

COLORADO RIVER
Residents For Justice

"equal rights and fair treatment for all"

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August 26, 2010

Honorable Mary Bono-Mack
United State Representative
Attn: Paul Cancienne
104 Cannon House Office Building
1st Street and Independence Ave., SE
Washington, D. C. 20515
Fax: 202 225-2961

Honorable Arnold Schwarzenegger
Governor of California
Attn: Andrea Hoch
Office of the Governor
State Capitol
Sacramento, CA. 95814
Fax: (916) 323-0935

Honorable Board of Supervisors
County of Riverside
4080 Lemon Street
Riverside, CA. 92801

Honorable Sheriff Stanley Sniff
Riverside County Sheriff's Dept.
4095 Lemon Street
Riverside, CA. 92501

Re: Agency Actions Regarding the Western Boundary Dispute of the Colorado River

Dear Congresswoman Bono-Mack, Governor Schwarzenegger, Honorable Supervisors and Sheriff Sniff:

Colorado River Residents for Justice (CRR4J) writes today to alert you to 2 federal actions that address the Western Boundary of the Colorado River Indian Tribes (CRIT). These agency actions affect the interests of the State of California and the County of Riverside. It goes without saying these actions significantly affect the daily-lives and viability of the futures of the community of citizens along the River.

These actions address the Western Boundary of the CRIT in the State of California. Establishment of the Western Boundary of the CRIT reservation in California affects the State's police powers, property and income taxation authority. Likewise the administration of justice at the County level of government affects the ability of the County to enforce environmental laws and the Sheriffs obligation to protect the safety and well-being of the public. These federal actions cannot be fairly resolved by the Interior Board of Indian Affairs (IBIA) alone. An IBIA decision without inviting interested parties would result in a lopsided decision and federal overreaching.

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The “disputed area” along the Colorado River screams for clarity. These are difficult multi-jurisdictional issues that each level of government must join together to address. The CRR4J requests that you give consideration of these federal actions, and that your offices communicate with each other in order to bring about a fair, objective and transparent resolution of a 50 year-old conflict along the River.

Federal Actions:

Item #1: On July 19, 2010, the United States Department of the Interior (DOI), Western Regional Office of the Bureau of Indian Affairs (BIA) issued a letter terminating the lease of Mr. William C. Tuttle, at the request of the CRIT. The request to terminate the lease by the CRIT was made to the DOI/BIA after collecting the agreed upon approximately \$25,000.00 due pursuant to a 3% increase in the basic lease consideration that Mr. Tuttle has paid under protest. Mr. Tuttle is otherwise in good standing on his lease. Mr. Tuttle previously owned the subject property in fee simple. The lease was executed to terminate litigation between the United States and Mr. Tuttle. The lease termination notice is a Federal Agency Action and provides an opportunity to appeal.

On August 18, 2010, Mr. William C. Tuttle filed an appeal with the Interior Board of Indian Appeals at the Department of the Interior. Besides the normal causes of action in lease issues, Mr. Tuttle raises the significant issue that there has never been a lawful determination that the West Bank Land is eligible for Secretary leasing on CRIT’s behalf. (*See – attached copy of the Notice of Termination and the Notice of Appeal*)

Please note, the Bureau of Reclamations, the Bureau of Land Management and the State of California are listed as Interested Parties. That is not to say, that the County of Riverside or the Sheriff of Riverside should not be considered as an interested party or even an indispensable party.

The Tuttle Appeal evidences that the land is in dispute. With the questions officially before the IBIA it is clear the authority and jurisdiction of the CRIT law enforcement officers and Tribal Court is questionable. These issues must be answered before any further tribal council or tribal court evictions, trespass actions or abandonment allegations can be enforced by CRIT against the California residents of the “disputed area.”

Item #2: On July 16, 2009, the DOI/BIA issued “Special Instructions Group NO. 1584, California” a request to the Bureau of Land Management (BLM) to perform a cadastral survey the Western Boundary of the CRIT reservation in California. A cadastral survey basically connects dots and draws a line through meets and bounds (the land is measured every 18 feet). The survey itself does not create a boundary. Nevertheless, the Western Regional Office of the BIA is instructing the BLM to execute this survey to provide the CRIT with a manageable western boundary of its reservation. The document fails to state by what authority the BIA has to

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make this request of the identified lands. (See – attached Group No. 1584, California order for Cadastral Survey)

It is important to note, this is the land that is identified as the “disputed area”. BLM is an agency of the DOI directed by the Secretary of the Interior. In the *AZ v. CA, III* the justices determined that the Western Boundary of the CRIT reservation had to be determined by adjudication or an Act of Congress and not by the Secretary of the Interior who has a fiduciary duty to the Indians, and thus, as the Court acknowledged has a conflict of interest in this matter. Clearly, a cadastral survey authorized by the Secretary of the Interior or its agencies such as the BIA is a conflict of interests.

The field work of the cadastral survey has been completed; however it has not been approved. There is still the necessary process of tribal consultation over the boundary.

There is the opportunity for those who disagree with the survey guidelines to object. The guidelines of the survey conflict with the determinations that were made in the *AZ v CA III* litigation. The Benson Survey is not accepted as the western boundary of the CRIT reservation in all of the *AZ v CA* litigation. Letters commenting on the guidelines of the survey maybe sent to:

Bureau of Land Management
Attn: Lance Bishop - Director
2800 Cottage Way, Room W1634
Sacramento, CA. 95825

After tribal consultation the survey will reach final approval. The survey will become an “Agency Action” and once again ripe to appeal before the Interior Board of Land Claims.

There are conflicting documents, maps and statements from each Agency of the DOI. BOR has withdrawn the land from Parker Dam to the Mexican Boarder. BLM and BOR have a Memorandum of Understanding, instructing the BLM to manage the surface of the land. There is no mention or involvement of the CRIT.

Conclusion: Transferring land into the hands of any tribe subjects the United States to new responsibilities. Moreover, trust status or reservation patents create unintentional impacts on state and local governments. There must be consideration of the actions of the other agencies tasked with the responsibility to manage the land. The BLM has leasing authority over some of these lands and there exists perpetual right-of-ways, for the highway and possibly for oil and gas pipelines, power lines that transports electricity from Arizona to California. The BLM has in the past issued mineral material contracts and grazing leases. All of these leases and rights-of-ways may be subject to regulation under other laws governing renewals of abandonment. Moreover, since the land was withdrawn by the BOR (1997) under the 1902 and 1931 Acts – those Acts

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clearly state that all State Laws will apply to these lands and civil disputes will be resolved in local courts.

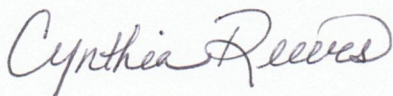
This raises significant questions about the actions of the Western Regional Office of the BIA issuing specific and limited guidelines for the cadastral survey. Without all interested parties submitting comment, these lands could be placed under the authority of CRIT without the requisite Congressional authorization. As we have witnessed and our lives have evidenced, uncoordinated actions create confusion over ownership, jurisdiction and the administration of justice.

The CRR4J, encourages your offices to communicate with regard to these federal actions and give immediate consideration of the possible actions of sending letters of comment or acting as an indispensable party in the William Tuttle Appeal.

But most importantly, we ask that your offices use the Tuttle Appeal as additional evidence that the land is in dispute and the issues raised must be answered before any further evictions, allegations of abandoned property by CRIT as a pretense to confiscation, or trespass actions can be enforced.

We thank you for your time and kind consideration of these issues in advance. If you require additional information, please do not hesitate to contact me at (951) 640-1672.

Sincerely,



Cynthia Reeves
Board Member
Colorado River Residents for Justice
CRR4Justice@yahoo.com
www.CRR4Justice.com

Attachments: Notice of Termination
Notice of Appeal
Group No. 1584, California order for Cadastral Survey

CC: Pamela J. Walls
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