

SECTION 5

5.18 INDIAN TRUST ASSETS

5.18.1 AFFECTED ENVIRONMENT

Indian Trust Assets (ITAs) are legal interests in properties held in trust by the United States government for Native American tribes or individuals. Examples of potential ITAs are lands, minerals, hunting and fishing rights, and water rights. The United States, with the Secretary of the Interior as the trustee, holds many assets in trust for Native American tribes or Native American individuals. These assets are normally associated with Native American reservations or lands in proximity to a reservation. However, some assets may be located some distance from a Native American reservation. Specific concerns of Native American tribes, reservations and individuals, including the Mojave and Chemehuevi cultural groups, were identified via Native American consultation as described in Section 5.15 (Cultural Resources) of this EIR/EIS.

The United States government has the responsibility to protect and maintain rights reserved by or granted to Native American tribes or Native American individuals by treaties, statutes and Executive Orders, which are sometimes further interpreted through court decisions and regulations. This trust responsibility requires that all federal agencies, including the BLM, take all actions reasonable necessary to protect ITAs.

The Cadiz Project is located in a remote area in southeast San Bernardino County, California. No ITAs are known to exist in the vicinity of the Cadiz Project area, nor were any identified via the Native American consultation.

5.18.2 PROJECT EFFECTS THRESHOLDS CEQA THRESHOLDS OF SIGNIFICANCE

For purposes of CEQA, the impacts of the Cadiz Project related to ITAs would be considered to be significant if they:

- Directly involve the use of land or sites of religious or cultural importance to Native Americans.
- Affect the use of reservation lands or sites of religious or cultural importance to Native Americans.

For a further discussion of CEQA thresholds of significance, see Section 5.20.

Federal Criteria of Effects

The BLM Indian Trust Asset Policy requires that the BLM carry out its activities in a manner which protects ITAs and avoids adverse impacts where possible. When the BLM cannot prevent adverse impacts to ITAs, it must ensure appropriate mitigation or compensation.

5.18.3 METHODOLOGY

The potential effect of the Cadiz Project on ITAs was evaluated based on BLM's Indian Trust Asset Policy of July 2, 1993; review of the ITAs categorical exclusion checklist; the Department of the Interior's Secretarial Order No. 3175 on the Department's Responsibilities for Indian Trust Resources, dated November 8, 1993; BLM's NEPA Handbook Insert: Procedures to Implement ITA Policy, dated December 15, 1993; Questions and Answers about BLM's ITA Policy and Implementing Procedures, dated August 31, 1994; and the Department of the Interior Secretarial Order No. 3206 on American Indian Tribal Rights, Federal-Tribal Trust Responsibilities and the Endangered Species Act, including Appendix, Questions and Answers (June 5, 1997). The United

States Bureau of Reclamation Lower Colorado Region Indian Reservations map was reviewed to determine if any identified Native American reservations were located in western San Bernardino County, California. Staff of the United States Bureau of Indian Affairs was also contacted to ascertain which, if any, ITAs might be impacted by the Cadiz Project.

5.18.4 IMPACTS

Eastern, Eastern/Canal, Western and Combination Alternatives

From a review of all information available on ITAs, no ITAs are known to exist in the Cadiz Project area. Therefore, there will be no impacts on ITAs under any alternatives for the Cadiz Project.

No Project

Under the No Project Alternative, no new facilities would be constructed. Therefore, there would be no impacts on ITAs under this Alternative.

5.18.5 MITIGATION MEASURES

There are no adverse impacts on ITAs under the Cadiz Project. No mitigation is necessary.

5.18.6 LEVEL OF SIGNIFICANCE

The Cadiz Project will not result in adverse impacts on ITAs.