



IN REPLY REFER TO:

United States Department of the Interior

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

AUG 8 - 2012

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:

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

Parcels 2, 3 and 4 of parcel Map No. 3499 according to the map thereof recorded in the County of Madera, State of California, on April 20, 1994 in Book 42 of Maps, at Page 69, Madera County Records.

APN: 054-322-002, 054-322-003 and 054-322-004



Project Description/Proposed Land Use:

The subject property consists of a three parcels of land, encompassing approximately 64.77 acres more or less, commonly referred to as Assessor's Parcel Numbers: 054-322-002, 054-322-003 and 054-322-004. The property is not contiguous to trust lands.

Currently, the subject property is described as follows:

Parcel 1: APN 054-322-002 comprising of 19.16 acres. This parcel has no disturbance and is zoned as residential, mountain, single family district. The property will retain its existing use, which will facilitate self-determination by preserving the land for generations to come. No additional improvements or development are planned, preserving the rural character of the area.

Parcel 2: APN 054-322-003 comprising of 36.78 acres. This parcel has no disturbance other than a well and is zoned residential, mountain, single family district. The property will retain its existing use, which will facilitate self-determination by preserving the land for generations to come. No additional improvements or development are planned, preserving the rural character of the area. A well is located on this property, which could provide a back-up source of water to the Tribe, improving infrastructure of the Tribe as a whole, and facilitating both self-determination and Indian housing; however, the Tribe has no plans to utilize this well.

Parcel 3: APN 054-322-004 comprising of 8.83 acres. This parcel has no disturbance and is zoned as residential, mountain, single family district. The property will retain its existing use, which will facilitate self-determination by preserving the land for generations to come. No additional improvements or development are planned, preserving the rural character of the area.

The Tribe does not propose any change in land use or any ground disturbing activity.

Current Use/Taxes and Zoning:

Assessed property taxes for 2011 were as follows:

054-322-002: \$7,827.78
054-322-003: \$7,283.56
054-322-004: \$3,522.30

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,

Acting


Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse – 7012 0470 0000 9758 1351
Office of Planning and Research
State of California
P.O. Box 3044
Sacramento, CA 95814

Jacob Appelsmith, Legal Affairs Secretary – 7012 0470 0000 9758 1368
Office of the Governor
State Capitol Building
Sacramento, CA 95814

Ms. Sara J. Drake, Deputy Attorney General – 7012 0470 0000 9758 1375
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Office of U.S. Senator Feinstein – 7012 0470 0000 9758 1382
750 "B" Street, Suite 1030
San Diego, CA 92101

Madera County Board of Supervisors – 7012 0470 0000 9758 1399
200 West 4th Street
Madera, CA 93637

Madera County Planning Department – 7012 0470 0000 9758 1405
2037 W. Cleveland Ave. M.S. G
Madera, CA 93637

Madera County Treasurer – 7012 0470 0000 9758 1412
200 W. 4th St.
Madera, CA 93637

Madera County Tax Assessor's Office – 7012 0470 0000 9758 1429
200 W. 4th St.
Madera, CA 93637

Madera County Fire Department – 7012 0470 0000 9758 1436
14225 Road 28
Madera, CA 93638

Madera County Sheriff's Department – 7012 0470 0000 9758 1443
14143 Road 28
Madera, CA 93638

City of Madera – 7012 0470 0000 9758 1450
City Counsel – c/o City Clerk
205 W. 4th St.
Madera, CA 93637

Chairperson – 7012 0470 0000 9758 1467
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 II

EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

1. **Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2009-2010, Assessor's Parcel Number 054-322-002.

Code Area Number: 062-028
1st Installment: \$4,055.60 paid
2nd Installment: \$4,055.60 open
Land: \$742,845.00
Improvements: \$0.00
Exemption: \$0.00
Personal Property: \$0.00

Property taxes, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2009-2010, Assessor's Parcel Number 054-322-003.

Code Area Number: 062-028
1st Installment: \$5,117.93 paid
2nd Installment: \$5,117.93 open
Land: \$939,857.00
Improvements: \$0.00
Exemption: \$0.00
Personal Property: \$0.00

Property taxes, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2009-2010, Assessor's Parcel Number 054-322-004.

Code Area Number: 062-028
1st Installment: \$1,823.91 paid
2nd Installment: \$1,823.91 open
Land: \$328,974.00
Improvements: \$0.00
Exemption: \$0.00
Personal Property: \$0.00

2. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

3. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: San Joaquin Light & Power Corporation
Purpose: Public Utilities
Recorded: July 16, 1913, Book 64, Page 29, of Official Records
Affects: said land

4. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Harry H. Baker and Edith M. Baker dba Raymond Telephone Company
Purpose: Public Utilities
Recorded: July 28, 1949, Book 472, Page 50, of Official Records
Affects: said land

5. **An Offer of Dedication** to the County of Madera of a right of way for any public purposes on, over and across a portion of said lands as set forth in that certain Instrument recorded September 17, 1976, in Book 1289, Page 204, Madera County Records.

Reference is made to said document for full particulars.

6. **Matters** contained in that certain document entitled "Easement Agreement" dated April 1, 1977, executed by and between Lutz Ruhe, and Lutz Ruhe as Executor of the Will of Heinz Ruhe and Paul S. Chaffee and Rae Chaffee recorded August 25, 1977, Instrument No. 21094, Book 1347, Page 478, of Official Records.

Reference is hereby made to said document for full particulars.

7. **Matters** contained in that certain document entitled "Easement Agreement" dated June 2, 1977, executed by and between Lutz Ruhe and Gerda Ruhe and Paul S. Chaffee and Rae Ann Chaffee recorded June 17, 1977, Instrument No. 15324, Book 1335, Page 257, of Official Records.

Reference is hereby made to said document for full particulars.

8. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Sierra Telephone Company, Inc.
Purpose: Public Utilities
Recorded: March 15, 1978, Instrument No. 6334, Book 1386, Page 101, of Official Records
Affects: said land

9. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Sierra Telephone Company, Inc.
 Purpose: Public Utilities
 Recorded: November 17, 1982, Instrument No. 21701, Book 1667, Page 336, of Official Records
 Affects: said land

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

10. **Matters** contained in that certain document entitled "Securing Costs for Improvements" dated March 1, 1994, executed by and between John Jamison and County of Madera recorded March 4, 1994, Instrument No. 7022, of Official Records.

Reference is hereby made to said document for full particulars.

11. **The fact** that the ownership of said land does not include rights of access to or from the street, highway, or freeway abutting said land, such rights having been relinquished by the document,

Recorded: April 20, 1994, Instrument No. Parcel Map No. 3499, Book 42, Page 69, of Parcel Maps
 Affects: that portion abutting Highway 41

12. **Recitals** as shown on that certain map recorded April 20, 1994, Book 42, Page 69, of Maps, which, among other things states:

"a) Note: The applicant and/or successors in interest shall be responsible for annual maintenance of all fire-safe features as required and administered by the California Department of Forestry and Fire Protection under the Provisions of Public Resources Code Section 4290.

b) Driveway access".

Reference is made to said map for full particulars.

13. **Rights of the public** in and to that portion of the herein described land lying within the boundaries of any public road or highway.

14. **Said land lies** within the boundaries of the Improvement District shown below and is subject to any and all assessments levied thereunder.

Name of District: Maintenance District No. 88 (Safari World)

15. **Matters** contained in that certain document entitled "Extending Term of Agreement for Improvements - Parcel Map 3499, Madera County Contract No. 5313B-C-96" dated June 18, 1996, executed by and between County of Madera and Larry Celechovsky recorded June 21, 1996, Instrument No. 16857, of Official Records.

Reference is hereby made to said document for full particulars.

16. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas & Electric Company
Purpose: Public Utilities
Recorded: February 27, 2002, Instrument No. 5990, of Official Records
Affects: a portion of Parcel 3

Reference is made to said document for full particulars.

17. **Rights of the public** in and to that portion of the herein described land lying within Picayune Creek.

18. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Sierra Telephone Company
Purpose: Public Utilities
Recorded: February 17, 2004, Instrument No. 5927, of Official Records
Affects: a portion of Parcel 4

Reference is made to said document for full particulars.

19. Consequences of any assertion that the acquisition of title in trust was without authority.

20. **As of this report date**, we find no open deeds of trust of record. Please verify with escrow personnel and/or agents whether or not we have overlooked something and advise the title department accordingly prior to close of escrow.

21. **Any easements** not disclosed by those public records which impart constructive notice as to matters affecting title to real property and which are not visible and apparent from an inspection of the surface of said land.

22. **Water rights, claims or title to water**, whether or not disclosed by the public records.

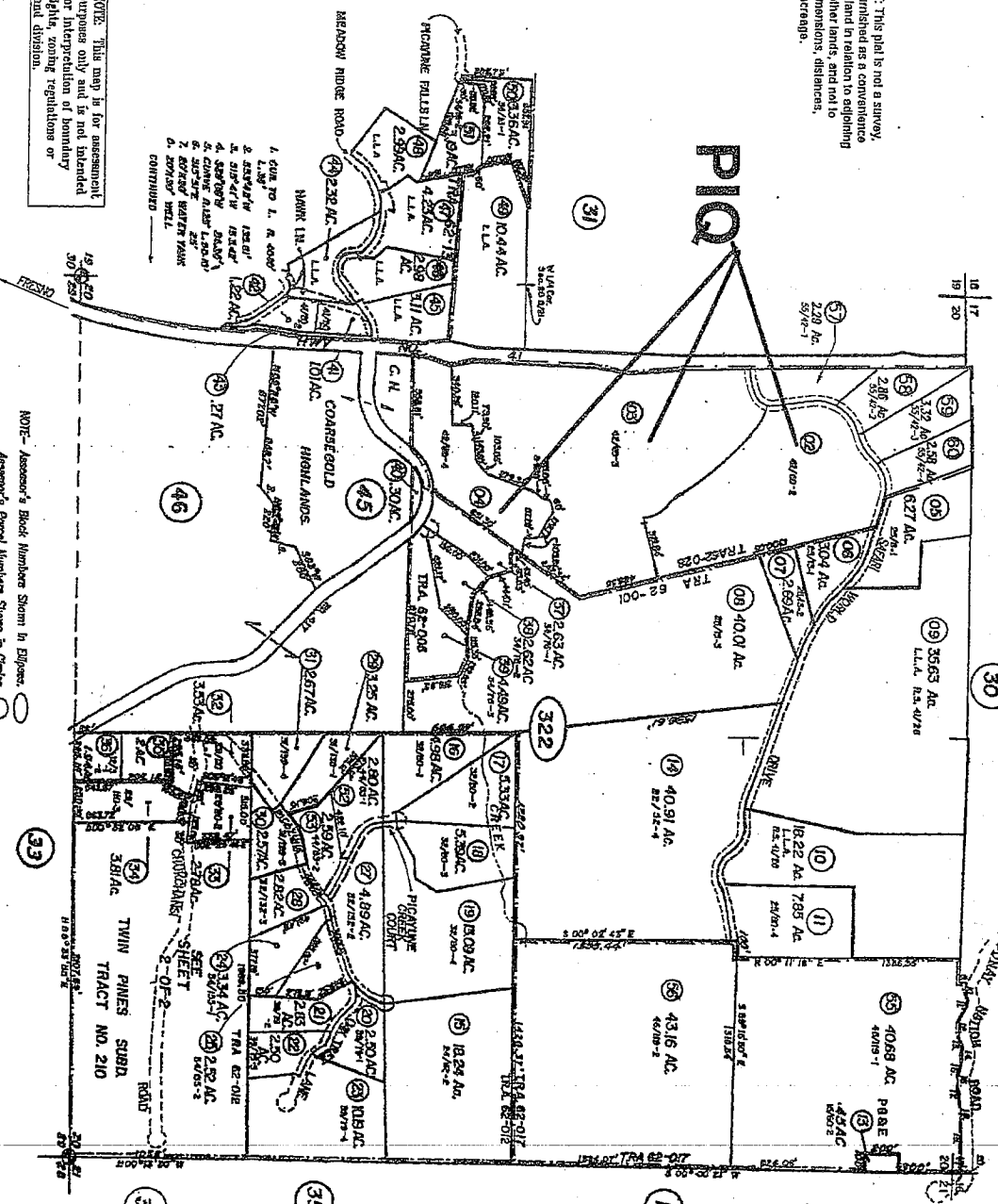
23. **Matters** which may be disclosed by an inspection and/or by a correct ALTA/ACSM Land Title Survey of said land that is satisfactory to this Company, and/or by inquiry of the parties in possession thereof.

END OF SCHEDULE B – SECTION II

ORIGINAL

IMPORTANT: This plat is not a survey. It is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands, and not to guarantee dimensions, distances, bearings or acreage.

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

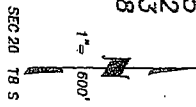


NOTE: This map is for assessment purposes only and is not intended for interpretation of boundary rights, zoning regulations or land division.

NOTE: Assessor's Book Numbers Shown in Edges: Assessor's Parcel Numbers Shown in Circles

Tax Area Code

- 62-000
- 62-001
- 62-005
- 62-012
- 62-013
- 62-028



SEC 20 T.8 S R.21E

1. 1/4	2. 1/4	3. 1/4	4. 1/4
5. 1/4	6. 1/4	7. 1/4	8. 1/4
9. 1/4	10. 1/4	11. 1/4	12. 1/4
13. 1/4	14. 1/4	15. 1/4	16. 1/4
17. 1/4	18. 1/4	19. 1/4	20. 1/4
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89. 1/4	90. 1/4	91. 1/4	92. 1/4
93. 1/4	94. 1/4	95. 1/4	96. 1/4
97. 1/4	98. 1/4	99. 1/4	100. 1/4

Assessor's Map No. 54-32
 Sheet 1 of 2
 Coarsegold
 County of Madera, Calif.
 1966 SEP 01 2336

54-32
 SHEET 1 of 2

§ 150.11

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

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

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

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

PART 151—LAND ACQUISITIONS

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

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

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

AUTHORITY: R.S. 161; 5 U.S.C. 301, Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 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. 628; 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. 1374; 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, 640d-10, 1466, 1496, 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 153.54 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

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

§ 151.2 Definitions.

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

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

(c) *Individual Indian* means:

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

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

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

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

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

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

§ 151.4

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

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

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

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

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

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

In addition to acquisitions for tribes which did not reject the provisions of the Indian Reorganization Act and their members, land may be acquired in trust status for an individual Indian or a tribe in the State of Oklahoma under section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 466), if such acquisition comes within the terms of this part. This authority is in addition to all other statutory authority for such an acquisition.

§ 151.6 Exchanges.

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

§ 151.7 Acquisition of fractional interests.

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

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

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

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

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

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

without offering to purchase all of such interests; or

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

§ 151.8 Tribal consent for nonmember acquisitions.

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

§ 151.9 Requests for approval of acquisitions.

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

§ 151.10 On-reservation acquisitions.

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

Bureau of Indian Affairs, Interior

§ 151.12

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

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

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

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

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

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

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

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

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

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

§ 151.13

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

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

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-S1B, 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. 28, 1999]

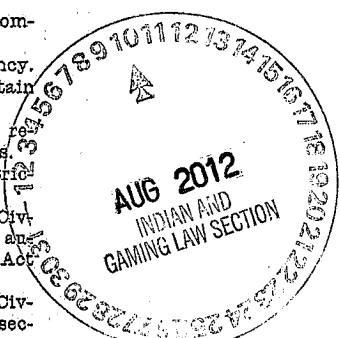
PART 152—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

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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