



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

APR 2 - 2015

NOTICE OF DECISION

CERTIFIED MAIL RECEIPT REQUESTED – 7013 2630 0001 5557 7398

Honorable John Marcus, Chairman
Santa Rosa Band of Cahuilla Indians
P.O. Box 391820
Anza, CA 92539

Dear Chairman Marcus:

This is notice of our decision on the Santa Rosa Band of Cahuilla Indian's application to have the below described real property accepted by the United States of America in trust for the Santa Rosa Band of Cahuilla Indians, California.

The land referred to herein is situated in the State of California, County of Riverside, and is described as follows:

The East half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 7 South, Range 4 East, San Bernardino Meridian, in the County of Riverside, State of California, according to the official plat thereof.

The subject property commonly referred to as Assessor's Parcel Number 577-140-002, containing 20.00 acres, is situated contiguous to the southern boundary line of the Santa Rosa Indian Reservation and is located within an unincorporated area in the County of Riverside, State of California.

The property is located in a remote, mountainous area; there are no roads, infrastructure or improvements on the property. The property is not farmed or grazed and there is no known history of mineral development or other surface or subsurface development. There is also no known history of structures, businesses, or industrial uses of the property. The land will remain vacant as the Tribe has no proposed change in land use anticipated for this parcel.

Federal Law authorizes the Secretary of the Interior, or his authorized representative, to acquire title on behalf of the United States of America for the benefit of tribes when such acquisition is authorized by an Act of Congress and (1) when such lands are within the consolidation area; or (2) when the tribe already owns an interest in the land; or (3) when the Secretary determines that the land is necessary to facilitate tribal self-determination, economic development, or tribal

housing. In this particular instance, the authorizing Act of Congress is the Indian Land Consolidation of 1983 (25 U.S.C. § 2202). The applicable regulations are set forth in the Code of Federal Regulations (CFR), Title 25, INDIANS, Part 151, as amended. This land acquisition falls within the land acquisition policy as set forth by the Secretary of the Interior.

The Reservation was originally established by Executive Order of December 29, 1891 and Trust Patents dated November 8, 1927 and January 7, 1931.

On November 19, 2014, by certified mail, return receipt requested, we issued notice of, and sought comments regarding the proposed fee to trust application from the following: California State Clearinghouse; Mr. Jacob Appelsmith, Deputy Legal Affairs Secretary; Sara J. Drake, Deputy Attorney General; Office of Senator Dianne Feinstein; Riverside County Board of Supervisors; Office of the Treasurer-Tax Collector, County of Riverside; Planning Department, County of Riverside; Office of the Assessor, County of Riverside; Office of the Mayor, City of Palm Springs; City of Palm Springs Planning Department; City of Palm Springs Police Department; City of Palm Springs Fire Department; Augustine Band of Mission Indians; Cabazon Band of Mission Indians; Cahuilla Band of Mission Indians; Morongo Band of Cahuilla Mission Indians; Pechanga Band of Luiseno Indians; Ramona Band of Mission Indians; Santa Rosa Band of Mission Indians; Torres-Martinez Desert Cahuilla Indians; and Soboba Band of Luiseno Indians. The record reflects that no letters of opposition were received.

Pursuant to 25 CFR 151.10, the following factors were considered in formulating our decision: (1) the need of the tribe for additional land; (2) the purposes for which the land will be used; (3) impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls; (4) jurisdictional problems and potential conflicts of land use which may arise; (5) whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of land in trust status; (6) the extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 6, Appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions; Hazardous Substances Determinations. Accordingly, the following analysis of the application is provided.

Factor 1 – Need for additional land

Trust acquisition of the subject property is needed in order for the tribe to promote the Tribe's exercise of self-determination and tribal sovereignty. The property borders the Santa Rosa Indian Reservation and is located within an historic tribal area that the Cahuilla have occupied for approximately 1,000 years. Given the long-term presence of the Tribe and its ancestors the Tribe intends to promote, protect and preserve wildlife, the environmental and cultural values of this property and other nearby tribal lands. To this end, placement of the property in trust status is needed to enable the Tribe to serve as a sovereign steward of its historic homeland to govern and exercise jurisdiction over tribal lands.

Trust status of the property will reduce the risk of State or County policies adversely affecting tribal governmental and cultural use of its own lands and will offer protection from the land being adversely possessed or subject to the State's powers of eminent domain.

The subject property adjoins the West Parcel of the Santa Rosa Indian Reservation which is home to the Santa Rosa tribal community located in the Vandeventer Flat area. Trust status will also enable the Tribe to exercise self-determination and will allow tribal members to use the property as tribal land consistent with tribal policy.

Factor 2- Proposed Land Use

The purpose of trust acquisition by the United States in trust for the Tribe is the promotion of tribal self-determination, specifically with respect to this land acquisition, thus empowering the Tribe's governmental authority to protect and preserve their historic and culturally significant tribal lands. Acquisition of this property will also serve to consolidate tribal lands. There is no change in use planned for this property.

Factor 3 – Impact on State and Local Government's Tax Base

The 2011-12 Riverside County property tax bill for APN: 577-140-002-0 is \$116.72. The impact of removing this property from the County of Riverside tax rolls is miniscule considering that the County's recommended budget for fiscal year 2010-2011, based on estimated County-wide property tax revenue, was \$268.8 million. For the 2012 tax bill, \$13 of the \$116.72 was allocated for the Unified School Debt Service; the loss of which is also negligible. The 2014-15 taxes are \$121.36.

The Tribe has a history of making contributions and has sponsored numerous organizations and events, including youth programs, sports programs, and local emergency service providers including the Sheriff's and Fire Department. Additionally, the Tribe plans to continue to support local community activities.

Factor 4 – Jurisdictional Problems/Potential Conflicts

The property is in a remote, mountainous area; there are no roads or other infrastructure and no improvements to the land. The Tribe has no plans to use the property for commercial purposes. The Tribe's planned use of land consolidation and preservation of cultural resources are not inconsistent with the current County land use and zoning for the property (Land Use Designation – Open Space Rural; Zoning Classification – Rural Residential).

The Riverside County Sheriff's Department will continue to provide law enforcement services for the property. Consistent with current law, if any criminal activity occurs on the property, the State of California will continue to exercise jurisdiction under its laws for prosecution of criminal acts in State courts.

The fact that the property is not located within a County service area, city, city sphere, joint owner's authority, agricultural preserve, historic preservation district, redevelopment area, airport influence area, airport compatibility zone or conservation area, make it unlikely that there will be jurisdictional problems and conflicts of land use. Should a jurisdictional problem or

conflict of land use arise, the Tribe believes that through government-to-government discussion, the Tribe and the State or County should reach a fair and practical resolution to any issues.

In addition, the Tribe will use its powers and resources in the management of the property that will also benefit the surrounding community. The Santa Rosa Tribal Environmental Office administers tribal EPA activities and will be able to enhance the property by addressing any potential problem of illegal dumping and protecting ground water resources. It is also noted that the Tribe's Environmental Office works closely with the Department of Forestry.

The Tribe acknowledges that the limited exceptions included in the attached Schedule B-II of the U.S. ALTA Title Commitment do not represent potential conflicts of land use. Exception 2, allowing for a non-exclusive easement on the north and east edges of the property (the north 15 feet and east 15 feet) for access and public utilities are compatible with the Tribe's proposed uses of the property.

Factor 5 – Whether the BIA is equipped to discharge the additional responsibilities

The Bureau of Indian Affairs has a trust responsibility for all lands held in trust by the United States for Tribes. This acquisition anticipates the land use will remain the same; therefore, any additional responsibilities resulting from this transaction will be minimal. Accepting the property into trust would not impose any significant additional burdens on the BIA beyond those already inherent in the Federal trust relationship between the BIA and the Tribe. As such, it our determination that the BIA is equipped to provide the trust services that are anticipated by approval of this action.

Factor 6- The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM6, Appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions; Hazardous Substances Determinations

In accordance with the Interior Department Policy (602 DM 2), we are charged with the responsibility of conducting a site assessment for the purposes of determining the potential of, and extent of liability from hazardous substances or other environmental remediation or injury. Pre-acquisition environmental site assessments will be considered adequate for a period not to exceed 12 months prior to the date of the acquisition of the real property. However, exceptions to this time limit will be considered for property located in adverse climatic or geographical areas. A negative Phase 1 "Contaminant Survey Checklist" conducted January 2014, reflects that there were no hazardous materials or contaminants. The survey was conducted by aerial photograph as terrain obstacles impeded direct access to the site. The Phase I Survey was updated by memo dated March 31, 2015, in which the Pacific Regional Environmental Scientist stated that, in his professional judgement, the proposed Santa Rosa Band of Cahuilla Indian's 20 acre parcel qualifies as a geographically remote area. No roads or trails lead to the subject parcel and the surrounding parcels are undeveloped with a steep canyon located in between accessible areas and the subject property. The likelihood of illegal dumping occurring on this property since the previous contaminant survey is extremely remote.

National Environmental Policy Act Compliance

An additional requirement which must be met when considering land acquisition proposals is the impact upon the human environment pursuant to the criteria of the National Environmental Policy Act of 1969 (NEPA). The BIA's guidelines for NEPA compliance are set forth in NEPA Handbook 59 IAM 3. The proposed action herein has been determined not to require the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). A Categorical Exclusion requires a qualifying action in this case, 516 DM 10.5I, Land Conveyance and Other Transfers, where no immediate change in land use is planned. A Categorical Exclusion for the acquisition for the subject property was approved by this Agency on June 25, 2014, and compliance with NEPA has been completed.

Conclusion

Based on the foregoing, we at this time issue notice of our intent **to accept** the subject real property into trust. The subject acquisition will vest title in the United States of America in trust for the Santa Rosa Band of Cahuilla Indians of the Santa Rosa Indian Reservation, California, in accordance with the Indian Land Consolidation Act of January 12, 1983 (25 U.S.C. § 2202).

Should any of the below listed known interested parties feel adversely affected by this decision, an appeal may be filed within thirty (30) days of receipt of this notice with the Interior Board of Indian Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310-4.340 (copy enclosed).

Any notice of appeal to the Board must be signed by the appellant or the appellant's legal counsel, and the notice of the appeal must be mailed within thirty (30) days of the date of receipt of this notice. The notice of appeal should clearly identify the decision being appealed.

If possible, a copy of this decision should be attached. Any appellant must send copies of the notice of appeal to: (1) the Assistant Secretary of Indian Affairs, U.S. Department of Interior, 1849 C. Street, N.W., MS-4140-MIB, Washington, D.C. 20240; (2) each interested party known to the appellant; and (3) this office. Any notice of appeal sent to the Board of Indian Appeals must certify that copies have been sent to interested parties. If a notice of appeal is filed, the Board of Indian Appeals will notify appellant of further appeal procedures. If no appeal is timely filed, further notice of a final Agency action will be issued by the undersigned pursuant to 25 CFR 151.12(b). No extension of time may be granted for filing a notice of appeal.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

Sincerely,



Regional Director

Enclosure

cc: Distribution List

DISTRIBUTION LIST

California State Clearinghouse (10 copies) – 7013 2630 0001 5557 7404
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Sacramento, CA 94244-2550

James Peterson, District Director – 7013 2630 0001 5557 7435
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Riverside County Board of Supervisors – 7013 2630 0001 5557 7442
County Administrative Center
4080 Lemon Street, 14th Floor
Riverside, CA 92501

County of Riverside – 7013 2630 0001 5557 7459
Office of the Assessor
4080 Lemon Street
Riverside, CA 92502-2204

County of Riverside – 7013 2630 0001 5557 7466
Planning Department
4080 Lemon Street 9th Floor
Riverside, CA 92501

Riverside County Treasurer & Tax Collector – 7013 2630 0001 5557 7473
4080 Lemon Street, 4th Floor
Riverside, CA 92501

Office of the Mayor – 7013 2630 0001 5557 7480
City of Palm Springs
P.O. Box 2743
Palm Springs, CA 92263

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Palm Springs, CA 92263

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P.O. Box 391760
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Temecula, CA 92593

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Ramona Band of Mission Indians
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