

IN REPLY REFER TO:

United States Department of the Interior

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

JUN 24 2016

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 Pala Band of 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:

Pala Band of Mission Indians

Legal Land Description/Site Location:

PARCEL 1: APN 110-120-01

LOT 6 IN PALA INDIAN RESERVATION, BEING IN SECTION 26, TOWNSHIP 9 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT OF THE SURVEY OF THE LAND, ON FILE IN THE BUREAU OF LAND MANAGEMENT.



PAL 4850

07-8-11

EXCEPTING THEREFROM THE MOBILE HOME OR MANUFACTURED HOUSING UNIT AND APPURTENANCES, IF ANY, LOCATED ON SAID LAND.

PARCEL 2: APN 110-120-07

LOT 10 IN PALA INDIAN RESERVATION, BEING IN SECTION 26, TOWNSHIP 9 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT OF THE SURVEY OF THE LAND, ON FILE IN THE BUREAU OF LAND MANAGEMENT .

PARCEL 3: 110-120-08

LOT 8 IN PALA INDIAN RESERVATION, BEING IN SECTION 26, TOWNSHIP 9 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE LAND, ON FILE IN THE BUREAU OF LAND MANAGEMENT.

EXCEPTING THEREFROM THE MOBILE HOME OR MANUFACTURED HOUSING UNIT AND APPURTENANCES, IF ANY, LOCATED ON SAID LAND.

PARCEL 4: 110-120-09

LOT 11 IN PALA INDIAN RESERVATION, BEING IN SECTION 26, TOWNSHIP 9 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF THE LAND, ON FILE IN THE BUREAU OF THE LAND MANAGEMENT.

PARCEL 5: 110-120-23

LOT 9 IN PALA INDIAN RESERVATION, LYING IN SECTION 26, TOWNSHIP 9 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT OF THE SURVEY OF THE LAND, ON FILE IN BUREAU OF LAND MANAGEMENT.

Project Description/Proposed Land Use:

The subject property consists of eight contiguous parcels totaling 23.98 acres more or less, commonly referred to as Assessor's Parcel Numbers 110-120-01; 110-120-07; 110-120-08; 110-120-09; and 110-120-23. The property is used almost exclusively for agricultural purposes. The Tribe currently grows citrus trees on the property. There is also one residential housing unit. The property will continue to be used to grow citrus. The Tribe has no plans to use the property for any purposes other than agricultural use. The property is within the exterior boundaries of the Pala Reservation.

Current Use/Taxes and Zoning:

Assessed property taxes for 2015-2016:
110-120-01 - \$1,521.14

110-120-07 - \$ 776.30
110-120-08 - \$1,718.16
110-120-09 - \$1,513.26
110-120-23 - \$ 789.46

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,


Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) - 7015 3010 0000 3622 5018
Office Planning and Research
P.O. Box 3044
Sacramento, CA 95814

Mr. Joe Dhillon - 7015 3010 0000 3622 5025
Senior Advisor for Tribal Negotiations
Office of the Governor
State Capitol Building, Suite 1173
Sacramento, CA 95814

Ms. Sara J. Drake, Deputy Attorney General – 7015 3010 0000 3622 5032
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

U.S. Senator Dianne Feinstein – 7015 3010 0000 3622 5049
331 Hart Senate Office Building
Washington, DC 20510

U.S. House of Representatives - 7015 3010 0000 3622 5056
52nd District
4350 Executive Drive, Suite 105
San Diego, CA 92121

San Diego County Assessor - 7015 3010 0000 3622 5063
1600 Pacific Highway, Suite 103
San Diego, CA 92101

San Diego Treasurer & Tax Collector - 7015 3010 0000 3622 5070
1600 Pacific Highway, Suite 162
San Diego, CA 92101-2474

County of San Diego - 7015 3010 0000 3622 5087
Office of the Chief Administrative Officer
1600 Pacific Highway, Room 209
San Diego, CA 92101

San Diego County Sheriff's Department - 7015 3010 0000 3622 5094
P.O. Box 939062
San Diego, CA 92193-9062

San Diego County Department of Public Works - 7015 3010 0000 3622 5100
5510 Overland Avenue, Suite 410
San Diego, CA 92123

Department of Planning and Development Services - 7015 3010 0000 3622 5117
5510 Overland Ave. Suite 310
San Diego, CA 92123

Jack Wood- 7015 3010 0000 3622 5124
Fallbrook Planning Board
3191 Los Verdes Drive
Fallbrook, CA 92028

Chairperson - 7015 3010 0000 3622 5131
Barona Reservation
1095 Barona Rd.
Lakeside, CA 92040

Chairperson - 7015 3010 0000 3622 5148
Campo Band of Mission Indians
36190 Church Rd., Suite 1
Campo, CA 91906

Chairperson - 7015 3010 0000 3622 5155
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Chairperson - 7015 3010 0000 3622 5162
Jamul Indian Village
P.O. Box 612
Jamul, CA 91935

Chairperson - 7015 3010 0000 3622 5179
La Jolla Band of Luiseno Indians
22000 Highway 76
Pauma Valley, CA 92061

Chairperson - 7015 3010 0000 3622 5186
La Posta Band of Mission Indians
8 Crestwood Road, Box 1
Boulevard, CA 91905

Chairperson - 7015 3010 0000 3622 5193
Los Coyotes Band of Cahuilla & Cupeno Indians
P.O. Box 189
Warner Springs, CA 92086

Chairperson - 7015 3010 0000 3622 5209
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, CA 91905

Chairperson - 7015 3010 0000 3622 5216
Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

Chairperson - 7015 3010 0000 3622 5223
Pauma Band of Mission Indians
P. O. Box 369
Pauma Valley, CA 92061

Chairperson - 7015 3010 0000 3622 5230
Pechanga Band of Mission Indians
P.O. Box 1477
Temecula, CA 92593

Chairperson - 7015 3010 0000 3622 5247
Rincon Band of Mission Indians
1 West Tribal Road
Valley Center, CA 92082

Chairperson - 7015 3010 0000 3622 5254
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, CA 92082

Chairperson - 7015 3010 0000 3622 5261
Santa Ysabel Band of Mission Indians
P.O. Box 130
Santa Ysabel, CA 92070

Chairperson – 7015 3010 0000 3622 5278
Sycuan Band of Mission Indians
1 Kumeyaay Court
El Cajon, CA 92019

Chairperson - 7015 3010 0000 3622 5285
Viejas (Baron Long) Band of Mission Indians
P.O. Box 908
Alpine, CA 91903

Regular Mail:

Chairperson - Fax
Inaja-Cosmit Band of Mission Indians
2005 S. Escondido Blvd.
Escondido, CA 92025

Superintendent, Southern California Agency, BIA
1451 Research Park Drive, Ste. 100
Riverside, California 92507-2154

SCHEDULE B – SECTION II

EXCEPTIONS

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:

- A. Any facts, rights, interest or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- B. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
- C. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- D. (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.
 - 1. Terms and conditions of treaties and statutes affecting the land and the subject tribe.
 - 2. Property taxes, including any assessments collected with taxes, for the fiscal year 2016 - 2017 that are a lien not yet due.
 - 3. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the revenue and taxation code of the State of California.
 - 4. Water rights, claims or title to water, whether or not shown by the public records.

THE FOLLOWING MATTERS AFFECT PARCEL 1

- 5. Any boundary discrepancies, rights or claims which may exist or arise as disclosed by a record of survey

Record of Survey No.: 3114

- 6. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
 Purpose: public utilities, ingress, egress
 Recorded: October 23, 1961 as Instrument No. 183674 of Official Records
 Affects: The route thereof affects a portion of said land and is more fully described in said document.

- 7. Intentionally omitted.
- 8. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company

SCHEDULE B – SECTION II
(continued)

Purpose: public utilities, ingress, egress
Recorded: May 22, 1979 as Instrument No. 79-210164 of Official Records
Affects: The exact location and extent of said easement is not disclosed of record

9. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: February 23, 1984 as Instrument No. 84-065712 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

10. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: August 20, 1991 as Instrument No. 91-0426829 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

THE FOLLOWING MATTERS AFFECT PARCEL 2

11. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: The County of San Diego
Purpose: a public highway
Recorded: March 17, 1931 in Book 1866, page 375 of Deeds
Affects: The exact location and extent of said easement is not disclosed of record

12. The provisions and reservations contained in the Patent Deed from the United States of America recorded November 7, 1961 as Instrument No. 193087 of Official Records, which recites in part as follows:

This patent is subject to the reservation of all oil, gas and other minerals to the United States in Trust for the beneficial owners thereof, their heirs and assigns. The land hereby conveyed is subject to a lien, prior and superior to all other liens for the amount of costs and charges due to the United States for and on account of construction, operation, and maintenance of the irrigation systems or acquisition of water rights by which said land has been or is to be reclaimed and the lien so created is hereby expressly reserved in accordance with the provisions of the act of March 7, 1928 (45 Stat. 200-210) as supplemented by the Act of July 1, 1932 (47 Stat. 564 & 565).

13. Intentionally omitted.

14. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

SCHEDULE B – SECTION II
(continued)

Granted To: San Diego Gas and Electric Company, a corporation
Purpose: public utilities, ingress, egress
Recorded: May 22, 1979 as Instrument No. 210164 of Official Records
Affects: The exact location and extent of said easement is not disclosed of record

THE FOLLOWING MATTERS AFFECT PARCEL 3

15. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: The County of San Diego
Purpose: public highway
Recorded: March 17, 1931 in Book 1866, page 375 of Deeds
Affects: The exact location and extent of said easement is not disclosed of record

16. The provisions and reservations contained in the Patent Deed from the United States of America, recorded September 5, 1961 as Instrument No. 154262 of Official Records, which recites in part as follows: "This patent is issued subject to the reservation of oil, gas and other minerals to the United States in trust for the beneficial owners thereof, their heirs and assigns. The Land hereby conveyed is subject to a lien, prior and superior to all other liens, for the amount of costs and charges due to the United States for and on account of construction, operation and maintenance of the irrigation system or acquisition of water rights by which said land has been or is to be reclaimed and the lien so created is hereby expressly reserved, in accordance with the provision of the act of March 7, 1928 (45 stat. 210), as supplemented by the Act of July 1, 1932 (47 Stat. 564). Subject to a right of way for an irrigation pipeline in favor of the United States for a period of 50 years approved June 9, 1961, pursuant to the Act of February 5, 1948 (62 Stat. 17)."

17. Intentionally omitted.

18. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: May 22, 1979 as Instrument No. 79-210164 of Official Records
Affects: The exact location and extent of said easement is not disclosed of record

19. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: August 10, 1991 as Instrument No. 91-0426830 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

SCHEDULE B – SECTION II
(continued)

THE FOLLOWING MATTERS AFFECT PARCEL 4

20. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: The County of San Diego
Purpose: a public highway
Recorded: March 17, 1931 in Book 1866, page 375 of Deeds
Affects: The exact location and extent of said easement is not disclosed of record

21. The provisions and reservations contained in the Patent Deed from the United States of America, recorded September 5, 1961 as Instrument No. 154262 of Official Records, which recites in part as follows: "This patent is issued subject to the reservation of oil, gas, and other minerals to the United States in trust for the beneficial owners thereof, their heirs and assigns. The land hereby conveyed is subject to a lien, prior and superior to all other liens, for the amount of costs and charges due to the United States for and on account of construction, operation and maintenance of the irrigation system or acquisition of water rights by which said land has been or is to be reclaimed, and the lien so created is hereby expressly reserved, in accordance with the provisions of the act of March 7, 1928 (45 Stat. 210), as supplemented by the Act of July 1, 1932 (47 Stat. 564)."

22. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company, a corporation its successors and/or assigns
Purpose: public utilities, ingress, egress
Recorded: October 23, 1961 as Instrument No. 183674 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

23. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company, a corporation
Purpose: public utilities, ingress, egress
Recorded: June 10, 1963 as Instrument No. 100444 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

24. Intentionally omitted.

25. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company, a corporation
Purpose: public utilities, ingress, egress
Recorded: May 22, 1979 as Instrument No. 210164 of Official Records

SCHEDULE B – SECTION II
(continued)

Affects: The exact location and extent of said easement is not disclosed of record

THE FOLLOWING MATTERS AFFECT PARCEL 5

26. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: The County of San Diego
Purpose: a public highway
Recorded: March 17, 1931 in Book 1866, page 375 of Deeds
Affects: The exact location and extent of said easement is not disclosed of record

27. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company, a corporation its successors and/or assigns
Purpose: public utilities, ingress, egress
Recorded: October 17, 1961 as Instrument No. 180054 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

28. The provisions contained in the Patent Deed from the United States of America recorded March 12, 1968 as Instrument No. 41841 of Official Records which recites in part as follows: This patent is issued subject to an irrigation lien for construction, operation and maintenance charges in accordance with the Act of March 7, 1928, 45 Stat. 200-210, as supplemented by the Act of July 1, 1932, 47 Stat. 564-565.

29. An Agreement, and the terms and conditions as contained therein

Dated: January 3, 1968
By and Between: Area Field Representative of the Riverside Area Field Office Indian Reservation and Le Roy D. McCament & Thelma McCament
Recorded: March 12, 1968 as Instrument No. 41842 of Official Records
Regarding: Agreement to pay construction and operation and maintenance charges

Reference is hereby made to said document for full particulars.

30. Intentionally omitted.

31. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: May 22, 1979 as Instrument No. 79-210164 of Official Records

SCHEDULE B – SECTION II
(continued)

Affects: The exact location and extent of said easement is not disclosed of record

32. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: San Diego Gas and Electric Company
Purpose: public utilities, ingress, egress
Recorded: August 20, 1991 as Instrument No. 1991-0426829 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

THE FOLLOWING MATTERS AFFECT ALL PARCELS

33. The fact that the public record does not disclosed that the ownership of said land includes rights of access to or from any public street. Notwithstanding the insuring clauses of the policy, the Company does not insure against loss or damage by reason of a lack of a right of access to and from the land.

34. Matters which may be disclosed by an inspection and/or by a correct ALTA/ACSM Land Title Survey of said land that is satisfactory to this Company, and/or by inquiry of the parties in possession thereof.

This office must be notified at least 7 business days prior to the scheduled closing in order to arrange for an inspection of the land; upon completion of this inspection you will be notified of the removal of specific coverage exceptions and/or additional exceptions to coverage.

35. Any rights of parties in possession of said land, based on any unrecorded lease, or leases.

This Company will require a full copy of any unrecorded lease, together with all supplements, assignments, and amendments for review.

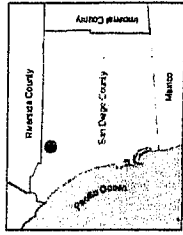
36. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

Fee to Trust Properties Overview Map

Pala Band Of Mission Indians

Legend

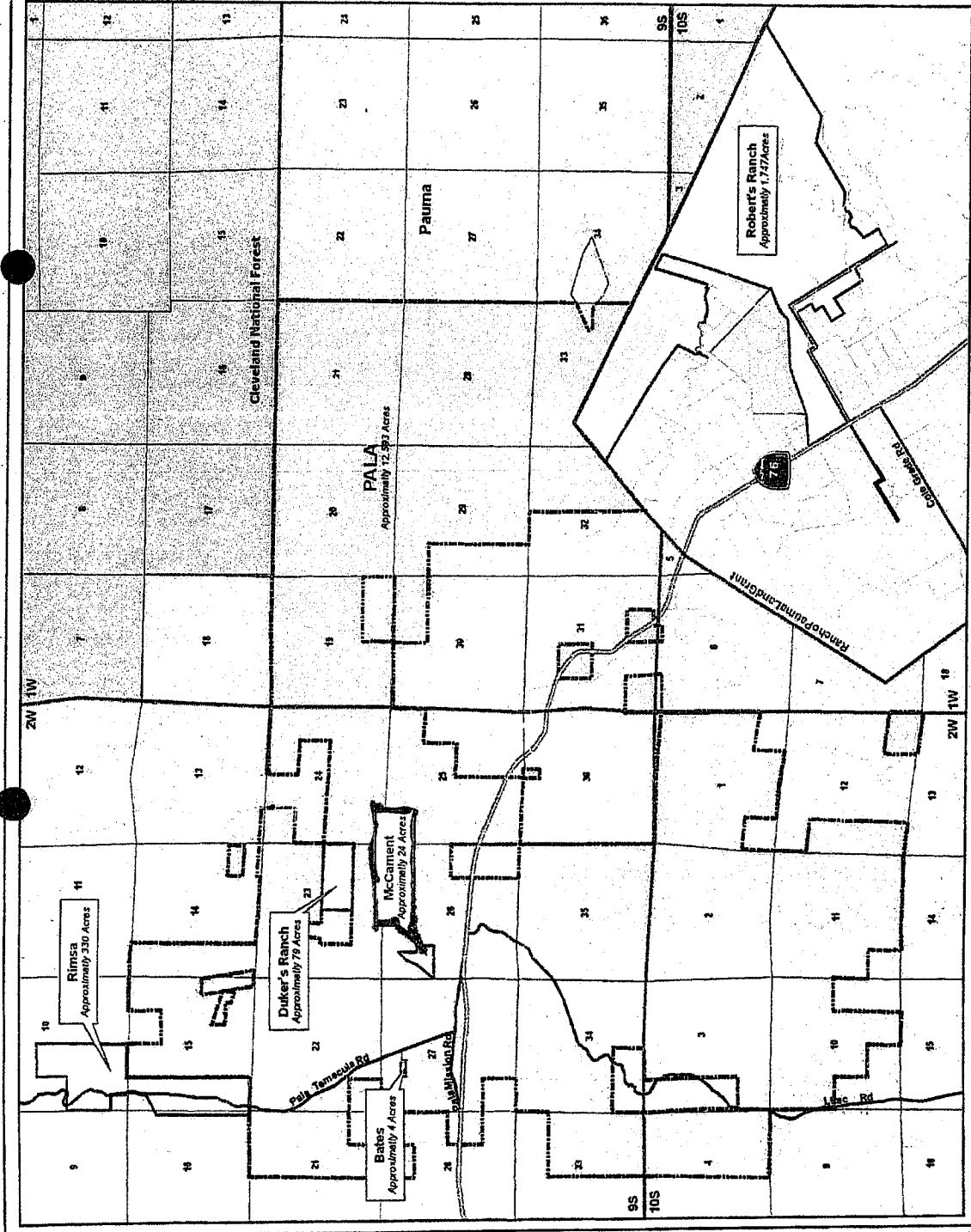
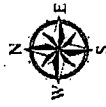
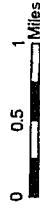
- Highways
- Major Roads
- Streets
- Townships
- Sections
- Tribal Property
- Pala Reservation Boundary
- Pauma Reservation Boundary
- National Forest
- County Boundary



Created By: Pala GIS Office

Date: May, 2009

This map was created as a geographic representation of data. Neither the Pala Band of Mission Indians nor the Pala GIS Office makes any guarantee or accepts any liability for it's accuracy.



Bureau of Indian Affairs, Interior

§ 151.1

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. 1967, as amended, 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, 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, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-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

§ 151.2

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 descendant 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 limi-

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tations 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 disestablished 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 62036, 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.

§ 151.6 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-

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 each request and may request any additional information or justification deemed necessary to reach a decision.

(b) The Secretary's decision to approve or deny a request shall be in writing and state the reasons for the decision.

(c) A decision made by the Secretary, or the Assistant Secretary—Indian Affairs pursuant to delegated authority, is a final agency action under 5 U.S.C. 704 upon issuance.

(1) If the Secretary or Assistant Secretary denies the request, the Assistant Secretary shall promptly provide the applicant with the decision.

(2) If the Secretary or Assistant Secretary approves the request, the Assistant Secretary shall:

(i) Promptly provide the applicant with the decision;

(ii) Promptly publish in the FEDERAL REGISTER a notice of the decision to acquire land in trust under this part; and

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(iii) Immediately acquire the land in trust under § 151.14 on or after the date such decision is issued and upon fulfillment of the requirements of § 151.13 and any other Departmental requirements.

(d) A decision made by a Bureau of Indian Affairs official pursuant to delegated authority is not a final agency action of the Department under 5 U.S.C. 704 until administrative remedies are exhausted under part 2 of this chapter or until the time for filing a notice of appeal has expired and no administrative appeal has been filed.

(1) If the official denies the request, the official shall promptly provide the applicant with the decision and notification of any right to file an administrative appeal under part 2 of this chapter.

(2) If the official approves the request, the official shall:

(i) Promptly provide the applicant with the decision;

(ii) Promptly provide written notice of the decision and the right, if any, to file an administrative appeal of such decision pursuant to part 2 of this chapter, by mail or personal delivery to:

(A) Interested parties who have made themselves known, in writing, to the official prior to the decision being made; and

(B) The State and local governments having regulatory jurisdiction over the land to be acquired;

(iii) Promptly publish a notice in a newspaper of general circulation serving the affected area of the decision and the right, if any, of interested parties who did not make themselves known, in writing, to the official to file an administrative appeal of the decision under part 2 of this chapter; and

(iv) Immediately acquire the land in trust under § 151.14 upon expiration of the time for filing a notice of appeal or upon exhaustion of administrative remedies under part 2 of this title, and upon the fulfillment of the requirements of § 151.13 and any other Departmental requirements.

(3) The administrative appeal period under part 2 of this chapter begins on:

(i) The date of receipt of written notice by the applicant or interested parties entitled to notice under para-

graphs (d)(1) and (d)(2)(ii) of this section;

(ii) The date of first publication of the notice for unknown interested parties under paragraph (d)(2)(iii) of this section.

(4) Any party who wishes to seek judicial review of an official's decision must first exhaust administrative remedies under 25 CFR, part 2.

[78 FR 67937, Nov. 13, 2013]

§ 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.