



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Pacific Regional Office

2800 Cottage Way

Sacramento, California 95825

IN REPLY REFER TO:

Fee-to-Trust

**JUN 10 2013**

The California Fee-to-Trust Consortium is a workgroup of California tribes and BIA personnel who, in 1998, began work to streamline the process by which tribes can secure landholdings that are protected by trust status. The California Fee-to-Trust Consortium has made it possible for the federal government to manage tribal trust applications in a more timely and consistent way.

Dear Fee to Trust Consortium Members:

The California Fee-to-Trust Consortium has scheduled its next quarterly meeting for July 10-11, 2013 at Tuolumne Rancheria's Black Oak Casino and Resort, 19400 Tuolumne Road North, Tuolumne, CA 95379.

To accommodate early arrival, a block of rooms has been set aside for the evening of July 9, 2013 with departure as late as July 12, 2013 under "BIA Fee-to-Trust Meeting" at a rate of \$77.00 plus hotel/occupancy tax per night. Reservations can be made at 877-747-8777.

For your information and planning purpose we provide the following Airport information:

- Columbia (commuter, small planes etc.) 13 miles from casino (209) 533-5685
- Modesto (United Airlines flights) 59 miles from casino
- Oakland Airport (all commercial airlines) 124 miles from casino
- Sacramento Airport (all commercial airlines) 126 miles from casino

Enclosed is a tentative agenda for the upcoming quarterly meeting for your review and input. Additionally, we are including copies of the "draft" minutes from our previous quarterly meeting that was held on April 10, 2013.

If you have any questions, please contact Lorrae Russell, at (916) 978-6071 or Arvada Wolfen, at (916) 978-6069. You may also contact us at the following email addresses: [Lorrae.Russell@bia.gov](mailto:Lorrae.Russell@bia.gov), or [Arvada.Wolfen@bia.gov](mailto:Arvada.Wolfen@bia.gov).

Sincerely,

Regional Director

Enclosures



## California Fee to Trust Consortium

Quarterly Meeting  
Wednesday and Thursday, July 10-11, 2013  
Black Oak Casino and Resort  
Tuolumne, CA

### DRAFT AGENDA

#### Wednesday, July 10:

- |                         |  |
|-------------------------|--|
| 8:30 a.m. – 9:00 a.m.   | Breakfast Served   |
| 9:00 a.m. – 9:15 a.m.   | Welcome by Host Tribe – Kevin A. Day, Tribal Chairman<br><br>Blessing  |
| 9:15 a.m. – 9:30 a. m.  | Consortium Advisory Committee Chairman <ul style="list-style-type: none"><li>• Welcome to new Tribes</li><li>• Roll Call</li><li>• Approve minutes from the April 10, 2013 meeting</li></ul> |
| 9:30 a.m. – 10:00 a.m.  | Presentation by Tuolumne Band of Me-Wuk Indians  |
| 10:00 a. m – 11:00 a. m | Presentation by Agua Caliente – Margaret Parks   |
| 11:00 a.m. – 11:30 a.m. | BIA reports: <ul style="list-style-type: none"><li>• Budget/Positions</li><li>• Status of Pending Fee-to-Trust Applications</li><li>• Environmental report</li></ul>                         |
| 11:30 a.m. – 11:45 a.m. | Legislative Updates by Michael Anderson  |
| 11:45 a.m. – 12:00 p.m. | New Business<br>Set next meeting   |
| 12:00 p.m. – 1:00 p.m.  | Lunch provided   |

1:00 p.m. – 5:00 p.m.

Training for consortium members on what to look for when buying land. What does a title report look like and what does it mean?

- Title subjects to be covered
  - Preliminary Reports vs. Commitments
  - Key Elements
  - Acceptable Exceptions
  - Solicitor's Process
  - Title Co Process

**Thursday, July 11:**

**Training Continued**

8:30 a.m. – 12:00 p.m.

Training will include a discussion of the following items that are pertinent to the fee to trust process. Tribes can learn about the process, what works best or what doesn't.

- Addressing 25 CFR 151 Factors
- Notices (New Proposed Changes)
- Environmental
  - Challenges
  - Frequent flaws
- Review Process (Realty Portion)
  - What constitutes a complete application
- Submission Requirements & Tips
- Engaging with Local Community
  - Best practices
  - Timing
- New Leasing Regulations
  - Business
  - Residential
  - Wind and Solar

**12:00 p.m. – 1:00 p.m.**

**Lunch on your own**

**1:00- 5:00**

**CIFFMC Annual Meeting DRAFT>>>Not sure on this yet**  
The California Indian Forest and Fire Management Consortium would like to meet with current and potential members.

Fee to Trust Consortium  
April 10, 2013

Welcome-Chairman Robert Smith  
Opening Prayer-Sycuan elder

Welcome-Chairman Danny Tucker welcome. They used to only have 1 square mile, but now they have many. FTTC is an important organization, we are the original caretakers-handled the land/fires, etc. Support this organization 100%.

Welcome new Tribe-Berry Creek and Wilton Rancheria  
Roll Call-24 Tribes present, quorum established  
Approval of Minutes from 01092013, made by Beth Barona, seconded by Sandra Mechoopda-all in favor, none opposed, no abstentions.

Advisory Committee Elections-  
Nominations Robert Smith made by Beth Barona, seconded by Silver. Motion San Pasqual

Nominations for southern-Michael Contreras, seconded by Barona, Close Barona, seconded by Manzanita, all in favor, none opposed, no abstentions.

Nominations for two central California positions  
Mechoopda nominated Dry Creek by Sandra, seconded by Brenda, all in favor, no abstentions.

Nomination of Sandra of Mechoopda made by Silver, seconded by all in favor, none opposed, no abstentions.

BIA Reports  
Kevin Bearquiver-Budget/Positions-going over 2014 budget, continuing resolution passed, we have another half of the money coming. Sequestration-all Tribes received letter with amount, Tribes have called and are concerned with the amounts. Make sure those numbers are right-the number took in to account one time funding, shouldn't have been included in the total. (Roads money, high priority money-etc) Susanville put up a proposal-said the money should be taken off the top, then give us the rest of the money that aren't a part of our TPA. Money has been appropriated sitting at CCA

Lorrae-everything is up in the air, don't really know how much the other half of the money is going to be. TPA should be close to correct, but don't know about other funding stream. Salary benefits are all standard. FOIA is costing a lot for duplications-their program doesn't get the money. They can give them the documents on disc, but still takes time to scan all the documents. (Comment should notify the Tribe when there is a FOIA request). (Comment-so we didn't hire that clerical position?) There is a freeze on hiring now. (Comment-is there going to be

extended leaves that will be taken now and June-furloughs that will affect our FTT applications?) they are proposing that no one exceed 22 days, like to keep at 10 days. 2013 all reductions to BIA will be about 20% in the Pacific Region. They have 2012 money (\$3 million). (Comment)-since this committee is funded by Tribes, shouldn't this consortium be exempt from all this? The Tribes haven't done an amendment on their resolutions. That staff that is getting paid from us shouldn't be affected. The PRO should be fine, because they have cut back already no cell phones, etc. Regardless they want everyone to take time off. KB the regulations don't allow you to pick and choose which employees will be furloughed, it is illegal. Would it be helpful to have a Resolution from this body? \*\*\*San Pasqual makes that motion, seconded by Tuolumne, all in favor, none opposed, no abstentions.

Question-do Tribes that pay in to the Consortium get priority on their applications? Supposed to, will send them a letter asking them to pay up.

The resolutions had the wrong 3 year listed. If you want to be included in 2014, then need new or altered resolution.

Arvada-we had 10 positions, got 4 filled. Can't hire though.

Status of pending FTT applications

ALTA commitments/Complete application- getting a lot of preliminary reports, make sure you get ALTA commitments, a lot are doing e policies, and the links will be sent too-easier when putting packet together. Comment-is there a preferred company? BIA/Kim-can't tell you who to use, had an issue with First American. Chicago Title has been successful. Open commitments are tough now. Chicago doesn't put an expiration. The preliminary can be useful in the beginning, to make sure it is fruitful. Once you submit, make sure it is a commitment. Katze comment-should bring in these people at the next quarterly meeting. These are questions that come in for Patchek etc. Dore Comment-she agrees and should bring in Title examples for us to know what to look out for. Comment Katze, also bring in Karen and see if she could share top 5 problems that we can avoid. Mechoopda can take the lead on inviting the insurance underwriters to come to the next meeting. Aaron with Morongo said he can get a title rep or officer in to come in and take questions. Get reps from north and south.

Discussion FOIA/Administrative appeals-had 4 gaming and 15 FOIA stacks and stacks everywhere, those took up all their time. Write "confidential" if we don't want things shared when they are FOIA'd.

Environmental report-Chad Broussard, 2/3rds his time has been done doing Administrative appeals and FOIA's. 1/3 of his time been working on a lot of Phase I's, working on 5 some now while he is down here. Been very busy but the FOIA's are taking so much time. Comment-who are doing all these requests? Neighbors? Tribes? Stand up for California. WHY are we having high paid salaried people

working on these clerical things? We need to utilize the administrative staff, but limited.

Legislative Update from Michael Anderson-Kamala Harris/Attorney General sent some disturbing letters to Tribes. She has been seen as as an upcoming Senator or Governor, we need to have a good or solid relationship with her. She did an amicus brief sided with Tribes for baby Veronica case. Olin Jones. AG office comment on FTT applications. Sara Drake has been writing these letters, no supervision of her. There are higher officials involved. Kamala has been opposing FTT applications even non gaming lands. Thinks it should be a means test-once a Tribe receives a certain amount of land or success then they shouldn't get any more. IRA and 151 broad. AG responds to San Pasqual application 29 acre parcel-medical clinic, fire station, administration- AG wrote "should be denied because inconsistent with purposes of 25 USC Sec 465." Other tribes received similar letters. She is saying that it should only be land lost in allotment process. They lost 1215 acres, and now they have 1380 acres so they should be fine. She thinks that they are successful so these laws don't apply. They can do all this stuff on fee land. Litigation threat. 29 palms comment too.

We should seek a meeting with the AG; Olin Jones will set up a meeting. She may not even know these letters are going out from her office? How do we get these reversed? A large based letter request will help. He has offered that we can meet with her assistant Wreckler. Meeting should take place in the next few weeks in either Sacramento or San Francisco. They said they are 5 months out for a meeting with the Tribes.

Comment-Manzanita, did AG take a stand on Enterprise? Did Jerry Brown weigh in on this?

Comment-Pala, had a meeting 1.5 years ago and met with her in Rincon, and she said she wasn't aware of it. Now looks like her staff is doing staff that she doesn't know about.

Comment-Brenda, was that a Kauffman letter? Yes.

Comment-Kazhe, was this SP in response to EA? Cloverdale received a similar letter in response to EIS. Our Tribe would like to attend and will bring letter as well.

Comment- Dore, my blood is boiling, this is very serious. While each Tribe should do it individually, but us as a group need to respond to this, need to show them the history, then the legal issues, then show some examples. We can only govern FTT land. We need to contact the governor's office Cynthia.

LEGISLATIVE update HR 279, HR 666. 666 ratifies all prior transactions. Senate side more difficult, many oppose. Washburn has ended that wait period, takes land in trust immediately-great new policy. Can't game immediately, may have to do

environmental, but land will go in trust. Colusa/Chukchnasi- dropped suits against Enterprise and North Fork. Quiet Title Act no longer applies; Patchek now can sue up to 6 years after land is in trust.

Landmark case for Alaska Tribes, they weren't eligible to take lands in Trust, court ruled in favor of 4 Tribes. Secretary can now accept applications. Will probably be appealed. There will be an angry backlash on the hill.

Leasing Regulations Training-Kimberly Yearyean, cut the new regulations and broke in to sections. Hearth Act-providing all Tribes to do their own regs on trust lands, then dept has 120 days to make a decision on those regulations. Graton is the only Tribe that has done their own regulations. Email her if we want a copy of Graton's. Theirs are only for business, they will submit residential later. Substantial revisions that will be made. Time frames set in place now. Which documents are required, and will help. The Tribes can negotiate residential rates now, without an appraisal now, have flexibility. Residential lease, 30 day time frame. Include lease violations, and business leases. BIA approval not needed for permits anymore.

Strategic Planning-Kevin Bearquiver, we have drafts for; Natural Resources, Human Services, don't have Real Estate or Fee to Trust yet. Can email to Tribe-has to go in 3 sections from Dale Morris. Incorporated Interior's plan. Explains how they work in California. Have org charts in there. Outline Goals and Priorities. Doing the editing and finalizing now. Still a real rough draft. Only have 2 copies here. Give Chad email if you want it forwarded.

Mechoopda would like to meet the new appraiser.

New Business/Next meeting

Brenda-suggest that we do training sessions again. Do day and half, if people don't want to do the training, they can only do the half day the rest can stay the whole time.

Tuolumne has offered to host next quarterly meeting July 10, 2013.