

The Bureau of Indian Affairs on behalf of the Chemehuevi Indian Tribe has requested the Bureau of Land Management issue a trust patent for the existing reservation containing approximately 32,500 acres, along the Colorado River in San Bernardino County, California. Under Federal law, BLM is responsible for the preparation and issuance of a patent for public domain land that have never been conveyed out of Federal ownership.

Background:

In a Secretarial Order dated February 2, 1907, the Secretary of the Interior (Secretary) directed that certain lands in California be withdrawn on behalf of the Chemehuevi Indian Tribe and thirteen other Indian Tribes, pending action by Congress authorizing the addition of the lands described to the various Mission Indian reservations. An Act of Congress dated March 1, 1907 (34 Stat. 1015, 1022) amended the Mission Indians Relief Act in the State of California dated January 12, 1891 (26 Stat. 712), and directed the Secretary to select, set aside, and cause to be patented, lands for Southern California Indians..

Pursuant to an Act of Congress dated August 30, 1935 (49 Stat. 1028), the BOR constructed the Parker Dam, with construction being completed in 1938. A subsequent Act of Congress dated July 7, 1940 (54 Stat. 744) directed that Indian lands could used for construction of the Parker Dam, but that compensation must be paid to the Tribe for those lands. In November of 1941, it was determined that approximately 7,776 acres of Indian lands would be needed for the Parker Dam project. That area contained land up to the elevation of 465 feet above mean sea level. Consequently, the Tribe was paid approximately \$108,105 in compensation for their lands. However, with the completion of the Parker Dam and the subsequent filling of Lake Havasu, the high water elevation for the lake was at the elevation of 450 feet above mean sea level. Therefore, there was a strip of land lying between the 450 and 465 elevation lines that had been acquired by the U. S. Government for the construction and operation of the Parker Dam project that was located inside of the boundary of the Chemehuevi Indian Reservation. On November 1, 1974, the Secretary issued a SO which restored the land in that strip to the equitable ownership of the Tribe.

On January 22, 1941, President Franklin D. Roosevelt approved Executive Order 8647 (6 FR 593), which established the Havasu Lake National Wildlife Refuge, which contained approximately 37,370 acres of land in Arizona and California. It was renamed the Havasu National Wildlife Refuge and its boundary have been revised by subsequent Public Land Orders that were issued after the establishment of the refuge.

In the mid-1950s, the Bureau of Sport Fisheries and Wildlife, the predecessor to FWS, began issuing special use permits for both residential and non-residential purposes in the portion of the above described strip located in T. 5 N., R. 25 E., SBM. The area containing those special use permits will hereafter be referred to as the Colony. After the SO of November 1, 1974, that area and other land were restored to the equitable ownership of the Tribe, as described above. The 1974 SO recognized that they were holders of existing special use permits, which would have expired no later than July 31, 1979. Depending on the type of the special use permit, they were extended by the SO to new expiration dates of between August 15, 1976 and August 15, 1980.

The SO also stated that "Any of the permittees may obtain further extensions at the option and with the consent of the Tribe".

In July of 1985, the Tribe initially requested BIA to issue or authorize the issuance of a trust patent to the Tribe for the Tribe's reservation. In a memorandum dated August 20, 1990 and written by Fritz L. Goreham (Field Solicitor, Phoenix Field Office, Office of the Solicitor) to the Area Director, Phoenix Area Office, BIA, Mr. Goreham stated that BIA had responded to the Tribe that no trust patent had been issued to the Chemehuevi Indian Tribe, pursuant to the Mission Indian Relief Act, because the Tribe was not recognized as Mission Indians. On September 24, 1985, the Superintendent of the Colorado River Agency advised the Tribe that its request for a trust patent was denied. The Tribe appealed that decision on September 19, 1986, and after a review of documents held by BIA's Washington Office and the National Archives, concluded "... that while the Chemehuevis are not 'Mission Indians', as noted by the Area Office in its 1985 decision, Congress considered them as such and they are covered by the Mission Indian Relief Act, as amended."