

Congress of the United States
Washington, DC 20515

February 22, 2008

The Honorable Michael B. Mukasey
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Attorney General Mukasey:

We write in the interest of seeking your Department's position on a matter of importance to our constituents. In particular, certain individuals living along the western portion of the Colorado River in Riverside County, California, have raised a claim that the western boundary of the Colorado River Indian Tribes (CRIT) reservation cannot legally extend into the state of California. This claim has caused great tension between two groups of people that we represent, members of CRIT and those non-Indians that reside along the western bank of the River. Our interest now lies in seeking the U.S. Government's position relating to the boundaries of the Tribe's reservation and whether or not these boundaries are in legal dispute or are clearly defined.

It is our understanding that the Department of the Interior has, as conveyed by our constituents, consistently ruled that the land on which the residents live is held in trust by the Government for CRIT. This viewpoint has brought about direct concerns from residents with homes at the Water Wheel Resort and Recreational Area, Inc.¹ as well as others with primary residences throughout southern California who have written to our office in affiliation with the West Bank Homeowners Association.²

Certain residents and operators of businesses within the western boundary area dispute that they live and work within the CRIT reservation. These individuals generally share the contention that they should not be subject to the lease agreements that were previously entered into with CRIT. They have expressed to our offices that the Reservation is precluded from reaching into California. Because of this inference, they argue that they should not be subject to lease payments due to their beliefs of what they

¹ Water Wheel Resort and Recreational Area, Inc., located at 29630 Highway 95, Blythe, CA 92225

² West Bank Homeowners Association, located at PO Box 970, Blythe, CA 92226

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term the "Disputed Area." Their argument centers on what they view as ambiguity relating to whether or not the Reservation boundary is a riparian boundary or is defined as the meander line of the Colorado River from the late 1800's as surveyed by William F. Benson.

We are aware that, by Executive Orders in 1873 and 1876, the Reservation was extended into California and down the "west bank" of the Colorado River. Further, in 1969, Secretary of the Interior Stewart Udall issued an Order determining that the portion of the Reservation bounded by the "west bank" traces the line of ordinary high water of the River as it existed in 1876 and as surveyed by Mr. Benson.

This technical interpretation is of significance for various reasons, given that those living on the lands to the west of the Colorado River have, in recent years, been involved in direct disputes with CRIT that should not continue without more clarity on this matter. For example, in November of 2001, residents of Paradise Point, a mobile home resort in the area, refused to adhere to a tribal eviction notice, resulting in court actions, that, it can be argued, yet again did not address the boundary issue.

It is our understanding that while the non-tribal individuals have an interest in being provided clarity from the Department of Justice on this matter, the Tribe would like a reaffirmation of what they see as the existing policy of the U.S. Government in this situation. The differences in opinion, have, in the case of Water Wheel Resort, led to a difficult situation wherein lease payments to the Tribe have been sporadic or simply not paid at all due to their interpretation of the Reservation boundary. After the Resort's 32-year lease with CRIT expired in 2007, the Tribe sought to evict the operator, who remains in possession of the land, and to take over management of the land. The residents living at the resort, as you can understand, now must consider what to do; i.e. send rent checks to the Resort or CRIT. As you can understand, this is an ownership situation that is hardly advantageous to anyone looking to move to this peaceful part of southern California.

With this background in mind, it is our hope that you will directly address this issue in a written statement. We are also providing a copy of this inquiry to the Bureau of Indian Affairs at the Department of the Interior given their extensive history regarding this matter, but, do request a direct response from your Department.

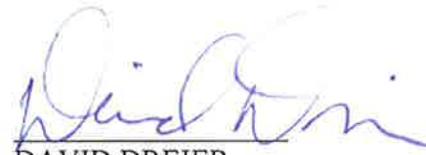
Should you have any further questions or require further information on the history of this situation, feel free to contact Chris Foster in Congresswoman Bono Mack's office at (202) 225-5330. Though the lands in question are in California's 45th District, our constituents, who include CRIT, would appreciate your input on this important matter.

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Thank you in advance for your consideration of our request.

Sincerely,


MARY BONO MACK
Member of Congress


DAVID DREIER
Member of Congress

cc: The Honorable Carl J. Artman
Assistant Secretary,
Bureau of Indian Affairs
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

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