

AGUA CALIENTE BAND OF CAHUILLA INDIANS

LEGAL DEPARTMENT



October 11, 2017

Edward Kotkin, Esq.
City of Palm Springs
3200 E Tahquitz Canyon Way
Palm Springs, California 92262-6959

**RE: *Palm Springs Preservation Foundation v. City of Palm Springs*
Case No. PSC1704485**

Dear Mr. Kotkin:

We have received and reviewed a copy of the *Petition for Preemptory Writ of Mandate and Complaint for Declaratory and Injunctive Relief* in the above-referenced case and have no objection to the City of Palm Springs (City) processing and reviewing an application for a Local Register historic designation of the Schwartz Residence located in the City at 1999 South Joshua Tree Place (Residence) since the Residence is located on a parcel that a non-Indian owns in fee.

While the Agua Caliente Band of Cahuilla Indians (Tribe) has no objection to the City exercising jurisdiction over fee parcels when dealing with a Local Register historic designation, the Tribe reserves its authority under the National Historic Preservation Act (NHPA) and a prior agreement with the National Park Service with respect to National Register historic designations on "tribal lands," which include all lands within the exterior boundary of the Agua Caliente Indian Reservation (Reservation), irrespective of land status. In accordance with this authority, the Tribe via its Tribal Historic Preservation Officer has assumed responsibilities of the State Historic Preservation Officer regarding National Register historic designations and in the very near future will promulgate an ordinance detailing a process for Tribal review and consideration of on-Reservation National Register historic designation applications. At such time the Tribe respectfully requests that the City direct on-Reservation National Register historic designation applicants to the Tribe for processing and consideration.

Sincerely,

John T. Plata
General Counsel