



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Pacific Regional Office  
2800 Cottage Way  
Sacramento, California 95825  
NOV 30 2015

IN REPLY REFER TO:

## NOTICE OF DECISION

CERTIFIED MAIL – RETURN RECEIPT REQUESTED # 7015 0640 0003 6795 9327

Mr. Cody Martinez, Chairman  
Sycuan Band of the Kumeyaay Nation  
1 Kwaaypaay Court  
El Cajon, California 92019

Re: Crest-Dehesa-Granite Hills- Harbison Canyon Subregional Planning Group; Dehesa Valley Community Council, Inc.; Waldon G. Riggs and Carolyn P. Riggs; David O'Connor and Delia O'Connor; Geraldeane Fox; and Irene M. Harper, v. Pacific Regional Director, Bureau of Indian Affairs, Docket Nos. IBIA 13-140; IBIA 13-142; IBIA 13-143; IBIA 13-144; IBIA 13-145 and IBIA 13-146

Dear Mr. Martinez:

On August 21, 2015 the Interior Board of Indian Appeals ("IBIA"), issued an Order Dismissing Appeals in Docket Nos. IBIA 13-140; IBIA 13-142; IBIA 13-143; IBIA 13-144; IBIA 13-145 and IBIA 13-146, Vacating Decision in Part and Remanding, and Dismissing Appeals or Affirming Decision in Remaining Part to have the Regional Director to consider and address the alleged effect of the trust acquisition on the property rights of Appellants ("Appellant Individuals").

By way of background, the Pacific Regional Director received an application from the Sycuan Band of the Kumeyaay Nation of California to have 17.51 acres, more or less, and associated easements located in San Diego County, California accepted into trust. The BIA issued previously a decision to approve the land acquisition request by letter dated August 1, 2013 (enclosed). On October 18, 2011, a Notice of Application (NOA) was sent out for public comments. The distribution list for the NOA did not include Appellant Individuals. Appellant Individuals did not submit comments on the proposed acquisition prior to issuance of the Decision.

In response to the IBIA's remand Order, the Bureau is addressing the concerns of the Appellant Individuals with regard to scrivener's errors in the legal descriptions and the easement issues raised by the Appellant Individuals.

The edited legal description is as follows:

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

PARCEL A:

PARCEL 3 OF PARCEL MAP NO. 5227, FILED OCTOBER 21, 1976 AS FILE NO. 76-350025 OF OFFICIAL RECORDS BEING A DIVISION OF A PORTION OF THE NORTHEAST QUARTER SECTION 14, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL A1:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PRIVATE UTILITY PURPOSES, OVER THE NORTHERLY 20 FEET OF PARCEL 1 OF PARCEL MAP NO. 5227, AND THE EASTERLY 20 FEET OF PARCELS 1 AND 2 OF SAID PARCEL MAP NO. 5227 AND THE NORTHERLY 20 FEET AND EASTERLY 40 FEET OF PARCEL 4 OF SAID PARCEL MAP NO. 5227.

PARCEL A2:

AN EASEMENT FOR INGRESS AND EGRESS OVER THE SOUTHERLY 20 FEET OF PARCEL 2 OF PARCEL MAP NO. 3915, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1975.

PARCEL B:

PARCELS 1 AND 2 OF PARCEL MAP 5393, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 17, 1976 AS INSTRUMENT NO. 76-423591 OF OFFICIAL RECORDS.

PARCEL C:

PARCEL 3 OF PARCEL MAP NO. 5393, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 17, 1976 AS INSTRUMENT NO. 76-423591 OF OFFICIAL RECORDS.

PARCEL C1:

EASEMENTS FOR INGRESS AND EGRESS, IN, OVER, ALONG AND ACROSS THOSE PORTIONS OF THE NORTH ONE-HALF OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY MORE PARTICULARLY DESCRIBED IN PARCELS 1 AND 2 BELOW AS FOLLOWS:

**PARCEL 1:**

A STRIP OF LAND 40.00 FEET IN WIDTH LYING 20.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF PARCEL 3 IN SAID NORTHEAST QUARTER OF SECTION 14, ACCORDING TO PARCEL MAP THEREOF NO. 3915, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JULY 10, 1975 DISTANT ALONG SAID NORTHERLY LINE SOUTH 85°24' 24" EAST, 735.00 FEET FROM THE NORTHWEST CORNER OF SAID PARCEL 3; THENCE LEAVING SAID NORTHERLY LINE SOUTH 18°42' 58" WEST, 436.38 FEET TO THE TERMINATION OF SAID CENTERLINE IN THE SOUTHERLY LINE OF SAID PARCEL 3.

THE SIDE LINES OF SAID STRIP OF LAND TO BE PROLONGED OR SHORTENED TO BEGIN ON THE SOUTHERLY LINE OF THE NORTHERLY 20.00 FEET OF SAID PARCEL 3 AND END ON THE SOUTHERLY LINE OF SAID PARCEL 3.

**PARCEL 2:**

A STRIP OF LAND DESCRIBED AS THE EASTERLY 40.00 FEET OF PARCEL 3, OF PARCEL MAP NO. 3915, DESCRIBED ON PARCEL 1 ABOVE.

EXCEPTING FROM SAID STRIP OF LAND THAT PORTION THEREOF LYING WITHIN THE NORTHERLY 20.00 FEET OF SAID PARCEL 3.

**PARCEL C2:**

AN EASEMENT FOR INGRESS AND EGRESS, IN, OVER, ALONG AND ACROSS THE NORTHERLY 20 FEET OF PARCEL 1 OF PARCEL MAP NO. 5227, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OCTOBER 21, 1976, AS INSTRUMENT NO. **76-350025** OF OFFICIAL RECORDS.

**PARCEL C3:**

AN EASEMENT FOR INGRESS AND EGRESS, IN, OVER, ALONG AND ACROSS THE SOUTHERLY 20 FEET OF PARCEL 2 OF PARCEL MAP NO. **3915**, IN THE

COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JULY 10, 1975 AS INSTRUMENT NO. 75-178658 OF OFFICIAL RECORDS.

PARCEL C4:

AN EASEMENT FOR INGRESS AND EGRESS, IN, OVER, ALONG AND ACROSS THE NORTHERLY 20 FEET OF PARCEL 3 OF PARCEL MAP NO. 5227, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, OCTOBER 21, 1976, AS INSTRUMENT NO. 76-350025 OF OFFICIAL RECORDS.

PARCEL C5:

AN EASEMENT FOR INGRESS AND EGRESS, IN, OVER, ALONG AND ACROSS THE NORTHERLY 20 FEET OF PARCEL 4 OF PARCEL MAP NO. 5227, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, OCTOBER 21, 1976 AS INSTRUMENT NO. 76-350025 OF OFFICIAL RECORDS.

The above-described real property is identified in San Diego County records as Assessor's Parcel Nos. 516-030-16-00 AND 516-030-18-00 AND 516-030-19-00 AND 516-030-20-00, containing 17.51 acres, more or less.

With respect to the Appellant Individuals concerns regarding easements identified as above-described real property description(s), all of the easements included in the above-described real property description(s) were incorporated in deeds that were recorded with the County before the proposed acquisition in trust.

The easements incorporated in the deeds for the above-described real property provide ingress and egress to and from the property and are necessary for entry onto and off of the property and surrounding land parcels. The easements which were legally recorded with the property deeds run with the land and acquiring the property in trust will not affect the nature or rights to use of the easements by present or future landowners. If the United States accepts subject properties into trust that title will be subject to the easements and our acceptance would not extinguish the easements.

### **CONCLUSION**

Based on the foregoing, the Bureau accepts the property described in its decision of August 1, 2013, into trust. The trust acquisition will vest title to the subject real property in the United States of America in trust for the Sycuan Band of the Kumeyaay Nation of California 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-3071-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,



Acting Regional Director

Enclosure[s]

Notice of Decision dated August 1, 2013  
43 CFR 4.310-4.340

cc: See Distribution List