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BRIEFING FOR THE SECRETARY

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 FROM: Mike Pool California State Director 916 978-4600
 SUBJECT: CREMEHUEVI LAND TRUST PATENT

PURPOSE OF THE BRIEFING DOCUMENT:

The Bureau of Indian Affairs on behalf of the Chemehuevi Indian Tribe has asked the Bureau of Land Management (BLM) to issue a trust patent (final title) to its existing 30,000-acre reservation along the Colorado River in San Bernardino County, California. BLM is responsible for determining the Tribe's and other private parties' rights associated with the reservation in cooperation with the Bureau of Indian Affairs under Federal law and in accordance with the Department of the Interior's trust responsibilities for Native American tribes.

ISSUES:

The issuance of a trust patent, subject to valid existing rights, will complete the government's obligations under an amendment to the 1891 Mission Indians Relief Act. That amendment authorized the Secretary of the Interior to select, set aside, and cause to be patented, lands for Southern California Indians. The Secretary found the Chemehuevi Tribe was eligible for lands under this Act, and in 1907, he reserved (withdrew) the lands for the Tribe. The reservation is owned by the United States and held in trust for the tribe under the supervision of the Bureau of Indian Affairs. Typically, in such cases, the final trust patent would be issued within a few years after the Secretarial withdrawal order. In the case of the Chemehuevi, that was never accomplished for unknown reasons and the pending trust patent action will complete the normal title process.

Over the years various changes affecting the reservation lands have occurred, including building of Parker Dam creating Lake Havasu, managed by the Bureau of Reclamation. A wildlife refuge was established along the northern shores of the lake, managed by the U.S. Fish and Wildlife Service. In addition, the original reservation withdrawal included two key private inholdings, one consisting of 441 acres in Section 1 on the northern end of the reservation which was originally granted to the railroad and has since been privately purchased and developed (the Jayne property) and the other consisting of 640 acres in Section 36 of the same township in the central part of the reservation now owned by multiple private parties bordering public lands on one side (a former California school section). A few hundred individual property owners live on these two private properties at the present time. The State of California's State Lands Commission also owns a 640 acres school section on the southern edge of the reservation. Public utility (roads, powerlines, pipelines) rights-of-way held by Metropolitan Water District, Southern California Edison, the County of San Bernardino, and others are also in the reservation. Finally, an unknown number of people occupy Tribal lands at an area called the Colony in the central part of the reservation along the lake. The Colony occupancies were originally short-term permits authorized by FWS or BLM after the shoreline was condemned for Lake Havasu but before the Secretary of the Interior returned the shoreline to the Tribe.

BLM is currently awaiting requested documentation from the Bureau of Indian Affairs on behalf of the Tribe. That information is needed by BLM to complete its work in preparing a draft trust patent. In the meantime, the status of the reservation remains unchanged.

The proposed draft patent will be published in the Federal Register, as well as a local newspaper, and mailed to everyone who has requested updates. After consideration of public input, a final trust patent will be issued. BLM decisions are subject to public appeals before the Interior Board of Land Appeals, Office of the Secretary, pursuant to the regulations at 43 Code of Federal Regulations, Part 4

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MAIN DECISION OR MESSAGE:

The issuance of the trust patent will not affect valid existing rights of private parties. However, some people who currently live in the area are concerned the trust patent will negatively affect them. A key issue will be determination of access rights to the river and Lake Mavasu which have a significant effect on property values.

BUREAU PERSPECTIVE:

BLM is responsible for fulfilling the Department of the Interior's trust responsibilities to the Tribe as well as determining valid existing rights that will be recognized in the trust patent. BLM plans to move as expeditiously as possible to resolve these legal issues and plans to widely disseminate the draft trust patent for public review.

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