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IN REPLY REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way, Room. W-2820
Sacramento, California 95825

MAR 18 2019

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 Big Valley Band of Pomo Indians of the Big Valley Rancheria, California.

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

Sincerely,

Acting Regional Director

Enclosure



IN REPLY REFER TO

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way, Room. W-2820
Sacramento, California 95825

MAR 18 2019

Notice of On-Reservation Land Acquisition Application (Non-Gaming)

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Big Valley Band of Pomo Indians (Tribe) 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 request that you provide the following information:

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

We are providing the following information regarding this application:

APPLICANT

Big Valley Band of Pomo Indians of the Big Valley Rancheria, California

LEGAL LAND DESCRIPTION

The land referred to herein below is situated in the unincorporated area, County of Lake, State of California and is described as follows:

Parcel A (APN: 044-421-040-000):

Parcel 15, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Parcel B (APN: 044-421-030-000):

Parcel 16, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Parcel C (APN: 044-421-020-000):

Parcel 17, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003463, of Official Records.

Parcel D (APN: 044-421-010-000):

Parcel 18, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003463, of Official Records.

Parcel E (APN: 044-431-030-000):

Parcel 19, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003463, of Official Records.

Parcel F (APN: 044-431-020-000):

Parcel 20, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003460, of Official Records.

Parcel G (APN: 044-431-010-000):

Parcel 21, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003463, of Official Records.

Parcel H (APN: 044-432-030-000):

Parcel 26, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003463, of Official Records.

Parcel I (APN: 044-432-020-000):

Parcel 27, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003463, of Official Records.

Parcel J (APN: 044-432-010-000):

Parcel 28, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003463, of Official Records.

Parcel K (APN: 044-441-020-000):

Parcel 22, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003461, of Official Records.

Parcel L (APN: 044-442-020-000):

Parcel 30, as shown on that certain map entitled "Record of Survey for U.S. Dept. of the Interior Bureau of Indian Affairs - The Big Valley Rancheria", filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive, Lake County Records.

Excepting therefrom all that portion thereof conveyed to the County of Lake in that certain Grant Deed, recorded March 9, 2009, Instrument No. 2009003462, of Official Records.

Parcel M (APN: 044-481-150-000 and 044-491-110-000):

Beginning at the Northeast corner of that certain tract of land as described in Tract One in the Deed from Waldo Shaul, et ux., to Harold Elliott, et al., dated November 30, 1960, recorded December 8, 1960, in Book 342 of Official Records of Lake County at Page 293, and running thence along the Northerly line of said tract so conveyed to Elliott, North 77° 20' West 670 feet and North 76° 00' West 90.15 feet to the East line of Parcel 1 as shown on that certain map entitled "Record of Survey Park View Marina Estates, in the County of Lake in Section 32, Township 14 North, Range 9 West, M.D.M.", filed in the office of the County Recorder of said Lake County on April 6, 1961, in Book 1 of Record of Survey Maps at Page 151; thence along the Easterly line of said Parcel 1, South 1° West to the most Northerly corner of Parcel 36 as shown on said map; thence along the Northerly line of said Parcel 36, South 83° 32' 25" East 418.69 feet to the most Easterly corner thereof; thence along the Easterly line of "(A Private Road-Parcel B)" as shown on said map, the following courses and distances: Along a curve to the right with a radius of 40 feet through a central angle of 134° 54' 55" for a distance of 94.19 feet, South 0° 03' 25" West 576.53 feet, along a curve to the left, with a radius of 125 feet, through a central angle of 35° 03' 25" for a distance of 76.48 feet, South 35° 00' East 444.00 feet, and along a curve to the right with a radius of 150 feet through a central angle of 35° 03' 25" for a distance of 91.79 feet to the East line of said tract so conveyed to Elliott; thence North along said East line, to the point of beginning. Being within the West half of the West half of Section 32, Township 14 North, Range 9 West, M.D.M.

PROPOSED LAND USE/SITE LOCATION

The subject property consists of fourteen parcels totaling 49.318 acres, more or less, commonly referred to as Assessor's Parcel Numbers 044-421-040, 044-421-030, 044-421-020, 044-421-010, 044-431-030, 044-431-020, 044-431-010, 044-432-030, 044-432-020, 044-432-010, 044-441-020, 044-442-020, 044-481-150, and 044-491-110, also known as the "Mission Rancheria Road" property. The parcel(s) of land are located within the exterior boundaries of the Big Valley Rancheria and contiguous thereto.

Currently, ten of the parcels are vacant and have had no disturbance, two parcels contain RV and overflow parking, and one parcel contains the Hoopa House and governmental offices. Eleven parcels are zoned agricultural preserve, floodway fringe and three parcels are zoned suburban reserves, waterway, wetlands, floodway fringe. The tribe plans to retain the existing use of the property which will facilitate self-determination by preserving the land for future generations to come.

CURRENT TAXES AND ZONING

Assessed property taxes for 2018-2019:

044-421-040 - \$115.56
044-421-030 - \$120.00
044-421-020 - \$290.64
044-421-010 - \$287.96
044-431-030 - \$299.00
044-431-020 - \$388.66
044-431-010 - \$270.56
044-432-030 - \$278.74
044-432-020 - \$310.28
044-432-010 - \$307.18
044-441-020 - \$3,847.04
044-442-020 - \$2,378.12
044-481-150 - \$567.44
044-491-110 - \$806.38

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.

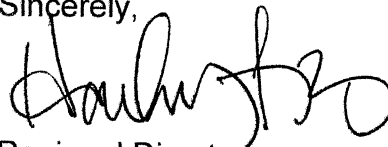
This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

Your written comments should be addressed to the 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 this 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,

A handwritten signature in black ink, appearing to read "D. Russell", written over the typed name.

Acting Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

California State Clearinghouse (10 copies) – 7016 3010 0001 0589 3116
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 92220

Senior Advisor for Tribal Negotiations – 7016 3010 0001 0589 3123
Office of the Governor
State Capitol Building, Suite 1173
Sacramento, CA 95814

Sara Drake, Deputy Attorney General – 7016 3010 0001 0589 3130
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

U.S. Senator Dianne Feinstein – 7018 1830 0001 0391 0648
331 Hart Senate Building
Washington, DC 20510

Lake County Board of Supervisors – 7018 1830 0001 0391 0655
255 North Forbes St.
Lakeport, CA 95453

Lake County – 7018 1830 0001 0391 0662
Office of the Assessor
255 North Forbes St.
Lakeport, CA 95453

Lake County – 7018 1830 0001 0391 0679
Planning Department
255 North Forbes St.
Lakeport, CA 95453

Lake County Public Works – 7018 1830 0001 0391 0402
255 North Forbes St.
Lakeport, CA 95453

Lake County Treasurer & Tax Collector – 7018 1830 0001 0391 0419
255 North Forbes St.
2nd Floor, Rm 215
Lakeport, CA 95453

Lake County Sheriff's Department – 7018 1830 0001 0391 0426
1220 Martin St.
Lakeport, CA 95453

Chairperson – 7018 1830 0001 0391 0433
Big Valley Rancheria
2726 Mission Rancheria Road
Lakeport, CA 95453

Chairperson – 7018 1830 0001 0391 0440
Robinson Rancheria
P.O. Box 4015
Nice, CA 95464

Chairperson – 7018 1830 0001 0391 0457
Scotts Valley Rancheria
1005 Parallel Drive
Lakeport, CA 95453

Chairperson – 7018 1830 0001 0391 0464
Elem Indian Colony
P.O. Box 757
Lower Lake, CA 95457

Chairperson – 7018 1830 0001 0391 0471
Hopland Rancheria
3000 Shanel Road
Hopland, CA 95449

Chairperson – 7017 2680 0000 6244 4340
Upper Lake Rancheria
P.O. Box 516
Upper Lake, CA 95485

Regular Mail:

Superintendent
Central California Agency
Bureau of Indian Affairs
650 Capitol Mall, Suite 8-500
Sacramento, CA 95814

**SCHEDULE B - SECTION II
 EXCEPTIONS**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

- a. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records, or attaching subsequent to the effective date hereof but prior to the date the proposed insured acquires for value of record the estate or interest or mortgage thereon covered by the Commitment
- b. In addition to the Exceptions shown below, any standard coverage policy of title insurance issued under the terms of this commitment will contain the applicable Exclusions and Exceptions shown on attached list.

EXCEPTIONS:

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

Code Area: 057-049
 Tax Identification No.: 044-421-010-000
 Fiscal Year: 2016-2017
 1st Installment: \$140.51 Paid
 2nd Installment: \$140.51 Open
 Exemption: \$0.00
 Land: \$24,006.00
 Improvements: \$0.00
 Personal Property: \$0.00

- 3. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
 Tax Identification No.: 044-421-020-000
 Fiscal Year: 2016-2017
 1st Installment: \$141.84 Paid
 2nd Installment: \$141.84 Open
 Exemption: \$0.00
 Land: \$24,240.00
 Improvements: \$0.00
 Personal Property: \$0.00

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ALTA Commitment (06/17/2006)



SCHEDULE B - SECTION II
EXCEPTIONS

(continued)

4. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-010
Tax Identification No.: 044-421-030-000
Fiscal Year: 2016-2017
1st Installment: \$58.90 Paid
2nd Installment: \$58.90 Open
Exemption: \$0.00
Land: \$3,888.00
Improvements: \$3,888.00
Personal Property: \$0.00

5. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-010
Tax Identification No.: 044-421-040-000
Fiscal Year: 2016-2017
1st Installment: \$56.71 Paid
2nd Installment: \$56.71 Open
Exemption: \$0.00
Land: \$6,050.00
Improvements: \$1,340.00
Personal Property: \$0.00

6. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
Tax Identification No.: 044-431-010-000
Fiscal Year: 2016-2017
1st Installment: \$132.04 Paid
2nd Installment: \$132.04 Open
Exemption: \$0.00
Land: \$22,504.00
Improvements: \$0.00
Personal Property: \$0.00

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ALTA Commitment (06/17/2006)



**SCHEDULE B - SECTION II
 EXCEPTIONS**

(continued)

7. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
 Tax Identification No.: 044-431-020-000
 Fiscal Year: 2016-2017
 1st Installment: \$197.06 Paid
 2nd Installment: \$197.06 Open
 Exemption: \$0.00
 Land: \$34,023.00
 Improvements: \$0.00
 Personal Property: \$0.00

8. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
 Tax Identification No.: 044-431-030-000
 Fiscal Year: 2016-2017
 1st Installment: \$145.91 Paid
 2nd Installment: \$145.91 Open
 Exemption: \$0.00
 Land: \$24,961.00
 Improvements: \$0.00
 Personal Property: \$0.00

9. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
 Tax Identification No.: 044-432-010-000
 Fiscal Year: 2016-2017
 1st Installment: \$149.89 Paid
 2nd Installment: \$149.89 Open
 Exemption: \$0.00
 Land: \$25,668.00
 Improvements: \$0.00
 Personal Property: \$0.00

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ALTA Commitment (06/17/2006)



**SCHEDULE B - SECTION II
 EXCEPTIONS**

(continued)

10. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
 Tax Identification No.: 044-432-020-000
 Fiscal Year: 2016-2017
 1st Installment: \$151.40 Paid
 2nd Installment: \$151.40 Open
 Exemption: \$0.00
 Land: \$25,936.00
 Improvements: \$0.00
 Personal Property: \$0.00

11. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
 Tax Identification No.: 044-432-030-000
 Fiscal Year: 2016-2017
 1st Installment: \$136.02 Paid
 2nd Installment: \$136.02 Open
 Exemption: \$0.00
 Land: \$23,209.00
 Improvements: \$0.00
 Personal Property: \$0.00

12. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
 Tax Identification No.: 044-441-020-000
 Fiscal Year: 2016-2017
 1st Installment: \$1,875.68 Paid
 2nd Installment: \$1,875.68 Open
 Exemption: \$0.00
 Land: \$331,390.00
 Improvements: \$0.00
 Personal Property: \$0.00

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ALTA Commitment (06/17/2006)



SCHEDULE B - SECTION II
EXCEPTIONS

(continued)

13. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-049
Tax Identification No.: 044-442-020-000
Fiscal Year: 2016-2017
1st Installment: \$1,159.80 Paid
2nd Installment: \$1,159.80 Open
Exemption: \$0.00
Land: \$113,703.00
Improvements: \$89,097.00
Personal Property: \$0.00

14. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-016
Tax Identification No.: 044-481-150-000
Fiscal Year: 2016-2017
1st Installment: \$276.77 Paid
2nd Installment: \$276.77 Open
Exemption: \$0.00
Land: \$48,143.00
Improvements: \$0.00
Personal Property: \$0.00

15. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 057-016
Tax Identification No.: 044-491-110-000
Fiscal Year: 2016-2017
1st Installment: \$393.27 Paid
2nd Installment: \$393.27 Open
Exemption: \$0.00
Land: \$68,782.00
Improvements: \$0.00
Personal Property: \$0.00

16. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.

17. Any taxes, assessments or charges levied by the following agency. Amounts due, if any, may be ascertained by contacting the agency.

Lake County Sanitation and Sewer District, (707) 263-0119

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ALTA Commitment (06/17/2006)



**SCHEDULE B - SECTION II
EXCEPTIONS**

(continued)

18. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
19. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
20. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
21. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land and not shown by the Public Records.
22. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the Public Records.
23. Any lien or right to a lien for services, labor or material not shown by the Public Records.
24. Water rights, claims or title to water, whether or not disclosed by the public records.
-
25. Any adverse claim based upon the assertion that:
- a. The California Supreme Court decision in State of California v. Superior Court of Lake County (Lyon) 29 Cal. 3d 210 (1981) applies, or if said land or any part thereof is now or at any time has been, below the highest high watermarks of Clear Lake, in the event the boundary of said Clear Lake has been artificially raised or is now or any time has been below the high watermark, if said Clear Lake is in its natural state.
 - b. Some portion of said Land has been created by artificial means or has accreted to such portion so created.
 - c. Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of the Clear Lake or has been formed by accretion to any such portion.
- Affects: Parcel M
26. Any rights of Yolo County Flood Control and Water Conservation District, its successors and/or assigns to raise, lower or otherwise control the water levels of Clear Lake by various agreements and civil Actions filed in Lake County.
- Affects: Parcel M
27. Any adverse claim based on the change in boundaries of said Land due to any change in the location of high and low watermarks of Clear Lake.

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**SCHEDULE B - SECTION II
 EXCEPTIONS**

(continued)

Affects: Parcel M

28. Any adverse claim based upon the assertion that:

- a. Some portion of said Land has been created by artificial means, or has accreted to such portion so created.
- b. Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Cole Creek or has been formed by accretion to any such portion.

Affects: Parcel M

29. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Cole Creek.

Affects: Parcel M

30. Any rights in favor of the public which may exist on said Land if said Land or portions thereof are or were at any time used by the public.

Affects: Parcel M

31. The herein described Land is located in an area frequently subject to Land Conservation Contracts executed pursuant to the Williamson Act (Cal. Govt. Code §§ 51200 et seq.). Land Conservation Contracts restrict the land use to agricultural, recreational, open-space and other compatible uses. If the herein described Land is subject to a Land Conservation Contract, please notify the Title Department.

The Company reserves the right to add additional items and/or make further requirements

32. Any assertion that the acquisition by the United States in trust for Indian Tribe in question was without authority.

33. Rights of the public to any portion of the Land lying within the area commonly known as Soda Bay Road.

Affects: Parcels A and B

34. Rights of the public to any portion of the Land lying within the area commonly known as Mission Rancheria Drive.

Affects: Parcels C, D, E, F, G, H, I, J, K and L

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**SCHEDULE B - SECTION II
EXCEPTIONS
(continued)**

35. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Sheldon T. Deacon
Purpose: Right of way
Recording Date: March 1, 1929
Recording No.: Book 50, Page 471, of Official Records

The exact location and extent of said easement is not disclosed of record.

Reference is hereby made to said document for full particulars.

36. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Lillian P. Wooldridge
Purpose: Maintaining, cleaning and dredging the channel of Cole Creek
Recording Date: October 15, 1956
Recording No.: Book 268, Page 370, of Official Records
Affects: Westerly portion of Parcel M

Reference is hereby made to said document for full particulars.

37. Easement(s) for the purpose(s) shown below and rights incidental thereto, as delineated on or as offered for dedication on

Map/Plat: Book 1 of Records of Survey at Page 151
Filing Date: April 6, 1961
Purpose: Drainage
Affects: Most Westerly 30 feet of Parcel M

38. Any rights, interest or claims affecting said land which may exist or arise by reason of any matter(s) set forth and/or disclosed by a survey plat, filed April 6, 1961 in Book 1 of Record of Surveys at Page 151.

Affects: Parcel M

39. Easement(s) for the purpose(s) shown below and rights incidental thereto, as delineated on or as offered for dedication on

Map/Plat: Book 2 of Record of Surveys at Pages 1 through 4, inclusive
Filing Date: April 18, 1961
Purpose: Irrigation pipe line
Affects: Westerly portion of Parcels H, I, J and L

Purpose: Utilities
Affects: Southerly portion of Parcel C

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**SCHEDULE B - SECTION II
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(continued)

40. Notes, Recitals, Legends and/or Conditions as contained on the map filed April 18, 1961 in Book 2 of Record of Surveys at Pages 1 through 4, inclusive.

41. Matters contained in that certain document

Entitled: Right of Way and Easement Agreement and Conveyance
Dated: April 11, 1963
Executed by: Elliott and Lee, Inc. and Shelden T. Deacon, et al.
Recording Date: April 16, 1963
Recording No.: Book 396, Page 557, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel M

42. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 412, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel L

43. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 414, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcels B and C

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**SCHEDULE B - SECTION II
EXCEPTIONS**

(continued)

44. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 416, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel J

45. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 422, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel H

46. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 431, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel K

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**SCHEDULE B - SECTION II
EXCEPTIONS**
(continued)

47. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 444, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel G

48. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 449, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel E

49. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 453, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel I

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SCHEDULE B - SECTION II
EXCEPTIONS
(continued)

50. Matters contained in that certain document

Entitled: Deed
Dated: June 22, 1964
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: June 24, 1964
Recording No.: Book 431, Page 477, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcels A and D

51. Matters contained in that certain document

Entitled: Deed
Dated: January 11, 1965
Executed by: United States of America, Department of the Interior, acting by and through the Area Director of the Sacramento Area Office, Bureau of Indian Affairs
Recording Date: January 14, 1965
Recording No.: Book 450, Page 24, of Official Records

Reference is hereby made to said document for full particulars.

Affects: Parcel F

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

Dated: January 31, 1973
Executed by: Rickabaugh Orchards and the County of Lake
Recording Date: January 30, 1974
Recording No.: Book 750, Page 682, of Official Records

Affects: Parcels C, D, E, F, G, H, I and J (and other Land)

Reference is hereby made to said document for full particulars.

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**SCHEDULE B - SECTION II
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(continued)

Said contract is subject to the following document:

Entitled: Notice of Non-Renewal - Land Conservation Contract
Recording Date: June 23, 1999
Recording No.: Instrument No. 99-010729, of Official Records

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

Affects: Parcels C, D, E, G, H, I and J

Said contract is subject to the following document:

Entitled: Notice of Non-Renewal Williamson Act Contract
Recording Date: December 16, 2011
Recording No.: Instrument No. 2011017810, of Official Records

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

Affects: Parcel F

- 53. Any rights, interest or claims affecting said land which may exist or arise by reason of any matter(s) that may be set forth and/or disclosed by a survey plat, filed July 12, 2000 in Book 69 of Record of Surveys at Page 38.
- 54. Any rights, interest or claims affecting said land which may exist or arise by reason of any matter(s) that may be set forth and/or disclosed by a survey plat, filed October 31, 2000 in Book 70 of Record of Surveys at Page 3.
- 55. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Gas and Electric Company, a California corporation
Purpose: Electrical facilities and communication facilities
Recording Date: May 14, 2009
Recording No.: Instrument No. 2009007862, of Official Records
Affects: Easterly portion of Parcels C, D, E and G

Limitations on the use, by the owners of said Land, of the easement area as set forth in the easement document shown hereinabove.

Reference is hereby made to said document for full particulars.

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SCHEDULE B - SECTION II
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(continued)

56. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Gas and Electric Company, a California corporation
Purpose: Electrical facilities and communication facilities
Recording Date: May 14, 2009
Recording No.: Instrument No. 2009007863, of Official Records
Affects: Easterly portion of Parcel F

Limitations on the use, by the owners of said Land, of the easement area as set forth in the easement document shown hereinabove.

Reference is hereby made to said document for full particulars.

57. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Gas and Electric Company, a California corporation
Purpose: Electrical facilities and communication facilities
Recording Date: May 14, 2009
Recording No.: Instrument No. 2009007864, of Official Records
Affects: Easterly portion of Parcel H

Limitations on the use, by the owners of said Land, of the easement area as set forth in the easement document shown hereinabove.

Reference is hereby made to said document for full particulars.

58. Any rights of the parties in possession of a portion of, or all of, said Land, which rights are not disclosed by the public records.

59. Matters which may be disclosed by an inspection and/or by a correct ALTA/NSPS Land Title Survey of said Land that is satisfactory to the Company, and/or by inquiry of the parties in possession thereof.

NOTES:

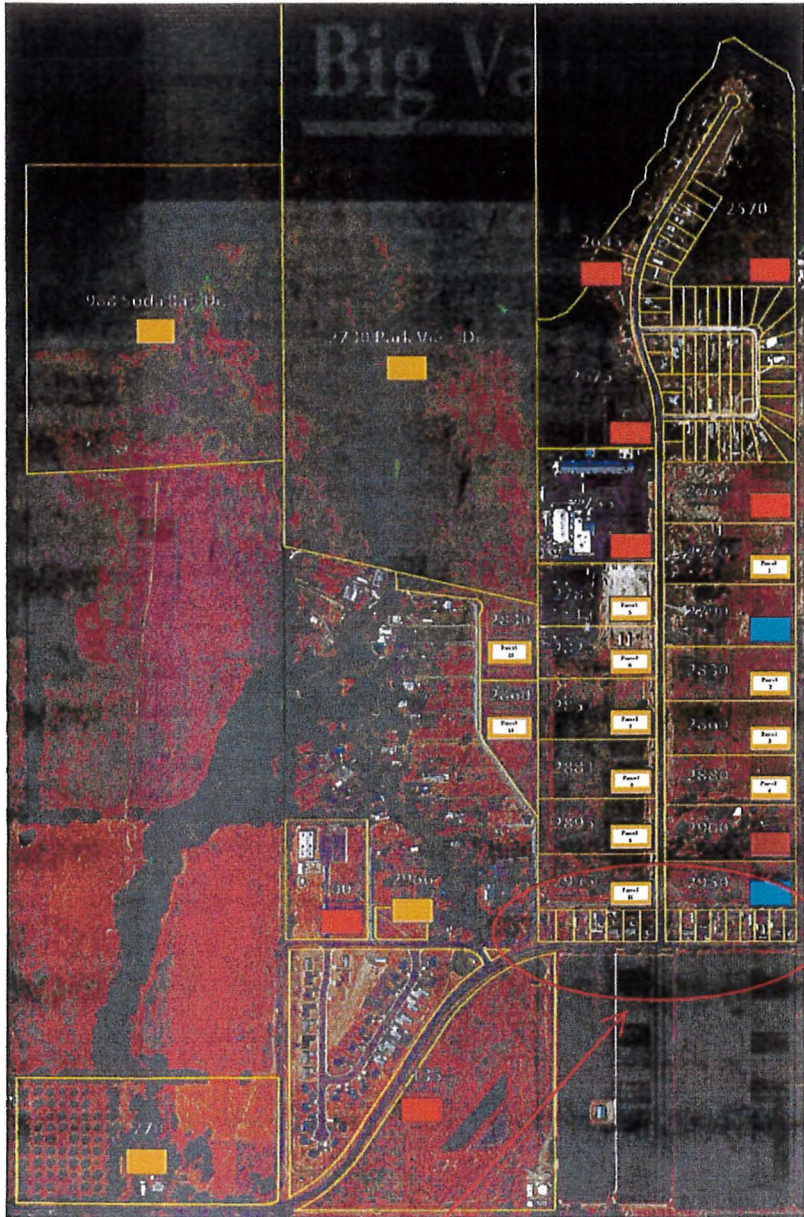
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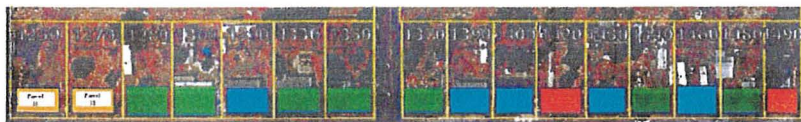
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Big Valley Rancheria



Soda Bay Road



Mission Way



Land Status Legend

- Tribal Member Fee Property
- Tribal Member Trust Property
- Tribal Fee Property
- Tribal Trust Property
- Private Fee Property



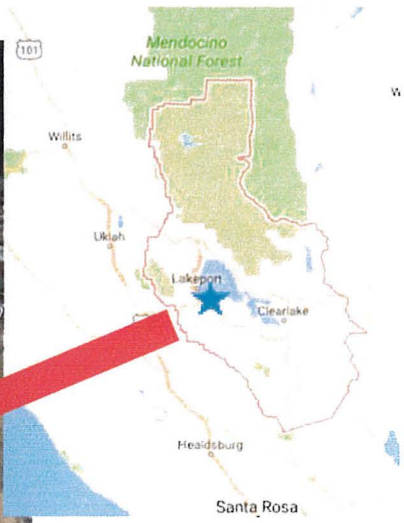
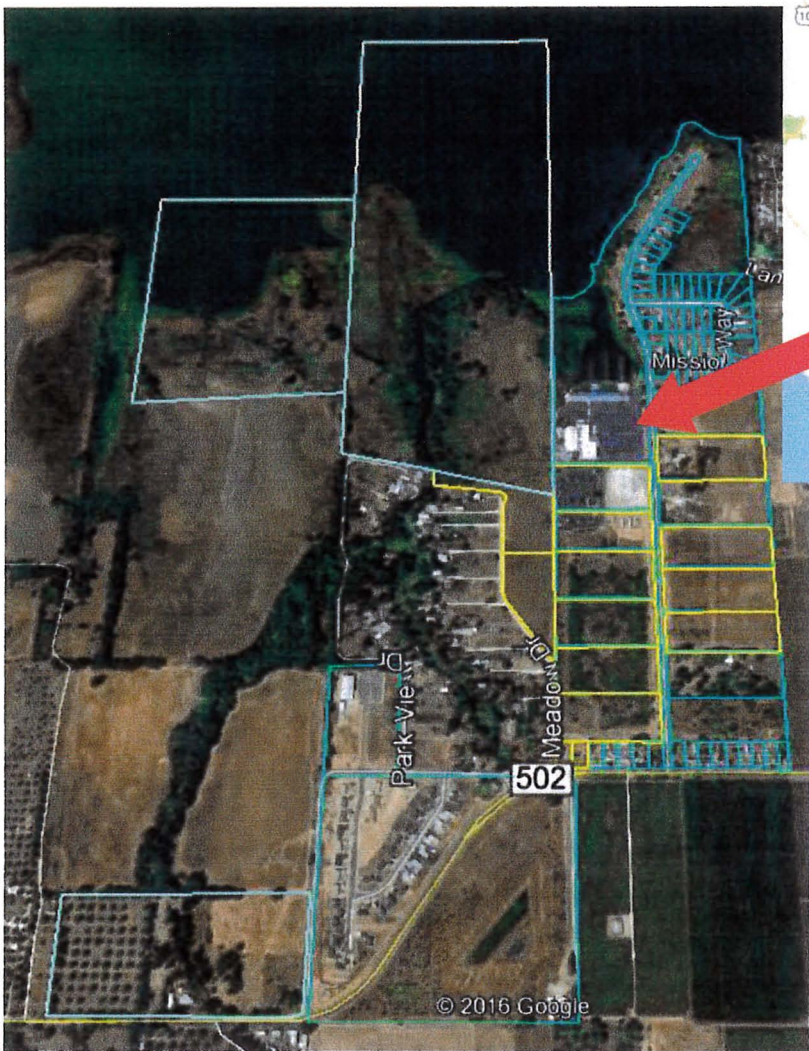
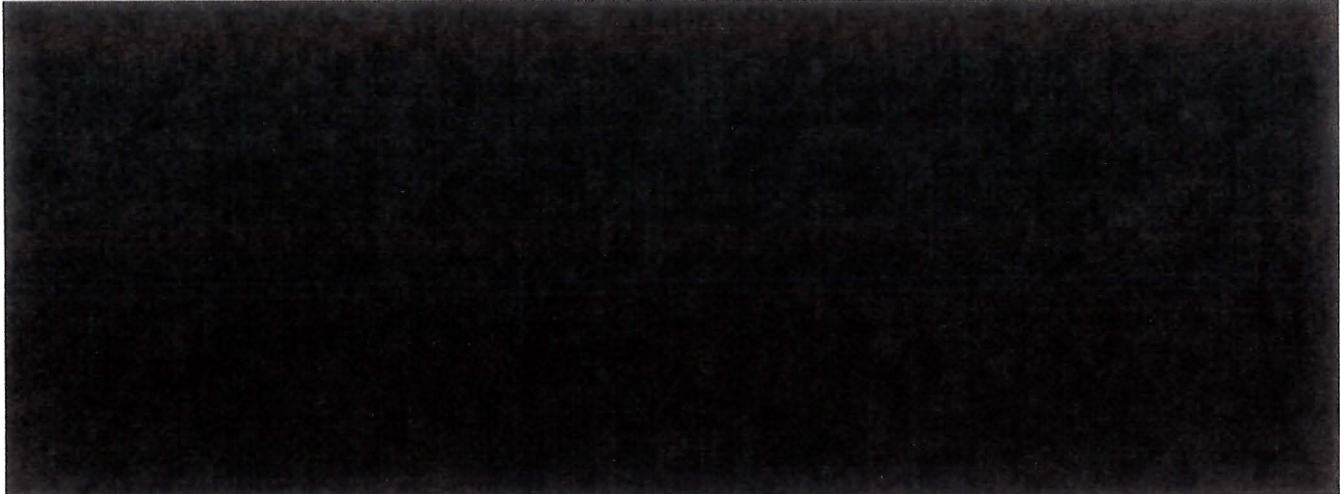


Figure 1-1. Blue outlined are Big Valley Rancheria lands, yellow outlined properties are part of this review. Inset, Big Valley Rancheria within Lake County, CA.



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

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

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

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

PART 151—LAND ACQUISITIONS

Sec.

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

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

AUTHORITY: R.S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1967, as amended, 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended, 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450b, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, 1495, and other authorizing acts.

CROSS 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 900 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR part 2530; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR parts 2561 and 2564; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR part 1823, subpart N; the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§ 117.8 and 158.54 of this title.

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

§ 151.1 Purpose and scope.

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

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

§ 151.2 Definitions.

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

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

(c) *Individual Indian* means:

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

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

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

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

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

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

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

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

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

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

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

§ 151.3 Land acquisition policy.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 151.6 Exchanges.

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

§ 151.7 Acquisition of fractional interests.

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

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

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

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

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

without offering to purchase all of such interests; or

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

§ 151.8 Tribal consent for nonmember acquisitions.

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

§ 151.9 Requests for approval of acquisitions.

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

§ 151.10 On-reservation acquisitions.

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

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

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

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

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

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

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

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

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

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

[45 FR 62036, Sept. 18, 1980, as amended at 60 FR 32879, 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-

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

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

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

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

§ 151.12 Action on requests.

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

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

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

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

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

(i) Promptly provide the applicant with the decision;

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

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

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

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

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

(i) Promptly provide the applicant with the decision;

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

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

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

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

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

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

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

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

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

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

[78 FR 67937, Nov. 13, 2013]

§ 151.13 Title examination.

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

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

§ 151.14 Formalization of acceptance.

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

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, 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.