

2011-11



United States Department of the Interior

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

IN REPLY REFER TO:

SEP 10

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 Picayune Rancheria of Chukchansi Indians of California (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 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:

Picayune Rancheria of Chukchansi Indians of California

Legal Land Description/Site Location:

PARCEL I:

PARCEL A:

Parcel 2 of Parcel Map 349 in the unincorporated area of the County of Madera, State of California, as per map recorded November 25, 1970 in Book 16, Page 111 of Parcel Maps, in the Office of the County Recorders of said County.

Excepting therefrom the east 30 feet of said property dedicated to the County of Madera as a street right of way in that certain offer of dedication recorded November 23, 1970 in Book 1075 of Official Records, at Page 353, Document No. 14445, Madera County Records.



DUP

PARCEL B:

A non-exclusive easement for road purposes over that portion of the southwest ¼ of Section 20, Township 8 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, shown as Parcel 1 on Parcel Map No. 349, recorded November 25, 1970 in Book 16 of Maps, Page 111, Madera County Records, described as follows:

Beginning at the Northwest corner of Parcel 1 on said map; thence North 88°44'06" East, along the North line thereof, 33 feet; thence at right angles South a distance of 6 feet; thence Southwesterly in a direct line to a point on the West line of said Parcel 1 which is 27 feet Southerly along said line from the Northwest corner of said Parcel 1; thence Northerly along said West line 27 feet to the point of beginning.

PARCEL II

The point of beginning the Southwest corner of Parcel No. 1 of Parcel Map No. 350 recorded in Book 16, Page 94, M.C.O.R.; thence North 88°35'09" East along the South Section line of Section 20, Township 8 South, Range 21 East M.D.B.M. a distance of 590.23 feet more or less to a ½ inch rebar capped L.S. 4261; thence North 00°06'53" West a distance of 269.53 feet more or less to a ½ inch rebar capped L.S. 4261; thence South 88°56'37" West a distance of 205.00 feet more or less to a ¾ inch iron pipe tagged R.C.E. 12406; thence North 72°37'59" West a distance of 253.36 feet more or less to a ¾ inch iron pipe tagged R.C.E. 12406; thence right around a non-tangent 150.00 feet radius curve with a radius of N 72°37'59" W at this point, having a central angle of 72°37'59" and a length of 190.15 feet; thence South 00°05'51" East distance of 250.72 feet more or less to the South Section line and the ending point of this description.

PARCEL III:

The portion of the South Half of the Southwest Quarter of Section 20, Township 8 South, Range 21 East, MDB&M, according to United States Government Township Plats, being shown as Parcel 3 on that certain Parcel Map filed for record November 24, 1970 in Book 16 of Maps, at Page 111, Records of Madera County.

PARCEL IV:

Parcel 4 of Parcel Map 349 in the Unincorporated Area of the County of Madera, State of California, as per Map recorded November 25, 1970 in Book 16, Page 111 of Parcel Map, in the Office of the County Recorders of said County.

APN: 054-460-012, 054-460-025, 054-460-013 and 054-460-014

Project Description/Proposed Land Use:

The subject property consists of a four parcels of land, encompassing approximately 12.48 acres more or less, commonly referred to as Assessor's Parcel Numbers: 054-460-012, 054-460-025, 054-460-013 and 054-460-014. The parcels are contiguous to trust lands.

Currently, the subject property consists of a vacant single family home on each parcel. The Tribe does not propose any change in land use or any ground disturbing activity.

Current Use/Taxes and Zoning:

Assessed property taxes for 2009-2010 were as follows:

054-460-012: \$1,366.06
054-460-025: \$1,981.14
054-460-013: \$ 740.06
054-460-014: \$ 961.35

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.

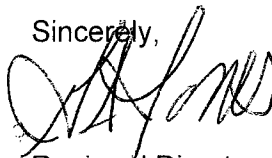
This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

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,



Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse – 7011 1570 0002 2887 7114
Office of Planning and Research
State of California
P.O. Box 3044
Sacramento, CA 95814

Jacob Appelsmith, Legal Affairs Secretary – 7011 1570 0002 2887 7121
Office of the Governor
State Capitol Building
Sacramento, CA 95814

Ms. Sara J. Drake, Deputy Attorney General – 7011 1570 0002 2887 7138
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

James Peterson, District Director – 7011 1570 0002 2887 7145
Office of U.S. Senator Feinstein
750 "B" Street, Suite 1030
San Diego, CA 92101

Madera County Board of Supervisors – 7011 1570 0002 2887 7152
209 West Yosemite
Madera, CA 93637

Madera County Planning Department – 7011 1570 0002 2887 7169
209 West Yosemite
Madera, CA 93637

Madera County Treasurer – 7011 1570 0002 2887 7176
209 West Yosemite
Madera, CA 93637

Madera County Tax Assessor's Office – 7011 1570 0002 2887 7183
209 West Yosemite
Madera, CA 93637

Madera County Fire Department – 7011 1570 0002 2887 7190
14225 Road 28
Madera, CA 93638

Madera County Sheriff's Department – 7011 1570 0002 2887 7206
14143 Road 28
Madera, CA 93638

City of Madera – 7011 1570 0002 2887 7213
City Counsel – c/o City Clerk
205 Forest St.
Madera, CA 93637

Chairperson – 7011 1570 0002 2887 7220
North Fork Rancheria
P.O. Box 929
North Fork, CA 93643-0929

Regular Mail:

Superintendent
Bureau of Indian Affairs
Central California Agency
650 Capitol Mall, Suite 8-500
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 Matters Affect Parcel I:

1. General and special taxes and assessments for the fiscal year 2010-2011, 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.
3. An easement for to erect, maintain, replace, remove, use such poles with all necessary, proper cross-arms, braces, anchors, guys, any, all other appliances, fixtures for use in connection for the transmission, distribution of electrical energy in supplying telephone, telegraph service together with an easement, right of way and incidental purposes, recorded July 28, 1949 as Book 472, Page 50 of Official Records.
In Favor of: Harry H. Baker and Edith M. Baker doing business as Raymond Telephone Company
Affects: A portion of said land
4. An easement for dedication as a street right of way and incidental purposes in the document recorded November 23, 1970 as Instrument No. 14445 in Book 1075, Page 353 of Official Records.
5. An easement for to construct, use, maintain, operate, alter, add to, repair, replace, and/or remove its facilities, consisting of underground conduits, manholes, cables, wires, appurtenances, for the transmission of electric energy for communication, other purposes and incidental purposes, recorded March 15, 1978 as Instrument No. No. 6328 in Book 1386 Page 94 of Official Records.
In Favor of: Sierra Telephone Company, Inc
Affects: A portion of said land
6. Rights of the public in and to that portion of the land lying within any road, street or highway.
7. Notice and certificate of occupancy for mobile home installation on a foundation system (HCD 433A(4/86) recorded October 01, 1999 as Instrument No. 99-27038 of Official Records of Madera County, California.

8. Any easements and/or servitudes affecting easement parcel(s) 2 herein described.

The Following Matters Affect Affects Parcel II:

9. General and special taxes and assessments for the fiscal year 2010-2011, a lien not yet due or payable.
10. General and special taxes and assessments for the fiscal year 2009-2010.
- | | |
|---------------------|----------------|
| First Installment: | \$990.57, PAID |
| Penalty: | \$0.00 |
| Second Installment: | \$990.57, PAID |
| Penalty: | \$0.00 |
| Tax Rate Area: | 062-001 |
| A. P. No.: | 054-460-025 |
11. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
12. An easement for public utilities and incidental purposes, recorded July 16, 1913 in Book 64 of Deeds, Page 29.
- | | |
|--------------|---|
| In Favor of: | San Joaquin Light and Power Corporation |
| Affects: | The land |
13. An easement for right of way for electric transmission line with a single line of poles and incidental purposes, recorded March 7, 1917 in Book 78 of Deeds, Page 231.
- | | |
|--------------|--------------------------|
| In Favor of: | Krogomick Mining Company |
| Affects: | The land |
14. An easement for public utilities and incidental purposes, recorded July 28, 1949 as Book 472, Page 51 of Official Records.
- | | |
|--------------|--|
| In Favor of: | Harry H. Baker and Edith M. Baker, doing business as Raymond Telephone Company |
| Affects: | The land |
15. An easement for public utilities and incidental purposes, recorded July 28, 1949 as Book 472, Page 50 of Official Records.
- | | |
|--------------|--|
| In Favor of: | Harry H. Baker and Edith M. Baker, doing business as Raymond Telephone Company |
| Affects: | The land |
16. An easement for public utilities and incidental purposes, recorded December 31, 1976 as Book 1305, Page 54 of Official Records.
- | | |
|--------------|---|
| In Favor of: | Sierra Telephone Company, Inc., a Corporation |
| Affects: | The land |
17. The terms and provisions contained in the document entitled "Right-to-Farm Notice" recorded September 19, 1991 as Instrument No. 91-23898 of Official Records.

18. The effect of a map purporting to show the land and other property, filed September 20, 1991 in Book 38, Page 100 of Maps of Record of Surveys.

The Following Matters Affect Affects Parcel III:

19. General and special taxes and assessments for the fiscal year 2010-2011, a lien not yet due or payable.
20. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
21. An easement for for the right, from time to time, to erect, maintain, replace, remove and use such poles with all necessary and proper cross-arms, braces, anchors, guys and any and all other appliances and fixtures for use in connection for the transmission and distribution of electrical energy in supplying telephone and telegraph service together with an easement and right of way and incidental purposes, recorded July 28, 1949 as Instrument No. 15416 in Book 472 Page 50 of Official Records.
In Favor of: Harry H. Baker and Edith M. Baker doing business as Raymond Telephone Company
Affects: The land
22. An easement for dedication as a street right-of-way and incidental purposes in the document recorded November 23, 1970 as Instrument No. 14445 in Book 1075 Page 353 of Official Records.
23. An easement for transmission of electric energy for communication and other purposes and incidental purposes, recorded March 15, 1978 as Instrument No. 6328 in Book 1386 Page 94 of Official Records.
In Favor of: Sierra Telephone Company, Inc.
Affects: The land

The Following Matters Affect Affects Parcel IV:

24. General and special taxes and assessments for the fiscal year 2010-2011, a lien not yet due or payable.
25. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
26. An easement for the right, from time to time, to erect, maintain, replace, remove and use such poles with all necessary and proper cross-arms, braces, anchors, guys and any and all other appliances and fixtures for use in connection for the transmission and distribution of electrical energy in supplying telephone and telegraph service together with an easement and right of way and incidental purposes, recorded July 28, 1949 as Book 472 Page 50 as Instrument No. 15416 of Official Records.
In Favor of: Harry H. Baker and Edith M. Baker doing business as Raymond Telephone Company
Affects: The land

27. An easement for street right of way and incidental purposes, recorded November 23, 1970 as Book 1075, Page 353 of Official Records.
In Favor of: County of Madera
Affects: The land

28. An easement for transmission and distribution of electric energy and incidental purposes, recorded June 7, 1973 as Book 1163, Page 248 of Official Records.
In Favor of: Pacific Gas and Electric Company, a California Corporation
Affects: The land

29. An easement for right of way for utilities and incidental purposes in the document recorded February 11, 1971 as Book 1080, Page 640 of Official Records.

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

30. Notice and certificate of occupancy for mobile home installation on a foundation system (HCD 433A(4/86) recorded September 4, 1999 as Instrument No. 99-25425 of Official Records of Madera County, California.

31. A declaration of homestead executed by Alexander R. Huerta, recorded March 30, 2009 as Instrument No. 09-10494 of Official Records.

Prior to the issuance of any policy of title insurance, the Company will require:

32. With respect to Picayune Rancheria of the Chukchansi Indians, a Federally Recognized Indian Tribe, a California Corporation, a corporation:
- a. A certificate of good standing of recent date issued by the Secretary of State of the corporation's state of domicile.
 - b. A certified copy of a resolution of the Board of Directors authorizing the contemplated transaction and designating which corporate officers shall have the power to execute on behalf of the corporation.
 - c. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

Bureau of Indian Affairs, Interior

§ 151.1

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

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

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

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

PART 151—LAND ACQUISITIONS

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

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

AUTHORITY: R.S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1967, as amended; 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 359; 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, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 6400-10, 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

§ 151.2

25 CFR Ch. I (4-1-07 Edition)

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 descendent 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

Bureau of Indian Affairs, Interior

§ 151.10

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

§ 151.11

25 CFR Ch. I (4-1-07 Edition)

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-

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 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

sooner than 30 days after the notice is published.

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

(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 32879, June 23, 1995; 64 FR 13895, 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.

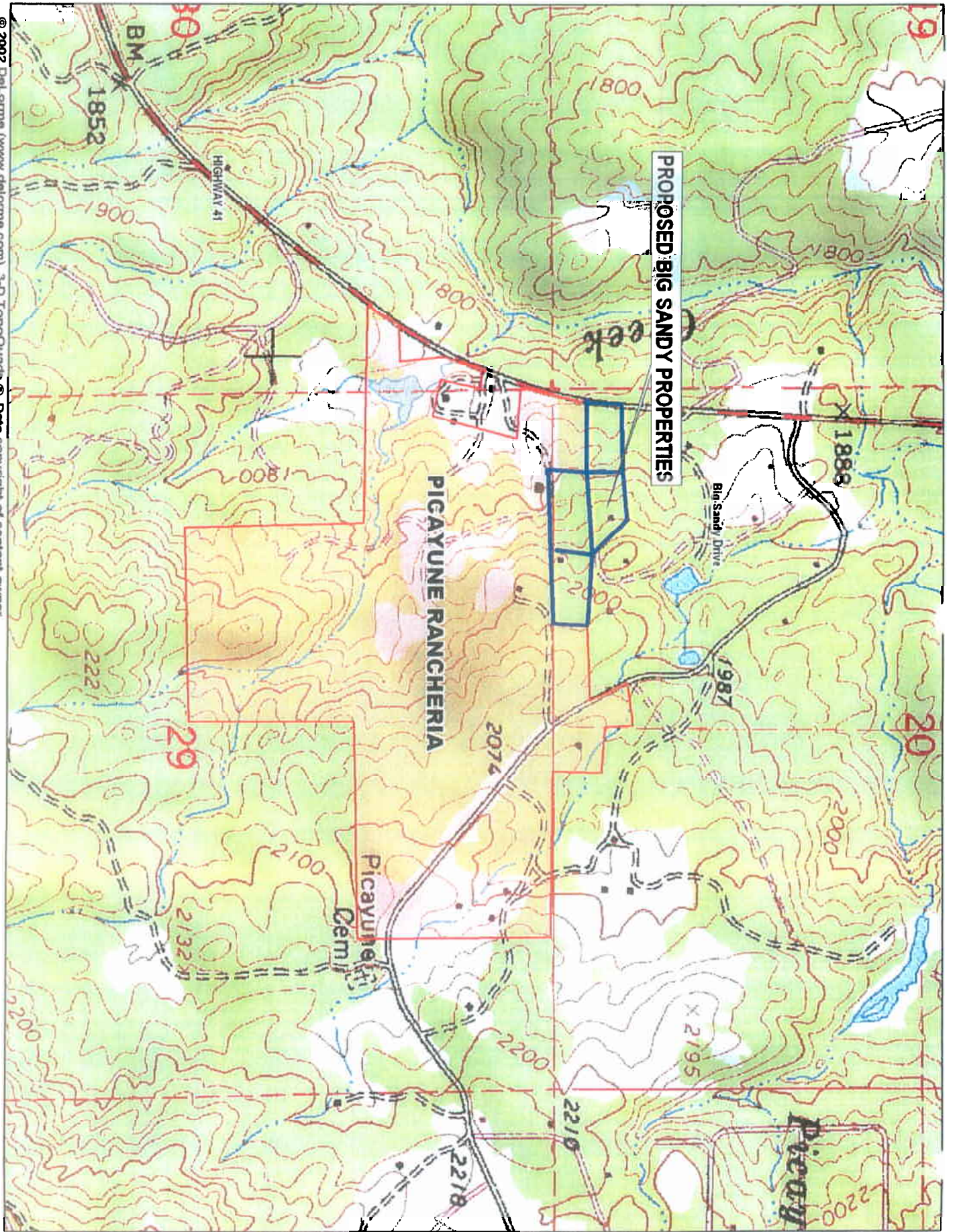
152.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.

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.



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 Scale: 1 : 11,200 Map Rotation: 0° Magnetic Declination: 0.0°E

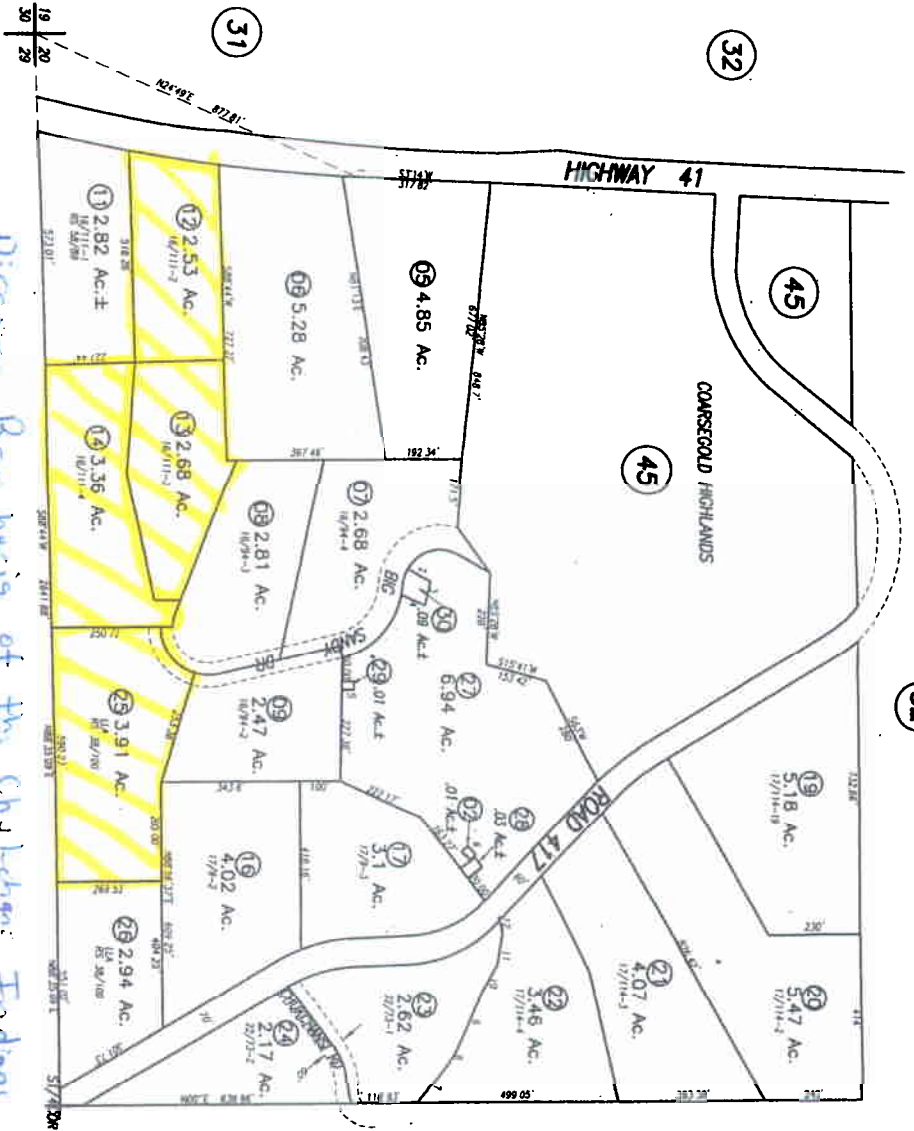
800 ft

ORIGINAL

FOR. SEC. 20 T.8S. R.21E. M.D.B.&M.

Tax Area Code
62-001

54-46



NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights zoning regulations or land division.

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NOTE - Assessor's Block Numbers Shown in Squares
Assessor's Parcel Numbers Shown in Circles

Picayune Rancheria of the Chulashan Indians

1	CLARK LT. 1-A-8	65.00'
2	SEV/SLATE	30.77'
3	SEV/SLATE	44.42'
4	SEV/SLATE	112.16'
5	SEV/SLATE	51.31'
6	SEV/SLATE	148.51'
7	SEV/SLATE	77.89'
8	SEV/SLATE	38.89'
9	SEV/SLATE	
10	SEV/SLATE	
11	SEV/SLATE	
12	SEV/SLATE	

Assessor's Map No. 54-46
County of Madera, Calif.
1971