



IN REPLY REFER TO

## United States Department of the Interior

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

AUG 12 2015

### **Notice of (Non-Gaming) Land Acquisition Application**

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 and 151.11, notice is given of the application filed by the Santa Ynez Band of Chumash Mission Indians (Tribe) to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any government services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We are providing the following information regarding this application:

#### **Applicant:**

Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California

#### **Legal Land Description/Site Location:**

Real property in the unincorporated area of the County of Santa Barbara, State of California, described as follows:

PARCEL ONE: (APN: 143-252-01)

THOSE PORTIONS OF LOTS 10, 11, 12, 13, 14 AND 15 IN BLOCK 15 OF THE TOWN OF SANTA YNEZ, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SAID BLOCK AND LOTS ARE DELINEATED ON THE MAP THEREOF RECORDED IN BOOK 1 AT PAGE 41 OF MAPS AND SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT INTERSECTION OF THE LINE COMMON TO SAID LOT 15 AND LOT 16 IN SAID BLOCK 15 WITH THE NORTHERLY LINE OF VALLEY STREET AS DELINEATED ON THE ABOVE SAID MAP; THENCE 1) ALONG SAID NORTHERLY LINE OF VALLEY STREET, SOUTH 89° 35' 20" WEST 300.00 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF TYNDAL STREET, AS SAID STREET IS DELINEATED ON SAID MAP; THENCE 2) ALONG SAID EASTERLY LINE OF TYNDAL STREET, NORTH 0° 24' 40" WEST 79.98 FEET; THENCE 3) NORTH 89° 35' 20" 147.14 FEET; THENCE 4) SOUTH 85° 30' 15" EAST 153.42 FEET TO A POINT ON THE EASTERLY LINE OF THE ABOVE SAID LOT 15; THENCE 5) ALONG SAID EASTERLY LINE OF SAID LOT 15, SOUTH 0° 24' 40" EAST 66.86 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS, OIL, GASES AND OTHER HYDROCARBONS BY WHATSOEVER NAME KNOWN THAT MAY BE WITHIN OR UNDER THE PARCEL OF LAND HEREINABOVE DESCRIBED, WITHOUT, HOWEVER, THE RIGHT TO DRILL, DIG OR MINE THROUGH THE SURFACE THEREOF BY DEED RECORDED JULY 10, 1957 AS INSTRUMENT NO. 13634 IN BOOK 1458, PAGE 542 OF OFFICIAL RECORDS.

PARCEL TWO: (APN: 143-252-02)

LOTS 16, 17 AND 18 IN BLOCK 15 OF THE TOWN OF SANTA YNEZ, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, ACCORDING TO THE MAP RECORDED IN BOOK 1, PAGE 41 OF MAPS AND SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING THEREFROM ANY PORTION THEREOF LYING WITHIN THE LAND GRANTED TO THE STATE OF CALIFORNIA ON FEBRUARY 23, 1954 AS INSTRUMENT NO. 3105 IN BOOK 1218, PAGE 446 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**Project Description/Proposed Land Use:**

The subject property encompasses approximately 2.11 acres more or less, commonly referred to as Assessor's Parcel Numbers: 143-242-01 and 143-242-02 (Mooney); and 143-252-01 and 143-252-02 (Escobar). The property is adjacent to highway 246 which runs along the Santa Ynez Reservation and is contiguous to the Reservation.

The Tribe has no plans to change the use of the subject property. By placing the parcels into trust, the Tribe is able to irrigate the landscaping with recycled water generated by the Tribe's wastewater treatment plant, instead of the potable water which is now currently used. The purpose of the proposed fee-to-trust transfer will be to maintain such uses under the jurisdiction of the Tribe for future long range planning, including the ability to use its resources in a more environmentally proactive way. The property will serve to enhance the Tribe's land base, which supports tribal self-determination.

**Current Use/Taxes and Zoning:**

Assessed property taxes for 2013-2014:

143-242-01 - \$2,363.72  
143-242-02 - \$14,567.00  
143-252-01 - \$4,513.94  
143-252-02 - \$2,602.56

The total collectable taxes on the property for 2013-2014 were \$24,047.22, which represents far less than 1% of the total which the County expects to generate from property taxes. Therefore, the percentage of the tax revenue that will be lost by transferring the land into trust would be significant in comparison to the total amount of revenue enjoyed by the County.

**Existing Easements/Encumbrances:**

*See attached Schedule B*

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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.

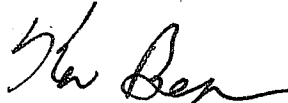
This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

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

Sincerely,

  
Regional Director

Notice

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) - 7013 1090 0002 1067 6302  
Office Planning and Research  
P.O. Box 3044  
Sacramento, CA 95814

Mr. Joe Dhillon - 7013 1090 0002 1067 6319  
Senior Advisor for Tribal Negotiations  
Office of the Governor  
State Capitol Building, Suite 1173  
Sacramento, CA 95814

Sara Drake, Deputy Attorney General - 7013 1090 0002 1067 6297  
State of California  
Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

U.S. Senator Dianne Feinstein - 7013 2630 0001 5558 4556  
331 Hart Senate Building  
Washington, DC 20510

Santa Barbara County Assessor - 7013 2630 0001 5558 4563  
105 East Anapamu Street, Suite 204  
Santa Barbara, CA 93101

Santa Barbara County Treasurer & Tax Collector - 7013 2630 0001 5558 4570  
105 East Anapamu Street  
Santa Barbara, CA 93101

Santa Barbara County Sheriff's Department - 7013 2630 0001 5558 4587  
4434 Calle Real  
Santa Barbara, CA 93110

Santa Barbara County Department of Public Works - 7013 2630 0001 5558 4594  
123 East Anapamu Street  
Santa Barbara, CA 93101

Santa Barbara County Department of Planning and Development - 7013 2630 0001 5558 4600  
123 East Anapamu Street  
Santa Barbara, CA 93101-2058

Chair, County Board of Supervisors - 7013 2630 0001 5558 4617  
County of Santa Barbara  
105 E. Anapamu Street  
Santa Barbara, CA 93101

County Executive Officer - 7013 2630 0001 5558 4624  
County of Santa Barbara  
105 E. Anapamu Street  
Santa Barbara, CA 93101

County Counsel - 7013 2630 0001 5558 4631  
County of Santa Barbara  
105 E. Anapamu Street  
Santa Barbara, CA 93101

County of Santa Barbara - 7013 2630 0001 5558 4648  
Doreen Farr, Third District Supervisor  
105 East Anapamu Street  
Santa Barbara, CA 93101

Santa Barbara County - 7013 2630 0001 5558 4655  
Kevin Ready, Senior Deputy County Counsel  
105 E. Anapamu Street, Suite, 201  
Santa Barbara, CA 93101

City of Santa Barbara - 7013 2630 0001 5558 4662  
P.O. Box 1990  
Santa Barbara, CA 93102-1990

Buellton City Hall - 7013 2630 0001 5558 4679  
P.O. Box 1819  
Buellton, CA 93427

City of Solvang - 7013 2630 0001 5558 4686  
1644 Oak Street  
Solvang, CA 93463

Lois Capps - 7013 2630 0001 5558 4693  
U.S. House of Representatives  
301 E. Carrillo Street, Suite A  
Santa Barbara, CA 93101

Stand Up For California - 7013 2630 0001 5558 4709  
Cheryl Schmit- Director  
P.O. Box 355  
Penryn, CA 95663

Santa Ynez Valley Concerned Citizens - 7013 2630 0001 5558 4716  
Gerry Shepherd, Treasurer  
P.O. Box 244  
Santa Ynez, CA 93460

Women's Environmental Watch - 7013 2630 0001 5558 4723  
Cathie McHenty, President  
P.O. Box 830  
Solvang, CA 93464

Santa Ynez Valley Alliance - 7013 2630 0001 5558 4730  
Mark Oliver, President  
P.O. Box 941  
Santa Ynez, CA 93460

Santa Ynez Community Services District - 7013 2630 0001 5558 4747  
P.O. Box 667  
Santa Ynez, CA 93460

Andi Culbertson - 7013 2630 0001 5558 4754  
1975 Still Meadow Road  
Ballard, CA 93463

Cathy Christian - 7013 2630 0001 5558 4761  
Nielson Merksamer Parrinello Gross & Leoni LLP  
Attorneys At Law  
1415 L. Street, Suite 1200  
Sacramento, CA 95814

Rob Walton - 7013 2630 0001 5558 4778  
305 White Oak Road  
Santa Ynez, CA 93460

Kathy Cleary - 7013 2630 0001 5558 4785  
P.O. Box 936  
Los Olivos, CA 93441

Regular Mail:

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

**SCHEDULE B**

**SECTION TWO**

**EXCEPTIONS**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. The printed exceptions and exclusions from the coverage of the policy or policies are set forth in Exhibit A attached. Copies of the policy forms should be read. They are available from the office which issued this Commitment.

1. General and special taxes and assessments for the fiscal year 2014-2015, a lien not yet due or payable.
2. Intentionally Deleted
3. Intentionally Deleted
4. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

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

6. Reservations contained in the deed from the Roman Catholic Bishop of Monterey dated September 2, 1887 and recorded September 26, 1887 in Book 18, Page 209 of Deeds for the privilege of constructing a flume aqueduct or ditch over the property herein described.

The location of the easement cannot be determined from record information.

7. A waiver of any claims for any and all damages to said land contiguous to the property conveyed to the State of California for freeway, by reason of the location, construction, landscaping or maintenance of said freeway, as provided in the foregoing deed recorded February 4, 1954, as Instrument No. 2111, in Book 1213, Page 417 of Official Records.

Note: Affects Parcel One

8. An easement for public utilities and incidental purposes, recorded May 12, 1955 as Instrument No. 8610 in Book 1314, Page 337 of Official Records.

In Favor of: County of Santa Barbara  
Affects: As described therein

Note: No representation is hereby made as to the current holder(s) of said easement rights.



9. An easement for ingress, egress and water mains and incidental purposes, recorded April 27, 1962 as Instrument No. 17241 in Book 1922, Page 823 of Official Records.  
In Favor of: Santa Ynez River Water Conservation District  
Affects: As described therein

Note: No representation is hereby made as to the current holder(s) of said easement rights.

10. An easement for ingress, egress, public utility use and water mains and incidental purposes, recorded December 2, 1983 as Instrument No. 83-64484 of Official Records.  
In Favor of: Santa Ynez River Water Conservation District Improvement District No. 1  
Affects: As described therein

Note: No representation is hereby made as to the current holder(s) of said easement rights.

11. The effect of a map filed in Book 148, Page 16 of Record of Surveys, in the Office of the County Recorder of said County, California, purporting to show the herein described land and other land.

12. The following matters as set out on that certain ALTA/ACSM Land Title Survey dated April 16, 2003 and amended June 2, 2004, prepared by John L. Wallace & Associates as Job No. 375.09

For: Overhead wire  
Affects: Over the Northeasterly portions of said land  
For: Metal retaining wall, concrete swale  
Affects: The Southeasterly portion of said land  
For: Concrete bridge is used by the public as a road  
Affects: The Southeasterly portion of said land  
For: Flood lights, no visible sign of being in service  
Affects: The Northeasterly portion  
For: Water meter  
Affects: The Northeasterly portion of said land  
For: Water valves  
Affects: The Northeasterly portions of said land  
For: Barbed wire fence  
Affects: Over the Northerly boundary line  
For: Sign  
Affects: 1.5 feet Southerly of Northerly portion of said land  
For: Air release valve  
Affects: 4.7 feet Southerly over Northerly portion of said land  
For: Fire hydrant  
Affects: 2.2 feet Southerly of the Northerly portion of said land  
For: Pole stumps  
Affects: The Westerly portion of said land  
For: Fence corner  
Affects: Encroach 2.7 feet Southerly over Valley Street  
For: Overhead wire  
Affects: The Southerly portion of said land

For: 3/4 inch water line tee  
Affects: Encroach 0.4 feet Southerly over Valley Street  
For: Shed cor.  
Affects: Encroach 0.4 feet Southerly over Valley Street  
For: Chain link fence  
Affects: Encroach 7.6 feet Southerly over Valley Street

13. An Encroachment Permit, upon the terms and conditions contained therein,  
Dated: August 8, 2003  
By and between: Santa Ynez River Water Conservation District, Improvement District #1 and Santa Ynez Band of Chumash Indians  
Recorded: August 18, 2003 as Instrument No. 03-0112248 of Official Records
14. A non-exclusive easement for sanitary sewer and permitted improvements as described by Encroachment Permit executed by and between Santa Ynez River Water Conservation District, Improvement District #1 and Santa Ynez Community Services District, recorded April 22, 2004 as Instrument No. 04-0041377 of Official Records.
15. The terms and provisions contained in the document entitled Notice of Consolidated Boundary Description for the Santa Ynez River Water conservation District, Improvement District, No. 1 recorded June 2, 2008 as Instrument No. 2008-0032723 of Official Records.
16. Intentionally Deleted
17. Rights of parties in possession.

**INFORMATIONAL NOTES**

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. General and special taxes and assessments for the fiscal year 2013-2014.

First Installment:	\$1,181.86, PAID
Penalty:	\$0.00
Second Installment:	\$1,181.86, PAID
Penalty:	\$0.00
Tax Rate Area:	62-001
A. P. No.:	143-242-01

(Affects Parcel One)

2. General and special taxes and assessments for the fiscal year 2013-2014.

First Installment:	\$7,283.50, PAID
Penalty:	\$0.00
Second Installment:	\$7,283.50, PAID
Penalty:	\$0.00
Tax Rate Area:	62-001
A. P. No.:	143-242-02

(Affects Parcel Two)

3. The property covered by this report is vacant land.

(Affects Parcel One)

4. This report is preparatory to the issuance of an ALTA Loan Policy. We have no knowledge of any fact which would preclude the issuance of the policy with CLTA endorsement forms 100 and 116 and if applicable, 115 and 116.2 attached, provided a valid notice of completion is recorded in the public records.

When issued, the CLTA endorsement form 116 or 116.2, if applicable will reference a(n) Commercial Structure known as 3416 East Highway 246, Santa Ynez Valley, California, .

(Affects Parcel Two)

5. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

6. We find no open deeds of trust. Escrow please confirm before closing.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

**SCHEDULE B**

**SECTION TWO**

**EXCEPTIONS**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. The printed exceptions and exclusions from the coverage of the policy or policies are set forth in Exhibit A attached. Copies of the policy forms should be read. They are available from the office which issued this Commitment.

1. General and special taxes and assessments for the fiscal year 2014-2015, a lien not yet due or payable.
2. Intentionally Deleted
3. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
4. Water rights, claims or title to water, whether or not shown by the public records.
5. An easement for completing, construction, re-construction, repairing, maintaining and operating water mains, hydrants, valves and incidental purposes, recorded April 27, 1962 in Book 1922, Page 787 of Official Records.  
In Favor of: Santa Ynez Water Conservation District, a public corporation  
Affects: The Northerly 10 feet of Parcels One and Two

Note: No representation is hereby made as to the current holder(s) of said easement rights.

6. A waiver of any claims for damages by reason of the location, construction, landscaping or maintenance of a contiguous freeway, highway, roadway or transit facility as contained in the document recorded February 23, 1954 as Instrument No. 3105 in Book 1218, Page 446 of Official Records.
7. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
8. Easements, claims of easement or encumbrances which are not shown by the public records.
9. The following matters as set out on that certain ALTA/ACSM Survey dated May 6, 2002, prepared by J. L. Wallace & Associates, Job No. 375.09, Joseph L. Morris, L.S. 6192;  
A. T-Post and rope fence and barb wire fence located within and without the Northerly portion of said land.

- B. A public easement for navigation and the incidents of navigation such as boating, fishing, swimming, hunting and other recreational uses in and under the Sanja Cota Creek, as said creek is set forth on said map, and including a public right of access to the water.
- C. Public utilities and overhead wires over and within said land as set forth on said map.
- D. Building encroachment into Edison Street over the Southeasterly portion as set forth on said map.
- E. Dirt and gravel driveways, gravel parking lot, wire fence and iron retaining wall over portions of said property as set forth on said map.
10. An easement for a permanent easement and right of way for the present and future construction, reconstruction, operation, repair and maintenance of improvements and incidental purposes, recorded April 15, 2004 as Instrument No. 04-0036808 of Official Records.  
In Favor of: County of Santa Barbara, a political subdivision of the State of California  
Affects: As described therein
11. The terms and provisions contained in the document entitled Notice of Consolidated Boundary Description for the Santa Ynez River Water conservation District, Improvement District No. 1 recorded June 2, 2008 as Instrument No. 2008-0032723 of Official Records.
12. Intentionally Deleted
13. The terms and provisions contained in the document entitled "Agreement Between the County of Santa Barbara and the Santa Ynez Band of Mission Indians for the Maintenance of Roadway, Bridge, and Creek Improvments at Santa Cota Road (herein the "Maintenance Agreement")" recorded May 4, 2004 as Instrument No. 04-47218 of Official-Records.
14. The terms and provisions contained in the document entitled Notice of Consolidated Boundary Description for the Santa Ynez River Water Conservation District, Improvement District No. 1 recorded June 02, 2008 as 2008-0032723 of Official Records.

**INFORMATIONAL NOTES**

Note: The policy to be issued may contain an arbitration clause. When the Amount of Insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this Commitment or Report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

1. General and special taxes and assessments for the fiscal year 2013-2014.

First Installment:	\$2,256.97, PAID
Penalty:	\$0.00
Second Installment:	\$2,256.97, PAID
Penalty:	\$0.00
Tax Rate Area:	62-001
A. P. No.:	143-252-01

(Affects Parcel One)

2. General and special taxes and assessments for the fiscal year 2013-2014.

First Installment:	\$1,301.28, PAID
Penalty:	\$0.00
Second Installment:	\$1,301.28, PAID
Penalty:	\$0.00
Tax Rate Area:	62-001
A. P. No.:	143-252-02

(Affects Parcel Two)

3. The property covered by this report is vacant land.

(Affects Parcel One)

4. According to the latest available equalized assessment roll in the office of the county tax assessor, there is located on the land a(n) Commercial Structure known as 991 Edison Street, Santa Ynez Valley, California, .

(Affects Parcel Two)

5. According to the public records, there has been no conveyance of the land within a period of twenty-four months prior to the date of this report, except as follows:

None

6. We find no open deeds of trust. Escrow please confirm before closing.

The map attached, if any, may or may not be a survey of the land depicted hereon. First American expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.



## §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.

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

- 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. 995, as amended; 49 Stat. 1967, as amended, 53 Stat. 1129; 63 Stat. 605; 69 Stat. 382, as amended; 70 Stat. 290, as amended; 70 Stat. 628; 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. 218; 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, 461, 494, 465, 487, 488, 489, 501, 502, 573, 574, 576, 603, 603a, 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 2630; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR parts 2661 and 2664; 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 153.54 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. 933; 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.

[46 FR 62036, Sept. 13, 1980, as amended at 60 FR 32379, June 23, 1995]

#### § 151.3 Land acquisition policy.

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

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

(1) When the property is located within the exterior boundaries of the tribe's reservation or adjacent thereto, or within a tribal consolidation area; or

(2) When the tribe already owns an interest in the land; or

(3) When the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing.

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

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

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

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

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

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

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

**§ 151.6 Exchanges.**

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

**§ 151.7 Acquisition of fractional interests.**

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

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

without offering to purchase all of such interests; or

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

**§ 151.8 Tribal consent for nonmember acquisitions.**

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

**§ 151.9 Requests for approval of acquisitions.**

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

**§ 151.10 On-reservation acquisitions.**

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

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

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

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

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

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

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

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

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

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

[45 FR 62086, 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

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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 18896, 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.

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#### 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.



SOURCE: Microsoft aerial photograph, 5/8/2010;  
 Santa Barbara County GIS Data, 2012; AES, 2014

Santa Ynez Band of Chumash Indians 2.11-Acre Property Overview ■

**Figure 2**  
 Site and Vicinity

Additions to Distribution List after printing:

Kathy Cleary - 7013 2630 0001 5558 4785  
P.O. Box 936  
Los Olivos, CA 93441

Preservation of Los Olivos – 7013 2630 0001 5558 4655  
P.O. Box 722  
Los Olivos, CA 93441

Linda Kastner – 7013 2630 0001 5558 4808  
P.O. Box 402  
Santa Ynez, CA 93460

Erica Williams/Ryan Williams - 7013 2630 0001 5558 4815  
1899 View Drive  
Santa Ynez, CA 93460

Kelly Patricia Burke/Sean Wiczak - 7013 2630 0001 5558 4822  
1895 View Drive  
Santa Ynez, CA 93460

William Devine, Esq. - 7013 2630 0001 5558 4839  
1900 Main Street, 5<sup>th</sup> Floor  
Irvine, CA 92614-7321