



IN REPLY REFER TO:

## United States Department of the Interior

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

JUN 24 2014

### Notice of (Non-Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Berry Creek Rancheria 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. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

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

We are providing the following information regarding this application:

**Applicant:**

Berry Creek Rancheria of Maidu Indians of California

**Legal Land Description/Site Location:**

"See Attached"

**Project Description/Proposed Land Use:**

The subject property consists of five parcels of land, encompassing approximately 56.79 acres more or less, commonly referred to as Assessor's Parcel Numbers: 068-160-066, 068-341-030, 068-160-019, 068-160-088, and 068-341-017. The parcels are contiguous to current trust lands of the Berry Creek Rancheria.

Currently, the property is vacant. The topography in the area is gently rolling hills and ranging from 400 to 480 feet in elevation. All five parcels are undeveloped, with no structures other than the boundary fencing and unpaved dirt tracts. The purpose of the proposed action is to help address the Tribe's need for additional Tribal Housing, as well as for cultural and social preservation, expression and identity, and self-determination.

*See Exhibits for parcel/site maps*

**Current Use/Taxes and Zoning:**

068-160-066 - \$4,069.42  
068-341-030 - \$ 546.94  
068-160-019 - \$3,413.42  
068-160-088 - \$1,023.50  
068-341-017 - \$ 707.68

**Existing Easements/Encumbrances:**

*See attached "Schedule B"*

---

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

Your written comments should be addressed to the Bureau of Indian Affairs 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. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

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

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Lorrae Russell, Realty Specialist, at (916) 978-6071.

Sincerely,



*acting*  
Regional Director

Enclosure: 25 CFR 151  
Schedule B  
Map

## DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7009 3410 0000 1318 8362  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

Sara J. Drake, Deputy Attorney General – 7009 3410 0000 1318 8386  
State of California  
Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

Mr. Daniel Powell – 7009 3410 0000 1318 8393  
Legal Affairs Secretary  
Office of the Governor of California  
State Capitol Building  
Sacramento, CA 95814

Office of U.S. Senator Feinstein - 7009 3410 0000 1318 8409  
331 Hart Senate Office Building  
Washington, DC 20510

Board of Supervisors – 7009 3410 0000 1318 8416  
County of Butte  
25 County Center Drive, Suite 200  
Oroville, CA 95965

Butte County Assessor - 7009 3410 0000 1318 8423  
25 County Center Dr. Suite 100  
Oroville, CA 95965

Butte County Treasurer and Tax Collector – 7009 3410 0000 1318 8430  
25 County Center Drive, Suite 125  
Oroville, CA 95965

Butte Public Works – 7009 3410 0000 1318 8447  
7 County Center Drive  
Oroville, CA 95965

Butte County Sherriff – 7009 3410 0000 1318 8454  
33 County Center Drive  
Oroville, CA 95965

Chairperson – 7009 3410 0000 1318 8461  
Enterprise Rancheria  
2133 Monte Vista Ave.  
Oroville, CA 95966

Chairperson – 7009 3410 0000 1318 8478  
Mooretown Rancheria  
1 Alverda Drive  
Oroville, CA 95966

Regular Mail:

Superintendent  
Bureau of Indian Affairs  
Central California Agency  
650 Capitol Mall  
Sacramento, CA 95814

**SCHEDULE B**  
**SECTION TWO**  
**EXCEPTIONS**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. The printed exceptions and exclusions from the coverage of the policy or policies are set forth in Exhibit A attached. Copies of the policy forms should be read. They are available from the office which issued this Commitment.

**THE FOLLOWING EXCEPTIONS AFFECT PARCELS I, II AND III:**

1. General and special taxes and assessments for the fiscal year 2013-2014, a lien not yet due or payable.
2. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

**RE-CHECK SUPPLEMENTAL TAXES PRIOR TO THE CLOSE OF ESCROW.**

3. The herein described land lies within the bounds of South Feather Water and Power (Formerly Oroville Wyandotte Irrigation District).

**Note:** For any amounts due, contact:  
South Feather Water and Power  
2310 Oro-Quincy Hwy.  
Oroville, CA 95966  
Phone: 530 533-4578

4. Rights of the public in and to that portion of the land lying within Hildale Avenue.  
  
Affects Parcels II and III.
5. An easement for ditch or pipeline and incidental purposes in the document recorded July 13, 1938 as Book 205, Page 367 of Official Records.

The location of the easement cannot be determined from record information.

Affects Parcel II

6. An Easement pursuant to Section 22438 of the Water Code for the maintenance, repair, cleaning, operation, and control of the open canal or other water conveyance facility and other incidental purposes related thereto along each side of the open canal or other water conveyance facility described in Instrument recorded on July 13, 1938 as Book 205, Page 367.

7. An easement for public utilities and incidental purposes in the document recorded April 26, 1947 as Book 1177, Page 36 of Official Records.  
  
Affects the northerly portion of Parcel I.
8. An easement for sewer pipes, pumps, pump vaults, electrical controls, services and facilities and incidental purposes in the document recorded December 8, 2003 as Serial No. 2003-0085298 of Official Records.  
  
Affects Parcel I.
9. Any facts, rights, interests or claims that may exist or arise by reason of matters, if any, disclosed by that certain Record of Survey filed October 6, 2004 in book 162, page 1 through 8 .
10. With respect to Berry Creek Rancheria of Maidu Indians of California:
  - a. A copy of its constitution, bylaws and/or other governing documents.
  - b. A certified copy of a resolution of the tribal council or other governing body (or other satisfactory documentation) authorizing the contemplated transaction and designating which individuals shall have the power to execute documents.
  - c. The Company's Agreement for Services executed by duly authorized signers together with satisfactory evidence of such authorization.
  - d. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.
11. Approval from the Underwriting Department of First American Title Insurance Company must be obtained before any policy of title insurance will be issued. No approval has been obtained as of the date of this Preliminary Report. The approval process may entail further requests for documents.
12. A properly executed Agreement for Title and Settlement Services in which the Berry Creek Rancheria, a federally recognized tribe, waives its sovereign immunity and consents to jurisdiction must be provided to the Company. The Agreement for Title and Settlement Services form is available from the Company. In accordance with Article V, Section 2, of the Articles of Association of the Berry Creek Rancheria, the execution of the Agreement for Title and Settlement Services may be exercised through the adoption of appropriate bylaws, ordinances, or amendments.
13. A proper vote of the General Council must approve the contemplated transaction in accordance with Article V, Section 1(c), of the Articles of Association.
14. Any claim that the United States lacks proper authority to hold title to the land, or arising from or related to an alleged defect in the process of approving or authorizing the acquisition of title by the United States of American in Trust for Berry Creek Rancheria, a federally recognized tribe.

**THE FOLLOWING EXCEPTIONS AFFECT PARCEL IV:**

15. General and special taxes and assessments for the fiscal year 2013-2014, a lien not yet due or payable.
16. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

RE-CHECK SUPPLEMENTAL TAXES PRIOR TO THE CLOSE OF ESCROW.

17. The herein described land lies within the bounds of South Feather Water and Power (Formerly Oroville Wyandotte Irrigation District).
- Note:** For any amounts due, contact:  
South Feather Water and Power  
2310 Oro-Quincy Hwy.  
Oroville, CA 95966  
Phone: 530 533-4578
18. An easement for public utilities and incidental purposes in the document recorded November 27, 1961 as Book 1151, Page 25 of Official Records.
- Affects the northerly portion.
- An Easement Relocation Agreement recorded October 23, 2000 as Serial No. 2000-0056469 of Official Records.
19. An easement for sewer pipes, pumps, pump vaults, electrical controls, services and facilities and incidental purposes in the document recorded December 8, 2003 as Serial No. 2003-0085298 of Official Records.
20. Any facts, rights, interests or claims that may exist or arise by reason of matters, if any, disclosed by that certain Record of Survey filed October 6, 2004 in book 162, page 1 through 8 .
21. With respect to Tyme Maidu Tribe Berry Creek Rancheria:
- A copy of its constitution, bylaws and/or other governing documents.
  - A certified copy of a resolution of the tribal council or other governing body (or other satisfactory documentation) authorizing the contemplated transaction and designating which individuals shall have the power to execute documents.
  - The Company's Agreement for Services executed by duly authorized signers together with satisfactory evidence of such authorization.
  - Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.
22. Approval from the Underwriting Department of First American Title Insurance Company must be obtained before any policy of title insurance will be issued. No approval has been obtained as of the date of this Preliminary Report. The approval process may entail further requests for documents.
23. A properly executed Agreement for Title and Settlement Services in which the Berry Creek Rancheria, a federally recognized tribe, waives its sovereign immunity and consents to jurisdiction must be provided to the Company. The Agreement for Title and Settlement Services form is available from the Company. In accordance with Article V, Section 2, of the Articles of Association of the Berry Creek Rancheria, the execution of the Agreement for Title and Settlement Services may be exercised through the adoption of appropriate bylaws, ordinances, or amendments.



24. A proper vote of the General Council must approve the contemplated transaction in accordance with Article V, Section 1(c), of the Articles of Association.
25. Any claim that the United States lacks proper authority to hold title to the land, or arising from or related to an alleged defect in the process of approving or authorizing the acquisition of title by the United States of American in Trust for Berry Creek Rancheria, a federally recognized tribe.

**THE FOLLOWING EXCEPTIONS AFFECT PARCEL V:**

26. General and special taxes and assessments for the fiscal year 2013-2014, a lien not yet due or payable.
27. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

**RE-CHECK SUPPLEMENTAL TAXES PRIOR TO THE CLOSE OF ESCROW.**

28. The herein described land lies within the bounds of South Feather Water and Power (Formerly Oroville Wyandotte Irrigation District).

**Note:** For any amounts due, contact:  
South Feather Water and Power  
2310 Oro-Quincy Hwy.  
Oroville, CA 95966  
Phone: 530 533-4578

29. An easement for public utilities and incidental purposes in the document recorded February 23, 1962 as Book 1165, Page 364 of Official Records.

The location of the easement cannot be determined from record information.

30. An unrecorded OWID pipeline as disclosed by the document recorded December 11, 1963 as Book 1285, Page 236 of Official Records.

Affects the easterly portion.

31. An easement for sanitary sewer line and incidental purposes in the document recorded April 6, 1964 as Book 1306, Page 234 of Official Records.

32. Easements, set back lines, and note(s) if any, as shown or dedicated by Parcel Map filed April 10, 1974, in Book 49, at Page(s) 57, of Maps.

33. An easement for waterline and incidental purposes in the document recorded January 30, 1975 as Book 1964, Page 357 of Official Records.

Affects the northerly 5 feet.

34. Any facts, rights, interests or claims that may exist or arise by reason of matters, if any, disclosed by that certain Record of Survey filed October 6, 2004 in book 162, page 1 through 8 .

35. With respect to Berry Creek Rancheria of Maidu Indians of CA.:
  - a. A copy of its constitution, bylaws and/or other governing documents.
  - b. A certified copy of a resolution of the tribal council or other governing body (or other satisfactory documentation) authorizing the contemplated transaction and designating which individuals shall have the power to execute documents.
  - c. The Company's Agreement for Services executed by duly authorized signers together with satisfactory evidence of such authorization.
  - d. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.
36. Approval from the Underwriting Department of First American Title Insurance Company must be obtained before any policy of title insurance will be issued. No approval has been obtained as of the date of this Preliminary Report. The approval process may entail further requests for documents.
37. A properly executed Agreement for Title and Settlement Services in which the Berry Creek Rancheria, a federally recognized tribe, waives its sovereign immunity and consents to jurisdiction must be provided to the Company. The Agreement for Title and Settlement Services form is available from the Company. In accordance with Article V, Section 2, of the Articles of Association of the Berry Creek Rancheria, the execution of the Agreement for Title and Settlement Services may be exercised through the adoption of appropriate bylaws, ordinances, or amendments.
38. A proper vote of the General Council must approve the contemplated transaction in accordance with Article V, Section 1(c), of the Articles of Association.
39. Any claim that the United States lacks proper authority to hold title to the land, or arising from or related to an alleged defect in the process of approving or authorizing the acquisition of title by the United States of American in Trust for Berry Creek Rancheria, a federally recognized tribe.

**THE FOLLOWING EXCEPTIONS AFFECT PARCEL VI:**

40. General and special taxes and assessments for the fiscal year 2013-2014, a lien not yet due or payable.
41. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

**RE-CHECK SUPPLEMENTAL TAXES PRIOR TO THE CLOSE OF ESCROW.**

42. The herein described land lies within the bounds of Lake Oroville Area Public Utility District.

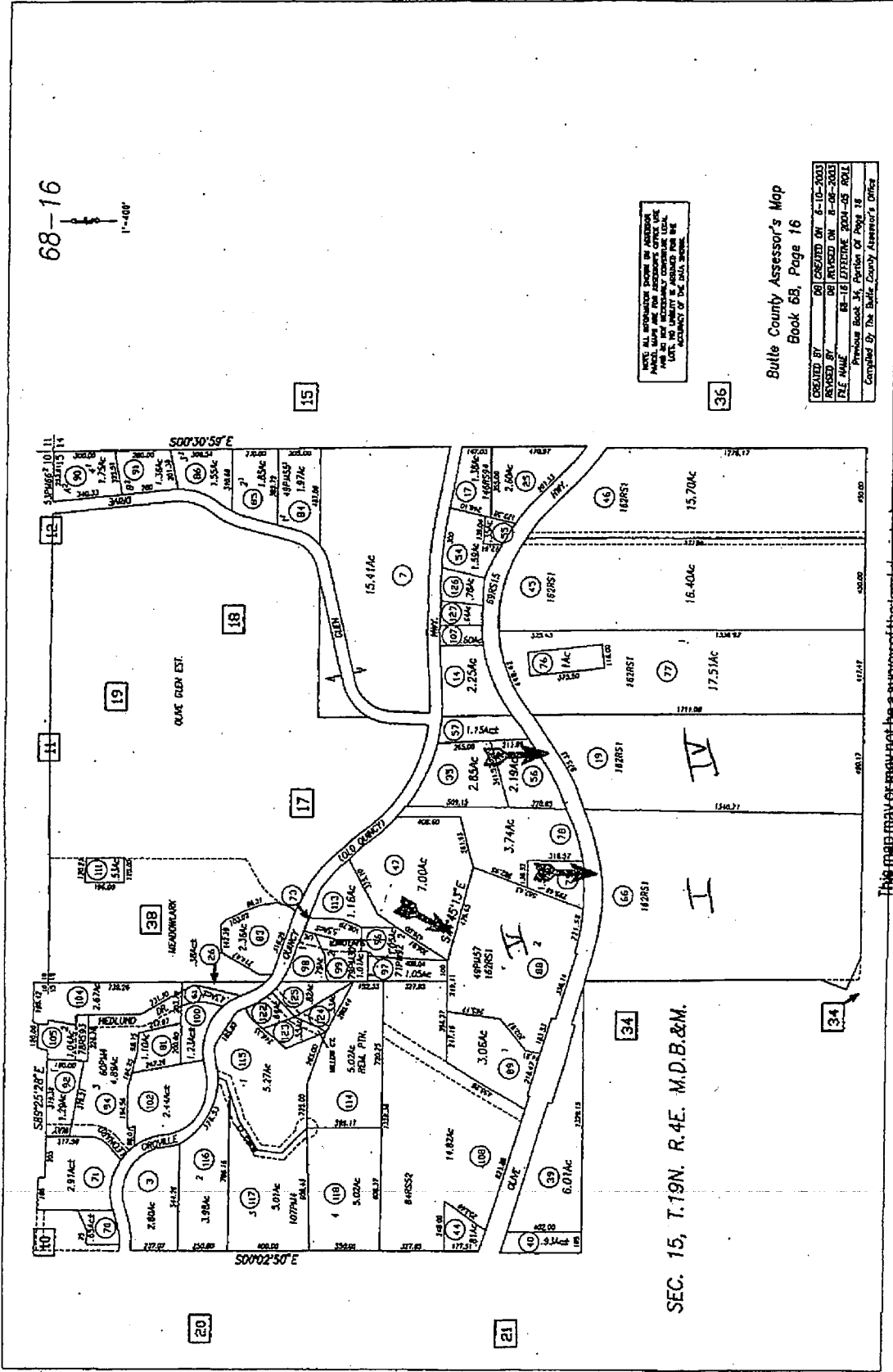
**Note:** For any amounts due, contact:  
Lake Oroville Area Public Utility District  
1960 Elgin  
Oroville, CA 95966  
Phone: 530 533-2000

43. The herein described land lies within the bounds of South Feather Water and Power (Formerly Oroville Wyandotte Irrigation District).

**Note:** For any amounts due, contact:  
South Feather Water and Power  
2310 Oro-Quincy Hwy.  
Oroville, CA 95966  
Phone: 530 533-4578

44. Rights of the public in and to that portion of the land lying within Hildale Avenue.
45. Any facts, rights, interests or claims that may exist or arise by reason of matters, if any, disclosed by that certain Record of Survey filed October 6, 2004 in book 162, page 1 through 8 .
46. With respect to Berry Creek Rancheria:
  - a. A copy of its constitution, bylaws and/or other governing documents.
  - b. A certified copy of a resolution of the tribal council or other governing body (or other satisfactory documentation) authorizing the contemplated transaction and designating which individuals shall have the power to execute documents.
  - c. The Company's Agreement for Services executed by duly authorized signers together with satisfactory evidence of such authorization.
  - d. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.
47. Approval from the Underwriting Department of First American Title Insurance Company must be obtained before any policy of title insurance will be issued. No approval has been obtained as of the date of this Preliminary Report. The approval process may entail further requests for documents.
48. A properly executed Agreement for Title and Settlement Services in which the Berry Creek Rancheria, a federally recognized tribe, waives its sovereign immunity and consents to jurisdiction must be provided to the Company. The Agreement for Title and Settlement Services form is available from the Company. In accordance with Article V, Section 2, of the Articles of Association of the Berry Creek Rancheria, the execution of the Agreement for Title and Settlement Services may be exercised through the adoption of appropriate bylaws, ordinances, or amendments.
49. A proper vote of the General Council must approve the contemplated transaction in accordance with Article V, Section 1(c), of the Articles of Association.
50. Any claim that the United States lacks proper authority to hold title to the land, or arising from or related to an alleged defect in the process of approving or authorizing the acquisition of title by the United States of American in Trust for Berry Creek Rancheria, a federally recognized tribe.

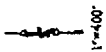
DR:ljh



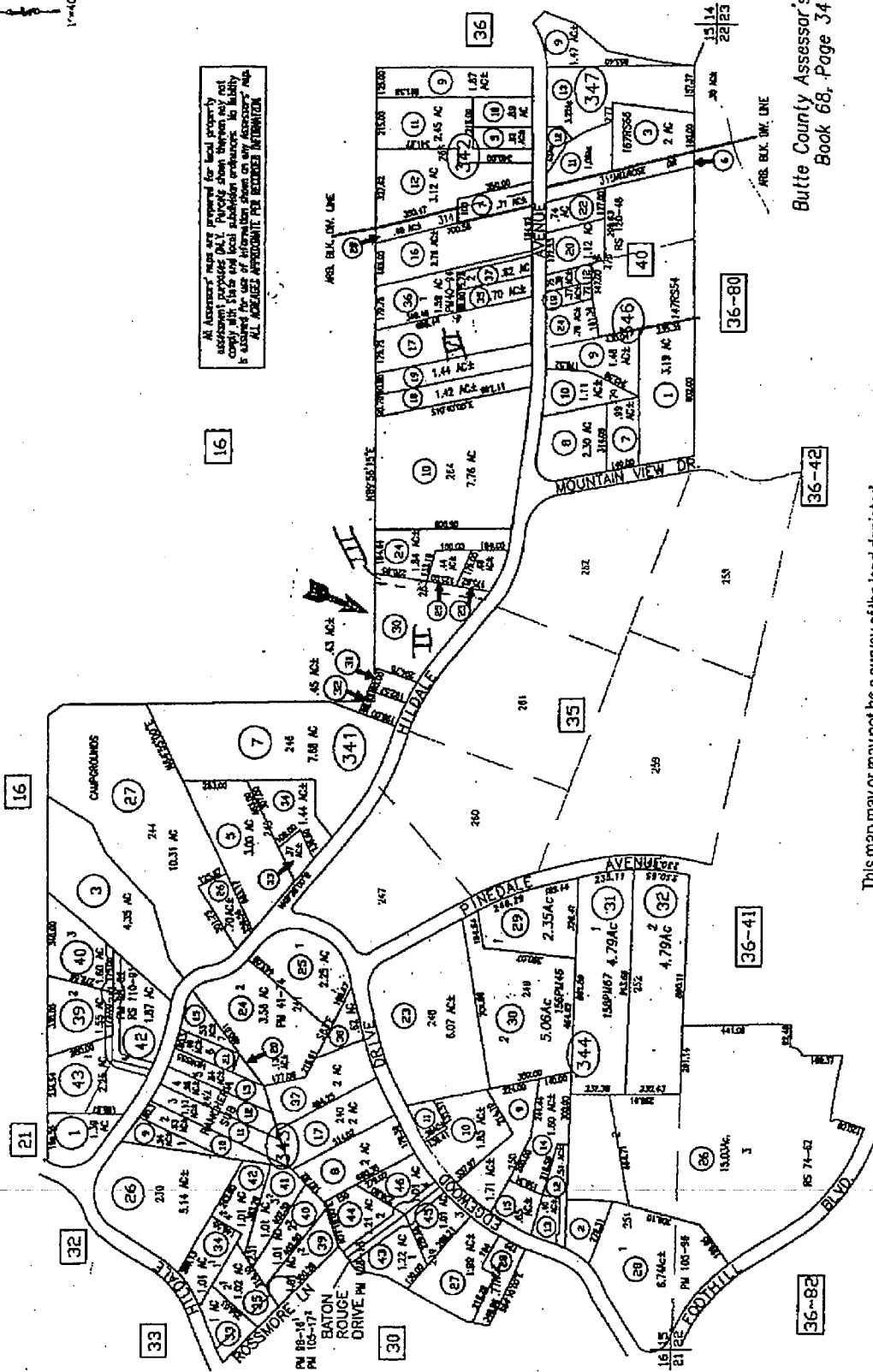
This map may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. Mid Valley Title and Escrow Company expressly disclaims any liability for alleged loss or damage that may result from reliance upon this map.

SECTIONS 14 & 15 T.19N. R.4E. M.D.B.&M.

68-34



All Assessment maps are prepared for local property assessment purposes ONLY. Parcels shown thereon may not comply with State and local subdivision ordinances. No liability is assumed for the use of information shown on any Assessment map. ALL ADJACENT JURISDICTIONS ARE INDICATED BY BOUNDARIES.



Butte County Assessor's Map  
Book 68, Page 34

CREATED BY	CREATED ON
REMOVED BY	REMOVED ON
	EFFECTIVE
	ROLL

Computed By: The Butte County Assessor's Office

This map may or may not be a survey of the land depicted hereon. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. Mid Valley Title and Escrow Company expressly disclaims any liability for alleged loss or damage that may result from reliance upon this map.

RANCHERIA SUBDIVISION 26 M.O.R. 9/10  
CROMWELL WYANDOTTE FRUIT LANDS #6 10 M.O.R. 34/5A

## § 150.11

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

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

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

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

## PART 151—LAND ACQUISITIONS

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

## 25 CFR Ch. I (4-1-08 Edition)

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

**AUTHORITY:** R.S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 935, as amended; 49 Stat. 1987, as amended; 53 Stat. 1129; 63 Stat. 305; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 628; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended; 82 Stat. 384; 84 Stat. 120; 84 Stat. 1374; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 73; 88 Stat. 81; 88 Stat. 1718; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450h, 461, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 603, 602a, 610, 610a, 622, 624, 640d-10; 1466, 1495, and other authorizing acts.

**CROSS REFERENCE:** For regulations pertaining to: The inheritance of interests in trust or restricted land, see parts 15, 16, and 17 of this title and 43 CFR part 4; the purchase of lands under the BIA Loan Guaranty, Insurance and Interest Subsidy program, see part 103 of this title; the exchange and partition of trust or restricted lands, see part 152 of this title; land acquisitions authorized by the Indian Self-Determination and Education Assistance Act, see parts 990 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR part 2590; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR parts 2661 and 2664; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR part 1823, subpart N; the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§ 117.8 and 158.54 of this title.

**SOURCE:** 45 FR 62036, Sept. 18, 1980, unless otherwise noted. Redesignated at 47 FR 13237, Mar. 30, 1982.

### § 151.1 Purpose and scope.

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

Bureau of Indian Affairs, Interior

§151.3

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

§151.2 Definitions.

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

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

(c) *Individual Indian* means:

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

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

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

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

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

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

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

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

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

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

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

§151.3 Land acquisition policy.

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

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

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

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

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

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

#### § 151.4

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

- (1) When the land is located within the exterior boundaries of an Indian reservation, or adjacent thereto; or
- (2) When the land is already in trust or restricted status.

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

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

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

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

#### § 151.6 Exchanges.

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

#### § 151.7 Acquisition of fractional interests.

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

- (a) The buyer already owns a fractional interest in the same parcel of land; or
- (b) The interest being acquired by the buyer is in fee status; or
- (c) The buyer offers to purchase the remaining undivided trust or restricted interests in the parcel at not less than their fair market value; or
- (d) There is a specific law which grants to the particular buyer the right to purchase an undivided interest or interests in trust or restricted land

#### 25 CFR Ch. I (4-1-08 Edition)

without offering to purchase all of such interests; or

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

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

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

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

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

#### § 151.10 On-reservation acquisitions.

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



**Bureau of Indian Affairs, Interior**

**§ 151.12**

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

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

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

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

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

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

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

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

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

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

**§ 151.11 Off-reservation acquisitions.**

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

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

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

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

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

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

[60 FR 32379, June 23, 1995, as amended at 60 FR 48694, Sept. 21, 1995]

**§ 151.12 Action on requests.**

(a) The Secretary shall review all requests and shall promptly notify the applicant in writing of his decision. The Secretary may request any additional information or justification he considers necessary to enable him to reach a decision. If the Secretary determines that the request should be denied, he shall advise the applicant of that fact and the reasons therefor in writing and notify him of the right to appeal pursuant to part 2 of this title.

(b) Following completion of the Title Examination provided in § 151.13 of this part and the exhaustion of any administrative remedies, the Secretary shall publish in the FEDERAL REGISTER, or in a newspaper of general circulation serving the affected area a notice of his/her decision to take land into trust under this part. The notice will state that a final agency determination to take land in trust has been made and that the Secretary shall acquire title in the name of the United States no

## § 151.13

sooner than 30 days after the notice is published.

[45 FR 62086, Sept. 18, 1980. Redesignated at 60 FR 82879, June 23, 1995, as amended at 61 FR 18083, Apr. 24, 1996]

## § 151.13 Title examination.

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

[45 FR 62086, Sept. 18, 1980. Redesignated at 60 FR 82879, June 23, 1995]

## § 151.14 Formalization of acceptance.

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

[45 FR 62086, Sept. 18, 1980. Redesignated at 60 FR 82879, June 23, 1995]

## § 151.15 Information collection.

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

(b) Public reporting for this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information

collection. Direct comments regarding the burden estimate or any other aspect of this information collection to the Bureau of Indian Affairs, Information Collection Clearance Officer, Room 337-SIB, 18th and C Streets, NW., Washington, DC 20240; and the Office of Information and Regulatory Affairs [Project 1076-0100], Office of Management and Budget, Washington, DC 20502.

[60 FR 82879, June 23, 1995; 64 FR 13695, Mar. 23, 1999]

## PART 152—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

## Sec.

152.1 Definitions.

152.2 Withholding action on application.

### ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

152.3 Information regarding status of applications for removal of Federal supervision over Indian lands.

152.4 Application for patent in fee.

152.5 Issuance of patent in fee.

152.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.

152.7 Application for certificate of competency.

152.8 Issuance of certificate of competency.

152.9 Certificates of competency to certain Osage adults.

152.10 Application for orders removing restrictions, except Five Civilized Tribes.

152.11 Issuance of orders removing restrictions, except Five Civilized Tribes.

152.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.

152.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.

152.14 Removal of restrictions, Five Civilized Tribes, without application.

152.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.

152.16 Effect of order removing restrictions, Five Civilized Tribes.



## United States Department of the Interior

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

JUN 23 2014

IN REPLY REFER TO:

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Distribution List:

Enclosed is a copy of our notice of an application seeking acceptance of title to real property “in trust” by the United States of America for the Berry Creek Rancheria of Maidu Indians of California.

Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, and Parts 151.10 and 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,

Acting Regional Director

Enclosure