

2013-02



United States Department of the Interior

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

IN REPLY REFER TO:
Real Estate Services
Coyote Valley 6.00 acres

OCT 31 2013

NOTICE OF DECISION

CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 7013 1090 0002 1067 7811

Tribal Council
Coyote Valley Band of Pomo Indians
7601 North State St.
P.O. Box 39
Redwood Valley, CA 95470

Dear Tribal Council:

This is notice of our decision upon the Coyote Valley Tribe's application to have the below-described real property accepted by the United States of America in trust for the Coyote Valley Band of Pomo Indians:

TRACT ONE:

Parcels 1, 2, 3, 4 and designated remainder as numbered and designated upon the Parcel Map of Minor Subdivision No. 52-90, filed April 15, 1992 in Map Case 2, Drawer 55, Page 63, Mendocino County Records.

APN: 165-050-11, 12, 13, 14 & 15

TRACT TWO:

An easement and right of way to travel over, along, upon and across the following described land:

Beginning at the Southwesterly corner of Parcel 1, as numbered and designated upon the Parcel Map of Minor Subdivision No. 56-82, filed October 27, 1982 in Map Case 2, Drawer 39, Page 70, Mendocino County Records: thence South 87° 48' 00" East, 183.91 feet: thence South 20° 55' 00" West, 42.23 feet: thence North 87° 48' 00" West, 132.04 feet to a point in the northeasterly line of U.S. Highway 101 as described in the deed recorded April 13, 1946 in Book 198 Official Records,

20-8'22

Page 146, Mendocino County Records: thence Northwesterly along the Northeasterly line of said Highway to the point of beginning.

The above described parcel is referred to as Mendocino County Assessor's Parcel Number: 165-050-11, 12, 13, 14 & 15, containing approximately 6 acres, more or less. Based on a legal opinion obtained from our Office of Solicitor, the subject parcels are contiguous to the Coyote Valley Reservation.

The applicable regulations are set forth in the Code of Federal Regulations, Title 25, INDIANS, Part 151, as amended. The regulations specify that it is the Secretary's policy to accept lands "in trust" for the benefit of tribes when such acquisition is authorized by an Act of Congress, and (1) when such lands are 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 land is necessary to facilitate tribal self-determination, economic development, or tribal housing.

Federal Law authorizes the Secretary of the Interior, or his authorized representative, to acquire land on behalf of the United States of America for the benefit of Indian Tribes. In this particular instance, the authorizing Acts of Congress are the Indian Reorganization Act (IRA) of June 18, 1934 (48 Stat. 984; 25 U.S.C. §465) and the Indian Land Consolidation Act of 1983 (25 U.S.C. §2202).

The applicable regulations are set forth in the Code of Federal Regulations, Title 25, INDIANS, Part 151. The proposed land acquisition of 6 acres is adjacent to the northern boundary of the Tribe's reservation. This acquisition, therefore, falls within the land acquisition policy as set forth by the Secretary of Interior.

On March 28, 2013, by certified mail, return receipt requested, we issued notice of, and sought comments regarding the proposed fee-to-trust application from the California State Clearinghouse, Office of Planning & Research; Sara J. Drake, Deputy Attorney General, State of California; Jacob Appelsmith, Deputy Legal Affairs Secretary, Office of the Governor of California; Devin Rhinerson, Office of the Honorable Dianne Feinstein; Mendocino County Planning & Building Services, Board of Supervisors, Mendocino County; Mendocino County Treasurer-Tax Collector; Mendocino County Fire Department, Planning Director, Mendocino County Assessor-County Clerk; Shasta County Dept. of Public Works; John Bulinski, District Director; Chairperson, Hopland Rancheria; Chairperson, Laytonville Rancheria; Chairperson, Manchester-Point Arena Rancheria; Chairperson, Pinoleville Rancheria; Chairperson, Potter Valley Rancheria; Chairperson, Redwood Valley Rancheria; President, Round Valley Reservation, Chairperson, Sherwood Valley Rancheria; Mendocino County Department of Transportation, Mendocino County Office of Emergency Services, Mendocino County Sheriff and Sandra L. Applegate, Deputy County Counsel. On March 28, 2013, by regular mail, the same notice was sent to Superintendent, Central California Agency.

In response to the March 28, 2013 notice, we received no comments.

Pursuant to 25 CFR 151.10 the following factors were considered in formulating our decision: (1) need of the tribe for additional land; (2) the purpose for which the land will be used; (3)

impact on the State and its political subdivisions resulting from removal of the land from the tax rolls; (4) jurisdictional problems and potential conflict of land use which may arise; (5) whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status, (6) whether or not contaminants or hazardous substances may be present on the property. Accordingly, the following analysis of the application is provided:

Factor 1 – Need for Additional Land

The current Coyote Valley Rancheria consists of 70-acres. There are approximately 400 tribal members. The acceptance of the 6-acre parcel will continue to further the Tribe's goal to reestablish its traditional tribal land base. The subject property is owned in fee by the Tribe.

Acquisition of the 6-acre property by the federal government will enhance Tribal self-determination and self-governance by allowing the Tribe to exercise jurisdiction and Tribal sovereign authority over land owned by the Tribal Government. The ability to exercise self-determination and self-governance will serve to preserve the integrity of the Tribe's land for future generations. If accepted into trust, the parcels will serve to allow the Tribal Government to exercise tribal sovereign authority over all land that it owns, and protect and enhance the well-being of tribal people and natural resources.

Factor 2 - Proposed land Use

The Tribe intends to utilize the land to further enhance self-determination and increase the general welfare of the tribal members through development of tribal residential units and a gas station/mini-mart.

Factor 3 – Impact on State and Local Government's Tax Base

Tax Year July 1, 2011, through June 30, 2012, the property taxes for the five proposed trust parcels totaled \$5,208.00 (\$1,069.60 for APN 165-050-011,\$1,034.60 for APN 165-050-012, \$1,034.60 for APN 165-050-013,\$1,034.60 for APN 165-050-014, and \$1,034.60 for APN 165-050-015). The Mendocino County Tax Collector collected approximately \$9,558,188 in property taxes for the 2011-012 year. The tax owed to the County by the Tribe was 0.05 percent of the County's total revenue. The 0.05 percent reduction in property tax revenue resulting from removal of the subject property from the County's jurisdiction would not impact the County's ability to provide governmental services.

Currently no existing retail activity occurs on the subject property. The State would not lose any ongoing sales or use tax revenues if the property were placed into federal trust status.

The slight negative impacts to the State or County will be more than offset by the increased economic self-sufficiency of tribal members and other local residents who may work on the property. Further, the County will receive additional revenue generated from increases in private property values and private business development as a result of tribal development and use of the parcel. The spillover effect of tribal enterprise will be enjoyed by local non-Indian businesses

and vendors doing business with the Tribe, which in turn will generate income and tax revenue to the State and County governments.

Factor 4 - Jurisdictional Problems/Potential Conflicts

Land uses surrounding the subject property consist primarily of agriculture, rural residential development, and recreational uses. Mendocino Lake State Recreation Area is located approximately 2.5 miles southeast of the subject property. The closest communities are the community of Redwood Valley and the City of Ukiah. Redwood Valley is located approximately 0.7 mile northwest along East School Way and Ukiah is located approximately 5.8 miles to the south along US-101. The Coyote Valley Casino, a tribal gaming facility, is located southeast of the property along Coyote Valley Boulevard. Currently the property is undeveloped. Land use activities on the subject property and surrounding areas are currently regulated by the Mendocino County General Plan (2009) and the Mendocino County Zoning Ordinance. According to the Mendocino County General Plan Land Use Element, the parcels within the subject property are designated rural residential. The property is zoned as Rural Residential.

Acceptance of the property into federal trust status for the benefit of the Tribe will remove the property from State and local jurisdiction. The Tribe would govern governmental activities previously administered by State and local jurisdictions after the property is taken into trust. The land is presently subject to the full civil/regulatory and criminal/prohibitory jurisdiction of the State of California, and Mendocino County. Under Public Law 280, the State of California and other local law enforcement agencies will continue to have criminal enforcement authority once the land is accepted into trust and becomes part of the Coyote Valley Rancheria. The Mendocino County Sheriff's Department will continue to provide law enforcement services to the subject property. Criminal prosecutions of offenses committed on the lands would continue to be brought in State courts. Fire protection will continue to be provided by the Redwood Valley-Calpella Fire District and emergency medical transport will be provided by the Ukiah Ambulance and Calstar.

No jurisdictional problems or conflicts of land use are anticipated as a result of acquisition of the property in trust for the Tribe. If any concerns arise, the Tribe would continue to work with local communities, municipalities, and area residents to reach a resolution.

Factor 5 – Whether the BIA is equipped to discharge the additional responsibilities

Accepting the property into trust is not anticipated to impose any significant additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trust relationship between the BIA and the Tribe. Thus, even if acceptance of this property into trust creates additional responsibilities for the BIA, which the Tribe believes it does not, the additional responsibilities will not exceed the amount of responsibility that the Tribe has taken on through Contracting the Federal Governments duties.

Factor 6 – Whether or not contaminants or hazardous substances are present

In accordance with Interior Department Policy (602 DM 2), we are charged with the responsibility of conducting a site assessment for the purposes of determining the potential of, and extent of liability for, hazardous substances or other environmental remediation or injury. The record includes a negative Level 1 "Contaminant Survey Checklist" dated November 16, 2012 reflecting that there were no hazardous materials or contaminants.

National Environmental Policy Act Compliance

An additional requirement, which has to be met when considering land acquisition proposals, is the impact upon the human environment pursuant to the criteria of the National Environmental Policy Act of 1969 (NEPA). The BIA's guidelines for NEPA compliance are set forth in Part 30 of the Bureau of Indian Affairs Manual (30 BIAM), Supplement 1. An Environmental Assessment (EA) has been completed. The EA is compliant with the requirements set out in the Council on Environmental Quality Guidelines for Implementing NEPA (40 C.F.R. Parts 1500-1508) and the BIA's NEPA Handbook (59 IAM 3-H). A Finding of No Significant Impact was approved on July 12, 2012 by the Pacific Regional Director and was published in the Ukiah Daily Journal on July 14, 2012.

Conclusion

Based on the foregoing, we at this time issue notice of our intent to accept the proposed acquisition into trust. Subject acquisition will vest title in the United States of America in trust for the Coyote Valley Band of Pomo Indians in accordance with the Indian Reorganization Act (IRA) of June 18, 1934 (48 Stat. 984; 25 U.S.C. §465).

Should any of the below-listed known interested parties feel adversely affected by this decision, an appeal may be filed within thirty (30) days of receipt of this notice with the Interior Board of Indian Appeals, U.S. Department of the Interior, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310-4.340 (copy enclosed).

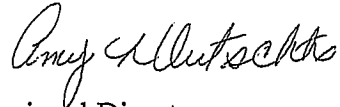
If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of the notice to said party or timely provide our office with the name and address of said party.

Any notice of appeal to the Board must be signed by the appellant or the appellant's legal counsel, and the notice of the appeal must be mailed within 30 days of the date of receipt of this notice. The notice of appeal should clearly identify the decision being appealed.

If possible, a copy of this decision should be attached. Any appellant must send copies of the notice of appeal to: (1) the Assistant Secretary of Indian Affairs, U.S. Department of Interior, 1849 C Street, N.W., MS-4140-MIB, Washington, D.C. 20240; (2) each interested party known to the appellant; and (3) this office. Any notice of appeal sent to the Board of Indian Appeals must certify that copies have been sent to interested parties. If a notice of appeal is filed, the Board of Indian Appeals will notify appellant of further appeal procedures.

If no appeal is timely filed, further notice of a final agency action will be issued by the undersigned pursuant to 25 CFR 151.12(b).

Sincerely,

A handwritten signature in cursive script, appearing to read "Amy Alltschke".

Regional Director

Enclosure

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECIEPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7013 1090 0002 1067 7811
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Ms. Sara J. Drake, Deputy Attorney General – 7013 1090 0002 1067 7842
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Mr. Daniel Powell – 7013 1090 0002 1067 7828
Deputy Legal Affairs Secretary
Office of the Governor of California
State Capitol Building
Sacramento, CA 95814

Devin Rhinerson – 7013 1090 0002 1067 7859
U.S. Senator Dianne Feinstein
331 Hart
Senate Office Building
Washington, DC 20510

Mendocino County Planning & Building Services – 7013 1090 0002 1067 7835
860 North Bush St.
Ukiah, CA 95482

Mendocino County Board of Supervisor – 7013 1090 0002 1067 7866
501 Low Gap Road, Room 1090
Mendocino, CA 95482

Mendocino County Fire Department – 7013 1090 0002 1067 7873
1750 North Highway 101
Ukiah, CA 95490

Mendocino County Treasurer-Tax Collector - 7013 1090 0002 1067 7880
501 Low Gap Rd., Rm. 1060
Ukiah, CA 95482

Mendocino County Assessor-County Clerk-Recorder - 7013 1090 0002 1067 7897
501 Low Gap Rd., Rm. 1020
Ukiah, CA 95482

Chairperson – 7013 1090 0002 1067 7903
Hopland Rancheria
3000 Shanel Rd.
Hopland, CA 95449

Chairperson - 7013 1090 0002 1067 8030
Guidiville Rancheria
P.O. Box 309
Talmage, CA 95481

Chairperson – 7013 1090 0002 1067 7910
Laytonville Rancheria
P.O. Box 1239
Laytonville, CA 95454

Chairperson – 7013 1090 0002 1067 7927
Manchester-Point Arena Rancheria
P.O. Box 623
Point Arena, CA 95468

Chairperson – 7013 1090 0002 1067 7934
Pinoleville Rancheria
500 B Pinoleville Dr.
Ukiah, CA 95482

Chairperson – 7013 1090 0002 1067 7941
Potter Valley Rancheria
2251 South State Street
Ukiah, CA 95482

Chairperson – 7013 1090 0002 1067 7958
Redwood Valley Rancheria
3250 Road I
Redwood Valley, CA 95470

President – 7013 1090 0002 1067 7965
Round Valley Reservation
77826 Covelo Rd.
Covelo, CA 95428

Chairperson – 7013 1090 0002 1067 7972
Sherwood Valley Rancheria
190 Sherwood Hill Dr.
Willits, CA 95490

Mendocino County Department of Transportation – 7013 1090 0002 1067 7989
340 Lake Mendocino Drive
Ukiah, CA 95482-9432

Mendocino County Office of Emergency Services - 7013 1090 0002 1067 7996
Mendocino County Sheriff
951 Low Gap Rd.
Ukiah, CA 95482

Sandra L. Applegate – 7013 1090 0002 1067 8009
Deputy County Counsel
501 Low Gap Road, Rm. 1030
Ukiah, CA 95482

Regular Mail:

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



RECEIVED
CALIFORNIA GENERAL
2013 NOV - 6 AM 11: 15
DEPARTMENT OF SOCIAL SERVICES
SACRAMENTO OFFICE