



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, California 95825

JUL 25 2012

IN REPLY REFER TO:

## Notice of (Non-Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Agua Caliente Band of Cahuilla Indians (Tribe) to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any government services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We are providing the following information regarding this application:

### Applicant:

Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California

### Legal Land Description/Site Location:

The Wanek Property is comprised of Parcel 1, APN 513-330-002-1, containing 40 acres, more or less, and Parcel 2, APN 513-330-005-4, containing 40 acres, more or less. Both parcels are located in Riverside County, California.

Parcel 1:

The Northwest quarter of the Southwest quarter of Section 29, Township 4 South, Range 4 East, San Bernardino Base and Meridian.

Parcel 2:

The Southwest quarter of the Southwest quarter of Section 29, Township 4 South, Range 4 East, San Bernardino Base and Meridian.

The above-described properties are contiguous to lands that are held in federal trust for the Agua Caliente Band.

Project Description/Proposed Land Use:

The Wanek Property is comprised of two parcels of land that are undeveloped, sparsely vegetated, with predominantly steep rocky slopes at elevations ranging from approximately 3,800 feet above mean sea level to approximately 4,900 feet above sea level. These vacant parcels are located south and east of Tahquitz Creek on the eastern slope of the San Jacinto Mountains. There are no roads leading to the subject parcels and the surrounding parcels are also undeveloped. The area of the parcels has been closed to the public since 1980 and they have been patrolled by Tribal rangers since 1998. There is no proposed change in land use anticipated; however, the Tribe is actively managing the land, which contains cultural and natural resources unique to the Tribe. Both parcels are within the Tribe's traditional use area with access obtained by aerial survey for this application.

Current Use/Taxes and Zoning:

Wanek Property taxes for Tax Year 2011 were \$13,831.00 for Parcel 1 and \$13,831.00 for Parcel 2, for a total paid tax amount of \$27,662.00.

See enclosed Map.

Existing Easements/Encumbrances:

See enclosed Schedule B – Exceptions.

Supplemental Data:

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of the notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Arvada Wolfen, Realty Specialist, at (916) 978-6069.

Sincerely,



Acting Regional Director

Enclosures: Location Map  
Schedule B -- Exceptions

cc: See DISTRIBUTION LIST

116°34'48"W

116°34'30"W

Section  
21

Tribal Trust

T1013  
320.00  
513-310-019

Section  
28

Section  
33

33°48'0"N

33°47'42"N

33°47'24"N

33°47'6"N

116°34'48"W

116°34'30"W



# AGUA CALIENTE INDIAN RESERVATION WANEK PARCELS TOWNSHIP 4 SOUTH, RANGE 4 EAST

## Legend



\* Waneke Proposed Trust Parcels



Tribal Properties

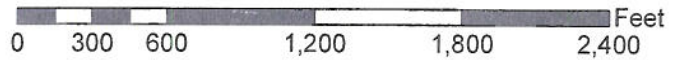


Agua Caliente Reservation

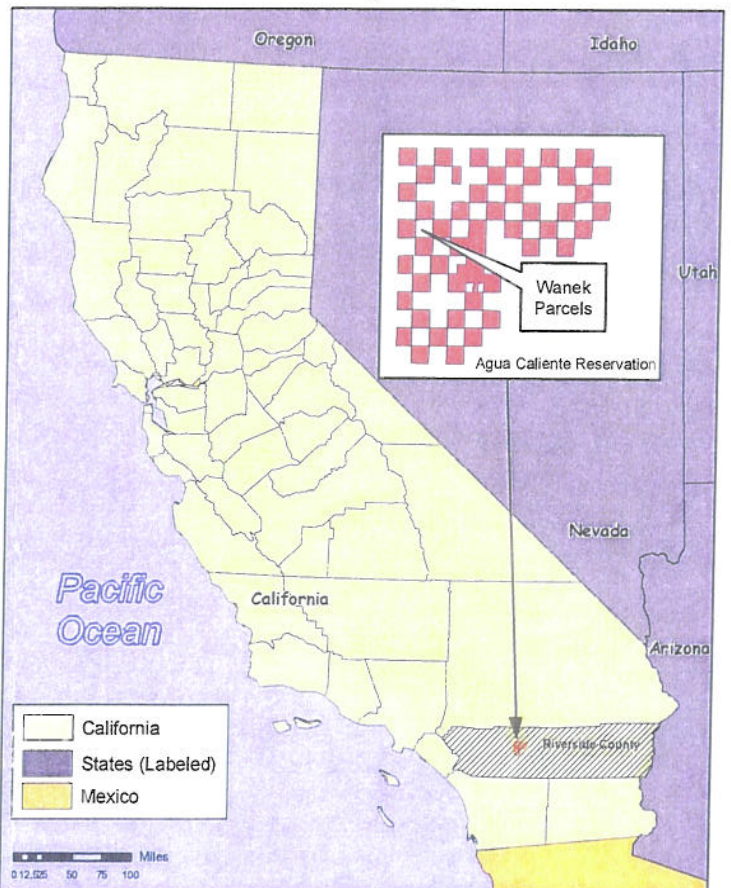


Section Boundary

\* Properties shown are 2700 feet from Agua Caliente Tribal Trust properties.



## Vicinity Map



Map Location: //trb05gis01/Project\_Files/mxd/Economic/Fee-to-trust/Tahquitz Burial.mxd

116°36'0"W

116°35'42"W

116°35'24"W

116°35'6"W

Section  
19

Section  
20

33°48'0"N

33°47'42"N

Section  
30

Section  
29

33°47'24"N

Tribal Fee

TFEE  
40.00

513-320-012

TFEE  
40.00

513-330-002

TFEE  
40.00  
513-330-005

Wanek Proposed  
Trust

33°47'6"N

Section  
31

Section  
32

116°36'0"W

116°35'42"W

116°35'24"W

116°35'6"W

**SCHEDULE B**

I. The following requirements are to be complied with:

The following requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.
2. Pay us the premiums, fees and charges for the policy.
3. Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.
4. You must tell us in writing the name of anyone not referred to in this commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions.
5. Any Other items to be determined.
6. THE REQUIREMENT THAT THIS COMPANY BE PROVIDED DOCUMENTATION THAT WILL CLARIFY THE ENTITY NAMED AGUA CALIENTE BAND OF CAHUILLA INDIANS AND ESTABLISH THOSE PARTIES AUTHORIZED TO ACT ON BEHALF OF SAID ENTITY.

II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

**EXCEPTIONS**

A. GENERAL AND SPECIAL CITY AND/OR COUNTY TAXES FOR THE FISCAL YEAR 2012-2013, A LIEN NOT YET DUE AND PAYABLE.

B. THE FOLLOWING TAXES HAVE ALL BEEN PAID AND ARE REPORTED FOR PRORATION PURPOSES ONLY. GENERAL AND SPECIAL TAXES FOR THE FISCAL YEAR 2011-2012:

Continued on next page

TOTAL AMOUNT:	\$155.90
FIRST INSTALLMENT:	\$77.95 PAID
SECOND INSTALLMENT:	\$77.95 PAID
CODE AND PARCEL NO:	061003/513-330-002-1
EXEMPTION:	NONE

TOTAL AMOUNT:	\$155.90
FIRST INSTALLMENT:	\$77.95 PAID
SECOND INSTALLMENT:	\$77.95 PAID
CODE AND PARCEL NO:	061003/513-330-005-4
EXEMPTION:	NONE

C. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5, COMMENCING WITH SECTION 75 OF REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.

1. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
2. RIGHTS OF THE PUBLIC IN AND TO ANY PORTION OF SAID LAND, LYING WITHIN ANY LAWFUL ESTABLISHED STREETS, ROADS, OR HIGHWAYS.
3. AN EASEMENT FOR ROAD PURPOSES AND INCIDENTAL PURPOSES, IN FAVOR OF JACLYN LIPTON IN INSTRUMENT RECORDED SEPTEMBER 28, 1961 AS INSTRUMENT NO. 82793 OF OFFICIAL RECORDS. SAID EASEMENT IS DESCRIBED AS FOLLOWS: THE EASTERLY AND NORTHERLY 30 FEET OF PARCEL 1.
4. A RESERVATION OF A ONE-HALF INTEREST IN ALL OIL, GAS, OIL SHALE, COAL, PROSPHATE, SODIUM, MINERALS, NATURAL GAS AND OTHER HYDROCARBON SUBSTANCES AS SET FORTH IN DEED FROM ARTHUR L. OCHEL'TREE AND BONNIE B. OCHEL'TREE RECORDED JUNE 15, 1956 IN BOOK 1929 PAGE 17 OF OFFICIAL RECORDS.
5. A RESERVATION OF A 10% INTEREST OF ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID LAND AS RESERVED IN THE DEED FROM JACLYN LIPTON RECORDED SEPTEMBER 28, 1961 AS INSTRUMENT NO. 82793 OF OFFICIAL RECORDS.
6. ANY FACTS, RIGHTS, INTEREST OR CLAIMS WHICH A CORRECT SURVEY WOULD SHOW.
7. MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION OR SURVEY OF SAID LAND OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.

END OF EXCEPTIONS

Typist Initials: SF/RB

Continued on next page

## DISTRIBUTION LIST

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Post Office Box 3044  
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Sacramento, CA 95814

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State of California  
Department of Justice  
Post office Box 944255  
Sacramento, CA 94244-2550

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Riverside, CA 92502-1647

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Post Office Box 12005  
Riverside, CA 92502-2205

County of Riverside – CM-RRR # 7009 3410 0000 1124 0888  
Planning Department  
Post Office Box 1409  
Riverside, CA 92502-1409



County of Riverside – CM-RRR # 7009 3410 0000 1124 0895  
Office of the Tax Assessor  
2724 Gateway Drive  
Riverside, CA 92507

Mr. Stephen Phillip Pougnet -- CM-RRR # 7009 3410 0000 1124 0901  
Office of the Mayor  
City of Palm Springs  
3200 East Tahquitz Canyon Way  
Palm Springs, CA 92262

City of Palm Springs -- CM-RRR # 7009 3410 0000 1124 0918  
Planning Department  
3200 E. Tahquitz Canyon Way  
Palm Springs, CA 92262

City of Palm Springs -- CM-RRR # 7009 3410 0000 1124 0925  
Police Department  
Post Office Box 1830  
Palm Springs, CA 92263

City of Palm Springs -- CM-RRR # 7009 3410 0000 1124 0932  
Fire Department  
300 North El Cielo Road  
Palm Springs, CA 92262

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Post Office Box 846  
Coachella, CA 92236

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Cabazon Band of Mission Indians  
84-245 Indio Springs Drive  
Indio, CA 92201

Chairperson – CM-RRR # 7009 3410 0000 1124 0963  
Cahuilla Band of Mission Indians  
Post Office Box 391760  
Anza, CA 92539-1760

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12700 Pumarra Road  
Banning, CA 92220

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Post Office Box 1477  
Temecula, CA 92593

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Anza, CA 92539

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Post Office Box 391820  
Anza, CA 92539

Chairperson -- CM-RRR # 7011 2970 0000 0580 8990  
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Post Office Box 1160  
Thermal, CA 92274

Chairperson -- CM-RRR # 7011 2970 0000 0580 9003  
Soboba Band of Luiseno Indians  
Post Office Box 487  
San Jacinto, CA 92581

Jeff Grubbe, Chairperson -- CM-RRR # 7011 2970 0002 6031 9828  
Agua Caliente Band of Cahuilla Indians  
5401 Dinah Shore Drive  
Palm Springs, CA 92264

Regular Mail:

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Bureau of Indian Affairs  
Palm Springs Agency  
Post Office Box 2245  
Palm Springs, CA 92263