Tribal land swap back for more public review

Barrett Newkirk, The Desert Sun *12:34 p.m. PST January 2, 2015*

(Photo: Richard Lui/The Desert Sun)

A new review of the proposed land trade between the federal government and the Agua Caliente Band of Cahuilla Indians gives little solace to hikers who are hoping that several popular Palm Springs trails would remain out of the deal.

The possible exchange, now 15 years in the making, involves more than 7,000 acres of undeveloped mountainous land near Palm Springs, all within the Santa Rosa and San Jacinto Mountain National Monument.

While the exact lands being swapped will depend on the outcome of pending appraisals, the new 398-page report by the federal Bureau of Land Management includes multiple scenarios that would put well-used trails under the tribe's control.

Those include Skyline Trail west of downtown Palm Springs as well as the Garstin and other trails in the mountains southeast of the city.

While tribal leaders have said any swapped trails would remain open for now, several community members are leery about any exchange that could ultimately mean they have less access to the region's mountains.

"The feelings of the vast majority of people was that these trails need to remain open for free public access," said outdoor enthusiast Vic Gainer, a longtime Palm Springs resident who, four years ago, collected petition signatures from people who also wanted to block the deal.

"The whole thing is so fundamentally flawed in that here they are trading two tremendously valuable pieces of land that front the Santa Rosa and San Jacinto mountains for some land back in the mountains that's not very valuable."

The deal involves up to 5,799 acres of public land controlled by the Bureau of Land Management and up to 1,470 acres controlled by the tribe.

Officials on both sides say the trade is focused on exchanging land of equitable value, not equitable size.

The Agua Caliente is offering two large sections of land in the Santa Rosa Mountains while the BLM is willing to give up several sections, including the two close to Palm Springs.

Other pieces — both large and small — are farther into the mountains, including some that are several miles away from Palm Springs.

The Skyline Trail, also known as Cactus to Clouds, runs from a network of trails immediately west of downtown Palm Springs, crossing through a section of BLM-controlled land on its way to the peak of Mount San Jacinto.

More BLM land to the city's southeast includes segments of the Garstin, Theilman, Shannon, Berns and Wild Horse trails.

The two pieces of tribal land considered for the trade, both in the Santa Rosa Mountains south of Palm Springs, include portions of the Wild Horse, Dunn Road and East Fork Loop Trails.

BLM land containing the Indian Potrero and Palm Canyon trails lies farther south. And to the west, a section of the Jo Pond Trail runs through another piece of BLM land also being considered for the trade.

Proposed land trade

The federal Bureau of Land Management and the Agua Caliente Band of Cahuilla Indians have identified sections of land that could be traded to help ease land management in the mountains near Palm Springs. This map shows the federal and tribal land under consideration, with BLM land in yellow and Agua Caliente land in orange. It's possible not all identified sections will be traded, since the scope of any trade will depend on the outcome of land appraisals.

The recent release of the draft version of the deal's Environmental Impact Statement triggers a 90-day public comment period, which will end March 29.

Officials at the BLM say responses to the report will help influence a final decision on the land swap. The agency received about 150 letters opposing the swap following the release of an earlier review.

Representatives of both the BLM and the tribe describe the trade as a way to better manage their respective properties and reduce the checkerboard pattern of tribal land in mountain areas.

The new report notes that any options presented for the land exchange "do not include proposals that would change current management of the selected public lands or offered tribal lands, or result in modifications to the existing environment."

But the report — and new commitments from officials that there are no plans to restrict access to the land — have so far done little to calm long-standing concerns over the future of popular hiking trails.

"In general, most of the land exchange is not problematic, but some of it is," said Jeff Morgan, chairman of the local Tahquitz Group of the Sierra Club.

Morgan was particularly concerned about a one-square-mile tract of land several miles south of Palm Springs, now under the BLM's control, that includes parts of the Indian Potrero and Palm Canyon trails.

Both are popular with mountain bikers, horseback riders and hikers.

"It's a good trail and a portion of it goes over Indian land. That could easily be rerouted to stay in service," he said.

The Agua Caliente tribe has no plans to develop land it receives in the exchange and management of the trails will remain "status quo," said Tom Davis, director of planning development for the tribe.

"We don't disagree with the BLM's characterization that there won't be any change in recreational aspects of the property," Davis said.

"We will manage the property and the trails with the same policies that the BLM has."

The tribe's conservation plan stipulates that it has the right to develop 221 acres of the land it receives from a trade. The BLM would be allowed to disturb no more than 15 acres.

"Looking down the road, neither the BLM nor the tribe can commit to the same management practices they do now. For example, the BLM has the authority to close a trail if it deems it necessary," said Jim Foote, the manager of the Santa Rosa and San Jacinto Mountains National Monument who helped author the new report.

"We can look to the near future and say changes are highly unlikely, but we can't commit to no change."

Earlier outcry prompted BLM to hold a series of meetings in Palm Springs. The feedback that officials gathered in 2012 helped them prepare the environmental report that was released last month.

Following this next period of public comments, Foote estimated that a final swap plan could be chosen by May or June. The deal could then close by around December, he said.

This land exchange — and others like it — deserve close scrutiny because of the potential that the public could come out on the short end of the deal, argued Janice Blaeloch, director of the Western Lands Project, a Seattle-based nonprofit that monitors land exchanges between the federal government and private groups.

"For the most part, the public has access to public land and the public does not have access to private land," Blaeloch said.

"If you're going to lose something that you've had access to, then you have to assume that you're not going to have access to it."

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A runner can be seen heading up the Skyline Trail on Wednesday.*(Photo: Richard Lui/The Desert Sun)*

Report: No harm to protected species

Because the land deal involves no modifications to the land or significant changes in the management, the draft environmental report raised no concerns about the deal's potential impact on people, local animal and plant species or natural resources such as water.

The Peninsular bighorn sheep and desert tortoise are two protected species whose habit includes some of the discussed land. But the draft report found that the proposed swap — and any alternatives — would not likely affect those animal populations and their habitats.

The same was said for the southwestern willow flycatcher and least bell's vireo, two endangered species of small birds that live in the mountain areas.

As for water, the report notes that the exchange "does not directly or indirectly result in modifications to the existing landscape that might adversely affect surface or ground water."

Any proposed development on land acquired by the BLM would require a separate analysis and compliance with applicable laws, officials noted.

For development proposed on land acquired by the Agua Caliente, the BLM report said the tribe "would implement storm water control standards and other measures to ensure the protection of water quality."

But Morgan with the Sierra Club wonders if land going to the tribe would be held to the same environmental standards.

Agua Caliente leaders did not join other desert governments in signing the Coachella Valley Multiple Species Habitat Conservation Plan, which means the tribe instead follows its own conservation guidelines.

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While Agua Caliente leaders have insisted the trails will remain open for now, some fear access coule eventually be restricted to place such as the Skyline Trail.*(Photo: Richard Lui/The Desert Sun)*

Lengthy dispute

Talks over the land exchange date back to 1999, as the federal government was working toward creating the Santa Rosa and San Jacinto Mountains National Monument.

At the time, Davis said the tribe was not happy with the designation of a national monument on their land, and expressed as much to Bruce Babbitt, then serving as Interior secretary, during a meeting at the tribe's Spa Hotel in Palm Springs.

Legislation to create the national monument, sponsored by then-Rep. Mary Bono, passed Congress in October 2000.

It would take another decade for the land swap to spark huge public debate.

A 2010 BLM report on the deal found no issues. Hikers, however, began raising concern about the possible loss of popular trails.

And Blaeloch said the 2010 assessment was inadequate in addressing potential environmental issues.

At the time, her group sent a letter to the BLM saying it was unclear how the land exchange would help the public interest.

The letter suggested the BLM place deed restrictions on any land it gave to the tribe to guarantee areas will remain open to the public.

"It is not enough to say that future projects will be analyzed when they are proposed — it is necessary to provide some information about what actions could be facilitated by the transfer of BLM (land) out of public hands."

In recent weeks, Blaeloch added that it will take time to review the latest report to determine if her earlier concerns have been addressed and what questions remain.

"We have to understand what the potential impact or development will be on the land we're trading away," she said.

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Skyline Trail, pictured behind the Palm Springs Art Museum, is one of several popular hiking spots in Palm Springs.*(Photo: Richard Lui/The Desert Sun)*

Give your feedback

The Bureau of Land Management's draft Environmental Impact Statement of the land swap is available online by going to www.blm.gov/ca/st/en/fo/palmsprings.html and clicking on "Proposed Land Exchange between Agua Caliente and BLM."

Comments on proposal will be accepted through March 29. They will be reviewed as the BLM compiles its final report.

Comments can be submitted by email to AguaCalienteExchange@blm.gov or faxed to (760) 833-7199.

Comments also can be mailed to: National Monument Manager, Bureau of Land Management, 1201 Bird Center Drive, Palm Springs, 92262.

Free copies of the report, either in print or on a compact disc, can be requested by contacting Jim Foote at (760) 833-7136.

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