



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
801 NORTH QUINCY STREET  
SUITE 300  
ARLINGTON, VA 22203

COUNTY OF SAN DIEGO,	)	Order Setting Briefing Schedule
CALIFORNIA, VIEJAS BAND OF	)	
KUMEYAAY INDIANS and STATE OF	)	
CALIFORNIA,	)	
Appellants,	)	Docket Nos. IBIA 15-035
	)	15-041
v.	)	15-045
	)	
PACIFIC REGIONAL DIRECTOR,	)	
BUREAU OF INDIAN AFFAIRS,	)	
Appellee.	)	January 5, 2015

The County of San Diego, California, the Viejas Band of Kumeyaay Indians, and the State of California (collectively, Appellants) have appealed to the Board of Indian Appeals (Board) from an October 16, 2014, decision (Decision) of the Pacific Regional Director (Regional Director), Bureau of Indian Affairs (BIA), to approve the acceptance into trust, by the United States for the Ewiiapaayp Band of Kumeyaay Indians, of 18.95 acres of land, more or less. The property is located in an unincorporated area of the County of San Diego, California.<sup>1</sup>

The Board received the administrative record on compact disk in this matter on December 30, 2014, including a table of contents for the record. A table of contents is enclosed for the benefit of the parties. The administrative record in this case is available for inspection at the Board's office and also in the office of the Regional Director. If a party desires to obtain an electronic copy of the record, or to obtain hard copies of documents in the record and the volume exceeds 100 pages, the Board requests that the party make arrangements with the Regional Director to obtain the desired copies.

## Order Setting Briefing Schedule

Copies of all pleadings filed with the Board must be served on all interested parties. 43 C.F.R. §§ 4.310(b), 4.333(a). Parties who choose to serve and file by U.S. mail may

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<sup>1</sup> The property is referred to as the Salerno Site and is identified as Assessor's Parcel Number 404-090-07-00. The legal description of the property is included in the Decision.

use regular first-class mail; they do not need to use certified mail unless they wish to do so for their own record keeping purposes. If counsel is appearing for an interested party, counsel should enter an appearance, after which service should be made on counsel. A certificate or affidavit evidencing service shall be filed concurrently with the document furnished to the Board.

The parties are advised that the Board will not accept any filing by facsimile transmission (fax) unless the Board has first granted permission for the filing of that particular document by fax. The Board may grant permission to file by fax in extraordinary circumstances. Because documents filed with the Board are filed as of the date of mailing, extraordinary circumstances do not include the fact that a filing is due that day. Any document filed by fax without permission will not be accepted.

In accordance with 43 C.F.R. § 4.311(e), the Board establishes the following schedule for filing briefs:

February 13, 2015	Appellants' Opening Briefs due
March 20, 2015	Opposing Parties' Answer Briefs due
April 10, 2015	Appellants' Reply Briefs due

The filing of an opening brief is not required under the Board's regulations, and Appellants may choose to rely upon the allegations of error, if any, contained in the notice of appeal or any other filings that already have been submitted to the Board. Appellants are advised that they bear the burden of proving error in the decision being appealed.

If any party wishes to, it may include with the paper copy of its filing an electronic copy of that filing on a CD-ROM in Microsoft Word® or Adobe PDF®.

The Board's Internet website, containing a free, searchable database of its decisions, is located at [www.doi.gov/oha/ibia/index.cfm](http://www.doi.gov/oha/ibia/index.cfm). The Board's decisions are also available on the for-fee websites of WestLaw and Lexis-Nexis, although the Board's website generally is the most current.

### **Alternative Dispute Resolution**

The parties are advised that the Board strongly encourages the voluntary resolution of disputes brought before it. Such resolutions might take the form of traditional settlement discussions, or might involve the use of some form of alternative dispute resolution (ADR), such as mediation.

If the parties wish to discuss the possibility of settling this dispute or engaging in ADR, they should so inform the Board. Upon receiving such notification, the Board may stay further proceedings before it while the parties are exploring other possibilities.

If the parties would like to use mediation or another form of ADR, but have questions about the process, would like assistance in locating a neutral, or have other concerns, they may contact the Department's Office of Collaborative Action and Dispute Resolution (CADR). CADR does not normally provide neutrals, but can answer questions about ADR processes and assist parties in locating a mutually acceptable neutral. CADR assistance can be reached via email by contacting [Shayla.Simmons@sol.doi.gov](mailto:Shayla.Simmons@sol.doi.gov) or [Elena\\_Gonzalez@ios.doi.gov](mailto:Elena_Gonzalez@ios.doi.gov), or by phone at 202-208-7950 (Shayla Simmons) or 703-235-3791 (Elena Gonzalez).

The parties are also advised that the Board reviews all appeals, usually on several occasions, to determine whether it believes that the parties might benefit from the use of ADR. If it believes that the parties might benefit from the use of ADR, the Board may order them to participate in an assessment conference to determine whether ADR is likely to be successful. The Board will not, however, order the parties to mediation or any other form of ADR over their objections.



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Steven K. Linscheid  
Chief Administrative Judge

Enclosure  
Distribution: See attached list.

**Distribution: IBIA 15-035, 15-041  
and 15-045**

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# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

Page | 1

1. BIA Letter dated March 22, 2001, to Tribe acknowledging receipt of Fee to Trust application dated March 21, 2001
2. Letter dated April 9, 2001, to BIA from Mooney & Associates, regarding proposed Gaming and Health Services
3. Letter dated April 25, 2001, from Native American Heritage Commission letter to Mooney & Associates regarding proposed gaming and health facilities
4. Volume I – Phase I and II, Cultural Resources Survey dated June 2001, marked “Confidential” (cover page only)
5. Volume II – Cultural Resources Survey dated June 2001, marked “Confidential” (cover page only)
6. Memo July 13, 2001, from BIA Natural Resource Officer to BIA Realty Officer, regarding NEPA for 10 acre parcel
7. Fax August 3, 2001, from County of San Diego to BIA, requesting a copy of the Notice of Decision action taken in 1986 regarding placement of 10 acres in trust
8. Acknowledgement of Receipt letter dated September 12, 2001, from State of California Clearinghouse
9. Cover letter dated September 13, 2001, from Tribe to BIA submitting Fee to Trust application
10. Email dated September 17, 2001, from Jim Haynes to John Rydzik, regarding the Salerno parcel EA and Cultural Survey
11. Email dated September 18, 2001, from Beverly Sweetwater to Carmen Facio, regarding off-reservation acquisition applications (Redacted copy only)
12. Emails dated September 17-18, 2001, between Title Company and BIA with attached Salerno parcel map
13. Letter dated September 19, 2001, to Jim Haynes, Realty Officer, from Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, transmitting Resolution No. 01-23
14. Letter dated September 19, 2001 to Ron Jaeger, BIA, Pacific Regional Director, from Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, re: No Cultural/Historical Significance for Walker and Salerno Properties
15. Email dated September 24, 2001, to Jim Haynes, Realty Officer, from William Micklin, Chicago Title Company, Subject: Salerno FTT Title
16. Letter dated September 27, 2001, to Harlan Pinto, Sr., Chairman, Cuyapaipe Band of Mission Indians, from Virgil Townsend, Superintendent, BIA, Southern California Agency, re: Acknowledgement of Receipt of Tribal Resolution No. SCA-CY-08-01
17. Article dated October 1, 2001, “Tribes have no reservations about buying land in county” by Chet Barfield, Staff Writer
18. Emails dated February 6-11, 2002, between BIA staff regarding a meeting with the tribal representative and conducting a Phase I

# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

---

Page | 2

19. Email dated February 13, 2002, to Sharon Redthunder, BIA, from Jim Haynes, Realty Officer, BIA, RE: Quayapaie “Salerno” App.
20. Briefing paper dated February 13, 2002, prepared by Sharon Redthunder, BIA, Pacific Regional Lead Specialist, Subject: Fee to Trust application filed by Ewiiapaayp Band of Kumeyaay Indians, AKA the Cuyapaie Band of Mission Indians of California, to place a total of 18.95 acres, more or less into trust status
21. Notice of (Non-Gaming) Land Acquisition Application dated February 14, 2002
22. Fax to Kevin Bearquiver, from Kim Yearyean with Letter of Support dated February 21, 2002, from Robert Salgado, Sr., Tribal Chairman, Soboba Band of Luiseno Indians
23. Letter dated February 21, 2002, from California State Clearinghouse to Reviewing Agencies, RE: SCH# 2002-06: Notice of Land Acquisition Application from Cuyapaie Community of Diegueno Band of Mission Indians of the Cuyapaie Reservation, San Diego County
24. Letter dated February 25, 2002, to Ms. Rocke, BIA, Southern California Agency, from Gregory J. Smith, County Assessor, County of San Diego, with copies of Assessor’s Master Property Record and Tax Bill
25. Letter dated March 8, 2002, from Steven F. TeSam, Chairman, Viejas Tribal Council, to Virgil Townsend, Superintendent, BIA, Southern California Agency, RE: Request for a 30-day extension to review and comment on the Fee to Trust Application of the Cuyapaie Community of Diegueno Band of Mission Indians
26. Fax dated March 12, 2002, to Virgil Townsend, Superintendent, Southern California Agency, from Chantal Saiepe, Tribal Liaison, County of San Diego, RE: Comments
27. Fax dated March 13, 2002, to Lisa Haws, from Jim Haynes, Fee to Trust, Southern California Agency, RE: Copy of Certified Application Return Receipt received by your office on 2/20/2002 (attachment missing)
28. Fax dated March 13, 2002, with attached letter dated March 12, 2002, to Virgil Townsend, Superintendent, BIA, Southern California Agency from Chantal Saiepe, Tribal Liaison, San Diego County, Re: Comments in Response to the Notice of Application dated February 12, 2002
29. Fax dated March 14, 2002, to Harlan Pinto, Sr., Chairman, Cuyapaie, from Jim Haynes, BIA, Southern California Agency, transmitting letter dated March 14, 2002, to Steven F. TeSam, Chairman, Viejas Reservation, from Virgil Townsend, Acting Superintendent, BIA, Southern California Agency, RE: Extension of Comment Period Granted to April 8, 2002 and request for additional documentation under FOIA
30. Letter dated March 14, 2002, to Steven F. TeSam, Chairman, Viejas Reservation, from Virgil Townsend, Acting Superintendent, BIA, Southern California Agency, RE: Extension of Comment Period Granted to April 8, 2002

# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

Page | 3

31. Fax dated March 15, 2002, to Harlan Pinto, Sr., Cuyapaipe, from Jim Haynes, BIA, Southern California Agency, transmitting copy of letter dated March 15, 2002, to Harlan Pinto, Sr., Chairman, from Virgil Townsend, Superintendent, Southern California Agency, advising of the new expiration date for comment is April 8, 2002
32. Letter dated March 15, 2002, to Delores Rocke, Acting Superintendent, BIA, Southern California Agency, from Peter H. Kaufman, Deputy Attorney General, State of California, Department of Justice, RE: Cuyapaipe Community of Diegueno Band of Mission Indians fee to trust application for the 18.95 acre “Salerno” parcel
33. Letter dated March 15, 2002, to various agencies shown on Distribution List from Virgil Townsend, Superintendent, BIA, Southern California Agency, advising that the new expiration date for comment is April 8, 2002
34. Memo dated March 19, 2002, to All Reviewing Agencies, from Scott Morgan, Project Analyst, State of California Clearinghouse, RE: SCH # 2002-06 Cuyapaipe Community of Diegueno Band of Mission Indians (Notice of extended comment period)
35. Letter dated March 25, 2002 to Virgin Townsend, Superintendent, BIA, Southern California Agency, from Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, RE: Fee to Trust Application – Salerno Site; Tribe’s Response to State Comments
36. Letter dated April 8, 2002, to Virgil Townsend, Superintendent, BIA, Southern California Agency, from Steven F. TeSam, Chairman, Viejas Tribal Government, RE: Viejas Comments regarding the Notice of Application for Cuyapaipe Community of Diegueno Band of Mission Indians of the Cuyapaipe Reservation, APN: 404-090-07-00
37. Letter dated April 29, 2002, to Virgil Townsend, Superintendent, BIA, Southern California Agency, from Harlan Pinto, Sr., Chairman, Ewiiapaayp Tribal Office, RE: Ewiiapaayp Response to Viejas Comments
38. Chron copy of memo dated May 3, 2002, to BIA Regional Director, Pacific Region, from Virgil Townsend, Superintendent, BIA, Southern California Agency, RE: Transmittal of Phase I Contaminant Survey (Salerno Parcel) for the Proposed Fee-to-Trust Land Acquisition for the Cuyapaipe Band of Mission Indians (Salerno, APN 494-090-07, 16.85 acres)
39. Memo dated May 3, 2002, to the attention of Dale Morris, Natural Resource Officer, Pacific Region, RE: Transmittal of Categorical Exclusion for the Proposed Fee-to-Trust Land Acquisition (Salerno Parcel) for the Cuyapaipe Band of Mission Indians
40. Categorical Exclusion Checklist dated April 30, 2002, for the Cuyapaipe Fee to Trust Acquisition, Salerno Parcel, APN 404-090-07
41. Memo dated May 10, 2002, to Superintendent, Southern California Agency, from Carmen Facio, Acting Regional Director, BIA, Pacific Regional Office, RE: Signed

IBIA Administrative Record  
Table of Contents  
Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

---

Phase I Contaminant Survey (Salerno Parcel), 18.95 acres, Fee to Trust Land Acquisition for the Cuyapaipe Band of Mission Indians

Page | 4

42. Memo dated May 13, 2002, to Superintendent, Southern California Agency, from Amy Dutschke, Acting Regional Director, RE: National Environmental Policy Act Compliance – Cuyapaipe Band of Mission Indians 18.95 acre Salerno Parcel Trust Acquisition
43. Fax dated May 20, 2002, to Sharon Redthunder from Beverly Sweetwater, with attached copy of Notice of (Non-gaming) Land Acquisition Application Notice, dated February 14, 2002
44. Fax dated June 5, 2002, to Beverly Sweetwater from John Barrios, Environmental Protection Specialist, BIA, with attached copy of the approved Phase I Contaminant Survey
45. Letter dated September 12, 2002 to Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, from Virgil Townsend, Superintendent, Southern California Agency, RE: Notice that the Revised Constitution was approved by the BIA
46. Letter dated October 31, 2002, to Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, from William B. Kolender, Sheriff, San Diego County Sheriff's Department, RE: Letter of Intent to Provide Law Enforcement Services
47. Updated Title Commitment dated February 5, 2003
48. Routing Transmittal Slip dated February 7, 2003, to BIA Superintendent, Southern California Agency, from BIA, Pacific Regional Office, RE: Updated Title Commitment dated July 19, 2001
49. Memo dated February 12, 2003, to Dale Morris, Regional Natural Resources Officer, from BIA Superintendent, Southern California Agency, RE: Transmittal of Updated Phase I Contaminant Survey (Salerno Parcel) for the proposed Fee to Trust Land Acquisition for the Ewiiapaayp Band of Kumeyaay Indians
50. Fax dated February 28, 2003, to Beverly Sweetwater, Bureau of Indian Affairs, from Ralph Snyder, First American Title Insurance Company, RE: Updated Title Commitment dated January 29, 2003
51. Memo dated March 3, 2003, to Superintendent, BIA, Southern California Agency, from Amy Dutschke, Acting Regional Director, Pacific Region, RE: Signed Phase I Contaminant Survey – 18.95-Acre Salerno Property Fee-to-Trust Land Acquisition for the Ewiiapaayp Band of Kumeyaay Indians
52. Memo dated March 6, 2003, to FTT Realty Officer, Southern California Agency, from Natural Resources Officer, Southern California Agency, RE: Transmittal of Completed Phase I Contaminant Survey – “Salerno – 18.95 acre” Parcel, Fee to Trust Land Acquisition Proposal for the Ewiiapaayp Band of Kumeyaay Indians



# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

---

Page | 5

53. Letter dated March 21, 2003 to Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, from Virgil Townsend, Superintendent, Southern California Agency, RE: Acknowledgement of receipt of Tribal Resolution No. SCA-EP-03-03
54. Memo dated March 23, 2003, to Regional Solicitor, Office of the Solicitor, Pacific Southwest Region, from Superintendent, Southern California Agency, RE: Request for Preliminary Title Review of the Ewiiapaayp Band of Kumeyaay Indians of the Ewiiapaayp Reservation, California, **WITHHELD – ATTORNEY/CLIENT PRIVILEGED INFORMATION**
55. Email dated April 2, 2003, to Jim Haynes, Realty Officer, Southern California Agency, from Paula Sutton, BIA, RE: Ewiiapaayp “Salerno” Phase I Update
56. Fax dated April 11, 2003, to Dan Shillito, from Jim Haynes, BIA, Southern California Agency, with attached topographic map, RE: Confirmation subject parcel is 40 miles from the reservation boundaries and 1 ½ miles from existing trust lands. Parcel is off-reservation
57. Solicitor’s Endorsement/comments, dated April 14, 2003, **WITHHELD – ATTORNEY/CLIENT PRIVILEGED INFORMATION**
58. Fax dated April 17, 2003, to Jim Haynes, from Michael Garcia, Ewiiapaayp Tribal Office, with attached Salerno maps
59. Memo dated April 30, 2003, to Regional Solicitor, Office of the Solicitor, Pacific Southwest Region, Sacramento, RE: Amended Request for Preliminary Title Review of Ewiiapaayp Band of Kumeyaay Indians on the Ewiiapaayp Reservation, California, **WITHHELD – ATTORNEY/CLIENT PRIVILEGED INFORMATION**
60. Fax dated May 2, 2003, to Jim Haynes, Bureau of Indian Affairs, from Bonnie Talo, First American Title Insurance Company, RE: Title Commitment Order No. 1270684-20 dated January 29, 2003
61. Letter dated May 5, 2003, to Gracie Murillo, Acting Regional Director, Pacific Regional Office, from Harlan Pinto, Sr., Chairman, Ewiiapaayp Tribal Office, RE: Clarification of proposed use of the Salerno parcel
62. Fax dated July 15, 2003, to Kevin Bearquiver, BIA, from Jim Haynes, BIA, Southern California Agency, RE: Transmittal of aerial photos of Salerno parcel
63. Fax dated July 15, 2003, to Kevin Bearquiver, BIA, from Jim Haynes, BIA, Southern California Agency, with attached letter dated September 12, 2002, to Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, from Virgil Townsend, Superintendent, BIA, Southern California Agency, RE: Approved Tribal Constitution
64. Fax dated July 15, 2003, to Kevin Bearquiver, BIA, from Jim Haynes, BIA, Southern California Agency, with attached copies of Assessor’s parcel maps and topographic maps

IBIA Administrative Record  
Table of Contents  
Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

---

Page | 6

65. Letter dated September 30, 2004, to Theresa Draper, Pacific Regional Office, BIA, from Harlan Pinto, Sr., Chairman, Ewiiapaayp Tribal Office, with attachments, RE: Ewiiapaayp Historical Information
66. Certificate of Inspection and Possession dated December 7, 2004
67. Letter dated August 4, 2010, to Robert Pinto, Sr, Chairman, Ewiiapaayp Band of Kumeyaay Indians, from Carmen G. Facio, Acting Regional Director, Pacific Regional Office, RE: Request for Title Commitment and Tax Statements
68. Email dated August 20, 2010, to Carman Facio and Arvada Wolfin, BIA Pacific Regional Office, from William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, with attached Salerno property tax statement
69. Updated Title Commitment dated August 25, 2010
70. Letter dated September 2, 2010, to Dale Risling, Acting Regional Director, BIA, Pacific Region, from Robert Pinto, Sr., Tribal Chairman, Ewiiapaayp Band of Kumeyaay Indians, RE: Submission of title commitment report for the “Salerno” parcel
71. Email dated September 3, 2010, to Arvada Wolfin, BIA, from William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians with attached title commitment and encumbrance documents
72. Email dated September 3, 2010, to Arvada Wolfin, BIA, from William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, with attached Title Commitment dated August 13, 2010
73. Letter dated September 7, 2010, to Dale Risling, Acting Regional Director, BIA, Pacific Region, from Robert Pinto, Sr., Tribal Chairman, Ewiiapaayp Band of Kumeyaay Indians, with enclosed updated title commitment dated August 13, 2010
74. Emails dated March 21, 2011, between Arvada Wolfin, BIA, and Will Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, RE: Status of Salerno FTT Application
75. Letter dated December 8, 2011, to Amy Dutschke, Regional Director, Pacific Regional Office, from Robert Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, RE: Request BIA to Issue a Notice of Decision on the Salerno application
76. Notice of (non-gaming) Land Acquisition Application dated November 8, 2012
77. Letter dated November 8, 2012, to Robert Pinto, Sr., Chairperson, Ewiiapaayp Band, from Amy Dutschke, Regional Director, with attached Notice of Application dated November 8, 2012
78. Letter dated November 8, 2012, to Distribution List advising of Notice of Application
79. Cover Letter dated November 8, 2012, to California State Clearinghouse, from Amy Dutschke, Regional Director, Bureau of Indian Affairs, with certified return receipt, RE: Notice of Application dated November 8, 2012
80. Notice of (Non-Gaming) Land Acquisition Application dated November 8, 2012

# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

Page | 7

81. Letter dated November 14, 2012, to Reviewing Agencies from State of California Clearinghouse and Planning Unit, RE: SCH# 2002-06: Notice of (Non-Gaming) Land Acquisition Application for the Ewiiapaayp Band of Kumeyaay Indians, APN 404-090-07-00 of California to have real property accepted into trust by the USA, San Diego County
82. Email dated November 15, 2012, to Arvada Wolfen, from Patty Brandt, California Department of Justice, RE: Request for extension of time to comment
83. Letter dated November 15, 2012, to US Dept. of the Interior, BIA, Pacific Regional Office, from Patty Brandt, Senior Legal Analyst, State of California, Department of Justice, RE: Request for a 30-day extension to provide comments to Salerno Notice of Application
84. Letter dated November 20, 2012, to Patty Brandt, Senior Legal Analyst, State of California, Dept. of Justice, from Amy Dutschke, Regional Director, RE: Request for 30-day extension granted
85. Letter dated November 21, 2012, to Amy Dutschke, Regional Director, from Donald C. Baur, Counsel to the Viejas Band of Kumeyaay Indians, RE: Request for 45-day extension to comment on the application filed by the Ewiiapaayp Band of Kumeyaay Indians of California to have 18.95 acres taken into trust
86. Email dated November 26, 2012, to Arvada Wolfen, Supervisory Realty Specialist, Fee to Trust, from Doug Garcia, FOIA Coordinator, Pacific Region, with attached FOIA request from Donald Baur
87. Letter dated November 26, 2012, to US Dept. of the Interior, BIA, Pacific Regional Office, from Ernest J. Dronenburg, Jr., San Diego County Assessor, RE: Transmittal of Assessor's Parcel Record for Parcel No. 404-090-07-00, including tax records
88. Letter dated December 2, 2012, to Amy Dutschke, Regional Director, BIA, from Dianne Jacob, Supervisor, Second District, San Diego County Board of Supervisors, San Diego County, RE: Comments to Notice of Application dated November 8, 2012
89. Letter dated December 4, 2012, to Donald C. Baur, Counsel to Viejas Band, Perkins Coie, from Kevin Bearquiver, Acting Regional Director, RE: 30-day extension granted to provide comments to Notice of Application
90. Letter dated December 7, 2012, to Amy Dutschke, Director, Pacific Regional Office, BIA, from Duncan Hunter, Member of Congress, U.S. House of Representatives, RE: Comments to Notice of Application
91. Faxed letter dated December 14, 2012, to Amy Dutschke, Regional Director, Pacific Regional Office, BIA, from Mark Wardlaw, Director, Planning & Development Services, County of San Diego, RE: Response to Trust Application for one parcel totaling 18.95 acres for the Ewiiapaayp Band

## IBIA Administrative Record Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

Page | 8

92. Email dated December 21, 2012, to Lorrae Russell, Realty Specialist, BIA, from Janice Whipple, BIA, RE: Extension letter for FOIA-2013-00256
93. Letter dated December 21, 2012, to Donald Baur, Perkins Coie, from Kevin Bearquiver, Acting Regional Director, BIA, Pacific Regional Office, RE: Notification of 10-day extension to process FOIA. Response anticipated on or before January 9, 2013
94. Letter dated January 7, 2013, to Donald C. Baur, Perkins Coie, from Amy Dutschke, Regional Director, BIA, Pacific Regional Office, RE: Notification of responsive documents found and total cost for research fees
95. Letter dated January 9, 2013, to Amy Dutschke, Regional Director, BIA, from Donald C. Baur, Counsel to Viejas Band of Kumeyaay Indians, Perkins Coie, RE: Comments of Viejas Band on Ewiiapaayp Band of Kumeyaay Indian's Trust Land Application, re: 18.95 acres (Salerno Parcel) with attachments
96. Fax dated January 11, 2013, to Amy Dutschke, Regional Director, BIA, from Peter H. Kaufmann, Deputy Attorney General, California Department of Justice, with attached letter dated January 11, 2013, addressed to Amy Dutschke, Regional Director from Peter Kaufmann, Deputy Attorney General, California Department of Justice, RE: Comments to Notice of Application by the Ewiiapaayp Band of Kumeyaay Indians
97. Letter dated January 11, 2013, to Amy Dutschke, Regional Director, BIA, Pacific Regional Office, from Peter Kaufmann, Deputy Attorney General, California Department of Justice, RE: Comments to Notice of Application
98. Letter dated January 18, 2013, to Robert Pinto, Sr., Chairman, Ewiiapaayp Band, from Amy Dutschke, Regional Director, BIA, Pacific Regional Office, RE: Transmittal of comments to the Tribe in response to the Notice of Application
99. Letter dated January 23, 2013, to Douglas Garcia, FOIA Coordinator, BIA, Pacific Region, from Donald C. Baur, Counsel to Viejas Band of Kumeyaay Indians, RE: Request for documents not included as attachments with responsive documents
100. Letter dated January 25, 2013, to Donald C. Baur, Perkins Coie, from Amy Dutschke, Regional Director, RE: Missing attachments were not included as an attachment when email was forwarded
101. Letter dated January 29, 2013, to Amy Dutschke, Regional Director, BIA, Pacific Regional Office, from Donald C. Baur, Perkins Coie, RE: Supplemental comments of the Viejas Band of Kumeyaay Indians
102. Email dated February 7, 2013, to Arvada Wolfin, BIA, from William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, RE: Question on schedule for responses to the Salerno FTT comments. Note inscribed on email by Arvada Wolfin, that Will is still working on a response to comments
103. Map of "California Indian Pre-contact Tribal Territories", dated February 10, 2013

# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

---

Page | 9

104. Email dated July 8, 2013, to Arvada Wolfin, Supervisory Realty Specialist, from William Micklin, transmitting tribe's response to comments
105. Cover letter dated July 8, 2013, to Amy Dutschke, Regional Director, from Robert Pinto, Sr., Tribal Chairman, Ewiiapaayp Band of Kumeyaay Indians, transmitting response to comments with the following 19 attachments
106. Attachment 1 to letter dated July 8, 2013: Ewiiapaayp Response to Comments
107. Attachment 2 to letter dated July 8, 2013: Ipai-Tipai Territory
108. Attachment 3 to letter dated July 8, 2013: Hodges Map
109. Attachment 4 to letter dated July 8, 2013: Ken Hodges Article, "Notes on the Kumeyaay: A Problem of Identification"
110. Attachment 5 to letter dated July 8, 2013: Historical and Traditional Clan Territories of Southern California
111. Attachment 6 to letter dated July 8, 2013: Tribes Map
112. Attachment 7 to letter dated July 8, 2013: Letter dated Jan. 9, 2004 regarding discussion of a joint opportunity between Ewiiapaayp and Viejas Tribes
113. Attachment 8 to letter dated July 8, 2013: Letter dated February 17, 2004 from Principal Deputy Assistant Secretary – Indian Affairs to Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, RE Response to request to delay any pending decisions regarding Ewiiapaayp Bands gaming project
114. Attachment 9 to letter dated July 8, 2013: Ewiiapaayp-Viejas Task Force Report
115. Attachment 10 to letter dated July 8, 2013: Principal Terms Agreed by both parties to the joint casino concept
116. Attachment 11 to letter dated July 8, 2013: Southern Indian Health Council, Inc. letter dated April 26, 2013, to Robert Pinto, Chairman, Ewiiapaayp Band of Kumeyaay Indians, RE: Notice of Break of Lease No. 5002519722 on property on Willows Road in Alpine, CA
117. Attachment 12 to letter dated July 8, 2013: Letter dated September 9, 2011 to Ken Salazar, Secretary, US Dept. of Interior, from Anthony R. Pico, Chairman, Viejas Tribal Government, RE: Request for Denial of Proposed Tule Wind and Ocotillo Express Wind Projects San Diego and Imperial Counties, California
118. Attachment 13 to letter dated July 8, 2013: Southern Indian Health Council Board Minutes dated May 4, 2004
119. Attachment 14 to letter dated July 8, 2013: Letter dated May 5, 2003, to Gracie Murillo, Acting Regional Director, BIA, from Harlan Pinto, Chairman, Ewiiapaayp Tribal Office, RE: Ewiiapaayp Band of Kumeyaay Indians; Salerno Parcel
120. Attachment 15 to letter dated July 8, 2013: Complaint for Declaratory Judgment and Injunctive Relief, California Cattlemen's Assoc., v. Sally Jewel, Secretary of the Interior

# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

---

Page | 10

121. Attachment 16 to letter dated July 8, 2013: Fish and Wildlife Service Federal Register Notice 2002-13425
122. Attachment 17 to letter dated July 8, 2013: San Diego County\_General Plan Update is Fatally Flawed
123. Attachment 18 to letter dated July 8, 2013: Letter dated October 14, 2002, to San Diego County Board Members, from Harlan Pinto, Sr., Chairman, Ewiiapaayp Band of Kumeyaay Indians, RE: Request for Consultation and Cooperative Agreements
124. Attachment 19 to letter dated July 8, 2013: Letter dated December 9, 2002, to Robert Copper, Deputy Chief Administrative Officer, County of San Diego, CA, from Harlan Pinto, Sr., Chairman, Ewiiapaayp Tribal Office, RE: Response to CAO November 27<sup>th</sup> Letter
125. Emails dated August 30, 2013 to September 3, 2013, between Will Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, JoAnn Costello-Koda, Deputy Superintendent, Trust Services, and Arvada Wolfin, Supervisory Realty Specialist, BIA, RE: When will next step in Fee to Trust process move ahead
126. Email dated September 9, 2013, to William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, from Arvada Wolfin, Supervisory Realty Specialist, RE: Status of when Notice of Decision will be prepared
127. Memo dated September 23, 2013, to Jamie Schubert, GIS, from Arvada Wolfin, Supervisory Realty Specialist, RE: Request for legal description review
128. Memo dated September 24, 2013, to Arvada Wolfin, Supervisory Realty Specialist, from Jamie Schubert, GIS Cartographer, RE: Legal Description Review
129. Updated Title Commitment dated September 25, 2013
130. Email dated January 8, 2014, to Arvada Wolfin, Supervisory Realty Specialist, from William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, RE: Question on when Final Agency Determination will be made
131. Email dated January 13, 2014, to William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians from Arvada Wolfin, Supervisory Realty Specialist, RE: Question on when NOD will be issued
132. Email dated March 4, 2014, to William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, from Arvada Wolfin, Supervisory Realty Specialist, BIA, RE: Updated Title Commitment
133. Email dated September 25, 2014, to Arvada Wolfin, Supervisory Realty Specialist, from William Micklin, CEO, Ewiiapaayp Band of Kumeyaay Indians, transmitting updated title commitment for the Salerno parcel
134. Chron copy Notice of Decision issued October 16, 2014 with certified receipts
135. Notice of Decision dated October 16, 2014

# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

Page | 11

136. Email dated October 21, 2014, to Joyce Coleman, Realty Specialist, from Vermyl Thomas, Daily Journal Corporation, RE: Confirmation of Order 2680866 for Public Notice to Acquire Land Into Trust (for publication in San Diego Union)
137. Email dated October 21, 2014, to Joyce Coleman, Realty Specialist, from Vermyl Thomas, Daily Journal Corporation; RE: Confirmation of Order 2680862 for Public Notice to Acquire Land Into Trust (for publication in Sacramento Bee)
138. Email dated October 21, 2014, to Blanca Tovar, Daily Journal, from Joyce Coleman, Realty Specialist, RE: Public Notice – Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 ac)
139. Fax dated October 21, 2014, to the Daily Journal Corporation, to publish notices to acquire trust land in the Sacramento Bee and the San Diego Herald Tribune
140. Letter dated October 22, 2014, to Reviewing Agencies, from State of California Clearinghouse, RE: SCH# 2002-06: Notice of (Non-Gaming) Proposed Decision to have Realty Property Accepted into Trust by the US for the Ewiiapaayp Band of Kumeyaay Indians APNs: 404-090-07-00 of California, San Diego County
141. Letter dated October 25, 2014, to Bureau of Indian Affairs, Pacific Regional Office, from Barbary Dywer, RE: Request for maps of Salerno Parcel
142. Email dated October 27, 2014, to Patty Brandt, Department of Justice, State of California, with requested documents attached to email
143. Email dated October 27, 2014, to Arvada Wolfen, Supervisory Realty Specialist, from Patty Brandt, Senior Legal Analyst, Office of the Attorney General, State of Sacramento, RE: Request for documents referenced in Notice of Decision dated October 16, 2014
144. Invoice dated October 28, 2014, from the Daily Journal Corporation for publication in the Sacramento Bee public notice
145. Invoice dated October 29, 2014, from the Daily Journal Corporation for publication in the San Diego Union
146. Emails dated October 28-30, 2014, between Uyen Le, Deputy Attorney General, Viejas Band, and Lorrae Russell, Realty Specialist, RE: Ewiiapaayp's pending actions with the Alpine property
147. Notice of Decision sent to Chairman, Pala Reservation as a possible interested party was returned on October 31, 2014, to the BIA, Pacific Regional Office, by addressee (Chairman, Pala Reservation) with hand written note that the notice was to go to Robert Pinto instead
148. Fax dated November 3, 2014, to Duncan Hunter, US House of Representatives, from Arvada Wolfen, Supervisory Realty Specialist, RE: Notice of Decision dated October 16, 2014

# IBIA Administrative Record

## Table of Contents

### Ewiiapaayp Band of Kumeyaay Indians – Salerno Parcel (18.95 acres)

---

Page | 12

149. Fax dated November 3, 2014, to Chairman, La Posta Band, from Arvada Wolfen, Supervisory Realty Specialist, RE: Notice of Decision dated October 16, 2014
150. Letter dated November 5, 2014, to Amy Dutschke, Regional Director, from Leroy Elliot, Southern Indian Health Council, RE: Response to Notice of Decision issued October 16, 2014
151. Letter dated November 6, 2014, to Barbara Dwyer, from Kevin Bearquiver, Acting Regional Director, RE: Transmittal of map and aerial photo of the Salerno parcel as requested
152. Email dated November 12, 2014, to Arvada Wolfen, Supervisory Realty Specialist, BIA, from Doug Garcia, BIA FOIA Coordinator, RE: Expedited FOIA Request form Uyen Le on behalf of Viejas
153. Email dated November 20, 2014, to Lorrae Russell, Realty Specialist, from Margarita. Esquerra, Department of Fish & Wildlife, State of California, RE: Transmitting copy of comment letter dated November 19, 2014 to Lorrae Russell, BIA, from Edmund Pert, Regional Manager, South Coast Region, Dept. of Fish & Wildlife, Subject: Notice of (Non-gaming) Proposed Decision to have Realty Property Accepted into Trust by the United States for the Ewiiapaayp Band of Kumeyaay Indians APN 404-090-07-00 of California, San Diego County
154. Email dated November 24, 2014, to Arvada Wolfen, Supervisory Realty Specialist, from Doug Garcia, FOIA Coordinator, RE: Revised FOIA Request from Uyen Le (Viejas)
155. Letter dated November 25, 2014, to Uyen Le, (Viejas) from Amy Dutschke, Regional Director, with responsive FOIA documents on CD
156. Fax dated November 26, 2014, to Chairperson, Inaja-Cosmit Band, from Arvada Wolfen, Supervisory Realty Specialist, RE: Notice of Decision
157. Letter dated November 6, 2014, to Barbara Dwyer, from Kevin Bearquiver, Acting Regional Director, transmitting copies of aerial and other maps of the Salerno parcel
158. Pre-Docket Notice dated November 17, 2014, Order Concerning Service List and Order for Administrative Record
159. Pre-Docket Notice dated November 24, 2014, Notice and Order Consolidating Appeals

