



IN REPLY REFER TO

# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office

2800 Cottage Way, Room. W-2820

Sacramento, California 95825

DEC 14 2018

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Distribution List:

Enclosed is a copy of our notice of an application seeking acceptance of title to real property "in trust" by the United States of America for the Elk Valley Rancheria, California.

Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, and Parts 151.10. We are seeking your comments regarding the proposed trust land acquisition in order to obtain sufficient data that would enable an analysis of the potential impacts on local government, which may result from the removal of the subject property from the tax roll and local jurisdiction. Pertinent information regarding the proposal is included in the enclosure.

Sincerely,

Acting

Regional Director

Enclosure



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## United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Pacific Regional Office  
2800 Cottage Way, Room. W-2820  
Sacramento, California 95825

DEC 14 2018

### **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 Elk Valley Rancheria, 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:**

Elk Valley Rancheria, California

#### **Legal Land Description/Site Location:**

All that real property situated in the City of Crescent City, County of Del Norte, State of California:

Beginning at the northeast corner of Lot 13, Elk Valley Rancheria Subdivision according to the official map thereof recorded in Book 4 of Maps, Page 102, Del Norte County Records, and running;

Thence south 2 degrees 22 minutes 15 seconds west along the east line of said Lot 13 a distance of 305.00 feet to the southeast corner thereof;  
Thence west along the south line of Lot 13 a distance of 159.12 feet;  
Thence north 02 degrees 01 minutes 47 seconds east 304.93 feet to the north line of said Lot 13; Thence east along said north line 160.94 feet to the point of beginning.

APN: 112-073-15 (Wyentae)

The following described property in the Unincorporated Area of Crescent City, County of Del Norte, State of California:

Parcel 13 of Elk Valley Rancheria Subdivision according to the map thereof filed in the Office of the County Recorder of Del Norte County, California, on June 17, 1960 in Book 4 of Maps, Page 102.

Except therefrom that portion thereof conveyed to Bonney Luella Scott by Deed recorded October 14, 1964 in Book 103 of Official Records, Page 701.

Also except therefrom that portion thereof conveyed to Ronald W. Swinger and Sharon Lee Swinger by Deed recorded May 29, 1970 in Book 149 of Official Records, Page 383.

APN: 112-073-16 (Norris)

**Project Description/Proposed Land Use:**

The subject property consists of two parcels of land, encompassing approximately 2.19 acres more or less, commonly referred to as "Wyentae Parcel" and "Norris Avenue Parcel" and Assessor's Parcel Numbers 112-073-15 and 112-073-16. The parcels are contiguous and within the Tribe's original Rancheria boundaries.

The Subject Parcels are currently used for housing and storage purposes. They are surrounded primarily by other residences. The primary goal in acquiring the Subject Parcels is to provide long-term socio-economic security for the Tribe through land consolidation and provision of housing to enhance self-determination. The Tribe plans to continue the current use of the Subject Parcels for the foreseeable future.

**Current Use/Taxes and Zoning:**

Assessed property taxes for 2018-2019:

112-073-15	\$768.76
112-073-16	\$1,527.50

**Existing Easements/Encumbrances:**

*See attached Schedule B*

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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 Alexis St. John, Realty Specialist, at (916) 978-6059.

Sincerely,

Acting   
Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7018 1830 0001 0391 0488  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

Sara J. Drake, Deputy Attorney General – 7018 1830 0001 0391 0495  
State of California  
Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

Mr. Joe Dhillon - 7018 1830 0001 0391 0501  
Senior Advisor for Tribal Negotiations  
Office of the Governor  
State Capitol Building, Suite 1173  
Sacramento, CA 95814

Office of U.S. Senator Diane Feinstein – 7018 1830 0001 0391 0518  
331 Hart Senate Office Building  
Washington, DC 20510

Del Norte County Assessor – 7018 1830 0001 0391 0525  
981 H Street, Suite 120  
Crescent City, CA 95531

Del Norte Board of Supervisors – 7018 1830 0001 0391 0532  
981 H Street, Suite 200  
Crescent City, CA 95531

Del Norte Planning – 7018 1830 0001 0391 0549  
981 H Street, Suite 110  
Crescent City, CA 95531

Del Norte County Sheriff's Department – 7018 1830 0001 0391 0556  
650 Fifth Street  
Crescent City, CA 95531

Del Norte County Tax Collector – 7018 1830 0001 0391 0563  
981 H Street, Suite 150  
Crescent City, CA 95531

Fire Chief – 7018 1830 0001 0391 0570  
Crescent Fire Protection District  
255 West Washington Boulevard  
Crescent City, CA 95531

Mr. Larry Simon, Federal Consistency Coordinator - 7018 1830 0001 0391 0587  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Chairperson – 7018 1830 0001 0391 0594  
Tolowa Dee-ni' Nation  
250 North Indian Road  
Smith River, California 95567

Chairperson– 7018 1830 0001 0391 0235  
Elk Valley Rancheria  
2332 Howland Hill Road  
Crescent City, CA 95531

Chairperson– 7018 1830 0001 0391 0600  
Resighini Rancheria  
P.O. Box 529  
Klamath, CA 95548

Chairperson – 7018 1830 0001 0391 0617  
Yurok Tribe  
P.O. Box 1027  
Klamath, CA 95548

Regular Mail:

Superintendent, Northern California Agency, BIA  
364 Knollcrest Drive, Suite 105  
Redding, California 96002-0175

**SCHEDULE B – SECTION I**

**REQUIREMENTS**

The following requirements must be met:

1. Pay the agreed amounts for the interest in the land and/or the mortgage to be met
2. Pay us the premiums, fees and charges for the policy
3. Documents satisfactory to us creating the interest in the land and/or mortgage to be insured must be signed, delivered and recorded : A grant deed executed by Elk Valley Rancheria, California sufficient to vest title in The United States of America in Trust for Elk Valley Rancheria, California.
4. This Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance by the Tribe named below:

Tribe: Elk Valley Rancheria, California

- (a): A resolution specifically identifying the property to be conveyed and specifically authorizing this transaction by the Tribe.
- (b): Execution of Agreement for Services by and between Tribe and Crescent Land Title Company and Fidelity National Title Insurance Company.
- (c): Resolution authorizing the execution of the aforesaid Agreement for Services.

The right is reserved to add requirements or additional items after completion of such review.

5. **Please be advised** that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.
6. **The transaction** contemplated in connection with this Commitment is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.

**END OF SCHEDULE B – SECTION I**

**SCHEDULE B – SECTION II**

**PART I**

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

1. (a) Taxes or assessments that 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; (b) proceedings by a public agency that 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 that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and 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.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

**PART II**

1. **Property taxes**, which are a lien but not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2016-2017

**Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2015-2016, Assessor's Parcel No. 112-073-16

Tax Area:	51-06
First installment:	\$826.03 Paid
Second installment:	\$826.03 Due February 1, 2016; delinquent after April 10, 2016
Land:	\$66,298.00
Improvements:	\$64,258.00
Exemption:	\$0.00
Personal Property:	\$0.00
Assessment No.:	5238

The lien of the assessment(s) shown below, which assessment is or will be collected with, and included in, the property taxes shown above.

Assessment: Crescent Fire Protection District  
Amount: \$42.00

Assessment: Del Norte County Service Area No. 1, Assessment District No. 1  
Amount: \$134.86

Assessment: Del Norte County Service Area No. 1, Assessment District 1996  
Amount: \$86.36

2. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 Revenue and Taxation Code, Sections 75 et-seq.

3. **An assessment** by the improvement district shown below for which bonds have been issued

Assessment No.:	271
District:	Del Norte County Service Area No. 1, Assessment District No. 1
For:	Sewer
Original Amount:	\$1460.00

**Originally assessed** with other property not covered by this report.

**Said assessment** is collected with the county property taxes.



4. **An assessment** by the improvement district shown below for which bonds have been issued

Assessment No.: 005-023  
District: Del Norte County Service Area No. 1, Assessment District No. 1996

For: Sewer  
Original Amount: \$1194.66

**Said assessment** is collected with the county property taxes.

5. **Please be advised** that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

#### END OF ITEMS

#### NOTES

1. **Said land is zoned** RR2-MFH by the County of Del Norte. Contact the Del Norte County Community Development Department for permitted uses.
2. **Note A.** Section 12413.1, California Insurance Code became effective January 1, 1990. This legislation deals with the disbursement of funds with any title entity acting in an escrow or sub-escrow capacity. The law requires that all funds be deposited and collected by the title entity's escrow and/or sub-escrow account prior to disbursement of any funds. Some methods of funding may subject funds to a holding period which must expire before any funds may be disbursed. In order to avoid any such delays, all fundings should be done through wire transfer, certified check or checks drawn on California financial institutions.

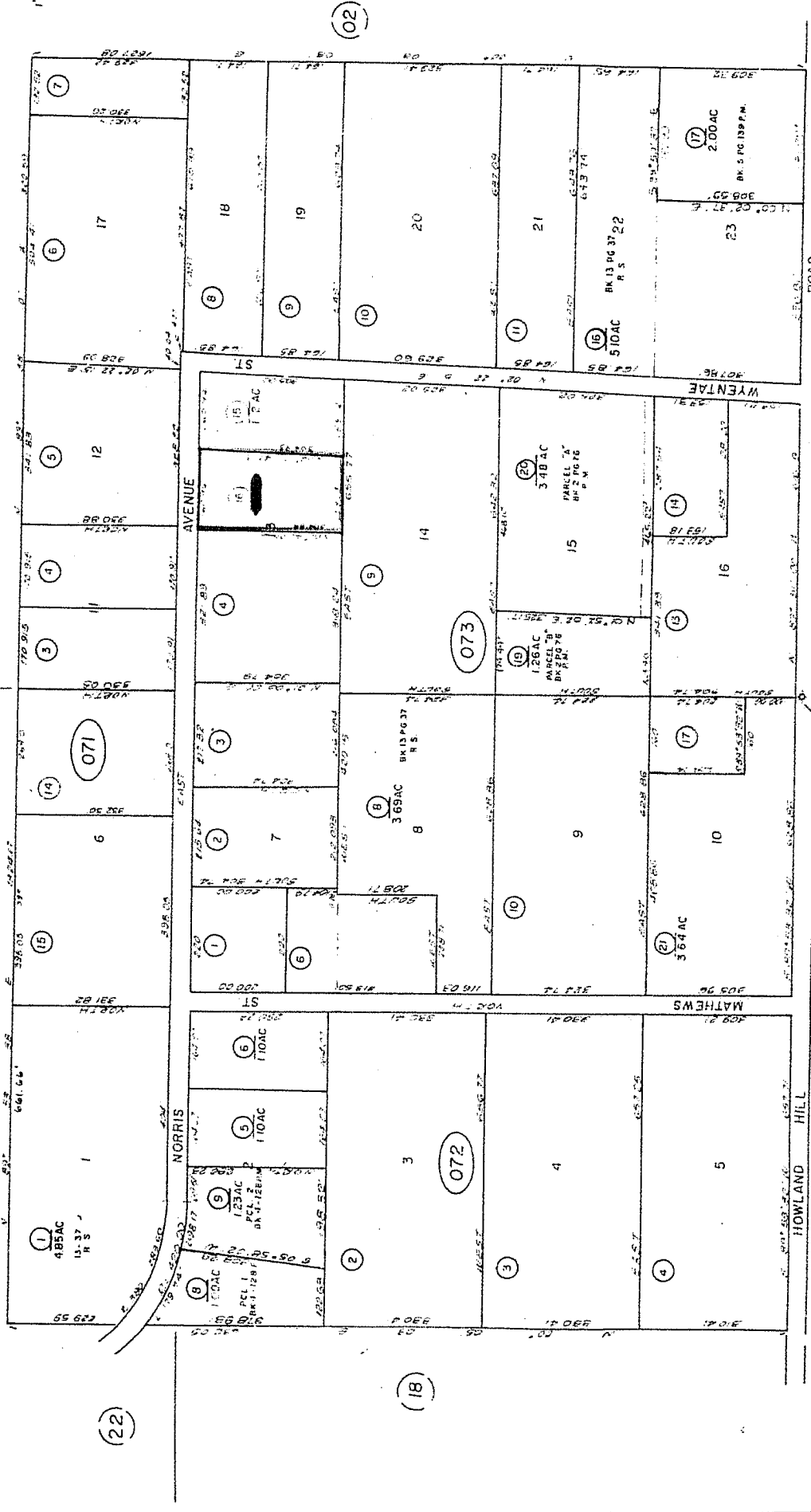
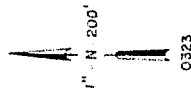
**Note B.** The charge where an order is cancelled after the issuance of the report of title, will be the amount which in the opinion of the Company is proper compensation for services rendered or the purpose for which the report is used, but in no event shall said charge be less than the minimum amount required under Section 12404.1 of the Insurance code of the State of California. If the report cannot be cancelled "no fee" pursuant to the provisions of said insurance code, then the minimum cancellation fee shall be \$396.00.

**Note C.** California Revenue and Taxation Code Section 18662, effective January 1, 2003, requires the buyer in all sales of California Real Estate to withhold 3-1/3% of the total sales price as California State Income Tax, subject to the various provisions of the law therein contained.

#### END OF NOTES

ELK VALLEY RANCHERIA SUBDIVISION  
BK 4 PG 102  
POR. SEC. 22 & 23 T 16N, R 1W

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. It does not guarantee any dimensions, distances, bearings, or acreage.



HUMBOLDT RD  
22 23  
27 25  
BOOK 115

HOWLAND HILL ROAD

**SCHEDULE B – SECTION I**

**REQUIREMENTS**

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3. Documents satisfactory to us creating the interest in the land and/or mortgage to be insured must be signed, delivered and recorded : A grant deed executed by Elk Valley Rancheria, California sufficient to vest title in The United States of America in Trust for Elk Valley Rancheria, California.
4. This Company will require the following documents for review prior to the issuance of any title assurance predicated upon a conveyance or encumbrance by the Tribe named below:

Tribe: Elk Valley Rancheria, California

- (a): A resolution specifically identifying the property to be conveyed and specifically authorizing this transaction by the Tribe.
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- (c): Resolution authorizing the execution of the aforesaid Agreement for Services.

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**END OF SCHEDULE B – SECTION I**

**SCHEDULE B – SECTION II**

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1. (a) Taxes or assessments that 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; (b) proceedings by a public agency that 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 that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and 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.
6. Any claim, which arises out of the transaction vesting in the insured the estate of interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

**PART II**

1. **Property taxes**, which are a lien but not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2016-2017

**Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2015-2016, Assessor's Parcel No. 112-073-15

Tax Area:	51-06
First installment:	\$454.26 Paid
Second installment:	\$454.26 Due February 1, 2016; delinquent after April 10, 2016
Land:	\$50999.00
Improvements:	\$ 9179.00
Exemption:	\$0.00
Personal Property:	\$0.00
Assessment No.:	5237

The lien of the assessment(s) shown below, which assessment is or will be collected with, and included in, the property taxes shown above.

Assessment: Crescent Fire Protection District  
Amount: \$42.00

Assessment: Del Norte County Service Area No. 1, Assessment District No. 1  
Amount: \$134.86

Assessment: Del Norte County Service Area No. 1, Assessment District 1996  
Amount: \$94.64

2. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 Revenue and Taxation Code, Sections 75 et-seq.

3. **An assessment** by the improvement district shown below for which bonds have been issued

Assessment No.:	269
District:	Del Norte County Service Area No. 1, Assessment District No. 1
For:	Sewer
Original Amount:	\$930.40

**Originally assessed** with other property not covered by this report.

**Said assessment** is collected with the county property taxes.

4. **An assessment** by the improvement district shown below for which bonds have been issued

Assessment No.: 005-022  
District: Del Norte County Service Area No. 1, Assessment District No. 1996  
  
For: Sewer  
Original Amount: \$1214.03

**Said assessment** is collected with the county property taxes.

5. **Please be advised** that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

#### END OF ITEMS

#### NOTES

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**Note B.** The charge where an order is cancelled after the issuance of the report of title, will be the amount which in the opinion of the Company is proper compensation for services rendered or the purpose for which the report is used, but in no event shall said charge be less than the minimum amount required under Section 12404.1 of the Insurance code of the State of California. If the report cannot be cancelled "no fee" pursuant to the provisions of said insurance code, then the minimum cancellation fee shall be \$396.00.

**Note C.** California Revenue and Taxation Code Section 18662, effective January 1, 2003, requires the buyer in all sales of California Real Estate to withhold 3-1/3% of the total sales price as California State Income Tax, subject to the various provisions of the law therein contained.

#### END OF NOTES

ELK VALLEY RANCHERIA SUBDIVISION

BK. 4 PG. 102

P.O.R. SEC. 22 & 23 T. 16N., R. 1W.

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

(06)

(071)

(073)

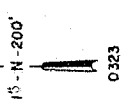
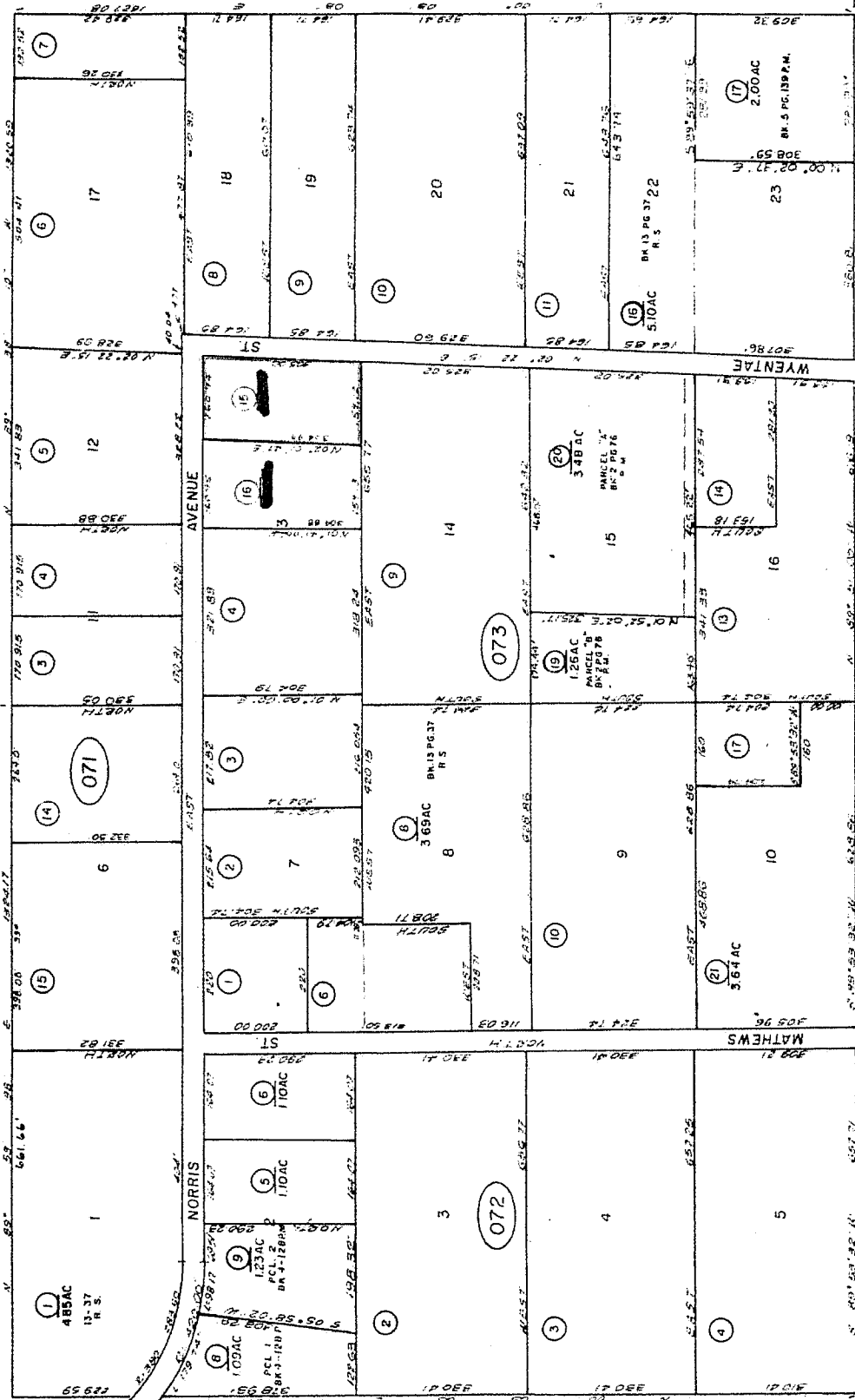
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RD 115

JMBOLDT

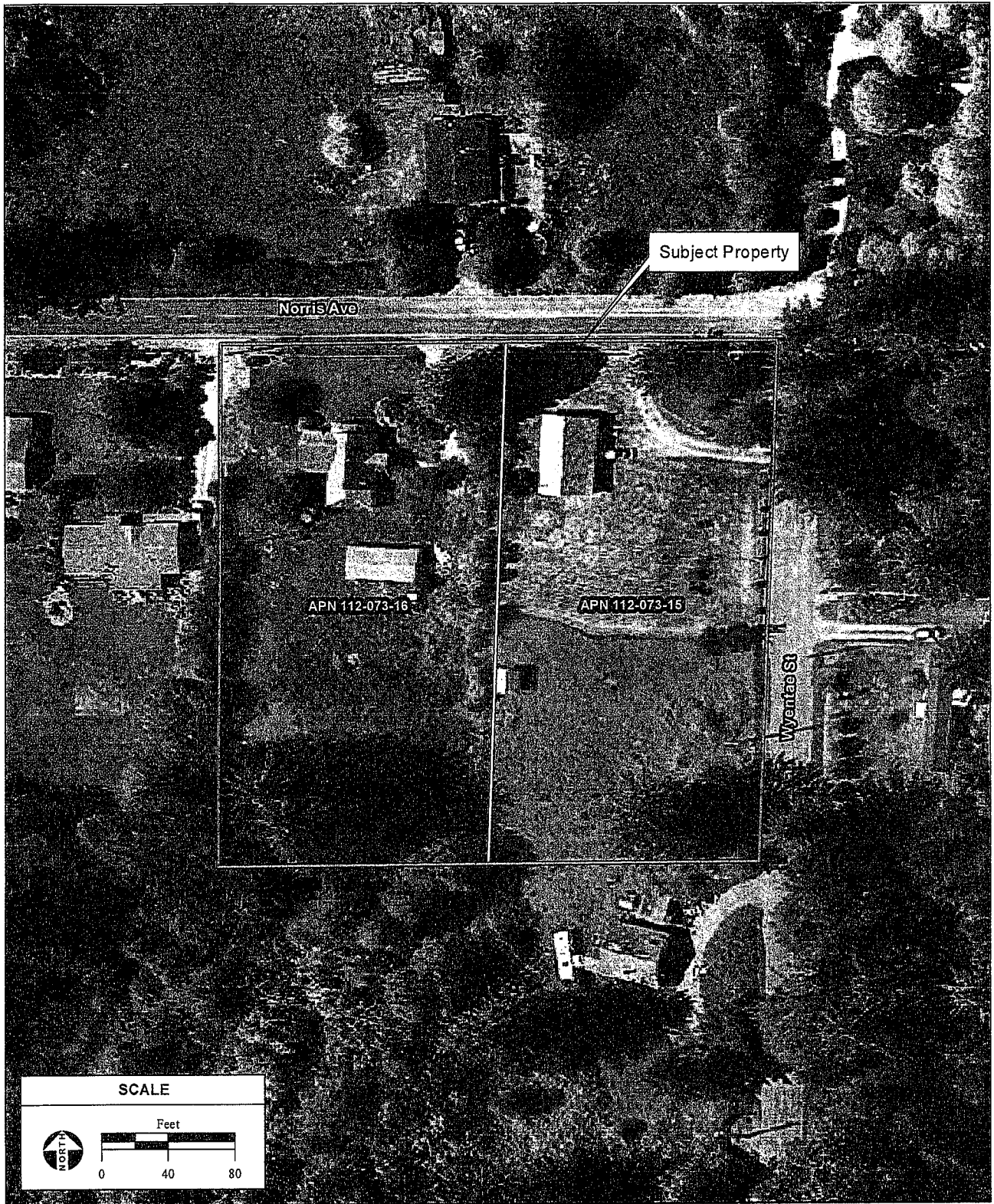
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BOOK

HOWLAND HILL

(22)

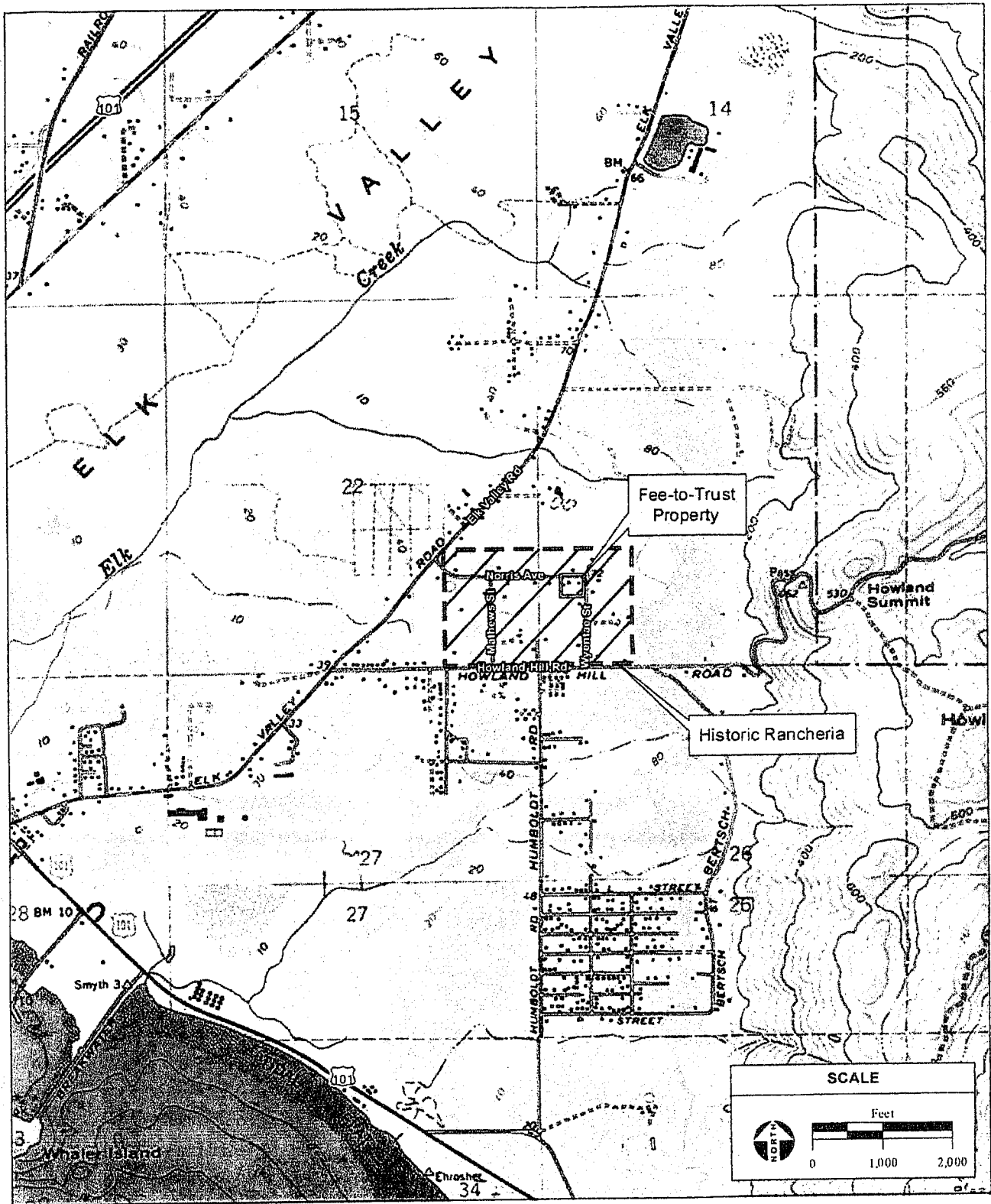
(18)



SOURCE: Del Norte County GIS Data, 3/11/2015;  
DigitalGlobe aerial photograph, 6/6/2013; AES, 10/22/2015

Elk Valley Rancheria 2455 Norris Avenue and 730 Wyentae Street Phase I ESA / 202511

**Figure 3**  
Aerial Photograph



SOURCE: "Crescent City, CA" USGS 7.5 Minute Topographic Quadrangle, T16N, R1W, Section 23, Humboldt Baseline & Meridian; ESRI Data, 2015; AES, 8/4/2015

Elk Valley Rancheria 2455 Norris Avenue and 730 Wyentae Street EO / 202511 ■

**Figure 2**  
Site and Vicinity