

**Application:** Request to take 64.77 acres of land in Madera County, California into trust for the Picayune Rancheria of the Chukchansi Indians of California.

**Submitted to:** Larry EchoHawk  
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**Submitted by:** Morris Reid, Chairman  
Picayune Rancheria of the Chukchansi Indians of California

## I. INTRODUCTION

The Picayune Rancheria of the Chukchansi Indians of California (the "Tribe") submits this application and requests the Secretary of the Interior ("Secretary") to accept trust title to land located near, but not contiguous to, the Tribe's Rancheria in Madera County, California (the "Proposed Trust Property") for the benefit of the Tribe. This Application also includes a request that the Secretary proclaim the Proposed Trust Property as a new addition to the Tribe's Rancheria. *See* 25 U.S.C. § 467. The purpose of this acquisition is to facilitate tribal self-determination by preserving and protecting lands and resources which hold cultural and spiritual significance, as well as reestablishing tribal jurisdiction and sovereignty over an area of historical and anthropological significance to the Tribe.

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The Tribe has continuously used and occupied lands located in California's Madera County, the town of Coarsegold, and the surrounding areas as part of their traditional territory. The Tribe wishes to have taken into trust approximately 64.77 acres located in and about Coarsegold. Such lands are located within the aboriginal territory of the Tribe and should be placed into trust for the benefit of the Tribe and declared as part of the Tribe's Rancheria.

This application tracks and addresses the requirements to take land into trust as set forth in 25 C.F.R. Part 151. If you have any questions or need further information, please do not hesitate to contact the Tribe.

## **II. REQUEST FOR APPROVAL OF OFF-RESERVATION ACQUISITION OF LANDS**

The Picayune Rancheria of the Chukchansi Indians makes this written request for approval by the Secretary of the acquisition in trust of the land described below for the benefit of the Tribe and to declare said lands as a new addition to the Tribe's Rancheria pursuant to his authority under Sections 5 and 7 of the Indian Reorganization Act, 25 U.S.C. § 465 and 467. The Tribe has attached hereto as Attachment 1, Resolution dated October 1, 2009, in support of such request. The Tribe's request is made pursuant to the Tribe's authority under Article IV, Section 2 and Article V(h) of the Tribe's Constitution, attached hereto as Attachment 2. The Tribe has no plans to conduct gaming on the Proposed Trust Property.

### **A. Identity of Applicant (25 C.F.R. § 151.9)**

The Picayune Rancheria, comprising approximately 80 acres, was set aside by Executive Order on April 24, 1912. In 1958, the 85<sup>th</sup> Congress enacted House Concurrent Resolution 108, which initiated a termination policy for California Indians. Later that same year, passage of House Resolution 2824 and Public Law 85-671, known as the California Rancheria Act, called for the termination of federal trusteeship of the Picayune Rancheria and forty-three (43) other Rancherias within the State of California. The Picayune Rancheria was formally terminated on February 18, 1966. This termination revoked the Picayune Rancheria's federal trusteeship status, excluded tribal members from further federal assistance as Indians and distributed land assignments to eligible Tribal members, thereby placing the land in fee simple status.

In 1979, the Chukchansi Indian Community joined individuals from thirty-four (34) other California Rancherias in a class action lawsuit challenging the federal government's termination of their federal recognition and seeking restoration of their status as Indians. *Tillie Hardwick v. United States*, C-79-1710 SW (N.D. Cal. 1979). In 1983, litigation was settled with respect to seventeen (17) of the thirty-four (34) Rancherias, and in 1983, the U.S. District Court for the Northern District of California ordered the full reinstatement of the seventeen (17) Rancherias as federally recognized Indian tribes. On June 11, 1984, the Assistant Secretary of Indian Affairs published noticed that the Picayune Rancheria Indians were reinstated to their status as Indians. 49 *Fed. Reg.* 24084-02 (June 11, 1984). In 1987, a court order restored the original boundaries of the Picayune Rancheria jurisdictionally as "Indian country" within the meaning of 18 U.S.C. § 1151.

The Picayune Rancheria of Chukchansi Indians has continuously used and occupied lands located in California's Madera County as part of their traditional territory. The Tribe wishes to have taken into trust approximately 64.77 acres located in and about Coarsegold, California that are located within the aboriginal territory of the Picayune Rancheria of Chukchansi Indians and should be placed into trust for the benefit of the Tribe. The Tribe has over 800 members, and the United States currently holds 169.34 acres in trust for the benefit of the Tribe. The acquisition of the Proposed Trust Property is necessary to facilitate tribal self-determination by preserving and protecting lands and resources which hold cultural and spiritual significance, as well as reestablishing tribal jurisdiction and sovereignty over an area of emotional, historical, and anthropological significance to the Tribe.

## **B. Historical Use and Occupancy of the Subject Properties**

The Tribe is among a group of approximately fifteen (15) named "Foothill Yokuts" tribes that occupied the western slopes of the Sierra Nevada from the Fresno River southward to the Kern River. The Tribe occupied the northern foothill region along with the Dumna, Kechayi and Gashowu in an area around the present day towns of Oakhurst and Coarsegold, California. See *Handbook of North American Indians* (8 California, Smithsonian Inst., 1978 at 471); see also maps depicting tribal territory of the Chukchansi, attached hereto as Attachment 3.<sup>1</sup> "The individual identity of each Foothill Yokuts tribes is based primarily on residence in a recognized territory, use of the dialect of the Yokuts language, and practice of a way of life slightly different from that of its neighbors. Of these differences, the territorial one is most obvious and yet is less clear. Each tribe inhabited one or several villages that were collectively central to the tribal lands. That is, the areas around these villages were considered to be home and to be exploited more or less exclusively by their residents. It appears that generally, the territory of a tribe lay within one or two drainage systems, with creeks or valleys forming the stems along which villages were located." *Id.* at 472.

The Picayune Rancheria was first set aside by Executive Order on April 24, 1912. See *Attachment 5*. The intent of this Executive Order was to set aside the land specifically for the use of the Chukchansi. The Executive Order of April 24, 1912 states as follows:

*It is hereby ordered that the north half of the northeast quarter of section 29 township 8 south, range 21 east of the Mount Diablo meridian, be, and the same is hereby, withdrawn from settlement, entry, sale, or other disposition, for Indian use, subject to any existing rights of any person thereto.*

The White House, April 24, 1912 (No. 1522.), Wm. H. Taft.

"In a few instances, exemplified by the Chukchansi Community of Picayune, near Coarse Gold, there remains a recognized Indian Community on the site of a precontact settlement. The Picayune Community together with that near Oakhurst had an estimated population of 112 persons in 1950 (Tax and Stanley 1960).... The number of people has dwindled to half or less that of the pre-White period, and scattering has made these survivors even less apparent. Precise

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<sup>1</sup> Map from *Handbook of North American Indians, supra*.

figures are impossible to secure, but the Chukchansi in 1950 were close to 150 individuals based on genealogical data. However, Chukchansi informants gave counts as low as 7, considering as true Indians only full-blooded Chukchansis in their own generation.” *Handbook of North American Indians, supra*, at p. 483.

“The Chukchansi on Coarsegold Creek inhabited several villages including: Tsuloniu, near the headwaters; Kowoniu, or Kohoniu, on Picayune Creek; and, Kataniu, the present Picayune Rancheria (Kroeber 1925: 482; plate 47; Gayton 1948: 175). Related Chukchansi families would occupy three to five houses (with 3-5 individuals each) about 300-500 feet apart and regard themselves as a village (Gayton 1948: 176). The Chukchansi were hunters and gatherers who depended on the collection of abundant local vegetable and faunal resources with fishing as a supplement (Spier 1978: 472).” *Id.*

The Proposed Trust Property is within the ancestral territory of the Chukchansi people and is generally known as the Safari World Property. The Safari World area has a long and rich history associated with the Chukchansi people as it is located 1/3 of a mile north from current tribal lands.

The Safari World Property is situated within close proximity to the Picayune Rancheria. Additionally, Safari World is located near numerous existing Chukchansi trust allotments and former Chukchansi trust allotments, providing further evidence of the relationship between the Chukchansi people and the area. This area is identified in archeological, ethnological and historical studies as being a location that served as sites for both primary and secondary villages of the Tribe. Although the land had been substantially disturbed and developed for previous use as a safari zoo attraction, archeological research discovered minor findings that are typically associated with the Chukchansi people. It is through placing the land into trust that the Tribe hopes to preserve and regain its ancestral lands for generations to come.

The Tribe reacquired in fee the parcels of the Proposed Trust Property in 2006. None of the Proposed Trust Property is covered by the Williamson Act.

### **C. Location and Description of Land to be Acquired (25 C.F.R. §§ 151.9 and 151.11(b))**

The land sought to be acquired in trust is comprised of three (3) contiguous parcels, totaling approximately 64.77 acres, which are located within the Tribe’s aboriginal territory 1,798 feet north of the boundaries of the Tribe’s Rancheria in Coarsegold, Madera County, California. *See* Attachment 5. The full descriptions of the parcels, including legal descriptions, can be found in the Grant Deeds, attached hereto as Attachment 6, and in the Alta Commitment and Documentation, attached hereto as Attachment 7. The lands to be taken into trust are commonly described as follows:

Parcel 1- APN 054-322-002 comprising 19.16 acres. *See* legal description at Attachment 6 and map at Attachment 5. This parcel has no disturbance and is zoned as residential, mountain, single family district. The Tribe purchased it in fee simple in 2006.

Parcel 2- APN 054-322-003 comprising 36.78 acres. *See* legal description at Attachment 6, and map at Attachment 5. This parcel has no disturbance other than a well and is zoned as residential, mountain, single family district. The Tribe purchased it in fee simple in 2006.

Parcel 3- APN 054-322-004 comprising 8.83 acres. *See* legal description at Attachment 6, and map at Attachment 5. This parcel has no disturbance and is zoned as residential, mountain, single family district. The Tribe purchased it in fee simple in 2006.

### III. STATUTORY AND REGULATORY REQUIREMENTS

25 C.F.R. § 151.10 provides a list of factors that the Secretary shall consider in evaluating a request by a Tribe for the acquisition of land into trust status.

#### A. Statutory Authority for Acquisitions of Property (25 C.F.R. § 151.10(a))

The statutory authority for the acquisition of land in trust for Indian tribes by the Secretary of Interior is found at Section 5 of the Indian Reorganization Act ("IRA"), 25 U.S.C. § 465. Section 5 provides, in relevant part:

The Secretary of the Interior is authorized, in his discretion, to acquire, through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments, whether the allottee be living or deceased, for the purpose of providing land for Indians.

Title to any lands or rights acquired pursuant to this Act of the Act of July 28, 1955 (69 Stat. 392), as amended (25 U.S.C. § 608 *et seq.*) shall be taken in the name of the United States in trust for the Indian tribe or individual Indian for which the land is acquired, and such lands or rights shall be exempt from State and local taxation.

25 U.S.C. § 465.

In addition, the Secretary of the Interior has promulgated regulations which set forth the authorities, policy and procedures governing the acquisition of land by the United States in trust status for individual Indians and tribes at 25 C.F.R. Part 151. Specifically, the regulations provide:

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) [w]hen the property is located within the exterior boundaries of the Tribe's reservation or adjacent thereto, or within a tribal consolidation area; or, (2) [w]hen the tribe

already owns an interest in the land; or, (3) [w]hen the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing.

25 C.F.R. § 151.3(a).

The above-identified parcels are lands located outside of and are noncontiguous to the Tribe's Rancheria; however, as previously set forth in this Application, the land is located within the area that has been determined to be aboriginal lands used and occupied by the Tribe. Section 5 of the IRA authorizes the Secretary to acquire land in trust for Indians and Indian tribes when the Tribe already owns an interest in the land, or for purposes of facilitating tribal self-determination, economic development or Indian housing. 25 U.S.C. § 465. It cannot be questioned that the Tribe already owns the land, and more importantly, the subject land is necessary to facilitate the purposes of tribal self-determination by preserving and protecting lands and resources which hold cultural and spiritual significance, as well as reestablishing tribal jurisdiction and sovereignty over an area of emotional, historical and anthropological significance to the Tribe.

Additional authority for the acquisition of the subject property is found in Section 7 of the IRA, which provides as follows:

The Secretary of the Interior is hereby authorized to proclaim new Indian reservations on lands acquired pursuant to any authority conferred this Act, or to add such lands to existing reservations: *Provided*, that lands added to existing reservations shall be designated for the exclusive use of Indians entitled by enrollment or by tribal membership to reside at such reservations.

25 U.S.C. § 467.

Accordingly, the land may be acquired in trust status for the benefit of the Picayune Rancheria of the Chukchansi Indians and declared part of the Tribe's Rancheria pursuant to 25 U.S.C. §§ 465 and 467 and 25 C.F.R. Part 151.

#### **B. The Tribe's Need for Additional Land (25 C.F.R. § 151.10(b))**

The Tribe proposes that approximately 64.77 acres of land be taken into trust for the benefit of the Tribe. The Department of the Interior's policy with respect to the acquisition of land for Indians is set forth in 25 C.F.R. § 151.3, which provides in pertinent part, "land may be acquired for a Tribe in trust status... when the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing." In the present case, the acquisition of the subject properties will unquestionably enhance tribal self-determination by preserving and protecting lands and resources which hold cultural and spiritual significance, as well as reestablishing tribal jurisdiction and sovereignty over an area of emotional, historical, and anthropological significance to the Tribe.

The Tribe's status as a recognized Indian Tribe was restored in 1983 by settlement with the United States of America, and the boundaries of the Tribe's original Executive Order set-aside

from 1912, comprising 80 acres, were restored in 1987. With its limited land base, Tribe purchased the lands that are the subject of this Application as part of the Tribe's long-range plan to increase the Tribe's land base and to preserve and protect the Tribe's lands and resources. As previously noted, the Tribe has approximately 800 members and the United States holds 169.34 acres in trust for the benefit of the Tribe. The Tribe has grown dramatically over the past twenty years in terms of membership, population, governmental services and infrastructure, and economic self-sufficiency. The tribal land base, however, has not increased to meet its growing needs.

The federal government has a strong policy against leaving federally recognized Tribes without a land base, and the present application presents an opportunity for the federal government to fulfill its fiduciary obligation to the Picayune Rancheria of the Chukchansi Indians by carrying out that policy.<sup>2</sup> Moreover, the placement of these lands into trust will advance the objective of tribal self-determination by allowing the Tribe to have concurrent jurisdiction over the land pursuant to Public Law 280.

The Tribe has owned the majority of the Proposed Trust Parcels for approximately three years. During this time, the Tribe has repaired damaged fence to control access into the properties. In addition, the Tribe has no ordinances which specifically provide for the protection of the cultural resources on the Proposed Trust Property or that would regulate tribal members' use of the property to ensure that the ancestral resources located on the property are tended so it can flourish and is not over-utilized. The lack of trust status places the Proposed Trust Property under the civil jurisdiction of the County of Madera, and any efforts by the Tribe to exercise appropriate jurisdiction over these areas are therefore stymied.

### **C. Purpose for Which the Property Will be Used (25 C.F.R. § 151.10(c))**

The subject property consists of three parcels located outside of and noncontiguous to the Tribe's Rancheria, near Coarsegold, California. None of the Proposed Trust Property will be used for gaming purposes. The current and planned use of the subject property is as follows:

Parcel 1 (APN 054-322-002), comprising 19.16 acres, 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 36.78 acres, 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 provided a back-up source of water to the Tribe, improving

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<sup>2</sup> "Federal policy for many decades has viewed the existence of a tribal land base as integral to the cultural, political, and economic well-being of a tribe. For example, most federal programs for Indians are in one way or another tied to the tribal land base. [There is an] overwhelming importance of [a] tribal land base...." Proposed Rule, Acquisition of Title to Land in Trust, 64 Fed. Reg. 17574 (April 2, 1999).

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 8.83 acres, 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.

By continuing to use the Proposed Trust Property in the existing manner, the Tribe will facilitate tribal self-determination by preserving and protecting lands and resources that hold historical, cultural and spiritual significance, as well as reestablishing tribal jurisdiction and sovereignty over the Proposed Trust Property.

**D. Land Acquired for an Individual Indian (25 C.F.R. § 151.10(d))**

This section is not applicable as there is no individual Indian involved in the proposed acquisition.

**E. Impact on the State and its Political Subdivisions Resulting from the Removal of the Property from the Tax Rolls (25 C.F.R. § 151.10(e))**

The impact on the State of California and its political subdivisions by the removal of the subject properties from the tax rolls is minimal. In 2009-2010, the County of Madera property taxes for the 64.77 acres totaled \$18,422.77. The taxable value and assessed tax on each parcel is as follows:

1. For 2009-2010, the assessed taxable value of Parcel 1 (APN 054-322-002) was \$728,280. The parcel's total taxes were \$5,519.17
2. For 2009-2010, the assessed taxable value of Parcel 2 (APN 054-322-003) was \$1,342,116. The parcel's total taxes were \$10,862.89.
3. For 2009-2010, the assessed taxable value of Parcel 3 (APN 054-322-004) was \$322,524. The parcel's total taxes were \$2,040.71.

*See Attachment 8.*

The County of Madera raised about \$114,300,000 in property taxes in 2007-2008, the most recent year for which information is available. The loss of property tax on the Tribe's 64.77 acres represents a minuscule 0.0161% of the County of Madera's entire property tax assessment. Accordingly, the impact on the State and its political subdivisions resulting from removal of the property from the tax rolls is so insignificant that it would have no significant impact on the County of Madera.

**F. Jurisdictional Problems and Potential Conflicts of Land Use (25 C.F.R. § 151.10(f))**

As stated above, the Tribe plans to maintain the existing use for the Proposed Trust Property. Therefore, the Tribe does not foresee any jurisdictional or land use problems. The planned uses



of the Proposed Trust Property are consistent with the current County zoning, which is as follows: agricultural; rural, mountain district; and residential, mountain and single family district. The Tribe's proposed uses of the Proposed Trust Property will maintain the rural land use envisioned by the County's General Plan.

With regard to water use, there is no delivery of surface water to individual or municipal users in this portion of Madera County. The delivery of surface water is managed primarily by four irrigation districts, which provide water only to agricultural users in the County. Community water systems for municipal users in Madera County utilize ground water wells, and are regulated by the State Department of Health Services, Division of Drinking Water, and are permitted by local governments. These are considered to be major community water systems, each with over 200 service connections. Small community water systems, providing well water to between 15 and 199 service connections, are administered and regulated by the County Department of Environmental Health. Many single-family residences have their own wells. The Tribe will be able to provide for its water needs on the Proposed Trust Property with the existing well and future wells. Additionally, the well located on parcel 2 may provide a back-up source of water for the Tribe, though at this time the Tribe has no plans to utilize this well.

If the Proposed Trust Property is taken into trust for the benefit of the Tribe, the State of California and its subdivision, the County of Madera, will no longer have any civil regulatory jurisdiction or land use control over the land to be acquired. As such, the Tribe is prepared to take full responsibility for the regulation of the Proposed Trust Property, and plans to work cooperatively with local jurisdictions. The County of Madera will continue to provide emergency medical, police and fire protection to the Tribe's Rancheria, including the Proposed Trust Property. Any impact on those services shall be paid for by the Tribe, and in fact, the Tribe has been already providing funding for those services for a number of years.

The State and its subdivision, the County of Madera, exercise concurrent criminal jurisdiction over tribal trust properties within the State of California. *See* 18 U.S.C. § 1162. The State's criminal jurisdiction over the Proposed Trust Property will not be affected by the change in status, except that the Tribe will acquire the right to exercise concurrent criminal jurisdiction over the Proposed Trust Property. However, the Tribe has not established a law enforcement agency or criminal codes at this time.

After some years of litigation over property tax issues surrounding the Tribe's gaming facility, the Tribe and the County of Madera entered into a global settlement on February 14, 2007, which included a Memorandum of Understanding ("MOU of 2007"), a copy of which is attached hereto as Attachment 9. The MOU of 2007 provides for the compensation of the County for law enforcement and fire protection services for the Tribe's existing trust lands. Tribal representatives intend to meet with Madera County officials to discuss and explain their intent to request trust status for the property that is the subject of this Application. The Tribe plans to offer demographic and environmental assessments as to the impact of the acquisition in Madera County. If the parties determine it is necessary, the Tribe may negotiate an amendment or addendum to the MOU of 2007 to address the environmental impact of the Proposed Trust Property being transferred into trust status, as well as payment for fire protection, law enforcement, or other county services required to be provided to the Proposed Trust Property.

Any written agreements that the Tribe may enter into with the County will be provided as a supplement to this application, as will any resolution of support from the Madera County Board of Supervisors and/or other governmental agencies.

This property is part of a Madera County Maintenance District called Safari World Maintenance District number 88. The Tribe is currently working with the county to have this removed. *See attachment 12.*

**G. Whether the BIA is Equipped to Discharge the Additional Responsibilities Resulting from the Acquisition of the Land Into Trust Status (25 C.F.R. § 151.10(g))**

The Tribe believes that the Bureau of Indian Affairs ("BIA") is equipped to discharge the additional responsibilities, if any, beyond those inherent in the federal trust relationship, resulting from the acquisition of land in trust status. To the extent it has not already done so, the Tribe intends to contract and/or compact under the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 450 *et seq.*), to perform most if not all of the services the BIA currently provides to the Tribe. The Tribe will have primary responsibility for the supervision and administration of its land. For those services that cannot be contracted or compacted, the Pacific Regional Office of the BIA located nearby in Sacramento should be able to handle any additional responsibilities that may arise. The Tribe anticipates that any costs related to the expenses and maintenance of the Proposed Trust Property and all legal matters that may arise with regard to the Proposed Trust Property will be borne by the Tribe.

**H. NEPA Compliance (25 C.F.R. § 151.10(h))**

The Tribe recognizes that the taking of land into trust by the United States for the benefit of the Tribe is a federal action requiring compliance with the National Environmental Policy Act ("NEPA"). *See* 42 U.S.C. §§ 4321, *et seq.*; 40 C.F.R. Parts 1500-1508. As discussed above, the Tribe plans no change in the use of the Proposed Trust Property. The Departmental Manual for the Department of the Interior provides, at 516 DM 10.5(I), that "[a]pprovals or grants of conveyances and other transfers of interests in land where no change in land use is planned" qualifies for a Categorical Exclusion from NEPA's requirement of an environmental assessment.

Notwithstanding the categorical exclusion, the Tribe has engaged consultants to prepare a phase 1 environmental site assessment of the proposed actions, a copy of which is attached hereto as Attachment 10. Consultants have also prepared Archeological Surveys of Cultural Resources, copies of which are attached hereto as Attachment 11.

The Tribe requests that the Bureau of Indian Affairs confirm that acquisition of the Proposed Trust Property is categorically excluded from the NEPA's environmental assessment requirement, or in the alternative that it review and accept the environmental assessments and make a finding of no significant impact.

**I. Off-Reservation Acquisitions (25 C.F.R. § 151.11)**

25 C.F.R. § 151.11 provides that “[t]he 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...” This section is applicable with respect to the Proposed Trust Property, as the property is located outside of and noncontiguous to the Tribe’s Rancheria. *See* map at Attachment 5.

1. Meeting Certain Criteria Set Forth in 25 C.F.R. §151.10 (25 C.F.R. §151.11(a))

25 C.F.R. § 151.11(a) requires the consideration of the criteria listed in section 151.10(a) through (c) and (e) through (h). Please see Sections A through H, above, for the analysis of these criteria.

2. Location of Land Relative to State and Rancheria Boundaries (25 C.F.R. § 151.11(b))

The Proposed Trust Property is located within the State of California, the home-state of the Tribe, and is made up of three contiguous parcels located 1,798 feet north of the boundaries of the Tribe’s Rancheria. *See* Attachment 5. In addition, as stated above, the Proposed Trust Property is well within the ancestral territory of the Tribe, and maintains cultural and historical significance to the Tribe.

3. Business Purposes (25 C.F.R. § 151.11(c))

The purpose for acquiring the Proposed Trust Property was to regain lands within the ancestral territory of the Tribe; however no business purposes are intended. As such, the Tribe has no business plans for the Proposed Trust Property. However, gaming will not be conducted on the Proposed Trust Property.

4. Notification to State and Local Governments (25 C.F.R. § 151.11(d))

This section does not require any action of the Tribe.

**J. Title Examination (25 C.F.R. § 151.13)**

The Preliminary Title Report in support of the Tribe’s fee-to-trust request is attached hereto as Attachment 7. The title evidence submitted meets the Standards for the Preparation of Title Evidence and Land Acquisitions by the United States, issued by the United States Department of Justice (2001). The Tribe will ensure that there are no encumbrances that would make title to the land unmarketable, and has provided a resolution which accepts any existing encumbrances and verifies that such encumbrances do not interfere with the Tribe’s proposed use of the land. *See attachment 13.*

The Tribe submits that it has paid all property taxes due on the Proposed Trust Property. The Tribe has attached Madera County tax information as Attachment 8, which provides proof of payment by the Tribe of taxes due on each parcel.

#### IV. CONCLUSION

The Picayune Rancheria of the Chukchansi Indians of California respectfully requests the Secretary to accept trust title to the 64.77 acres of land in Madera County, California, as described herein for the benefit of the Tribe, and to declare such lands part of the Tribe's Rancheria. The acquisition of the land in trust will facilitate tribal self-determination by preserving and protecting lands and resources which hold cultural and spiritual significance, as well as reestablishing tribal jurisdiction and sovereignty over an area located within the aboriginal territory of the Tribe.

**PICAYUNE RANCHERIA OF CHUKCHANSI INDIANS**  
**SAFARI WORLD: FEE-TO-TRUST APPLICATION**  
**ATTACHMENTS**

1. Tribal Resolution No. 2009-54.
2. Constitution of the Picayune Reservation.
3. *Handbook of North American Indians*, 8 California, Smithsonian Inst., 1978 at p. 471.
4. Executive Order, dated April 24, 1912.
5. Maps of Proposed Trust Property.
6. Grant Deed for Parcels 1, 2, and 3 (APN 054-322-002, APN 054-322-003, and APN 054-322-004.)
7. Preliminary Title Report and Documentation.
8. Madera County Tax Information for Parcels 1 through 3.
9. Memorandum of Understanding, dated February 14, 2007.
10. Phase I Environmental Site Assessment, Safari World Property, Southeast of Safari World Drive and State Route 41, Coarsegold, California, dated August 19, 2009.
11. Archeological Survey of the Safari World Property, 64.77 Acres in Madera County, California, dated January 29, 2008.
12. Maintenance District letter from the County
13. Resolution 2009-52 accepting encumbrances