

AGUA CALIENTE BAND OF CAHUILLA INDIANS



PLANNING & DEVELOPMENT DEPARTMENT
CONSTRUCTION DIVISION • ECONOMIC DEVELOPMENT DIVISION
PLANNING & NATURAL RESOURCES DIVISION • TRIBAL HISTORIC PRESERVATION OFFICE

June 29, 2015

Flinn Fagg, AICP
Director of Planning Services
City of Palm Springs
3200 E Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Agua Caliente Band of Cahuilla Indians Historic Preservation Policy Statement

Dear Mr. Fagg:

The mission of the Agua Caliente Band of Cahuilla Indians (ACBCI) Tribal Historic Preservation Office (THPO) is to foster, improve and protect the cultural heritage of the Tribe, on and off the Reservation, for future generations of the Agua Caliente People. The Historic Preservation Office will work with the Tribal Members, the Tribal Council, other Tribal departments, programs, and agencies to meet its mission.

The Agua Caliente Band of Cahuilla Indians, hereby, submits to the City of Palm Springs its newly codified Historic Preservation Policy Statement for the City's reference and records. The implementation of the policy statement seeks to promote an approach to resource management and achieve a balance between development and preservation values within the Agua Caliente Indian Reservation.

If you have any questions, please feel free to contact Tom Davis, Chief Planning and Development Officer at (760) 699-6960 or by email at tdavis@aguacaliente-nsn.gov or Patricia Garcia, THPO at (760) 699-6907 or by email at pagarcia@aguacaliente-nsn.gov

Sincerely,

Thomas J. Davis, AICP
Chief Planning & Development Officer
Agua Caliente Band
of Cahuilla Indians

Patricia Garcia
Tribal Historic Preservation Office
Agua Caliente Band
of Cahuilla Indians



AGUA CALIENTE BAND OF CAHUILLA INDIANS

POLICY STATEMENT REGARDING HISTORIC PRESERVATION

Adopted by the Agua Caliente Tribal Council
May 8, 2015
Agua Caliente Indian Reservation

The Agua Caliente Band of Cahuilla Indians policy on historic preservation is:

1. The Tribal Historic Preservation Officer is the designated steward of the Tribe's heritage and is charged with protecting, preserving and managing historic and cultural resources on all lands within the exterior boundaries of the Agua Caliente Indian Reservation, regardless of land status, as well as the Tribe's Traditional Use Area.
2. Determinations of historic and/or cultural significance within the reservation and Traditional Use Area are the responsibility of the Tribal Historic Preservation Officer and shall be based upon the guidelines provided by the National Park Service and the Tribe's Historic Preservation Management Plan and Research Design.
3. The Tribe relies upon the Tribal Historic Preservation Officer to make determinations that directly affect the Agua Caliente Indian Reservation regarding architecture considered for local listing and matters of historic or cultural significance.
4. Although cities, states, or other organizations may make a determination regarding properties pursuant to applicable laws of their jurisdiction, the Tribe will also make a determination regarding historic and cultural significance pursuant to the authority vested in the Tribe and the Tribal Historic Preservation Office pursuant to federal and tribal law.

Background

Agua Caliente Band of Cahuilla Indians have occupied the Coachella Valley region from time immemorial. As stewards of the Tribe's heritage, the Agua Caliente Band of Cahuilla Indians has designated the Tribal Historic Preservation Officer ("THPO") responsible for the protection, preservation, and management of a wide array of Historic Properties and Cultural Resources such as archaeological sites, historic-period properties, as well as expanses of land which are of traditional or ceremonial importance to Tribal membership. The responsibilities of the THPO are not limited to the confines of the current Reservation, but extend well beyond Reservation boundaries to include a large swath of territory extending as far east as the Colorado River and

west to include the San Jacinto and Santa Rosa Mountains. In order to best protect the cultural heritage while simultaneously promoting the economic development and advancement of the Tribe and its membership, the THPO has developed a Historic Preservation Policy to provide guidance in regards to Historic Preservation on the Agua Caliente Indian Reservation and TUA.

THPO Authority

City, County, Federal, and State agencies are encouraged to use this policy as a reference for the application of Historic Preservation responsibilities in regards to the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Executive Order 13007 on Indian Sacred Sites, Native American Graves Protection and Repatriation Act (NAGPRA), Archaeological Resource Protection Act (ARPA), State Public Resources codes, State Health and Safety codes, the California Environmental Act (CEQA), Assembly Bill 52 (AB 52), and Senate Bill 18 (SB 18), the California Register of Historical Resources, and California Governor's Executive Order B-10-11. Federal and State agencies must consult with Indian Tribes on Historic Properties and Cultural Resources regardless of their location (inclusive of the TUA and Agua Caliente Indian Reservation). NHPA section P.L. 102-575 allows federally recognized Indian Tribes to take on formal responsibilities for the preservation of significant Historic Properties on tribal lands. Specifically, Section 101(d)(2) allows Tribes to assume any and all of the function of a State Historic Preservation Officer (SHPO) with respect to tribal land. Additionally, agencies are required to consult with the THPO in lieu of the SHPO for undertakings occurring on, or affecting Historic Properties on tribal lands. The Agua Caliente THPO assumed these responsibilities through designation as a THPO with the National Park Service in 2005.