



United States Department of the Interior

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

IN REPLY REFER TO:

JUL 03 2013

Notice of (Non-Gaming) Land Acquisition Application

Due to the lapse of time, we are reissuing the notice for the “Haswell” and “Bartley” properties to again seek comments regarding the within-subject application submitted by the Smith River Rancheria, California. The previous notices were dated August 4, 2004 and August 4, 2006. Additionally, we are combining an additional property otherwise known as the “Bridge” property to this notice as the three properties are contiguous to each other.

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 Smith River Rancheria, California, 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:

Smith River Rancheria, California



Legal Land Description/Site Location:

Haswell – (13.18 acres)

The land referred to herein is in the unincorporated area of the County of Del Norte, State of California, described as follows:

Beginning at a point is 1001.45 feet south and 1724.12 feet west of the east quarter section corner of Section 8, Township 18 North, Range 1 West, Humboldt Meridian; and running thence north 209.0 feet; thence west 197.19 feet to the easterly line of State Highway I-DN-71-B1 (U.S. Highway 101) thence northerly along said easterly line of said Highway along a curve to the right, 338.60 feet, more or less, to the southerly line of the property conveyed to Willard P. Tippman and Barbara J. Tippman by deed recorded August 3, 1963 in Book 92 of Official Records, page 309, Del Norte County Records; thence east 1094.37 feet to old Highway 101; thence along old Highway 101 south 7 degrees 06 minutes west 582.09 feet; thence leaving old Highway 101, west 1039.82 feet to the easterly line of said State Highway 101; thence along said easterly line along a curve to the right a distance of 30.02 feet, more or less, to a point from which the point of beginning bears east; and thence east 209.0 feet to the point of beginning.

The subject property is located in northern California, off U.S. Highway 101, approximately 10 miles north of Crescent City. The property proposed for acquisition consists of two parcels, one containing ± 3.5 acres and the other containing ± 9.03 acres, for a total of 12.53 acres. The parcels are adjacent to each other and located less than one-mile north of the exterior boundaries of the Smith River Rancheria.

Assessor's Parcel Numbers: 101-110-27, previously 101-110-02 and 101-110-03

Bartley – (6 acres)

The land referred to herein is situated in the State of California, County of Del Norte, and is described as follows:

BEGINNING at a point in the center line of Old Highway No. 101, 1292.46 feet south and 928.18 feet west of the quarter section corner between Section 8 and 9, Township 18 North, Range 1 West, Humboldt Meridian; and running thence along Old Highway 101 south 07 degrees 06 minutes west 260.57 feet; thence leaving Old Highway 101, west 1043.39 feet to the easterly line of State Highway Road I-DN-71-B1, opposite Engineer's Station 258+89.54; thence on a curve to the left, through an angle of 02 degrees 34 minutes with a radius of 5850 feet, 262.22 feet to a point opposite Engineer's Station 261+49.08; thence leaving State Highway, east 1033.97 feet to the point of beginning, and in accordance with map of Survey No. 184 made by **H. M. MALPAS** and recorded in the office of the Recorder of Del Norte County, California.

Assessor's Parcel Number: 101-110-09

Bridge – (3.41 acres)

The land referred to herein is situated in the County of Del Norte, State of California, and is described as follows:

Beginning at a point 1162.00 feet south and 1601.24 feet west of the east quarter section corner of Section 8, Township 18 North, Range 1 West, Humboldt Meridian; and running thence north 130.54 feet to the north line of the land conveyed to H.A. Olson by deed recorded February 1, 1945 in Book 62 of Deeds, Page 156, Del Norte County Records; thence east along said line, 344.66 feet; thence south, 130.54 feet; thence east, 344.62 feet to Old Highway 101; thence south 7 degrees 06 minutes west along said highway, 131.51 feet to the southwest corner of said Olson land; thence west, 673.03 feet to the point south of the point of beginning; thence north, 130.51 feet to the point of beginning.

Assessor's Parcel Number: 101-110-06

Project Description/Proposed Land Use:

The Tribe seeks to transfer 22.6 acres of land into federal trust and then construct 26 single-family residences on 19.1 acres and 15,000 square-feet of community-serving commercial/retail space on 1.7 acres of the project site. The proposed action would advance the Tribe's objectives of providing housing for tribal members, diversified economic activities, and reclamation of their land base.

Current Use/Taxes and Zoning:

General and special taxes and assessments for fiscal year 2011-2012 are as follows:

Haswell - \$6,264.74
Bartley - \$1,967.84
Bridge - \$4,410.12

Currently, the subject property is vacant consisting of weedy, partially maintained grasslands, with asphalt pavement, landscaping, and structure and utility placement. There are no current taxes assessed for the subject parcel. Zoning for the parcel is RRA-2-C (H), Rural Residential and Agriculture.

Existing Easements/Encumbrances:

See attached Schedule B

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

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

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Lorrae Russell, Realty Specialist, at (916) 978-6071.

Sincerely,



Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7012 2210 0002 1441 7185
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Sara J. Drake, Deputy Attorney General – 7012 2210 0002 1441 7192
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Jacob Appelsmith – 7012 2210 0002 1441 7208
Legal Affairs Secretary
Office of the Governor of California
State Capitol Building
Sacramento, CA 95814

Devin Rhinerson, District Director – 7012 2210 0002 1441 7215
Office of U.S. Senator Diane Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Del Norte County Assessor – 7012 2210 0002 1441 7222
981 H Street, Suite 120
Crescent City, CA 95531

Del Norte Board of Supervisors – 7012 2210 0002 1441 7239
981 H Street, Suite 200
Crescent City, CA 95531

Del Norte Planning – 7012 2210 0002 1441 7246
981 H Street, Suite 110
Crescent City, CA 95531

Del Norte County – 7012 2210 0002 1441 7253
Sheriff Department
650 Fifth Street
Crescent City, CA 95531

Del Norte County Tax Collector – 7012 2210 0002 1441 7260
981 H Street, Suite 150
Crescent City, CA 95531

Mr. Larry Simon, Federal Consistency Coordinator - 7012 2210 0002 1441 7277
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Elk Valley Rancheria – 7012 2210 0002 1441 7284
2332 Howland Hill Road
Crescent City, CA 95531

Resighini Rancheria – 7012 2210 0002 1441 7291
P.O. Box 529
Klamath, CA 95548

Yurok Tribe – 7012 2210 0002 1441 7307
P.O. Box 1027
Klamath, CA 95548

Regular Mail:

Superintendent
Bureau of Indian Affairs
Northern California Agency
1900 Churn Creek Rd., Suite 300
Redding, CA 96002

SCHEDULE B - SECTION II**EXCEPTIONS FROM COVERAGE**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

8. General and special taxes and assessments for the fiscal year 2010-2011, a lien not yet due or payable.
9. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
10. Rights of the public to use of County road along easterly line although no deed for the same appears of record.
11. An easement for overhang easements and incidental purposes, recorded February 3, 1947 as Book 65 of Deeds, page 259 and 260.
In Favor of: The California Oregon Power Company
Affects: Reference to said document for full particulars
12. An easement for two guy poles and anchors and incidental purposes, recorded November 1, 1950 as Book 71 of Deeds, page 279.
In Favor of: The California Oregon Power Company
Affects: Reference to said document for full particulars
13. An easement for road, utility and incidental purposes in the document recorded November 17, 1953 as Book 77 of Deeds, page 135.
14. Surveys show that the replaced section corner to which this land is tied of record, is 33.5 feet out of its correct position.
15. Discrepancies, conflicts in boundary lines, shortages in an area that a survey may disclose.
16. An easement for maintain pipeline and incidental purposes, recorded October 6, 1982 as in Book 270, page 679 of Official Records.
In Favor of: Smith River Community Services District
Affects: Reference to said document for full particulars
17. Any facts, rights, interests or claims that may exist or arise by reason of matters, if any, disclosed by that certain Record of Survey filed in book 14, page 102 .
18. An easement for underground public utilities and incidental purposes, recorded July 1, 2008 as Instrument No. 20083452 of Official Records.
In Favor of: PacificCorp, an Oregon corporation
Affects: Reference to said document for full particulars

SCHEDULE B - SECTION II**EXCEPTIONS FROM COVERAGE**

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

8. General and special taxes and assessments for the fiscal year 2010-2011, a lien not yet due or payable.
9. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
10. Rights of the public to use of roads and highways although no deeds for the same appear of record.
11. An easement for pole lines and incidental purposes, recorded January 13, 1947 in Book 65 of Deeds, Page 212.
In Favor of: The California Oregon Power Company
Affects: Reference to said document for full particulars
12. An easement for pole lines and incidental purposes, recorded November 1, 1950 in Book 71 of Deeds, Page 285.
In Favor of: The California Oregon Power Company
Affects: Reference to said document for full particulars
13. An easement for pole lines and incidental purposes, recorded May 23, 1960 as in Book 65, page 440 of Official Records.
In Favor of: The California Oregon Power Company
Affects: Reference to said document for full particulars

Bartley

SCHEDULE B - SECTION II

EXCEPTIONS FROM COVERAGE

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

8. General and special taxes and assessments for the fiscal year 2010-2011, a lien not yet due or payable.
9. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
10. An easement for overhang and incidental purposes, recorded February 17, 1947 in Book 65 of Deeds, Page 306.
In Favor of: The California Oregon Power Company
Affects: reference to said document for full particulars
11. An easement for water, sewer pipelines and incidental purposes, recorded October 18, 1982 as in Book 271, 258 of Official Records.
In Favor of: Smith River Community Services District
Affects: a strip of land 10 feet wide, reference to said document for full particulars

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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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- 151.10 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: E.S. 151; 5 U.S.C. 301, Interpret or apply 48 Stat. 1106, as amended; 48 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1987, as amended, 53 Stat. 1129; 63 Stat. 605; 69 Stat. 892, 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. 216; 86 Stat. 530; 88 Stat. 744; 88 Stat. 79; 88 Stat. 81; 88 Stat. 1718; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 578, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, 1496, 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 13, 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. 19, 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 162 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 43894, 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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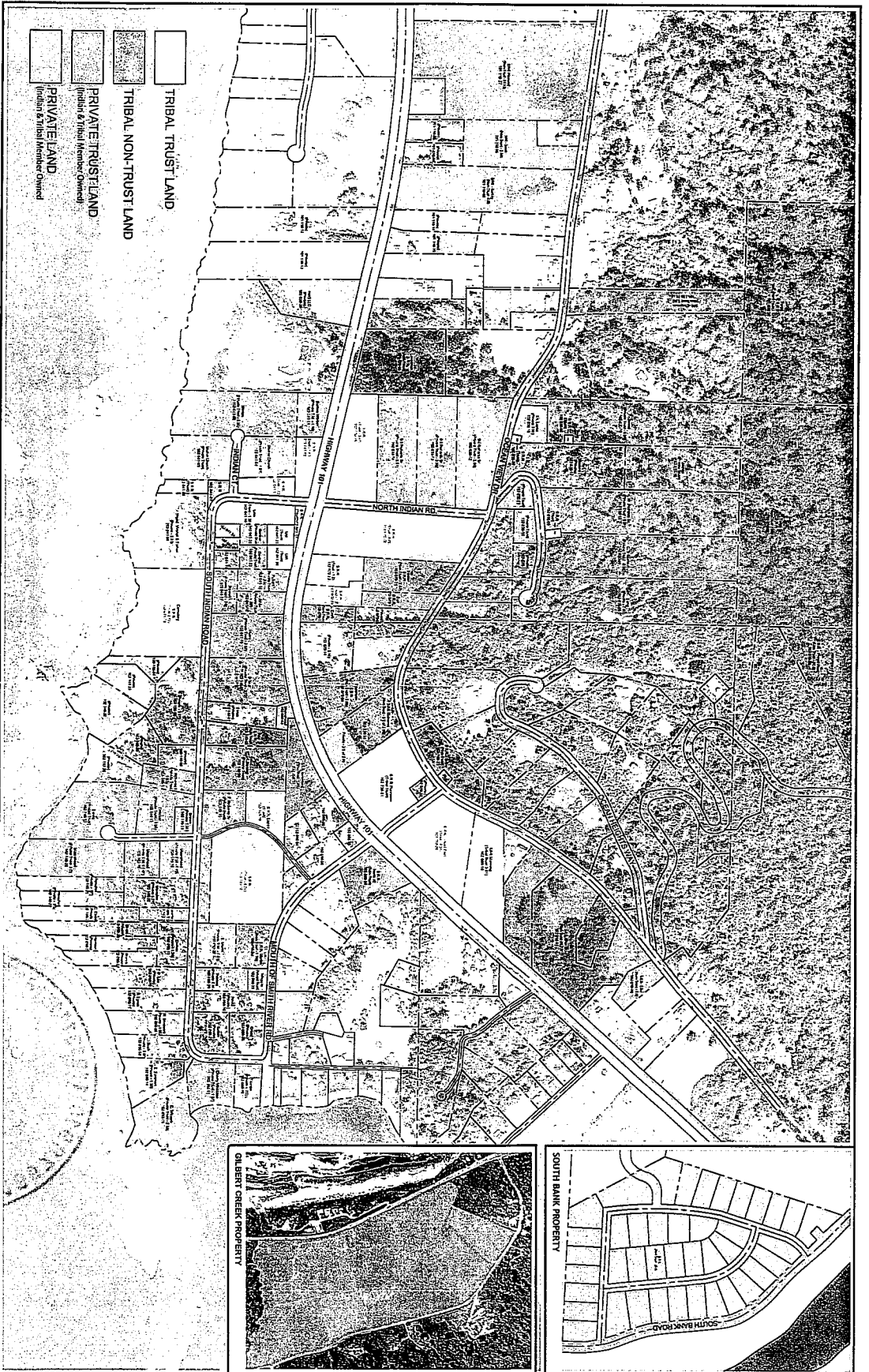
collection. Direct comments regarding the burden estimate or any other aspect of this information collection to the Bureau of Indian Affairs, Information Collection Clearance Officer, Room 837-SIB, 18th and C Streets, NW., Washington, DC 20240; and the Office of Information and Regulatory Affairs [Project 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

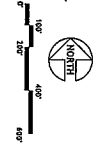
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-  TRIBAL TRUST LAND
-  TRIBAL NON-TRUST LAND
-  PRIVATE TRUST LAND
(Tribal & Tribal Member Owned)
-  PRIVATE LAND
(Indian & Tribal Member Owned)

S.R.R. - MASTER PLAN
PROPERTY OWNERSHIP
 SCALE: 1" = 200'
 November 21, 2006



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