

APPENDIX A

The following is a step-by-step summary of the procedure tribes must follow to acquire trust lands pursuant to 25 C.F.R. §§ 151.1-151.15. The application process is similar for both tribes and individual members. Individuals, however, are not allowed to acquire fee land that is not located within or adjacent to the exterior boundaries of his or her tribe's reservation.¹

I. The Initial Request

A tribe begins the process of placing land into trust by submitting a written request for approval with the Secretary of the Interior. 25 C.F.R. § 151.9. The requirements for a tribe's application are contained in 25 C.F.R. §§ 151.9 - 151.11, as supplemented by inter-agency directives.² With respect to the acquisition, the application must establish the source of federal and tribal authority for pursuing it, and set forth details regarding the need for additional land, the availability and suitability of the land sought, and the impact of the proposed acquisition on other governmental entities. The application must also establish that the proposed acquisition will comply with department regulations governing the National Environmental Policy Act and Hazardous Substances.

A. Establishing Federal and Tribal Authority

The application must specify the statutory and regulatory authorization for the acquisition. If the acquisition is not consistent with the policy set forth in 25 C.F.R. § 151.3, the application must establish why a waiver of that policy is justified.

The request must be signed by an authorized tribal representative. A resolution adopted by the tribe's governing body must be attached. The resolution must cite the portion of the tribe's governing document which gives the governing body authority to enact the resolution, or a separate resolution granting such authority must be included. The resolution must include a legal description of the desired land, and specify that the tribe requests the land to be acquired in trust.

¹ 25 C.F.R. § 151.3(b).

² See the Memo from the Secretary of the Interior dated May 26, 1994, attached hereto as Exhibit 5, and the "Land Acquisition Application (Tribal Requests)" issued by the BIA Area Office in Sacramento, attached hereto as Exhibit 6. (While the Secretary's Memo lapsed when new regulations were promulgated, it is still used for reference by the Sacramento Area Office.) The requirements vary slightly among the three documents. For instance, 25 C.F.R. Part 151 makes distinctions in the process to be followed depending on whether the land at issue is contiguous to or within the reservation boundaries. If not, additional requirements must be met. The Land Acquisition Application, however, does not make similar distinctions, and requires all factors contained in 25 C.F.R. §§ 151.10 - 151.11 to be addressed, regardless of where the land is located. Thus, for the purposes of this Report, all of the requirements contained in all three documents are treated as mandatory.

B. Justifying the Acquisition

The application must explain why the tribe needs additional land, the purpose of the acquisition, and the proposed use of the land. It must also explain why trust status is necessary and why the present land base cannot be used for the proposed purpose. If the land is sought for a business purpose, the application must include a detailed explanation of the proposed development that specifies the anticipated economic benefits of the use. The greater the distance between the land sought and the boundaries of the tribe's reservation, the more closely the anticipated benefits of the development will be scrutinized. Moreover, any involvement of third parties in the use of the land must be detailed by supporting documents (i.e. leases, contracts, agreements.)

C. Detailing the Acquisition

The application and supporting documents must demonstrate that the transaction is complete, pending the Secretary's approval. In addition to giving a legal description of the land in narrative form, a statement describing access to the parcel, as well as its terrain and any existing improvements must be given.

The purchase or exchange agreement, executed by the current owner, must be included, along with a notarized original or certified copy of the proposed deed granting the property to the United States. A copy of any appraisal that has been completed should also be included. In addition, the tribe must supply a title report or recent title insurance policy, along with documentation of any title exceptions that are found. If any rights of way exist, the tribe must explain whether their continued existence will interfere with the proposed use.

In addition, the applicant must pay all taxes due and meet all other financial obligations until the applicant is advised that the land has been taken into trust.

D. Identifying the Impact of the Acquisition on Other Governmental Entities

The tribe must identify any impact the acquisition of fee lands in trust will have on the State and its political subdivisions due to removing fee property from the tax rolls. In addition, the tribe must describe the potential for jurisdictional and/or land use conflicts. The tribe must also address planned mitigation actions that will reduce the adverse impacts on taxation and jurisdiction.

Moreover, the applicant must describe the potential impact on services provided by the BIA, and identify any additional services that will be requested if the acquisition is approved. Given the ongoing pattern of under-funding of BIA programs in California, the impact of land acquisitions in California on BIA services is disproportionate. Thus, this requirement presents a more substantial obstacle for California tribes than for other tribes throughout the nation.

E. Addressing Environmental Concerns

The tribe must complete an environmental assessment (EA) to assist the Department in its obligation to comply with the National Environmental Policy Act.³ The BIA may request additional information in order to be able to evaluate the impact of the acquisition, as required by NEPA. The extent to which the tribe has provided information allowing the Secretary to comply with Hazardous Substances Determinations will also be considered, though the site inspection must be conducted by the BIA.

II. **Notices, Comments and Responses**

After receiving the application, the BIA will issue notices to all interested state and local government agencies. 25 C.F.R. § 151.10(e)(f) & § 1511(d).⁴ These agencies have thirty days in which to submit written comments. The BIA will most likely send notice to the Attorney General's office, to the State Clearinghouse in the Office of Planning and Research, and to the County Assessor's office. The BIA may also send notices to the "County Board of Supervisors, County Planning Department, County Public Works Department, Local Fire Department, [and] Congressional Representatives." See Exhibit 7.

The BIA has recognized the great potential for controversy by stating:

if the scope of the land acquisition project is contemplated as being controversial or is anticipated to have a major impact on specific services provided by a particular entity, consideration should be given to including such entity as a party receiving notice of the land acquisition. See Exhibit 7.

The BIA must send the tribe copies of all notices and comments. The tribe may then respond in writing to these comments. The comments and responses will "be included and made a part of the package being submitted for review and consideration" by the Area or Central Offices of the BIA. See Exhibit 7. The BIA will also submit the complete application to the Solicitor's office "for review, comment, and/or analysis" of legal issues and documents. See Exhibit 5.

III. **Review and Approval**

After the completed application has been submitted, the Secretary may request additional information. 25 C.F.R. § 151.12. Once all the pertinent information is gathered, notices have been sent, comments and responses received, and compliance with NEPA and Hazardous

³ According to the Secretary's 5/26/94 Memo (Exhibit 5), the Department will prepare the EA. According to the Land Acquisition Application (Exhibit 6), however, the EA must be complete and submitted with the application.

⁴ A copy of the BIA's internal instructions regarding this notice is attached as Exhibit 7.

Substance regulations has been evaluated, the Secretary must make a "prompt written decision." Id. If the application is denied, the applicant may appeal under 25 C.F.R. §§ 2.1 et seq.

Formal acceptance occurs when the instrument of conveyance is issued or approved. 25 C.F.R. § 151.14.

IV. Additional Requirements when Acquiring Land for Gaming Purposes

When tribes seek land for gaming purposes, five additional requirements must be satisfied. Acquisitions for gaming purposes must comply with the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2701, et seq. Where appropriate, the acquisition must be reviewed by the National Indian Gaming Commission. Approval authority for such acquisitions must be obtained from the BIA Central Office (after consultation with the Secretary), rather than from the BIA Area Director. The tribe must have conducted an economic analysis showing that it explored all reasonable alternatives other than gaming to provide equivalent economic benefits from the property. Finally, the tribe must agree to withhold federal taxes from gaming winnings under applicable provisions of the Internal Revenue Code.⁵ The BIA has yet to promulgate final rules for the acquisition of off-reservation, non-contiguous land by tribes for gaming purposes.

IGRA prohibits Class II and Class III gaming activities on lands acquired after October 17, 1988 unless the acquisition meets one of several exemptions. 25 U.S.C. § 2719(a)-(b). IGRA does not apply if the land sought is within or contiguous to the boundaries of the tribe's reservation on October 17, 1988, or if the Indian tribe had no reservation on that date and the lands sought are located within the Indian tribe's last recognized reservation within the State or States within which such Indian tribe is presently located. Other special exemptions apply to Oklahoma tribes. In addition, IGRA does not apply if the applicable lands are being taken into trust as part of a settlement of a land claim, as the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or as the restoration of lands for an Indian tribe that is restored to Federal recognition. Finally, IGRA does not apply if the Secretary, after consulting with the applicant tribe, other neighboring tribes and state and local officials, determines that a gaming enterprise on the lands would be in the best interest of the tribe, and would not be detrimental to the surrounding community. The Governor of the state in which the lands are located must concur in that determination.

Recently, courts have begun to analyze 25 U.S.C. § 2719 and have interpreted it contrary to the positions taken by the BIA and the Justice Department. In Keweenaw Bay Indian Community v. United States, et al., 914 F. Supp. 1496 (W.D. Mich. 1996), the federal district court held that § 2719 is inapplicable to lands placed in trust after October 17, 1988 for non-gaming purposes if a tribe chose to negotiate a compact with a state for Class III gaming after the land was placed in trust. The court held that the compacting process between the state and tribe

⁵ See the 7/19/90 memo from the Secretary of the Interior to the Assistant Secretary. Indian Affairs, attached hereto as Exhibit 8.

renders § 2719 superfluous and inapplicable. This decision has fueled States' opposition to Indian land acquisition in general out of fear that gaming operations can be established without going through the requirements of the IGRA.

V. Process/Time Frames

According to the BIA's own estimates, off-reservation land acquisitions can take anywhere from one to two years to process.⁶ Recent discussions with tribes who have gone through the process confirm that even two years is an optimistic time frame.⁷ There are several reasons for this delay, including the complexity of the process itself, the number of reviews required within the Bureau, limited staffing and higher priority work assignments by BIA staff, and the controversial nature of taking land into trust, especially in California.

As BIA staffing is reduced at the Agency and Area offices, the time frame for completing the process will continue to lengthen. Additionally, the continuing battle between the State of California and tribes concerning gaming will only serve to increase the controversial nature of off-reservation land acquisition and cause further delays. This causes uncertainty for tribes in terms of planning for additional housing and economic development projects.

⁶ See the 11/04/92 letter from Acting Area Director Michael Smith, attached as Exhibit 2.

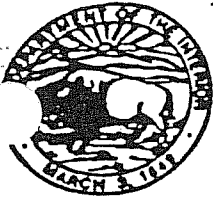
⁷ These tribes are still involved in the administrative process, and thus wish to remain anonymous. See also, "Fee-to-Trust Transactions" (Exhibit 3) at p. 9. This BIA document indicates that some applications filed in 1992 are still pending.

BUREAU OF INDIAN AFFAIRS
SACRAMENTO AREA OFFICE
Trust Acreage - Summary
CY Ending December 31, 1996

<u>Rancheria/Reservation</u>	<u>Tribal</u>	<u>Individual</u>	<u>Govt.</u>	<u>Total</u>
Agua Caliente Reservation	2,873.57	19,917.48	-	22,791.05
Alturas Rancheria	20.00	-	-	20.00
Auburn Rancheria	-	-	-	-
Augustine Reservation	341.80	160.49	-	502.29
Barona Reservation	5,903.52	-	-	5,903.52
Benton Paiute Reservation	160.00	-	-	160.00
Berry Creek Rancheria	65.04	-	-	65.04
Big Lagoon Rancheria	20.70	-	-	20.70
Big Pine Reservation	279.00	-	-	279.00
Big Sandy Rancheria	76.56	52.27	-	128.83
Big Valley Rancheria	38.52	14.52	-	53.04
Bishop Reservation	875.00	-	-	875.00
Blue Lake Rancheria	-	9.40	-	9.40
Bridgeport Reservation	40.00	-	-	40.00
Buena Vista Rancheria	-	-	-	-
Cabazon Reservation	953.52	426.76	-	1,382.28
Cahuilla Reservation	18,884.26	-	-	18,884.26
Campo Reservation	15,480.28	-	-	15,480.28
Capitan Grande Reservation	15,753.40	-	-	15,753.40
Cedarville Rancheria	17.00	-	-	17.00
Chicken Ranch Rancheria	2.85	-	-	2.85
Chico Rancheria	-	-	-	-
Cloverdale Rancheria	-	-	-	-
Cold Springs Rancheria	154.65	-	-	154.65
Colusa Rancheria	273.22	-	-	273.22
Cortina Rancheria	640.00	-	-	640.00
Coyote Valley Reservation	57.76	-	-	57.76
Cuyapaipe Reservation	4,102.73	-	-	4,102.73
Dry Creek Rancheria	75.00	-	-	75.00
Elk Valley Rancheria	-	21.72	-	21.72
Enterprise Rancheria	40.00	-	-	40.00
Fort Bidwell Reservation	3,304.40	-	-	3,304.40
Ft. Independence Reservation	233.85	113.34	5.25	352.24
Greenville Rancheria	-	1.80	-	1.80
Grindstone Rancheria	100.03	-	-	100.03
Guidiville Rancheria	-	2.25	-	2.25
Hoopla Valley Reservation	85,502.18	1,301.61	-	86,803.79
Hopland Reservation	56.90	56.30	-	113.20
Inaja-Cosmit Reservation	851.81	-	-	851.81
Ione Band	-	-	-	-
Jackson Rancheria	330.66	-	-	330.66
Jamul	6.03	-	-	6.03

<u>Rancheria/Reservation</u>	<u>Tribal</u>	<u>Individual</u>	<u>Govt.</u>	<u>Total</u>
Karuk Tribe of California	279.56	-	-	279.56
Karuk (Orleans)	6.62	-	-	6.62
La Jolla Reservation	7,957.31	583.94	-	8,541.25
La Posta Reservation	3,556.49	-	-	3,556.49
Laytonville Rancheria	200.00	-	-	200.00
Lone Pine Reservation	237.00	-	-	237.00
Los Coyotes Reservation	25,049.63	-	-	25,049.63
Lytton Rancheria	-	-	-	-
Manchester-Point Arena Rancheria	363.09	-	-	363.09
Manzanita Reservation	3,579.38	-	-	3,579.38
Mesa Grande Reservation	920.00	-	-	920.00
Middletown Rancheria	108.70	-	-	108.70
Mooretown Rancheria	34.76	19.69	-	54.45
Morongo Reservation	31,075.47	1,286.35	-	32,361.82
North Fork Rancheria	-	80.00	-	80.00
Pala Reservation	10,754.77	1,138.05	-	11,892.82
Paskenta Rancheria	-	-	-	-
Pauma-Yuima Reservation	5,877.25	-	-	5,877.25
Pechanga Reservation	3,163.42	1,233.02	-	4,396.44
Picayunc Rancheria	-	28.76	-	28.76
Pinoleville Rancheria	2.84	18.42	-	21.26
Pit River Tribe:				
Big Bend Rancheria	40.00	-	-	40.00
Burney Tract	79.00	-	-	79.00
Likely Rancheria (cemetery)	1.32	-	-	1.32
Lookout Rancheria	40.00	-	-	40.00
Montgomery Creek Rancheria	108.44	-	-	108.44
Roaring Creek Rancheria	80.00	-	-	80.00
XL Ranch Reservation	9,406.54	-	-	9,406.54
Potter Valley Rancheria	-	-	-	-
Public Domain/Other:				
Central Calif. Agency	-	7,487.79	-	7,487.79
Northern Calif. Agency	-	10,924.59	-	10,924.59
Southern Calif. Agency	-	1,621.66	-	1,621.66
Quartz Valley Reservation	-	24.02	-	24.02
Ramona Reservation	560.00	-	-	560.00
Redding Rancheria	3.33	8.76	-	12.09
Redwood Valley Rancheria	159.61	14.70	-	174.31
Resighini Rancheria	228.13	-	-	228.13
Rincon Reservation	3,932.04	337.48	-	4,269.52
Robinson Rancheria	123.09	9.94	-	133.03
Rohnerville Rancheria	60.00	2.16	-	62.16
Round Valley Reservation	26,094.50	5,612.34	-	31,706.84
Rumsey Rancheria	185.43	-	-	185.43
San Manuel Reservation	698.88	-	-	698.88
San Pasqual Reservation	1,379.58	-	-	1,379.58
Santa Rosa Rancheria	170.00	-	-	170.00

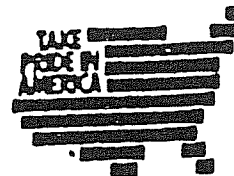
Rancheria/Reservation	Tribal	Individual	Govt.	Total
Santa Rosa Reservation	11,092.60	-	-	11,092.60
Santa Ynez Reservation	126.63	-	-	126.63
Santa Ysabel Reservation	15,526.78	-	-	15,526.78
Scotts Valley Rancheria	-	.79	-	.79
Sheep Ranch Rancheria	-	.92	-	.92
Sherman School Cemetery	-	-	.27	.27
Sherwood Valley Rancheria	349.97	-	-	349.97
Shingle Springs Rancheria	160.00	-	-	160.00
Smith River Rancheria	32.54	48.70	-	81.24
Soboba Reservation	5,915.68	-	-	5,915.68
Stewarts Point Rancheria	40.00	-	-	40.00
Sulphur Bank Rancheria	50.00	-	-	50.00
Susanville Rancheria	150.53	-	-	150.53
Sycuan Reservation	379.54	260.46	-	640.00
Table Bluff Rancheria	102.00	-	-	102.00
Table Mountain Rancheria	19.30	41.63	-	60.93
Timbisha Shoshone	-	-	-	-
Torres-Martinez Reservation	18,223.16	5,699.85	-	23,923.01
Toyon Facility	-	-	61.00	61.00
Trinidad Rancheria	49.72	-	-	49.72
Tule River Reservation	55,395.93	-	-	55,395.93
Tuolumne Rancheria	335.77	-	-	335.77
Twenty-Nine Palms Reservation	402.13	-	-	402.13
Upper Lake Rancheria	-	19.48	-	19.48
Viejas Reservation	1,609.00	-	-	1,609.00
Yokayo Ranch	-	-	.50	.50
Yurok Tribe of California	1,141.28	4,268.22	1.00	5,410.50
TOTALS	405,132.98	62,851.66	67.32	468,052.46



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Sacramento Area Office
2800 Cottage Way
Sacramento, California 95825



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CALIFORNIA INDIAN
LEGAL SERVICES - OAKLAND

California Indian Legal Services
EUREKA

Chairperson

[REDACTED]

Dear [REDACTED]

This is to confirm both previous and recent telephone conversations with you regarding the proposed trust acquisition of approximately 60 acres which were purchased with HUD grant funds.

For several years now, it has been necessary to seek "preliminary" approval for any off-reservation trust land acquisitions from the Assistant Secretary-Indian Affairs. It was deemed necessary by the Secretary of the Interior to provide for other than Area Office evaluation to assure that the exercise of the discretionary authority to accept lands in trust remains consistent with existing policy and applicable laws and regulations. As you are aware, off-reservation land acquisitions are quite controversial regardless of the proposed land use, and each proposal is subject to scrutiny.

As you were previously advised, unfortunately, obtaining approval for off-reservation land acquisitions very often takes a year or longer. The process includes an in-depth Area level review for compliance with Federal statutes or regulations, including the National Environmental Policy Act and related statutes or regulations. Once Area Office review is completed, the proposal is then forwarded to the Office of the Solicitor at the local level for legal review. If the Regional Solicitor deems the proposal is acceptable under the land acquisition standards of the Department of Justice and all other applicable policies, statutes, or regulations, then the proposal goes to the Assistant Secretary for review and preliminary approval.

Much of the delay in processing is due in large part to limited staffing and other work priorities. This problem exists at every level, including within the Office of the Solicitor. We currently have only one Realty Officer and one Realty Specialist in the Area Office who are charged with reviewing or processing all forms of realty transactions plus gaming contracts and all their related activities. We are in the process of advertising for an additional Realty Specialist, a position which has been vacant for over two years due to reclassification. Hopefully, we will be obtaining some relief in the near future.

Due to the backlog, we do advise the Agency staff to inform all off-reservation land acquisition applicants to anticipate a one to two-year time frame for processing, and we advise that each applicant should be told to anticipate having to continue to pay taxes during that period.

Your proposal has just been submitted to the Office of the Solicitor, and we anticipate completion of their review within 3 - 4 weeks. If the proposal is sufficient, it will be returned to this office and subsequently sent to the Assistant Secretary. If there are any needed corrections, or if further information is required, there will be an additional delay. We will, however, make every effort to keep any additional time frame to a minimum.

Our Central Office staff are well aware of the complaints expressed for the delay in processing at the Central Office level. In order to help alleviate part of the problem, they have requested uniform submission of all off-reservation proposals. Enclosed is a copy of the sample format memorandum. Please note that each Area Director is being required to attest to the fact that the proposed transaction is in compliance with all applicable policies, regulations and statutes.

We do apologize for the delay, however, please be assured that we are making every effort to make sure that your proposal will receive the necessary approval of the Assistant Secretary. Please feel free to contact this office if you have any questions regarding the subject proposal or the processing of land acquisitions.

Sincerely,

/s/ Michael R. Smith

Acting Area Director

Enclosure

cc: Superintendent, NCA
Bob Barth, CDBG Mgr., HUD
Marilyn Miles, CILS
(All w/enclosure)

SAMPLE MEMO FORMAT

Memorandum

To: Assistant Secretary - Indian Affairs
From: _____ Area Director
Subject: Off-Reservation Fee-To-Trust Acquisition

The first paragraph must include reference to resolution (number, date, legal description, tribe's request and justification for trust status, etc.). The property shall be legally described in narrative form. The distance from the closest tribally-owned land and/or reservation will be noted. (If a plat helps in defining location, please attach.)

The second paragraph must include quotation of statutory authority which allows this transaction; as well as, the applicable part and subchapter of the Code of Federal Regulations (CFR) which permits the Bureau of Indian Affairs (BIA) to process the transaction. Elaboration of the tribe's governmental organization, land acquisition program, etc. may be included in this paragraph.

The third paragraph must specifically address all factors in Title 25 CFR 151.10, with exception of (a) - addressed in second paragraph and (d) - (applicable for individual).

(b) NEED...present land base of tribe; why does the tribe need this additional land; why is trust status needed; (Note: this area is crucial in determining if the request should be authorized.)

(c) PURPOSE...what is the intended use of the land;

(e) IMPACT...date of notice(s) to local government(s); describe all response(s) received or state none received; determine and state impacts on local government(s) resulting from removal of the land from tax rolls;

(f) PROBLEMS/CONFLICTS...state any jurisdiction problems and potential conflicts of land use which may arise;

(g) RESPONSIBILITIES...state the extent which the agency/area will be impacted by this addition and elaborate on added responsibilities;

The fourth paragraph must state compliance with the National Environmental Protection Act (NEPA). Reference must be made as to what documents are in the file to show compliance was met. (Note:

even though the transaction meets a categorical exclusion, an Exception Review Checklist must be made a part of the case file.) In this paragraph, reference should be made to the Hazardous Substance Survey Checklist.

The fifth paragraph must state compliance with the National Historical Preservation Act as well as the Endangered Species Act.

A sixth paragraph may be added if the acquisition is for gaming purposes. Indicate what documentation is on file to show that compliance with Section 20 of the Indian Gaming Regulatory Act has been met.

The last paragraph must state the Superintendent's recommendation for the transaction. In the case of contracts/self-governance, the recommendation of the delegated official must be included. The Area Director's recommendation must be stated. This paragraph shall include a statement as follows:

I attest that I have reviewed this transaction and the case file is documented and in compliance with all of the above-stated regulations and facts. I further state that I will not approve this transaction until I have received satisfactory title evidence in accordance with Title 25, CFR 151.12.

The memorandum shall conclude with the following closure:

ATTEST:

Area Director

Date

CONCURRENCE:

Director, Office of Trust and
Economic Development

Date

CONCURRENCE:

Assistant Secretary - Indian Affairs

Date

BUREAU OF INDIAN AFFAIRS
SACRAMENTO AREA OFFICE
FEE-TO-TRUST LAND TRANSACTIONS
NOVEMBER 15, 1996

NOV 27 1996
CALIFORNIA INDIAN
LEGAL SERVICES-DAKIANG

SUMMARY OF ACTIONS - STATE OF CALIFORNIA

NAME (LAND COUNTY) (IES) 1	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO *ACREAGE
AGUA CALIENTE RESERVATION [RIVERSIDE COUNTY] 1992-1995 TOTALS	<u>2* 40.35</u> <u>2* 40.35</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>3* 51.02</u> <u>3* 51.02</u>	<u>1* 79.96</u> <u>1* 79.96</u>	<u>6* 171.33</u> <u>6* 171.33</u>
NOTE: FEE-TO-TRUST DEED APPROVED 11/16/92 FOR ANTHONY A WELMAS AKA ANTHONY ALBERT LOPEZ. PS-99 ON 07/28/94. THIS PROPERTY WAS SUBSEQUENTLY TRANSFERRED TO THE USA IN TRUST FOR THE AGUA CALIENTE BAND OF CAHUILLA INDIANS					
BERRY CREEK RANCHERIA [BUTTE COUNTY] 1992-1995 TOTALS	<u>1* 3.00</u> <u>1* 3.00</u>	<u>1* 18.50</u> <u>1* 18.50</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>2* 21.50</u> <u>2* 21.50</u>
BIG LAGOON RANCHERIA [HUMBOLDT COUNTY] 1992-1995 TOTALS	<u>0* 0.00</u> <u>0* 0.00</u>	<u>3* 16.01</u> <u>3* 16.01</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>3* 16.01</u> <u>3* 16.01</u>
BIG PINE RESERVATION [INYO COUNTY] 1992-1995 TOTALS	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 0.75</u> <u>1* 0.75</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 0.75</u> <u>1* 0.75</u>
BIG SANDY RANCHERIA [FRESNO COUNTY] 1992-1995 TOTALS	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 3.42</u> <u>1* 3.42</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 3.42</u> <u>1* 3.42</u>
BIG VALLEY RANCHERIA [LAKE COUNTY] 1992-1995 TOTALS	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>3* 1.19</u> <u>3* 1.19</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>3* 1.19</u> <u>3* 1.19</u>
BLUE LAKE RANCHERIA [HUMBOLDT COUNTY] 1992-1995 TOTALS	<u>3* 10.45</u> <u>3* 10.45</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>6* 3.40</u> <u>6* 3.40</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>9* 13.85</u> <u>9* 13.85</u>
BUENA VISTA RANCHERIA [AMADOR COUNTY] 1992-1995 TOTALS	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 70.00</u> <u>1* 70.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 70.00</u> <u>1* 70.00</u>
CHICKEN RANCH RANCHERIA [TUOLUMNE COUNTY] 1992-1995 TOTALS	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 47.25</u> <u>1* 47.25</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 47.25</u> <u>1* 47.25</u>
CHICO RANCHERIA [SUTTER COUNTY] 1996 TOTALS	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 248.00</u> <u>1* 248.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>1* 248.00</u> <u>1* 248.00</u>
CLOVERDALE RANCHERIA [SONOMA COUNTY] 1992-1995 TOTALS	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>0* 0.00</u> <u>0* 0.00</u>	<u>2* 13.07</u> <u>2* 13.07</u>	<u>2* 13.07</u> <u>2* 13.07</u>

NAME (LAND COUNTY) (LES)	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE
QUIYAPAIPE RESERVATION [SAN DIEGO COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	1* 1.43 1* 1.43	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 1.43 1* 1.43
ELK VALLEY RANCHERIA [DEL NORTE COUNTY] 1992-1995 TOTALS	2* 4.79 2* 4.79	0* 0.00 0* 0.00	2* 5.17 2* 5.17	2* 4.64 2* 4.64	6* 14.60 6* 14.60
GREENVILLE RANCHERIA [TEHAMA COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	1* 51.00 1* 51.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 51.00 1* 51.00
GRINDSTONE RANCHERIA [GLENN COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	2* 40.00 2* 40.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	2* 40.00 2* 40.00
GUIDIVILLE RANCHERIA [MENDOCINO COUNTY] 1992-1995 1996 TOTALS	0* 0.00 0* 0.00 0* 0.00	0* 0.00 1* 42.00 1* 42.00	0* 0.00 0* 0.00 0* 0.00	1* 2.25 0* 0.00 1* 2.25	1* 2.25 1* 42.00 2* 44.25
HOOPA VALLEY RESERVATION [HUMBOLDT COUNTY] 1992-1995 TOTALS	42* 475.09 42* 475.09	1* 80.00 1* 80.00	22* 144.30 22* 144.30	0* 0.00 0* 0.00	65* 699.39 65* 699.39
HOPLAND RESERVATION [MENDOCINO COUNTY] 1992-1995 TOTALS - MENDOCINO COUNTY	0* 0.00 0* 0.00	0* 0.00 0* 0.00	2* 21.29 2* 21.29	0* 0.00 0* 0.00	2* 21.29 2* 21.29
[SONOMA COUNTY] 1996 TOTALS - SONOMA COUNTY	0* 0.00 0* 0.00	1* 321.80 1* 321.80	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 321.80 1* 321.80
TOTALS - MENDOCINO COUNTY TOTALS - SONOMA COUNTY GRAND TOTALS	0* 0.00 0* 0.00 0* 0.00	0* 0.00 1* 321.80 1* 321.80	2* 21.29 0* 0.00 2* 21.29	0* 0.00 0* 0.00 0* 0.00	2* 21.29 1* 321.80 3* 343.09
KARUK TRIBE OF CALIFORNIA [SISKIYOU COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	10* 148.60 10* 148.60	0* 0.00 0* 0.00	2* 6.20 2* 6.20	12* 154.80 12* 154.80
LA JOLLA RESERVATION [SAN DIEGO COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 5.42 1* 5.42	0* 0.00 0* 0.00	1* 5.42 1* 5.42
MOORETOWN RANCHERIA [BUTTE COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	1* 34.76 1* 34.76	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 34.76 1* 34.76

NAME (AND COUNTY(IES))	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE
MOPONGO RESERVATION (RIVERSIDE COUNTY) 1992-1995	0" 0.00	0" 0.00	1" 1.73	0" 0.00	1" 1.73
TOTALS	0" 0.00	0" 0.00	1" 1.73	0" 0.00	1" 1.73
PALA RESERVATION (SAN DIEGO COUNTY) 1992-1995 (1 APPLICATION)	0" 20.55	1" 160.00	0" 0.00	0" 0.00	1" 180.55
NOTE: THIS TRIBAL-ON AND TRIBAL-OFF APPLICATION IS BEING COUNTED, FOR REPORTING PURPOSES ONLY, AS A TRIBAL-OFF CASE; HOWEVER, THE TRUE ACREAGES ARE BEING SHOWN IN THE TRIBAL-ON AND TRIBAL-OFF CATEGORIES					
1992-1995	3" 41.14	0" 0.00	0" 0.00	0" 0.00	3" 41.14
TOTALS	3" 61.69	1" 160.00	0" 0.00	0" 0.00	4" 221.69
PECHANGA RESERVATION (RIVERSIDE COUNTY) 1992-1995	0" 0.00	0" 0.00	0" 0.00	1" 17.97	1" 17.97
TOTALS	0" 0.00	0" 0.00	0" 0.00	1" 17.97	1" 17.97
PICAYUNE RANCHERIA (MADERA COUNTY) 1992-1995	0" 0.00	1" 77.00	0" 0.00	1" 120.00	2" 197.00
TOTALS	0" 0.00	1" 77.00	0" 0.00	1" 120.00	2" 197.00
PINOLEVILLE RANCHERIA (MENDOCINO COUNTY) 1992-1995	0" 0.00	0" 0.00	0" 0.00	1" 0.50	1" 0.50
TOTALS	0" 0.00	0" 0.00	0" 0.00	1" 0.50	1" 0.50
PIT RIVER TRIBE OF CALIFORNIA (SHASTA COUNTY) 1992-1995	0" 0.00	0" 0.00	0" 0.00	2" 14.20	2" 14.20
TOTALS	0" 0.00	0" 0.00	0" 0.00	2" 14.20	2" 14.20
PUBLIC DOMAIN (MODOC COUNTY) 1992-1995	0" 0.00	0" 0.00	0" 0.00	2" 160.00	2" 160.00
TOTALS	0" 0.00	0" 0.00	0" 0.00	2" 160.00	2" 160.00
QJARTZ VALLEY RESERVATION (SISKIYOU COUNTY) 1992-1995	8" 27.58	7" 106.09	2" 11.40	0" 0.00	17" 145.07
TOTALS	8" 27.58	7" 106.09	2" 11.40	0" 0.00	17" 145.07
REDDING RANCHERIA (SHASTA COUNTY) 1992-1995	4" 1.70	2" UNKNOWN	3" 40.00	0" 0.00	9" 41.70
TOTALS	4" 1.70	2" UNKNOWN	3" 40.00	0" 0.00	9" 41.70
REDWOOD VALLEY RANCHERIA (MENDOCINO COUNTY) 1992-1995	0" 0.00	0" 0.00	1" 1.90	0" 0.00	1" 1.90
TOTALS	0" 0.00	0" 0.00	1" 1.90	0" 0.00	1" 1.90
RESIGHINI RANCHERIA (DEL NORTE COUNTY) 1992-1995	1" 77.62	0" 0.00	0" 0.00	0" 0.00	1" 77.62
TOTALS	1" 77.62	0" 0.00	0" 0.00	0" 0.00	1" 77.62

NAME (LAND COUNTY) (IES) 1	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO. *ACREAGE
ROBINSON RANCHERIA [LAKE COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	1* 20.00 1* 20.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 20.00 1* 20.00
POHNERVILLE RANCHERIA [HUMBOLDT COUNTY] 1992-1995 TOTALS	1* 59.98 1* 59.98	0* 0.00 0* 0.00	4* 2.93 4* 2.93	0* 0.00 0* 0.00	5* 62.91 5* 62.91
SAN MANUEL RESEPVATION [SAN BERNARDINO COUNTY] 1992-1995 1996 TOTALS	0* 0.00 0* 0.00 0* 0.00	3* 62.18 4* 100.06 7* 162.24	0* 0.00 0* 0.00 0* 0.00	0* 0.00 0* 0.00 0* 0.00	3* 62.18 4* 100.06 7* 162.24
SANTA ROSA RANCHERIA [KINGS COUNTY] 1992-1995 TOTALS	1* 1.44 1* 1.44	1* 20.00 1* 20.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	2* 21.44 2* 21.44
SANTA YNEZ RESERVATION [SANTA BARBARA COUNTY] 1992-1995 TOTALS	1* 8.00 1* 8.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 8.00 1* 8.00
SCOTTS VALLEY RANCHERIA [LAKE COUNTY] 1992-1995 1996 TOTALS	0* 0.00 0* 0.00 0* 0.00	0* 0.00 0* 0.00 0* 0.00	0* 0.00 0* 0.00 0* 0.00	1* 0.79 1* 0.50 2* 1.29	1* 0.79 1* 0.50 2* 1.29
SMITH RIVER RANCHERIA [DEL NORTE COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	1* 1.50 1* 1.50	6* 9.65 6* 9.65	2* 7.55 2* 7.55	9* 18.70 9* 18.70
SUSANVILLE RANCHERIA [LASSEN COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	1* 80.00 1* 80.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 80.00 1* 80.00
SYCUAN RESERVATION [SAN DIEGO COUNTY] 1992-1995 TOTALS	0* 0.00 0* 0.00	2* 77.59 2* 77.59	0* 0.00 0* 0.00	0* 0.00 0* 0.00	2* 77.59 2* 77.59
TABLE MOUNTAIN RANCHERIA [FRESNO COUNTY] 1992-1995 TOTALS	0* 7.76 0* 7.76	1* 68.24 1* 68.24	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 76.00 1* 76.00
TRINIDAD RANCHERIA [HUMBOLDT COUNTY] 1992-1995 TOTALS	5* 20.87 5* 20.87	0* 0.00 0* 0.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	5* 20.87 5* 20.87

NOTE: THIS TRIBAL-ON AND TRIBAL-OFF APPLICATION IS BEING COUNTED, FOR REPORTING PURPOSES ONLY, AS A TRIBAL-OFF CASE; HOWEVER, THE TRUE ACREAGES ARE BEING SHOWN IN THE TRIBAL-ON AND TRIBAL-OFF CATEGORIES

NAME LAND COUNTY(LIES)1	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE
TULE RIVER RESERVATION (TULARE COUNTY) 1992-1995 TOTALS	0* 0.00 0* 0.00	1* 39.93 1* 39.93	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 39.93 1* 39.93
UPPER LAKE PANCHEPIA (LAKE COUNTY) 1992-1995 TOTALS	0* 0.00 0* 0.00	0* 0.00 0* 0.00	0* 0.00 0* 0.00	1* 1.83 1* 1.83	1* 1.83 1* 1.83
YUPOK TRIBE OF CALIFORNIA (DEL NORTE COUNTY) 1992-1995 1996 TOTALS - DEL NORTE COUNTY	0* 0.00 0* 0.00 0* 0.00	0* 0.00 0* 0.00 0* 0.00	7* 67.60 2* 50.00 9* 117.60	1* 55.00 0* 0.00 1* 55.00	8* 122.60 2* 50.00 10* 172.60
(HUMBOLDT COUNTY) 1992-1995 TOTALS - HUMBOLDT COUNTY	0* 0.00 0* 0.00	0* 0.00 0* 0.00	5* 118.14 5* 118.14	0* 0.00 0* 0.00	5* 118.14 5* 118.14
TOTALS - DEL NORTE COUNTY TOTALS - HUMBOLDT COUNTY GRAND TOTALS	0* 0.00 0* 0.00 0* 0.00	0* 0.00 0* 0.00 0* 0.00	9* 117.60 5* 118.14 14* 235.74	1* 55.00 0* 0.00 1* 55.00	10* 172.60 5* 118.14 15* 290.74
GRAND TOTAL - ALL TRIBES	74* 800.32	52* 1932.69	71* 538.56	21* 484.46	218* 3,756.03

RESERVATION/RANCHERIA/TRIBAL SUMMARY OF ACTIONS [1992-1995 CASES] - STATE OF CALIFORNIA

RESERVATION/RANCHERIA/TRIBE	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS					
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE					
AGUA CALIENTE RESERVATION	2*	40.35	0*	0.00	3*	51.02	1*	79.96	6*	171.33
BERRY CREEK RANCHERIA	1*	3.00	1*	18.50	0*	0.00	0*	0.00	2*	21.50
BIG LAGOON RANCHERIA	0*	0.00	3*	16.01	0*	0.00	0*	0.00	3*	16.01
BIG PINE RESERVATION	0*	0.00	1*	0.75	0*	0.00	0*	0.00	1*	0.75
BIG SANDY RANCHERIA	0*	0.00	0*	0.00	1*	3.42	0*	0.00	1*	3.42
BIG VALLEY RANCHERIA	0*	0.00	0*	0.00	3*	1.19	0*	0.00	3*	1.19
BLUE LAKE RANCHERIA	3*	10.45	0*	0.00	6*	3.40	0*	0.00	9*	13.85
BUENA VISTA RANCHERIA	0*	0.00	1*	70.00	0*	0.00	0*	0.00	1*	70.00
CHICKEN RANCH RANCHERIA	0*	0.00	1*	47.25	0*	0.00	0*	0.00	1*	47.25
CLOVERDALE RANCHERIA	0*	0.00	0*	0.00	0*	0.00	2*	13.07	2*	13.07
CUYAPAPE RESERVATION	0*	0.00	1*	1.43	0*	0.00	0*	0.00	1*	1.43
ELK VALLEY RANCHERIA	2*	4.79	0*	0.00	2*	5.17	2*	4.64	6*	14.60
GREENVILLE RANCHERIA	0*	0.00	1*	51.00	0*	0.00	0*	0.00	1*	51.00
GRINDSTONE RANCHERIA	0*	0.00	2*	40.00	0*	0.00	0*	0.00	2*	40.00
GUIDIVILLE RANCHERIA	0*	0.00	0*	0.00	0*	0.00	1*	2.25	1*	2.25
HOOPA VALLEY RESERVATION	42*	475.09	1*	80.00	22*	144.30	0*	0.00	65*	699.39
HOPLAND RESERVATION	0*	0.00	0*	0.80	2*	21.29	0*	0.00	2*	21.29
KARUK TRIBE OF CALIFORNIA	0*	0.00	10*	148.60	0*	0.00	2*	6.20	12*	154.80
LA JOLLA RESERVATION	0*	0.00	0*	0.00	1*	5.42	0*	0.00	1*	5.42
MOORETOWN RANCHERIA	0*	0.00	1*	34.76	0*	0.00	0*	0.00	1*	34.76
MORONGO RESERVATION	0*	0.00	0*	0.00	1*	1.73	0*	0.00	1*	1.73
PALA RESERVATION	3*	61.69	1*	160.00	0*	0.00	0*	0.00	4*	221.69
PECHANGA RESERVATION	0*	0.00	0*	0.00	0*	0.00	1*	17.97	1*	17.97
PICAYUNE RANCHERIA	0*	0.00	1*	77.00	0*	0.00	1*	120.00	2*	197.00
PINOLEVILLE RANCHERIA	0*	0.00	0*	0.00	0*	0.00	1*	0.50	1*	0.50
PIT RIVER TRIBE OF CALIFORNIA	0*	0.00	0*	0.00	0*	0.00	2*	14.20	2*	14.20
PUBLIC DOMAIN - MODOC COUNTY	0*	0.00	0*	0.00	0*	0.00	2*	160.00	2*	160.00
QUARTZ VALLEY RESERVATION	8*	27.58	7*	106.09	2*	11.40	0*	0.00	17*	145.07
REDDING RANCHERIA	4*	1.70	2*	UNKNOWN	3*	40.00	0*	0.00	9*	41.70
REDWOOD VALLEY RANCHERIA	0*	0.00	0*	0.00	1*	1.90	0*	0.00	1*	1.90
RESIGHINI RANCHERIA	1*	77.62	0*	0.00	0*	0.00	0*	0.00	1*	77.62
ROBINSON RANCHERIA	0*	0.00	1*	20.00	0*	0.00	0*	0.00	1*	20.00
ROHNERVILLE RANCHERIA	1*	59.98	0*	0.00	4*	2.93	0*	0.00	5*	62.91
SAN MANUEL RESERVATION	0*	0.00	3*	62.18	0*	0.00	0*	0.00	3*	62.18
SANTA ROSA RANCHERIA	1*	1.44	1*	20.00	0*	0.00	0*	0.00	2*	21.44
SANTA YNEZ RESERVATION	1*	8.00	0*	0.00	0*	0.00	0*	0.00	1*	8.00
SCOTT'S VALLEY RANCHERIA	0*	0.00	0*	0.00	0*	0.00	1*	0.79	1*	0.79
SMITH RIVER RANCHERIA	0*	0.00	1*	1.50	6*	9.65	3*	7.55	9*	18.70
SUSANVILLE RANCHERIA	0*	0.00	1*	80.00	0*	0.00	0*	0.00	1*	80.00
SYCUAN RESERVATION	0*	0.00	2*	77.59	0*	0.00	0*	0.00	2*	77.59
TABLE MOUNTAIN RANCHERIA	0*	7.76	1*	68.24	0*	0.00	0*	0.00	1*	76.00
TRINIDAD RANCHERIA	5*	20.87	0*	0.00	0*	0.00	0*	0.00	5*	20.87
TULE RIVER RESERVATION	0*	0.00	1*	39.93	0*	0.00	0*	0.00	1*	39.93
UPPER LAKE RANCHERIA	0*	0.00	0*	0.00	0*	0.00	1*	1.83	1*	1.83
YUROC TRIBE OF CALIFORNIA	0*	0.00	0*	0.00	12*	185.74	1*	55.00	13*	240.74
GRAND TOTAL--RESERVATION/RANCHERIA/ TRIBAL SUMMARY	74*	800.32	45*	1220.83	69*	488.56	20*	483.96	208*	2,993.67

RESERVATION/RANCHERIA/TRIBAL SUMMARY OF ACTIONS [1996 CASES] - STATE OF CALIFORNIA

RESERVATION/RANCHERIA/TRIBE	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS					
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE					
CHICO RANCHERIA	0*	0.00	1*	248.00	0*	0.00	0*	0.00	1*	248.00
GUIDIVILLE RANCHERIA	0*	0.00	1*	42.00	0*	0.00	0*	0.00	1*	42.00
HOPLAND RESERVATION	0*	0.00	1*	321.80	0*	0.00	0*	0.00	1*	321.80
SAN MANUEL RESERVATION	0*	0.00	4*	100.06	0*	0.00	0*	0.00	4*	100.06
SCOTT'S VALLEY RANCHERIA	0*	0.00	0*	0.00	0*	0.00	1*	0.50	1*	0.50
YUROC TRIBE OF CALIFORNIA	0*	0.00	0*	0.00	2*	50.00	0*	0.00	2*	50.00
GRAND TOTAL--RESERVATION/RANCHERIA/ TRIBAL SUMMARY	0*	0.00	7*	711.86	2*	50.00	1*	0.50	10*	762.36

RESERVATION/RANCHERIA/TRIBAL SUMMARY OF ACTIONS [ALL CASES] - STATE OF CALIFORNIA

RESERVATION/RANCHERIA/TRIBE	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE
[1992-1995 CASES]	74* 800.32	45*1220.83	69* 488.56	20* 483.96	208*2.993.67
[1996 CASES]	0* 0.00	7* 711.86	2* 50.00	1* 0.50	10* 762.36
GRAND TOTAL--ALL CASES	<u>74* 800.32</u>	<u>52*1932.69</u>	<u>71* 538.56</u>	<u>21* 484.46</u>	<u>218*3.756.03</u>

SUMMARY OF ACTIONS - AGENCY SUMMARY OF RESERVATION/RANCHERIA/TRIBAL SUMMARY - STATE OF CALIFORNIA [1992-1995 CASES]

AGENCY	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE
NORTHERN CALIFORNIA AGENCY	66* 678.08	25* 432.20	57* 402.59	11* 247.59	159*1.760.46
CENTRAL CALIFORNIA AGENCY	2* 12.20	13* 487.43	7* 27.80	7* 138.44	29* 665.87
SOUTHERN CALIFORNIA AGENCY	4* 69.69	7* 301.20	2* 7.15	1* 17.97	14* 396.01
PALM SPRINGS FIELD OFFICE	2* 40.35	0* 0.00	3* 51.02	1* 79.96	6* 171.33
GRAND TOTAL	<u>74*800.32</u>	<u>45*1220.83</u>	<u>69* 488.56</u>	<u>20* 483.96</u>	<u>208*2.993.67</u>

SUMMARY OF ACTIONS - AGENCY SUMMARY OF RESERVATION/RANCHERIA/TRIBAL SUMMARY - STATE OF CALIFORNIA [1996 CASES]

AGENCY	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE
NORTHERN CALIFORNIA AGENCY	0* 0.00	0* 0.00	2* 50.00	0* 0.00	2* 50.00
CENTRAL CALIFORNIA AGENCY	0* 0.00	3* 611.80	0* 0.00	1* 0.50	4* 612.30
SOUTHERN CALIFORNIA AGENCY	0* 0.00	4* 100.06	0* 0.00	0* 0.00	4* 100.06
PALM SPRINGS FIELD OFFICE	0* 0.00	0* 0.00	0* 0.00	0* 0.00	0* 0.00
GRAND TOTAL	<u>0* 0.00</u>	<u>7* 711.86</u>	<u>2* 50.00</u>	<u>1* 0.50</u>	<u>10* 762.36</u>

SUMMARY OF ACTIONS - AGENCY SUMMARY OF RESERVATION/RANCHERIA/TRIBAL SUMMARY - STATE OF CALIFORNIA [ALL CASES]

AGENCY	TRIBAL LAND DATA		INDIVIDUAL LAND DATA		TOTALS
	ON*ACREAGE	OFF*ACREAGE	ON*ACREAGE	OFF*ACREAGE	NO.*ACREAGE
NORTHERN CALIFORNIA AGENCY	66* 678.08	25* 432.20	59* 452.59	11* 247.59	161*1.810.46
CENTRAL CALIFORNIA AGENCY	2* 12.20	16*1099.23	7* 27.80	8* 138.94	33*1.278.17
SOUTHERN CALIFORNIA AGENCY	4* 69.69	11* 401.26	2* 7.15	1* 17.97	18* 496.07
PALM SPRINGS FIELD OFFICE	2* 40.35	0* 0.00	3* 51.02	1* 79.96	6* 171.33
GRAND TOTAL--ALL CASES	<u>74* 800.32</u>	<u>52*1932.69</u>	<u>71* 538.56</u>	<u>21* 484.46</u>	<u>218*3.756.03</u>

SUMMARY OF ACTIONS FOR COUNTY DATA - STATE OF CALIFORNIA

<u>RANCHERIA/RESERVATION OR TRIBE</u>	<u>COUNTY</u>	<u>NUMBER OF APPLICATIONS</u>	<u>TOTAL ACREAGE</u>
BUENA VISTA RANCHERIA	AMADOR	1	70.00
BERRY CREEK RANCHERIA	BUTTE	2	21.50
MOOPETOWN RANCHERIA	BUTTE	1	34.76
TOTALS - BUTTE COUNTY		3	56.26
ELK VALLEY RANCHERIA	DEL NORTE	6	14.60
RESIGHINI RANCHERIA	DEL NORTE	1	77.62
SMITH RIVER RANCHERIA	DEL NORTE	9	18.70
YUROK TRIBE OF CALIFORNIA	DEL NORTE	10	172.60
TOTALS - DEL NORTE COUNTY		26	283.52
BIG SANDY RANCHERIA	FRESNO	1	3.42
TABLE MOUNTAIN RANCHERIA	FRESNO	1	76.00
TOTALS - FRESNO COUNTY		2	79.42
GRINDSTONE RANCHERIA	GLENN	2	40.00
BIG LAGOON RANCHERIA	HUMBOLDT	3	16.01
BLUE LAKE RANCHERIA	HUMBOLDT	9	13.85
HOOPA VALLEY RESERVATION	HUMBOLDT	65	699.39
ROHNERVILLE RANCHERIA	HUMBOLDT	5	62.91
TRINIDAD RANCHERIA	HUMBOLDT	5	20.87
YUROK TRIBE OF CALIFORNIA	HUMBOLDT	5	118.14
TOTALS - HUMBOLDT COUNTY		92	931.17
BIG PINE RESERVATION	INYO	1	0.75
SANTA ROSA RANCHERIA	KINGS	2	21.44
BIG VALLEY RANCHERIA	LAKE	3	1.19
ROBINSON RANCHERIA	LAKE	1	20.00
SCOTT'S VALLEY RANCHERIA	LAKE	2	1.29
UPPER LAKE RANCHERIA	LAKE	1	1.83
TOTALS - LAKE COUNTY		7	24.31
SUSANVILLE RANCHERIA	LASSEN	1	80.00
PICAYUNE RANCHERIA	MADERA	2	197.00
GUIDIVILLE RANCHERIA	MENDOCINO	2	44.25
HOPLAND RESERVATION	MENDOCINO	2	21.29
PINOLEVILLE RANCHERIA	MENDOCINO	1	0.50
REDWOOD VALLEY RANCHERIA	MENDOCINO	1	1.90
TOTALS - MENDOCINO COUNTY		6	67.94
PUBLIC DOMAIN	MODOC	2	160.00
AGUA CALIENTE RESERVATION	RIVERSIDE	6	171.33
MORONGO RESERVATION	RIVERSIDE	1	1.73
PECHANGA RESERVATION	RIVERSIDE	1	17.97
TOTALS - RIVERSIDE COUNTY		8	191.03
SAN MANUEL RESERVATION	SAN BERNARDINO	7	162.24
CUYAPAPE RESERVATION	SAN DIEGO	1	1.43
LA JOLLA RESERVATION	SAN DIEGO	1	5.42
PALA RESERVATION	SAN DIEGO	4	221.69
SYCUAN RESERVATION	SAN DIEGO	2	77.59
TOTALS - SAN DIEGO COUNTY		8	306.13

SUMMARY OF ACTIONS FOR COUNTY DATA - STATE OF CALIFORNIA

<u>RANCHERIA/RESERVATION OR TRIBE</u>	<u>COUNTY</u>	<u>NUMBER OF APPLICATIONS</u>	<u>TOTAL ACREAGE</u>
SANTA YNEZ RESERVATION	SANTA BARBARA	1	8.00
FIT RIVER TRIBE OF CALIFORNIA	SHASTA	2	14.20
PEDDING RANCHERIA	SHASTA	9	41.70
TOTALS - SHASTA COUNTY		11	55.90
KARUK TRIBE OF CALIFORNIA	SISKIYOU	12	154.80
QUARTZ VALLEY RESERVATION	SISKIYOU	17	145.07
TOTALS - SISKIYOU COUNTY		29	299.87
CLOVERDALE RANCHERIA	SONOMA	2	13.07
HOPLAND RESERVATION	SONOMA	1	321.80
TOTALS - SONOMA COUNTY		3	334.87
CHICO RANCHERIA	SUTTER	1	248.00
GREENVILLE RANCHERIA	TEHAMA	1	51.00
TULE RIVER RESERVATION	TULARE	1	39.93
CHICKEN RANCH RANCHERIA	TUOLUMNE	1	47.25

SUMMARY OF ACTIONS--COUNTY SUMMARY - STATE OF CALIFORNIA

<u>COUNTY</u>	<u>NUMBER OF APPLICATIONS</u>	<u>TOTAL ACREAGE</u>
AMADOR	1	70.00
BUTTE	3	56.26
DEL NORTE	26	283.52
FRESNO	2	79.42
GLENN	2	40.00
HUMBOLDT	92	931.17
INYO	1	0.75
KINGS	2	21.44
LAKE	7	24.31
LASSEN	1	80.00
MADERA	2	197.00
MENDOCINO	6	67.94
MODOC	2	160.00
RIVERSIDE	8	191.03
SAN BERNARDINO	7	162.24
SAN DIEGO	8	306.13
SANTA BARBARA	1	8.00
SHASTA	11	55.90
SISKIYOU	29	299.87
SONOMA	3	334.87
SUTTER	1	248.00
TEHAMA	1	51.00
TULARE	1	39.93
TUOLUMNE	1	47.25
GRAND TOTAL	218	3,756.03

AGENCY SUMMARY OF COUNTY DATA - STATE OF CALIFORNIA

<u>AGENCY</u>	<u>NUMBER OF APPLICATIONS</u>	<u>TOTAL ACREAGE</u>
NORTHERN CALIFORNIA AGENCY	161	1,810.46
CENTRAL CALIFORNIA AGENCY	33	1,278.17
SOUTHERN CALIFORNIA AGENCY	18	496.07
PALM SPRINGS FIELD OFFICE	6	171.33
GRAND TOTAL	218	3,756.03

SUMMARY OF ACTIONS--STATUS OF APPLICATIONS [1992-1995 CASES] - STATE OF CALIFORNIA

RESERVATION/RANCHERIA/TRIBE	NUMBER*ACREAGE			TOTAL
	PENDING	ACCEPTED	DENIED	
AGUA CALIENTE RESERVATION	1* 40.00	5* 131.33	0* 0.00	6* 171.33
BERRY CREEK RANCHERIA	2* 21.50	0* 0.00	0* 0.00	2* 21.50
BIG LAGOON RANCHERIA	2* 5.01	1* 11.00	0* 0.00	3* 16.01
BIG PINE RESERVATION	1* 0.75	0* 0.00	0* 0.00	1* 0.75
BIG SANDY RANCHERIA	1* 3.42	0* 0.00	0* 0.00	1* 3.42
BIG VALLEY RANCHERIA	3* 1.19	0* 0.00	0* 0.00	3* 1.19
BLUE LAKE RANCHERIA	9* 13.85	0* 0.00	0* 0.00	9* 13.85
BUENA VISTA RANCHERIA	1* 70.00	0* 0.00	0* 0.00	1* 70.00
CHICKEN RANCH RANCHERIA	1* 47.25	0* 0.00	0* 0.00	1* 47.25
CLOVERDALE RANCHERIA	2* 13.07	0* 0.00	0* 0.00	2* 13.07
CUYAIPAIE RESERVATION	1* 1.43	0* 0.00	0* 0.00	1* 1.43
ELK VALLEY RANCHERIA	5* 10.19	1* 4.41	0* 0.00	6* 14.60
GREENVILLE RANCHERIA	1* 51.00	0* 0.00	0* 0.00	1* 51.00
GRINDSTONE RANCHERIA	1* 20.00	1* 20.00	0* 0.00	2* 40.00
GUIDIVILLE RANCHERIA	0* 0.00	1* 2.25	0* 0.00	1* 2.25
HOOPA VALLEY RESERVATION	65* 699.39	0* 0.00	0* 0.00	65* 699.39
HOPLAND RESERVATION	2* 21.29	0* 0.00	0* 0.00	2* 21.29
KARUK TRIBE OF CALIFORNIA	8* 136.32	4* 18.48	0* 0.00	12* 154.80
LA JOLLA RESERVATION	1* 5.42	0* 0.00	0* 0.00	1* 5.42
MOORETOWN RANCHERIA	0* 0.00	1* 34.76	0* 0.00	1* 34.76
MORONGO RESERVATION	1* 1.73	0* 0.00	0* 0.00	1* 1.73
PALA RESERVATION	4* 221.69	0* 0.00	0* 0.00	4* 221.69
PECHANGA RESERVATION	0* 0.00	0* 0.00	1* 17.97	1* 17.97
PICAYUNE RANCHERIA	2* 197.00	0* 0.00	0* 0.00	2* 197.00
PINOLEVILLE RANCHERIA	1* 0.50	0* 0.00	0* 0.00	1* 0.50
PIT RIVER TRIBE OF CALIFORNIA	2* 14.20	0* 0.00	0* 0.00	2* 14.20
PUBLIC DOMAIN - MODOC COUNTY	2* 160.00	0* 0.00	0* 0.00	2* 160.00
QUAZRTZ VALLEY RESERVATION	17* 145.07	0* 0.00	0* 0.00	17* 145.07
REDDING RANCHERIA	9* 41.70	0* 0.00	0* 0.00	9* 41.70
REDWOOD VALLEY RANCHERIA	1* 1.90	0* 0.00	0* 0.00	1* 1.90
RESIGHINI RANCHERIA	1* 77.62	0* 0.00	0* 0.00	1* 77.62
ROBINSON RANCHERIA	0* 0.00	1* 20.00	0* 0.00	1* 20.00
ROHNERVILLE RANCHERIA	5* 62.91	0* 0.00	0* 0.00	5* 62.91
SAN MANUEL RESERVATION	2* 21.23	1* 40.95	0* 0.00	3* 62.18
SANTA ROSA RANCHERIA	2* 21.44	0* 0.00	0* 0.00	2* 21.44
SANTA YNEZ RESERVATION	1* 8.00	0* 0.00	0* 0.00	1* 8.00
SCOTTS VALLEY RANCHERIA	0* 0.00	1* 0.79	0* 0.00	1* 0.79
SMITH RIVER RANCHERIA	6* 8.16	3* 10.54	0* 0.00	9* 18.70
SUSANVILLE RANCHERIA	1* 80.00	0* 0.00	0* 0.00	1* 80.00
SYCUAN RESERVATION	0* 0.00	0* 0.00	2* 77.59	2* 77.59
TABLE MOUNTAIN RANCHERIA	1* 76.00	0* 0.00	0* 0.00	1* 76.00
TRINIDAD RANCHERIA	3* 14.77	2* 6.10	0* 0.00	5* 20.87
TULE RIVER RESERVATION	0* 0.00	1* 39.93	0* 0.00	1* 39.93
UPPER LAKE RANCHERIA	0* 0.00	0* 0.00	1* 1.83	1* 1.83
YUOK TRIBE OF CALIFORNIA	9* 164.65	4* 76.02	0* 0.00	13* 240.74
GRAND TOTAL	177* 2479.65	27* 416.63	4* 97.39	208* 2,993.67

SUMMARY OF ACTIONS--STATUS OF APPLICATIONS [1996 CASES] - STATE OF CALIFORNIA

RESERVATION/RANCHERIA/TRIBE	NUMBER*ACREAGE			TOTAL
	PENDING	ACCEPTED	DENIED	
CHICO RANCHERIA	1* 248.00	0* 0.00	0* 0.00	1* 248.00
GUIDIVILLE RANCHERIA	1* 42.00	0* 0.00	0* 0.00	1* 42.00
HOPLAND RESERVATION	1* 321.80	0* 0.00	0* 0.00	1* 321.80
SAN MANUEL RESERVATION	4* 100.06	0* 0.00	0* 0.00	4* 100.06
SCOTTS VALLEY RANCHERIA	1* 0.50	0* 0.00	0* 0.00	1* 0.50
YUOK TRIBE OF CALIFORNIA	2* 50.00	0* 0.00	0* 0.00	2* 50.00
GRAND TOTAL	10* 762.36	0* 0.00	0* 0.00	10* 762.36

SUMMARY OF ACTIONS--STATUS OF APPLICATIONS [ALL CASES] - STATE OF CALIFORNIA

RESERVATION/RANCHERIA/TRIBE	NUMBER*ACREAGE			TOTAL
	PENDING	ACCEPTED	DENIED	
[1992-1995 CASES]	177* 2479.65	27* 416.63	4* 97.39	208* 2,993.67
[1996 CASES]	10* 762.36	0* 0.00	0* 0.00	10* 762.36
GRAND TOTAL--ALL CASES	187* 3242.01	27* 416.63	4* 97.39	218* 3,756.03

SUMMARY OF ACTIONS--AGENCY SUMMARY OF STATUS OF APPLICATIONS - STATE OF CALIFORNIA
[1992-1995 CASES]

AGENCY	-----NUMBER*ACREAGE-----			TOTAL
	PENDING	ACCEPTED	DENIED	
NORTHERN CALIFORNIA AGENCY	144*1633.84	15* 126.62	0* 0.00	159*1.760.46
CENTRAL CALIFORNIA AGENCY	22* 546.31	6* 117.73	1* 1.83	29* 665.87
SOUTHERN CALIFORNIA AGENCY	10* 259.50	1* 40.95	3* 95.56	14* 396.01
PALM SPRINGS FIELD OFFICE	1* 40.00	5* 131.33	0* 0.00	6* 171.33
GRAND TOTAL	177*2479.65	27* 416.63	4* 97.39	208*2.993.67

SUMMARY OF ACTIONS--AGENCY SUMMARY OF STATUS OF APPLICATIONS - STATE OF CALIFORNIA
[1996 CASES]

AGENCY	-----NUMBER*ACREAGE-----			TOTAL
	PENDING	ACCEPTED	DENIED	
NORTHERN CALIFORNIA AGENCY	2* 50.00	0* 0.00	0* 0.00	2* 50.00
CENTRAL CALIFORNIA AGENCY	4* 612.30	0* 0.00	0* 0.00	4* 612.30
SOUTHERN CALIFORNIA AGENCY	4* 100.06	0* 0.00	0* 0.00	4* 100.06
PALM SPRINGS FIELD OFFICE	0* 0.00	0* 0.00	0* 0.00	0* 0.00
GRAND TOTAL	10* 762.36	0* 0.00	0* 0.00	10* 762.36

SUMMARY OF ACTIONS--AGENCY SUMMARY OF STATUS OF APPLICATIONS - STATE OF CALIFORNIA
[ALL CASES]

AGENCY	-----NUMBER*ACREAGE-----			TOTAL
	PENDING	ACCEPTED	DENIED	
NORTHERN CALIFORNIA AGENCY	146*1683.84	15* 126.62	0* 0.00	161*1.810.46
CENTRAL CALIFORNIA AGENCY	26*1158.61	6* 117.73	1* 1.83	33*1.278.17
SOUTHERN CALIFORNIA AGENCY	14* 359.56	1* 40.95	3* 95.56	18* 496.07
PALM SPRINGS FIELD OFFICE	1* 40.00	5* 131.33	0* 0.00	6* 171.33
GRAND TOTAL--ALL CASES	187*3242.01	27* 416.63	4* 97.39	218*3.756.03

DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE



1300 I STREET, SUITE 1
P.O. BOX 94425
SACRAMENTO, CA 94244-2550
(916) 445-9555

FACSIMILE: (916) 322-5609
(916) 324-5375

July 29, 1997

Via facsimile to (916)566-7510 and U.S. Mail

Mr. Harold M. Brafford, Superintendent
Bureau of Indian Affairs
Central California Agency
1824 Tribute Road, Suite J
Sacramento, California 95815-4308

Re: Big Valley Rancheria Tribal Members' Trust Land Acquisition Application:
Lorraine Cruz, Priscilla Ballente, Florence Rodriguez and Mary Cabello
(APN:-044-422-04)

Dear Mr. Brafford:

This responds to your June 4, 1997 letter to the Attorney General of California soliciting the Attorney General's comments on the United States' proposed acquisition in trust of certain land for the above members of the Big Valley Rancheria. Pursuant to our request, your office agreed to extend the comment time until today. We appreciate this opportunity to comment on the proposed acquisition.

A. The Secretary Has No Authority to Take Property Into Trust for Indians

The Attorney General objects to this notice of application to have property taken into trust due to the lack of authority of the Secretary of Interior to take property into trust for the benefit of Indians. Title 25 United States Code, section 465, pursuant to which the Secretary appears to act, is an unconstitutional delegation of legislative power. Absent Congressional action to circumscribe the apparently unlimited authority of the Secretary now set out in section 465, the Secretary cannot legally take property into trust for any Indians or Indian tribes.

In addition to the above objection to any actions by the Secretary to take property into trust for Indians, we offer the following comments to this particular acquisition request.

Mr. Harold M. Brafford
July 29, 1997
Page 2

B. Adoption of Local Zoning and Other Laws

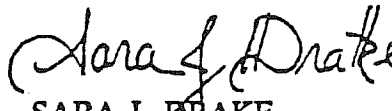
As you know, the Bureau of Indian Affairs has authority under 25 C.F.R. §1.4(b) to adopt and make applicable to Indian lands, State and local laws, ordinances, rules and regulations. In considering whether to make State and local law applicable to Indian lands, the BIA is authorized to consider the "restrictions or limitations on the use of other property in the vicinity." 25 C.F.R. §1.4(b). If the BIA does take the proposed subject properties into trust, we urge the BIA to accept such properties in trust on condition that certain State and local land use regulation continue to apply to such acquired trust land. Specifically, we urge BIA to make applicable to the proposed acquisitions the following:

- (1) all zoning and other local restrictions on land use required by the Mendocino County Area Plan;
- (2) all health and safety requirements of Mendocino County, including regulation, supervision and control of septic tank and sewage facilities by the county's environmental health department and/or building department.
- (3) State and local law regulating water rights and water use.

If you have any questions about these comments, please do not hesitate to contact the undersigned. Again, we thank you for this opportunity to comment, and look forward to communicating with you on future Indian trust land acquisitions.

Sincerely,

DANIEL E. LUNGREN
Attorney General


SARA J. DRAKE
Deputy Attorney General

SJD:

cc: Alice Derwiler, Deputy Legal Affairs Secretary
Kayla Danks, Realty Officer
Hopland Rancheria



DANIEL E. LUNGREN
Attorney General

State of California
DEPARTMENT OF JUSTICE

1300 I STREET, SUI.
P.O. BOX 94425
SACRAMENTO, CA 94244-2550
(916) 445-9555

FACSIMILE: (916) 322-5605
(916) 324-5375

July 29, 1997

Via facsimile to (916)566-7510 and U.S. Mail

Mr. Harold M. Brafford, Superintendent
Bureau of Indian Affairs
Central California Agency
1824 Tribute Road, Suite J
Sacramento, California 95815-4308

Re: Hopland Rancheria Tribal Members' Trust Land Acquisition Applications:
Dewey Daniels (APNs: #050-500-07-00 and 050-550-04-00) and
Matthew Billy (APNs: #050-570-004-00 and 050-540-027-00)

Dear Mr. Brafford:

This responds to your June 4, 1997 letters to the Attorney General of California soliciting the Attorney General's comments on the United States' proposed acquisition in trust of certain parcels of land for Dewey Daniels and Matthew Billy, members of the Hopland Rancheria. Pursuant to our request, your office agreed to extend the comment time until today. We appreciate this opportunity to comment on the proposed acquisitions.

A. The Secretary Has No Authority to Take Property Into Trust for Indians

The Attorney General objects to these notices of application to have property taken into trust due to the lack of authority of the Secretary of Interior to take property into trust for the benefit of Indians. Title 25 United States Code, section 465, pursuant to which the Secretary appears to act, is an unconstitutional delegation of legislative power. Absent Congressional action to circumscribe the apparently unlimited authority of the Secretary now set out in section 465, the Secretary cannot legally take property into trust for any Indians or Indian tribes.

In addition to the above objection to any actions by the Secretary to take property into trust for Indians, we offer the following comments to these particular acquisition requests.

Mr. Harold M. Brafford
July 29, 1997
Page 2

B. Adoption of Local Zoning and Other Laws

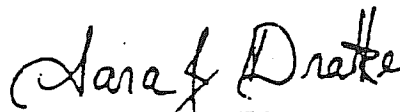
As you know, the Bureau of Indian Affairs has authority under 25 C.F.R. §1.4(b) to adopt and make applicable to Indian lands, State and local laws, ordinances, rules and regulations. In considering whether to make State and local law applicable to Indian lands, the Bureau of Indian Affairs is authorized to consider the "restrictions or limitations on the use of other property in the vicinity." 25 C.F.R. §1.4(b). If the BIA does take the proposed subject land into trust, we urge the BIA to accept such land in trust on condition that certain State and local land use regulation continue to apply to such acquired trust land. Specifically, we urge BIA to make applicable to the proposed acquisition the following:

- (1) all zoning and other local restrictions on land use required by the Lake County Area Plan;
- (2) all health and safety requirements of Lake County, including regulation, supervision and control of septic tank and sewage facilities by the county environmental health department and/or building department.
- (3) State and local law regulating water rights and water use.

If you have any questions about these comments, please do not hesitate to contact the undersigned. Again, we thank you for this opportunity to comment, and look forward to communicating with you on future Indian trust land acquisitions.

Sincerely,

DANIEL E. LUNGREN
Attorney General


SARA J. DRAKE
Deputy Attorney General

SJD:

cc: Alice Detwiler, Deputy Legal Affairs Secretary
Kayla Danks, Realty Officer
Big Valley Rancheria



United States Department of the Interior

RECEIVED OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240
JUN 15 1994
REAL PROPERTY MGMT

MAY 26 1994

TAKE
SIDE IN
AMERICA
AREA DIRECTOR
DEPUTY DIRECTOR
ASST. AD. ADMIN.
ROUTE
RESPONSE REQUIRED
DUE DATE
MEMO LTR
TELE OTHER

Memorandum

To: All Area Directors

From: Ada E. Deer *Ada E. Deer*
Acting for Assistant Secretary - Indian Affairs

Subject: Withdrawal of review Authority for
Off-Reservation Land Acquisitions Other Than
for Gaming Purposes

This memorandum will serve as the withdrawal of the Assistant Secretary's directive of May 17, 1991, requiring that all applications for off-reservation fee-to-trust acquisitions be referred to the Central Office for review and approval. However, exempt from this withdrawal are all acquisitions for gaming purposes on lands acquired after October 17, 1988; these will continue to be reviewed and approved at the Washington level.

Your review of off-reservation trust acquisitions must continue to adhere to the requirements outlined within the attached procedural guidelines. These guidelines will remain in effect until the promulgation of new regulations for off-reservation acquisitions. Although these guidelines generally follow the proposed regulations under 25 CFR 151, they continue to be in accordance with the existing 25 CFR 151.10 and 151.11. Notwithstanding the withdrawal of Central Office review, your consideration of off-reservation trust acquisitions must continue to follow certain criteria as provided for under the attached guidelines.

This withdrawal does not restrict you from requesting Central Office review of a specific application. Based upon your review, you may determine it to be prudent to submit an application to the Central Office if you identify conflicts or the need for additional technical review that cannot be resolved at the Area level.

Attachments

GUIDELINES TO GOVERN PART 151 OF TITLE 25, LAND ACQUISITIONS, AS IT PERTAINS TO ACQUISITION OF OFF-RESERVATION FEE-TO-TRUST LANDS.

A. AUTHORITY TO ACQUIRE LAND IN TRUST

Each transaction being processed must contain the Federal statutory authority which permits the United States to acquire land in trust status for a tribe or individual Indian. (For example, Indian Reorganization Act, Indian Land Consolidation Act, Indian Financing Act, etc., statute citation must be given.) In addition, the applicable regulatory authority for the transaction must be quoted. (For example: 25 CFR 151.3(a)...(1), (2) or (3).)

B. AUTHORITY OF TRIBAL OFFICIALS TO ACT

(1) Any proposal for off-reservation fee-to-trust land acquisition for a tribe must be signed by an authorized tribal official(s). The proposal must include a resolution duly adopted by the governing body with a citation of the section in the tribe's formal document which authorized the action. When the tribe lacks a formal document, a tribal resolution granting authority to its governing body shall be required.

(2) The resolution must contain the legal description of the property to be acquired. The resolution must specify the tribe's request for trust status for the acquisition.

C. THIRD PARTIES

If third parties will be using, or will be involved with the use of, the land to be acquired in trust, then all documents (leases, contracts, agreements, etc.) with that third party must be submitted as part of the acquisition application. Any such document must be submitted in final form to the Bureau of Indian Affairs (BIA) for approval under 25 U.S.C. § 81.

D. EVALUATION OF ACQUISITION

Each tribal transaction must specifically address all factors in Title 25 CFR 151.10, with the exception of (d) which is applicable to individuals. Those factors are:

(1) Authority. Statutory and regulatory authority for the acquisition must be stated and any limitation contained in such authorization must be complied with.

(2) Need. Explain the need of the tribe or individual Indian for additional land in trust status; i.e., what is the present land base; why does the tribe or individual Indian need this additional land; why is trust status needed and why can't the present land base be used for this purpose (justification as to why trust status is needed). For example, the tribe and

tribal members may be eligible for certain federal programs; i.e., Surplus Food Distributions (USDA), Housing and Urban Development (HUD) housing, Mortgage Insurance, etc., that is dependent on the land being in trust status. The explanation of the need is crucial in determining if the request should be approved. (NOTE: Non-taxable status of lands should not be used as a reason.)

(3) Purpose. Explain the intended use of the acquisition; be specific. For example, housing, economic development, self-determination, etc. If the use is for economic development, explain in detail the proposed development, how is it going to increase the economy of the tribe, etc. If the use is for self-determination, explain in detail how the acquisition will assist the tribe in self-determination.

(4) Impact. Present policy dictates that timely notices be given to state and local governments to resolve possible conflicts over taxation. Documentation must include copies of notices sent and responses. An evaluation must be made of any negative responses received. The tribe, after consultation with local governing bodies, will explain how these concerns will be addressed.

(5) Problems/conflicts. Analyze the property to be acquired and state any jurisdictional problems and potential conflicts of land use which may arise. Every effort should be made to resolve any conflicts. Potential issues to be addressed include: cross-deputization, utilities, zoning, contributions for fire protection, etc. All issues need to be addressed. Cooperative agreements could be used as a means of resolution. (Tribes within P.L. 83-280 states should attach copies of any agreements made with local law enforcement.)

(6) Responsibilities. Analyze the property and its use and state the extent to which the area/agency will be impacted by this additional property. Elaborate fully on how the added responsibilities will affect the present staff; i.e., distance from BIA office, sufficient staff to conduct inspections, etc., become critical factors.

E. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

(1) All acquisitions must be in compliance with NEPA. Documentation must be in the file to show that compliance was met prior to approval of the acquisition. Guidance for compliance with NEPA is found at 30 BIAM Supplement 1, NEPA Handbook. It is important to remember that NEPA compliance should begin as early as possible in the decision process to prevent delays.

(2) The first step in compliance with NEPA is for BIA to determine if the transaction is covered by a categorical exclusion. Categorical exclusions are listed in 516 DM 2, Appendix 1, and 516 DM 6, Appendix 4.4. All actions not included in the list of categorical exclusions require the completion of an Environmental Assessment (EA). The BIA land conveyance categorical exclusions are found in 516 DM 6, Appendix 4.4 I. The acquisition of property is listed as a categorical exclusion when no development, physical alteration, or change in the land use after acquisition is known or planned. An EA is not required as part of the transaction package in these instances unless an "exception" applies.

Because an action covered by a categorical exclusion may still have significant effects on the environment, an EXCEPTION REVIEW CHECKLIST (Checklist), 30 BIAM Supplement 1, Illustration 8, must be completed to determine if an EA is required for the transaction. Any positive response on the Checklist determines that an EA is required. If any doubt or uncertainty is encountered, an EA should be prepared. The completion of a negative Checklist satisfies NEPA compliance on an action that is categorically excluded.

(3) When the EA is completed, an analysis of the document must be made. If it is determined that there are no significant impacts to the environment, then a Finding Of No Significant Impact (FONSI) is prepared. The FONSI must then be completed and signed by the authorized BIA official(s). (See 30 BIAM Supplement 1, 5.4 for guidelines on preparation of a FONSI.)

(4) If the analysis of the EA document determines that the acquisition will or may significantly affect the quality of human environment, then an Environmental Impact Statement (EIS) must be prepared. (See 30 BIAM Supplement I, Chapter 6 for details and guidance.) The Area Office Environmental Coordinator must also be contacted.

F. HAZARDOUS SUBSTANCES DETERMINATIONS

(1) 602 DM 2.3 sets forth a Departmental policy which prohibits the acquisition of real estate containing hazardous substances "if an expenditure of Departmental funds is required for cleanup of such real estate, except at the direction of Congress, or for good cause with the approval of the Secretary."

(2) All acquisitions require that a Level I Survey (Contaminant Survey Checklist) be completed by an authorized BIA official or tribal employee to insure that all potential

sources of contamination are identified and investigated prior to a land acquisition.

The Contaminant Survey Checklist attached to the March 8, 1990, memorandum to Holders of 54 BIAM is the official form to be used for the survey for contaminants. (NOTE: a legal description of the property to be acquired is to be attached to the checklist.) Be sure to secure the proper signatures in the proper blanks under Items G and H of the survey form.

(3) If the Level I Survey report indicates contaminants may be present on the property, then a Level II Survey must be conducted. If the area of contamination can be readily corrected, this information can be elaborated upon in the Supplemental Information on the Level I Survey Checklist and a Level II Survey would not be necessary.

(4) If a Level II report is required, it shall be in narrative form, listing all sources of information and the methods used to determine the extent of the contamination and the cleanup costs. Refer to March 8, 1990, memorandum for more explicit information on the surveys.

G. OTHER REVIEW AND CONSULTATION REQUIREMENTS

A land acquisition transaction or its intended use may have an impact on any component of the environment. A comprehensive evaluation of the transaction and analysis of the applicability of any of the review and consultation requirements required in the statutes listed in 30 BIAM Supplement 1, Illustration 5, should routinely be completed.

H. INDEPENDENT EVALUATION

The Superintendent, P.L. 93-638 contract tribes and/or Self-Governance compacted tribes will analyze all data and make an independent evaluation of the proposed acquisition to ascertain if approval is warranted. The final documents transmitted to the Area Director will include the Superintendent's, contracted and/or compacted tribe's independent evaluation and recommendation. The memorandum should include a summary of findings of fact supporting all statements and references that support the recommendation. All referenced data should be tabbed in such a manner that will permit clear, immediate, and concise review of the transaction.

I. REVIEW PROCESS

The review may require a written in-depth analysis of items pertaining to social services, finances, environment, contracts, agreements, tribal constitution, statutory authority, jurisdictional problems/conflicts etc., which are not normally concentrated in one department for response. Several departments

may need to become involved in order to expand the scope of the review and analysis to achieve the maximum package of documents desirable for a favorable recommendation on the tribe's request. Key personnel should be identified as to their role and a lead person should be responsible for the assembly, accuracy and completeness of package.

J. OTHER COMMENTS

As a matter of policy, the decision to place land in trust for the benefit of an Indian tribe is committed to the discretion of the Secretary of the Interior after consideration of the land acquisition criteria found in 25 CFR Part 151.

(1) The Office of Indian Gaming Management is responsible for processing all acquisitions for gaming purposes. Any questions regarding acquisitions for gaming purposes should be addressed to the Office of Indian Gaming Management, 1849 C Street, N.W., MS-2070-MIB, Washington, D.C. 20240, (202) 219-4066.

(2) Upon receipt of the request by the tribe, and particularly the receipt of any legal documents such as title evidence or statutory authority, BIA personnel will submit the data to the local Solicitor's Office for review, comment and/or analysis. The documentation from the Solicitor's Office will be referenced and become a part of the backup package prepared by the tribe, Superintendent/or Area Director.

(3) No final decision should be made on a trust acquisition application until all documents are in final form and there has been full compliance with 25 CFR 151 and all applicable laws.

SAMPLE FORMAT

A memorandum format will be used to transmit the request for review.

Memorandum

To: Area Director, _____ Area Office

From: Superintendent, _____ Agency

Subject: Off-Reservation Fee-to-Trust Acquisition

An introduction paragraph giving a brief synopsis of the request; such as: what is the purpose of the request, when was it received, enclose recommendations, set forth the format used in the request.

FIRST SECTION

Include reference to resolution (number, date, legal description, tribe's request and justification for trust status, etc.). The property shall be legally described in narrative form. The distance from the closest tribal-owned land and/or reservation will be noted. A plat/map should be included for metes and bounds descriptions. Include any other item specified in GUIDELINES, B(1) and (2).

SECOND SECTION

Include citation of statutory authority which permits the United States to acquire land in trust. Quotation of the applicable part and subchapter of the Code of Federal Regulations (CFR) which authorizes the transaction. Any elaboration of the tribe's governmental organization, land acquisition program, etc., to strengthen the application may be included in this section. Include any other item specified in GUIDELINES, A.

THIRD SECTION

Address all factors in 25 CFR 151.10, with the exception of (d) which is applicable for individuals. See GUIDELINES, D for a brief summary of each of the factors.

FOURTH SECTION

Reference must be made of all documentation in the file which will prove that the transaction meets compliance with the National Environmental Policy Act (NEPA). See GUIDELINES, E for a brief synopsis of the Bureau requirements for NEPA.

SUB-SECTION

Reference should be made as a sub-section in this section to indicate that the acquisition meets compliance with any applicable statutes based on the physical property or its intended use. (Historical Preservation, Archeological Clearance, etc.) See GUIDELINES, G, particularly, referenced statutes in 516 DM 4, Appendix 1.

FIFTH SECTION

Reference must be made of all documentation in the file which will prove that the transaction meets compliance with 602 DM 2.3 which prohibits acquisition of real estate containing hazardous substances. See GUIDELINES, F, for a brief synopsis of the Bureau requirements for the hazardous survey compliance.

FINAL SECTION

This section will include the Superintendent, 93-638 tribe and/or Self-Governance compacted tribe's independent evaluation of the acquisition package along with a recommendation for the request of the land acquisition in trust. See GUIDELINES, G, H and I for any other items not covered in the previous sections. The closing of the memorandum should include the following statement which the Superintendent will attest and date:

"I attest that I have reviewed this transaction and the permanent case file at (specify place of record) is documented and in compliance with all of the above-stated regulations, citations and facts. I further state that I will not accept the conveyance of this property in trust on behalf of the United States until I have received satisfactory title evidence in accordance with 25 CFR 151.12."

Land Acquisition Applications
(Tribal Requests)

1. All applications must be in writing and accompanied by a duly enacted tribal resolution which requests Secretarial action.
2. Applications must cite the statutory authority for the land acquisition.
3. Land acquisitions must be consistent with policy set forth in 25 CFR 151.3. If application is not consistent with the policy, the application must state that a waiver of the regulations is being requested, and a justification for approval of the waiver should be contained within the application and/or supporting documents.
4. The applicant must state why the tribe needs additional land.
5. The application must state the purpose(s) for which the land will be used.
6. The application must state what impacts on the State and its political subdivisions will result from removal of the property from the tax rolls.
7. The application must fully describe the jurisdictional problems or conflicts which may arise as a result of the intended land use and removal from State or local jurisdiction.
8. The application must state what mitigation actions are planned to reduce adverse impacts identified under items 6 and 7 above.
9. The application must identify any potential impact upon services currently provided by BIA, or what BIA services will be requested or required if the application is approved.
10. An original (or certified copy) of the proposed deed to the United States of America in trust for [tribe name]. The notary acknowledgment on the deed must conform to California notary law. The deed must be executed by the legal landowner(s) as evidenced by a current title report or a recent title insurance policy. For conveyances of tribal "fee" lands, the deed must be signed by a representative of the tribe as evidenced by a duly enacted tribal resolution.
11. Any agreement(s) for purchase or exchange of the subject property (escrow instructions should also be included).

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12. A current title report or title policy (see item 10 above). As required in the Standards of the U.S. Department of Justice (see 25 CFR 151.12), a title company must be willing to issue a final title policy on the approved U.S. form - ALTA 1963 (or its later version, ALTA U.S. Policy - 9/28/91), and subject only to those exceptions acceptable to the U.S. and with liability in an amount equal to the value [purchase price] of the subject property.
13. THE LAND DESCRIPTION ON THE DEED AND TITLE EVIDENCE MUST BE IDENTICAL. Metes and bounds land descriptions must be supported by a legible copy of a survey plat (maps will be microfilmed by BIA).
14. For any exception listed on the title evidence, a copy of the referenced document must be included - e.g., rights of way of record; all information relevant to any existing special assessment districts; legible copies of all maps or plats referenced; deeds or judgments that might be referenced. (If monetary liens exist, tribe must state plan for their elimination at close of escrow and/or prior to acceptance of title by the U.S.)
15. For rights of way of record, tribe must state whether or not such right will interfere with the intended use of the subject property - e.g., describe how location of electrical lines prohibit or limit land use within right of way area or if line is proposed for relocation (copies of any negotiated agreements should also be included).
16. Application should include a copy of any appraisal report.
17. Application must include an environmental assessment. (BIA may request additional documentation, investigations, or reports in order to be able to evaluate the impact of the trust acquisition as required by the National Environmental Policy Act.)
18. Application should include description of existing terrain, existing improvements and/or occupants, statement as to whether or not there is LEGAL ACCESS to the subject property (plot maps showing existing roads, etc., and any proposed roads, structure sites, etc., are useful).
19. Land acquisitions for economic development must include a detailed explanation of the proposed development and how it will benefit the tribe, as set forth in the attached Assistant Secretary's May 26, 1994 memorandum. (Publication of the "Final Rule" for off-reservation land acquisitions was made on June 23, 1995 - refer to 25 CFR 151.11.)

20. THE APPLICANT MUST PAY ALL TAXES DUE AND PAYABLE UNTIL SUCH TIME AS THE APPLICANT HAS BEEN ADVISED THAT THE PROPERTY HAS BEEN ACCEPTED INTO TRUST. THE APPLICANT MUST ALSO MAKE SURE THAT ALL FINANCIAL OBLIGATIONS ARE MET IN ORDER TO AVOID ATTACHMENT OF ANY LIENS AGAINST THE PROPERTY PROPOSED FOR TRUST ACQUISITION (e.g., tribes are responsible for contributions to the Internal Revenue Service for tribal employees).

ATTACHMENTS:

1. Regulations - 25 CFR 151.
2. Assistant Secretary's memorandum of May 26, 1994.
3. Departmental Manual Release 3047, Hazardous Substances Determinations (site inspection must be conducted/completed by BIA personnel).

NOTE:

Depending upon the purpose and scope of the proposed land acquisition project and land title status, the Secretary's representative may find it necessary to request additional data.

Notice(s) to State and Local Government
of Proposed "Nongaming" Trust Land Acquisitions

Routinely, notices to state and local governmental entities are to be issued in substantially the format as shown on the attached sample letters (the sample format for the letter to the Assessor may be utilized for issuance of notices to the State Deputy Attorney General). If the land proposed for "trust" acquisition lies within a city limit area, that particular city's official(s) should likewise receive notice of the proposed acquisition and be offered an opportunity to submit comments (e.g., the city Major, the city Public Works Department, etc.).

The applicant should in all cases receive copies of any notices issued and should be advised as to whether or not comments were received. If comments were received, copies of the comments should be provided to the applicant. If any entity has expressed opposition to the subject proposal, such opposition should be promptly brought to the attention of the applicant in order to allow the applicant an opportunity to consider and offer a response to the comments. ALL OPPOSITION LETTERS, AS WELL AS THE APPLICANT'S RESPONSE TO SUCH LETTERS, ARE TO BE INCLUDED AND MADE A PART OF THE PACKAGE BEING SUBMITTED FOR REVIEW AND CONSIDERATION.

Likewise, should the land acquisition proposal be favorably supported by local government, etc., appropriate documentation evidencing the support should be included with the package.

If an interested party submits a written inquiry to a BIA official, that inquiry should be promptly answered. If Agency or Field Office staff are unable to respond, the receipt of the inquiry should be acknowledged in writing and forwarded to the appropriate entity (another branch, Area Office staff, or applicant) for response and any response must be made a part of the land acquisition record.

Please keep in mind that if the scope of the land acquisition project is contemplated as being controversial or is anticipated to have a major impact on specific services provided by a particular entity, consideration should be given to including such entity as a party receiving notice of the land acquisition. In addition to the State Clearinghouse and the appropriate county assessor or tax collector, it may be a conclusion that additional distribution of the land acquisition notice should be made to such entities as listed below.

County Board of Supervisors
County Planning Department/Commission
County Public Works Department
Local Fire Department
Congressional Representative(s)

S A M P L E

(Agency/Field Office Letterhead)

State Clearinghouse
Office of Planning & Research
State of California
1400 Tenth Street, Rm. 121
Sacramento, California 95814

Gentlemen:

Enclosed for your appropriate distribution are ten copies of our notice of an application seeking acceptance of title to real property "in trust" for the Indian individual(s) or tribal entity so named therein by the authorized representative of the Secretary of the Interior on behalf of the United States of America. Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, 151.11.

Sincerely,

Superintendent

Enclosures

S A M P L E

(Agency/Field Office Letterhead)

Dear Assessor:

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 Indian individual(s) or tribal entity so named therein.

Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, 151.11. 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,

Superintendent

Enclosure

cc: County Tax Collector (w/enclosure)

(Other entities as may be appropriate)

(Agency/Field Office Letterhead)

Notice of Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, 151.11, notice is given of the application filed by the below-named Indian individual(s) or tribal entity to have real property accepted "into 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 the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition, and we provide the following:

Applicant(s):

(Name the tribal entity or Indian individual[s].)

Legal Land Description/Site Location:

(Include the Assessor's parcel number(s); if the description is too long, attach the description from the title evidence and make reference to it as being an attachment. Specify location of site, e.g., within the boundaries of rancheria or reservation; if off-reservation, approximate distance from rancheria or reservation; nearest town or city, county.)

Project Description/Proposed Land Use:

(Provide detailed narrative description of project/intended land use, e.g., the site is proposed for the construction of twenty single-family HUD homes which involve a lease between the _____ Tribe/Band and the _____ Indian Housing Authority for a term of 25 years with an option to renew the term for 25 years. Domestic water and sanitation facilities are to be provided/constructed by the Indian Health Service, U.S. Department of Health & Human Services, etc., etc.)

Current Use/Taxes and Zoning:

(Describe current property use and existing improvements, if any, and state the amount of annual taxes and the zoning classification.)

Existing Easements/Encumbrances:

(Describe the types of easements/encumbrances as shown on the title evidence, e.g., the subject real property is subject to the following: an electrical

distribution line in favor of _____; road right of right to the County of _____; special assessment levied by the _____ district; Williamson Act contract dated ____ between _____ and _____.)

Supplemental Data:

(This section is optional but highly recommended for inclusion. You may specify any special circumstances that may exist, e.g., any Memorandum of Understanding or other agreements entered into between the Indian applicant and a local utility or other service provider or local governmental entity; any special tribal ordinance adopted that would be applicable to the subject property. If the tribal applicant has its own fire protection services, this type of information should also be provided under this section.)

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 Environmental Policy Act of 1969.

Your written comments should be addressed to the Superintendent (or Director) at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. Copies of all comments will additionally be provided to the applicant(s). Questions may be directed to (name of employee) at the following telephone number: () _____.

Attachments

Vicinity Map

Site Map

(Specify other attachments)



THE SECRETARY OF THE INTERIOR
WASHINGTON

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July 19, 1990

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Memorandum

To: Assistant Secretary - Indian Affairs ^{California Indian Legal}

From: The Secretary *Samuel R. Bray*

Subject: Policy for Placing Lands in Trust Status for American Indians

I have completed review of the report of the Department's Ad Hoc Task Force on Indian Trust Lands and your recommendation, and I am directing the following actions be taken.

It shall be the policy of the Department of the Interior in acquiring lands in trust status for American Indians, located either within or contiguous to the tribal reservation's exterior boundaries, to review such acquisition requests in light of the presently existing Bureau regulations found in 25 CFR 151.10. The Secretarial review of these acquisition requests shall be delegated to the respective Area Directors.

For off-reservation acquisition requests (other than lands contiguous to the reservation), the policy shall be to consider each request on its own merits. These requests shall meet the following criteria:

1. All existing land acquisition regulations found in 25 CFR 151.10; i.e.:
 - a) The existence of statutory authority for the acquisition and any limitations contained in such authority;
 - b) The need of the tribe for additional land;
 - c) The purpose for which the land will be used;
 - d) 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 tax rolls;
 - e) Jurisdictional problems and potential conflicts of land use which may arise;

- f) 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.
2. The property is free of all hazardous and toxic material (as required in 602 DM 2).
 3. Trust land to be acquired is located within the states in which a tribe or band presently owns trust land. In general, as the distance from the trust or reservation land base increases, the tribe will be required to justify greater economic benefit from the acquisition.
 4. In consultation with local, city, county, and state governments, an effort must be made by the tribe to resolve possible conflicts over taxation, zoning and jurisdiction. If the acquisition is opposed or raises unresolved concerns from the governments, the proposal will automatically be referred to the Assistant Secretary for Indian Affairs for review and approval/disapproval.
 5. The tribe shall provide an economic development plan specifying the proposed uses for the trust land with a cost/benefit analysis of the proposal.
 6. Applications for trust land located within an urbanized, and primarily non-Indian, community must demonstrate that trust status is essential for the planned use of the property and the economic benefits to be realized from said property.
 7. Acknowledgment that, after consideration of all local ordinances including (but not limited to) fire safety, building codes, health codes, and zoning requirements, the tribe will adopt standards that provide at least comparable safeguards;

In addition to the requirements listed above, all requests to acquire land in trust for gaming purposes will:

1. Be in compliance with the Indian Gaming Regulatory Act (P.L. 100-497);
2. When appropriate, be reviewed by the National Indian Gaming Commission;
3. Approval/disapproval by BIA's Central Office after discussion with the Secretary of the Interior;

4. Inclusion of an analysis by the tribe or band showing that it explored all reasonable alternatives (other than gaming) which would provide equivalent economic benefits from said property;
5. Inclusion of provisions that the appropriate portion of individual winnings from gaming activities will be withheld for taxes by the IRS.

This policy shall be effective upon appropriate public notification and comment.

cc: Solicitor
Assistant Secretary - Policy, Management and Budget

