

2010-7



United States Department of the Interior

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

IN REPLY REFER TO

AUG 27 2010

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 Morongo Band of Cahuilla Mission Indians (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:

Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California

Legal Land Description/Site Location:

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

All that certain real property situated in the County of Riverside, State of California, described as follows:

The Northeast quarter, together with the West half of Section 9, Township 3 South, Range 2 East, San Bernardino Meridian, in the County Riverside, State of California, according to the official plat thereof.



Except that portion described in Deed to the Southern California Edison Company, recorded February 9, 1948 in Book 892, Page 464 of Official Records.

Except that portion described in Deed to the California Electric Power Company, recorded February 13, 1948 as Instrument No. 1588 in Book 895, Page 78 of Official Records, also

Except that portion described in Deed to the State of California, recorded July 28, 1961 as Instrument No. 64688, of Official Records, also

Except that portion lying South of the property conveyed to the State of California by Deed recorded July 28, 1961 as Instrument No. 64688, of Official Records, also

Said portion was excepted in the Grant Deed from Southern Pacific Transportation Company recorded May 4, 1988 as Instrument No. 119236, of Official Records, also

Except that portion condemned in Superior Court Case No. SCV064468, as set out in Order recorded January 28, 1997, as Instrument No. 27736, and recorded February 13, 1997 as Instrument No. 48890, both of Official Records.

Also except all minerals, oil, and other hydrocarbon substances lying below a depth of 500.00 feet without a right of surface entry as reserved in deed recorded May 4, 1988 as Instrument No. 119236, of Official Records.

APN: 519-180-018-5

Project Description/Proposed Land Use:

The subject property consists of a parcel of land, encompassing approximately 431.26 acres more or less, commonly referred to as Assessor's Parcel Number: 519-180-018-5. The parcel is contiguous to trust lands.

Currently, the subject property is vacant. It is an ongoing effort to consolidate Reservation lands. The Tribe determined that the purchase of this land was necessary to facilitate tribal self-determination and self-governance. The Tribe has no other contemplated use for the parcel.

Current Use/Taxes and Zoning:

Assessed property taxes for 2009-2010:

189-051-02- \$1,777.72

Existing Easements/Encumbrances:

See attached Schedule B

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 Lorrae Russell, Realty Specialist, at (916) 978-6071.

Sincerely,


Acting Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

California State Clearinghouse (10 copies) - 7006 3450 0002 4647 7203
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 92220

Ms. Andrea Lynn Hoch – 7006 3450 0002 4647 7210
Legal Affairs Secretary
Office of the Governor
State Capitol Building
Sacramento, CA 95814

Deputy Attorney General – 7006 3450 0002 4647 7227
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Mr. James Peterson, District Director - 7006 3450 0002 4647 7234
Office of the Honorable Dianne Feinstein
Office of the Honorable Dianne Feinstein
750 "B" Street, Suite 1030
San Diego, CA 92101

Riverside County Board of Supervisors – 7006 3450 0002 4647 7241
County Administrative Center
4080 Lemon Street, 14th Floor
Riverside, CA 92501

County of Riverside – 7006 3450 0002 4647 7258
Office of the Assessor
4080 Lemon Street
Riverside, CA 92502-2204

County of Riverside – 7006 3450 0002 4647 7265
Planning Department
4080 Lemon Street 9th Floor
Riverside, CA 92501

Riverside County Treasurer & Tax Collector – 7005 0390 0004 7317 0525
4080 Lemon Street, 4th Floor
Riverside, CA 92501

Riverside County Sheriff's Department – 7006 3450 0002 4647 7043
P.O. Box 512
Riverside, CA 92502

Chairperson – 7006 3450 0002 4647 7050
Agua Caliente
600 East Tahquitz Canyon Way
Palm Springs, CA 92262

Chairperson – 7006 3450 0002 4647 7067
Augustine Band of Mission Indians
P.O. Box 846
Coachella, CA 92236

Chairperson - 7006 3450 0002 4647 7074
Cabazon Band of Mission Indians
84-245 Indio Springs Drive
Indio, CA 92201

Chairperson - 7006 3450 0002 4647 7081
Cahuilla Band of Mission Indians
P.O. Box 391760
Anza, CA 92539-1760

Chairperson – 7006 3450 0002 4647 7098
Morongo Band of Cahuilla Mission Indians
11581 Potrero Road
Banning, CA 92220

Chairperson – 7006 3450 0002 4647 7104
Pechanga Band of Luiseno Indians
P.O. Box 1477
Temecula, CA 92593

Chairperson – 7006 3450 0002 4647 7111
Ramona Band of Mission Indians
P.O. Box 391372
Anza, CA 92539

Chairperson – 7006 3450 0002 4647 7128
Santa Rosa Band of Mission Indians
P.O. Box 609
Hemet, CA 92546

Chairperson – 7006 3450 0002 4647 7135
Soboba Band of Mission Indians
P.O. Box 487
San Jacinto, CA 92581

Chairperson – 7006 3450 0002 4647 7142
Torres-Martinez Desert Cahuilla Indians
P.O. Box 1160
Thermal, CA 92274

Regular Mail:

Superintendent
Southern California Agency
Bureau of Indian Affairs
1451 Research Park Drive, Suite 100
Riverside, CA 92507-2154

**SCHEDULE B – SECTION I.
O.O.**

EXCEPTIONS

Schedule B of 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:

- A. Property taxes, including general and special taxes, personal property taxes, if any, and any assessments collected with taxes, to be levied for the fiscal year 2010 – 2011 which are a lien not yet payable.
- B. Supplemental or escaped assessments of property taxes, if any, assessed pursuant to the Revenue and Taxation Code of the State of California.
 - 1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this commitment.
 - 2. Water rights, claims or title to water, whether or not shown by the public records.
 - 3. An easement in favor of the public over any existing roads lying within said land.
 - 4. An easement for the purpose shown below and rights incidental thereto as set forth in a document
 - Granted to: Southern Sierras Power Company, a corporation
 - Purpose: power line
 - Recorded: January 14, 1930 in Book 722, page 461 of Deeds
 - Affects: said land more particularly described therein
 - 5. An easement for the purpose shown below and rights incidental thereto as set forth in a document
 - Granted to: Southern California Gas Company, a corporation and Southern Counties Gas Company of California, a corporation
 - Purpose: gas pipelines
 - Recorded: October 4, 1947 in Book 868, page 216 of Official Records
 - Affects: said land more particularly described therein

An Amendment to said Easement recorded June 14, 2004 as Instrument No. 2004-0454973 of Official Records
 - 6. Any boundary discrepancies, rights or claims which may exist or arise as disclosed by a Record of Survey
 - Recorded: December 30, 1930 in Book 9, page 86 of Records of Survey
 - 7. An agreement to which reference is hereby made for full particulars,
 - Dated: May 10, 1950
 - By and between: Southern Pacific Railroad Company, a corporation; Southern Pacific Company, a corporation; Southern California Gas Company, a corporation and Southern Counties Gas Company of California, a corporation
 - Regarding: easement for gas pipe line
 - Recorded: June 12, 1950 in Book 1180, page 186 of Official Records

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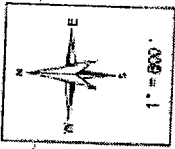
SCHEDULE B – SECTION II
Continued

8. The fact that the ownership of said land does not include rights of access to or from the freeway and Frontage Road, except as therein provided, such rights having been relinquished by deed from Southern Pacific Company to the State of California.
- Recorded: June 28, 1961 as Instrument No. 64688 of Official Records
9. An easement for the purpose shown below and rights incidental thereto as set forth in a document
- Granted to: California Electric Power Company, a corporation
Purpose: electric transmission lines
Recorded: September 8, 1961 as Instrument No. 77352 of Official Records
Affects: said land more particularly described therein
10. An easement for the purpose shown below and rights incidental thereto as set forth in a document
- Granted to: Cabazon County Water District, a public corporation
Purpose: maintaining and operating a water storage tank
Recorded: August 12, 1970 as Instrument No. 79161 of Official Records
Affects: said land more particularly described therein
11. The matters contained in a document entitled **"Notice of Intent to Preserve Mineral Interest"** recorded September 8, 1987 as Instrument No. 259861 of Official Records.
- Reference is made to said document for full particulars.
12. An easement for the purpose shown below and rights incidental thereto as reserved in a document
- Purpose: roadway purposes and overhead and underground electrical supply and communication systems
Recorded: May 4, 1988 as Instrument No. 119236 of Official Records
Affects: said land more particularly described therein
13. The effect of a "Quit Claim Deed"
- Dated: March 7, 1990
Executed by: Southern Pacific Transportation Company, a Delaware corporation
In favor of: Coussoulis Development Company, a Nevada corporation
Recorded: August 13, 1990 as Instrument No. 299739 of Official Records
14. The effect of a "Memorandum of Easement"
- Dated: December 30, 1988
Executed by: Southern Pacific Transportation Company, a Delaware corporation
In favor of: MCI Telecommunications Corporation, a Delaware corporation
Recorded: May 17, 1991 as Instrument No. 165201 of Official Records
15. Title search discloses no open deeds of trust. Please confirm prior to close of escrow.
16. Any rights, interests or claims of parties in possession of the land not shown by the public records.

END OF SCHEDULE B – SECTION II

CV

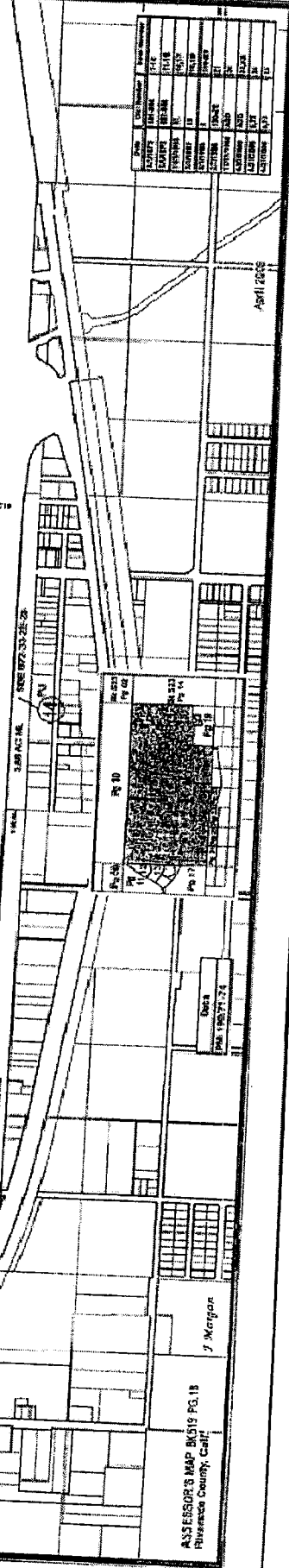
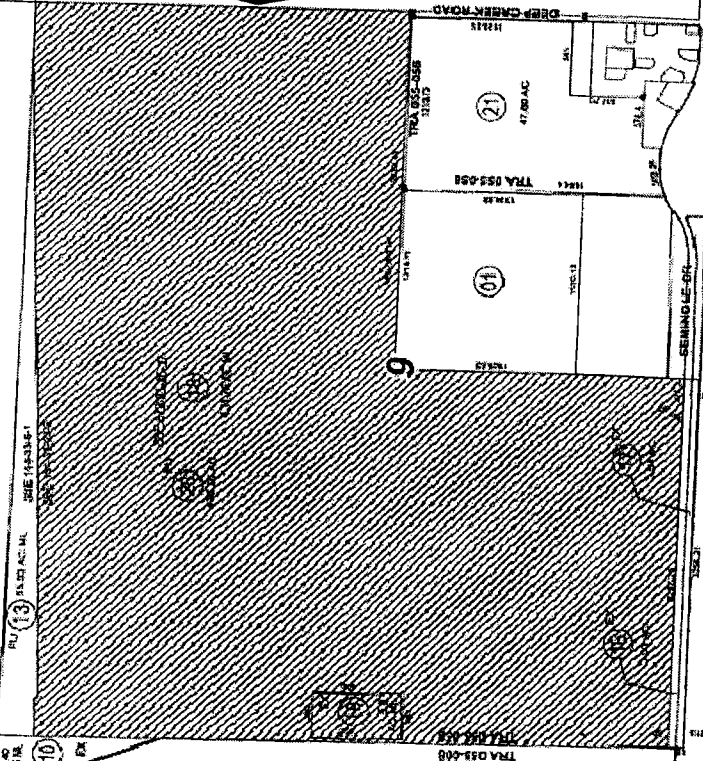
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SEC. 8 9 T.35 R.2E

MAY 26 2009
THIS MAP WAS PREPARED FOR AERIAL PHOTOGRAPHS ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA FROM AERIAL PHOTOGRAPHS. ANY NOT COUNTY WITH LOCAL LOT OR LOT OR BUILDING SITE CONFORMANCE.



Parcel No.	Area (Ac.)	Owner	Address	City	County	State	Zip
10	1.00	...	...	...	...	...	...
11	1.00	...	...	...	...	...	...
12	1.00	...	...	...	...	...	...
13	1.00	...	...	...	...	...	...
14	1.00	...	...	...	...	...	...
15	1.00	...	...	...	...	...	...
16	1.00	...	...	...	...	...	...
17	1.00	...	...	...	...	...	...
18	1.00	...	...	...	...	...	...
19	1.00	...	...	...	...	...	...
20	1.00	...	...	...	...	...	...
21	1.00	...	...	...	...	...	...
22	1.00	...	...	...	...	...	...
23	1.00	...	...	...	...	...	...
24	1.00	...	...	...	...	...	...

ASSESSOR'S MAP BK519 PG. 18
Plumas County, Calif.

Bureau of Indian Affairs, Interior

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Titles and Records Offices are designated as Certifying Officers for this purpose. When a copy or reproduction of a title document is authenticated by the official seal and certified by a Manager, Land Titles and Records Office, the copy or reproduction shall be admitted into evidence the same as the original from which it was made. The fees for furnishing such certified copies are established by a uniform fee schedule applicable to all constituent units of the Department of the Interior and published in 43 CFR part 2, appendix A.

§ 150.11 Disclosure of land records, title documents, and title reports.

(a) The usefulness of a Land Titles and Records Office depends in large measure on the ability of the public to consult the records contained therein. It is therefore, the policy of the Bureau of Indian Affairs to allow access to land records and title documents unless such access would violate the Privacy Act, 5 U.S.C. 552a or other law restricting access to such records, or there are strong policy grounds for denying access where such access is not required by the Freedom of Information Act, 5 U.S.C. 552. It shall be the policy of the Bureau of Indian Affairs that, unless specifically authorized, monetary considerations will not be disclosed insofar as leases of tribal land are concerned.

(b) Before disclosing information concerning any living individual, the Manager, Land Titles and Records Office, shall consult 5 U.S.C. 552a(b) and the notice of routine users then in effect to determine whether the information may be released without the written consent of the person to whom it pertains.

PART 151—LAND ACQUISITIONS

- Sec.
- 151.1 Purpose and scope.
 - 151.2 Definitions.
 - 151.3 Land acquisition policy.
 - 151.4 Acquisitions in trust of lands owned in fee by an Indian.
 - 151.5 Trust acquisitions in Oklahoma under section 5 of the I.R.A.
 - 151.6 Exchanges.
 - 151.7 Acquisition of fractional interests.
 - 151.8 Tribal consent for nonmember acquisitions.

- 151.9 Requests for approval of acquisitions.
- 151.10 On-reservation acquisitions.
- 151.11 Off-reservation acquisitions.
- 151.12 Action on requests.
- 151.13 Title examination.
- 151.14 Formalization of acceptance.
- 151.15 Information collection.

AUTHORITY: R.S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1987, as amended; 53 Stat. 1329; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 750, as amended; 70 Stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended; 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450h, 451, 464, 465, 467, 468, 489, 501, 502, 573, 574, 576, 608, 808a, 810, 810a, 822, 824, 840d-10, 1466, 1495, and other authorizing acts.

CROSS REFERENCE: For regulations pertaining to: The inheritance of interests in trust or restricted land, see parts 15, 16, and 17 of this title and 43 CFR part 4; the purchase of lands under the BIA Loan Guaranty, Insurance and Interest Subsidy program, see part 103 of this title; the exchange and partition of trust or restricted lands, see part 152 of this title; land acquisitions authorized by the Indian Self-Determination and Education Assistance Act, see parts 900 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR part 2530; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR parts 2561 and 2564; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR part 1823, subpart N; the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§ 117.8 and 158.54 of this title.

SOURCE: 45 FR 62036, Sept. 18, 1980, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 151.1 Purpose and scope.

These regulations set forth the authorities, policy, and procedures governing the acquisition of land by the United States in trust status for individual Indians and tribes. Acquisition of land by individual Indians and tribes in fee simple status is not covered by these regulations even though such land may, by operation of law, be held in restricted status following acquisition. Acquisition of land in trust status by inheritance or escheat is not covered by these regulations. These regulations do not cover the acquisition of

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land in trust status in the State of Alaska, except acquisitions for the Metlakatla Indian Community of the Annette Island Reserve or its members.

§ 151.2 Definitions.

(a) *Secretary* means the Secretary of the Interior or authorized representative.

(b) *Tribe* means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of the Annette Island Reserve, which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs. For purposes of acquisitions made under the authority of 25 U.S.C. 488 and 489, or other statutory authority which specifically authorizes trust acquisitions for such corporations, "Tribe" also means a corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

(c) *Individual Indian* means:

(1) Any person who is an enrolled member of a tribe;

(2) Any person who is a descendent of such a member and said descendent was, on June 1, 1934, physically residing on a federally recognized Indian reservation;

(3) Any other person possessing a total of one-half or more degree Indian blood of a tribe;

(4) For purposes of acquisitions outside of the State of Alaska, *Individual Indian* also means a person who meets the qualifications of paragraph (c)(1), (2), or (3) of this section where "Tribe" includes any Alaska Native Village or Alaska Native Group which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs.

(d) *Trust land* or *land in trust status* means land the title to which is held in trust by the United States for an individual Indian or a tribe.

(e) *Restricted land* or *land in restricted status* means land the title to which is held by an individual Indian or a tribe and which can only be alienated or encumbered by the owner with the approval of the Secretary because of limitations

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contained in the conveyance instrument pursuant to Federal law or because of a Federal law directly imposing such limitations.

(f) Unless another definition is required by the act of Congress authorizing a particular trust acquisition, *Indian reservation* means that area of land over which the tribe is recognized by the United States as having governmental jurisdiction, except that, in the State of Oklahoma or where there has been a final judicial determination that a reservation has been established or diminished, *Indian reservation* means that area of land constituting the former reservation of the tribe as defined by the Secretary.

(g) *Land* means real property or any interest therein.

(h) *Tribal consolidation area* means a specific area of land with respect to which the tribe has prepared, and the Secretary has approved, a plan for the acquisition of land in trust status for the tribe.

[45 FR 52036, Sept. 18, 1980, as amended at 60 FR 32879, June 23, 1995]

§ 151.3 Land acquisition policy.

Land not held in trust or restricted status may only be acquired for an individual Indian or a tribe in trust status when such acquisition is authorized by an act of Congress. No acquisition of land in trust status, including a transfer of land already held in trust or restricted status, shall be valid unless the acquisition is approved by the Secretary.

(a) Subject to the provisions contained in the acts of Congress which authorize land acquisitions, land may be acquired for a tribe in trust status:

(1) When the property is located 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 acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing.

(b) Subject to the provisions contained in the acts of Congress which authorize land acquisitions or holding

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land in trust or restricted status, land may be acquired for an individual Indian in trust status:

- (1) When the land is located within the exterior boundaries of an Indian reservation, or adjacent thereto; or
- (2) When the land is already in trust or restricted status.

§151.4 Acquisitions in trust of lands owned in fee by an Indian.

Unrestricted land owned by an individual Indian or a tribe may be conveyed into trust status, including a conveyance to trust for the owner, subject to the provisions of this part.

§151.5 Trust acquisitions in Oklahoma under section 5 of the I.R.A.

In addition to acquisitions for tribes which did not reject the provisions of the Indian Reorganization Act and their members, land may be acquired in trust status for an individual Indian or a tribe in the State of Oklahoma under section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465), if such acquisition comes within the terms of this part. This authority is in addition to all other statutory authority for such an acquisition.

§151.8 Exchanges.

An individual Indian or tribe may acquire land in trust status by exchange if the acquisition comes within the terms of this part. The disposal aspects of an exchange are governed by part 152 of this title.

§151.7 Acquisition of fractional interests.

Acquisition of a fractional land interest by an individual Indian or a tribe in trust status can be approved by the Secretary only if:

- (a) The buyer already owns a fractional interest in the same parcel of land; or
- (b) The interest being acquired by the buyer is in fee status; or
- (c) The buyer offers to purchase the remaining undivided trust or restricted interests in the parcel at not less than their fair market value; or
- (d) There is a specific law which grants to the particular buyer the right to purchase an undivided interest or interests in trust or restricted land

without offering to purchase all of such interests; or

- (e) The owner of a majority of the remaining trust or restricted interests in the parcel consent in writing to the acquisition by the buyer.

§151.8 Tribal consent for nonmember acquisitions.

An individual Indian or tribe may acquire land in trust status on a reservation other than its own only when the governing body of the tribe having jurisdiction over such reservation consents in writing to the acquisition; provided, that such consent shall not be required if the individual Indian or the tribe already owns an undivided trust or restricted interest in the parcel of land to be acquired.

§151.9 Requests for approval of acquisitions.

An individual Indian or tribe desiring to acquire land in trust status shall file a written request for approval of such acquisition with the Secretary. The request need not be in any special form but shall set out the identity of the parties, a description of the land to be acquired, and other information which would show that the acquisition comes within the terms of this part.

§151.10 On-reservation acquisitions.

Upon receipt of a written request to have lands taken in trust, the Secretary will notify the state and local governments having regulatory jurisdiction over the land to be acquired, unless the acquisition is mandated by legislation. The notice will inform the state or local government that each will be given 30 days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments. If the state or local government responds within a 30-day period, a copy of the comments will be provided to the applicant, who will be given a reasonable time in which to reply and/or request that the Secretary issue a decision. The Secretary will consider the following criteria in evaluating requests for the acquisition of land in trust status when

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the land is located within or contiguous to an Indian reservation, and the acquisition is not mandated;

(a) The existence of statutory authority for the acquisition and any limitations contained in such authority;

(b) The need of the individual Indian or the tribe for additional land;

(c) The purposes for which the land will be used;

(d) If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;

(e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls;

(f) Jurisdictional problems and potential conflicts of land use which may arise; and

(g) If the land to be acquired is in fee status, whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.

(h) The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations. (For copies, write to the Department of the Interior, Bureau of Indian Affairs, Branch of Environmental Services, 1849 C Street NW., Room 4525 MIB, Washington, DC 20240.)

[45 FR 62036, Sept. 18, 1980, as amended at 60 FR 32879, June 23, 1995]

§ 151.11 Off-reservation acquisitions.

The Secretary shall consider the following requirements in evaluating tribal requests for the acquisition of lands in trust status, when the land is located outside of and noncontiguous to the tribe's reservation, and the acquisition is not mandated:

(a) The criteria listed in § 151.10 (a) through (c) and (e) through (h);

(b) The location of the land relative to state boundaries, and its distance from the boundaries of the tribe's res-

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ervation, shall be considered as follows: as the distance between the tribe's reservation and the land to be acquired increases, the Secretary shall give greater scrutiny to the tribe's justification of anticipated benefits from the acquisition. The Secretary shall give greater weight to the concerns raised pursuant to paragraph (d) of this section.

(c) Where land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use.

(d) Contact with state and local governments pursuant to § 151.10 (e) and (f) shall be completed as follows: Upon receipt of a tribe's written request to have lands taken in trust, the Secretary shall notify the state and local governments having regulatory jurisdiction over the land to be acquired. The notice shall inform the state and local government that each will be given 30 days in which to provide written comment as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments.

[60 FR 32879, June 23, 1995, as amended at 60 FR 48894, Sept. 21, 1995]

§ 151.12 Action on requests.

(a) The Secretary shall review all requests and shall promptly notify the applicant in writing of his decision. The Secretary may request any additional information or justification he considers necessary to enable him to reach a decision. If the Secretary determines that the request should be denied, he shall advise the applicant of that fact and the reasons therefor in writing and notify him of the right to appeal pursuant to part 2 of this title.

(b) Following completion of the Title Examination provided in § 151.13 of this part and the exhaustion of any administrative remedies, the Secretary shall publish in the FEDERAL REGISTER, or in a newspaper of general circulation serving the affected area a notice of his/her decision to take land into trust under this part. The notice will state that a final agency determination to take land in trust has been made and that the Secretary shall acquire title in the name of the United States no

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sooner than 30 days after the notice is published.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995, as amended at 61 FR 18083, Apr. 24, 1996]

§ 151.13 Title examination.

If the Secretary determines that he will approve a request for the acquisition of land from unrestricted fee status to trust status, he shall acquire, or require the applicant to furnish, title evidence meeting the *Standards For The Preparation of Title Evidence In Land Acquisitions by the United States*, issued by the U.S. Department of Justice. After having the title evidence examined, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities which may exist. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition and he shall require elimination prior to such approval if the liens, encumbrances, or infirmities make title to the land unmarketable.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995]

§ 151.14 Formalization of acceptance.

Formal acceptance of land in trust status shall be accomplished by the issuance or approval of an instrument of conveyance by the Secretary as is appropriate in the circumstances.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995]

§ 151.15 Information collection.

(a) The information collection requirements contained in §§ 151.9; 151.10; 151.11(c), and 151.13 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076-0100. This information is being collected to acquire land into trust on behalf of the Indian tribes and individuals, and will be used to assist the Secretary in making a determination. Response to this request is required to obtain a benefit.

(b) Public reporting for this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information

collection. Direct comments regarding the burden estimate or any other aspect of this information collection to the Bureau of Indian Affairs, Information Collection Clearance Officer, Room 337-SIB, 18th and C Streets, NW., Washington, DC 20240; and the Office of Information and Regulatory Affairs [Project 1076-0100], Office of Management and Budget, Washington, DC 20502.

[60 FR 32879, June 23, 1995; 64 FR 13865, Mar. 23, 1999]

PART 152—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

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