



## United States Department of the Interior

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

OCT 19 2012

IN REPLY REFER TO:

### NOTICE OF DECISION

CERTIFIED MAIL RECEIPT REQUESTED – 7012 0470 0000 9758 1511

Honorable Daniel Tucker  
Spokesman, Sycuan Band of the Kumeyaay Nation  
5459 Sycuan Road  
El Cajon, CA 92019

Dear Chairman Tucker,

This is our Notice of Decision for the application of the Sycuan Band of the Kumeyaay Nation to have the below-described property accepted by the United States of America in trust for the Sycuan Band of the Kumeyaay Nation of California:

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

All that real property situated in the County of San Diego, unincorporated area, State of California, and more particularly described as:

PARCEL 1:

THAT PORTION OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTHERLY OF A LINE MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 15 AS SHOWN ON RECORD OF SURVEY MAP NO. 6282, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 4, 1963; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER NORTH 89 DEGREES 56'37" EAST 207.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 64 DEGREES 17'07" EAST 1260.84 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER DISTANT THEREON NORTH 01 DEGREE 00'50" WEST 834.50 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AS SHOWN ON SAID RECORD OF SURVEY MAP NO. 6282.

EXCEPTING FROM SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER THAT PORTION LYING NORTHEASTERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 277 (KNOWN AS DEHESA ROAD), ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY ENGINEER OF SAN DIEGO COUNTY.

PARCEL 2:

THOSE PORTIONS OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON RECORD OF SURVEY MAP NO. 6282, FILED OCTOBER 4, 1963 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 15 TOGETHER WITH THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15.

EXCEPTING THEREFROM THE EASTERLY 465 FEET OF SAID SOUTHWEST QUARTER.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 15 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID SOUTHWEST QUARTER 813 FEET TO A POINT ON A LINE WHICH IS PARALLEL TO AND SOUTHERLY OF THE NORTH LINE OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER; THENCE EASTERLY ALONG SAID PARALLEL LINE 1367 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER; THENCE SOUTH ALONG SAID EASTERLY LINE 319 FEET TO A POINT ON A LINE WHICH IS PARALLEL TO AND NORTHERLY OF THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE EASTERLY ALONG SAID PARALLEL LINE 451 FEET TO A POINT ON A LINE WHICH IS PARALLEL TO AND EASTERLY OF THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE SOUTH ALONG SAID PARALLEL LINE 475 FEET MORE OR LESS TO A POINT ON THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE WESTERLY ALONG SAID SOUTH LINE 1813 FEET MORE OR LESS TO THE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED TO DIANA L. BUTTS, A MARRIED WOMAN, AS HER SOLE AND SEPARATE PROPERTY, RECORDED ON JUNE 3, 2003 AS INSTRUMENT NO. 2003-0653501 OF OFFICIAL RECORDS.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 10, 1886, DESCRIBED AS BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER, THENCE WESTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER TO A POINT 865 FEET FROM SAID NORTHEAST CORNER, BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING WESTERLY ALONG SAID NORTH LINE OF SAID SOUTHWEST QUARTER, 150 FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE CENTER LINE OF ROAD SURVEY 277; THENCE SOUTHEASTERLY ALONG SAID CENTER LINE TO A POINT 865 FEET AT RIGHT ANGLES FROM SAID EAST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTHERLY TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN THE BOUNDARIES OF PARCEL MAP NO. 5445, ACCORDING TO THE MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

PARCEL 3:

THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, TOGETHER WITH THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN

BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION LYING SOUTHERLY OF THE CENTERLINE OF COUNTY ROAD SURVEY NO. 277 (KNOWN AS DEHESA ROAD), ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY ENGINEER OF SAN DIEGO COUNTY.

ALSO EXCEPTING THEREFROM THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14 LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 14; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER 1275.77 FEET TO THE TRUE POINT OF BEGINNING; THENCE FROM SAID TRUE POINT SOUTH 0 DEGREE 45'45" WEST 367.39 FEET MORE OR LESS TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 277 (KNOWN AS DEHESA ROAD).

PARCEL 4:

THE FOLLOWING DESCRIBED PORTIONS OF SECTIONS 14, 15, AND 23 TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF:

THOSE PORTIONS OF SAID SECTION 14 DESCRIBED AS FOLLOWS:

1. THE SOUTHERLY HALF OF THE NORTHWEST QUARTER LYING SOUTHERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 277 (KNOWN AS DEHESA ROAD) ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY ENGINEER OF SAN DIEGO COUNTY
2. THE NORTH HALF OF THE SOUTHWEST QUARTER

EXCEPTING THEREFROM THE ABOVE DESCRIBED PORTIONS OF SAID SECTION 14 THOSE PORTIONS LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE;

BEGINNING AT THE NORTHWESTERLY CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14; THENCE NORTH 85°44'39" WEST A DISTANCE OF 511.33 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 4°22'27" WEST A DISTANCE OF 461.21 FEET TO A POINT IN A 730 FEET TANGENT CURVE, CONCAVE SOUTHWESTERLY, A RADIAL TO SAID POINT BEARS NORTH 85°37'33" EAST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 252.92 FEET THROUGH A CENTRAL ANGLE OF 19°51'04" TO A POINT ON A TANGENT LINE WHICH BEARS NORTH 24°13'31" WEST, A RADIAL TO SAID POINT BEARS SOUTH 65°46'29" WEST; THENCE NORTH 24°13'31" WEST ALONG SAID LINE A DISTANCE 52.06 FEET TO A POINT ON A 720 FEET TANGENT CURVE, CONCAVE NORTHEASTERLY, A RADIAL TO SAID POINT BEARS SOUTH 65°46'29" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 250.30 FEET THROUGH A CENTRAL ANGLE OF 19°55'07" TO A POINT ON A TANGENT LINE WHICH BEARS NORTH 4°18'24" WEST, A RADIAL TO SAID POINT BEARS NORTH 85°41'36" EAST; THENCE NORTH 4°18'24" WEST A DISTANCE OF 1091.45 FEET, MORE OR LESS, TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 277 (KNOWN AS DEHESA ROAD) ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY ENGINEER OF SAN DIEGO COUNTY.

3. TOGETHER WITH THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14

4. TOGETHER WITH THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 14

TOGETHER WITH THOSE PORTIONS OF SAID SECTION 15 DESCRIBED AS FOLLOWS:

1. THE SOUTHERLY HALF OF THE NORTHEAST QUARTER LYING SOUTHERLY OF THE CENTER LINE OF SAID COUNTY ROAD SURVEY NO. 277 (KNOWN AS DEHESA ROAD)
2. THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER
3. THE NORTH QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER
4. THE WEST 594.00 FEET OF THE SOUTH THREE-QUARTERS OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER
5. ALL OF THE WESTERLY HALF OF THE SOUTHEAST QUARTER WHICH LIES EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SECTION 15; THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER NORTH  $87^{\circ}35'07''$  WEST A DISTANCE OF 465.38 FEET TO THE SOUTHWEST CORNER OF THE EAST 465.00 FEET OF THE SOUTHWEST QUARTER; THENCE ALONG THE WEST LINE OF SAID EAST 465.00 FEET, NORTH  $0^{\circ}06'39''$  EAST A DISTANCE OF 2528.61 FEET TO THE NORTHWEST CORNER OF SAID EAST 465.00 FEET; THENCE ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER AND SAID SOUTHEAST QUARTER SOUTH  $85^{\circ}43'19''$  EAST A DISTANCE OF 1139.97 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE; THENCE SOUTH  $01^{\circ}00'12''$  WEST A DISTANCE OF 2490.26 FEET TO THE SOUTH LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 15.

TOGETHER WITH NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23.

THE ABOVE LAND IS DESCRIBED AS PARCEL B ON THE CERTIFICATE OF COMPLIANCE RECORDED ON MARCH 9, 2012 AS INSTRUMENT NO. 2012-0140361 OF OFFICIAL RECORDS.

PARCEL 5:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION LYING WESTERLY OF THE CENTERLINE OF SLOAN CANYON ROAD.

ALSO EXCEPTING THEREFROM THAT PORTION LYING NORTHERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 277 (KNOWN AS DEHESA ROAD), ACCORDING TO PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY ENGINEER OF SAN DIEGO COUNTY.

PARCEL 6:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 7, TOWNSHIP 16 SOUTH, RANGE 2 EAST, AND THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 16 SOUTH, RANGE 2 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED SEPTEMBER 4, 1880.

PARCEL 7:

LOT 2 AND THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 18, TOWNSHIP 16 SOUTH, RANGE 2 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED SEPTEMBER 4, 1880.

PARCEL 8:

THOSE PORTIONS OF SECTIONS 9, 15, 16 AND 21, TOWNSHIP 16 SOUTH RANGE 1 EAST SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 16 AS SHOWN ON MAP NO. 12529 FILED DECEMBER 26, 1989 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE ALONG THE EAST LINE OF SAID SECTION 16, NORTH 0° 15' 27" WEST A DISTANCE OF 1542.36 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID EAST LINE SOUTH 89° 50' 00" WEST A DISTANCE OF 1,030.00 FEET; THENCE NORTH 47° 12' 00" WEST A DISTANCE OF 1321.00 FEET; THENCE NORTH 22° 31' 00" WEST A DISTANCE OF 880.03 FEET; THENCE SOUTH 74° 28' 00" WEST A DISTANCE OF 394.65 FEET; THENCE SOUTH 17° 47' 00" EAST A DISTANCE OF 694.00 FEET; THENCE SOUTH 28° 13' 00" EAST A DISTANCE OF 1405.00 FEET; THENCE SOUTH 64° 35' 00" EAST A DISTANCE OF 234.00 FEET; THENCE SOUTH 7° 28' 00" WEST A DISTANCE OF 461.02 FEET; THENCE SOUTH 26° 59' 00" EAST A DISTANCE OF 380.00 FEET; THENCE NORTH 51° 34' 00" EAST A DISTANCE OF 508.32 FEET; THENCE SOUTH 53° 19' 00" EAST A DISTANCE OF 261.82 FEET; THENCE SOUTH 19° 13' 00" WEST A DISTANCE OF 175.51 FEET; THENCE SOUTH 7° 27' 00" WEST 210.67 FEET; THENCE SOUTH 29° 30' 00" WEST A DISTANCE OF 179.00 FEET; THENCE SOUTH 39° 17' 50" WEST A DISTANCE OF 76.63 FEET; THENCE SOUTH 41° 52' 28" WEST A DISTANCE OF 91.13 FEET; THENCE SOUTH 44° 18' 03" WEST A DISTANCE OF 104.94 FEET; THENCE SOUTH 25° 56' 02" WEST A DISTANCE OF 101.76 FEET; THENCE SOUTH 22° 20' 34" EAST A DISTANCE OF 101.14 FEET; THENCE SOUTH 50° 57' 49" EAST A DISTANCE OF 106.50 FEET; THENCE SOUTH 51° 06' 00" EAST A DISTANCE OF 98.02 FEET; THENCE SOUTH 44° 46' 13" EAST A DISTANCE OF 88.45 FEET; THENCE SOUTH 45° 28' 40" EAST A DISTANCE OF 93.37 FEET; THENCE SOUTH 52° 54' 29" EAST A DISTANCE OF 88.83; THENCE SOUTH 49° 18' 21" EAST A DISTANCE OF 69.54 FEET; THENCE SOUTH 51° 28' 20" EAST A DISTANCE OF 35.01 FEET; THENCE SOUTH 50° 08' 30" EAST A DISTANCE OF 33.31 FEET; THENCE SOUTH 50° 53' 04" EAST A DISTANCE OF 34.42 FEET; THENCE SOUTH 42° 31' 33" EAST A DISTANCE OF 39.09 FEET; THENCE SOUTH 32° 07' 48" EAST A DISTANCE OF 42.81 FEET; THENCE SOUTH 17° 25' 46" EAST A DISTANCE OF 46.43 FEET; THENCE SOUTH 3° 21' 08" WEST A DISTANCE OF 46.98 FEET; THENCE SOUTH 22° 19' 33" WEST A DISTANCE OF 47.03 FEET; THENCE SOUTH 30° 45' 34" WEST A DISTANCE OF 49.46 FEET; THENCE SOUTH 56° 16' 48" WEST A DISTANCE OF 47.76 FEET; THENCE SOUTH 68° 48' 12" WEST A DISTANCE OF 47.23 FEET; THENCE SOUTH 82° 32' 14" WEST A DISTANCE OF 44.65 FEET; THENCE NORTH 87° 53' 35" WEST A DISTANCE OF 45.16 FEET; THENCE NORTH 85° 39' 21" WEST A DISTANCE OF 45.57 FEET; THENCE NORTH 85° 46' 25" WEST A DISTANCE OF 49.93 FEET; THENCE NORTH 77° 39' 01" WEST A DISTANCE OF 62.75 FEET; THENCE NORTH 65° 16' 00" WEST A DISTANCE OF 96.88 FEET; THENCE NORTH 64° 59' 45" WEST A DISTANCE OF 156.04 FEET; THENCE SOUTH 41° 00' 00" WEST A DISTANCE OF 45.00 FEET; THENCE NORTH 49° 00' 00" WEST A DISTANCE OF 120.08 FEET; THENCE SOUTH 89° 41' 56" WEST A DISTANCE OF 846.50 FEET; THENCE SOUTH 21° 06' 35" WEST A DISTANCE OF 55.00 FEET TO A POINT ON THE CENTER LINE OF WILLOW GLEN DRIVE, SAID POINT BEING ON A 548.89 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 21° 06' 35" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 55° 43' 27" AN ARC LENGTH OF 533.83 FEET TO A POINT ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 21; THENCE ALONG SAID SOUTH LINE SOUTH 89° 41' 56" WEST A DISTANCE OF 693.32 FEET; THENCE NORTH 0° 22' 12" EAST A DISTANCE OF 1391.30 FEET TO A POINT IN THE

SOUTH LINE OF SAID SECTION 16 AS SHOWN ON MAP NO. 11918 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 15, 1987; THENCE ALONG SAID SOUTH LINE SOUTH 89° 56' 17" WEST (RECORD SOUTH 89° 39' 30" WEST) A DISTANCE OF 638.02 FEET (RECORD 638.13 FEET) MORE OR LESS TO A POINT ON THE CENTERLINE OF WILLOW GLEN DRIVE; THENCE ALONG SAID CENTERLINE NORTH 19° 10' 42" WEST A DISTANCE OF 1004.44 FEET (RECORD NORTH 19° 10' 44" WEST A DISTANCE OF 1004.24 FEET) TO THE BEGINNING OF A TANGENT 1500 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22° 45' 55" AN ARC LENGTH OF 595.99 FEET (RECORD THROUGH A CENTRAL ANGLE OF 22° 45' 48" AN ARC LENGTH OF 595.94 FEET) TO A POINT OF TANGENCY; THENCE NORTH 3° 35' 13" EAST (RECORD NORTH 3° 35' 34" EAST) A DISTANCE OF 796.56 FEET (RECORD 796.90 FEET) TO THE BEGINNING OF A TANGENT 900 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34° 29' 02" (RECORD 34° 28' 11") AN ARC LENGTH OF 541.67 FEET (RECORD 541.45 FEET) TO A POINT OF TANGENCY; THENCE NORTH 30° 52' 58" WEST (RECORD NORTH 30° 53' 07" WEST) A DISTANCE OF 492.34 FEET (RECORD 492.40 FEET) TO THE BEGINNING OF A TANGENT 900 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8° 30' 32" (RECORD 8° 31' 03") AN ARC LENGTH OF 133.66 FEET (RECORD 133.79 FEET); THENCE LEAVING SAID CENTERLINE SOUTH 67° 37' 34" WEST (RECORD SOUTH 67° 37' 56" WEST) A DISTANCE OF 292.72 FEET (RECORD 292.75); THENCE NORTH 88° 42' 36" WEST (RECORD NORTH 88° 42' 43" WEST) A DISTANCE OF 899.94 FEET (RECORD 900.00 FEET) TO A POINT ON THE WEST LINE OF SAID SECTION 16; THENCE NORTHERLY ALONG SAID WEST LINE NORTH 1° 17' 24" EAST TO A POINT OF INTERSECTION WITH THE CENTERLINE OF DEHESA ROAD AS SHOWN ON COUNTY ROAD SURVEY 675 AND 675-1 (66) ON FILE IN THE OFFICE OF THE COUNTY ENGINEER AS SHOWN ON MAP NO. 6459 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 25, 1969; THENCE ALONG SAID CENTERLINE SOUTH 57° 51' 33" EAST (RECORD SOUTH 57° 57' 00" EAST) A DISTANCE OF 56.99 FEET (RECORD 57.26 FEET) TO THE BEGINNING OF A TANGENT 450 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 32° 31' 43" (RECORD 32° 32' 00") AN ARC LENGTH OF 255.48 FEET (RECORD 255.52 FEET) TO A POINT OF TANGENCY; THENCE NORTH 89° 36' 44" EAST A DISTANCE OF 436.08 FEET; THENCE NORTH 82° 38' 16" EAST (RECORD NORTH 89° 31' 00" EAST) A DISTANCE OF 162.15 TO THE BEGINNING OF A TANGENT 300 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 64° 52' AN ARC LENGTH OF 339.64 FEET TO A POINT OF TANGENCY AS SHOWN ON PARCEL MAP NO. 1832 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 16, 1973; THENCE NORTH 17° 47' 37" EAST (RECORD NORTH 17° 39' 00" EAST) A DISTANCE OF 239.11 FEET (RECORD 241.46 FEET) TO THE BEGINNING OF A TANGENT 500 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9° 11' 15" (RECORD 9° 09" AN ARC LENGTH OF 80.18 FEET TO A POINT OF TANGENCY; THENCE NORTH 8° 36' 22" (RECORD NORTH 8° 30' EAST) A DISTANCE OF 451.63 FEET (RECORD 449.03 FEET) TO THE BEGINNING OF A TANGENT 250 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36° 39' 46" (RECORD 36° 44' 39") AN ARC LENGTH OF 159.97 FEET (RECORD 160.33 FEET) TO A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF PARCEL 1 OF PARCEL MAP NO. 1860 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AUGUST 23, 1973; THENCE LEAVING THE CENTERLINE OF SAID DEHESA ROAD EASTERLY ALONG THE EASTERLY PROLONGATION OF SAID NORTH LINE TO A POINT ON THE CENTERLINE OF DEHESA ROAD AS SHOWN ON COUNTY ROAD SURVEY NO. 631-3 ON FILE IN THE OFFICE OF THE COUNTY ENGINEER, SAID POINT BEING ON A NON-TANGENT 1400 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 38° 24' 51" EAST; THENCE SOUTHEASTERLY ALONG THE CENTERLINE OF SAID DEHESA ROAD ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7° 35' 12" AN ARC LENGTH OF 185.38 FEET TO A POINT OF TANGENCY; THENCE SOUTH 43° 59' 57" EAST A DISTANCE OF 356.05 FEET TO THE BEGINNING OF A TANGENT 1600 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE

SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12° 32' 03" AN ARC LENGTH OF 350.02 FEET TO A POINT OF TANGENCY; THENCE SOUTH 56° 32' 00" EAST A DISTANCE OF 742.57 FEET (RECORD 742.58 FEET) TO THE BEGINNING OF A TANGENT 2979 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 8° 20' 52" AN ARC LENGTH OF 434.03 FEET TO A POINT OF TANGENCY; THENCE SOUTH 64° 52' 52" EAST A DISTANCE OF 135.22 FEET; THENCE LEAVING SAID CENTERLINE AS SHOWN ON MAP NO. 12529 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 26, 1989 SOUTH 25° 07' 08" WEST A DISTANCE OF 230.42 FEET; THENCE SOUTH 62° 40' 45" EAST A DISTANCE OF 1365.57 FEET; THENCE NORTH 52° 32' 56" EAST A DISTANCE OF 255.54 FEET TO A POINT ON THE CENTERLINE OF SAID DEHESA ROAD, SAID POINT BEING ON A 2000 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 28° 52' 45" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE ALONG SAID CENTERLINE THROUGH A CENTRAL ANGLE OF 1° 49' 18" AN ARC LENGTH OF 63.59 FEET (RECORD CENTRAL ANGLE OF 2° 12' 39" AN ARC LENGTH OF 77.17 FEET); THENCE LEAVING SAID CENTERLINE SOUTHERLY ALONG THE NORTHEASTERLY PROLONGATION OF THE WESTERLY LINE OF PARCEL 2 OF PARCEL MAP NO. 15801 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 21, 1989 SOUTH 30° 42' 03" WEST (RECORD SOUTH 30° 31' 36" WEST) A DISTANCE OF 95.87 FEET; THENCE ALONG THE WESTERLY LINE OF PARCELS 2 AND 3 OF SAID PARCEL MAP SOUTH 3° 39' 21" WEST (RECORD SOUTH 3° 28' 42" WEST) A DISTANCE OF 572.82 FEET; THENCE ALONG THE SOUTHERLY LINE OF PARCEL 3 AND THE EASTERLY PROLONGATION THEREOF OF SAID PARCEL MAP SOUTH 65° 03' 30" EAST (RECORD SOUTH 65° 14' 15" EAST) 374.76 FEET TO A POINT ON THE WEST LINE OF SECTION 15 TOWNSHIP 16 SOUTH RANGE 1 EAST AS SHOWN ON SAID PARCEL MAP; THENCE ALONG SAID WEST LINE SOUTH 0° 15' 34" EAST (RECORD SOUTH 26° 18" EAST) A DISTANCE OF 56.20 FEET TO THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 15 BEING A POINT ON THE ADJUDICATED LINE BETWEEN THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 15 PER SUPERIOR COURT CASE NO. 13522; THENCE ALONG SAID ADJUDICATED LINE NORTH 89° 48' 01" EAST (RECORD NORTH 89° 56' 37" EAST) A DISTANCE OF 205.00 FEET; THENCE LEAVING SAID SOUTH LINE (RECORD SOUTH 64° 06' 43" EAST A DISTANCE OF 1265.60 FEET) TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER DISTANT THEREON NORTH 0° 47' 53" WEST (RECORD 1° 00' 50" WEST) 830.00 FEET FROM THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AS SHOWN ON RECORD OF SURVEY MAP NO. 6282, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 4, 1963; THENCE ALONG SAID EAST LINE SOUTH 0° 47' 53" EAST (RECORD SOUTH 1° 00' 50" EAST) A DISTANCE OF 830.00 FEET TO THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 15; THENCE ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SOUTHWEST QUARTER NORTH 86° 25' 14" WEST A DISTANCE OF 1349.96 (RECORD NORTH 86° 38' 25" WEST A DISTANCE OF 1350.89 FEET) TO A POINT ON THE WEST LINE OF SECTION 15; THENCE ALONG THE WEST LINE OF SAID SECTION 15 NORTH 0° 15' 27" WEST (RECORD NORTH 0° 25' 00" WEST) A DISTANCE OF 239.93 FEET (RECORD 154.36 FEET) MORE OR LESS TO THE TRUE POINT OF BEGINNING.

PARCEL 8A:

AN EASEMENT FOR WATER LINES AND APPURTENANCES OVER, UNDER AND ACROSS ALL THAT PORTION OF SECTION 16, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16 AS SHOWN ON RECORD OF SURVEY NO. 9408 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JULY 14, 1983; THENCE ALONG THE NORTH LINE OF SAID SECTION 16, NORTH 89°56'47" WEST

(RECORD OF SURVEY NO. 9408 - NORTH 89°55'49" WEST), 2595.29 FEET; THENCE LEAVING SAID NORTH LINE, NORTH 00°08'57" WEST 218.00 FEET; THENCE NORTH 89°56'48" WEST 707.43 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1455.00 FEET THROUGH WHICH A RADIAL LINE BEARS NORTH 41°04'25" EAST; THENCE SOUTHEASTERLY 125.12 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°55'38"; THENCE SOUTH 43°59'57" EAST, 356.05 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1545.00 FEET; THENCE SOUTHEASTERLY 226.81 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°24'40" TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID CURVE NORTH 33°20'00" EAST, 104.68 FEET; THENCE NORTH 56°40'00" WEST, 6.00 FEET, THENCE NORTH 33°20'00" EAST, 32.00 FEET; THENCE SOUTH 56°54'00" EAST 32.00 FEET; THENCE SOUTH 33°20'00" WEST, 26.51 FEET TO A POINT HEREIN DESCRIBED AND HEREINAFTER REFERRED TO AS POINT "A"; THENCE CONTINUING SOUTH 33°20'00" WEST 5.49 FEET; THENCE NORTH 56°40'00" WEST, 6.00 FEET; THENCE SOUTH 33°20'00" WEST 106.04 FEET TO A POINT ON THE ARC OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 1545.00 FEET THROUGH WHICH A RADIAL LINE BEARS SOUTH 36°50'47" WEST; THENCE NORTHWESTERLY 20.05 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°44'36" TO THE TRUE POINT OF BEGINNING.

PARCEL 8B:

AN EASEMENT FOR UTILITY LINES AND APPURTENANCES OVER, UNDER AND ACROSS ALL THAT PORTION OF SAID SECTION 16, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 20.00 FEET WIDE LYING 10.00 FEET ON EACH SIDE OF, MEASURED AT RIGHT ANGLES, FROM THE FOLLOWING DESCRIBED CENTERLINE:

BEGINNING AT THE HEREINABOVE DESCRIBED POINT "A"; THENCE SOUTH 42°09'22" EAST, 312.83 FEET; THENCE SOUTH 55°32'48" EAST, 252.68 FEET; THENCE SOUTH 54°04'54" EAST, 170.65 FEET TO A POINT OF TERMINUS.

THE SIDELINES OF SAID EASEMENT TO BE PROLONGED OR SHORTENED TO BEGIN AT THE INTERSECTION WITH PARCEL 1 AND END AT THE INTERSECTION OF A LINE THAT BEARS NORTH 52°59'55" EAST THROUGH THE POINT OF TERMINUS.

PARCEL 8C:

AN EASEMENT FOR INGRESS AND EGRESS OVER, UNDER AND ACROSS ALL THAT PORTION OF SECTION 16, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS:

A STRIP OF LAND 20.00 FEET WIDE, LYING 10.00 FEET ON EACH SIDE OF, MEASURED AT RIGHT ANGLES, FROM THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16 AS SHOWN ON RECORD OF SURVEY NO. 9408 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JULY 14, 1983; THENCE ALONG THE NORTH LINE OF SAID SECTION 16, NORTH 89°56'47" WEST (NORTH 89°55'49" WEST) 2140.96 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE, SOUTH 11°36'00" EAST, 29.07 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 160.00 FEET; THENCE SOUTHEASTERLY 40.35 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°27'00"; THENCE SOUTH 26°03'00" EAST, 20.52 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY AND WESTERLY 53.27 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 122°05'00"; THENCE NORTH 83°58'00" WEST, 240.82 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS



OF 160.00 FEET; THENCE SOUTHWESTERLY 173.93 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 62°17'00" TO A POINT OF A COMPOUND CURVATURE WITH A CURVE NORTH 56°15'00" WEST; THENCE SOUTHERLY 83.78 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 48°00'00" TO A POINT OF A COMPOUND CURVATURE WITH A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 80.00 FEET TO WHICH A RADIAL LINE BEARS SOUTH 75°45'00" WEST; THENCE SOUTHEASTERLY 61.44 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 44°00'00" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 125.00 FEET THROUGH WHICH A RADIAL LINE BEARS NORTH 31°45'00" EAST; THENCE SOUTHEASTERLY 46.14 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21°09'00"; THENCE SOUTH 37°06'00" EAST, 28.66 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 60.00 FEET; THENCE SOUTHEASTERLY 43.09 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°09'00" TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 80.00 FEET THROUGH WHICH A RADIAL LINE BEARS NORTH 11°45'00" EAST; THENCE SOUTHEASTERLY 100.50 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 71°58'43" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 90.00 FEET THROUGH WHICH A RADIAL LINE BEARS SOUTH 83°43'43" WEST; THENCE SOUTHEASTERLY 46.96 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 29°53'43"; THENCE SOUTH 36°10'00" EAST, 88.80 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 70.00 FEET; THENCE SOUTHEASTERLY 33.50 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 27°25'00"; THENCE SOUTH 63°35'00" EAST, 102.90 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY, SOUTHERLY AND SOUTHWESTERLY 50.87 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 116°34'55"; THENCE SOUTH 52°59'55" WEST 28.00 FEET TO THE POINT OF TERMINUS.

THE SIDELINES OF SAID EASEMENT TO BE PROLONGED OF SHORTENED TO BEGIN IN THE NORTH AT THE NORTH LINE OF SAID SECTION 16 AND TERMINATE IN A LINE THAT BEARS NORTH 56°32'00" WEST THROUGH THE POINT OF TERMINUS.

PARCEL 8D:

AN EASEMENT FOR UTILITY LINES AND APPURTENANCES OVER, UNDER AND ACROSS ALL THAT PORTION OF SECTION 16, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF DESCRIBED AS FOLLOWS;

A STRIP OF LAND 20.00 FEET WIDE, LYING 10.00 FEET EACH SIDE OF, MEASURED AT RIGHT ANGLES, THE FOLLOWING DESCRIBED CENTERLINE:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 16 AS SHOWN ON RECORD OF SURVEY NO 9408 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JULY 14, 1983; THENCE ALONG THE NORTH LINE OF SAID SECTION 16, NORTH 89°56'47" WEST (RECORD OF SURVEY NO. 9408 - NORTH 89°55'49" WEST), 1954.48 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTH LINE, SOUTH 14°24'00" WEST, 685.02 FEET TO THE POINT OF TERMINUS.

THE SIDELINES OF SAID EASEMENT TO BE PROLONGED OF SHORTENED TO BEGIN IN THE NORTH LINE OF SAID SECTION 16 AND TERMINATE IN A LINE THAT BEARS NORTH 79°59'55" EAST THROUGH THE POINT OF TERMINUS.

PARCEL 8E:

AN EASEMENT FOR A WATER TANK, WATER MAINS AND APPURTENANCES OVER, UNDER, ALONG AND ACROSS THAT CERTAIN EASEMENT FOR WATER AND UTILITY PURPOSES

DESIGNATED AS EASEMENT "H" ON SHEET 10 OF 11 OF COUNTY OF SAN DIEGO TRACT NO. 4592, PER MAP NO. 13314, RECORDED APRIL 1, 1996 OF OFFICIAL RECORDS.

PARCEL 9:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHWEST OF THE NORTHEAST QUARTER OF SECTION FOURTEEN, TOWNSHIP SIXTEEN SOUTH, RANGE ONE EAST

EXCEPTING THAT PORTION LYING NORTH AND WEST OF THE COUNTY ROAD, AS SAID ROAD EXISTED ON JULY 20, 1945, IN SECTION FOURTEEN, TOWNSHIP SIXTEEN SOUTH, RANGE ONE EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY THEREOF APPROVED APRIL 10, 1886.

PARCEL 10:

A PORTION OF SECTION 15, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON RECORD OF SURVEY MAP NO. 6282, FILED OCTOBER 4, 1963 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER AND THE EASTERLY 465.00 FEET OF THE EAST HALF OF THE SOUTHWEST QUARTER.

APN: PARCEL 1: 516-011-19  
PARCEL 2: 516-011-15 and 516-011-09  
PARCEL 3: 516-010-4 (PORTION) and 516-020-20 (PORT.)  
PARCEL 4: 516-011-11 and 18; 516-020-20 (PORT); 516-010-04 (PORT); 516-021-03 (PORT.); 516-021-02 (PORT)  
PARCEL 5: 516-021-03 (PORT); 516-020-20 (PORT.); 516-021-02 (PORT)  
PARCEL 6: 520-091-06, 07; 521-010-01  
PARCEL 7: 521-010-04  
PARCEL 8: 512-110-14; 515-050-43; 517-031-17; 516-011-05 and 20  
PARCEL 9: 516-020-19  
PARCEL 10: 516-011-14 and 516-011-013

The subject property consists of twenty-one (21) parcels of land, encompassing approximately 1,411.11 acres more or less, commonly referred to as Assessor's Parcel Numbers: Parcel 1: 516-011-19; Parcel 2: 516-011-15 and 516-011-09; Parcel 3: 516-010-4 (portion) and 516-020-20 (portion); Parcel 4: 516-011-11 and 18, 516-020-20 (portion), 516-010-04 (portion), 516-021-03 (portion), 516-021-02 (portion); Parcel 5: 516-021-03 (portion), 516-020-20 (portion), 516-021-02 (portion); Parcel 6: 520-091-06, 07; 521-010-01; Parcel 7: 521-010-04; Parcel 8: 512-110-14, 515-050-43, 517-031-17, 516-011-05 and 20; Parcel 9: 516-020-19; and Parcel 10: 516-011-14 and 516-011-013. The property is contiguous to the exterior boundaries of the Sycuan Reservation.

Federal Law authorizes the Secretary of the Interior, or his authorized representative, to acquire title in the name of the United States of America for the benefit of tribes when such acquisition is authorized by an Act of Congress and (1) when such lands are within the exterior boundaries of an Indian 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 land is necessary to facilitate tribal self-determination, economic development, or tribal housing. In this particular instance, the authorizing Act of Congress is the Indian Land Consolidation Act of 1983 (25 U.S.C. § 2202, et. seq). The applicable regulations are set forth in the Code of Regulations (CFR), Title 25, Indians, Part 151, as amended.

On September 16, 2011 by certified mail, return receipt requested, we issued notice of and sought comments regarding the proposed fee-to-trust application from the California State Clearinghouse, Office of Planning and Research; Mr. Jacob Appelsmith, Legal Affairs Secretary, Office of the Governor; Sara Drake, Deputy Attorney General, State of California; James Peterson, District Director, Office of the Honorable Senator Diane Feinstein; U.S. House of Representatives, 52<sup>nd</sup> District; San Diego County Assessor; San Diego County Treasurer and Tax Collector; County of San Diego, Office of the Chief Administrative Officer; San Diego County Sheriff's Department; Barona Group of Capitan Grande Band; Campo Band of Mission Indians; Ewiiapaayp Band of Kumeyaay Indians; Inaja-Cosmit Band of Mission Indians; Jamul Indian Village; La Jolla Band of Luiseno Indians; La Posta Band of Mission Indians; Los Coyotes Band of Cahuilla & Cupeno Indians; Manzanita Band of Mission Indians; Mesa Grande Band of Mission Indians; Pala Band of Luiseno Mission Indians; Pauma Band of Mission Indians; Rincon Band of Mission Indians; Santa Ysabel Band of Mission Indians; Sycuan Band; San Pasqual Band of Mission Indians; Pechanga Indian Reservation; and the Viejas Band of Mission Indians.

**In response to our notification, we received the following comments:**

- 1) County of San Diego, Land Use and Environment Group (LUEG), dated October 19, 2011; and
- 2) State of California Department of Justice, Attorney General Kamala D. Harris, dated November 18, 2011.

***By memorandum dated April 2012, the Sycuan Band's response is as follows:***

*On January 9, 2012 an intergovernmental agreement was finalized between the Tribe and the County of San Diego (County) addressing fiscal and other issues (hereafter, "2012 intergovernmental agreement"). Because of this agreement, in a letter dated February 27, 2012, the LUEG formally rescinded its comment letter dated October 19, 2011.*

*Following the 2012 intergovernmental agreement, a follow up letter issued by the Office of the Governor on March 13, 2012 which rescinded the State Attorney General's letter dated November 18, 2011. Therefore, no further response is warranted.*

Pursuant to 25 CFR 151.10, the following factors were considered in formulating our decision: (1) the need of the tribe for additional land; (2) the purposes for which the land will be used; (3) impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls; (4) jurisdictional problems and potential conflicts of land use which may arise; (5) whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities

resulting from the acquisition of land in trust status; (6) the extent to which the applicant has provided information that allows the Secretary to comply with 516 10.51, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions; Hazardous Substances Determinations. Accordingly, the following analysis of the application is provided.

Additionally, we received twelve support letters and three opposition's letters prior to the Notice of Application letter dated September 16, 2011.

#### Factor 1 - Need for Additional Land

The Sycuan Band was a "recognized tribe now under Federal jurisdiction" in 1934 (25 U.S.C. § 469). President Ulysses S. Grant set the Reservation aside from the public domain pursuant to the Executive order of December 27, 1875. The DOI has held land in Trust for the Tribe continuously since it issued Trust patents to the Sycuan Reservation and several allotments between December 29, 1891 and January 18, 1896 pursuant to an Act for the Relief of the Mission Indians in the State of California (26 Stat. 712 [1891]). In 1921, Executive Order 3383 extended the Trust period of Sycuan allotments through 1946, and in 1928, Executive Order 4765 extended the trust period of the Reservation through 1938. Thus, the Sycuan allotments and the Reservation were still in Trust as of 1934 when the enactment of the IRA extended the Trust on Indian Lands indefinitely (25 U.S.C. § 462).

Historically, the Sycuan Property was controlled and occupied by the Tribe prior to the creation of the Sycuan Reservation. Consequently, transferring the Sycuan Property into Trust for the benefit of the Tribe will restore Tribal control and administration of part of the Tribe's aboriginal territory. The land being proposed for trust includes the site of a historic Tribal village. The current Reservation land held in trust for the Tribe is largely undeveloped and is not planned for future development largely because of its rocky and steep terrain. This severely limits the area of the current Reservation that can be used for economic development, administrative and social service buildings, and Tribal housing. In addition, through the probate process, the allotments on the current Reservation have become severely fractionated. This makes the allotments difficult to manage, and has resulted in many of the allotments being inherited by either non-Indians or non-Tribal members. The result is that many of the Sycuan Tribal members find themselves without available land on these allotments for residential purposes. In order to secure additional land, a number of parcels have been taken into Trust for the benefit of the Tribe in recent years.

Even with the addition of these relatively new trust lands, however, the Tribe still needs additional land to address the future growth of the Tribe. In addition, although gaming has allowed the Tribe to gain some economic independence, the Tribe needs to expand its revenue-generating resources to diversify its economic base through the direct governance of the Sycuan Resort and Golf Course and proposed recreational developments on the Sycuan Property. This would ensure future stability for the Tribe and its members.

Given these realities, the transfer of the 1,411.11 acre Sycuan Property into Trust by the Federal Government for the benefit of the Tribe will allow the Tribe to ensure adequate housing for Tribal members, provide the opportunity to diversify and expand its economic base, and provide much-needed local services and recreational opportunities to Tribal members and the surrounding community.

It is our determination that the Sycuan Band has established a need for additional lands to protect the environment and preserve the reservation.

## Factor 2 - Proposed Land Use

In order to further Sycuan's fulfillment of its right to self-determination, diverse economic development and housing are imperative. The Tribe has proposed the following improvements to the Sycuan Property:

### **Economic Development**

**Sycuan Resort/ Outdoor Events Center/ RV Spaces:** The Tribe will construct a combined Outdoor Events Center/RV Spaces development just northeast of the existing Sycuan Resort and Golf Course adjacent to Lake Emma, which will be managed as part of the Sycuan Resort directly by the Tribe.

### **Tribal Housing**

The Sycuan Property would provide land for the Tribe to construct up to 50 new homes as they are needed in three proposed development areas (Dehesa Road Housing, Secondary Access Road Housing and the Pow Wow Grounds/ Starr Ranch Housing areas). All the areas for proposed housing would be contiguous to or in the immediate vicinity of the existing Reservation, which will allow for a continuity of community and preserve the Tribe's cultural integrity.

### **Cultural and Jurisdictional Needs**

Tribal Natural and Cultural Resources Management Plan (NRMP): The Tribe will provide comprehensive management of natural and cultural resources on the existing Reservation and on the Sycuan Property through the NRMP. The Tribe's implementation of the NRMP will allow the Tribe to independently manage its natural and cultural resources on Trust lands as well as on the existing Sycuan Property.

Pow Wow Grounds: The Tribe will construct a permanent Pow Wow Grounds on the former Starr Ranch parcels, located adjacent to the existing Reservation, for its annual Traditional Gathering and Pow Wow Event.

### **Other Purposes**

Secondary Ingress/Egress Safety Road: The Tribe will construct a secondary access road to improve safety by providing a second means of controlled access to and from the Reservation for existing residents and would provide access to additional proposed Tribal housing along the road. In addition, the new access road can provide an optional entrance for emergency vehicles and an alternative exit for Tribal members and Reservation visitors in the event of an emergency.

Relocation of the Tribal Equestrian Center: The Tribe will relocate the existing Equestrian Center located on the Reservation near Sycuan and Riggs Roads to an area just east of Sloan Canyon Road on Dehesa Road on the Sycuan Property. Moving the equestrian facility to this location on the Sycuan Property would provide access to existing trails used for equestrian

purposes and easy access to Sloan Canyon Road, and would free up land on the Reservation for other uses.

### Factor 3 – Impact on State and Local Government’s Tax Base

The financial impacts to the State of California and the County of San Diego from the transfer of the Sycuan Property into Trust and the removal of the Property land from the tax rolls will be minimal. The total amount assessed for the proposed Trust parcels paid to the County for property taxes, TOT, and sales tax is \$864,729, which is in addition to the amount that Sycuan pays to the County as the current annual payment to the Indian Gaming Special Distribution Fund (SDF). In fiscal year 2010-2011 the total property tax value of San Diego County parcels was \$3.82 billion (San Diego County Auditor and Controller, 2011). Consequently, the loss of taxes resulting from the Fee-to-Trust transfer would be approximately 0.02 percent of total property taxes collected in San Diego County.

On January 9, 2012 an Intergovernmental Agreement was finalized between the Tribe and the County of San Diego (County) addressing fiscal and other issues, including tax loss. While the removal of the parcels from the tax rolls would be fiscally insignificant, the Tribe has agreed through this Intergovernmental Agreement to reimburse the County for lost tax revenue.

Comment letters on the Final Environmental Assessment (EA) from both the County and the California Attorney General’s Office originally opposed the acquisition due to concerns about what financial impacts the project would have on the surrounding community and on the State of California. However, because of the Intergovernmental Agreement and the obligations set forth within the document for both the Tribe and the County, the County formally rescinded its comment letter dated October 19, 2011 (as noted in the *Response to Comments on the Notice of (Non-Gaming) Land Acquisition Application* section above) in a letter dated February 27, 2012. Additionally, the Office of the Governor formally rescinded the State Attorney General’s November 18, 2011 comment letter in a follow-up letter dated March 13, 2012 relative to taking the Sycuan Property into Trust.

In addition to the fiscal compensations that the Tribe will pay to the County due to the removal of Sycuan Property from the tax rolls, the Tribe has and will continue to provide support for the local community through current philanthropic programs and local agency agreements, as well as through the new assurances specified in the Intergovernmental Agreement. These are discussed below.

### **Community Support**

The Tribe has made considerable philanthropic and economic contributions to the surrounding community. Since 2003, the Tribe has contributed an annual average of \$3 million to charitable causes in and around San Diego County, including funding for schools, youth programs, the arts, and community services organizations. Additionally, the Tribe has donated approximately \$21.8 million in contributions to traffic improvements for the local community, and has benefited county residents by expending over \$7 million on improving utilities around the reservation.

As part of the Intergovernmental Agreement, the Tribe has agreed to grant the County an option for the future location and dedication of a public trail on the Sycuan Property, provided certain federal agencies permit the development and location of the trail. The Tribe also agreed to allow the community of Dehesa to use the Tribe’s Recreation Center and ball fields that would

be constructed on the Sycuan Property in accordance with the written policies the Tribe adopts, and may, from time to time, amend for use of the Recreation Center. Additionally, the Tribe will notify the County, for the benefit of the surrounding community, in advance if the uses of the Sycuan Property change from what was described in its amended May 2011 application. The Tribe will conduct discussions with the County to determine whether the changes will trigger the need for further analysis of off-reservation impacts. If the analysis demonstrates that mitigation is necessary, the County and the Tribe will enter into good-faith negotiations to mitigate any off-reservation impacts. In any event, the Tribe will comply with its NRMP which will guide the Tribe in determining what changes in the project may occur, if any.

### **Public Safety**

In order to ensure the health and safety of the local community, the Intergovernmental Agreement stipulates that Tribe will conduct a geotechnical investigation and report to evaluate the failed slope on the western shore of Lake Emma and maintain areas along the north shore of Lake Emma previously disturbed by mining to ensure no erosion damage to Dehesa Road or on the road right-of-way adjacent to Dehesa Road. Additionally, the Tribe has agreed to remove any silt that flows onto Sloan Canyon Road from Harbison Creek, or reimburse the County should silt removal be necessary to protect public safety. The Tribe will obtain required permits from the County if the remedial action involves work on a County road right-of-way.

### **Police Services**

The Sycuan Tribal Police Department (STPD) currently patrols the Sycuan Property regularly, and responds to calls regarding suspicious or criminal activity on the Property that would otherwise be dispatched to the San Diego County Sheriff's Department (Sheriff). The STPD also responds when there are traffic accidents on area roads to prevent further injuries, initiates emergency first aid, and assists the California Highway Patrol and the Sheriff with traffic control. STPD officers also regularly testify in court at Sycuan's expense to aid the County's prosecution of criminals. The STPD also participates in community disaster-preparedness drills.

The Tribe budgets a total of \$2.5 million each year to staff, equip, and operate its own fire and emergency medical service department and police department, at no expense to the County. The STPD entered into Deputation Agreement with the Department of the Interior (DOI), commissioning Sycuan's Tribal police officers as Federal law enforcement officers. Cooperatively working with the County's Sheriff's Department, the STPD responds to calls-for-service on the Reservation as well as in surrounding off-Reservation areas. As a result, STPD activities have substantially reduced the impact of Sycuan operations on existing County resources, and the County Sheriff's Department has not been required to increase deployment of deputies in and around the Reservation, thus freeing those resources for increased patrol and investigative activities in other areas of the County. The STPD would remain the primary law enforcement agency for the Sycuan Property. Additionally as part of the Intergovernmental Agreement, the Tribe shall cooperate in applying for and securing grant funding for the purpose of augmenting security and law enforcement on and in the vicinity of the current Reservation and on the Sycuan Property. Furthermore, as described in the Intergovernmental Agreement, the Tribe has negotiated with the County to pay substantial mitigation fees and to continue to provide extensive services to the broader community free-of-charge.

### **Fire and Paramedic Services**

The Tribe does not rely on external jurisdictions for primary fire protection, and does not plan to do so in the future. The Sycuan Fire Department (SFD) has relieved the need for external fire services for the Reservation and other tribal lands, and has significantly enhanced the level of fire and paramedic response service in the areas surrounding the Reservation. The SFD has mutual aid agreements with San Miguel Fire, Cal Fire, the U.S. Forest Service and other Indian Reservations. The SFD would remain the primary firefighting mechanism for the Sycuan Property after it is transferred into Trust for the benefit of the Tribe.

Mitigation measures in the Final EA state that Sycuan will continue to pay into the Indian Gaming Special Distribution Fund (SDF). In addition, the Intergovernmental Agreement requires payments to the County for 7.5 years. The combination of the Intergovernmental Agreement, the Tribe's continued support of fire and emergency services and Tribal contributions to the SDF will offset lost tax revenue.

### **Traffic Improvements**

The Tribe already has made significant contributions to improving roads in the surrounding area. The Final EA includes additional roadway improvements as mitigation for direct impacts due to the Sycuan Property being put into Trust on behalf of the tribe. These improvements include the enhancement of traffic flow at two intersections on Dehesa Road, between Granite Hills Drive and Harbison Canyon Road.

### **Utilities**

The Tribe has benefited County residents by extending or improving utilities around the Reservation. For example, the Tribe extended a Padre Dam Municipal Water District water line in Harbison Canyon Road at a cost of \$5 million. None of the water carried in the Padre Dam line is used on the original 640-acre Reservation, although Tribal housing on adjacent Trust lands is serviced. The water line provides the local community with an option to replace individual groundwater wells. The Tribe also extended the Cox Communications cable lines, which provides neighboring properties with access to cable services otherwise not available, and paid \$2 million for extension of a San Diego Gas and Electric (SDG&E) natural gas line. The Tribe funded \$100,000 to extend the water main of the Otay Water District to provide service to the Dehesa Elementary School. No proposed uses of the Sycuan Property are expected to impact utility services in the future.

### **Schools**

As part of its Community Outreach program, the Tribe has made financial contributions to several local school districts, including the Grossmont Union High School District, the Cuyamaca Community College District, and the Dehesa Elementary School District, as well as many individual schools in San Diego County. These gifts are anticipated to continue in the future, and would ensure that local schools would not see a substantial loss in revenues from the Sycuan Property being taken into Trust. Further, schools which enroll Tribal children can apply for funding under Title VIII of the U.S. Elementary and Secondary Education Act of 1965, which provides special funding from the U.S. Department of Education to school districts impacted by Federal acquisition of land.

The Indian Gaming Special Distribution Fund (SDF) was established as a way to help mitigate effects of Tribal gaming on communities. As a Tribe that was operating more than 200 gaming



devices prior to September 1, 1999, the Sycuan Band contributes to the SDF, and also appoints a representative to the Indian Gaming Local Benefit Committee to identify grant recipients. On average, the Tribe contributes \$500,000 annually to the fund, and the County of San Diego, as well as local cities and Special Districts (Fire, Water, and Sewer Districts), may apply for grants for specific programs or projects to mitigate effects of Tribal gaming. Since 2003, the Local Benefit Committee has distributed more than \$23.5 million to fund programs for fire safety, law enforcement, emergency medical services, behavioral health, and road improvements. The Tribe will continue to pay into the SDF after the Sycuan Property goes into trust as the funds are used to offset impacts from gaming in the County to services and facilities.

It is our determination that no significant impact will result from the removal of this property from the county tax rolls given the relatively small amount of tax revenue assessed on the subject parcel and the financial contributions provided to the local community by the Tribe through employment and purchases of goods and services.

#### Factor 4 - Jurisdictional Problems and Potential Conflicts of Land Use Which May Arise

The Sycuan Property presently is subject to the full civil/regulatory and criminal/prohibitory jurisdiction of the State of California and San Diego County. Current County zoning for the Sycuan Property includes General Agricultural (A72), Limited Agricultural (A70), Specific Planning Area (S88), Open Space (S80), and General Commercial (C36). These zonings allow various densities of residential housing, as well as a variety of agricultural, preservation, and commercial uses, and to accommodate the uses proposed by the Singing Hills Specific Plan Amendment (SPA 88-008) and the Sloan Canyon Sand Company/Sweetwater Project Specific Plan Amendment (SPA 88-007). If the land is not taken onto Trust, the proposed Equestrian Center would be compatible with existing agricultural uses permitted on parcels zoned A72, but would require a Major Use Permit on parcels zoned A70 and S80.

Without Trust status, the Sycuan Property could not be used for Tribal housing in the manner that the Tribe proposes because the necessary density of housing would slightly exceed that allowed by the County zoning ordinance. In those areas proposed to be used for Tribal housing, the County zoning ordinance varies to allow either one unit per every five acres or one unit per every 20 acres. Under Tribal law, Tribal zoning allows for a housing cluster approach with an average of one unit per acre. The other uses for the Sycuan Property proposed by the Tribe also may be generally compatible but inconsistent with the County's zoning primarily due to the clustered nature of the housing proposed to reduce environmental impacts. These changes of use that would be allowed under the Tribe's jurisdiction of Trust status would not affect surrounding parcels, which would still be subject to County jurisdiction.

#### Factor 5 - Whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status

Acceptance of the Sycuan Property into Federal Trust status would not impose any additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trusteeship over the existing Reservation. Responsibilities of the BIA will continue to include realty services, such as right-of-way preparation or granting of utility easements, as well as preparation of any leases for Trust lands. The Tribe has continued to work towards self-determination, and will remain primarily responsible for providing services to its Tribal members.

Factor 6 – The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 1-7, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determination

In accordance with Interior Department Policy (602 DM 2), we are charged with the responsibility of conducting a site assessment for the purposes of determining the potential of, and extent of liability from hazardous substances or other environmental remediation or injury. The record includes a negative Phase 1 "Contaminant Survey Checklist" dated November 29, 2011, reflecting that there were no hazardous materials or contaminants.

National Environmental Policy Act Compliance

An additional requirement that has to be met when considering land acquisition proposals is the impact upon the human environment pursuant to the criteria of the National Environmental Policy Act of 1969 (NEPA). The BIA's guidelines for NEPA compliance are set forth in the Bureau of Indian Affairs Manual (59 IAM).

The Final Environmental Assessment (FEA) identifies potential impacts to land resources, water resources, air quality, biological resources, cultural resources, socioeconomic conditions, resource use patterns (transportation, land use and agriculture), public services, public health/hazardous materials, and other values (noise and visual resources). The FEA is dated August 15, 2011 and was distributed for public review from August 15, 2011 until September 13, 2011. A Finding of No Significant Impact (FONSI) was published on June 20, 2012.

22 comment letters were received on the FEA from several elected officials, San Diego County, the City of San Diego, National City, the Sweetwater Authority, the Padre Dam Municipal Water District, the San Diego Rural Fire Protection District, the Crest-Dehesa-Granite Hills-Harbison Canyon Subregional Planning Group, the Dehesa Valley Community Council, the Endangered Habitats League, the Family Justice Center Alliance, and several individuals. The concerns that were raised included: land use, calls for preparation of an Environmental Impact Statement, socioeconomic impacts, public access, biological resources, agricultural resources, noise, air quality, water resources, and safety of trails and bike paths.

The concerns stated above have been addressed in the Finding of No Significant Impact (FONSI) dated June 1, 2012. To obtain a copy of the FONSI, please contact John Rydzik, Regional Environmental Scientist at 916-978-6051. An electronic version of the FONSI is also available online at [www.sycuanea.com](http://www.sycuanea.com).

Based on the analysis disclosed in the EA, the Tribe's response to comments and our review, the Bureau of Indian Affairs has determined that the proposed federal action is not a major federal action significantly affecting the quality of human environment within the meaning of NEPA of 1969.

Conclusion

Based on the foregoing, we at this time issue notice of our intent to accept the subject real property into trust. The subject acquisition will vest title in the United States of America in trust for the Sycuan Band of Kumeyaay Nation in accordance with the Indian Land Consolidation Act of January 12, 1983, (25 U.S.C. §2202).

Should any of the below-listed known interested parties feel adversely affected by this decision, an appeal may be filed within thirty (30) days of receipt of this notice with the Interior Board of Indian Appeals, U.S. Department of the Interior, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310-4.340 (copy enclosed).

Any notice of appeal to the Board must be signed by the appellant or the appellant's legal counsel, and the notice of the appeal must be mailed within thirty (30) days of the date of receipt of this notice. The notice of appeal should clearly identify the decision being appealed.

If possible, a copy of this decision should be attached. Any appellant must send copies of the notice of appeal to: (1) the Assistant Secretary of Indian Affairs, U.S. Department of Interior 1849 C Street, N.W., MS-4140-MIB, Washington, D.C. 20240; (2) each interested party known to the appellant; and (3) this office. Any notice of appeal sent to the Board of Indian Appeals must certify that copies have been sent to interested parties. If a notice of appeal is filed, the Board of Indian Appeals will notify appellant of further appeal procedures. If no appeal is timely filed, further notice of a final agency action will be issued by the undersigned pursuant to 25 CFR 151.12(b). No extension of time may be granted for filing a notice of appeal.

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.

Sincerely,



Regional Director

Enclosure:  
43 CFR 4.310, et seq.

cc: See Distribution List

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Ewiiapaayp Band of Kumeyaay Indians - 7012 0470 0000 9758 1634  
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**Regular Mail:**

Southern California Agency  
Bureau of Indian Affairs  
1451 Research Park Drive, Suite 100  
Riverside, CA 92507-2154

## Office of the Secretary, Interior

§ 4.310

state specifically and concisely the grounds upon which it is based.

(b) *Notice; burden of proof.* The OHA deciding official will, upon receipt of a demand for hearing, set a time and place therefor and must mail notice thereof to all parties in interest not less than 30 days in advance; provided, however, that such date must be set after the expiration of the 60-day period fixed for the filing of the demand for hearing as provided in § 4.305(a). At the hearing, each party challenging the tribe's claim to purchase the interests in question or the valuation of the interests as set forth in the valuation report will have the burden of proving his or her position.

(c) *Decision after hearing; appeal.* Upon conclusion of the hearing, the OHA deciding official will issue a decision which determines all of the issues including, but not limited to, a judgment establishing the fair market value of the interests purchased by the tribe, including any adjustment thereof made necessary by the surviving spouse's decision to reserve a life estate in one-half of the interests. The decision must specify the right of appeal to the Board of Indian Appeals within 60 days from the date of the decision in accordance with §§ 4.310 through 4.323. The OHA deciding official must lodge the complete record relating to the demand for hearing with the title plant as provided in § 4.236(b), furnish a duplicate record thereof to the Superintendent, and mail a notice of such action together with a copy of the decision to each party in interest.

**§ 4.306 Time for payment.**

A tribe must pay the full fair market value of the interests purchased, as set forth in the valuation report or as determined after hearing in accordance with § 4.305, whichever is applicable, within 2 years from the date of decedent's death or within 1 year from the date of notice of purchase, whichever comes later.

**§ 4.307 Title.**

Upon payment by the tribe of the interests purchased, the Superintendent must issue a certificate to the OHA deciding official that this has been done and file therewith such documents in

support thereof as the OHA deciding official may require. The OHA deciding official will then issue an order that the United States holds title to such interests in trust for the tribe, lodge the complete record, including the decision, with the title plant as provided in § 4.236(b), furnish a duplicate record thereof to the Superintendent, and mail a notice of such action together with a copy of the decision to each party in interest.

**§ 4.308 Disposition of income.**

During the pendency of the probate and up to the date of transfer of title to the United States in trust for the tribe in accordance with § 4.307, all income received or accrued from the land interests purchased by the tribe will be credited to the estate.

CROSS REFERENCE: See 25 CFR part 2 for procedures for appeals to Area Directors and to the Commissioner of the Bureau of Indian Affairs.

GENERAL RULES APPLICABLE TO PROCEEDINGS ON APPEAL BEFORE THE INTERIOR BOARD OF INDIAN APPEALS

SOURCE: 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

**§ 4.310 Documents.**

(a) *Filing.* The effective date for filing a notice of appeal or other document with the Board during the course of an appeal is the date of mailing or the date of personal delivery, except that a motion for the Board to assume jurisdiction over an appeal under 25 CFR 2.20(e) will be effective the date it is received by the Board.

(b) *Service.* Notices of appeal and pleadings must be served on all parties in interest in any proceeding before the Interior Board of Indian Appeals by the party filing the notice or pleading with the Board. Service must be accomplished upon personal delivery or mailing. Where a party is represented in an appeal by an attorney or other representative authorized under 43 CFR 1.3, service of any document on the attorney or representative is service on the party. Where a party is represented by more than one attorney, service on any one attorney is sufficient. The certificate of service on an attorney or

#### §4.311

representative must include the name of the party whom the attorney or representative represents and indicate that service was made on the attorney or representative.

(c) *Computation of time for filing and service.* Except as otherwise provided by law, in computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be appealed or answered was served or the day of any other event after which a designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, in which event the period runs until the end of the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day. When the time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal legal holidays, and other nonbusiness days are excluded in the computation.

(d) *Extensions of time.* (1) The time for filing or serving any document except a notice of appeal may be extended by the Board.

(2) A request to the Board for an extension of time must be filed within the time originally allowed for filing.

(3) For good cause the Board may grant an extension of time on its own initiative.

(e) *Retention of documents.* All documents received in evidence at a hearing or submitted for the record in any proceeding before the Board will be retained with the official record of the proceeding. The Board, in its discretion, may permit the withdrawal of original documents while a case is pending or after a decision becomes final upon conditions as required by the Board.

#### §4.311 Briefs on appeal.

(a) The appellant may file an opening brief within 30 days after receipt of the notice of docketing. Appellant must serve copies of the opening brief upon all interested parties or counsel and file a certificate with the Board showing service upon the named parties. Opposing parties or counsel will have 30 days from receipt of appellant's brief

#### 43 CFR Subtitle A (10-1-03 Edition)

to file answer briefs, copies of which must be served upon the appellant or counsel and all other parties in interest. A certificate showing service of the answer brief upon all parties or counsel must be attached to the answer filed with the Board.

(b) Appellant may reply to an answering brief within 15 days from its receipt. A certificate showing service of the reply brief upon all parties or counsel must be attached to the reply filed with the Board. Except by special permission of the Board, no other briefs will be allowed on appeal.

(c) The BIA is considered an interested party in any proceeding before the Board. The Board may request that the BIA submit a brief in any case before the Board.

(d) An original only of each document should be filed with the Board. Documents should not be bound along the side.

(e) The Board may also specify a date on or before which a brief is due. Unless expedited briefing has been granted, such date may not be less than the appropriate period of time established in this section.

#### §4.312 Decisions.

Decisions of the Board will be made in writing and will set forth findings of fact and conclusions of law. The decision may adopt, modify, reverse or set aside any proposed finding, conclusion, or order of a BIA official or an OHA deciding official. Distribution of decisions must be made by the Board to all parties concerned. Unless otherwise stated in the decision, rulings by the Board are final for the Department and must be given immediate effect.

#### §4.313 Amicus Curiae; intervention; joinder motions.

(a) Any interested person or Indian tribe desiring to intervene or to join other parties or to appear as amicus curiae or to obtain an order in an appeal before the Board must apply in writing to the Board stating the grounds for the action sought. Permission to intervene, to join parties, to appear, or for other relief, may be granted for purposes and subject to limitations established by the Board. This section will be liberally construed.



(b) Motions to intervene, to appear as amicus curiae, to join additional parties, or to obtain an order in an appeal pending before the Board must be served in the same manner as appeal briefs.

#### § 4.314 Exhaustion of administrative remedies.

(a) No decision of an OHA deciding official or a BIA official, which at the time of its rendition is subject to appeal to the Board, will be considered final so as to constitute agency action subject to judicial review under 5 U.S.C. 704, unless made effective pending decision on appeal by order of the Board.

(b) No further appeal will lie within the Department from a decision of the Board.

(c) The filing of a petition for reconsideration is not required to exhaust administrative remedies.

#### § 4.315 Reconsideration.

(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from the date of the decision and must contain a detailed statement of the reasons why reconsideration should be granted.

(b) A party may file only one petition for reconsideration.

(c) The filing of a petition will not stay the effect of any decision or order and will not affect the finality of any decision or order for purposes of judicial review, unless so ordered by the Board.

#### § 4.316 Remands from courts.

Whenever any matter is remanded from any federal court to the Board for further proceedings, the Board will either remand the matter to an OHA deciding official or to the BIA, or to the extent the court's directive and time limitations will permit, the parties will be allowed an opportunity to submit to the Board a report recommending procedures for it to follow to comply with the court's order. The Board will enter special orders governing matters on remand.

#### § 4.317 Standards of conduct.

(a) *Inquiries about cases.* All inquiries with respect to any matter pending before the Board must be made to the Chief Administrative Judge of the Board or the administrative judge assigned the matter.

(b) *Disqualification.* An administrative judge may withdraw from a case in accordance with standards found in the recognized canons of judicial ethics if the judge deems such action appropriate. If, prior to a decision of the Board, a party files an affidavit of personal bias or disqualification with substantiating facts, and the administrative judge concerned does not withdraw, the Director of the Office of Hearings and Appeals will determine the matter of disqualification.

#### § 4.318 Scope of review.

An appeal will be limited to those issues which were before the OHA deciding official upon the petition for rehearing, reopening, or regarding tribal purchase of interests, or before the BIA official on review. However, except as specifically limited in this part or in title 25 of the Code of Federal Regulations, the Board will not be limited in its scope of review and may exercise the inherent authority of the Secretary to correct a manifest injustice or error where appropriate.

#### APPEALS TO THE BOARD OF INDIAN APPEALS IN PROBATE MATTERS

SOURCE: 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

#### § 4.320 Who may appeal.

(a) A party in interest has a right to appeal to the Board from an order of an OHA deciding official on a petition for rehearing, a petition for reopening, or regarding tribal purchase of interests in a deceased Indian's trust estate.

(b) Notice of appeal. Within 60 days from the date of the decision, an appellant must file a written notice of appeal signed by appellant, appellant's attorney, or other qualified representative as provided in 43 CFR 1.3, with the Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. A

#### § 4.321

statement of the errors of fact and law upon which the appeal is based must be included in either the notice of appeal or in any brief filed. The notice of appeal must include the names and addresses of parties served. A notice of appeal not timely filed will be dismissed for lack of jurisdiction.

(c) Service of copies of notice of appeal. The appellant must personally deliver or mail the original notice of appeal to the Board of Indian Appeals. A copy must be served upon the OHA deciding official whose decision is appealed as well as all interested parties. The notice of appeal filed with the Board must include a certification that service was made as required by this section.

(d) Action by the OHA deciding official; record inspection. The OHA deciding official, upon receiving a copy of the notice of appeal, must notify the Superintendent concerned to return the duplicate record filed under §§ 4.236(b) and 4.241(d), or under § 4.242(f) of this part, to the Land Titles and Records Office designated under § 4.236(b) of this part. The duplicate record must be conformed to the original by the Land Titles and Records Office and will thereafter be available for inspection either at the Land Titles and Records Office or at the office of the Superintendent. In those cases in which a transcript of the hearing was not prepared, the OHA deciding official will have a transcript prepared which must be forwarded to the Board within 30 days from receipt of a copy of the notice of appeal.

[66 FR 67656, Dec. 31, 2001, as amended at 67 FR 4368, Jan. 30, 2002]

#### § 4.321 Notice of transmittal of record on appeal.

The original record on appeal must be forwarded by the Land Titles and Records Office to the Board by certified mail. Any objection to the record as constituted must be filed with the Board within 15 days of receipt of the notice of docketing issued under § 4.332 of this part.

#### § 4.322 Docketing.

The appeal will be docketed by the Board upon receipt of the administrative record from the Land Titles and

#### 43 CFR Subtitle A (10-1-03 Edition)

Records Office. All interested parties as shown by the record on appeal must be notified of the docketing. The docketing notice must specify the time within which briefs may be filed and must cite the procedural regulations governing the appeal.

#### § 4.323 Disposition of the record.

Subsequent to a decision of the Board, other than remands, the record filed with the Board and all documents added during the appeal proceedings, including any transcripts prepared because of the appeal and the Board's decision, must be forwarded by the Board to the Land Titles and Records Office designated under § 4.236(b) of this part. Upon receipt of the record by the Land Titles and Records Office, the duplicate record required by § 4.320(c) of this part must be conformed to the original and forwarded to the Superintendent concerned.

APPEALS TO THE BOARD OF INDIAN APPEALS FROM ADMINISTRATIVE ACTIONS OF OFFICIALS OF THE BUREAU OF INDIAN AFFAIRS: ADMINISTRATIVE REVIEW IN OTHER INDIAN MATTERS NOT RELATING TO PROBATE PROCEEDINGS

SOURCE: 54 FR 6487, Feb. 10, 1989, unless otherwise noted.

#### § 4.330 Scope.

(a) The definitions set forth in 25 CFR 2.2 apply also to these special rules. These regulations apply to the practice and procedure for: (1) Appeals to the Board of Indian Appeals from administrative actions or decisions of officials of the Bureau of Indian Affairs issued under regulations in 25 CFR chapter 1, and (2) administrative review by the Board of Indian Appeals of other matters pertaining to Indians which are referred to it for exercise of review authority of the Secretary or the Assistant Secretary—Indian Affairs.

(b) Except as otherwise permitted by the Secretary or the Assistant Secretary—Indian Affairs by special delegation or request, the Board shall not adjudicate:

- (1) Tribal enrollment disputes;

(2) Matters decided by the Bureau of Indian Affairs through exercise of its discretionary authority; or

(3) Appeals from decisions pertaining to final recommendations or actions by officials of the Minerals Management Service, unless the decision is based on an interpretation of Federal Indian law (decisions not so based which arise from determinations of the Minerals Management Service, are appealable to the Interior Board of Land Appeals in accordance with 43 CFR 4.410).

**§ 4.331 Who may appeal.**

Any interested party affected by a final administrative action or decision of an official of the Bureau of Indian Affairs issued under regulations in title 25 of the Code of Federal Regulations may appeal to the Board of Indian Appeals, except—

(a) To the extent that decisions which are subject to appeal to a higher official within the Bureau of Indian Affairs must first be appealed to that official;

(b) Where the decision has been approved in writing by the Secretary or Assistant Secretary—Indian Affairs prior to promulgation; or

(c) Where otherwise provided by law or regulation.

**§ 4.332 Appeal to the Board; how taken; mandatory time for filing; preparation assistance; requirement for bond.**

(a) A notice of appeal shall be in writing, signed by the appellant or by his attorney of record or other qualified representative as provided by 43 CFR 1.3, and filed with the Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after receipt by the appellant of the decision from which the appeal is taken. A copy of the notice of appeal shall simultaneously be filed with the Assistant Secretary—Indian Affairs. As required by § 4.333 of this part, the notice of appeal sent to the Board shall certify that a copy has been sent to the Assistant Secretary—Indian Affairs. A notice of appeal not timely filed shall be dismissed for lack of jurisdiction. A notice of appeal shall include:

(1) A full identification of the case;  
(2) A statement of the reasons for the appeal and of the relief sought; and

(3) The names and addresses of all additional interested parties, Indian tribes, tribal corporations, or groups having rights or privileges which may be affected by a change in the decision, whether or not they participated as interested parties in the earlier proceedings.

(b) In accordance with 25 CFR 2.20(c) a notice of appeal shall not be effective for 20 days from receipt by the Board, during which time the Assistant Secretary—Indian Affairs may decide to review the appeal. If the Assistant Secretary—Indian Affairs properly notifies the Board that he has decided to review the appeal, any documents concerning the case filed with the Board shall be transmitted to the Assistant Secretary—Indian Affairs.

(c) When the appellant is an Indian or Indian tribe not represented by counsel, the official who issued the decision appealed shall, upon request of the appellant, render such assistance as is appropriate in the preparation of the appeal.

(d) At any time during the pendency of an appeal, an appropriate bond may be required to protect the interest of any Indian, Indian tribe, or other parties involved.

[54 FR 6487, Feb. 10, 1989, as amended at 67 FR 4368, Jan. 30, 2002]

**§ 4.333 Service of notice of appeal.**

(a) On or before the date of filing of the notice of appeal the appellant shall serve a copy of the notice upon each known interested party, upon the official of the Bureau of Indian Affairs from whose decision the appeal is taken, and upon the Assistant Secretary—Indian Affairs. The notice of appeal filed with the Board shall certify that service was made as required by this section and shall show the names and addresses of all parties served. If the appellant is an Indian or an Indian tribe not represented by counsel, the appellant may request the official of the Bureau whose decision is appealed to assist in service of copies of the notice of appeal and any supporting documents.

#### § 4.334

(b) The notice of appeal will be considered to have been served upon the date of personal service or mailing.

#### § 4.334 Extensions of time.

Requests for extensions of time to file documents may be granted upon a showing of good cause, except for the time fixed for filing a notice of appeal which, as specified in § 4.332 of this part, may not be extended.

#### § 4.335 Preparation and transmittal of record by official of the Bureau of Indian Affairs.

(a) Within 20 days after receipt of a notice of appeal, or upon notice from the Board, the official of the Bureau of Indian Affairs whose decision is appealed shall assemble and transmit the record to the Board. The record on appeal shall include, without limitation, copies of transcripts of testimony taken; all original documents; petitions, or applications by which the proceeding was initiated; all supplemental documents which set forth claims of interested parties; and all documents upon which all previous decisions were based.

(b) The administrative record shall include a Table of Contents noting, at a minimum, inclusion of the following:

- (1) The decision appealed from;
- (2) The notice of appeal or copy thereof; and

(3) Certification that the record contains all information and documents utilized by the deciding official in rendering the decision appealed.

(c) If the deciding official receives notification that the Assistant Secretary—Indian Affairs has decided to review the appeal before the administrative record is transmitted to the Board, the administrative record shall be forwarded to the Assistant Secretary—Indian Affairs rather than to the Board.

#### § 4.336 Docketing.

An appeal shall be assigned a docket number by the Board 20 days after receipt of the notice of appeal unless the Board has been properly notified that the Assistant Secretary—Indian Affairs has assumed jurisdiction over the appeal. A notice of docketing shall be sent to all interested parties as shown

#### 43 CFR Subtitle A (10-1-03 Edition)

by the record on appeal upon receipt of the administrative record. Any objection to the record as constituted shall be filed with the Board within 15 days of receipt of the notice of docketing. The docketing notice shall specify the time within which briefs shall be filed, cite the procedural regulations governing the appeal and include a copy of the Table of Contents furnished by the deciding official.

#### § 4.337 Action by the Board.

(a) The Board may make a final decision, or where the record indicates a need for further inquiry to resolve a genuine issue of material fact, the Board may require a hearing. All hearings shall be conducted by an administrative law judge of the Office of Hearings and Appeals. The Board may, in its discretion, grant oral argument before the Board.

(b) Where the Board finds that one or more issues involved in an appeal or a matter referred to it were decided by the Bureau of Indian Affairs based upon the exercise of discretionary authority committed to the Bureau, and the Board has not otherwise been permitted to adjudicate the issue(s) pursuant to § 4.330(b) of this part, the Board shall dismiss the appeal as to the issue(s) or refer the issue(s) to the Assistant Secretary—Indian Affairs for further consideration.

#### § 4.338 Submission by administrative law judge of proposed findings, conclusions and recommended decision.

(a) When an evidentiary hearing pursuant to § 4.337(a) of this part is concluded, the administrative law judge shall recommend findings of fact and conclusions of law, stating the reasons for such recommendations. A copy of the recommended decision shall be sent to each party to the proceeding, the Bureau official involved, and the Board. Simultaneously, the entire record of the proceedings, including the transcript of the hearing before the administrative law judge, shall be forwarded to the Board.

(b) The administrative law judge shall advise the parties at the conclusion of the recommended decision of their right to file exceptions or other

comments regarding the recommended decision with the Board in accordance with § 4.339 of this part.

**§ 4.339 Exceptions or comments regarding recommended decision by administrative law judge.**

Within 30 days after receipt of the recommended decision of the administrative law judge, any party may file exceptions to or other comments on the decision with the Board.

**§ 4.340 Disposition of the record.**

Subsequent to a decision by the Board, the record filed with the Board and all documents added during the appeal proceedings, including the Board's decision, shall be forwarded to the official of the Bureau of Indian Affairs whose decision was appealed for proper disposition in accordance with rules and regulations concerning treatment of Federal records.

**WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985; AUTHORITY OF ADMINISTRATIVE JUDGES; DETERMINATIONS OF THE HEIRS OF PERSONS WHO DIED ENTITLED TO COMPENSATION**

SOURCE: 56 FR 61383, Dec. 3, 1991, unless otherwise noted.

**§ 4.350 Authority and scope.**

(a) The rules and procedures set forth in §§ 4.350 through 4.357 apply only to the determination through intestate succession of the heirs of persons who died entitled to receive compensation under the White Earth Reservation Land Settlement Act of 1985, Public Law 99-264 (100 Stat. 61), amended by Public Law 100-153 (101 Stat. 886) and Public Law 100-212 (101 Stat. 1433).

(b) Whenever requested to do so by the Project Director, an administrative judge shall determine such heirs by applying inheritance laws in accordance with the White Earth Reservation Settlement Act of 1985 as amended, notwithstanding the decedent may have died testate.

(c) As used herein, the following terms shall have the following meanings:

(1) The term *Act* means the White Earth Reservation Land Settlement Act of 1985 as amended.

(2) The term *Board* means the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary.

(3) The term *Project Director* means the Superintendent of the Minnesota Agency, Bureau of Indian Affairs, or other Bureau of Indian Affairs official with delegated authority from the Minneapolis Area Director to serve as the federal officer in charge of the White Earth Reservation Land Settlement Project.

(4) The term *party (parties) in interest* means the Project Director and any presumptive or actual heirs of the decedent, or of any issue of any subsequently deceased presumptive or actual heir of the decedent.

(5) The term *compensation* means a monetary sum, as determined by the Project Director, pursuant to section 8(c) of the Act.

(6) The term *administrative judge* means an administrative judge or an administrative law judge, attorney-advisor, or other appropriate official of the Office of Hearings and Appeals to whom the Director of the Office of Hearings and Appeals has redelegated his authority, as designee of the Secretary, for making heirship determinations as provided for in these regulations.

(7) The term *appellant* means a party aggrieved by a final order or final order upon reconsideration issued by an administrative judge who files an appeal with the Board.

[56 FR 61383, Dec. 3, 1991; 56 FR 65782, Dec. 18, 1991, as amended at 64 FR 13363, Mar. 18, 1999]

**§ 4.351 Commencement of the determination process.**

(a) Unless an heirship determination which is recognized by the Act already exists, the Project Director shall commence the determination of the heirs of those persons who died entitled to receive compensation by filing with the administrative judge all data, identifying the purpose for which they are being submitted, shown in the records relative to the family of the decedent.

(b) The data shall include but are not limited to: