

**United States Department of the Interior  
BUREAU OF LAND MANAGEMENT**

**Record of Decision**

**Land Exchange  
between  
Bureau of Land Management  
and  
Agua Caliente Band of Cahuilla Indians**

Prepared by  
Department of the Interior  
Bureau of Land Management  
Palm Springs-South Coast Field Office



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## **RECORD OF DECISION**

### **Summary**

The proposed land exchange herein addressed between the Bureau of Land Management (BLM) and the Agua Caliente Band of Cahuilla Indians (Tribe) occurs south of Palm Springs, California, within the northwestern part of the Santa Rosa and San Jacinto Mountains National Monument (Monument) and within the BLM Palm Springs-South Coast Field Office planning area.

This exchange is in compliance with Sections 102 and 206 of the Federal Land Policy and Management Act (FLPMA) of 1976 (43 U.S.C. §§ 1701 and 1716), as amended, and the Santa Rosa and San Jacinto Mountains National Monument Act (Act) of 2000 (Pub. L. 106-351).

Initially, an Environmental Assessment (EA) was released for public review for the proposed land exchange. Based on the level of controversy and public comments received pertaining to public trails, the BLM felt that preparation of an Environmental Impact Statement (EIS) was necessary. Comments on the Draft EIS received from the public and internal BLM review were considered and incorporated as appropriate into the Final EIS. As with the EA, the Draft EIS also received comments and concerns regarding the loss of public trails. This concern has been eliminated through the exchange value equalization process in which the parcels to be acquired contain 3.1 miles of trails. The newly acquired parcels with new trails would increase the amount of accessible trails for public recreation.

The remaining Federal parcels to be disposed of are isolated from other BLM lands, are surrounded by private or tribal land, and do not have legal public access. For these reasons, it is likely that the original public concern over the loss of public trails would be substantially reduced by the final exchange.

### **Purpose and Need**

The purpose and need of the proposed land exchange is to reduce the extent of “checkerboard” landownership to provide more logical and consistent land management responsibility within the Monument.

A map of the Federal and Tribal lands to be exchanged is attached to this Record of Decision (ROD).

## **Decision**

This ROD approves the exchange of 2,560 acres of Federal lands for 1,471.24 acres of Tribal lands as described below (Legal Description). This decision falls within the range of alternatives between the no action alternative (zero acres exchanged) and Scenario One of the Proposed Action (disposal of 4,015 acres of Federal land). An approved appraisal limited the number of Federal parcels needed to equalize values and therefore, approximately 1,455 acres of Federal lands, as identified in scenario one of the Proposed Action, was dropped from the exchange.

Regulations at 43 CFR 2200 provide that the parties to an exchange may equalize the agreed upon values by: 1) agreeing to modify the exchange proposal by adding or excluding lands on either side of the exchange and, 2) either party making a cash equalization payment after making all reasonable efforts to equalize values by adding or excluding lands.

The BLM will make a cash payment of \$50,000.00 to the Tribe since the appraised land value of the offered Tribal lands exceeds the appraised land value of the selected Federal lands. The combined amount of any cash equalization payment and/or the amount of adjustments agreed to as compensation of costs under 43 CFR 2201.1-3 may not exceed 25 percent of the value of the Federal lands to be conveyed. The identified cash payment to be paid by the BLM is within the 25 percent criteria.

The exchange meets the purpose and need by protecting resources and consolidating public lands within the Monument as described in the Draft EIS. The Draft EIS was prepared for the proposed land exchange, the outcome of which is also described in Appendix N (Errata) and Appendix O (Public Comments and Agency Responses) of the Final EIS.

This land exchange conforms to Section 206 of the FLPMA and the implementing regulations at 43 CFR 2200. An EIS was prepared for the exchange in compliance with the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. § 4321 et seq.) and the regulations at 40 CFR 1500-1508 for implementing the procedural provisions of the NEPA.

## **Management Considerations**

The approved land exchange utilizes the land value equalization process described above and in the Draft EIS, which was released for public review and comment on December 29, 2014.

The exchange further consolidates Federal lands when compared to all other alternatives in the Draft EIS. This outcome enhances management effectiveness for both the BLM and the Tribe by reducing the extent of “checkerboard” land management. Further, the exchange increases the mileage of hiking and horseback riding trails located on public lands from 9.7 miles to 10.8 miles, and mountain biking trails from 6.2 miles to 8.6 miles. The exchange will be completed in a single-phase transaction, since the Tribe does not have additional lands to complete a multi-phase exchange.

By completing this exchange, the public will be well served by consolidating Federal lands within the Monument, which will provide more seamless land management, increase recreation opportunities and further protect federally listed species.

## Legal Description

### *Lands to be exchanged (Federal):*

The following described Federal lands, located within the Monument, will be transferred to the Agua Caliente Band of Cahuilla Indians as an outcome of the land value equalization process:

### *San Bernardino and Base Meridian, California*

#### Township 5 South, Range 4 East

- Section 16, all; ±640.00 acres—Riverside County Assessor's Parcel No. 686-020-016:  
appraised value \$190,000.00;
- Section 21, all; ±640.00 acres—Riverside County Assessor's Parcel No. 686-110-002:  
appraised value \$225,000.00;
- Section 27, all; ±640.00 acres—Riverside County Assessor's Parcel No. 686-110-006:  
appraised value \$190,000.00;
- Section 29, all; ±640.00 acres—Riverside County Assessor's Parcel No. 686-110-005:  
appraised value \$190,000.00.

Containing a total acreage of 2,560 and total value of \$795,000.

These Federal lands are comprised of rugged mountainous terrain and lack paved access and utilities. They are currently vacant and unimproved, and contain no reservations, outstanding interests, Rights of Way (ROW), or encumbrances. Section 16 and portions of Sections 21 and 27 contain essential habitat for the endangered Peninsular bighorn sheep; Section 29 is outside this essential habitat. Recreational access on official trails is available only in Section 16 via the Jo Pond Trail.

The described Federal lands were withdrawn from all forms of entry, appropriation, or disposal under the public land laws by the Act of 2000 (16 U.S.C. § 431 et seq.). However, Section 5(i) of the Act specifically allows the exchange of Federal lands within the Monument in certain circumstances, including an exchange with the Agua Caliente Band of Cahuilla Indians. However, to equalize values, the lands acquired with the Land and Water Conservation Fund (LWCF) were dropped from the exchange.

***Lands to be exchanged (Tribal):***

The United States will acquire the following described non-Federal lands, located within the Monument, from the Agua Caliente Band of Cahuilla Indians as an outcome of the land value equalization process:

*San Bernardino and Base Meridian, California*

Township 5 South, Range 5 East

Section 7, all; ±654.92 acres—Riverside County Assessor's Parcel No. 686-120-002:  
appraised value \$395,000.00;

Section 19, all; ±656.32 acres—Riverside County Assessor's Parcel No. 686-320-001:  
appraised value \$360,000.00;

Section 20, W1/2W1/2; ±160.00 acres—Riverside County Assessor's Parcel No. 686-320-002: appraised value \$90,000.00.

Containing a total acreage of 1,471.24 and total value of \$845,000.

Section 7 has comparatively gentle topography compared to other lands in the project area. If in the distant future changes occur regarding development potential of nearby properties, particularly in Section 31, T. 4 S., R. 5 E., located one mile to the north, this section would benefit if it remained as Tribal land, perhaps carrying a higher level of marketability if not for development then as mitigation property. However, development in Section 7 as non-Federal land would be subject to restrictive development prescriptions established through the Coachella Valley Multiple Species Habitat Conservation Plan (Coachella Valley Plan) as this property contains essential habitat for the endangered Peninsular bighorn sheep. Currently, this section is vacant and unimproved. Recreational access on official trails is available via the Wild Horse and Dunn Road Trails. The primitive Dunn Road on the adjacent Federal lands (Section 8, T. 5 S., R. 5 E.) could provide motorized-vehicle access to the eastern edge of Section 7, but the BLM has closed the road to such use by the general public, and motorized access to it from both the north and south is currently precluded due to significant washouts.

Section 19 and the western part of Section 20 are comprised of rugged mountainous terrain and lack paved access and utilities. They are currently vacant and unimproved, and also contain essential habitat for the endangered Peninsular bighorn sheep. These properties would also be subject to restrictive development prescriptions established through the Coachella Valley Plan if they were to remain as non-Federal lands. Recreational access on official trails is available only in Section 19 via the East fork Loop Trail.

Tribal lands in Sections 7, 19, and 20 contain no improvements or ROWs. As noted on the Preliminary Title Report issued by Placer Title Company, dated July 8, 2014:

(1) The provisions and reservations contained in the patent from the United States recorded April 9, 1964, as Serial No. 44006 in the Office of the County Recorder of San Joaquin, California, as follows: “*subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.*”

(2) A notice of permissive consent to the use of land executed by Osgood S. Lovekin et al. recorded March 11, 1976 as document no. 32128 official records.

The current property owner (Agua Caliente Band of Cahuilla Indians) is not reserving rights as part of the proposed land exchange.

[Note: Acreages cited above are from the approved appraisal review reports in accordance with the County of Riverside Assessor’s records and may slightly differ from those described in the Draft EIS, the latter having been derived from Geographic Information System projections.]

***Federal lands excluded from the exchange:***

The following described Federal lands selected for the proposed land exchange and identified in the Draft EIS are excluded from the exchange as an outcome of the land value equalization process:

*San Bernardino and Base Meridian, California*

Township 4 South, Range 4 East

Section 16, all; ±640 acres—Riverside County Assessor’s Parcel Nos. 513-060-016, 513-060-018, 513-060-023: combined appraised value \$325,000.00;

Section 17, W1/2NW1/4NE1/4, W1/2E1/2NW1/4NE1/4; ±30.00 acres—Riverside County Assessor’s Parcel Nos. 513-040-032, 513-040-033, 513-040-034: combined appraised value \$15,000.00;

Section 18, W1/2NE1/4, N1/2NE1/4SW1/4, S1/2 of lot 1, N1/2 of lot 2; ±144.71 acres—Riverside County Assessor’s Parcel Nos. 513-020-002, 513-020-011, 513-030-004, 513-030-005: combined appraised value \$50,000.00;

Section 36, lots 1-4, W1/2NE1/4, W1/2SE1/4, E1/2SW1/4, SE1/4NW1/4, N1/2SW1/4SW1/4, E1/2NW1/4SW1/4, SW1/4NW1/4SW1/4, S1/2NW1/4NW1/4SW1/4; ±511.10 acres—Riverside County Assessor’s Parcel Nos. 510-300-003, 510-310-007: combined appraised value \$300,000.00.

Township 5 South, Range 4 East

Section 5, lots 1-4, S1/2NE1/4, S1/2NW1/4, S1/2; ±647.24 acres—Riverside County Assessor’s Parcel No. 686-020-001: appraised value \$195,000.00;

Section 32, all; ±640.00 acres—Riverside County Assessor's Parcel No. 686-110-012:  
appraised value \$190,000.00;  
Section 36, all; ±640.00 acres—Riverside County Assessor's Parcel No. 686-110-020:  
appraised value \$225,000.00.

These Federal lands contain no improvements or encumbrances.

Outstanding rights—(1) Public lands in Sections 16 and 36, T. 4 S., R. 4 E., contain the following rights of way:

- (a) CARI-004966—Riverside County Flood Control and Water Conservation District; 2,572 acres, Section 16, NE1/4NE1/4NE1/4; issued May 15, 1964 (flood control levee);
- (b) CARI-004693—Desert Water Agency; 0.419 acres, Section 36, lot 1; issued July 15, 1987 (water storage facilities, including a water tank);
- (c) CACA-008578—Robert Hope; 1 acre, Section 36, lot 1; issued August 19, 1981 (unpaved parking lot adjacent to residential unit on private land).

The current property owner (United States) is not reserving rights as part of the proposed land exchange.

[Note: Acreages cited above are from the approved appraisal review reports in accordance with the County of Riverside Assessor's records and Cadastral Survey Legal Description Review report, which may slightly differ from those described in the Draft EIS.]

### **Alternatives Considered**

Three scenarios of the proposed action and a preferred alternative were developed for the EIS to address the potential exchange of selected Federal lands and offered Tribal lands. A no action alternative was also presented in the Draft EIS.

These alternatives, except for no action, identify a range of options to fulfill the purpose and need for the land exchange and address scoping issues identified in the scoping report (Appendix I of the Draft EIS), pending completion of the land value equalization process.

### **1. Proposed Action, Scenario One**

This alternative provides for an exchange of approximately 4,015 acres of Federal lands for about 1,470 acres of Tribal lands should approved land value appraisals result in these acreages being of equal value.

## **2. Proposed Action, Scenario Two**

This alternative provides for an exchange of approximately 4,656 acres of Federal lands for about 1,470 acres of Tribal lands should approved land value appraisals result in these acreages being of equal value.

## **3. Proposed Action, Scenario Three**

This alternative provides for an exchange of all the selected Federal lands, approximately 5,799 acres, for about 1,470 acres of Tribal lands should approved land value appraisals result in these acreages being of equal value.

## **4. Preferred Alternative**

This alternative provides for an exchange of approximately 5,291 acres of Federal lands for about 1,470 acres of Tribal lands should approved land value appraisals result in these acreages being of equal value.

## **5. No Action Alternative—Current Management**

This alternative addresses current Federal and Tribal landownership, and describes how management and use of Federal lands would be subject to applicable statutes, regulations, policies, and land use plans. It also describes how management and use of Tribal parcels would be subject to the Tribe's Land Use Code, Indian Canyons Master Plan, and Tribal Habitat Conservation Plan. No Federal or Tribal lands would be exchanged under this option.

### **Outcome of the Land Value Equalization Process**

Based on appraisals of the selected Federal lands and offered Tribal lands, the Federal lands to be exchanged (2,560 acres) are not exactly the same as identified in the alternatives. This outcome of the land value equalization process is consistent with the action alternatives to consolidate the BLM and Tribes land ownership, including the order in which Federal land parcels would be considered to equalize land values as described in the Draft EIS.

### **Environmentally Preferable Alternative**

Federal environmental quality regulation 40 CFR 1505.2(b) requires all agencies to specify the alternative or alternatives that are considered environmentally preferable when reaching a decision. "Environmentally preferable" relates to the *human environment*, which is interpreted comprehensively to include the natural and physical environment, and the relationship of people with that environment (40 CFR 1508.14).



The DEIS analyzed the resource value of each alternative as they relate to the human environment. Therefore, the pertinent questions for this Decision are: 1) do the alternatives differ substantially from each other in the way they affect Federal land resources; 2) and if so, which of the alternatives are deemed environmentally preferable?

The resource values that may be potentially impacted by the proposed land exchange are recreation resources, threatened and endangered species (as well as BLM sensitive animal species), Wild and Scenic Rivers, and lands with wilderness characteristics.

Opportunities for recreation in the project area would not be substantially affected by any of the alternatives. It is likely that none of the alternatives would adversely affect threatened and endangered species (or BLM sensitive species) or their designated, essential, or modeled habitat.

Only the No Action Alternative and Scenario One of the Proposed Action would reduce the risk of eliminating a segment of Palm Canyon for designation as a Wild and Scenic River. However, adoption of the No Action Alternative would fail to further consolidate Federal lands and expand the size of a Wilderness Inventory Unit.

For these reasons, Scenario One of the Proposed Action Alternative was determined to be environmentally preferable.

### **Avoidance or Minimization of Environmental Harm**

Federal regulations require that in reaching its decision an agency is to state whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted and if not, why they were not (40 CFR 1505.2(c)). The BLM's decision to exchange 2,560 acres of Federal lands for 1,471.24 acres of Tribal lands as the outcome of the land value equalization process falls between Federal land acres exchanged under scenario one of the proposed action (4,015 acres) and the no action alternative (zero acres). Environmental harm under this outcome is not anticipated; hence, means to avoid or minimize environmental harm are not necessary.

### **Public Interest Determination**

The resource values and public objectives that the Federal land may serve, if retained by the BLM, are not more than the resource values and public objectives that the non-Federal lands could serve if transferred to the BLM. Further, the intended use of the acquired non-Federal land will not conflict with established management objectives of the adjacent Federal land.

By completing this exchange, the public will be well served with the following public benefits:

- 1) Increased public access and recreation opportunities within a Monument;
- 2) Enhanced protection of resources; such as, desert tortoise and Peninsular bighorn sheep habitat; and
- 3) Consolidation of public lands for more effective and efficient management.

With respect to public access to non-motorized trails—which constitutes the primary concern expressed by the public in comments submitted on the Draft EIS—conveying the Federal lands herein identified to the Tribe provides for more logical and consistent management of the Jo Pond Trail by consolidating all segments north of the San Bernardino National Forest into Tribal ownership. Similarly, acquiring the offered Tribal lands provides for more logical and consistent management of the Wild Horse and Dunn Road Trails by consolidating all segments into Federal ownership. Although the East Fork Loop Trail remains under both the BLM and Tribal jurisdiction, a greater portion of it is on Federal lands as a result of the exchange.

### **Equal Value Requirements**

Land value appraisals were prepared for the nineteen Federal properties selected for the proposed land exchange. Land value appraisals were also prepared for the three non-Federal properties offered by the Tribe. The date of value of the selected Federal and offered Tribal properties is March 7, 2015. The U.S. Department of the Interior's Office of Valuation Services (OVS) reviewed and approved these appraisals, certifying they are acceptable for use by the BLM for the proposed land exchange. On April 29, 2016, the California State Director approved a 6-month extension of the appraisals after a market analysis completed by the OVS determined there were no measurable or material changes in relevant market conditions.

As part of the value equalization, it was subsequently determined by the BLM that an exchange reducing the extent of, or eliminating altogether, any lands acquired using amounts provided under the LWCF Act would be preferable. At the same time, subdividing parcels of Federal lands into smaller segments in order to equalize land values was determined to be undesirable as it would be contrary to the purpose and need of the land exchange by creating smaller isolated parcels, potentially exacerbating land management challenges.

The exchange of 2,560 acres of Federal lands in the amount of \$795,000 for 1,471.24 acres of Tribal lands in the amount of \$845,000 meets these two objectives; no lands acquired using amounts provided under the LWCF are included in the exchange, and no Federal land parcels identified for exchange are subdivided into smaller segments. Therefore, all reasonable efforts were considered to equalize values to limit the cash equalization payment to as small an amount as possible, it being a payment of \$50,000.00 made by the BLM to the Tribe.

## **Implementation Period**

Implementation of the decision will occur only upon expiration of the 45-day protest period and the resolution of any protests.

## **Conformance with Land Use Plans**

California Desert Conservation Area Plan, as amended. The California Desert Conservation Area (CDCA) Plan was approved in 1980 and has been regularly amended. Along with the Monument Management Plan, it establishes the framework for managing Federal lands within the Monument. The CDCA plan, where it addresses land tenure adjustments, declares that intermingled land ownership patterns in much of the CDCA make management difficult for the BLM and other Federal agencies, as well as State and local agencies, Indian tribes, and private landowners. Selected land exchanges, which may include both the disposal and acquisition of Federal lands, will be required to improve the opportunities for use or protection of all lands in the desert, and to promote effective management of Federal lands administered by the BLM.

As stated above, the land exchange between the BLM and the Agua Caliente Band of Cahuilla Indians reduces the extent of “checkerboard” landownership, thereby facilitating more effective and efficient management of Federal lands through consolidation of the land base, and provides the BLM and the Tribe with more logical and consistent land management responsibility in the Monument.

California Desert Conservation Area Plan Amendment for the Coachella Valley. Section 2.4.9 of the plan amendment establishes criteria to be applied in evaluating the suitability of land exchanges and sales.

“Land exchanges and sales may be considered if they would:

- Facilitate effective and efficient management of conservation areas [“The term “conservation areas” refers to areas with a special designation in order to protect biological resources, such as: Areas of Critical Environmental Concern, Wildlife Habitat Management Areas, Wilderness Areas, the Santa Rosa and San Jacinto Mountains National Monument, and conservation areas established through the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP)’ (page 2-22 of the Plan Amendment).];
- Be conducted in coordination with local jurisdictions;
- Would result in a net benefit to the conservation areas or divert intensive uses away from sensitive areas;
- Not remove rare species or their habitat, nor remove rare habitat types from conservation management;
- Not remove eligible historic properties from conservation management; and

- Not divest of public domain lands in a manner which eliminates a significant public benefit.” (pages 2-34 and 2-35 of the Plan Amendment)

As evidenced by comments provided during the public scoping period and during the public review and comment period for the Draft EIS, the most controversial aspect of the proposed land exchange relative to conformance with these land tenure exchange and sale criteria is whether and to what extent it would divest public domain lands in a manner that eliminates a significant public benefit, particularly opportunities for non-motorized recreation on existing trails. Analyses provided in the Draft EIS and Final EIS indicate the exchange would not substantially affect such opportunities; hence, this significant public benefit is not eliminated. Corroboration of this conclusion is provided by the majority of commenters who expressed support for scenario one of the proposed action because it would retain certain lands that contain trails of importance to them in Federal ownership. As an outcome of the land value equalization process, only a portion of the scenario on Federal lands are transferred to the Tribe.

### **Endangered Species Act Consultation**

As required by the Endangered Species Act of 1973 (16 U.S.C. §1531 et seq.) (ESA), each Federal agency shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of critical habitat of such species (Sec. 7(a)). In accordance with the regulations at 50 CFR 402 for implementing Section 7 of the ESA, the BLM and other Federal agencies must consult with the U.S. Fish and Wildlife Service (USFWS) on projects, plans, and actions that may negatively affect a threatened or endangered species.

The BLM determined there are four federally-listed endangered or threatened species that may be affected by the proposed land exchange: Peninsular bighorn sheep (*Ovis canadensis nelsoni*), least Bell's vireo (*Vireo bellii pusillus*), southwestern willow flycatcher (*Empidonax traillii extimus*), and desert tortoise (*Gopherus agassizii*).

The BLM pursued informal consultation with the USFWS on July 21, 2014, in accordance with the regulations at 50 CFR 402.13. Based on the information provided in the Draft EIS, the USFWS, in its memorandum of March 23, 2015 to the BLM, does not anticipate adverse effects to Peninsular bighorn sheep or its designated critical habitat, southwestern willow flycatcher, least Bell's vireo, or desert tortoise upon implementation of the proposed land exchange; no designated critical habitat for the latter three species occurs in the project area. The USFWS concluded that adverse effects would not occur because the level of conservation anticipated on the exchanged lands would remain the same or increase. No impacts to designated critical habitat are anticipated, and changes to the extent and levels of trail-based recreational activities would not occur. Therefore, the USFWS concurred with the BLM's determination that the proposed project is not likely to adversely affect the species and habitat identified above.

### **Consultation with the State Historic Preservation Officer**

The BLM determined that the proposed land exchange constitutes an undertaking as defined in 36 CFR 800.16(y), and consulted with the California State Historic Preservation Office (SHPO) pursuant to 36 CFR 800. Regulations implementing Section 106 of the National Historic Preservation Act, as amended, address potential adverse effects on historic properties.

The BLM, Tribe, and SHPO agreed they will resolve any potential adverse effects of the land exchange on historic properties through preparation of a Historic Preservation Management Plan (HPMP) addressing the selected Federal lands and offered Tribal lands. The HPMP was approved by these three entities in 2008. Implementation of the HPMP results in a determination of *no adverse effect* for purposes of the land exchange.

### **Environmental Protection Agency**

The U.S. Environmental Protection Agency (EPA) reviewed the Draft EIS pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR 1500-1508), and the EPA's NEPA review authority under Section 309 of the Clean Air Act. Based on this review, the EPA rated the preferred alternative as *Lack of Objections*, noting one typographical error on p. 3-44 where the Clean Air Act is erroneously referenced instead of the Clean Water Act. The rating system was developed as a means to summarize the EPA's level of concern with a proposed action. A *Lack of Objections* rating indicates the EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal; this rating expresses the lowest level of concern about environmental impact of the action.

### **Public Involvement**

Coincident with publication of the Draft EIS to inform the public about potential impacts of the proposed land exchange on the human environment, the BLM affirmatively solicited comments from individuals and organizations that may be interested in or affected by the action. The Draft EIS was released for public review and comment on December 29, 2014; the comment period closed on March 29, 2015. Solicitation of comments regarding the proposed land exchange is traced back to 2008 and continued through 2015, as follows:

Notice of Exchange Proposal. On November 15, 22, and 29, and December 8, 2008, the BLM published a Notice of Exchange Proposal in *The Desert Sun* (notice number 4039) regarding its consideration of a proposal to exchange lands with the Agua Caliente Band of Cahuilla Indians pursuant to section 206 of the FLPMA. Interested parties were invited to submit comments concerning the proposed land exchange and provide notice of any liens, encumbrances, or claims on the lands involved. No comments were received.

Environmental Assessment. On July 27, 2010, the BLM released Environmental Assessment No. CA-060-0010-0005 for public review and comment; this Environmental Assessment addressed potential environmental impacts of a proposed land exchange between the BLM and the Tribe. The comment period was ultimately extended to November 19, 2010, thereby providing 116 days for submission of comments. Comments were received from 144 individuals, 10 nongovernmental organizations, and three government entities. Based on these public comments and upon further internal review, it was determined that preparation of an EIS was necessary to address potentially significant effects of the proposed land exchange.

Notice of Intent to Prepare an EIS. On February 10, 2012, the BLM published a Notice of Intent in the *Federal Register* regarding preparation of an EIS for the proposed land exchange (77 FR 7179). The Notice announced the beginning of the scoping process and invited public participation, and identified how written comments could be submitted by regular mail or electronic mail, indicating that all comments must be received no later than 30 days after the last public scoping meeting. The intent of the public scoping process was to solicit input on the issues, impacts, and potential alternatives that would be addressed in the EIS, as well as the extent to which those issues and impacts would be analyzed in the environmental document. In addition to issuance of a BLM news release on February 23, 2012, and publication of notices in *The Desert Sun* (March 8 and 9, 2012), *The Desert Sun* published articles on March 14, 18, and 23, 2012, about public opportunities to participate in the scoping process. Also, approximately 120 notifications via regular mail and 140 notifications via electronic mail were sent by the BLM to likely interested parties; some notifications were sent to the same individuals via both regular and electronic mail.

Public Scoping. Public scoping meetings were held on March 22 and 27, 2012, with total attendance being about 125 individuals; some attended both meetings. Oral comments were provided by 24 individuals, six of whom represented nongovernmental organizations. The deadline for submitting written comments was announced as April 27, 2012. The BLM received comment letters and email messages from 62 individuals, five of whom represented nongovernmental organizations and two who represented government entities. These comments supplemented the issues previously extracted from public comments submitted in response to Environmental Assessment No. CA-060-0010-0005.

BLM Notice of Availability for Draft EIS. On December 29, 2014, the BLM published a Notice of Availability in the *Federal Register* announcing the BLM had prepared a Draft EIS for the proposed land exchange between the BLM and the Tribe and the opening of the comment period (79 FR 78105). The notice indicated the BLM must receive written comments within 90 days following the date the EPA publishes its Notice of Availability in the *Federal Register* to ensure comments would be considered. The BLM's notice also identified methods for submitting comments to include electronic mail, facsimile message (fax), and regular mail.

EPA Notice of Availability for Draft EIS. On December 29, 2014, the EPA published its Notice of Availability of the Draft EIS in the *Federal Register* (79 FR 78088), and announced the end of the public comment period as March 29, 2015. The BLM received comment letters, email messages, and/or facsimile transmissions from 468 individuals, 10 nongovernmental organizations, and 3 government entities. These comments were considered when preparing the Final EIS; responses to substantive comments are provided in Appendix O.

### **Protest and Appeals Process**

Concurrent with this Record of Decision, the BLM has published a Notice of Decision in newspapers of general circulation and in the *Federal Register*. Pursuant to 43 CFR 2201.7-1(b), for a period of 45 days after the date of publication of the Notice of Decision, such decision shall be subject to protest. Protests may be sent via regular mail or alternative carrier, or delivered by hand to: Field Manager, Bureau of Land Management, Palm Springs-South Coast Field Office, 1201 Bird Center Drive, Palm Springs, California 92262; or email to: AguaCalienteExchange@blm.gov. Verbal protests will not be accepted.

Before including your address, phone number, e-mail address, or other personal identifying information in your protest, you should be aware that the BLM may make your entire comment—including your personal identifying information—publicly available at any time. While you may include in your comment a request for the BLM to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Pursuant to 43 CFR 2201.7-1(c) a right of appeal from a protest decision of the authorized officer may be pursued in accordance with the applicable appeal procedures of 43 CFR 4. The BLM will include information on the appeals process, if applicable, in any protest decisions. The Final EIS, as well as the Draft EIS, are available online at <https://goo.gl/qyjNJj>. Additionally, copies of the ROD, Final EIS and Draft EIS for the proposed land exchange are available for public review in the BLM Palm Springs-South Coast Field Office located at 1201 Bird Center Drive, Palm Springs, CA 92262, during regular business hours (8 a.m. to 4 p.m.) Monday through Friday (except holidays). Comments received on Environmental Assessment No. CA-060-0010-0005, during the public scoping process for the EIS, and on the Draft EIS are also available for public review at the BLM Palm Springs-South Coast Field Office during regular business hours. A compact disk containing these comment submissions is available upon request to the National Monument Manager at the above address, or email to amadams@blm.gov.

For more information regarding the proposed land exchange or the process for protesting the Record of Decision, please contact Ashley Adams, National Monument Manager, at (760) 833-7100 or amadams@blm.gov.

**Figure 2f**  
**Land Value Equalization Outcome**

BLM - ACBCI Land Exchange  
Final Environmental Impact Statement

