

File Copy SCT #2019030004



## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Central California Agency  
650 Capitol Mall, Suite 8-500  
Sacramento, California 95814

In Reply Refer To:  
RES

Governor's Office of Planning & Research

MAR 14 2019

MAR 19 2019  
STATE CLEARINGHOUSE

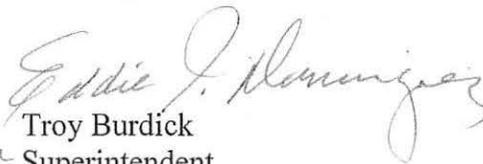
CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Distribution List:

Enclosed is a copy of our notice of an application seeking acceptance of title to real property “in trust” by the United States of America for the Santa Rosa Indian Community of the Santa Rosa Rancheria, California.

Said notice is issued pursuant to Code of Federal Regulations, Title 25, INDIANS and Parts 151.10. We are seeking your comments regarding the proposed trust land acquisition in order to obtain sufficient data that would enable an analysis of the potential impacts on local government, which may result from the removal of the subject property from the tax roll and local jurisdiction. Pertinent information regarding the proposal is included in the enclosure.

Sincerely,

  
for Troy Burdick  
Superintendent

Enclosure

1957  
JUN 17 1957  
JUN 17 1957



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Central California Agency  
650 Capitol Mall, Suite 8-500  
Sacramento, California 95814

In Reply Refer To:  
RES

## NOTICE OF (NON-GAMING) LAND ACQUISITION APPLICATION

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Santa Rosa Indian Community of the Santa Rosa Rancheria to have real property accepted "in trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of subject property from tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any governmental services that are currently provided to the property by your organization and;
- (4) If subject to zoning, how the intended use is consistent, or inconsistent with the zoning.

We provide the following information regarding this application:

Applicant:

Santa Rosa Indian Community of the Santa Rosa Rancheria

Legal land description/site location:

APN: 024-160-023-000                      18.50 acres in Lemoore, CA

Parcel 1 of that certain Parcel Map, in the County of Kings, State of California, in Book 19, Page 38 of Maps, in the office of the county recorder of said county.

APN: 024-160-024-000                      18.69 acres in Lemoore, CA

Parcel 2 of that certain Parcel Map, in the County of Kings, State of California, in Book 19, Page



38 of Maps, in the office of the County Recorder of said County.

*Exhibit 2: site maps*

Project description/proposed land use:

The subject property consists of two (2) parcels of land with a total of 37.19 acres, more or less, commonly referred to as Kings County Assessor's Parcel Numbers 024-160-023-000 containing 18.50 acres, and 024-160-024-000 containing 18.69 acres. The parcels of land are contiguous to tribal trust property boundaries of the Santa Rosa Indian Community of Santa Rosa Rancheria.

There is no immediate proposed change to any of the land use covered by this application.

Current Use/Taxes and Zoning:

APN: 024-160-023-000	18.50 acres	Zoned: General Agriculture
APN: 024-160-024-000	18.69 acres	Zoned: General Agriculture

Existing Easements/Encumbrances:

*Exhibit 1: Exceptions from Coverage*

Supplemental Data:

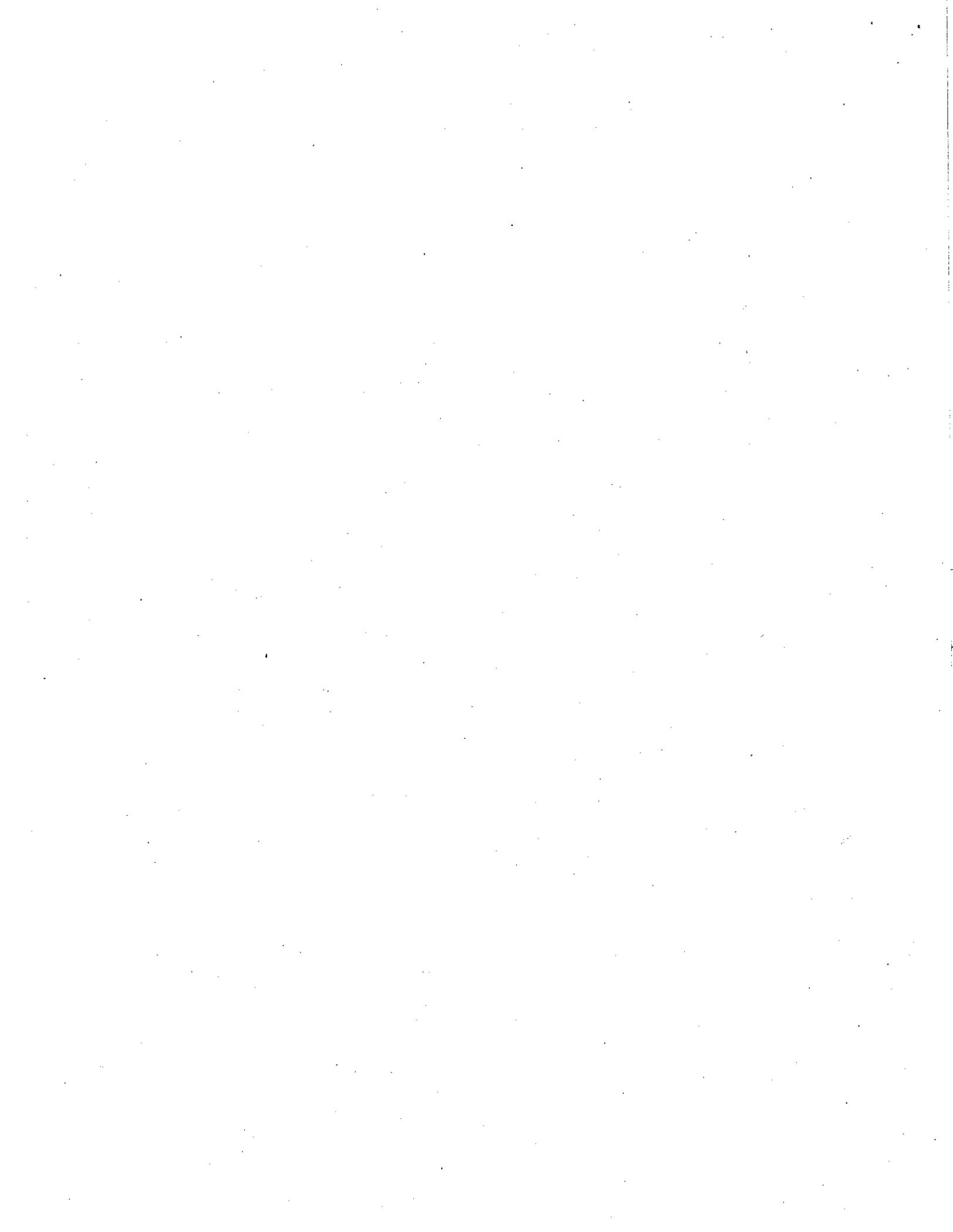
As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environment Policy Act (NEPA) of 1969.

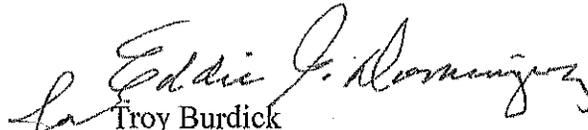
Your written comments should be addressed to the Bureau of Indian Affairs office listed at the top of this notice. Any comments received with thirty days of your receipt of this notice will be considered and made a part of this record. You may be granted one thirty day extension of time to furnish comments, provided you submit a written justification requesting such an extension with thirty days of receipt of this letter. Additionally, copies of all comments will be provided to the applicant for a response. You will be notified of the decision to approve or deny the application.

If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act (FOIA), is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Realty Officer, Kimberly Yearyeen at 916-930-3748.



Sincerely,

  
Troy Burdick  
Superintendent

Enclosures

cc: Distribution list



cc: BY CERTIFIED MAIL -- RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (ten copies) -- 7001 2510 0009 4494 7366  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, California 95812-3044

Ms. Sara J. Drake, Deputy Attorney General -- 7001 2510 0009 4494 7359  
State of California  
Department of Justice  
P.O. Box 944255  
Sacramento, California 94244-2550

Mr. Joe Dhillon -- 7001 2510 0009 4494 7342  
Senior Advisor for Tribal Negotiations  
Office of the Governor  
State Capitol Building, Suite 1173  
Sacramento, California 95814

Office of US Senator Harris -- 7001 2510 0009 4494 7335  
112 Hart Senator Office Bldg.  
Washington, D.C. 20510

Office of US Senator Feinstein -- 7001 2510 0009 4494 7113  
331 Hart Senate Office Building  
Washington, DC 20510

Honorable Jim Costa, Senator -- 7001 2510 0009 4494 7786  
State Capitol, Room 5100  
Sacramento, California 95814

Representative Mike Levin -- 7007 3020 0000 1879 2123  
1626 Longworth House Office Building  
Washington, DC 20515

Mr. Larry Spikes, Administrative Officer -- 7007 3020 0000 1879 2130  
County of Kings  
1400 West Lacey Blvd.  
Hanford, California 93230

Kings County Tax Assessor -- 7007 3020 0000 1879 2147  
1400 West Lacey Blvd.  
Hanford, California 93230

Honorable TJ Cox, Representative -- 7001 2510 0009 4494 7779  
224 West Lacey Blvd.  
Hanford, California 93230



Kings County Planning Department -- 7001 2510 0009 4494 7755  
1400 West Lacey Blvd.  
Hanford, California 93230

Kings County Public Works -- 7001 2510 0009 4494 7748  
1400 West Lacey Blvd.  
Hanford, California 93230

Kings County Board of Supervisors -- 7001 0009 2510 4494 7731  
1400 West Lacey Blvd.  
Hanford, California 93230

Kings County Tax Collector -- 7001 2510 0009 4494 7724  
1400 West Lacey Blvd.  
Hanford, California 93230



Exhibit 1: Exceptions from Coverage

APN: 024-160-023-000

APN: 024-160-024-000

Title No.: FWVI-4101700093-LM

**AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:**

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2017-2018.
2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation Code of the State of California.
3. All rights to the public in and to all roads, avenues, canals, ditches and creeks located on, over and across the herein described property, as disclosed on the plats of the County Tax Assessor of Kings County.
4. Said land lies within the boundaries of the Improvement District shown below and is subject to any and all assessments levied thereunder.

Name of District: Kings River Resource/Excelsior Resource Conservation District

5. Said land lies within the boundaries of the Irrigation District shown below and is subject to any and all assessments levied thereunder.

Name of District: Lemoore Irrigation District

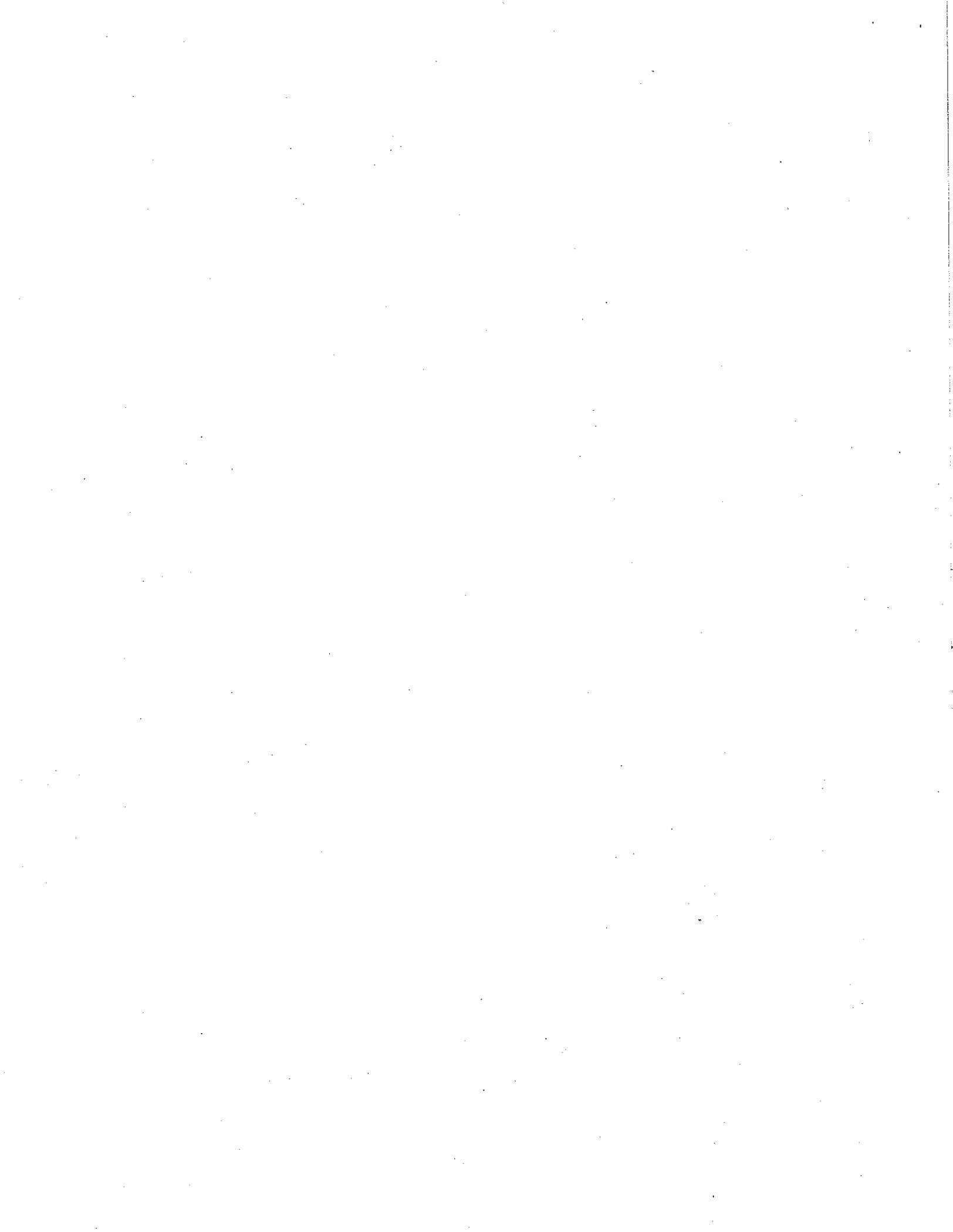
6. Covenants and restrictions imposed by a Land Conservation Contract executed pursuant to Section 51200 et seq. California Government Code (Williamson Act) authorizing the establishment of agricultural preserves. The use of the land within the preserve may be restricted by the contract to agricultural, recreational, open-space, and other approved compatible uses.

Dated: December 7, 1982  
Executed by: Esther Hanseth and the County of Kings  
Recording Date: December 22, 1982  
Recording No.: 15791, in Book 1249, page 397, Official Records  
Affects: said land with other property

Said contract is subject to the following document:

Entitled: Notice of a Partial Non-Renewal of Land Conservation Contract No. 1842  
Recording Date: December 19, 2006  
Recording No.: 0637241, Official Records

This document is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items and/or make further requirements after such review.



**EXCEPTIONS**  
(continued)

Matters contained in that certain document

Entitled: Implementation of SB863 for Fiscal Year 2011/2012  
Dated: December 21, 2010  
Recording Date: December 22, 2010  
Recording No.: 1022883, Official Records

Reference is hereby made to said document for full particulars.

Matters contained in that certain document

Entitled: Implementation of AB1265 for Fiscal Year 2012/2013  
Dated: December 22, 2011  
Recording Date: December 22, 2011  
Recording No.: 1122446, Official Records

Reference is hereby made to said document for full particulars.

Matters contained in that certain document

Entitled: Implementation of AB1265 for Fiscal Year 2013/2014  
Dated: November 9, 2012  
Recording Date: November 13, 2012  
Recording No.: 1221492, Official Records

Reference is hereby made to said document for full particulars.

Said contract was amended by agreement

Dated: October 23, 2014  
Recording Date: October 24, 2014  
Recording No.: 1415533 of Official Records

Said contract was amended by agreement

Dated: November 2, 2015  
Recording Date: November 3, 2015  
Recording No.: 1518161 of Official Records

7. Matters contained in that certain document

Entitled: Notice, Disclosure and Acknowledgment of Agricultural Land Use Protection and  
Right to Farm Policies of the County of Kings  
Dated: February 14, 2007  
Recording Date: February 26, 2007  
Recording No.: 0705089, Official Records

Reference is hereby made to said document for full particulars.



**EXCEPTIONS**  
(continued)

8. Matters contained in that certain document

Entitled: Implementation of AB1265 for Fiscal Year 2015/2015  
Dated: October 7, 2014  
Recording Date: October 24, 2014  
Recording No.: 1415533, of Official Records

Reference is hereby made to said document for full particulars.

9. Matters contained in that certain document

Entitled: Implementation of section 51244(b) for Fiscal Year 2016/2017  
Dated: October 13, 2015  
Recording Date: November 3, 2015  
Recording No.: 1518161, of Official Records

Reference is hereby made to said document for full particulars.

10. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other matters shown on

Map: Record of Survey  
Recording Date: August 4, 2014  
Recording No.: In Book 24, Page 97 of Maps

11. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

12. In order to complete this transaction the Company requires the following:

Satisfactory evidence showing the due formation and continued existence of The Santa Rosa Rancheria Tachi-Yokut Tribe, a federally recognized Indian Tribe as a legal entity under the laws of the State of California.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

13. This Company will require information as to the type of entity, i.e., corporation, limited liability company or partnership, for the buyer named below:

Name of buyer: The Bureau of Indian Affairs

The Company reserves the right to add additional items or make further requirements after review of the requested information.



**EXCEPTIONS**  
(continued)

14. Any right, interest or claim that may exist, arise or be asserted against the Title under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws.

**END OF EXCEPTIONS**



**AT THE DATE HEREOF, EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:**

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2017-2018.
2. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area:	092-005
Tax Identification No.:	024-160-024-000
Fiscal Year:	2016-2017
1st Installment:	\$520.82 paid
2nd Installment:	\$520.82 open
Exemption:	\$0.00
Land:	\$75,208.00
Improvements:	\$1,760.00
Personal Property:	\$0.00

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

3. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.
4. All rights to the public in and to all roads, avenues, canals, ditches and creeks located on, over and across the herein described property, as disclosed on the plats of the County Tax Assessor of Kings County.
5. Said land lies within the boundaries of the Improvement District shown below and is subject to any and all assessments levied thereunder.

Name of District: Kings River Resource/Excelsior Resource Conservation District

6. Said land lies within the boundaries of the Irrigation District shown below and is subject to any and all assessments levied thereunder.

Name of District: Lemoore Irrigation District

7. Covenants and restrictions imposed by a Land Conservation Contract executed pursuant to Section 51200 et seq. California Government Code (Williamson Act) authorizing the establishment of agricultural preserves. The use of the land within the preserve may be restricted by the contract to agricultural, recreational, open-space, and other approved compatible uses.

Dated:	December 7, 1982
Executed by:	Esther Hanseth and the County of Kings
Recording Date:	December 22, 1982
Recording No.:	15791, in Book 1249, page 397, Official Records
Affects:	said land with other property



**EXCEPTIONS**  
(continued)

Said contract is subject to the following document:

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Recording Date: December 19, 2006  
Recording No.: 0637241, Official Records

This document is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items and/or make further requirements after such review.

8. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.
9. Right, title and interest of The Santa Rosa Rancheria Tachi-Yokut Tribe.
10. **Title is subject to all matters disclosed on the Title Status Report on file with the Bureau of Indian Affairs, whether or not the Title Status Report has been examined, certified or verified.**
11. Restrictions, including any restraint against alienation, as contained in the deed or federal patent and the Act authorizing the issuance thereof, under which title is vested.
12. **Notwithstanding Paragraph 5 of the Insuring Provisions, this policy does not insure (i) that the lien of the insured mortgage described in Schedule A may be foreclosed non-judicially pursuant to state law, nor (ii) in what court (federal, state or tribal) an action may be brought to foreclose the insured mortgage; nor will the Company pay costs, attorneys' fees or expenses to determine what court has jurisdiction to foreclose the insured mortgage.**

**END OF EXCEPTIONS**



Exhibit 1: Site maps  
 APN: 024-160-023-000  
 APN: 024-160-024-000

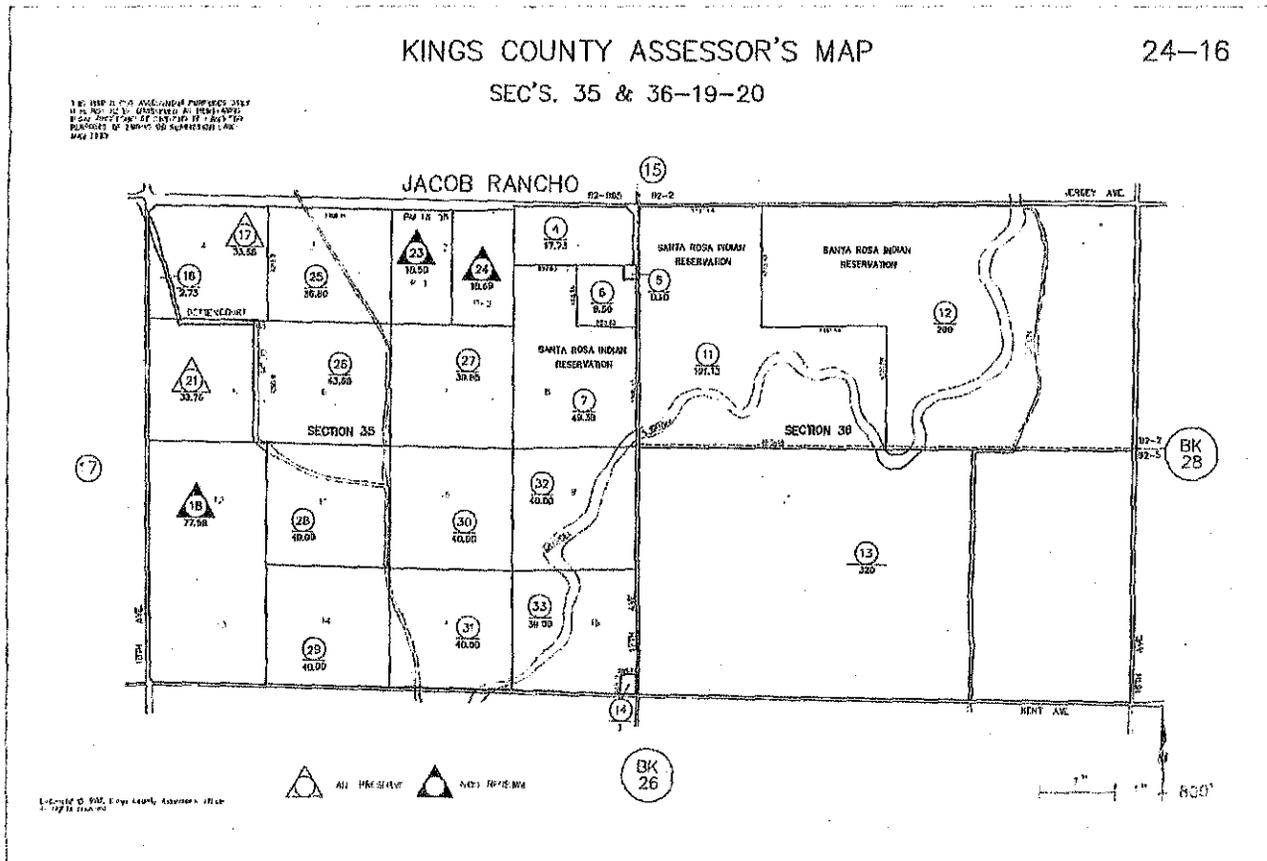


**Chicago Title / Kings (CA)**

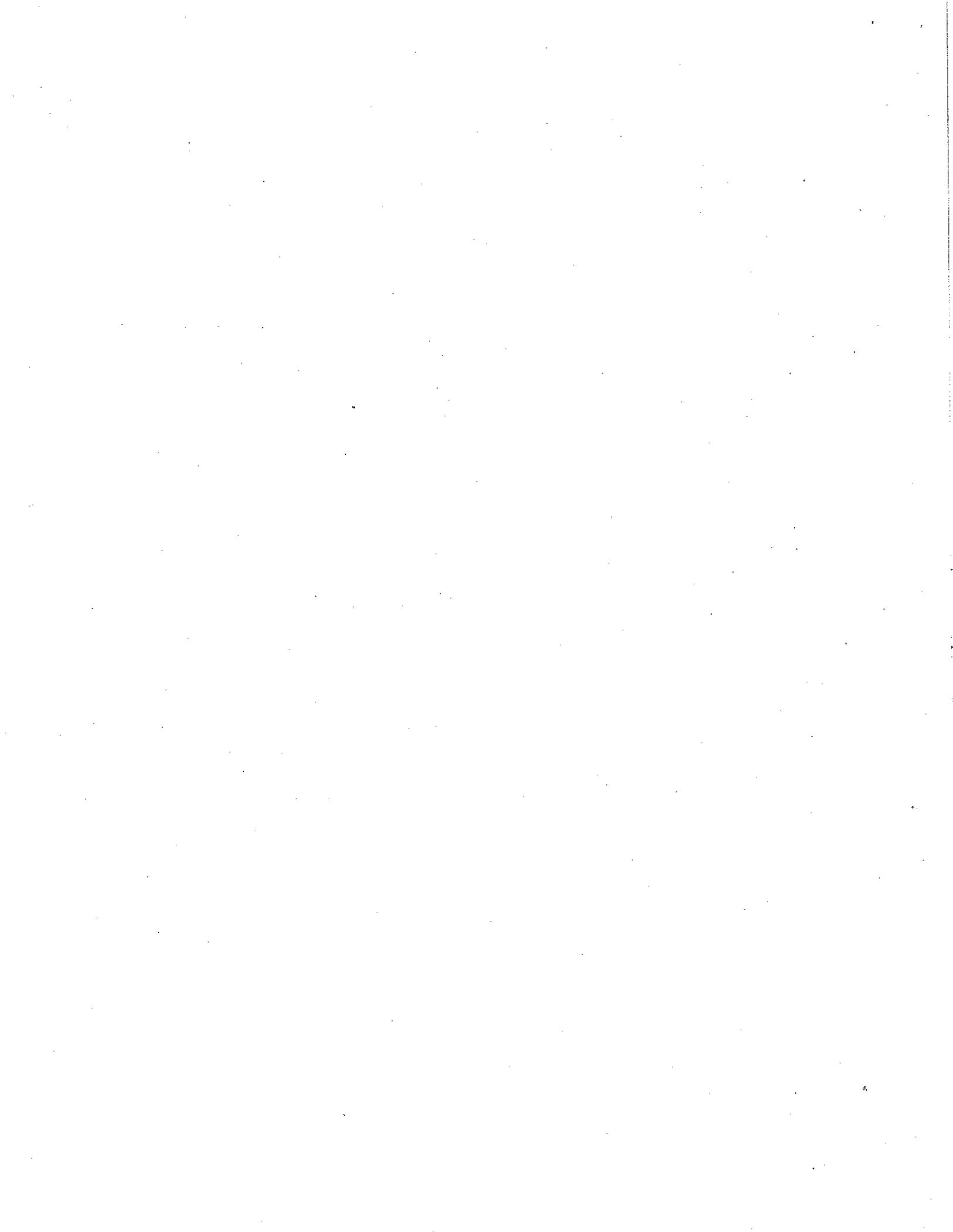
<b>Owner</b> : Santa Rosa Rancheria Tachi-Yokut Tribe	<b>Parcel</b> : 024 160 023 000
<b>CoOwner</b> :	<b>Land</b> : \$74,443
<b>Site</b> : *no Site Address*	<b>Struct</b> :
<b>Mail</b> : PO Box 8 Lemoore Ca 93245	<b>Other</b> :
<b>Xfered</b> : 02/25/2014 <b>Doc #</b> : 2865 Multi-Parcel	<b>Total</b> : \$74,443
<b>Price</b> : \$975,000 Full <b>Deed</b> : Grant Deed	<b>Exempt</b> :
<b>LoanAmt</b> :	<b>Type</b> : Williamson Act
<b>Lender</b> :	<b>% Imprv</b> :
<b>Vesting</b> : Corporation	<b>% Owned</b> : 100
<b>MapGrid</b> :	<b>TaxArea</b> : 092005
<b>LandUse</b> : 1100      Field Crops	<b>16-17 Tax</b> : \$1,012.50
<b>Census</b> : Tract : 16.01      Block : 2	

<b>Bedrooms</b> :	<b>Bldg SqFt</b> :	<b>Lot Acres</b> : 18.50
<b>Bathrooms</b> :	<b>1st Flr SqFt</b> :	<b>Lot SqFt</b> : 805,860
<b>Fireplace</b> :	<b>2nd Flr SqFt</b> :	<b>Lot Dimen</b> :
<b>Air Cond</b> :	<b>BasementSF</b> :	<b>Year Built</b> :
<b>Units</b> :	<b>Garage Type</b> :	<b>Bldg Matl</b> :
<b>Stories</b> :	<b>Garage SqFt</b> :	<b>Bldg Shape</b> :
<b>Pool</b> :	<b>AddlRm SqFt</b> :	<b>Bldg Class</b> :



Information compiled from various sources. Real Estate Solutions makes no representations or warranties as to the accuracy or completeness of information contained in this report.

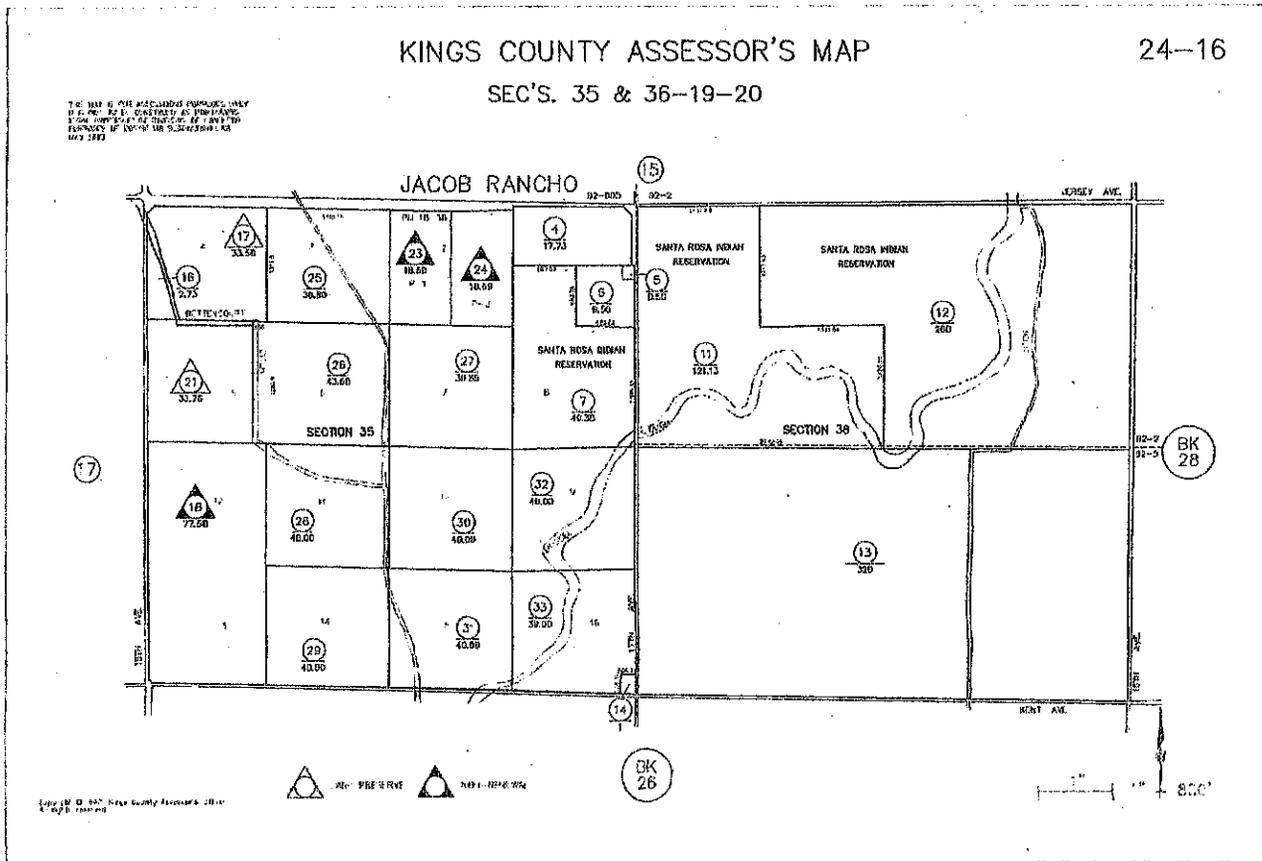


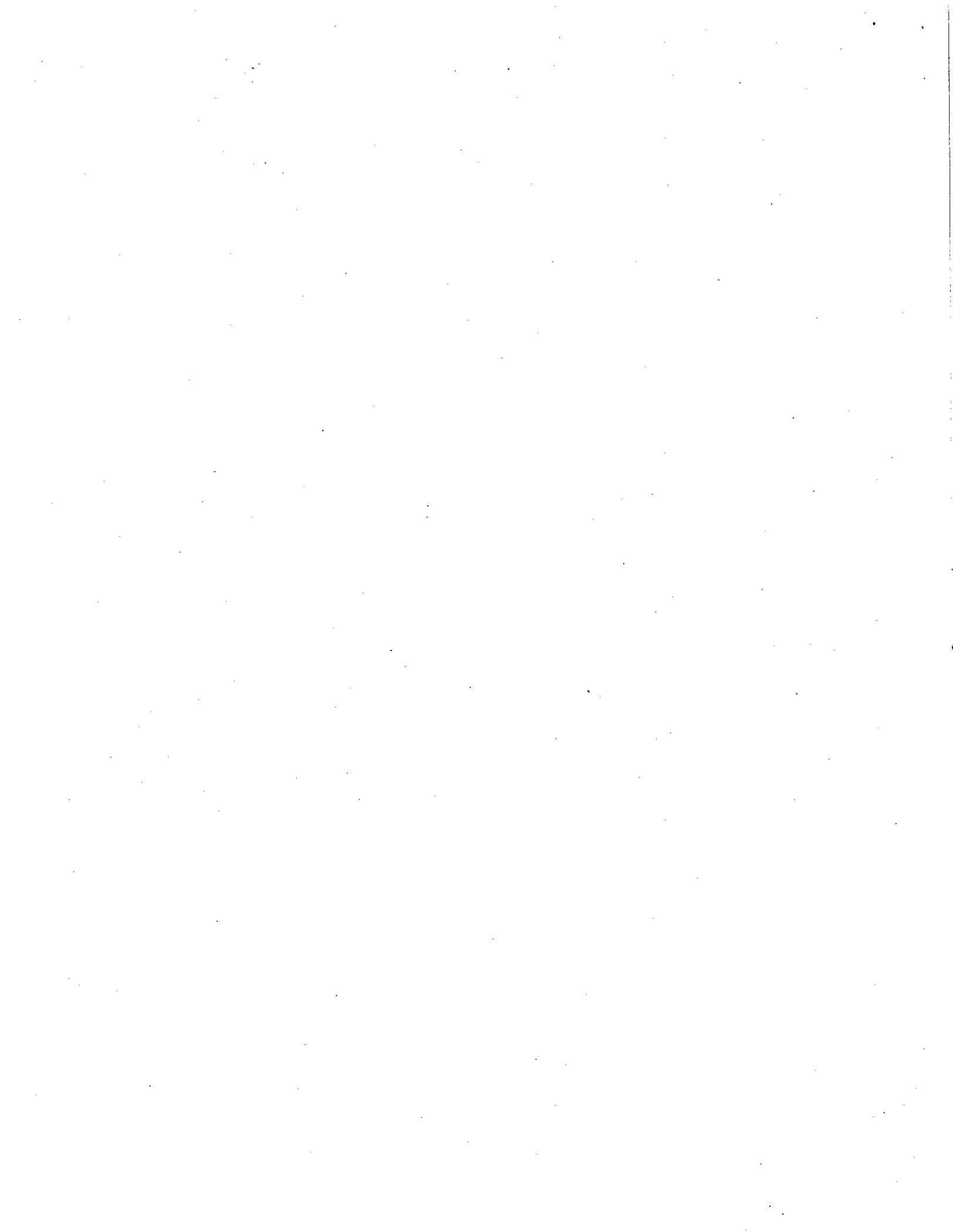
## Chicago Title / Kings (CA)

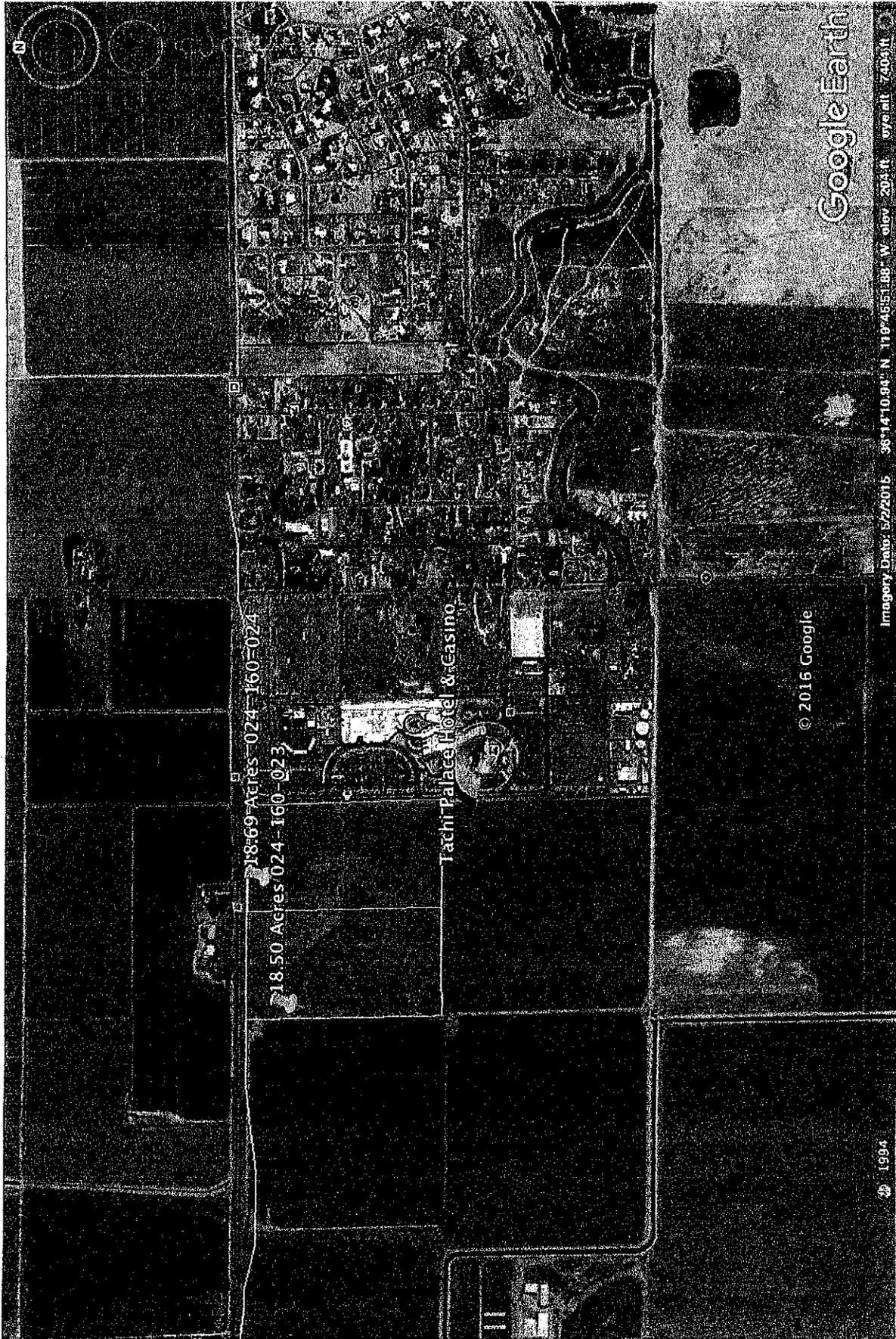
<b>Owner</b> : Santa Rosa Rancheria Tachi-Yokut Tribe	<b>Parcel</b> : 024 160 024 000
<b>CoOwner</b> :	<b>Land</b> : \$75,208
<b>Site</b> : *no Site Address*	<b>Struct</b> : \$1,760
<b>Mail</b> : PO Box 8 Lemoore Ca 93245	<b>Other</b> :
<b>Xfered</b> : 02/25/2014 <b>Doc #</b> : 2865 Multi-Parcel	<b>Total</b> : \$76,968
<b>Price</b> : \$975,000 Full <b>Deed</b> : Grant Deed	<b>Exempt</b> :
<b>LoanAmt</b> :	<b>Type</b> : Williamson Act
<b>Lender</b> :	<b>% Imprv</b> : 2
<b>Yesting</b> : Corporation	<b>% Owned</b> : 100
<b>MapGrid</b> :	<b>TaxArea</b> : 092005
<b>LandUse</b> : 1190      Field Crops/Misc Imp	<b>16-17 Tax</b> : \$1,041.64
<b>Census</b> : <b>Tract</b> : 16.01 <b>Block</b> : 2	

<b>Bedrooms</b> :	<b>Bldg SqFt</b> :	<b>Lot Acres</b> : 18.69
<b>Bathrooms</b> :	<b>1st Flr SqFt</b> :	<b>Lot SqFt</b> : 814,136
<b>Fireplace</b> :	<b>2nd Flr SqFt</b> :	<b>Lot Dimen</b> :
<b>Air Cond</b> :	<b>BasementSF</b> :	<b>Year Built</b> :
<b>Units</b> :	<b>Garage Type</b> :	<b>Bldg Mail</b> :
<b>Stories</b> :	<b>Garage SqFt</b> :	<b>Bldg Shape</b> :
<b>Pool</b> :	<b>AddRm SqFt</b> :	<b>Bldg Class</b> :





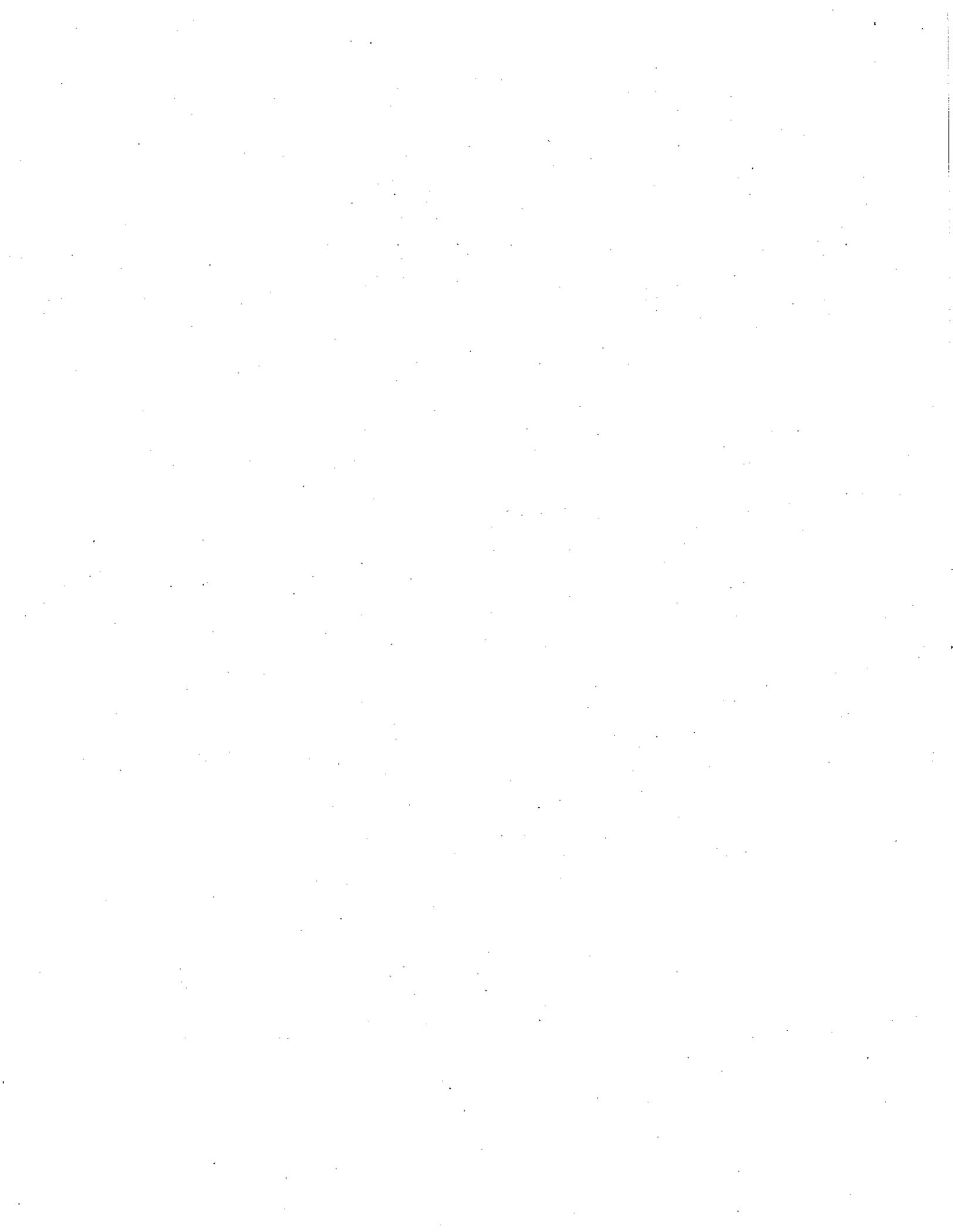


Google Earth

© 2016 Google

1994

Imagery Date: 5/2/2016 36°14'0.94" N 119°46'51.88" W elev: 204 ft eye alt: 7404 ft



## Bureau of Indian Affairs, Interior

§ 151.1

Titles and Records Offices are designated as Certifying Officers for this purpose. When a copy or reproduction of a title document is authenticated by the official seal and certified by a Manager, Land Titles and Records Office, the copy or reproduction shall be admitted into evidence the same as the original from which it was made. The fees for furnishing such certified copies are established by a uniform fee schedule applicable to all constituent units of the Department of the Interior and published in 43 CFR part 2, appendix A.

### § 150.11 Disclosure of land records, title documents, and title reports.

(a) The usefulness of a Land Titles and Records Office depends in large measure on the ability of the public to consult the records contained therein. It is therefore, the policy of the Bureau of Indian Affairs to allow access to land records and title documents unless such access would violate the Privacy Act, 5 U.S.C. 552a or other law restricting access to such records, or there are strong policy grounds for denying access where such access is not required by the Freedom of Information Act, 5 U.S.C. 552. It shall be the policy of the Bureau of Indian Affairs that, unless specifically authorized, monetary considerations will not be disclosed insofar as leases of tribal land are concerned.

(b) Before disclosing information concerning any living individual, the Manager, Land Titles and Records Office, shall consult 5 U.S.C. 552a(b) and the notice of routine users then in effect to determine whether the information may be released without the written consent of the person to whom it pertains.

## PART 151—LAND ACQUISITIONS

- Sec.
- 151.1 Purpose and scope.
  - 151.2 Definitions.
  - 151.3 Land acquisition policy.
  - 151.4 Acquisitions in trust of lands owned in fee by an Indian.
  - 151.5 Trust acquisitions in Oklahoma under section 5 of the I.R.A.
  - 151.6 Exchanges.
  - 151.7 Acquisition of fractional interests.
  - 151.8 Tribal consent for nonmember acquisitions.

- 151.9 Requests for approval of acquisitions.
- 151.10 On-reservation acquisitions.
- 151.11 Off-reservation acquisitions.
- 151.12 Action on requests.
- 151.13 Title examination.
- 151.14 Formalization of acceptance.
- 151.15 Information collection.

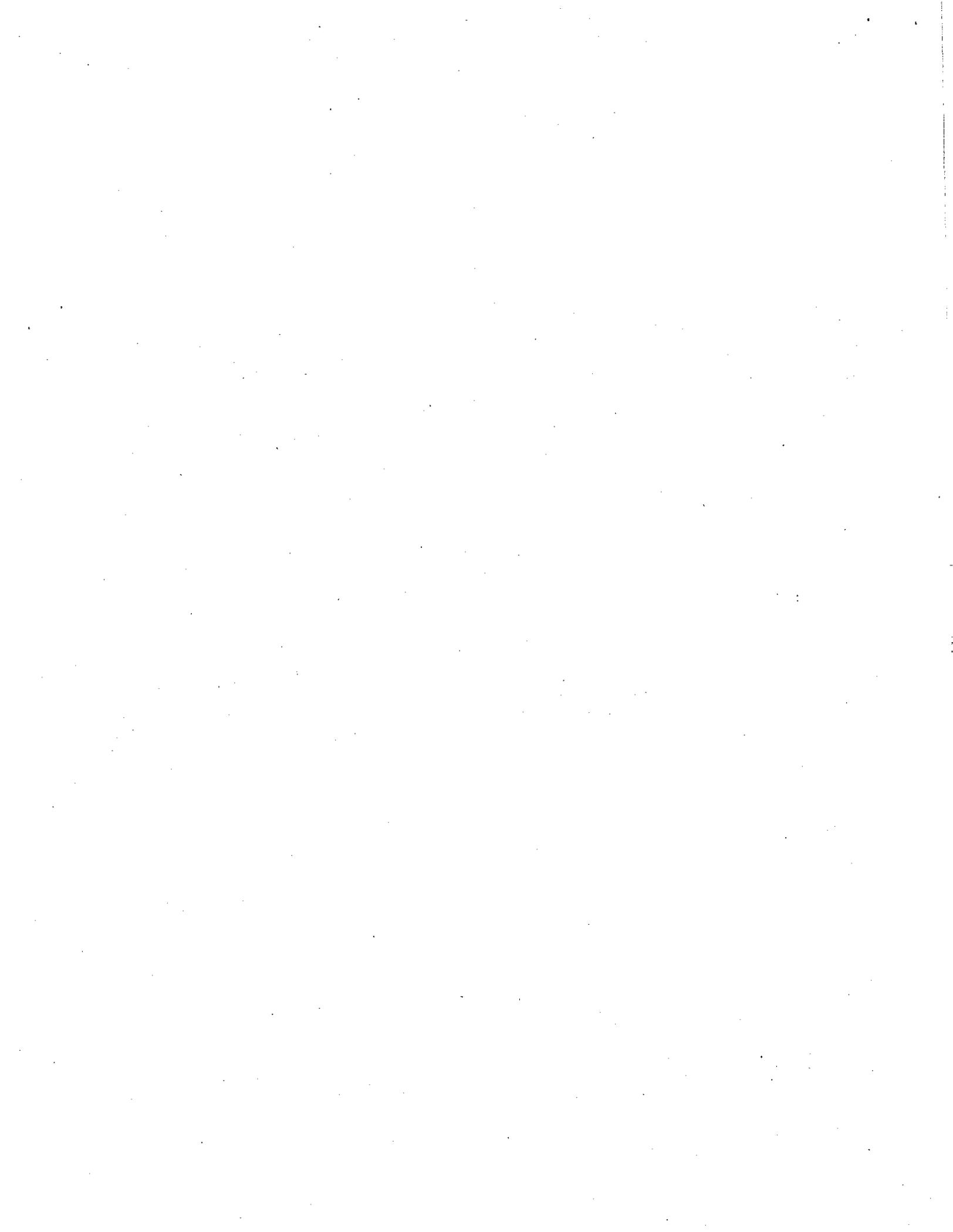
**AUTHORITY:** R.S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1967, as amended; 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 83 Stat. 174, as amended; 82 Stat. 384; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, 1495, and other authorizing acts.

**CROSS REFERENCES:** For regulations pertaining to: The inheritance of interests in trust or restricted land, see parts 15, 16, and 17 of this title and 43 CFR part 4; the purchase of lands under the BIA Loan Guaranty, Insurance and Interest Subsidy program, see part 103 of this title; the exchange and partition of trust or restricted lands, see part 152 of this title; land acquisitions authorized by the Indian Self-Determination and Education Assistance Act, see parts 900 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR part 2530; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR parts 2561 and 2564; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR part 1823, subpart N; the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§ 117.8 and 158.54 of this title.

**SOURCE:** 45 FR 62036, Sept. 18, 1980, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

### § 151.1 Purpose and scope.

These regulations set forth the authorities, policy, and procedures governing the acquisition of land by the United States in trust status for individual Indians and tribes. Acquisition of land by individual Indians and tribes in fee simple status is not covered by these regulations even though such land may, by operation of law, be held in restricted status following acquisition. Acquisition of land in trust status by inheritance or escheat is not covered by these regulations. These regulations do not cover the acquisition of



§ 151.2

land in trust status in the State of Alaska, except acquisitions for the Metlakatla Indian Community of the Annette Island Reserve or its members.

§ 151.2 Definitions.

(a) *Secretary* means the Secretary of the Interior or authorized representative.

(b) *Tribe* means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of the Annette Island Reserve, which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs. For purposes of acquisitions made under the authority of 25 U.S.C. 488 and 489, or other statutory authority which specifically authorizes trust acquisitions for such corporations, "Tribe" also means a corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

(c) *Individual Indian* means:

(1) Any person who is an enrolled member of a tribe;

(2) Any person who is a descendent of such a member and said descendant was, on June 1, 1934, physically residing on a federally recognized Indian reservation;

(3) Any other person possessing a total of one-half or more degree Indian blood of a tribe;

(4) For purposes of acquisitions outside of the State of Alaska, *Individual Indian* also means a person who meets the qualifications of paragraph (c)(1), (2), or (3) of this section where "Tribe" includes any Alaska Native Village or Alaska Native Group which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs.

(d) *Trust land* or *land in trust status* means land the title to which is held in trust by the United States for an individual Indian or a tribe.

(e) *Restricted land* or *land in restricted status* means land the title to which is held by an individual Indian or a tribe and which can only be alienated or encumbered by the owner with the approval of the Secretary because of limi-

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lations contained in the conveyance instrument pursuant to Federal law or because of a Federal law directly imposing such limitations.

(f) Unless another definition is required by the act of Congress authorizing a particular trust acquisition, *Indian reservation* means that area of land over which the tribe is recognized by the United States as having governmental jurisdiction, except that, in the State of Oklahoma or where there has been a final judicial determination that a reservation has been disestablished or diminished, *Indian reservation* means that area of land constituting the former reservation of the tribe as defined by the Secretary.

(g) *Land* means real property or any interest therein.

(h) *Tribal consolidation area* means a specific area of land with respect to which the tribe has prepared, and the Secretary has approved, a plan for the acquisition of land in trust status for the tribe.

[45 FR 62036, Sept. 18, 1980, as amended at 60 FR 32879, June 23, 1995]

§ 151.3 Land acquisition policy.

Land not held in trust or restricted status may only be acquired for an individual Indian or a tribe in trust status when such acquisition is authorized by an act of Congress. No acquisition of land in trust status, including a transfer of land already held in trust or restricted status, shall be valid unless the acquisition is approved by the Secretary.

(a) Subject to the provisions contained in the acts of Congress which authorize land acquisitions, land may be acquired for a tribe in trust status:

(1) When the property is located within the exterior boundaries of the tribe's reservation or adjacent thereto, or within a tribal consolidation area; or

(2) When the tribe already owns an interest in the land; or

(3) When the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing.

(b) Subject to the provisions contained in the acts of Congress which authorize land acquisitions or holding



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land in trust or restricted status, land may be acquired for an individual Indian in trust status:

(1) When the land is located within the exterior boundaries of an Indian reservation, or adjacent thereto; or

(2) When the land is already in trust or restricted status.

**§ 151.4 Acquisitions in trust of lands owned in fee by an Indian.**

Unrestricted land owned by an individual Indian or a tribe may be conveyed into trust status, including a conveyance to trust for the owner, subject to the provisions of this part.

**§ 151.5 Trust acquisitions in Oklahoma under section 5 of the I.R.A.**

In addition to acquisitions for tribes which did not reject the provisions of the Indian Reorganization Act and their members, land may be acquired in trust status for an individual Indian or a tribe in the State of Oklahoma under section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465), if such acquisition comes within the terms of this part. This authority is in addition to all other statutory authority for such an acquisition.

**§ 151.6 Exchanges.**

An individual Indian or tribe may acquire land in trust status by exchange if the acquisition comes within the terms of this part. The disposal aspects of an exchange are governed by part 152 of this title.

**§ 151.7 Acquisition of fractional interests.**

Acquisition of a fractional land interest by an individual Indian or a tribe in trust status can be approved by the Secretary only if:

(a) The buyer already owns a fractional interest in the same parcel of land; or

(b) The interest being acquired by the buyer is in fee status; or

(c) The buyer offers to purchase the remaining undivided trust or restricted interests in the parcel at not less than their fair market value; or

(d) There is a specific law which grants to the particular buyer the right to purchase an undivided interest or interests in trust or restricted land

without offering to purchase all of such interests; or

(e) The owner of a majority of the remaining trust or restricted interests in the parcel consent in writing to the acquisition by the buyer.

**§ 151.8 Tribal consent for nonmember acquisitions.**

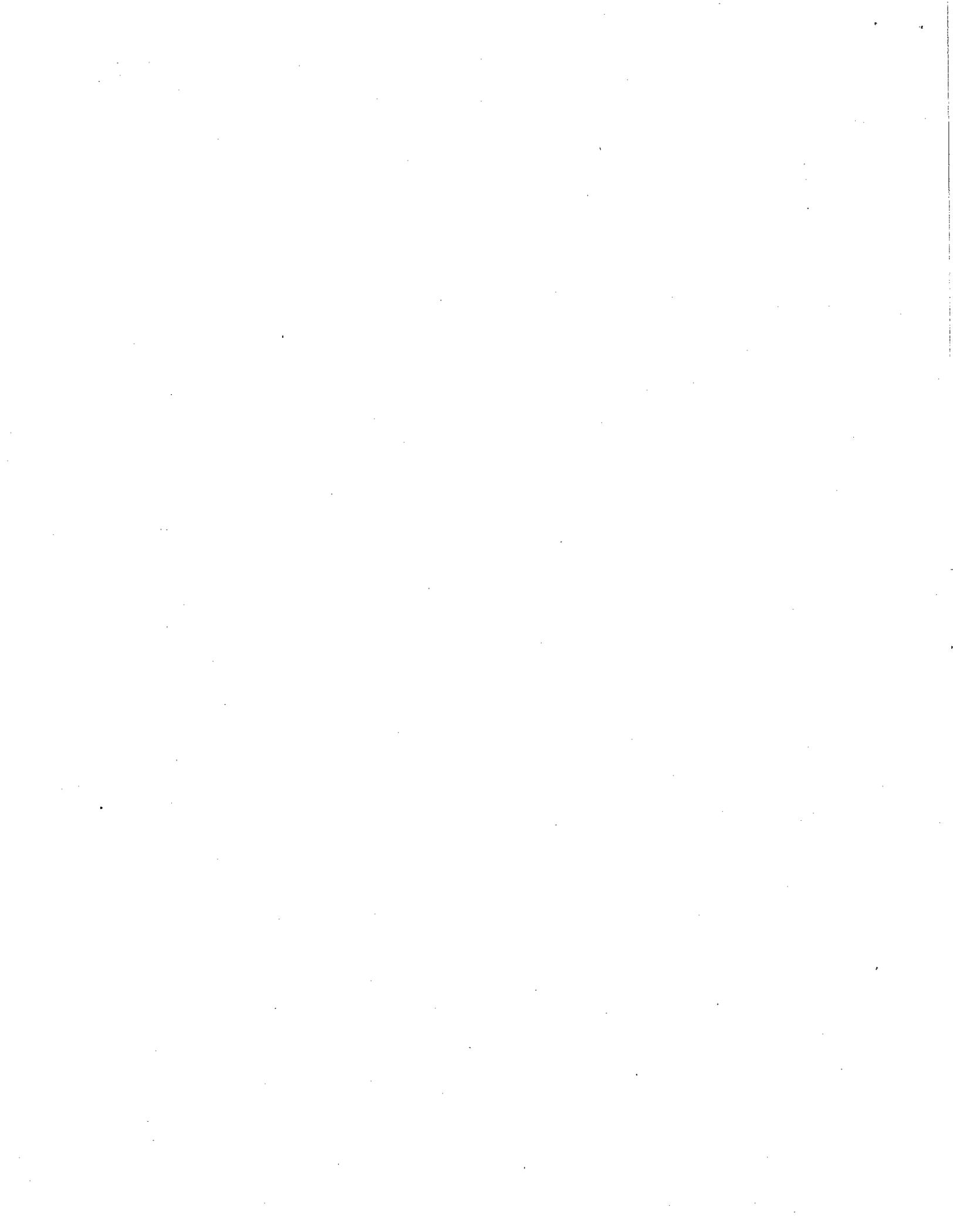
An individual Indian or tribe may acquire land in trust status on a reservation other than its own only when the governing body of the tribe having jurisdiction over such reservation consents in writing to the acquisition; provided, that such consent shall not be required if the individual Indian or the tribe already owns an undivided trust or restricted interest in the parcel of land to be acquired.

**§ 151.9 Requests for approval of acquisitions.**

An individual Indian or tribe desiring to acquire land in trust status shall file a written request for approval of such acquisition with the Secretary. The request need not be in any special form but shall set out the identity of the parties, a description of the land to be acquired, and other information which would show that the acquisition comes within the terms of this part.

**§ 151.10 On-reservation acquisitions.**

Upon receipt of a written request to have lands taken in trust, the Secretary will notify the state and local governments having regulatory jurisdiction over the land to be acquired, unless the acquisition is mandated by legislation. The notice will inform the state or local government that each will be given 30 days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments. If the state or local government responds within a 30-day period, a copy of the comments will be provided to the applicant, who will be given a reasonable time in which to reply and/or request that the Secretary issue a decision. The Secretary will consider the following criteria in evaluating requests for the acquisition of land in trust status when



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the land is located within or contiguous to an Indian reservation, and the acquisition is not mandated:

(a) The existence of statutory authority for the acquisition and any limitations contained in such authority;

(b) The need of the individual Indian or the tribe for additional land;

(c) The purposes for which the land will be used;

(d) If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;

(e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls;

(f) Jurisdictional problems and potential conflicts of land use which may arise; and

(g) If the land to be acquired is in fee status, whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.

(h) The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations. (For copies, write to the Department of the Interior, Bureau of Indian Affairs, Branch of Environmental Services, 1849 C Street NW., Room 4525 MIB, Washington, DC 20240.)

[45 FR 62036, Sept. 18, 1980, as amended at 60 FR 32878, June 23, 1995]

**§ 151.11 Off-reservation acquisitions.**

The Secretary shall consider the following requirements in evaluating tribal requests for the acquisition of lands in trust status, when the land is located outside of and noncontiguous to the tribe's reservation, and the acquisition is not mandated:

(a) The criteria listed in § 151.10 (a) through (c) and (e) through (h);

(b) The location of the land relative to state boundaries, and its distance from the boundaries of the tribe's res-

ervation, shall be considered as follows: as the distance between the tribe's reservation and the land to be acquired increases, the Secretary shall give greater scrutiny to the tribe's justification of anticipated benefits from the acquisition. The Secretary shall give greater weight to the concerns raised pursuant to paragraph (d) of this section.

(c) Where land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use.

(d) Contact with state and local governments pursuant to § 151.10 (e) and (f) shall be completed as follows: Upon receipt of a tribe's written request to have lands taken in trust, the Secretary shall notify the state and local governments having regulatory jurisdiction over the land to be acquired. The notice shall inform the state and local government that each will be given 30 days in which to provide written comment as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments.

[60 FR 32879, June 23, 1995, as amended at 60 FR 48894, Sept. 21, 1995]

**§ 151.12 Action on requests.**

(a) The Secretary shall review each request and may request any additional information or justification deemed necessary to reach a decision.

(b) The Secretary's decision to approve or deny a request shall be in writing and state the reasons for the decision.

(c) A decision made by the Secretary, or the Assistant Secretary—Indian Affairs pursuant to delegated authority, is a final agency action under 5 U.S.C. 704 upon issuance.

(1) If the Secretary or Assistant Secretary denies the request, the Assistant Secretary shall promptly provide the applicant with the decision.

(2) If the Secretary or Assistant Secretary approves the request, the Assistant Secretary shall:

(i) Promptly provide the applicant with the decision;

(ii) Promptly publish in the FEDERAL REGISTER a notice of the decision to acquire land in trust under this part; and



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(iii) Immediately acquire the land in trust under § 151.14 on or after the date such decision is issued and upon fulfillment of the requirements of § 151.13 and any other Departmental requirements.

(d) A decision made by a Bureau of Indian Affairs official pursuant to delegated authority is not a final agency action of the Department under 5 U.S.C. 704 until administrative remedies are exhausted under part 2 of this chapter or until the time for filing a notice of appeal has expired and no administrative appeal has been filed.

(1) If the official denies the request, the official shall promptly provide the applicant with the decision and notification of any right to file an administrative appeal under part 2 of this chapter.

(2) If the official approves the request, the official shall:

(i) Promptly provide the applicant with the decision;

(ii) Promptly provide written notice of the decision and the right, if any, to file an administrative appeal of such decision pursuant to part 2 of this chapter, by mail or personal delivery to:

(A) Interested parties who have made themselves known, in writing, to the official prior to the decision being made; and

(B) The State and local governments having regulatory jurisdiction over the land to be acquired;

(iii) Promptly publish a notice in a newspaper of general circulation serving the affected area of the decision and the right, if any, of interested parties who did not make themselves known, in writing, to the official to file an administrative appeal of the decision under part 2 of this chapter; and

(iv) Immediately acquire the land in trust under § 151.14 upon expiration of the time for filing a notice of appeal or upon exhaustion of administrative remedies under part 2 of this title, and upon the fulfillment of the requirements of § 151.13 and any other Departmental requirements.

(3) The administrative appeal period under part 2 of this chapter begins on:

(i) The date of receipt of written notice by the applicant or interested parties entitled to notice under para-

graphs (d)(1) and (d)(2)(ii) of this section;

(ii) The date of first publication of the notice for unknown interested parties under paragraph (d)(2)(iii) of this section.

(4) Any party who wishes to seek judicial review of an official's decision must first exhaust administrative remedies under 25 CFR part 2.

[78 FR 67937, Nov. 13, 2013]

**§ 151.13 Title examination.**

If the Secretary determines that he will approve a request for the acquisition of land from unrestricted fee status to trust status, he shall acquire, or require the applicant to furnish, title evidence meeting the *Standards For The Preparation of Title Evidence In Land Acquisitions by the United States*, issued by the U.S. Department of Justice. After having the title evidence examined, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities which may exist. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition and he shall require elimination prior to such approval if the liens, encumbrances, or infirmities make title to the land unmarketable.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32379, June 23, 1995]

**§ 151.14 Formalization of acceptance.**

Formal acceptance of land in trust status shall be accomplished by the issuance or approval of an instrument of conveyance by the Secretary as is appropriate in the circumstances.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32379, June 23, 1995]

**§ 151.15 Information collection.**

(a) The information collection requirements contained in §§ 151.9; 151.10; 151.11(e), and 151.13 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076-0100. This information is being collected to acquire land into trust on behalf of the Indian tribes and individuals, and will be used to assist the Secretary in making a determination. Response to this request is required to obtain a benefit.

