



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Yuma Field Office
2555 East Gila Ridge Road
Yuma, AZ 85365
www.blm.gov/az/
September 22, 2010

2000 (C020)

FEDERAL EXPRESS, 8689 8631 5834

Cheryl A. Schmit, Director
Stand Up for California!
7911 Logan Lane
Penryn, California 95663-0355

Dear Ms. Schmit:

Thank you for your letter received by facsimile on January 21, 2010, inquiring as to the land status of sections 11 and 14, Township (T.) 3 South (S.), Range (R.) 23 East (E.), San Bernardino Meridian, California. Land Law Examiner Candice Holzer has researched the land status records and provides the following information. Copies of the Master Title Plat (MTP) (1 page) and the Historical Indices (HI) (5 pages) for T. 3 S., R. 23 E., San Bernardino Meridian, are enclosed for reference as needed. We are also including copies of General Land Office survey of T. 3 S., R. 23 E., San Bernardino Meridian, dated May 22, 1879; and Bureau of Land Management (BLM) surveys dated July 22, 1958, and May 21, 1962.

Your letter stated that the Sacramento BLM (the California State Office of the BLM) advised you to contact our office. The lands you are inquiring about, sections 11 and 14, are under the administrative jurisdiction of the Yuma Field Office, State of Arizona, BLM. On August 31, 1972, the *Federal Register* published a notice "Department of the Interior, Bureau of Land Management, Arizona, Designation of Yuma District Office," pages 17769-17770 (copy enclosed). The notice described the Yuma District Boundary and, specifically, Paragraph 16, right column, page 17769, states "Thence south for 12 miles along the west borders of Secs. 2, 11, 14, 23, 26, and 35 in Ts. 3 and 4 S., R. 23 E." The boundary between the Yuma District (now known as the Yuma Field Office) and the California Desert District is indicated by a line of dots on the MTP. The line is between sections 2 and 3, 10 and 11, 14 and 15, 22 and 23, 26 and 27, and 34 and 35. There are also notations below sections 34 and 35, California Desert Dist(riect), Palm Springs-S(outh)C(oast) R(esource)A(rea) and Yuma District, respectively.

Our specific response to the first bullet in your letter is that sections 11 and 14 are not included in the California Desert Conservation Area (CDCA). Sections 1, 2, 11, 13, 14, 23, 24, 25, 26, 35, and 36 of T. 3 S., R. 23 E., are within the boundary of the Yuma Field Office. Page 4 of the HI indicates that sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, and 34, are included within the designated CDCA. Title VI of the Federal Land Policy and Management Act (FLPMA), as amended (Public Law 94-579, October 21, 1976, 90 Stat. 2782), designated the CDCA (copy enclosed). Title VI of FLPMA was codified at Title 43 U.S.C. § 1781 (copy enclosed).

In Section 33 on the MTP, the notation Act of Congress 10/21/1976, Designated California Desert Conservation Area sits upon a line of long dashes. This line of long dashes indicates the boundary of a designated area. A "designation" is not the same as a "withdrawal." Regulations pertaining to "Designations" are located at 43 Code of Federal Regulations (CFR) Subpart 1610, Section 1610.7. "Withdrawal" is defined in the regulations found at 43 CFR Part 2300 which includes Section 2300.0-5, Definitions. "Withdrawal means withholding an area of Federal land from settlement, sale, location, or entry under some or all of the general land laws, for the purpose of limiting activities under those laws in order to maintain other public values in the area or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land, other than *property* governed by the Federal Property and Administrative Services Act (40 U.S.C. 472), from one department, bureau or agency to another department, bureau or agency."

Section 601(c)(1) of FLPMA refers to a map entitled "California Desert Conservation Area – Proposed" dated April 1974. Section 601(c)(2) required that the Secretary of the Interior file a revised map and a legal description of the CDCA. The California Desert Conservation Area Plan, 1980 As Amended, is available online (www.ca.blm.gov). The maps that the CDCA Plan refer to are not available online; you may need to contact the California Desert District.

As to your second bullet, on Page 2 of the HI, a Secretarial Order (SO) was issued on October 16, 1931, withdrawing the Entire Township for the Colorado River Reclamation Project. This SO was issued in the First Form, meaning that the lands were withdrawn from the operation of the mining laws and the general land laws. To read the information in the column titled "Remarks," please start with the line beginning: a) Partially Restored BLM Order 7/13/1956; (b) Partially Revoked P(ublic)L(and)O(rder) 2630 3/13/1962; and (c) Portion in CDCA Restored (arrow pointing to line above to continue) Excluding or uded) Modification (of) PLO (Public Land Order) 7262 5/28/1997. This information is intended to be read in date order and, generally, from the bottom line up. Additionally,

- (a) Partially Rest BLM O 7/13/1956 means that the Order issued on 7/13/1956 restored – opened to entry – sections 3, 4, 5, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, and 34. See the bottom of HI Page 2 and the top of HI Page 3. Essentially, this changed the first form withdrawal to a second form withdrawal, opening the lands to mineral entry while keeping them removed from the general land laws.
- (b) Partially Rev PLO 2630 3/13/1962 means that the withdrawal (SO 10/16/1931) was revoked on lots 1 and 2 only of section 36 for title to pass to the State of California (SG [State Grant] 5/22/1879 [date of survey]). See HI Page 3 and enclosed *Federal Register* notice, 27 FR 2571, dated March 13, 1962.
- (c) Portion in CDCA Rest (arrow) Excl Mod PLO 7262 5/28/1997 means that the withdrawal (SO 10/16/1931) was i) revoked and "restored" on sections 3, 4, 5, 6, 7, 8, 9, 10, 16, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, 33, and 34, T. 3 S., R. 23 E., Paragraphs 2(f), 3, and 4; and ii) "modified" on sections 15 and 22, T. 3 S., R. 23 E., Paragraph 1(b). The revocation and restoration of the 1931 withdrawal "opened" those particular sections to the operation of the public land laws generally and to location and entry under the United States mining laws, subject to valid existing

rights, etc. PLO 7262 is a complexly written order dated May 28, 1997, published June 4, 1997, and effective July 7, 1997, and refers to several previous public notices published in the *Federal Register*. The following notices published in the *Federal Register* are provided for your information: 62 FR 30613 (June 4, 1997); 57 FR 7599 (March 3, 1992); 57 FR 19135 (May 4, 1992); 57 FR 19163 (May 4, 1992); and 58 FR 30181 (May 26, 1993).

During a telephone conversation on March 11, 2010, with Mrs. Holzer, you requested additional information regarding the Colorado River Indian Reservation. Page 1 of the HI for T. 3 S., R. 23 E., third line, the Entire Township was withdrawn under Executive Order (EO) dated 5/15/1876 for the Colorado River Indian Reservation. There is a notation in the Remarks column that refers to 7N(orth) 22W(est) G(ila) & S(alt)R(iver) Mer(idian). Copies of the MTP and HI for T. 7 N., R. 22 W., Gila and Salt River Meridian, Arizona, are included. The first line of the HI states that the Entire Township was withdrawn by Act of Congress dated 3/3/1865 for an Indian Reservation. Modifications to the original Indian Reservation have occurred with EOs dated November 22, 1873, November 16, 1874, May 15, 1876, and November 22, 1915, and PLO 109-47 dated August 2, 2005.

Enclosed is a copy of a Memorandum from the Solicitor to the Secretary of the Interior dated January 17, 1969, referred to in the Remarks column of Page 1 of the HI for T. 3 S., R. 23 E.. The Subject of the memorandum from the Solicitor is the "Western boundary of the Colorado River Indian Reservation from the top of Riverside Mountain, California, through section 12, T. 5 S., R. 23 E., S.B.M., California." Also enclosed is a copy of a document titled United States Supreme Court before the Special Master, Memorandum Opinion and Order No. 14. We were recently informed that the BLM California State Office Cadastral Division has remonumented a portion of the western boundary of the Colorado River Indian Reservation. For additional information, please contact their office at 916-978-4400.

In your email to Mrs. Holzer dated March 15, 2010, you asked "Does California Civil Code section 830 apply to sections 11 and 14 in the area of erosion or accretion since the land is within the State boundary even though it is Reclamation land?" You also asked "Has there been congressional legislation or a federal court ruling to resolve the western boundary dispute between the CRIT and the State of California? Or is the United States Supreme Court ruling accepted by the BLM?"

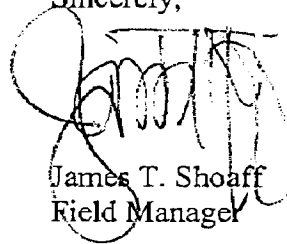
The foregoing questions are of a legal nature and we submit that your questions are appropriately addressed to the Department of the Interior Solicitor's Office. While we understand that there is a long history of dispute over the western boundary of the Colorado River Indian Reservation, we regard the SO of 1969 as the current determination of Federal land status and manage BLM lands accordingly.

According to the BLM records, Mrs. Holzer's determination of land status of sections 11 and 14 follows:

- 1) Lots 1, 2, 3, 4, and the $W\frac{1}{2}W\frac{1}{2}$ of section 11, and lots 1, 2, 3, 4, and the $W\frac{1}{2}W\frac{1}{2}$ of section 14 are Federal lands currently withdrawn by the Bureau of Reclamation and are jointly managed by the Bureau of Reclamation and the BLM.
- 2) Lots 5, 6, 7, 8, 9, $SE\frac{1}{4}NE\frac{1}{4}$, and the $E\frac{1}{2}SE\frac{1}{4}$ of section 14 are Federal lands accreted to the Colorado River Indian Reservation and, therefore, are included in the withdrawal for the Colorado River Indian Reservation.

Thank you for providing a copy of the Special Instructions Group No. 1584, California, dated July 16, 2009. If we can be of any further assistance, please contact Mrs. Holzer at the above address, by email address Candy_Holzer@blm.gov, or by telephone number 928-317-3253.

Sincerely,



James T. Shoaff
Field Manager

Enclosures

cc: Regional Director, Western Region, Bureau of Indian Affairs (w/o enclosures)
Danny West, Chief Cadastral Surveyor, Arizona State Office, BLM (w/o enclosures)
Lance Bishop, Chief Cadastral Surveyor, California State Office, BLM (w/o enclosures)
Stephen K. Hansen, Group Administrator, Lands and Minerals, Arizona State Office (w/o enclosures)