under the 1949 Act were published in the Federal Register on March 31, 1950. The publication stated that the clerical errors had been corrected. The Memorandum of Information and subsequent publication in the Federal Register omitted the above-described small tracts in Township 9 North, Range 3 West.

These 39.9 acres have always been within the Laguna range unit and the transfer of title to the Pueblo of Laguna would clear up a 25 year-old clerical error.

Cattle grazing would continue to be the primary use for both tracts of land. Transfer of the 520 acres would consolidate present holdings and provide a sense of stability to the grazing operation.

Since the Indian Claims Commission claim of the tribe was settled on December 11, 1970, and the distribution thereunder authorized by Congress on May 25, 1971 (85 Stat. 40), there is no need of a section containing a standard offset provision.

In our report to the Senate Committee on Interior and Insular Affairs on S. 557, dated May 6, 1975, and our report to the House Interior Committee on H.R. 4804, an identical bill, dated May 7, 1975, this Department recommended that the subsurface estate of the 480 acre tract be reserved to the United States. Our reason was that the primary use of the tract would be for grazing. We noted that the tract is prospectively valuable for oil and gas and geothermal resources, and may contain uranium deposits, although no field examinations have been conducted to specifically identify the mineral values. We concluded that reservation of the subsurface estate, with regard to the surface owner, would not interfere with the use to which the land will be put, i.e., grazing.

Although the Congress did not accept this Department's recommendation with regard to the 480 acre tract, we believe that the history and circumstances surrounding the transfer of this tract justify Presidential approval of the enrolled bill.

S. 557 as enrolled would complete a general transfer of both surface and subsurface rights made pursuant to the 1949 Act. It is our understanding that the 480 acre tract would have been part of that general transfer but for the existing grazing lease to non-Indians. Since the 1949 transfer conveyed both the surface and subsurface estates, it would be a breach of faith with the Pueblo now to reserve the subsurface rights after development of the mineral deposits has been started by the tribe on the adjacent lands transferred by the 1949 Act. We would further note that the bulk of the approximately 200,000 acres transferred to the Pueblo under the 1949 Act was part of the Indian submarginal land acquisition project. The Administration transmitted legislation to the Congress last spring which would transfer both surface and subsurface rights in the remainder of the original Indian submarginal land projects to the 17 affected tribes. A veto of this enrolled bill on the ground of the subsurface transfer would be inconsistent with Administration policy regarding submarginal lands.

Finally, S. 557 as originally introduced did not include the transfer in trust of the 39.9 acres. In our reports to both the Senate and the House, respectively dated May 6, and 7, 1975, this Department recommended amending the legislation to include this tract. Since the 1949 Act actually conveyed this tract, but the tribe did not

receive the land due to administrative error on the part of the Interior Department, we believe that the Executive branch still has an obligation under the 1949 Act to make this land available to the tribe.

For the reasons set forth above, we recommend that the President approve the enrolled bill.

Sincerely yours,

  
Commissioner of Indian Affairs

Honorable James T. Lynn  
Director, Office of  
Management and Budget  
Washington, D.C. 20503

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

OCT 10 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 557 - Land transfer, Pueblo of  
Laguna, New Mexico  
Sponsors - Sen. Domenici (R) New Mexico and  
Sen. Montoya (D) New Mexico

Last Day for Action

October 18, 1975 - Saturday

Purpose

Declares some 520 acres of land to be held in trust for  
the Pueblo of Laguna Indians.

Agency Recommendations

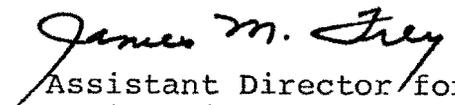
Office of Management and Budget	Approval
Department of the Interior	Approval
Department of Justice	Defers to other agencies
Indian Claims Commission	No recommendation

Discussion

The land covered by this bill is surrounded by land already held in trust for the Pueblo of Laguna Indians. 480 acres of the land to be transferred is public domain land that was formerly used for cattle grazing by non-Indians and is now being used for this purpose by the Pueblo. The remaining 40 acres, also in current use by the Pueblo, was inadvertently excluded from a land conveyance to these Indians authorized by a 1949 act.

When the bill was pending in committee, Interior, noting that the area might be prospectively valuable for certain minerals, recommended that the mineral estate in the 480 acres of land be reserved to the United States. As enacted, however, the mineral estate will be conveyed to the Indians. The Senate Interior Committee pointed out in its report rejecting the Interior position that the Department had supported conveyance of such rights to certain Indians as part of the transfer of so-called submarginal lands pursuant to an enrolled bill now pending before you, S.1327.

We believe that Interior's position regarding the reservation of mineral rights was sound, but we do not believe that the failure of Congress to adopt it is sufficient grounds to recommend a veto, particularly given the fact that such rights have been transferred to Indians under a number of previously enacted bills.

  
Assistant Director for  
Legislative Reference

Enclosures

**Department of Justice**  
**Washington, D.C. 20530**

October 10, 1975

Honorable James T. Lynn  
Director  
Office of Management and Budget  
Washington, D.C. 20503

Dear Mr. Lynn:

In compliance with your request, I have examined a facsimile of the enrolled bill S. 557, "To declare that certain land of the United States is held by the United States in trust for the pueblo of Laguna."

S. 557 would declare that land described as T. 9 N., R. 3 W., S. 30, NW 1/4 S 1/2, containing 480 acres, more or less; T. 9 N., R. 3 W., S. 11, lots 1, 2, 3, 4, and 5, containing 9.65 acres, more or less; T. 9 N., R. 3 W., S. 12, lots 1 and 2, containing 3.68 acres, more or less; T. 9 N., R. 3 W., S. 14, lots 1 and 2, containing 4.72 acres, more or less; T. 9 N., R. 3 W., S. 23, lots 1 and 2, containing 9.16 acres, more or less; T. 9 N., R. 3 W., S. 26, lots 1 and 2, containing 9.28 acres, more or less; and T. 9 N., R. 3 W., S. 35, lots 1 and 2, containing 3.41 acres, more or less, New Mexico Principal Meridian, be held by the United States in trust for the pueblo of Laguna.

The Department of Justice defers to the agencies more directly concerned with the subject matter of the bill as to whether it should receive Executive approval.

Sincerely,



Michael M. Uhlmann  
Assistant Attorney General  
Office of Legislative Affairs





INDIAN CLAIMS COMMISSION

RIDDELL BUILDING, 6TH FLOOR  
1730 K STREET NW.  
WASHINGTON, D.C. 20006

October 9, 1975

Mr. James M. Frey  
Assistant Director for  
Legislative Reference  
Office of Management and Budget  
Washington, D. C. 20503

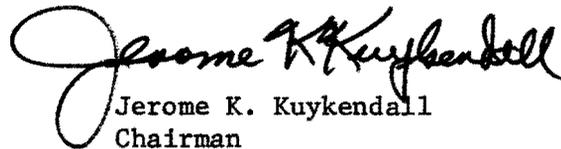
Re: S. 557  
Enrolled Bill

Dear Mr. Frey:

This is in reply to your request dated October 7, 1975, regarding enrolled bill S. 557, an act "To declare that certain land of the United States is held by the United States in trust for the pueblo of Laguna."

This bill does not involve any matters now pending before this Commission. Accordingly, we have no views or recommendations on the merits of this bill.

Sincerely yours,

  
Jerome K. Kuykendall  
Chairman

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 603 539

Date: October 10

Time: 700pm

FOR ACTION:

*Dick Parsons*  
~~Paul Leach~~  
Ted Marrs  
Max Friedersdorf  
Ken Lazarus

cc (for information):

Jim Cavanaugh  
Jack Marsh  
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date:

October 14

Time:

noon

SUBJECT:

S. 557 - Land Transfer, Pueblo of Laguna, New Mexico

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

*Approve. RDP*

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

THE WHITE HOUSE

WASHINGTON

October 13, 1975

MEMORANDUM FOR: JIM CAVANAUGH  
FROM: MAX L. FRIEDERSDORF *M.L.F.*  
SUBJECT: S.557 Land Transfer, Pueblo of Laguna,  
New Mexico

The Office of Legislative Affairs concurs with the agencies  
that the subject bill be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.: 603 539

Date: October 10

Time: 700pm

FOR ACTION: Paul Leach  
Ted Marrs  
Max Friedersdorf  
Ken Lazarus

cc (for information): Jim Cavanaugh  
Jack Marsh  
Warren Hendriks

FROM THE STAFF SECRETARY

DUE: Date: October 14

Time: noon

SUBJECT:

S. 557 - Land Transfer, Pueblo of Laguna, New Mexico

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

No objection. -- Ken Lazarus 10/13/75

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

DECLARING THAT CERTAIN LAND OF THE UNITED STATES IS HELD BY THE UNITED STATES IN TRUST FOR THE PUEBLO OF LAGUNA

SEPTEMBER 15, 1975.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HALEY, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 4804]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 4804) to declare that certain land of the United States is held by the United States in trust for the Pueblo of Laguna, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

- Page 1, line 8, strike out "east," and insert in lieu thereof "west,".
- Page 1, line 9, strike out "one quarter and south one half," and insert in lieu thereof "quarter and south half,".
- Page 1, line 10, strike out "less." and insert in lieu thereof "less;,".
- Page 1, following line 10, insert the following:

Township 9 north, range 3 west, section 11, lots 1, 2, 3, 4, and 5, containing 9.65 acres, more or less;

Township 9 north, range 3 west, section 12, lots 1 and 2, containing 3.68 acres, more or less;

Township 9 north, range 3 west, section 14, lots 1 and 2, containing 4.72 acres, more or less;

Township 9 north, range 3 west, section 23, lots 1 and 2, containing 9.16 acres, more or less;

Township 9 north, range 3 west, section 26, lots 1 and 2, containing 9.28 acres, more or less; and

Township 9 north, range 3 west, section 35, lots 1 and 2, containing 3.41 acres, more or less.

PURPOSE

The purpose of H.R. 4804, introduced by Mr. Runnels, is to transfer, in trust, to the Pueblo of Laguna approximately 480 acres of

lands in the public domain administered by the Bureau of Land Management.

#### BACKGROUND

The 480 acres covered by H.R. 4804 is public domain administered by the Bureau of Land Management pursuant to the Act of August 13, 1949 (63 Stat. 604). At the time of the passage of the 1949 Act, this land was used as a holding area and stopping point by the cattle operations in the area, as well as by the L-Bar Cattle Company. The land is no longer used by the area cattlemen and is under a grazing permit to the Pueblo of Laguna. This parcel is surrounded by land held in trust for the Pueblo of Laguna. To the north, east, and south is former public domain which became Laguna trust land by the Act of August 13, 1949. On the west, this parcel adjoins Laguna Executive Order Reservation (Executive Order dated March 21, 1917).

Within the area added to the Laguna Reservation by the 1949 Act there is another narrow strip of land consisting of small lots comprising an area of 39.9 acres. At the time of the passage of the 1949 Act, it appeared that such land was to be added to the Laguna Reservation, but it was inadvertently omitted when the description of the land was prepared and published in the Federal Register.

#### COMMITTEE AMENDMENTS

The Committee adopted three amendments, the first two of which were recommended by the Department of the Interior in its report and represent technical amendments in the description of lands to be transferred by the bill.

The third amendment, also recommended by the Department of the Interior, provides for the transfer of the additional 39.9 acre tract of land to the Laguna Pueblo. This 39.9 acres is completely surrounded by Pueblo of Laguna land and was inadvertently omitted from the transfer of lands to the Pueblo of Laguna by the Act of August 13, 1949, which provided that the boundaries and descriptions adopted as part of the Act be published in the Federal Register after clerical errors were corrected in the Memorandum of Information supplied by the Secretary of the Interior in his report on the original legislation. Nonetheless, the Federal Register inadvertently omitted the 39.9 acres.

#### COST AND BUDGET ACT COMPLIANCE

Since no costs are involved, no budgetary impact is anticipated.

#### INFLATIONARY IMPACT STATEMENT

The transfer of these lands will not result in any inflationary impact.

#### OVERSIGHT STATEMENT

Other than the normal oversight responsibilities exercised in conjunction with these legislative operations, no recommendations were submitted to the Committee pursuant to Rule X Clause 2(b)(2).

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs, by voice vote, recommends that the bill, as amended, be enacted.

#### DEPARTMENTAL REPORT

The favorable report of the Department of the Interior is as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., May 7, 1975.

HON. JAMES A. HALEY,  
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 4804, a bill "To declare that certain land of the United States is held by the United States in trust for the Pueblo of Laguna."

We recommend that the bill be enacted, if amended as suggested herein.

H.R. 4804 declares that all right, title, and interest of the United States in and to the following described land, and improvements thereon, are hereby declared to be held by the United States in trust for the Pueblo of Laguna: northwest one quarter and south one half of section 30, township 9 north, range 3 east, New Mexico principal meridian, containing 480 acres, more or less.

This 480-acre parcel of land is national resource land administered by the Bureau of Land Management pursuant to the Act of August 13, 1949 (63 Stat. 604), and the Taylor Grazing Act (48 Stat. 1269, as amended). The 1949 Act, which declared certain lands to be held in trust by the United States for the Pueblo Indians, specifically provided that the subject be managed as public domain under the Taylor Grazing Act. At the time the Act was passed, this public domain was used by Lee Evans, operating as the L-Bar Cattle Company, and was used by a number of subsequent operators as a holding area or stopping place for cattle. It is likely that this parcel would have become trust land along with the other lands covered by the 1949 Act had there not been an urgent need for use by the livestock industry. The land is no longer used by the L-Bar Cattle Company, or its successor, and is presently under grazing permit to the Pueblo of Laguna.

The land is within the exterior boundaries of the Laguna Reservation. Land adjoining this parcel on the north, east and south is former public domain which became Laguna trust land by the Act of August 13, 1949 (63 Stat. 604). On the west, this parcel adjoins Laguna Executive Order Reservation Lands (executive order dated March 2, 1917).

Cattle grazing would continue to be the primary use of the tract by the Pueblo. In view of the history of the land and its present use, we believe that transfer is appropriate. It would consolidate present holdings and provide a sense of stability to the grazing operation.

Because the primary use of this tract will be that of grazing, we recommend that only the surface estate be declared to be held by the United States in trust for the Pueblo of Laguna. This tract is prospectively valuable for oil and gas and geothermal resources, and may contain uranium deposits, although no field examinations have been conducted to specifically identify the mineral values. This Department must consider in transfers of public domain lands whether reservation of the subsurface will, with regard to the surface owner, interfere with or preclude a more beneficial use of the land than mineral development. The reservation of the mineral rights in this case will not interfere with the use to which the land will be put, i.e., grazing.

The Pueblo of Laguna, by tribal resolution, requested that the 480 acres of public domain lands be transferred in trust for the tribe.

We note a technical error in H.R. 4804. The land described as "range 3 east" in line 8 should be "range 3 west." Further, we believe the description of the land should be changed to conform with S. 557, an identical Senate bill. To do so, we recommend that "northwest one quarter" in lines 8 to 9 be changed to "northwest quarter" and "south one half" in line 9 be changed to "south half."

An additional 39.9 acres of land is completely surrounded by Pueblo of Laguna land, and we believe that this strip should be included within the land transferred in trust by H.R. 4804. We recommend that the bill be amended to include this additional land, and that both the surface and subsurface be transferred in trust.

Within the area added to the Laguna Reservation by the 1949 Act, there is a narrow strip of land consisting of 15 small lots comprising an area of 39.9 acres. At the time of the passage of the 1949 Act it was intended that such land be added to the Laguna Reservation. However, it was inadvertently omitted. The narrow strip consists of 9.65 acres of acquired land and 30.35 acres of public domain located in sections 11, 12, 14, 23, 26 and 35 of Township 9 North, Range 3 West, New Mexico principal meridian.

By Department of Interior Withdrawal Order of May 31, 1939, public domain in Township 9, Range 3 West, was temporarily withdrawn from settlement, location, sale, entry, or other forms of disposition in aid of proposed legislation to add said lands to the Indian reservations to which it was contiguous.

Boundaries of the proposed trust lands were set out in a Memorandum of Information, which became part of the Report of the Secretary of the Interior to the Senate Committee on Interior and Insular Affairs on the proposed legislation which became the 1949 Act. The Act of 1949 provided that the boundaries and descriptions adopted as part of the Act be published in the Federal Register after correction of clerical errors in the Memorandum of Information were made.

The boundaries of the land under the 1949 Act were published in the Federal Register on March 31, 1950. The publication stated that the clerical errors had been corrected. The Memorandum of Information and subsequent publication in the Federal Register omitted the above-described small tracts in Township 9 North, Range 3 West.

This land is presently within a range unit and we foresee no other possible use than grazing.

Given the shape of the land it would be of nominal value. In no case would it exceed \$10.00 per acre or \$399.00 for the entire 39.9 acres. There is presently no lease in effect on this property. No leases have ever been in effect thereon.

This land has always been within the Laguna range unit and the transfer of title to the Pueblo of Laguna would clear up a 25 year-old clerical error.

We recommend that H.R. 4804 be amended by adding at the end thereof the following land descriptions:

Section 11, lots 1, 2, 3, 4 and 5: Containing 9.65 acres.

Section 12, lots 1 and 2: Containing 3.68 acres.

Section 14, lots 1 and 2: Containing 4.72 acres.

Section 23, lots 1 and 2: Containing 9.16 acres.

Section 26, lots 1 and 2: Containing 9.28 acres.

Section 35, lots 1 and 2: Containing 3.41 acres.

Since the Indian Claims Commission claim of the tribe was settled on December 11, 1970, and the distribution thereunder authorized by Congress on May 25, 1971 (85 Stat. 40), there is no need of a section containing a standard offset provision.

The Office of Management and Budget has advised there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ROYSTON C. HUGHES,  
*Assitant Secretary of the Interior.*

○

## DECLARING THAT CERTAIN LAND OF THE UNITED STATES IS HELD BY THE UNITED STATES IN TRUST FOR THE PUEBLO OF LAGUNA

MAY 20, 1975.—Ordered to be printed

Mr. ABOUREZK, from the Committee on Interior and Insular Affairs, submitted the following

## REPORT

[To accompany S. 557]

The Committee on Interior and Insular Affairs, to which was referred the bill (S. 557) to declare that certain land of the United States is held by the United States in trust for the pueblo of Laguna, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

On page 1, line 9, change the period to a semicolon and add the following:

Township 9 north, range 3 west, section 11, lots 1, 2, 3, 4 and 5, containing 9.65 acres, more or less;

Township 9 north, range 3 west, section 12, lots 1 and 2, containing 3.68 acres, more or less;

Township 9 north, range 3 west, section 14, lots 1 and 2, containing 4.72 acres, more or less;

Township 9 north, range 3 west, section 23, lots 1 and 2, containing 9.16 acres more or less;

Township 9 north, range 3 west, section 26, lots 1 and 2, containing 9.28 acres, more or less; and

Township 9 north, range 3 west, section 35, lots 1 and 2, containing 3.41 acres, more or less.

## PURPOSE OF THE BILL

The purpose of S. 557, as amended by the Committee on Interior and Insular Affairs, is to declare that the surface and subsurface estate

in and to 480 acres of land described in the bill are to be held by the United States in trust for the Pueblo of Laguna. In addition, the bill provides for the trust transfer of 39.9 acres of land which was inadvertently omitted from other lands transferred to the Pueblo pursuant to the Act of August 13, 1949 (63 Stat. 604).

#### BACKGROUND

The 480 acres covered by S. 557 is public domain administered by the Bureau of Land Management pursuant to the Act of August 13, 1949 (63 Stat. 604). At the time of the passage of the 1949 Act, this land was used as a holding area and stopping point by the cattle operations in the area as well as by the L-Bar Cattle Company. The land is no longer used by the area cattlemen and is under a grazing permit to the Pueblo of Laguna.

This parcel is surrounded by land held in trust for the Pueblo of Laguna. To the north, east, and south is former public domain which became Laguna trust land by the Act of August 13, 1949. On the west, this parcel adjoins Laguna Executive Order Reservation land (Executive Order dated March 21, 1917). Cattle grazing is and would continue to be the primary use of the tract by the Pueblo.

Within the area added to the Laguna Reservation by the 1949 Act, there is a narrow strip of land consisting of 15 small lots comprising an area of 39.9 acres. At the time of the passage of the 1949 Act, it appeared that such land was to be added to the Laguna Reservation, but it was inadvertently omitted when the description of the land transferred pursuant to the 1949 Act was prepared and published in the Federal Register. The 39.9 acres consists of 9.56 acres of acquired land and 30.35 acres of public domain.

#### NEED

The trust transfer of the acreage discussed herein would enable the Pueblo to consolidate its present holdings and provide a sense of stability to its land utilization programs. Conveyance of the 39.9 acres of land would correct a 25-year-old clerical error.

#### COMMITTEE AMENDMENT

The Department of the Interior recommended that the prospectively valuable mineral estate in the 480 acre tract be reserved to the United States, since the primary use of this tract by the Pueblo would be for grazing purposes. The Committee found this position to be inconsistent with stated Administration policy on legislation pending before the Committee, S. 1327, To declare that certain submarginal land of the United States shall be held in trust for certain Indian tribes and be made a part of the reservations of said Indians, and for other purposes, and rejected the proposed amendment to provide for the reservation of the mineral rights in the 480 acre tract.

An amendment was approved by the Committee to provide that the surface and subsurface estate in the 39.9 acres discussed herein be transferred in trust to the Pueblo of Laguna.

#### COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs in open executive mark-up with a quorum present on May 14, 1975, unanimously ordered S. 557, as amended, favorably reported to the Senate.

#### COST

Enactment of S. 557 will not result in any additional expenditure of funds by the Federal Government.

#### DEPARTMENTAL REPORTS

The favorable report of the Department of the Interior on S. 557 is set forth in full as follows:

U.S. DEPARTMENT OF THE INTERIOR,  
OFFICE OF THE SECRETARY,  
*Washington, D.C., May 6, 1975.*

HON. HENRY M. JACKSON,  
*Chairman, Committee on Interior and Insular Affairs, U.S. Senate,  
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on S. 557, a bill "To declare that certain land of the United States is held by the United States in trust for the Pueblo of Laguna."

We recommend that the bill be enacted, if amended as suggested herein.

S. 557 declare that all right, title, and interest of the United States in and to the following described land, and improvements thereon, are hereby declared to be held by the United States in trust for the Pueblo of Laguna: northeast quarter and south half of section 30, township 9 north, range 3 west, New Mexico principal meridian, containing 480 acres, more or less.

This 480-acre parcel of land is national resource land administered by the Bureau of Land Management pursuant to the Act of August 13, 1949 (63 Stat. 604), and the Taylor Grazing Act (48 Stat. 1269, as amended). The 1949 Act, which declared certain lands to be held in trust by the United States for the Pueblo Indians, specifically provided that the subject be managed as public domain under the Taylor Grazing Act. At the time the Act was passed, this public domain was used by Lee Evans, operating as the L-Bar Cattle Company, and was used by a number of subsequent operators as a holding area or stopping place for cattle. It is likely that this parcel would have become trust land along with the other lands covered by the 1949 Act had there not been an urgent need for use by the livestock industry. The land is no longer used by the L-Bar Cattle Company, or its successor, and is presently under grazing permit to the Pueblo of Laguna.

The land is within the exterior boundaries of the Laguna Reservation. Land adjoining this parcel on the north, east and south is former public domain which became Laguna trust land by the Act of August 13, 1949 (63 Stat. 604). On the west, this parcel adjoins Laguna

Executive Order Reservation Lands (Executive Order dated March 2, 1917).

Cattle grazing would continue to be the primary use of the tract by the Pueblo. In view of the history of the land and its present use, we believe that transfer is appropriate. It would consolidate present holdings and provide a sense of stability to the grazing operation.

Because the primary use of this tract will be that of grazing, we recommend that only the surface estate be declared to be held by the United States in trust for the Pueblo of Laguna. This tract is prospectively valuable for oil and gas and geothermal resources, and may contain uranium deposits, although no field examinations have been conducted to specifically identify the mineral values. This Department must consider in transfers of public domain lands whether reservation of the subsurface estate will, with regard to the surface owner, interfere with or preclude a more beneficial use of the land than mineral development. The reservation of the mineral rights in this case will not interfere with the use to which the land will be put, *i.e.*, grazing.

The Pueblo of Laguna, by tribal resolution, requested that the 480 acres of public domain lands be transferred in trust for the tribe.

An additional 39.9 acres of land is completely surrounded by Pueblo of Laguna land, and we believe that this strip should be included within the land transferred in trust by S. 557. We recommend that the bill be amended to include this additional land, and that both the surface and subsurface be transferred in trust.

Within the area added to the Laguna Reservation by the 1949 Act, there is a narrow strip of land consisting of 15 small lots comprising an area of 39.9 acres. At the time of passage of the 1949 Act it was intended that such land be added to the Laguna Reservation. However, it was inadvertently omitted. The narrow strip consists of 9.65 acres of acquired land and 30.35 acres of public domain located in sections 11, 12, 14, 23, 26 and 35 of Township 9 North, Range 3 West, New Mexico principal meridian.

By Department of Interior Withdrawal Order of May 31, 1939, public domain in Township 9, Range 3 West, was temporarily withdrawn from settlement, location, sale, entry, or other forms of disposition in aid of proposed legislation to add said lands to the Indian reservations to which is was contiguous.

Boundaries of the proposed trust lands were set out in a Memorandum of Information, which became part of the Report of the Secretary of the Interior to the Senate Committee on Interior and Insular Affairs on the proposed legislation which became the 1949 Act. The Act of 1949 provided that the boundaries and descriptions adopted as part of the Act be published in the *Federal Register* after correction of clerical errors in the Memorandum of Information were made.

The boundaries of the land under the 1949 Act were published in the *Federal Register* on March 31, 1950. The publication stated that the clerical errors had been corrected. The Memorandum of Information and subsequent publication in the *Federal Register* omitted the above-described small tracts in Township 9 North, Range 3 West.

This land is presently within a range unit and we foresee no other possible use than grazing.

Given the shape of the land it would be of nominal value. In no case would it exceed \$10.00 per acre of \$399.00 for the entire 39.9 acres. There is presently no lease in effect on this property. No leases have ever been in effect thereon.

This land has always been within the Laguna range unit and the transfer of title to the Pueblo of Laguna would clear up a 25 year-old clerical error.

We recommend that S. 557 be amended by adding at the end thereof the following land descriptions:

	<i>Containing (acres)</i>
Section 11, lots 1, 2, 3, 4 and 5.....	9.65
Section 12, lots 1 and 2.....	3.68
Section 14, lots 1 and 2.....	4.72
Section 23, lots 1 and 2.....	9.16
Section 26, lots 1 and 2.....	9.28
Section 35, lots 1 and 2.....	3.41

Since the Indian Claims Commission claim of the tribe was settled on December 11, 1970, and the distribution thereunder authorized by Congress on May 25, 1971 (85 Stat. 40), there is no need of a section containing a standard offset provision.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

ROYSTON C. HUGHES,  
*Assistant Secretary of the Interior.*

○

# Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,  
one thousand nine hundred and seventy-five*

## An Act

To declare that certain land of the United States is held by the United States  
in trust for the pueblo of Laguna.

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled, That all right, title,  
and interest of the United States in and to the following described  
land, and improvements thereon, are hereby declared to be held by  
the United States in trust for the pueblo of Laguna :*

### NEW MEXICO PRINCIPAL MERIDIAN

Township 9 north, range 3 west, section 30, northwest quarter and  
south half, containing 480 acres, more or less;

Township 9 north, range 3 west, section 11, lots 1, 2, 3, 4, and 5, con-  
taining 9.65 acres, more or less;

Township 9 north, range 3 west, section 12, lots 1 and 2, containing  
3.68 acres, more or less;

Township 9 north, range 3 west, section 14, lots 1 and 2, contain-  
ing 4.72 acres, more or less;

Township 9 north, range 3 west, section 23, lots 1 and 2, containing  
9.16 acres, more or less;

Township 9 north, range 3 west, section 26, lots 1 and 2, containing  
9.28 acres, more or less; and

Township 9 north, range 3 west, section 35, lots 1 and 2, containing  
3.41 acres, more or less.

---

*Speaker of the House of Representatives.*

*Vice President of the United States and  
President of the Senate.*

October 7, 1975

Dear Mr. Director:

The following bill was received at the White House on October 7th:

S. 557

Please let the President have reports and recommendations as to the approval of this bill as soon as possible.

Sincerely,

Robert D. Linder  
Chief Executive Clerk

The Honorable James T. Lym  
Director  
Office of Management and Budget  
Washington, D. C.