



IN REPLY REFER TO:

United States Department of the Interior

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

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Distribution List:

Enclosed is a copy of our notice of an application seeking acceptance of title to real property “in trust” by the United States of America for the San Manuel Band of Mission Indians.

Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, and Parts 151.10 and 151.11. We are seeking your comments regarding the proposed trust land acquisition in order to obtain sufficient data that would enable an analysis of the potential impacts on local government, which may result from the removal of the subject property from the tax roll and local jurisdiction. Pertinent information regarding the proposal is included in the enclosure.

Sincerely,

Regional Director

Enclosure



TAKE PRIDE
IN AMERICA 



IN REPLY REFER TO:

United States Department of the Interior

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

DEC - 7 2010

Notice of 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 San Manuel Band of 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:

San Manuel Band of Mission Indians

Legal Land Description:

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

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

All that portion of Lot 3, Block 17, and Lot 3, Block 20, West Highland Tract, in the City of San Bernardino, the County of San Bernardino, State of California, as per map recorded in Book 5 of Maps, Page 77, Records of San Bernardino County, and the Southeast quarter of Section 19,

TAKE PRIDE
IN AMERICA 

Township 1 North, Range 3 West, San Bernardino Meridian, in the County of San Bernardino, State of California, according to Government Survey, described as follows:

Beginning at the Southwest corner of Lot 3, Block 17;

Thence North 0°09'02" West 1,322.39 feet along the West line of Lot 3 Block 17, and Lot 3, Block 20 to a point which is North 0°09'02" West 39.39 feet from the Northwest corner of said Lot 3, Block 20;

Thence North 60°12' West 156.00 feet;

Thence North 0°04' West 1,522.00 feet, more or less, parallel to and 1,982.70 feet distant from the East line of the Southeast quarter of Section 19, to a point on the North line thereof;

Thence along the North line of said Southeast quarter of Section 19, South 89°35 1/2' East, 570.30 feet;

Thence South 0°04' East 1,870 feet, more or less, parallel to and 1,412.40 feet distant from the East line of the Southeast quarter of Section 19;

Thence South 0°09' East 1,035.57 feet to a point on the South line of Lot 3, Block 17, which is 10.71 feet West of the Southeast corner of said Lot 3;

Thence West 429.29 feet along the South line of said Lot 3, Block 17, to the Point Of Beginning.

Except therefrom that portion described as follows:

Beginning at the Southwest corner of said Lot 3, Block 17;

Thence along the West line of Lot 3, Block 17 and Lot 3, Block 20, North 0°08' West 992.95 feet;

Thence South 89°56' East 430.15 feet;

Thence South 0°05' East 992.95 feet to a point on the South line of Lot 3, Block 17, which is North 89°56' West 10.71 feet from the Southeast corner of said Lot 3;

Thence continuing South 9°05' East 41.25 feet to a point on the center line of Marshall Boulevard (formerly Lemon Street);

Thence along the center line of said Marshall Boulevard North 89°56' West 429.29 feet;

Thence North 0°08' West 41.25 feet to the Point of Beginning.

ASSESSOR'S PARCEL NUMBER: 0285-121-17-0-000; 0285-121-02-0-000

The above-mentioned parcels contain 24 acres, more or less.

Subject acquisition is contiguous to exterior boundaries of the San Manuel Reservation. Please refer to the attached map depicting the general location of subject parcels.

Proposed Land Use/ Site Location:

The land acquisition is for 24 acres, more or less, consisting of two parcels located in San Bernardino County, California. Subject acquisition is contiguous to the San Manuel Reservation. The proposed land use is for future development of tribal government offices and

home sites. The parcels are currently unimproved. Both parcels are directly adjacent to the western boundary of the reservation and will provide essential land for the Tribe's use.

Current Use/Taxes and Zoning:

The 24-acre property is currently undeveloped

The property's 2009-2010 real property taxes were \$18,467.40.

Zoning for subject property is R-L, which is low density residential.

Existing Easements/Encumbrances:

Please refer to Exhibit "A".

Supplemental Data:

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.

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 Arvada Wolfin, Lead Realty Specialist, at (916) 978-6069.

Attachments

Site Map
Exhibit "A"



DISTRIBUTION LIST

cc: BY CERTIFIED MAIL RETURN RECEIPT TO:

California State Clearinghouse (ten copies) - 7010 1670 0001 7431 3926
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Sara J. Drake, Deputy Attorney General – 7010 1670 0001 7431 3933
State of California
Department of Justice
P.O. Box 944255
Sacramento, California 94244-2550

Andrea Hoch, Legal Affairs Secretary – 7010 1670 0001 7431 3940
Office of the Governor of California
State Capitol Building
Sacramento, California 95814

Neil Derry, Third District – 7010 1670 0001 7431 3957
San Bernardino Board of Supervisors
385 North Arrowhead Avenue, 5th Floor
San Bernardino, California 92415

Honorable Wilmer Carter – 7010 1670 0001 7431 3964
California State Assembly
62nd Assembly District
P.O. Box 942849, Rm. 2136
Sacramento, California 94249-0001

Dena Smith, Director – 7010 1670 0001 7431 3971
San Bernardino Land Use Services Department
385 North Arrowhead Avenue, 1st Floor
San Bernardino, California 92415

San Bernardino County Treasure/Tax Collector – 7010 1670 0001 7431 3988
172 West 3rd Street, #1
San Bernardino, California 94515

San Bernardino County Consolidated Fire Dept. – 7010 1670 0001 7431 3995
Fire Warden's Office
200 East 3rd Street
San Bernardino, California 92410

San Bernardino Building & Safety Division – 7010 1670 0001 7431 4008
385 North Arrowhead Avenue
San Bernardino, California 92415

San Bernardino Architecture & Engineering Dept. – 7010 1670 0001 7431 4015
385 North Arrowhead Avenue
San Bernardino, California 92415

Honorable Patrick J. Morris – 7010 1670 0001 7431 4022
Mayor of the City of San Bernardino
300 North “D” Street, 6th Floor
San Bernardino, California 92418-0001

Honorable Penny Lilburn – 7010 1670 0001 7431 4039
Mayor of the City of Highland
27215 Base Line
Highland, California 92346

Cal Fire, San Bernardino Unit – 7010 1670 0001 7431 4046
3800 North Sierra Way
San Bernardino, CA 92405

San Bernardino County Sheriff's Department – 7010 1670 0001 7431 4053
655 East Third Street
San Bernardino, CA 92415

Chief of Police – 7010 1670 0001 7431 4060
San Bernardino Police Department
710 North D Street
San Bernardino, CA 92402-1559

County of San Bernardino – 7010 1670 0001 7431 4077
Department of Public Works, Land Development Division
825 E. Third Street
San Bernardino, CA 92415-0835

Robert Martin, Chairman – 7010 1670 0001 7431 4084
Morongo Band of Mission Indians
12700 Pumarra Road
Banning, CA 92220

Scott Cozart, Chairman – 7010 1670 0001 7431 4091
Soboba Band of Luiseno Indians
23906 Soboba Road
San Jacinto, CA 92581

Richard M. Milanovich, Chairman – 7010 1670 0001 7431 4107
Agua Caliente Band of Cahuilla Indians
5401 Dinah Shore Drive
Palm Springs, CA 92264

Lurthier Salgado Sr., Chairman – 7010 1670 0001 7431 4114
Cahuilla Band of Indians
52701 Hwy 371
P.O. Box 391760
Anza, CA 92539

Joseph Hamilton, Chairman – 7010 1670 0001 7431 4138
Ramona Band of Cahuilla
56310 Highway 371, Suite B
Anza, CA 92539

Mark Macarro, Chairman - 7010 1670 0001 7431 4121
Pechanga Band of Luiseno Indians
P.O. Box 1477
Temecula, CA 92593

Regular Mail: Superintendent, Southern California Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

SITE MAP

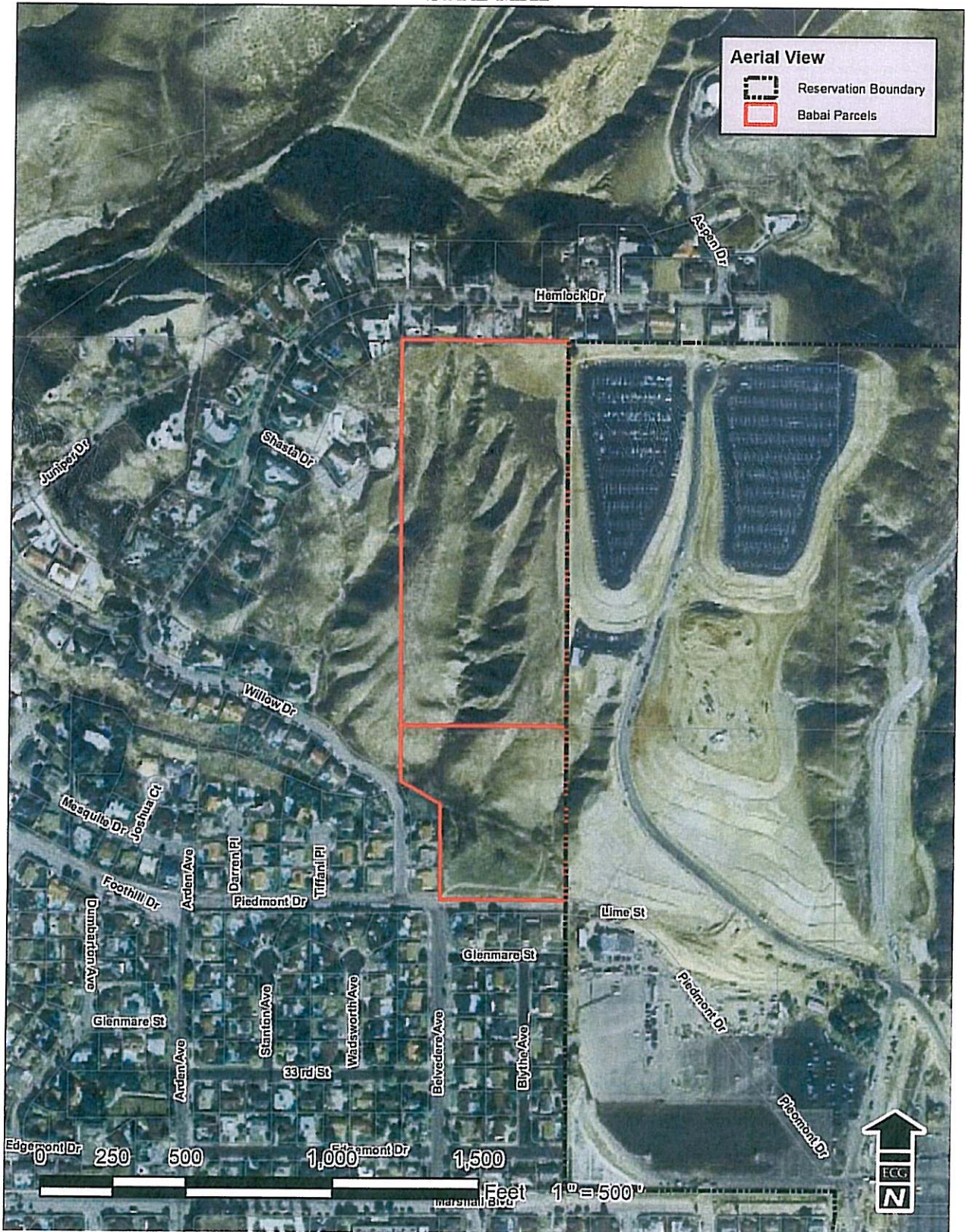


EXHIBIT "A"

- A. Property taxes, including general and special taxes, personal property taxes, if any, and any assessments collected with taxes, to be levied for the fiscal year 2009 – 2010 which are a lien not yet payable.
- B. Supplemental or escaped assessments of property taxes, if any, assessed pursuant to the Revenue and Taxation Code of the State of California.

1. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed applicant acquires for value of record the estate or interest or mortgage thereon covered by this commitment.

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

3. An easement in favor of the public over any existing roads lying within said land.

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

Purpose: pipe lines

Recorded: February 20, 1940 in Book 1397, Page 130 of Official Records

The exact location and/or extent of said easement is not disclosed in the public records.

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

Granted to: San Bernardino Valley Municipal Water District, a Municipal Water District

Purpose: pipe lines

Recorded: July 21, 1973 in Book 8209, Page 16 of Official Records

Affects: said land more particularly described therein.

6. Any rights, interest, or claims which may exist or arise by reason of the following facts shown on a survey plat entitled ALTA/ACSM Land title Survey, dated July 27, 2006, WO No. 06-1026, made by Hernandez, Kroone & Associates, Inc.:

- a. A fence lies 3.3' to 4.5' east of the Easterly property line;
- b. A power pole lies .04' east of the Easterly property line;
- c. A fence lies 0.5' to 0.6' south of the Northerly property line
- d. A fence and deck lies 14.4' to 12.5' south of the Northerly property line;
- e. A fence lies 5.9' to 8.3' south of the Westerly property line;
- f. Two fences lie 0.1' and 1.2' east of the Westerly property line;
- g. A telephone pole lies 0.5' east of the Westerly property line.

TAX INFORMATION

Property taxes, including general and special taxes, personal property taxes, if any, and any assessments collected with taxes, for the fiscal year shown below, are paid. For proration purposes the amounts are:

| | |
|------------------|-------------------|
| Fiscal year | 2009 - 2010 |
| 1st Installment: | \$2,638.48 Paid |
| 2nd Installment: | \$2,638.47 Paid |
| Exemption: | \$-0- |
| Code Area: | 007095 |
| Assessment No.: | 0285-121-17-0-000 |

Property taxes, including general and special taxes, personal property taxes, if any, and any assessments collected with taxes, for the fiscal year shown below, are paid. For proration purposes the amounts are:

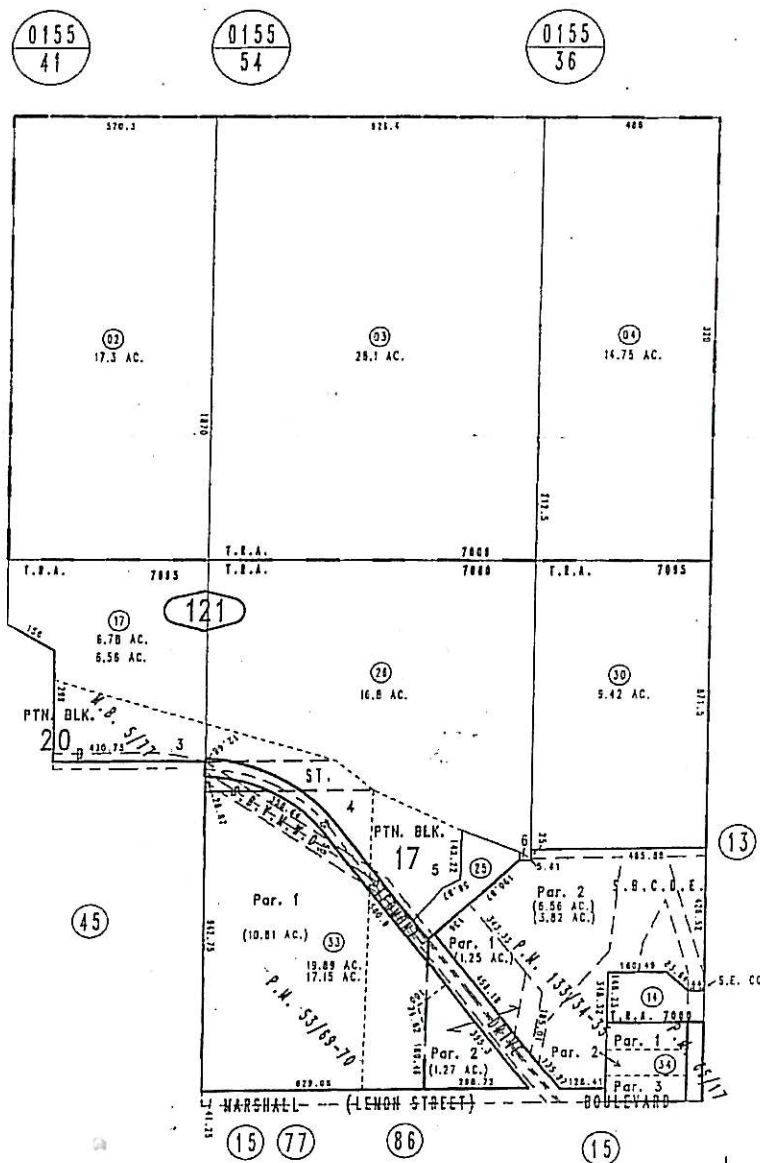
| | |
|------------------|-------------------|
| Fiscal year | 2009 - 2010 |
| 1st Installment: | \$6,595.23 Paid |
| 2nd Installment: | \$6,595.21 Paid |
| Exemption: | \$-0- |
| Code Area: | 007009 |
| Assessment No.: | 0285-121-02-0-000 |

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.



Pln. S.E.1/4, Sec.19, T.1N.,R.3W., S.B.D.&M.

City of San Bernardino 0285-12
 Tax Rate Area
 7000, 7009
 7095



December 2004

Parcel Map No. 10305, P.M. 133/34-35
 Parcel Map No. 4795, P.M. 65/17
 Parcel Map No. 4879, P.M. 53/69-70
 Pln. West Highlands, W.B. 5/77

Assessor's Map
 Book 0285 Page 12
 San Bernardino County

MAY 05 2005

REVISED

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

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-

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

§ 151.4

25 CFR Ch. I (4-1-08 Edition)

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 48894, Sept. 21, 1995]

§ 151.12 Action on requests.

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

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

§ 151.13

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

25 CFR Ch. I (4-1-08 Edition)

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

[60 FR 32879, June 23, 1995; 64 FR 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.