



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

FEB - 9 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 Rincon Band of Luiseno Mission Indians 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:

Rincon Band of Luiseno Mission Indians, California

Legal Land Description/Site Location:

Tract 117, Section 35, Township 10 South, Range 1 West, San Bernardino Base and Meridian, in the County San Diego, State of California, according to the Official Plat thereof.

Project Description/Proposed Use:

The subject property consists of land, encompassing approximately 5.15 acres, more or less, and is commonly referred to as Assessor's Parcel No. 133-180-14. The property lies within the exterior boundaries of the Rincon Reservation. The property is currently vacant and there is no proposed change in land use.

See Exhibits for parcel/site maps

Current Use/Taxes and Zoning:

San Diego County Assessed property taxes for 2012-2013:

APN: 133-180-14 \$ 756.67
Supplemental Tax \$9,232.86

The subject property is currently being used as a staging and storage area for construction of the Harrah's Rincon Casino & Resort expansion project. Once the construction expansion project is complete the Tribe intends to leave the property vacant with the exception of a small portion of land that will be subject to a license agreement with New Cingular Wireless PCS, LLC for the purpose of operating a cell tower facility to provide internet service on the Reservation. Acquisition of the subject property in trust will allow the Tribe to maintain the property as open space as the Tribe has no immediate plans for development of this property. Fee lands that are closed to the public at large and are within the exterior boundaries of a reservation are subject to tribal, not county, zoning regulations. The subject property, owned by the Tribe, lies wholly within the exterior boundaries of the Rincon Reservation and is almost entirely surrounded by trust land with the exception of the San Diego County highway S-6 along its eastern boundary, and is closed to the public at large. Therefore, whether the land is held in fee by the Tribe or in trust by the United States, county zoning regulations are inapplicable with respect to the subject property.

Existing Easements/Encumbrances:

See Exhibit for 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.

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 (10) to thirty (30) days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving the enclosed notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of 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 Joyce Coleman Realty Specialist, at (916) 978-6059.

Sincerely,


Regional Director
ACTING

Enclosure

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) 7015 0640 0003 6796 3690
Office Planning and Research
P.O. Box 3044
Sacramento, CA 95814

Joe Dhillon – 7015 0640 0003 6796 3706
Senior Advisor for Tribal Negotiations
Office of the Governor
State Capitol Building, Suite 1173
Sacramento, CA 95814

Sara Drake, Deputy Attorney General – 7015 0640 0003 6796 3713
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Office of Honorable Dianne Feinstein – 7015 0640 0003 6796 3720
880 Front Street, Suite 4236
San Diego, CA 92101

U.S. House of Representatives – 7015 0640 0003 6796 3737
52nd District
1870 Cordell Court, Suite 206
El Cajon, CA 92020-0916

San Diego County Assessor – 7015 0640 0003 6796 3744
1600 Pacific Highway, Suite 162
San Diego, CA 92101

San Diego Treasurer & Tax Collector – 7015 0640 0003 6796 3751
1600 Pacific Highway, Suite 162
San Diego, CA 92101-2480

County of San Diego – 7015 0640 0003 6796 3768
Board of Supervisors
1600 Pacific Highway, Room 335
San Diego, CA 92101

San Diego County Sheriff's Department – 7015 0640 0003 6796 3775
9621 Ridge Haven Court
San Diego, CA 92120

San Diego County – 7015 0640 0003 6796 3782
Department of Public Works
5510 Overland Ave., Suite 410
San Diego, CA 92123

San Diego County – 7015 0640 0003 6796 3799
Department of Planning and Land Use
5201 Ruffin Road, Suite B
San Diego, CA 92123

Chairperson – 7015 0640 0003 6796 3805
Barona Group of Capitan Grande Band
of Mission Indians
1095 Barona Road
Lakeside, CA 92040

Chairperson – 7015 0640 0003 6796 3812
Campo Band of Mission Indians
36190 Church Rd., Suite 1
Campo, CA 91906

Chairperson – 7015 0640 0003 6796 3829
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Chairperson – 7015 0640 0003 6796 3836
Jamul Indian Village
P.O. Box 612
Jamul, CA 91935

Chairperson – 7015 0640 0003 6796 3843
La Jolla Band of Luiseno Indians
22000 Highway 76
Pauma Valley, CA 92061

Chairperson – 7015 0640 0003 6796 3850
La Posta Band of Mission Indians
8 Crestwood Road
Boulevard, CA 91905

Chairperson – 7015 0640 0003 6796 3867
Los Coyotes Band of Cahuilla & Cupeno Indians
P.O. Box 189
Warner Springs, CA 92086

Chairperson – 7015 0640 0003 6796 3874
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, CA 91905

Chairperson – 7015 0640 0003 6796 3881
Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

Chairperson – 7015 0640 0003 6796 3898
Pala Band of Mission Indians
35008 Pala Temecula Road
PMB - 50
Pala, CA 92059

Chairperson – 7015 0640 0003 6796 3904
Pauma Band of Mission Indians
P. O. Box 369
Pauma Valley, CA 92061

Chairperson – 7015 0640 0003 6796 3911
Rincon Band of Mission Indians
1 West Tribal Road
Valley Center, CA 92082

Chairperson – 7015 0640 0003 6796 3928
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, CA 92082

Chairperson – 7015 0640 0003 6796 3935
IIPAY Nation of Santa Ysabel
P.O. Box 130
Santa Ysabel, CA 92070

Chairperson – 7015 0640 0003 6796 3942
Sycuan Band
1 Kwaapaay Court
El Cajon, CA 92019

Chairperson – 7015 0640 0003 6796 3959
Viejas (Baron Long) Band of Mission Indians
P.O. Box 908
Alpine, CA 91903

Regular Mail:

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

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

Ms. Denise Turner Walsh
Attorney
Rincon Band of Luiseno Indians
1 West Tribal Road
Valley Center, CA 92082

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:

1. Property taxes, including any assessments collected with taxes, for the fiscal year 2014 - 2015 that are a lien not yet due.
2. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the revenue and taxation code of the State of California
3. The rights of the public in and to that portion of the herein described land lying within Road Survey 604.
4. The right of the United States and the San Diego Consolidated Gas And Electric Company, as its permittee or licensee to enter upon, occupy and use all of any part of the herein described land lying within 50 feet of the center line of the San Diego Gas And Electric Company for the purposes provided in the federal power act of June 10, 1920 -41 stat. 1069 - as amended. Subject to the conditions and limitation of said act, as amended as disclosed by an examination of the Records of the District Land Office.
5. 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 lands have been or are to be reclaimed as reserved in the patent from the united States Of America to Henry Esparza dated October 25, 1962 and recorded 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-.
6. 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 lands have been or are to be reclaimed as reserved in the patent from the united States Of America to Phillip R. Esparza dated January 27, 1967 and recorded March 6, 1967 as File No. 30340 of Official Records 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-.
7. An easement for the purpose shown below and rights incidental thereto as set forth in a document.

Granted To: County of San Diego
Purpose: county highway
Recorded: August 5, 2010 as Instrument No. 2010-0399649 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

Said instrument additionally contains the privilege and right to extend drainage structures and excavation and embankment slopes beyond the limits where required for the construction and maintenance thereof

SCHEDULE B – SECTION II
(continued)

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

Granted To: County of San Diego
Purpose: temporary construction
Recorded: August 5, 2010 as Instrument No. 2010-0399650 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

9. Terms and conditions of treaties and statutes affecting the land and subject Tribe.

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

Record of Survey No.: 21377

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

Granted To: County of San Diego
Purpose: county highway
Recorded: May 17, 2013 as Instrument No. 2013-0311671 of Official Records
Affects: The route thereof affects a portion of said land and is more fully described in said document.

12. Water rights, claims or title to water, whether or not shown by the public records.

13. 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.

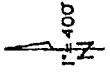
This office must be notified at least 7 business days prior to the scheduled closing in order to arrange for an inspection of the land; upon completion of this inspection you will be notified of the removal of specific coverage exceptions and/or additional exceptions to coverage.

14. 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.

15. 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.

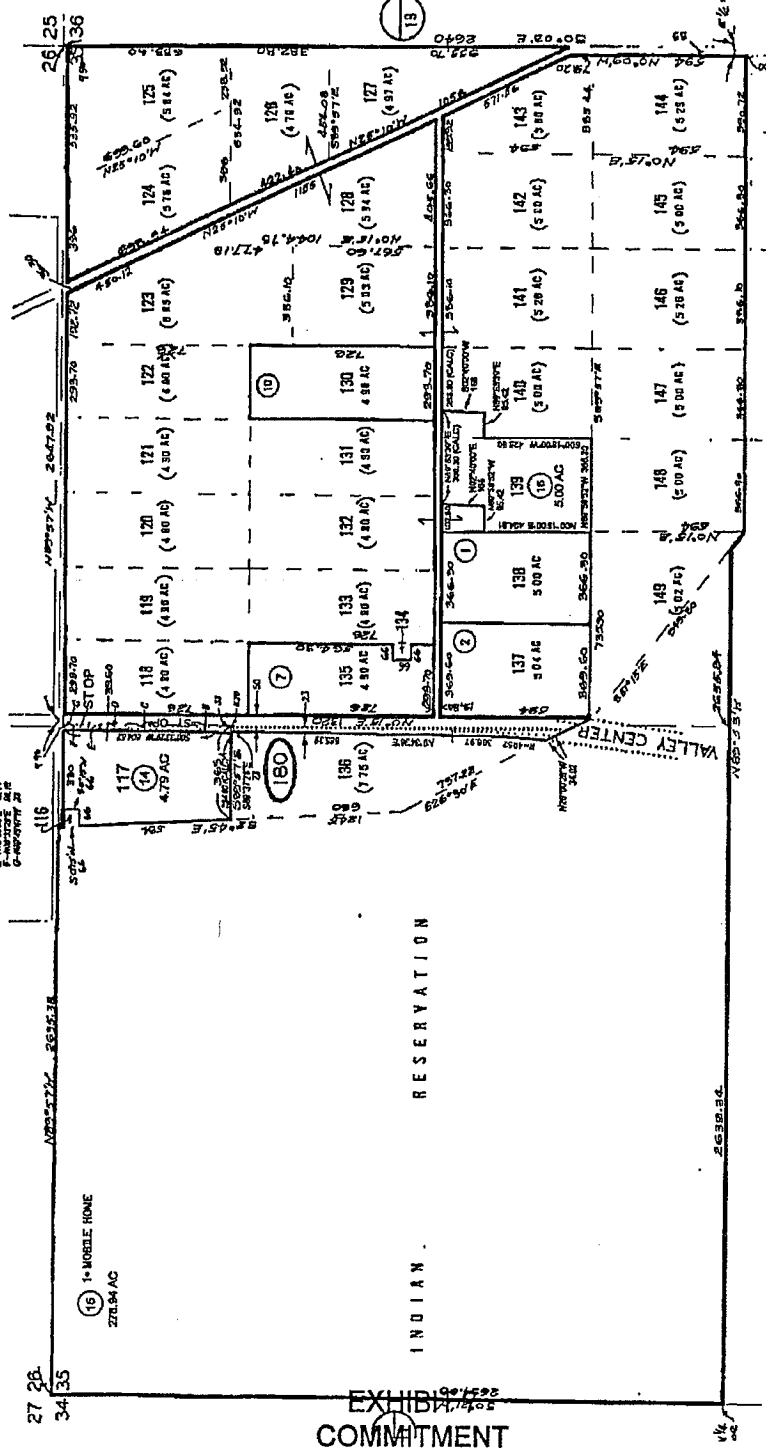
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133-18

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MOBILE HOME
771-331-50-51

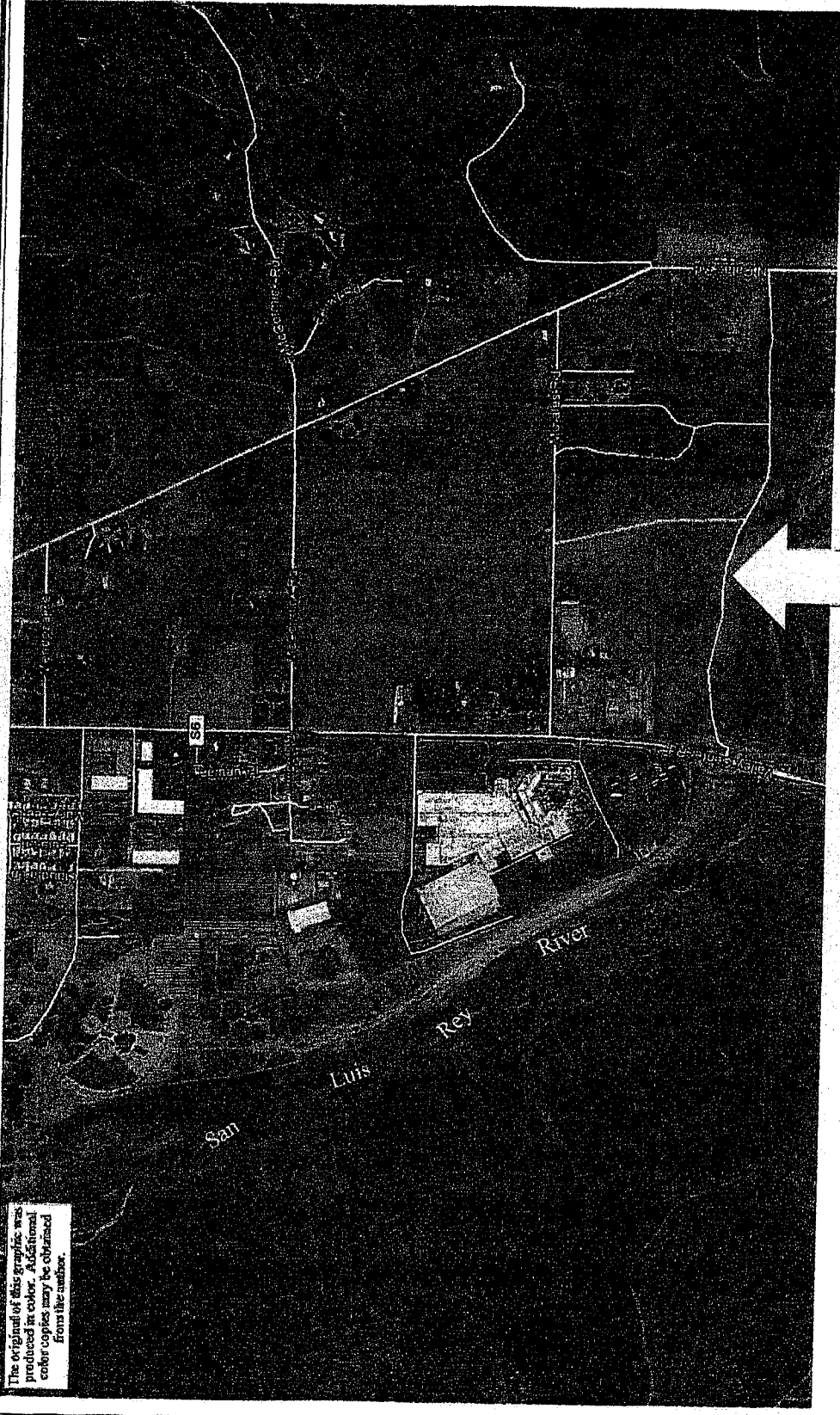


POR SEC 35 - T10S-R1W
(RINCÓN INDIAN RES. - TCTS 116 THRU 149)
ROS 21377

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 133 PG 18

The original of this graphic was produced in color. Additional color copies may be obtained from the author.



29 October 2013

Scale: 1-inch = 700-feet

[A1687-Fig-2.wpd]

Figure 2

APN 133-180-14 Shown on an Aerial Photo
[Base Photo © 2013 Google; Imagery Date 8/23/2010]

EXHIBIT 9
Biological Constraints Analysis

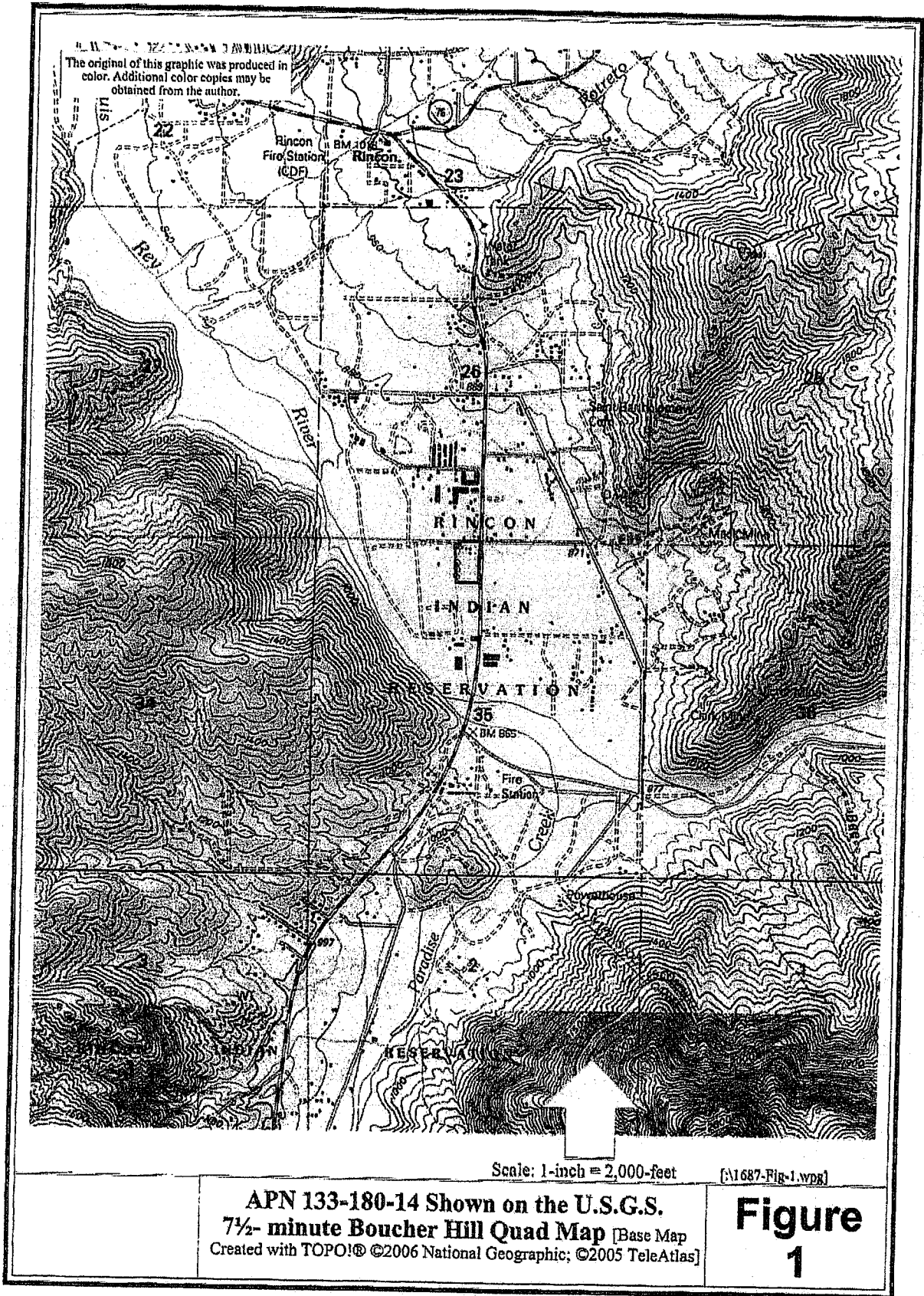


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