

**APPENDIX F  
SUPPLEMENT TO  
AGREEMENT TO INITIATE ASSEMBLED LAND EXCHANGE**

**SUPPLEMENT TO THE  
AGREEMENT TO INITIATE ASSEMBLED LAND EXCHANGE  
BETWEEN THE BUREAU OF LAND MANAGEMENT AND  
THE AGUA CALIENTE BAND OF CAHUILLA INDIANS**

This supplement to the agreement to initiate an assembled land exchange between the **Bureau of Land Management ("BLM")** on behalf of the **United States of America** and the **Agua Caliente Band of Cahuilla Indians**, addresses the first exchange transaction between the Parties.

Whereas, the Parties signed an Agreement to Initiate a Land Exchange in August of 2002 (ATI). The ATI provides at section 7 that: "Descriptions of the Federal and nonfederal lands proposed for inclusion in this assembled exchange will be developed in phases. Each phase will require a modification to the agreement to initiate an exchange that will identify specific lands."

Whereas the Tribe has acquired legal title to the Offered Lands shown in Exhibit B of the ATI and the Parties are prepared to agree on the lands to be in the first exchange transaction. Additionally, the Parties wish to update a schedule of tasks for completing the first transaction, including each Parties respective responsibilities and costs.

**NOW THEREFORE**, the Parties do hereby agree as follows:

**1. DESCRIPTION OF LANDS TO BE CONSIDERED FOR EXCHANGE IN THE FIRST TRANSACTION. See exhibits A and B.**

The purpose of identifying specific lands for a specific exchange transaction is to narrow the scope of work for required reports. Generally, reports would address only the specific lands expected to be in the first transaction. Reports needed for the federal lands include appraisals, mineral potential, cultural resources, and biological. Appraisal reports would be needed for the non-federal lands.

**2. PROCESSING SCHEDULE, RESPONSIBILITIES AND COST SHARING.** Because appraisal reports are time sensitive and should not be initiated until after all other reports are completed, the parties agree to suspend the regulatory deadlines for completing appraisals and reaching an agreement on values found at 43 CFR 2201.1(d) and 2201.4(a)(1). In lieu of those deadlines, the parties agree to the schedule shown in the attached Exhibit C.

IN WITNESS WHEREOF, the parties have executed this supplement as of the last date shown.

Agua Caliente Band of Cahuilla Indians

Bureau of Land Management

By:

Title:

Date:

*John M. Kiehl*  
CHAIRMAN, TRIBAL COUNCIL  
6/23/03

By:

Title:

Date:

*James H. [Signature]*  
Field Manager  
6/18/03

EXHIBIT A

**Federal lands expected to be transferred to the Agua Caliente in first transaction.**

T.4S., R.4E., section 17, (portion of NW1/4NE1/4)		
30 acres X \$400/acre	=	\$12,000
section 18, (W1/2NE1/4, N1/2NE1/4SW1/4, S1/2 of Lot 1, N1/2 of lot 2)		
144 acres X \$400/acre	=	\$58,000

T.5S., R.4E., section 5, all, 647.24 acres X \$350/acre	=	\$224,000
section 16, all, 640 acres X \$350/acre	=	\$224,000
section 21, all, 640 acres X \$350/acre	=	\$224,000
section 27, all, 640 acres X \$350/acre	=	\$224,000
section 29, all, 640 acres X \$350/acre	=	\$224,000
section 32, all, 640 acres X \$350/acre	=	\$224,000

Total estimated value\* = \$1,414,000

**Federal lands which may be in first transaction if necessary to equalize values.**

T.5S., R.4E., section 36, all, 640 acres X \$350/acre	=	\$224,000
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**Federal lands not proposed for inclusion in the first transaction.**

T.4S., R.4E., section 16,	640 acres, (no estimated value)
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, (no estimated value)

\* estimated values are based on most recent appraisal information, but may not reflect current market value for exchange purposes

EXHIBIT B

**Lands expected to be transferred to the U.S. in the first transaction** (portions of the former Lovekin properties)

T.5S., R..5E., section 7, all, 640 acres X \$1,000/acre	= \$640,000
section 19, all,, 640 acres X \$900/acre	= \$576,000
section 20, W1/2W1/2 160 acres X \$900/acre	= \$144,000
<b>Total estimated value</b>	<b>= \$1,360,000</b>

\* estimated values are based on most recent appraisal information, but may not reflect current market value for exchange purposes.

EXHIBIT C  
PROCESSING SCHEDULE, RESPONSIBILITY AND ESTIMATED COSTS

- 1. Publish Notice of Exchange Proposal. July, 2003.** Published once a week for four consecutive weeks and distributed to interested parties. Notice provides a 45 day public comment period. Comments will be considered in the environmental assessment for the exchange. In practice, even late comments may be addressed. Responsibilities:  
BLM to prepare and distribute Notice. Estimated cost: \$1,500  
Tribe to publish in Desert Sun. Estimated cost: \$1,500
- 2. Initiate consultation with Fish and Wildlife Service. July 2003.** Determine information needed for consultation. Responsibility:  
BLM. Estimated cost: \$5,000  
Tribe may be asked to contract for biological report. Estimated cost: undetermined.
- 3. Prepare cultural resource report on federal lands. July, 2003.** Hire consultant to suggest survey strategy. If consultant recommends less than Class III survey, BLM to consult with State Historic Preservation Officer (SHPO) on level of survey. Responsibilities:  
Tribe to hire consultant. Estimated cost: to be determined.  
BLM responsible for consultation with SHPO. Estimated BLM cost: \$5,000
- 4. Prepare mineral potential report on federal lands. September, 2003.** Mineral potential report needed for appraisal purposes.  
Responsibility: BLM. Estimated Cost: \$4,000
- 5. Prepare Environmental Assessment. October, 2003.**  
Responsibility: BLM. Estimated cost: \$8,000.
- 6. Prepare appraisal. December 2003.** BLM and Tribe to select appraiser from BLM list. Recommend we not hire appraiser until consultation with Fish and Wildlife Service is completed and consultation with SHPO is completed. Responsibilities:  
Tribe responsible for contracting costs. Estimated costs: \$25,000  
BLM responsible for appraisal instructions and appraisal review. Estimated cost \$5,000
- 7. Reach agreement on value of lands, based on appraisals reviewed and approved by BLM's Chief State Appraiser, and approved by the Tribal Council. March, 2004.**
- 8. BLM to tentatively approve compensation for assumption of costs. March 2004.**  
Requirements: Documentation of costs incurred by Tribe for publishing Notice, and contracting for appraisal reports, cultural resources report, and biological resources report. Cost must be reasonable and accurately reflect cost of goods or service provided.  
Limitations: Compensation may not exceed 25% of value of federal lands. Compensation limited to amount the Tribe's cost incurred in processing the exchange exceed BLM's costs.

**9. Reach agreement on components of first transaction. April, 2004.**

Requirements: Values of non-federal lands must be within 25% of federal land.

Provide for compensation of approved costs by adjusting relative values.  
Reduce difference in value requiring cash equalization to extent possible.

Options: Cash equalization payment.  
Carry difference in value forward in ledger account to next transaction.

**10. Prepare decision record, publish and distribute Notice of Decision. June, 2004**

Responsibility: BLM. Estimated cost: \$4,000.

**11. Prepare escrow instructions and conveyance documents. August, 2004.**

Responsibility: BLM. Estimated cost: \$3,000.

**12. Complete first exchange transaction. September 2004.**

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