

ML-7749



United States Department of the Interior

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

APR 20 2005

IN REPLY REFER TO:

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 Dry Creek Rancheria of Pomo Indians of California 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:

Dry Creek Rancheria of Pomo Indians of California

Legal Land Description/Site Location:

The land referred to herein is situated in the State of California, County of Sonoma, Unincorporated Area, and is described as follows:

That portion of the following described land lying Northeasterly of the Centerline of State Highway 128 as said Highway existed on April 16, 1971.

Beginning at an iron pin driven in the ground in the middle of the County Road leading from Alexander Valley to Geyserville, on the East side of the Russian River, in the Northwesterly line



DCR 4268

of the Land of Frederick and Emma Drake, thence along said Northwesterly line South 47 ½° West, 31.07 chains to a station in the Bed of Russian River; thence up and along said Bed of the Russian River, North 49 ¾° West, 15.84 chains to a station; thence leaving the Bed of said River North 48 ¼° East, 28.90 chains along the Easterly line of the Land of William Smith to an iron pin driven in the ground in the middle of said Road; thence along the middle of said Road, South 54 ½° East, 6.11 chains; thence South 62 ½° East, 5.67 chains to an iron pin driven in the ground; thence North 26° East 23.03 chains to an iron pin driven in the ground in the Southwesterly line of the Caslamayomi Rancho (United States Indian Reservation); thence along said line South 46 ½° East, 12.55 chains to a post, being the most Northerly corner of the Land of said Frederick and Emma Drake; thence along the Northwesterly line of said land, South 47 ¾° West, 19.58 chains to an iron pin driven in the ground; thence South 54° East, 0.83 chains to and iron pin driven in the ground; thence South 20 ½° West, 1.69 chains to an iron pin driven in the ground, in the middle of said road; thence along the middle of said Road North 57 ¾° West, 1.63 chains to the place of beginning and being a portion of the Sotoyome Rancho.

Project Description/Proposed Land Use:

The subject property consists of one parcel of land encompassing approximately 18 acres, more or less, commonly referred to as Sonoma County Assessor's Parcel Number 140-260-003. The parcel is contiguous to the exterior boundaries of the Dry Creek Rancheria, approximately 5 miles from the city of Geyserville and 50 miles northwest of San Francisco.

The Tribe intends to use the property for the development of tribal housing, governmental services, vineyard, wine processing and storage offices and an alternative access road to the Rancheria. More specifically, the proposed improvements include:

- Eight (8) single family tribal residences
- An 8,000 foot tribal emergency services building
- Approximately 4.1 acres of vineyards
- A 5,600 square foot, two story winery and tribal office building
- A paved access road
- Storage ponds
- Utilities

Current Use/Taxes and Zoning:

Located on the property is one unoccupied home and three wells.

General and special taxes for the fiscal year 2004-2005 is \$ 13,356.74. The property is currently zoned agriculture with residence.

Existing Easements/Encumbrances:

See Exhibit "A"

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 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.

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 Terisa Draper, Realty Specialist, at (916) 978-6019.

Sincerely,



Regional Director

Enclosure: Exhibit "A"
Map

cc: See Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7004 2510 0001 5639 5839
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Sara J. Drake, Deputy Attorney General – 7004 2510 0001 5639 5945
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Paul Dobson – 7004 2510 0001 5639 5938
Deputy Legal Affairs Secretary
Office of the Governor of California
State Capitol Building
Sacramento, CA 95814

James Peterson, District Director – 7004 2510 0001 5639 5068
Office of Senator Diane Feinstein
750 B Street, Suite 1030
San Diego, CA 92101

Board of Supervisors – 7004 2510 0001 5639 5914
Sonoma County
575 Administrative Drive
Santa Rosa, CA 95403

Public Works – 7004 2510 0001 5639 5907
Sonoma County
2300 County Center Drive, Suite B-100
Healdsburg, CA 95448

Sonoma County Fire Protection District – 7004 2510 0001 5639 5891
P.O. Box 217
Geyserville, CA 95441

Sonoma County Assessor – 7004 2510 0001 5639 5884
585 Fiscal Drive, Room 104F
Santa Rosa, CA 95403

Sonoma County Sheriff's Dept. – 7004 2510 0001 5639 5877
2796 Ventura Ave.
Santa Rosa, CA 95403

Patricia Hermosillo, Chairperson – 7004 2510 0001 5860
Cloverdale Rancheria
555 S. Cloverdale Blvd., Suite 1
Cloverdale, CA 95425

Marjorid, Mejia, Chairperson – 7004 2510 0001 5639 5853
Lytton Rancheria
1250 Coddington Center, Suite 1
Santa Rosa, CA 95401

Chairperson – 7004 2510 0001 5639 5846
Stewarts Point Rancheria
3535 Industrial Drive, Suite B-2
Santa Rosa, CA 95403

Greg Sarris, Chairperson – 7004 2510 0001 5639 6133
Graton Rancheria
P.O. Box 14428
Santa Rosa, CA 95402

Regular Mail:

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

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

PART I

- 1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- 2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
- 3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- 5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.

PART II

A 1. GENERAL AND SPECIAL TAXES FOR THE FISCAL YEAR 2003-2004

A.P. NO.	:	140-260-003
CODE AREA	:	087-008
1ST INSTALLMENT	:	\$4,416.93, DUE
PENALTY	:	
2ND INSTALLMENT	:	\$4,416.93, PAYABLE
PENALTY	:	
ASSESSED VALUE OF PERSONAL PROPERTY	:	NONE SHOWN
HOMEOWNERS EXEMPTION	:	NONE SHOWN

B INCLUDES FLAT CHARGES AS SHOWN ON THE TAX ROLL AS SPECIAL DISTRICT TAXES AND/OR ASSESSMENTS.

C 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.

D 3. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS.

E 4. ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT:

(A) SOME PORTION OF SAID LAND HAS BEEN CREATED BY ARTIFICIAL MEANS OR HAS

SCHEDULE B - PART II
(continued)

~~ACCREDITED TO SUCH PORTION SO CREATED.~~

(B) SOME PORTION OF SAID LAND HAS BEEN BROUGHT WITHIN THE BOUNDARIES THEREOF BY AN AVULSIVE MOVEMENT OF RUSSIAN RIVER OR HAS BEEN FORMED BY ACCRETION TO ANY SUCH PORTION.

- I 5. SUCH RIGHTS AND EASEMENTS FOR NAVIGATION AND FISHERY WHICH MAY EXIST OVER THAT PORTION OF SAID LAND LYING BENEATH THE WATERS OF RUSSIAN RIVER.
- G 6. POSSIBLE RIGHTS OF THE PUBLIC AND THE COUNTY OF IN AND TO ANY PORTION OF SAID LAND LYING WITHIN HIGHWAY 128.
- H 7. AN EASEMENT AFFECTING THE PORTION OF SAID LAND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES

IN FAVOR OF : PACIFIC GAS AND ELECTRIC COMPANY
FOR : PUBLIC UTILITIES
RECORDED : OCTOBER 20, 1939 INSTRUMENT NO. 1566 OF TORRENS TITLE
#750
COUNTY RECORDS
INSTRUMENT NO. : NOT SHOWN
AFFECTS : ROUTE NOT DEFINED OF RECORD

- I 8. AN EASEMENT AFFECTING THE PORTION OF SAID LAND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES

IN FAVOR OF : PACIFIC GAS AND ELECTRIC COMPANY
FOR : PUBLIC UTILITIES
RECORDED : MARCH 17, 1948 INSTRUMENT NO. 2614 OF TORRENS TITLE
#750
COUNTY RECORDS
INSTRUMENT NO. : NOT SHOWN
AFFECTS : ROUTE NOT DEFINED OF RECORD

- J 9. A COVENANT AND AGREEMENT

ENTITLED : AGREEMENT
EXECUTED BY : JAMES T. DUGAN, ET AL
RECORDED : MAY 14, 1971 IN BOOK 2534 OF OFFICIAL RECORDS AT PAGE
411
COUNTY RECORDS
INSTRUMENT NO. : NOT SHOWN
WHICH AMONG OTHER THINGS, PROVIDES: SEE DOCUMENT FOR PARTICULARS

- K 10. A COVENANT AND AGREEMENT

ENTITLED : AGREEMENT
EXECUTED BY : JAMES T. DUGAN, ET AL

SCHEDULE B - PART II
(continued)

RECORDED : MARCH 1, 1972 IN BOOK 2607 OF OFFICIAL RECORDS AT
PAGE 821
COUNTY RECORDS

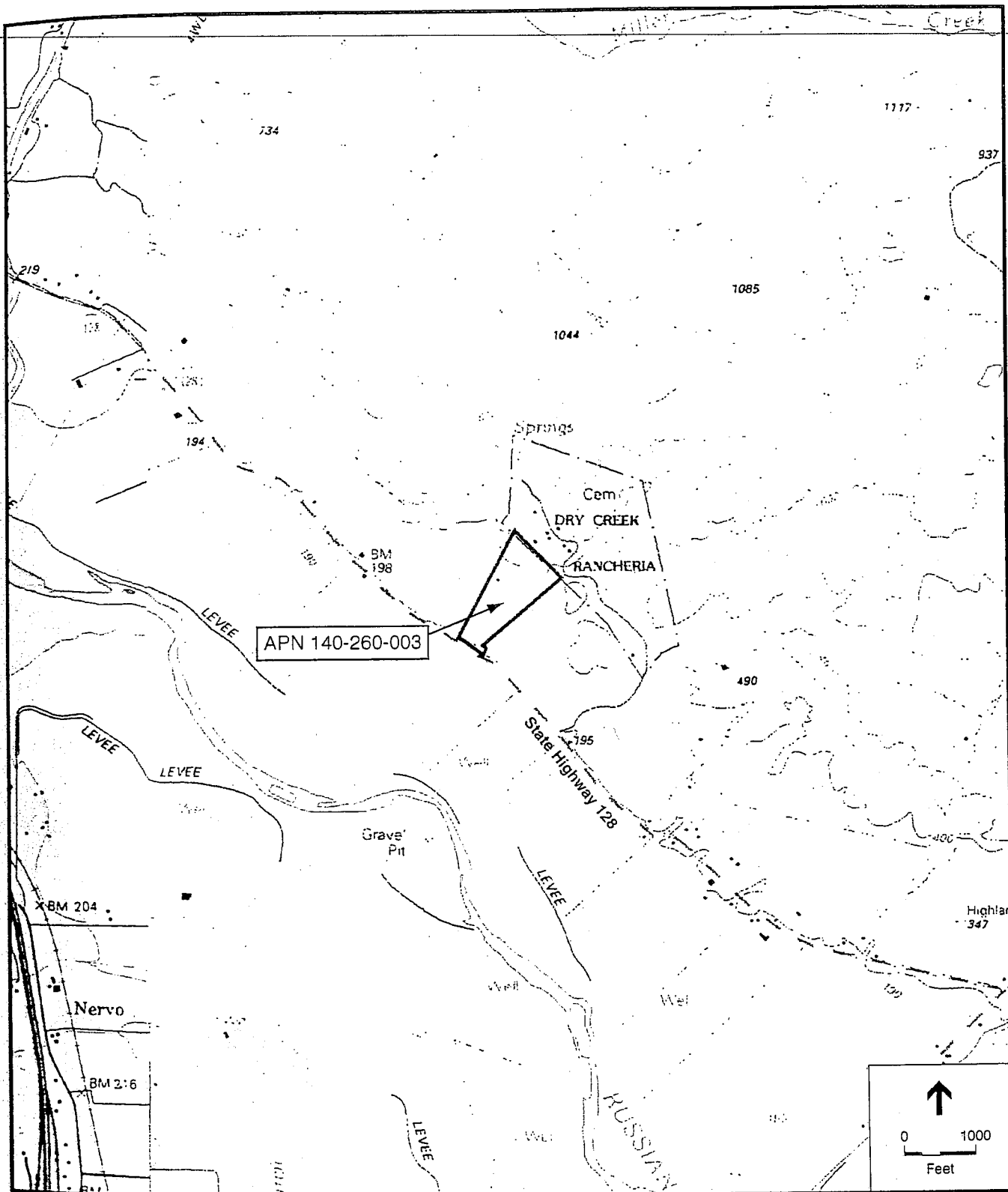
INSTRUMENT NO. : NOT SHOWN
WHICH AMONG OTHER THINGS, PROVIDES: WILLIAMSON ACT, SEE DOCUMENT FOR
PARTICULARS

- I 11. AN EASEMENT AFFECTING THE PORTION OF SAID LAND FOR THE PURPOSES STATED
HEREIN, AND INCIDENTAL PURPOSES

IN FAVOR OF : PACIFIC TELEPHONE AND TELEGRAPH COMPANY, A
CORPORATION
FOR : PUBLIC UTILITIES
RECORDED : FEBRUARY 14, 1973 IN BOOK 2735 OF OFFICIAL RECORDS AT
PAGE 816
COUNTY RECORDS
INSTRUMENT NO. : NOT SHOWN
AFFECTS : A PORTION OF THE HEREIN DESCRIBED PROPERTY

- M 12. A COVENANT AND AGREEMENT

ENTITLED : NOTICE OF AGRICULTURAL EXEMPTION
EXECUTED BY : COUNTY OF SONOMA, ET AL
RECORDED : OCTOBER 4, 1999
COUNTY RECORDS
INSTRUMENT NO. : 1999-123768
WHICH AMONG OTHER THINGS, PROVIDES: SEE DOCUMENT FOR PARTICULARS



SOURCE: USGS 7.5' Topographic Quadrangle (Jimtown); and Environmental Science Associates, 2004

Dry Creek Rancheria Fee to Trust / 204090 ■

Figure 1-2
Proposed Trust Parcel