

12534



United States Department of the Interior

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

IN REPLY REFER TO:

OCT 07 2011

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:

PARCEL 1:

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SAN BERNARDINO BASE AND MERIDIAN, OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, LYING SOUTHERLY OF THOSE CERTAIN LINES DESCRIBED IN DEED TO THE STATE OF CALIFORNIA,



AGC 4693

RECORDED DECEMBER 30, 1965 AS INSTRUMENT NO. 145763 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THAT CERTAIN FINAL ORDER OF CONDEMNATION SUPERIOR COURT CASE NO. 197647 A CERTIFIED COPY OF WHICH RECORDED APRIL 20, 1994 AS INSTRUMENT NO. 164443 OF OFFICIAL RECORDS;

ALSO, EXCEPTING THEREFROM 25% OF ALL RIGHT, TITLE AND INTEREST IN AND TO ANY OIL, GAS OR OTHER MINERAL RIGHTS TO SAID PROPERTY, EXCLUDING FROM THE RESERVATION UNDERGROUND WATER RIGHT, AS RESERVED BY WILLIAM A. BETTERLEY ET AL, IN DEED RECORDED AUGUST 20, 1970 AS INSTRUMENT NO. 82007 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL 2:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 3 SOUTH, RANGE 3 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF RIVERSIDE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF;

EXCEPT THAT PORTION INCLUDED IN THE SOUTHERN PACIFIC RAILROAD COMPANY RIGHT OF WAY;

ALSO EXCEPT THAT PORTION DESCRIBED IN DEED TO THE COUNTY OF RIVERSIDE, RECORDED MARCH 30, 1915 IN BOOK 406 PAGE 162 AS INSTRUMENT NO. 7 OF DEEDS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

ALSO EXCEPT THAT PORTION DESCRIBED IN DEEDS TO THE STATE OF CALIFORNIA, RECORDED DECEMBER 17, 1964 AS INSTRUMENT NO. 149870 IN BOOK 3879 PAGE 583 AND AS INSTRUMENT NO. 149880 IN BOOK 3879 PAGE 591 ALL OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPTING THEREFROM 25% OF ALL RIGHT, TITLE AND INTEREST IN AND TO ANY OIL GAS OR OTHER MINERAL RIGHTS TO SAID PROPERTY, EXCLUDING FROM THE RESERVATION UNDERGROUND WATER RIGHTS, AS RESERVED BY WILLIAM A. BETTERLEY ET AL, IN DEED RECORDED AUGUST 20, 1970 AS INSTRUMENT NO. 82007 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

Project Description/Proposed Land Use:

The subject property consists of four parcels of land, encompassing approximately 138.60 acres more or less, commonly referred to as the “Beylik” property and Assessor’s Parcel Numbers: 516-090-010-8, 522-040-001-0, 522-040-002-1, and 522-040-003-2. The parcels are contiguous to trust lands. This parcel of land is within the Traditional Use Area of the Tribe. In systematically acquiring its aboriginal territory, the Tribe seeks to consolidate its land base, provide for the opportunity to diversity its economic development and protect its natural and cultural resources. While there is no specific development proposal for the property, it has the potential for exceptional highway commercial development.

Currently, there is no specific land use at this time. The property consists of undeveloped and ranch land, including a vacant residence, three travel trailers (caretaker residence), and three rail cars formerly used as chicken coops slap, two unused water wells, and three concrete-lined irrigation ponds with associated piping. The Union Pacific Railroad and Wendy Road border the property to the southwest and east, respectively. As the site was formerly a cattle and horse ranch with over 100 years use, there is a noticeable amount of mature waste, primarily concentrated in three areas on the western portion of the property. There is no planned change in land use.

Parcel map is attached.

Current Use/Taxes and Zoning:

Assessed property taxes for 2011-2012:

- 516-090-010 - \$11,198.10
- 522-040-001 - \$ 2,270.52
- 522-040-002 - \$ 2,233.42
- 522-040-003 - \$ 258.68

Existing Easements/Encumbrances:

See attached Schedule B

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 this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this 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 Wolfin, Realty Specialist, at (916) 978-6069.

Sincerely,



Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse – 7011 1570 0002 2887 7312
Office of Planning and Research
State of California
P.O. Box 3044
Sacramento, CA 95814

Jacob Applesmith, Legal Affairs Secretary – 7011 1570 0002 2887 7329
Office of the Governor
State Capitol Building
Sacramento, CA 95814

Ms. Sara J. Drake, Deputy Attorney General – 7011 1570 0002 2887 7336
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

James Peterson, District Director – 7011 1570 0002 2887 7343
Office of U.S. Senator Feinstein
750 "B" Street, Suite 1030
San Diego, CA 92101

Riverside County Board of Supervisors – 7011 1570 0002 2887 7350
County Administrative Center
4080 Lemon Street, 14th Floor
Riverside, CA 92501

County of Riverside – 7010 3090 0002 7095 4256
Office of the Assessor
4080 Lemon Street
Riverside, CA 92502-2204

County of Riverside – 7010 1670 0001 7431 2172
Planning Department
4080 Lemon Street 9th Floor
Riverside, CA 92501

Riverside County Treasurer & Tax Collector – 7010 1670 0001 7431 2189
4080 Lemon Street, 4th Floor
Riverside, CA 92501

Office of the Mayor – 7010 1670 0001 7431 2196
City of Palm Springs
P.O. Box 2743
Palm Springs, CA 92263

City of Palm Springs Planning Department – 7010 1670 0001 7431 2202
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92263

Palm Springs Police Department – 7010 1670 0001 7431 2219
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92263

Palm Springs Fire Department – 7010 1670 0001 7431 2226
3200 E. Tahquitz Canyon Way
Palm Springs, CA 92263

Chairperson – 7010 1670 0001 7431 2233
Augustine Band of Mission Indians
P.O. Box 846
Coachella, CA 92236

Chairperson – 7010 1670 0001 7431 2240
Cabazon Band of Mission Indians
84-245 Indio Springs Drive
Indio, CA 92201

Chairperson – 7010 1670 0001 7431 2257
Cahuilla Band of Mission Indians
P.O. Box 391760
Anza, CA 92539-1760

Chairperson – 7010 1670 0001 7431 2264
Morongo Band of Cahuilla Mission Indians
11581 Potrero Road
Banning, CA 92220

Chairperson – 7010 1670 0001 7431 2271
Pechanga Band of Luiseno Indians
P.O. Box 1477
Temecula, CA 92593

Chairperson – 7009 3410 0000 1319 4530
Ramona Band of Mission Indians
P.O. Box 391372
Anza, CA 92539

Chairperson – 7009 3410 0000 1319 4547
Santa Rosa Band of Mission Indians
P.O. Box 609
Hemet, CA 92546

Chairperson – 7009 3410 0000 1319 4554
Torres-Martinez Desert Cahuilla Indians
P.O. Box 1160
Thermal, CA 92274

Chairperson – 7009 3410 0000 1319 4561
Soboba Band of Luiseno Indians
P.O. Box 487
San Jacinto, CA 92581

Regular Mail:

Superintendent
Bureau of Indian Affairs
Palm Springs Agency
P.O. Box 2245
Palm Springs, CA 92263

Your Ref:
BEYLIK RANCH

SCHEDULE B

Order No. 042035412 K26

In addition to the Exceptions shown below, the policy of title insurance to be issued under the terms of this binder will contain the applicable printed Exceptions and Exclusions shown on the attached list.

Exceptions:

- A 1. PROPERTY TAXES, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES, TO BE LEVIED FOR THE FISCAL YEAR 2008-2009 THAT ARE A LIEN NOT YET DUE.
- B 2. THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5 (COMMENCING WITH SECTION 75) OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.
- AC 3. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS BUT WHICH COULD BE ASCERTAINED BY AN INSPECTION OF THE LAND OR WHICH MAY BE ASSERTED BY PERSONS IN POSSESSION THEREOF.
- AD 4. EASEMENTS, LIENS OR ENCUMBRANCES, OR CLAIMS THEREOF, WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
- AE 5. DISCREPANCIES, CONFLICTS IN BOUNDARY LINES, SHORTAGE IN AREA, ENCROACHMENTS, OR ANY OTHER FACTS WHICH A CORRECT SURVEY WOULD DISCLOSE, AND WHICH ARE NOT SHOWN BY THE PUBLIC RECORDS.
- AW 6. (A) UNPATENTED MINING CLAIMS; (B) RESERVATIONS OR EXCEPTION IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (C) WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (A), (B) OR (C) ARE SHOWN BY THE PUBLIC RECORDS
- C 7. THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE HEREIN DESCRIBED LAND LYING WITHIN ROADS, STREETS OR HIGHWAYS.
- Z 8. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.
- D 9. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN CALIFORNIA GAS COMPANY AND SOUTHERN COUNTIES
GAS COMPANY OF CALIFORNIA
PURPOSE: PIPELINES AND INCIDENTAL PURPOSES
RECORDED: MAY 15, 1948 IN BOOK 911 PAGE 119 OF OFFICIAL RECORDS
AFFECTS: A PORTION OF PARCEL 1 AS DESCRIBED IN SAID DOCUMENT.

- E 10. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN CALIFORNIA GAS COMPANY AND SOUTHERN COUNTIES
GAS COMPANY OF CALIFORNIA
PURPOSE: PIPELINE AND INCIDENTAL PURPOSES
RECORDED: APRIL 17, 1950 IN BOOK 1164 PAGE 402 OFFICIAL RECORDS
AFFECTS: A PORTION OF PARCEL 1 AS DESCRIBED IN SAID DOCUMENT.

**SCHEDULE B
(continued)**

F SAID EASEMENT WAS AMENDED BY THAT CERTAIN "AMENDMENT TO RIGHT OF WAY RECORDED FEBRUARY 23, 1978 AS INSTRUMENT NO. 34677.

G 11. THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY THE DOCUMENT

RECORDED: SEPTEMBER 26, 1950 IN BOOK 1206 PAGE 581 OFFICIAL RECORDS

AFFECTS: FREEWAY ADJOINING PARCEL 1

H 12. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY AND CALIFORNIA WATER AND TELEPHONE COMPANY

PURPOSE: UTILITIES

RECORDED: MAY 8, 1952 IN BOOK 1366 PAGE 356 OFFICIAL RECORDS

AFFECTS: A PORTION OF PARCEL 1 AS DESCRIBED IN SAID DOCUMENT.

I 13. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: CALIFORNIA ELECTRIC POWER COMPANY AND CALIFORNIA WATER AND TELEPHONE COMPANY

PURPOSE: UTILITIES

RECORDED: MARCH 8, 1957 IN BOOK 2052 PAGE 199 OFFICIAL RECORDS

AFFECTS: A PORTION OF PARCEL 1 AS DESCRIBED IN SAID DOCUMENT.

J 14. THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY THE DOCUMENT

RECORDED: DECEMBER 17, 1964 IN BOOK 3879 PAGE 583 AS INSTRUMENT NO. 149870 AND IN BOOK 3879 PAGE 591 AS INSTRUMENT NO. 149880 BOTH OF OFFICIAL RECORDS

AFFECTS: FREEWAY ADJOINING PARCEL 2

K 15. A WAIVER IN FAVOR OF STATE OF CALIFORNIA OF ANY CLAIMS FOR DAMAGE TO SAID LAND BY REASON OF THE LOCATION OF A HIGHWAY CONTIGUOUS THERETO AS CONTAINED IN DEED, RECORDED DECEMBER 17, 1964 IN BOOK 3879 PAGE 583 AS INSTRUMENT NO. 149870 AND IN BOOK 3879 PAGE 591 AS INSTRUMENT NO. 149880 BOTH OF OFFICIAL RECORDS.

**SCHEDULE B
(continued)**

AFFECTS: PARCEL 2

- N 16. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: GENERAL TELEPHONE COMPANY OF CALIFORNIA
PURPOSE: UTILITIES
RECORDED: AUGUST 18, 1971 AS INSTRUMENT NO. 93176 OFFICIAL RECORDS
AFFECTS: A PORTION OF PARCEL 1 AS DESCRIBED IN SAID DOCUMENT.

- N 17. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN CALIFORNIA EDISON COMPANY
PURPOSE: UTILITIES
RECORDED: JUNE 17, 1982 AS INSTRUMENT NO. 82-104049 OFFICIAL RECORDS
AFFECTS: A PORTION OF PARCEL 2 AS DESCRIBED IN SAID DOCUMENT.

- O 18. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: DESERT WATER AGENCY
PURPOSE: PIPELINES AND/OR CONDUITS AND INCIDENTAL PURPOSES
RECORDED: OCTOBER 23, 1984 AS INSTRUMENT NO. 84-229247 OFFICIAL RECORDS
AFFECTS: A PORTION OF PARCEL 2 AS DESCRIBED IN SAID DOCUMENT.

- P 19. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: U.S. SPRINT COMMUNICATIONS
PURPOSE: UTILITIES
RECORDED: APRIL 14, 1987 AS INSTRUMENT NO. 87-101864 OFFICIAL RECORDS
AFFECTS: A PORTION OF PARCEL 1 AS DESCRIBED IN SAID DOCUMENT.

- O 20. AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT

GRANTED TO: SOUTHERN PACIFIC PIPELINES
PURPOSE: PIPELINES AND INCIDENTAL PURPOSES
RECORDED: MAY 18, 1987 AS INSTRUMENT NO. 87-138592 OFFICIAL RECORDS

SCHEDULE B
(continued)

AFFECTS: A PORTION OF PARCEL 2 AS DESCRIBED IN SAID DOCUMENT.

R 21. THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY THE DOCUMENT

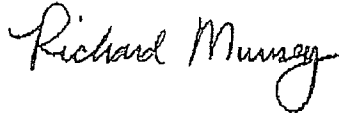
RECORDED: APRIL 20, 1994 AS INSTRUMENT NO. 94-164443 OFFICIAL RECORDS

AFFECTS: FREEWAY ADJOINING PARCEL 1

AA 22. MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION OR SURVEY OF SAID LAND OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.

S END OF SCHEDULE B

y KM/LE/TV/LE/GL/LE



AUTHORIZED SIGNATORY _____



AGUA CALIENTE INDIAN RESERVATION BEYLIK

TOWNSHIP 3 SOUTH RANGE 3 EAST

Legend

Beylik Proposed Trust
(Adjacent to Tribal Trust Property)

Tribal Properties

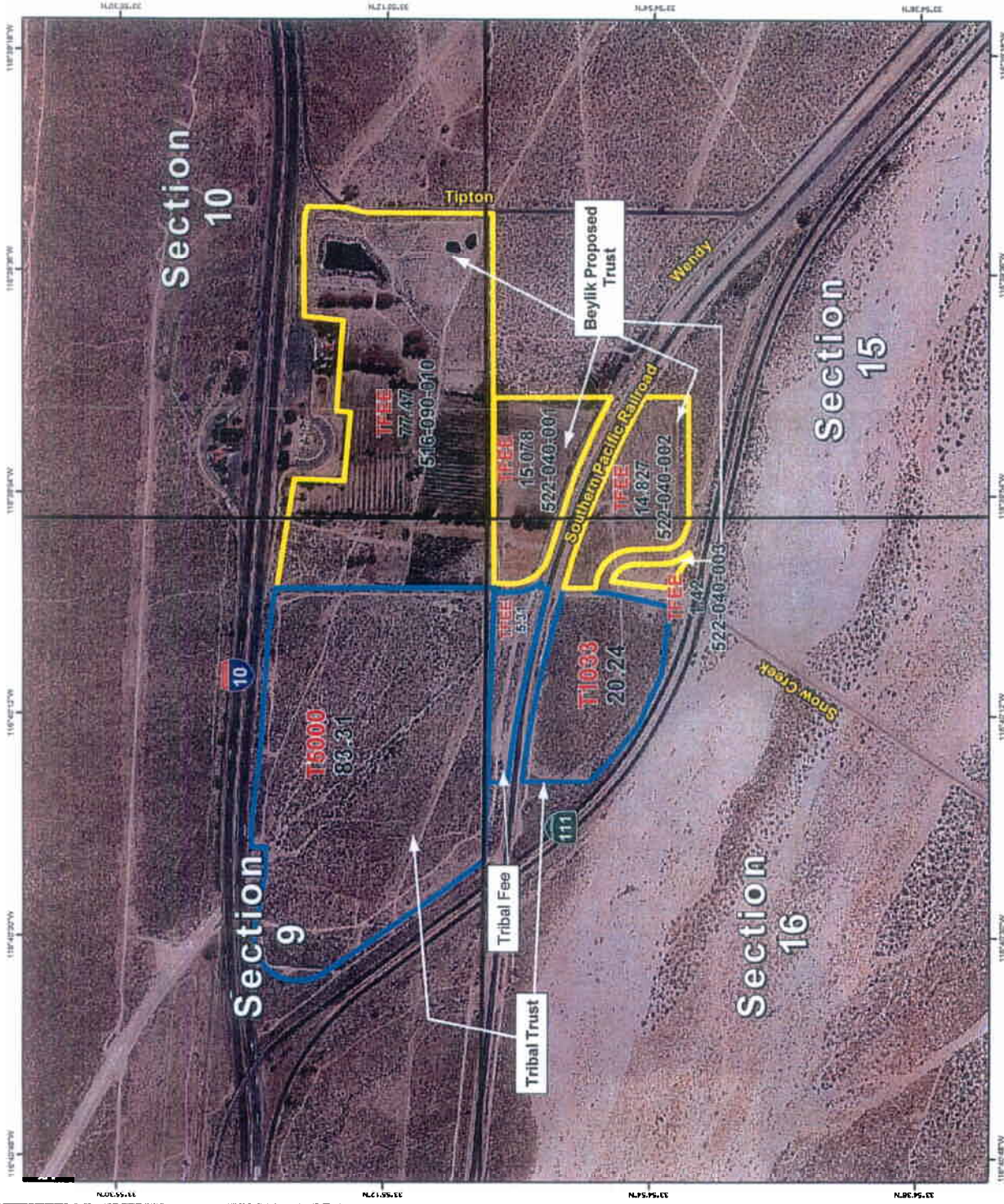
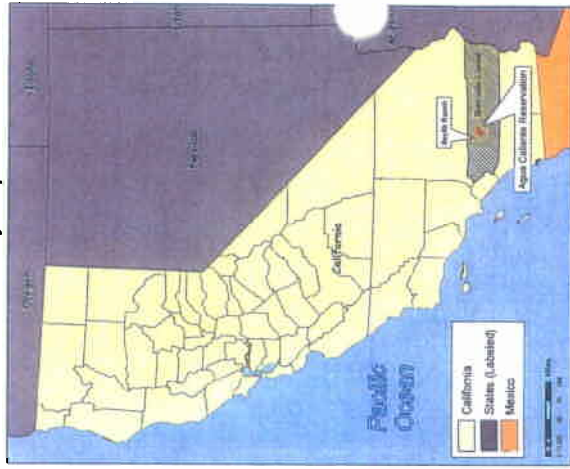
Section Boundary



* Properties shown are located 5 miles northwest from the Agua Caliente Indian Reservation



Vicinity Map





United States Department of the Interior

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

IN REPLY REFER TO:

OCT 07 2011

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Distribution List:

Enclosed is a copy of our notice of an application seeking acceptance of title to real property “in trust” by the United States of America for the Agua Caliente Band of Cahuilla Indians of California.

Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, and Parts 151.10 and 151.11. We are seeking your comments regarding the proposed trust land acquisition in order to obtain sufficient data that would enable an analysis of the potential impacts on local government, which may result from the removal of the subject property from the tax roll and local jurisdiction. Pertinent information regarding the proposal is included in the enclosure.

Sincerely,

Regional Director

Enclosure