



AGUA CALIENTE BAND OF CAHUILLA INDIANS
TRIBAL COUNCIL

JEFF L. GRUBBE CHAIRMAN • LARRY N. OLINGER VICE CHAIRMAN • VINCENT GONZALES III SECRETARY/TREASURER
ANTHONY J. ANDREAS III MEMBER • REID D. MILANOVICH MEMBER

INTERIM ORDINANCE NO. 49

(UNCODIFIED)

AN INTERIM ORDINANCE OF THE TRIBAL COUNCIL OF THE AGUA CALIENTE BAND OF CAHUILLA INDIANS ADOPTING A MORATORIUM ON THE FILING AND SUBMISSION OF APPLICATIONS FOR THE NOMINATION OF HISTORIC PROPERTIES TO BE LISTED IN THE NATIONAL REGISTER AND FOR THE LISTING OF TRIBAL HISTORICAL AND CULTURAL RESOURCES IN A TRIBAL REGISTER

WHEREAS, the Tribal Council is authorized and empowered to administer the affairs and manage the business of the Agua Caliente Band of Cahuilla Indians ("Tribe"), to regulate the uses and disposition of Tribal property, to protect and preserve Tribal property, to cultivate Indian arts, crafts and culture, and to protect the security and general welfare of the Tribe and its members pursuant to paragraph (a) of Article V of the Constitution and Bylaws of the Agua Caliente Band of Cahuilla Indians (the "Agua Caliente Constitution"); and

WHEREAS, the Tribal Council is authorized and empowered to enact ordinances and resolutions pertaining to Tribal affairs and to take all proper means to enforce the same pursuant to paragraph (b) of Article V of the Agua Caliente Constitution; and

WHEREAS, the Tribe, through its Tribal Historic Preservation Officer ("THPO"), has assumed certain responsibilities of the State Historic Preservation Officer on Tribal lands pursuant to 54 U.S.C. § 302702; and

WHEREAS, these responsibilities are enumerated in that certain Agreement between the National Park Service, U.S. Department of the Interior and the Agua Caliente Band of Cahuilla Indians for the Assumption by the Tribe of Certain Responsibilities Pursuant to the National Historic Preservation Act executed by the National Park Service on September 15, 2005 (the "THPO Agreement"); and

WHEREAS, one of the assumed responsibilities of the THPO is to identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties in the National Register; and



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WHEREAS, the National Park Service has established criteria (36 CFR 60.14) for the THPO's evaluation of properties to be listed in the National Register; and

WHEREAS, in addition to the criteria for listings of historic properties in the National Register, the Tribe and its THPO desire to develop comprehensive criteria and submission requirements for the listing of Tribal historical and cultural resources in a Tribal Register; and

WHEREAS, the Tribe is deeply committed to preserving and protecting Tribal historical and cultural resources on Tribal and allotted trust lands through the formal creation of a separate Tribal Register; and

WHEREAS, the City of Palm Springs ("City") has previously reviewed and nominated historic properties located on Tribal lands for listing in the National Register; and

WHEREAS, the City has also approved historic properties on Tribal and allotted trust lands for local designation; and

WHEREAS, the Tribe and City are currently working together to more clearly delineate each party's role and responsibilities on historic preservation matters on Tribal lands within the Agua Caliente Indian Reservation and within the Tribe's Traditional Use Area; and

WHEREAS, in order to develop a comprehensive regulatory framework that is fair, transparent, balances the needs and priorities of the Tribe and Reservation community and is consistent with federal and Tribal law, Tribal staff requires time to develop appropriate regulations for the filing, submission and review of applications for the nomination of historic properties to be listed in the National Register and for the listing of Tribal historical and cultural resources in a Tribal Register; and

WHEREAS, the Tribal Council desires to temporarily suspend the filing and submission of all applications that seek a nomination to the National Register or listing on the Tribal Register for the purposes set forth herein.

NOW THEREFORE, the Tribal Council of the Agua Caliente Band of Cahuilla Indians does hereby ordain as follows:



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SECTION 1. Interim Prohibition.

From and after the Effective Date of this Interim Ordinance, a moratorium against the filing and submission of all applications that seek a nomination of any property located within the exterior boundaries of the Agua Caliente Indian Reservation to the National Register or listing on the Tribal Register is hereby enacted for a period of twelve months (12) months pending further study by Tribal staff and development of appropriate regulations. This moratorium shall apply to any application for a nomination or listing that the Tribe has not received by the Effective Date of this Ordinance.

SECTION 2. Effective Date.

This Interim Ordinance shall take effect and be in force immediately upon its adoption.

SECTION 3. Expiration, Extension of Moratorium.

This Interim Ordinance shall be of no further force and effect upon promulgation of a permanent Ordinance or expiration of the moratorium and shall expire within twelve (12) months of the Effective Date unless the Ordinance is extended prior to its expiration through the adoption of an extension ordinance.

SECTION 4. Severability.

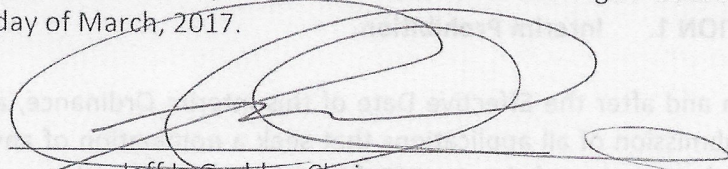
If any provision of this Interim Ordinance or the application thereof to any persons or circumstances is held invalid, such invalidity does not affect other provisions or applications of this Interim Ordinance, which can be given effect without the invalid provision or application, and to this end the provisions of this Interim Ordinance are hereby declared to be severable.

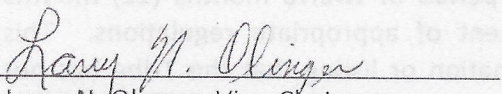


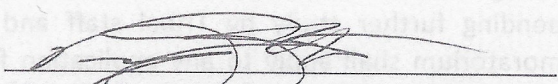
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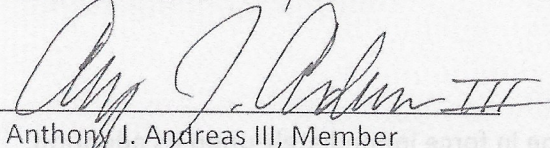
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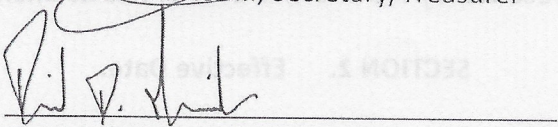
BE IT ADOPTED AND ENACTED by the Tribal Council of the Agua Caliente Band of Cahuilla Indians, this 14th day of March, 2017.


Jeff L. Grubbe, Chairman

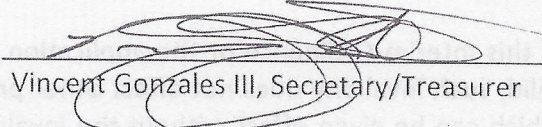

Larry N. Olinger, Vice-Chairman


Vincent Gonzales III, Secretary/Treasurer


Anthony J. Andreas III, Member


Reid D. Milanovich, Member

I, the undersigned, the Secretary-Treasurer of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 5, constituting a quorum, were present at a meeting whereof, duly called, noticed, convened and held on this 14th day of March 2017; that the foregoing ordinance was duly adopted at such meeting by the affirmative vote of 4-0-0 and that said ordinance has not been rescinded or amended in any way.


Vincent Gonzales III, Secretary/Treasurer