



IN REPLY REFER TO:

United States Department of the Interior

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

JUL 29 2013

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 Yocha DeHe Wintun Nation (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:

Yocha DeHe Wintun Nation, California

Legal Land Description/Site Location:

See attached "Exhibit A"

Project Description/Proposed Land Use:

The subject property consists of fifteen parcels commonly referred to as Assessor's Parcel Numbers 060-030-16; 060-030-17 (Chalom); 060-030-001; 060-030-008; 060-030-009; 060-020-018; 060-020-019 (Sekarrobah Leyo); 060-020-020; 048-230-001; 047-020-001; 060-010-



001; 060-013-001; 060-014-001; 060-020-011; and 060-020-014 (Kisi) . The property is contiguous to the northern, western and southern boundaries of the Nation. The subject property is located within unincorporated area of Yolo County, California.

The property is surrounded by undeveloped, open space and agricultural lands. Cache Creek runs along a portion of the eastern boundary of the Property, and State Route-16 traverses the Property in the north/south direction. Tribal member housing, as well as the Tribe's community center and recreation area, are located adjacent to the Property on lands held in trust for the Tribe.

Currently, the property contains five (5) single family homes, all owned by the Tribe. All are unoccupied, except for the residence on APN 160-030-016, which was restored by the tribe and currently houses the Tribe's Cultural Department. Nearly all of the Property is currently in agricultural production. Thirteen (13) of the fifteen parcels are subject to the California Land Conservation Act of 1965 (commonly referred to the Williamson Act), and notices of non-renewal of the Williamson Act contracts have been filed for each parcel. The Tribe contemplates development on portions of six (6) parcels, and continued use of the remaining portion of those parcels as well as the other nine (9) parcels for agricultural purposes. Of the ±852.9 acres, it is estimated that approximately 753.90 (over 88% of the Property) will remain in agricultural production. The Tribe's proposed use of the Property is the development of 25 residential housing units, a new Tribal school, cultural and educational facilities, a wastewater treatment system, and the remaining as continued use for agricultural purposes.

Current Use/Taxes and Zoning:

Assessed property taxes for 2011-2012:

060-030-001 - \$ 2,853.14
060-030-008 - \$ 5,629.34
060-030-009 - \$ 2,494.36
060-020-019 - \$ 3,183.12
060-020-018 - \$ 2,979.12
060-020-020 - \$19,986.20
060-030-016 - \$ 13500.98
047-020-001 - \$ 3,707.40
048-230-001 - \$34,648.78
060-014-001 - \$ 2,240.16
060-010-001 - \$ 1,006.88
060-013-001 - \$ 423.28
060-020-011 - \$ 1,991.98
060-020-014 - \$ 1,023.40
060-030-017 - \$ 9,433.80

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

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) - 7012 2210 0002 1441 7338
Office Planning and Research
P.O. Box 3044
Sacramento, CA 95814

Mr. Jacob Appelsmith - 7012 2210 0002 1441 7345
Legal Affairs Secretary
Office of the Governor
State Capitol Building
Sacramento, CA 95814

Sara Drake- 7012 2210 0002 1441 7352
Deputy Attorney General
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Devin Rhinerson - 7012 2210 0002 1441 7369
U.S. Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Yolo County Assessor – 7009 3410 0000 1318 9871
625 Court Street, Rm. 104
Woodland, CA 95695

Yolo County Treasurer/Tax Collector - 7012 2210 0002 1441 7376
625 Court Street, Rm. 102
Woodland, CA 95695

Yolo County Board of Supervisors - 7012 2210 0002 1441 7383
Julie Dachtler, Deputy Clerk of the Board
625 Court Street, Room 204
Woodland, CA 95695

Yolo County Sheriff's Department - 7012 2210 0002 1441 7390
140 Tony Diaz Drive
Woodland, CA 95776

Yolo County Department of Planning and Public Works – 7012 2210 0002 1441 7406
292 West Beamer Street
Woodland, CA 95695

Regular Mail:

Superintendent, Central California Agency, BIA
650 Capitol Mall, Suite 8-500
Sacramento, California 95814

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**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2012-2013.
2. **Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2011-2012, Assessor's Parcel Number 048-230-001-000.

Code Area Number: 063-040
1st Installment: \$16,986.90 Paid
2nd Installment: \$16,986.90 Unable to determine
Land: \$2,701,140.00
Improvements: \$401,998.00
Exemption:
Personal Property:

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. **Any unpaid amounts now owing for municipal services**, of record or not, amounts can be ascertained by contacting the following:

City of Woodland Utilities at (530) 661-5831
City of Woodland Refuse at (530) 662-3949
City of Winters Utilities at (530) 795-4910
City of Winters Refuse at (530) 662-3949
City of Davis Utilities at (530) 757-5651
Davis Waste Removal (530) 756-4646
City of Davis Water, Sewer and Drainage Service Charge (530) 757-5686
City of West Sacramento at (916) 617-4589
Esparto Community Services District at (530) 787-4502
Knights Landing Services District at (530) 735-6492
Madison Service District at (530) 666-6950

5. **Rights of the public** as to any portion of the land lying within the area commonly known as County Road No. 71; County Road No. 72; and State Highway 16.

6. Rights of the public and/or Reclamation District, in and to highways, roads, ditches, canals and levees embraced within the boundaries of the land described herein.
7. **Taxes, or assessments** which are not shown as existing liens by the records or any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
8. **Any facts, rights, interests or claims**, which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.
9. **Easements, liens or encumbrances**, or claims thereof, which are not shown by the public records.
10. **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.
11. **(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 in the public records.
12. Any lien or right to a lien for services, labor or material not shown by the public records.
13. **Any adverse claim** based upon the assertion that:
 - a. Said land or any part thereof is now or at any time has been below the highest of the high watermarks of the Cache Creek, in the event the boundary of said river has been artificially raised or is now or at any time has been below the high watermark, if said river is in its natural state.
 - b. Some portion of said land has been created by artificial means or has accreted to such portion so created.
 - c. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Cache Creek, or has been formed by accretion to any such portion.
14. **Rights and easements** for navigation and fishery which may exist over that portion of said land lying beneath the waters of Cache Creek.
15. **Any rights** in favor of the public which may exist on said land if said land or portions thereof are or were at any time used by the public.

- 16. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a corporation
Purpose: Electrical facilities
Recorded: August 23, 1927, Book 115 of Deeds, Page 94,

Affects: Parcel Twelve

- 17. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a corporation
Purpose: Electrical facilities
Recorded: August 27, 1927, Book 115 of Deeds, Page 116,

Affects: Parcel Two

- 18. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a corporation
Purpose: Electric Facilities
Recorded: September 8, 1927, Book 115 of Deeds, Page 130,

Affects: Parcel Eighteen

- 19. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a corporation
Purpose: Electrical facilities
Recorded: September 8, 1927, Book 115 of Deeds, Page 146,

Affects: Parcel Fourteen.

- 20. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a corporation
Purpose: Electrical Facilities
Recorded: October 14, 1927, Book 115 of Deeds, Page 271,

Affects: Parcel Two

- 21. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a corporation
Purpose: Electrical facilities
Recorded: October 14, 1927, Book 115 of Deeds, Page 272,

Affects: Parcel Two

- 22. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a corporation
Purpose: Electrical facilities
Recorded: June 19, 1939, Book 130, Page 134, of Official Records

Affects: Parcel Seventeen

- 23. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a California corporation
Purpose: Electrical facilities
Recorded: June 19, 1939, Book 130, Page 135, of Official Records

Affects: Parcel Thirteen

- 24. Matters** contained in that certain document entitled "RESOLUTION NO. 70-15 ESTABLISHING AGRICULTURAL PRESERVE" dated February 9, 1970, executed by County of Yolo recorded February 11, 1970, Book 935, Page 372, of Official Records.

Reference is hereby made to said document for full particulars.

- 25. Covenants and restrictions** imposed by a Land Conservation Contract executed pursuant to Section 51200 et seq. California Government Code.

Dated: February 9, 1970
Executed by: Mabel M. Gordon and the County of Yolo, a political subdivision of the State of California
Recorded: February 16, 1970, Book 936, Page 211, of Official Records

Affects: Parcels Fourteen, Fifteen and Sixteen.

Said contract is subject to the following:

The effect of a document captioned "NOTICE OF NON-RENEWAL FOR A CALIFORNIA LAND CONSERVATION CONTRACT"

Recorded: December 20, 2006, Instrument No. 2006-0050057, of Official Records

26. Covenants and restrictions imposed by a Land Conservation Contract executed pursuant to Section 51200 et seq. California Government Code.

Dated: February 9, 1970
Executed by: Henry O. Halter and Pearls I. Halter and the County of Yolo, a political subdivision of the State of California
Recorded: February 16, 1970, Book 936, Page 449, of Official Records

Affects: Parcels Seven and Eight

Said contract is subject to the following:

The effect of a document captioned "NOTICE OF NON-RENEWAL FOR A CALIFORNIA LAND CONSERVATION CONTRACT"

Recorded: January 8, 2009, Instrument No. 2009-0000526, of Official Records

27. Covenants and restrictions imposed by a Land Conservation Contract executed pursuant to Section 51200 et seq. California Government Code.

Dated: February 9, 1970
Executed by: Oscar Farnham , Darrel Farnham, and Joyce Farnham and the County of Yolo, a political subdivision of the State of California
Recorded: February 24, 1970, Book 937, Page 336, of Official Records

Affects: Parcels One and Two.

Said contract was amended by agreement

Dated: June 25, 1997
Recorded: July 2, 1997, Instrument No. 97-0015771, of Official Records

Said contract is subject to the following:

The effect of a document captioned "NOTICE OF NON-RENEWAL FOR A CALIFORNIA CONSERVATION CONTRACT"

Recorded: January 8, 2009, Instrument No. 2009-0000524, of Official Records

28. Covenants and restrictions imposed by a Land Conservation Contract executed pursuant to Section 51200 et seq. California Government Code.

Dated: February 9, 1970
Executed by: Darrel Farnham, Joyce Farnham and Ocar Farnham and the County of Yolo, a political subdivision of the State of California
Recorded: February 24, 1970, Book 937, Page 391, of Official Records

Affects: Parcel Six.

Said contract was amended by agreement

Dated: June 25, 1997
Recorded: July 2, 1997, Instrument No. 97-0015770, of Official Records

Said contract is subject to the following:

The effect of a document captioned "NOTICE OF NON-RENEWAL FOR A CALIFORNIA CONSERVATION CONTRACT"

Recorded: February 2, 2011, Instrument No. 2011-0003490, of Official Records

29. Covenants and restrictions imposed by a Land Conservation Contract executed pursuant to Section 51200 et seq. California Government Code.

Dated: February 9, 1970
Executed by: Laura Mast Zacher and the County of Yolo, a political subdivision of the State of California
Recorded: May 11, 1970, Book 942, Page 647, of Official Records

Affects: Parcel Eighteen.

Said contract is subject to the following:

The effect of a document captioned "NOTICE OF NON-RENEWAL FOR A CALIFORNIA LAND CONSERVATION CONTRACT"

Recorded: January 8, 2009, Instrument No. 2009-0000525, of Official Records

30. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: County of Yolo
Purpose: Future public road
Recorded: December 19, 1972, Book 1044, Page 381, of Official Records

Affects: Parcel Ten.

31. Matters contained in that certain document entitled "RESOLUTION ESTABLISHING AND OR ENLARGING AGRICULTURAL PRESERVE" dated November 19, 1993, executed by County of Yolo, a political subdivision of the State of California recorded January 15, 1974, Book 1089, Page 161, of Official Records.

Reference is hereby made to said document for full particulars.

32. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: American Telephone and Telegraph Company, a New York corporation
Purpose: Communications facilities
Recorded: September 30, 1987, Instrument No. 023317, Book 1892, Page 702, of Official Records

Affects: Parcel Eleven.

33. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: American Telephone and Telegraph Company, a New York corporation
Purpose: Communication facilities
Recorded: September 30, 1987, Instrument No. 23318, Book 1892, Page 706, of Official Records

Affects: Parcel Eleven



Notice of Final Description recorded November 27, 1989, in Instrument #26548 and Book 2074 Page 328 of Official Records.

- 34. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Donald J. Davis and Marilyn J. Davis
Purpose: Maintenance work on stream bank and Ingres and Egress
Recorded: May 7, 1990, Instrument No. 10680, Book 2119, Page 421, of Official Records

Affects: Parcel Seven

- 35. Matters** contained in that certain document entitled "GRANT OF APPURTENANT EASEMENT" dated October 20, 1991, executed by Gary N. Burnett, Trustee of the Gary N. Burnett 1998 Trust executed by and between Leon Hill and Nancy Hill, Trustees of the Hill Family Living Trust dated April 12, 1995 recorded January 14, 2002, Instrument No. 2002-0001770, of Official Records.

Reference is hereby made to said document for full particulars.

Affects: Parcel Ten.

- 36. Matters** contained in that certain document entitled "RESOLUTION NO. 10-129 VACATING COUNTY ROAD 75A" dated September 14, 2010, executed by County of Yolo recorded September 21, 2010, Instrument No. 2010-0026767, of Official Records.

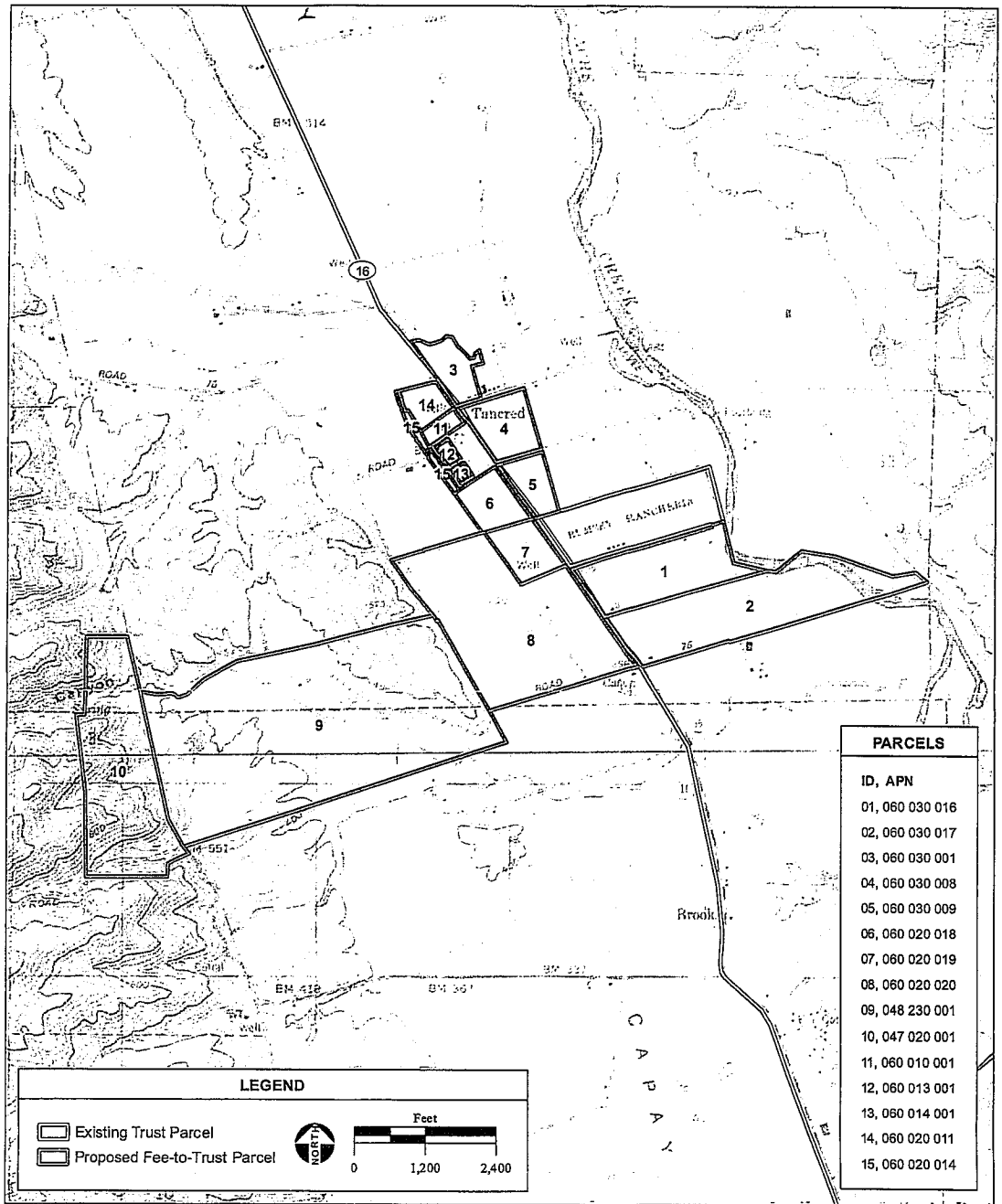
Reference is hereby made to said document for full particulars.

- 37. Matters** contained in that certain document entitled "NOTICE REGARDING IMPLEMENTATION OF SENATE BILL 863 FOR 2011 AND LIST OF AFFECTED PARCELS PURSUANT TO GOVERNMENT CODE SECTION 52144 (B) (2)" dated March 1, 2011, executed by Yolo County Board of Supervisors recorded March 2, 2011, Instrument No. 2011-0006167, of Official Records.

Reference is hereby made to said document for full particulars.

- 38. The transaction contemplated** in connection with this Report is subject to the review and approval of the Company's Corporate Underwriting Department. The Company reserves the right to add additional items or make further requirements after such review.

END OF SCHEDULE B – SECTION II



SOURCE: "Brooks, CA" USGS 7.5 Minute Topographic Quadrangle, T2W & 3W, R10N, Unsectioned Area of Cañada De Capay, Mt. Diablo Baseline & Meridian; AES, 2009

Yocha Dehe Housing Project / 209530 ■

Site and Vicinity

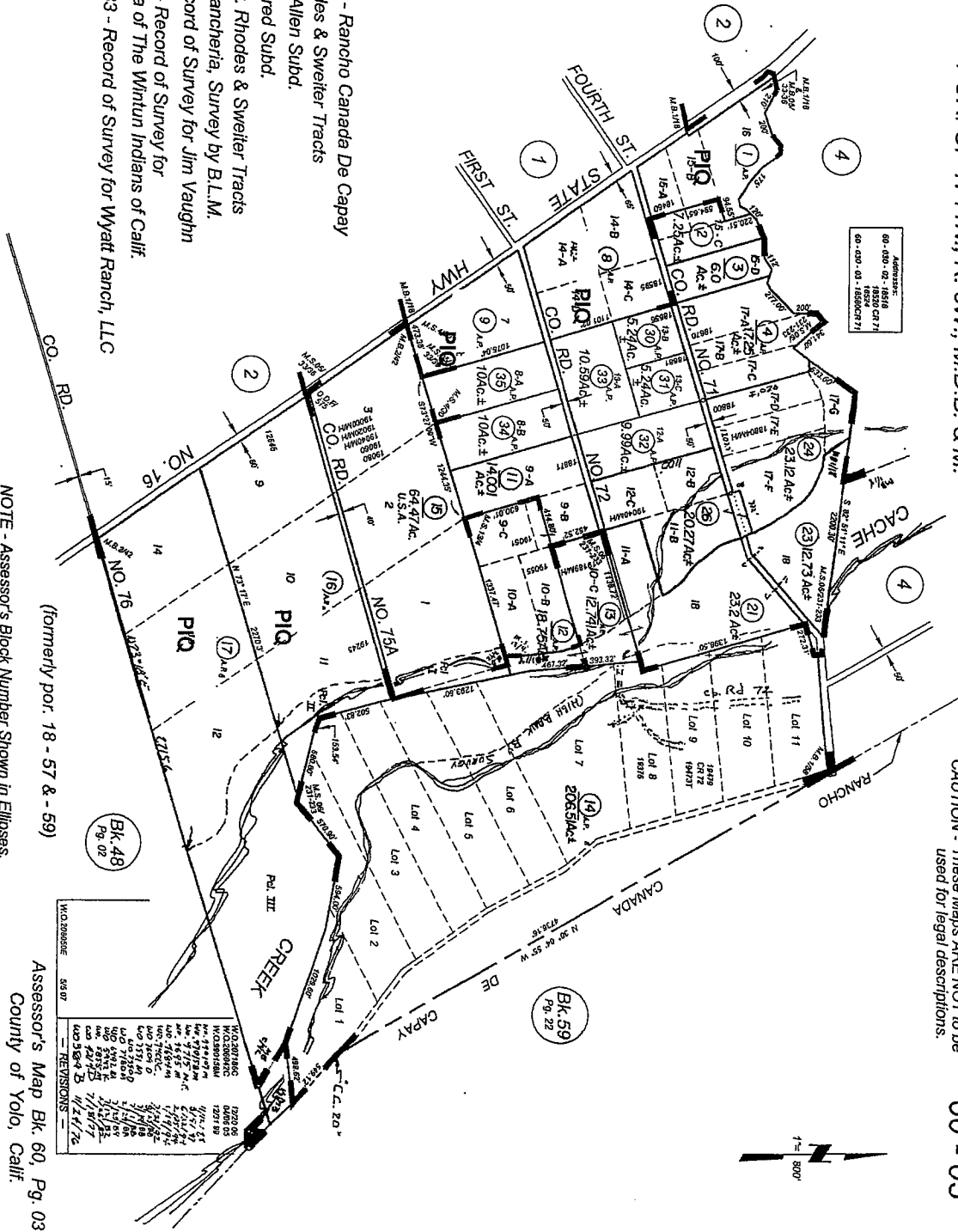
POR. OF T. 11N., R. 3W., M.D.B. & M.

CAUTION - These Maps ARE NOT to be used for legal descriptions.

60 - 03

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

Patents Book "A", Pg. 38 - Rancho Canada De Capay
 M.B. Bk. 1, Pg. 18 - Rhodes & Sweiter Tracts
 M.B. Bk. 1, Pg. 58 - L.S. Allen Subd.
 M.B. Bk. 2, Pg. 42 - Tancored Subd.
 M.& S. Bk. 4, Pg. 30 - Por. Rhodes & Sweiter Tracts
 D.D.F. "575" - Runsey Rancheria, Survey by B.L.M.
 M.& S. Bk. 13, Pg. 4 - Record of Survey for Jim Vaughn
 M.S. Bk. 05, Pg. 33 - 36 - Record of Survey for Runsey Indian Rancheria of The Wintun Indians of Calif.
 M.S. Bk. 06, Pg. 231 - 233 - Record of Survey for Wyatt Ranch, LLC



Address:
 60-030-02-18218
 60-030-03-18200071
 18204
 18204

NO.	REVISIONS	DATE
1	W.D. 2001846	12/20/05
2	W.D. 2001846	02/07/06
3	W.D. 2001846	12/27/06
4	W.D. 2001846	01/11/07
5	W.D. 2001846	01/11/07
6	W.D. 2001846	01/11/07
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97	W.D. 2001846	01/11/07
98	W.D. 2001846	01/11/07
99	W.D. 2001846	01/11/07
100	W.D. 2001846	01/11/07

NOTE - Assessor's Block Number Shown in Ellipses.
 Assessor's Parcel Number Shown in Circles.

(formerly por. 18 - 57 & - 59)

Assessor's Map Bk. 60, Pg. 03
 County of Yolo, Calif.

08/09

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

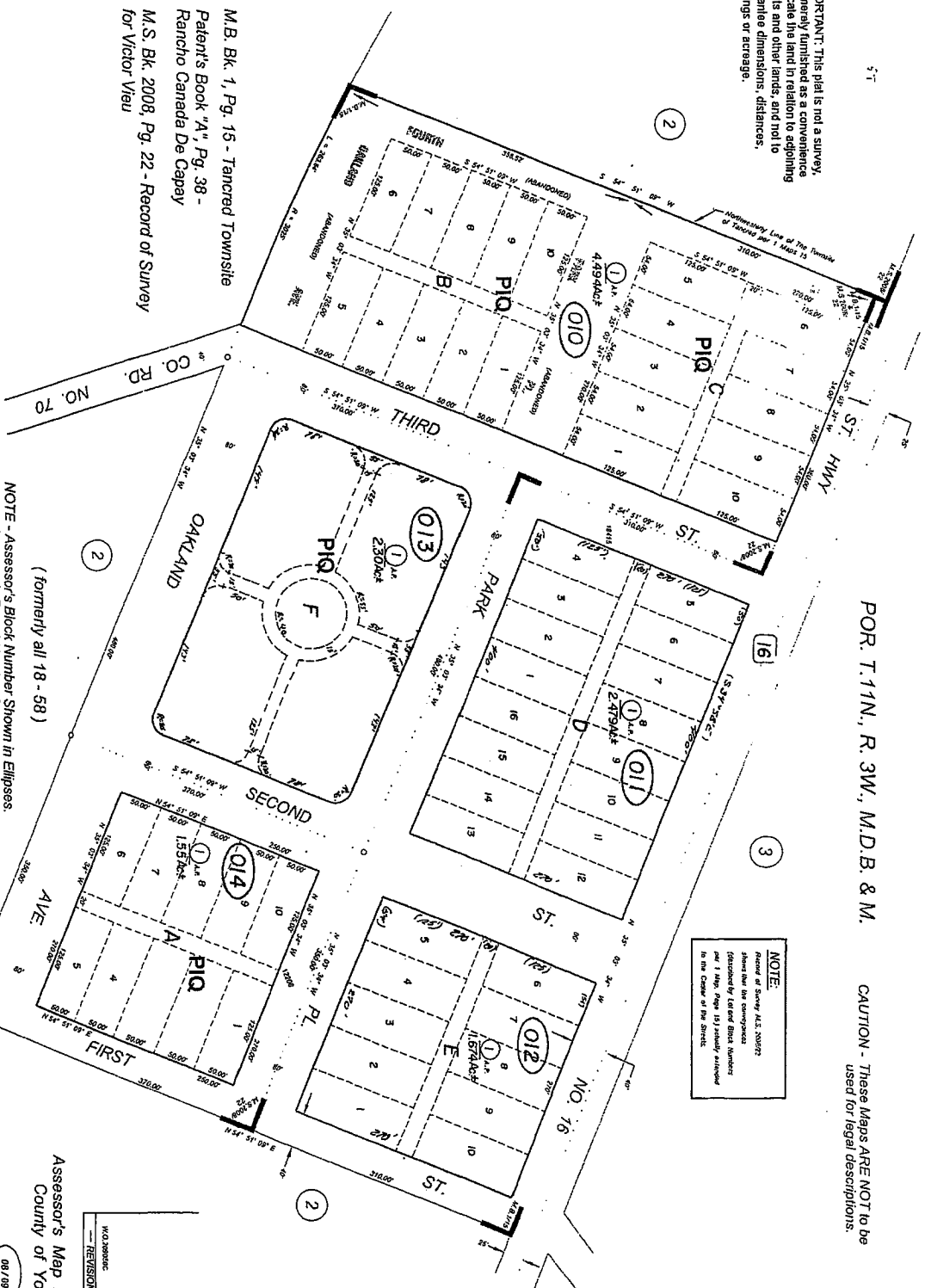
57

POR. T.11N., R. 3W., M.D.B. & M.

CAUTION - These Maps ARE NOT to be used for legal descriptions.

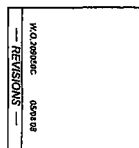
60 - 01

NOTE:
 Plat of Survey A.C. 20072
 Shown here for comparison
 distinctly lettered block numbers
 and 1 map, page 153, properly attached
 in the Office of the District.



NOTE - Assessor's Block Number Shown in Ellipses, Assessor's Parcel Number Shown in Circles.

(formerly all 18 - 58)



Assessor's Map Bk. 60, Pg. 01
 County of Yolo, Calif.

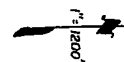
08/08

M.B. Bk. 1, Pg. 15 - Tanagerd Townsite
 Patent's Book "A", Pg. 38 -
 Rancho Canada De Capay
 M.S. Bk. 2008, Pg. 22 - Record of Survey
 for Victor View

FRAC. SEC. 3, 10, 8, 11, T10N., R.3W., 8
 POR. FRAC. SEC. 34, T11N., R.3W., M.D.B. & M.

CAUTION - These Maps ARE NOT to be
 used for legal descriptions.

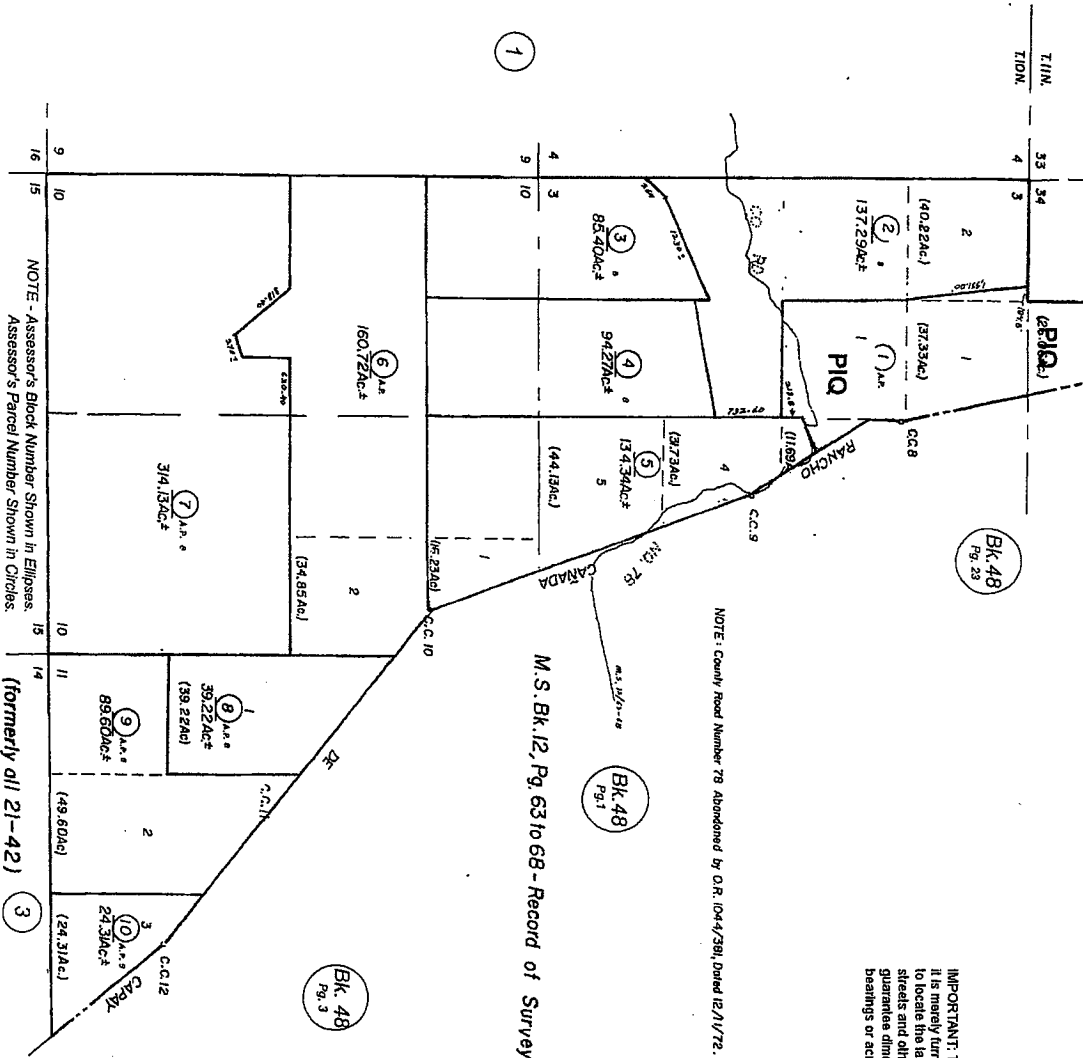
47-02



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

NOTE: County Road Number 78 Abandoned by O.R. 1044/391, Dated 12/11/72.

M.S. Bk. 12, Pg. 63 to 68 - Record of Survey.



Bk. 48
Pg. 23

Bk. 48
Pg. 1

Bk. 48
Pg. 3

NOTE - Assessor's Block Number Shown in Ellipses.
 Assessor's Parcel Number Shown in Circles.

(formerly all 21-42)

WORKSHEET	12204
DATE	12/11/72
BY	J.P. GIBSON
CHECKED	J.P. GIBSON
DATE	12/11/72
REVISIONS	

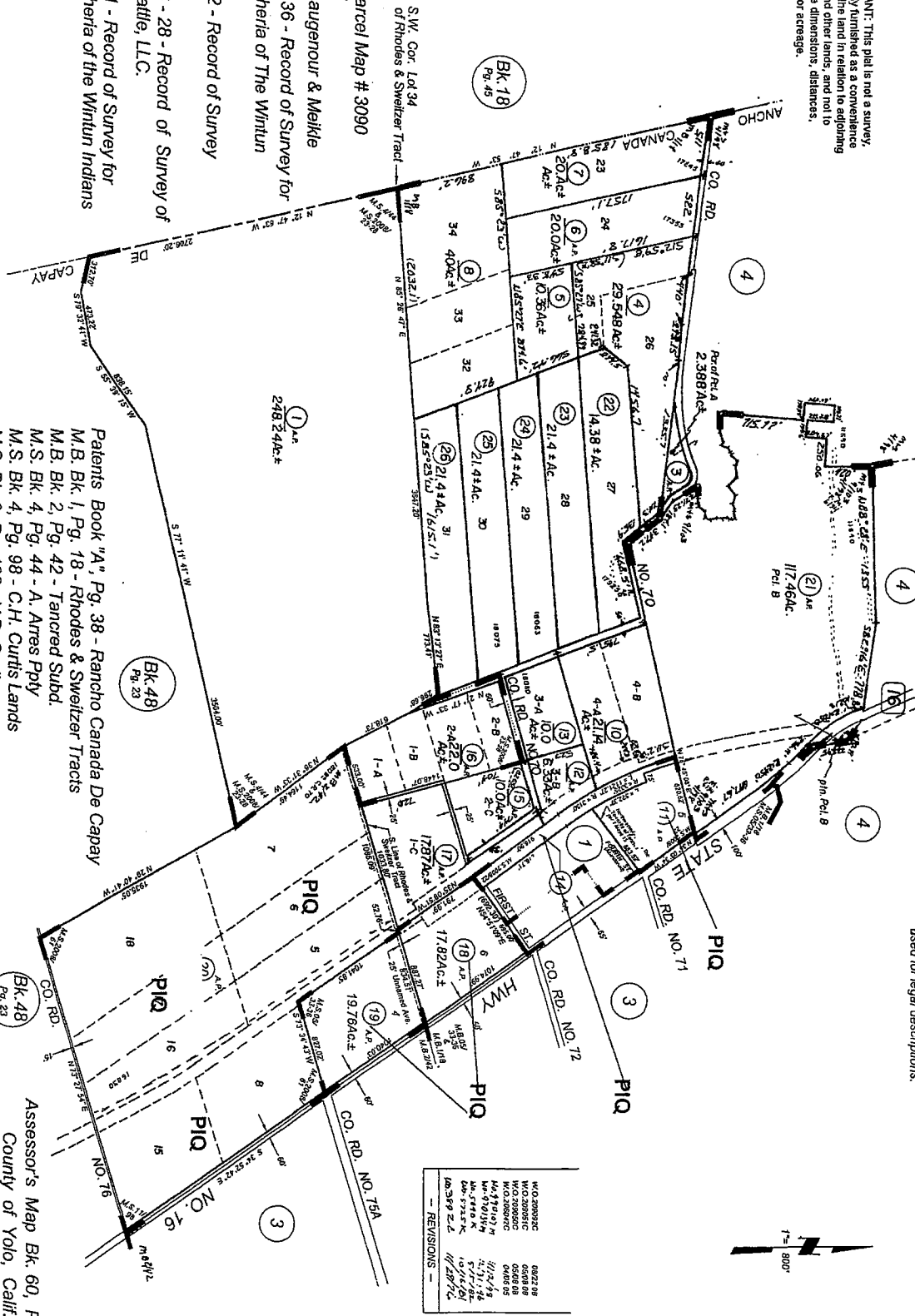
Assessor's Map Bk. 47 Pg. 02
 County of Yolo, Calif.
 05/08

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

POR. T. 11N., R. 3W., M.D.B. & M.

CAUTION - These Maps ARE NOT to be used for legal descriptions.

60 - 02



NO.	DATE	REVISIONS
1	08/22/99	W.C. 200002C
2	05/08/99	W.C. 200051C
3	04/03/99	W.C. 200049C
4	04/03/99	W.C. 200048C
5	04/03/99	W.C. 200047C
6	04/03/99	W.C. 200046C
7	04/03/99	W.C. 200045C
8	04/03/99	W.C. 200044C
9	04/03/99	W.C. 200043C
10	04/03/99	W.C. 200042C
11	04/03/99	W.C. 200041C
12	04/03/99	W.C. 200040C
13	04/03/99	W.C. 200039C
14	04/03/99	W.C. 200038C
15	04/03/99	W.C. 200037C
16	04/03/99	W.C. 200036C
17	04/03/99	W.C. 200035C
18	04/03/99	W.C. 200034C
19	04/03/99	W.C. 200033C
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21	04/03/99	W.C. 200031C
22	04/03/99	W.C. 200030C
23	04/03/99	W.C. 200029C
24	04/03/99	W.C. 200028C
25	04/03/99	W.C. 200027C
26	04/03/99	W.C. 200026C
27	04/03/99	W.C. 200025C
28	04/03/99	W.C. 200024C
29	04/03/99	W.C. 200023C
30	04/03/99	W.C. 200022C
31	04/03/99	W.C. 200021C
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33	04/03/99	W.C. 200019C
34	04/03/99	W.C. 200018C
35	04/03/99	W.C. 200017C
36	04/03/99	W.C. 200016C
37	04/03/99	W.C. 200015C
38	04/03/99	W.C. 200014C
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40	04/03/99	W.C. 200012C
41	04/03/99	W.C. 200011C
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43	04/03/99	W.C. 200009C
44	04/03/99	W.C. 200008C
45	04/03/99	W.C. 200007C
46	04/03/99	W.C. 200006C
47	04/03/99	W.C. 200005C
48	04/03/99	W.C. 200004C
49	04/03/99	W.C. 200003C
50	04/03/99	W.C. 200002C

- P.M. Bk. 6, Pg. 34 - Parcel Map # 3090 for Thomas J. Holland
- M.S. Bk. 11, Pg. 98 - Laugenour & Meikle
- M.S. Bk. 05, Pg. 33 - 36 - Record of Survey for Rumsey Indian Rancheria of The Wintun Indians of Calif.
- M.S. Bk. 2008, Pg. 22 - Record of Survey for Victor Vieu
- M.S. Bk. 2008, Pg. 23 - 28 - Record of Survey of St. Francis Land & Cattle, LLC.
- M.S. Bk. 2008, Pg. 61 - Record of Survey for Rumsey Indian Rancheria of the Wintun Indians of Calif.

(formerly por. 18 - 56; - 57; - 59)

- Patents Book "A", Pg. 38 - Rancho Canada De Capay
- M.B. Bk. 1, Pg. 18 - Rhodes & Sweitzer Tracts
- M.B. Bk. 2, Pg. 42 - Tanced Subd.
- M.S. Bk. 4, Pg. 44 - A. Arres Pty
- M.S. Bk. 4, Pg. 98 - C.H. Curtis Lands
- M.S. Bk. 9, Pg. 103 - V.D. Curtis

NOTE - Assessor's Block Number Shown in Ellipses. Assessor's Parcel Number Shown in Circles.

Assessor's Map Bk. 60, Pg. 02 County of Yolo, Calif.

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§ 150.11

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.

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- 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. 801. 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. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 623; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended, 82 Stat. 384; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 88 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1718; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450h, 451, 454, 455, 497, 498, 499, 501, 502, 573, 574, 576, 603, 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

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 descendant 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-

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

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 48694, 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

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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-S1B, 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 13895, Mar. 23, 1999]

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

Sec.

- 152.1 Definitions.
- 152.2 Withholding action on application.

ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

- 152.3 Information regarding status of applications for removal of Federal supervision over Indian lands.
- 152.4 Application for patent in fee.
- 152.5 Issuance of patent in fee.
- 152.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.
- 152.7 Application for certificate of competency.
- 152.8 Issuance of certificate of competency.
- 152.9 Certificates of competency to certain Osage adults.
- 152.10 Application for orders removing restrictions, except Five Civilized Tribes.
- 152.11 Issuance of orders removing restrictions, except Five Civilized Tribes.
- 152.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.
- 152.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.
- 152.14 Removal of restrictions, Five Civilized Tribes, without application.
- 152.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.
- 152.16 Effect of order removing restrictions, Five Civilized Tribes.