



## United States Department of the Interior

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

IN REPLY REFER TO:

**MAR 22 2012**

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

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

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

We are providing the following information regarding this application:

#### Applicant:

Table Mountain Rancheria, California

#### Legal Land Description/Site Location:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

**Parcel 1:** APN 300-210-23

That portion of the Southwest quarter of Section 12, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, more particularly described as follows, to wit:

**TAKE PRIDE  
IN AMERICA** 

Commencing at a point distant 1310.32 feet South 89°19'18" East from the Southwest corner of said Section 12, said point being the Southeast corner of Lot 20 of Tract No. 1833, according to the map thereof recorded in Book 20, Pages 58 and 59 of Plats, Fresno County Records, and being the True Point of Beginning of this description; thence North 01°24'42" East, and along the Easterly line of said Tract, a distance of 1,302.09 feet to the Northeast corner of said Lot 20; thence North 89°43'09" West, and along the North line of said Lot 20, a distance of 182.80 feet; thence South 03°18'27" West, a distance of 1,199.19 feet, a little more or less, to a point on the Southwesterly line of said Lot; thence traversing along the Southerly line of said Lot, South 34°55'15" East, a distance of 126.49 feet; thence South 89°19'18" East, a distance of 147.51 feet to the True Point of Beginning of this description.

**Parcel 2:** APN's 300-032-32 and 300-380-19

Parcel A of Lot line adjustment No. 99-05 in the unincorporated area, county of Fresno, State of California, as evidenced by a Grant Deed recorded June 30, 2000, as instrument No. 00-78860 of Official Records, in the Office of the county Recorder of said County and being more particularly described as follows:

Parcel A:

The Southeast quarter of the Southwest quarter of Section 12, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the United States Government Township Plats.

Parcel B:

The North half of the Northeast quarter of the Northwest quarter; the Southeast quarter of the Northeast quarter of the Northwest quarter; and that portion lying North and East of Millerton Road in the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 13, Township 11 South, Range 21 East, Mount Diablo Base and Meridian.

Excepting therefrom any portion of said land lying South and West of the Northeasterly line of the land conveyed to the County of Fresno by the Deed recorded September 15, 1983, as instrument No. 83-085435, Official Records of Fresno County.

Also excepting therefrom any portion of said Section 13, lying within the hereinabove described land and being more particularly described as follows:

Commencing at the North Quarter corner of said Section 13 as shown on the map recorded in Book 33 of Record of Surveys at page 49, Fresno County Records; thence North 84°46'29" East, along the North line of Section 13, a distance of 285.31 feet; thence South 00°32'28" East, a distance of 748.01 feet to the true point of beginning; thence continuing South 00°32'28" East, a distance of 389.55 feet; thence South 16°09'31" West a distance of 207.42 feet, more or less, to a point on the Northeasterly line of the parcel deeded to the County of Fresno by the deed recorded September 15, 1983, as instrument No. 83-85435, Official Records of Fresno County; thence Northeasterly along said Northeasterly line of the following courses: North 59°04'47" West, a distance of 49.96 feet to the point of curvature of a tangent curve concave Northeasterly and having a radius of 865.00 feet; thence Northwesterly along said curve, through a central angle of 21°14'20", an arc distance of 320.65 feet; thence North 37°50'27" West, a distance of 205.67 feet; thence North 42°42'38" East, leaving said Northeasterly line, a distance of 175.64 feet; thence North 74°17'46" East, a distance of 217.73 feet; thence North 89°27'32" East, a distance

of 132.98 feet to the true point of beginning.

**Parcel C:**

That certain real property situate and being a portion of the Northeast quarter of Section 13, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the government township plats and more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 13; thence South  $0^{\circ}12'55''$  West, 1152.43 feet along the Westerly line of said Northeast quarter to a point in the center line of Millerton Lake Road; thence along the centerline of said road as follows: South  $42^{\circ}16'38''$  East 47.20 feet; thence along a curve to the left having a radius of 650.00 feet, through a central angle of  $17^{\circ}04'40''$ , an arc distance of 193.74 feet; thence South  $59^{\circ}21'18''$  East 57.41 feet more or less to an intersection with the Southwesterly extension of an existing fence; thence leaving the centerline of said road and along said extension and said fence North  $16^{\circ}09'31''$  East 238.68 feet and North  $0^{\circ}32'28''$  West 1137.56 feet to a point on the Northerly line of said Section 13; thence South  $84^{\circ}46'29''$  West 285.31 feet along the Northerly line of said Section 13 to the Point of Commencement.

Excepting therefrom that portion of said land conveyed to the county of Fresno by the Deed recorded September 15, 1983, as instrument No. 83-085435, Official Records of Fresno County.

Also excepting therefrom any portion of said Section 13, lying within the hereinabove described land and being more particularly described as follows:

Commencing at the North Quarter corner of said Section 13 as shown on the map recorded in Book 33 of Record of Surveys at page 49, Fresno County Records; thence North  $84^{\circ}46'29''$  East, along the North line of Section 13, a distance of 285.31 feet; thence South  $00^{\circ}32'28''$  East, a distance of 748.01 feet to the true point of beginning; thence continuing South  $00^{\circ}32'28''$  East, a distance of 389.55 feet; thence South  $16^{\circ}09'31''$  West a distance of 207.42 feet, more or less, to a point on the Northeasterly line of the parcel deeded to the County of Fresno by the deed recorded September 15, 1983, as instrument No. 83-85435, Official Records of Fresno County; thence Northeasterly along said Northeasterly line of the following courses: North  $59^{\circ}04'47''$  West, a distance of 49.96 feet to the point of curvature of a tangent curve concave Northeasterly and having a radius of 865.00 feet; thence Northwesterly along said curve, through a central angle of  $21^{\circ}14'20''$ , an arc distance of 320.65 feet; thence North  $37^{\circ}50'27''$  West, a distance of 205.67 feet; thence North  $42^{\circ}42'38''$  East, leaving said Northeasterly line, a distance of 175.64 feet; thence North  $74^{\circ}17'46''$  East, a distance of 217.73 feet; thence North  $89^{\circ}27'32''$  East, a distance of 132.98 feet to the true point of beginning.

**Parcel 3: APN 300-380-20**

Lot Line Adjustment No. 99-05 (A) as evidenced by a Certificate of Compliance recorded August 18, 2000, as instrument No. 00-99402 of Official Records being that portion of Section 13, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, in the unincorporated area, County of Fresno, State of California, according to the Government Township Plats and more particularly described as follows:

Commencing at the North Quarter corner of said Section 13 as shown on the map recorded in Book 33 of Record of Surveys at page 49, Fresno County Records; thence North  $84^{\circ}46'29''$  East, along the North line of Section 13, a distance of 285.31 feet; thence South  $00^{\circ}32'28''$  East, a

distance of 748.01 feet to the true point of beginning; thence continuing South 00°32'28" East, a distance of 389.55 feet; thence South 16°09'31" West a distance of 207.42 feet, more or less, to a point on the Northeasterly line of the parcel deeded to the County of Fresno by the deed recorded September 15, 1983, as instrument No. 83-85435, Official Records of Fresno County; thence Northeasterly along said Northeasterly line of the following courses: North 59°04'47" West, a distance of 49.96 feet to the point of curvature of a tangent curve concave Northeasterly and having a radius of 865.00 feet; thence Northwesterly along said curve, through a central angle of 21°14'20", an arc distance of 320.65 feet; thence North 37°50'27" West, a distance of 205.67 feet; thence North 42°42'38" East, leaving said Northeasterly line, a distance of 175.64 feet; thence North 74°17'46" East, a distance of 217.73 feet; thence North 89°27'32" East, a distance of 132.98 feet to the true point of beginning.

**PARCEL 4:** APN 300-032-33 and APN 300-380-02

All that certain real property situate in the City of Fresno, State of California, and being a part of Sections 12 and 13, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, and being more particularly described as follows:

Commencing at the North quarter corner of said Section 13; thence along the West line of the Northeast quarter of Section 13, South 0°12'55" West 1,152.43 feet to a point in the centerline of Millerton Road; thence along the centerline of Millerton Road the following:

South 42°16'38" East 47.20 feet; thence along a curve to the left having a radius of 650.00 feet, a central angle of 17°04'40", an arc distance of 193.74 feet; thence South 59°21'18" East 202.94 feet; along a curve to the right, having a radius of 850.00 feet a central angle of 10°05'35" an arc distance of 149.73 feet to a point on said curve whose radial bears North 40°44'17" East; thence leaving the centerline of Millerton Road and along a line parallel to and 30.00 feet Westerly of the centerline of an existing dirt road the centerline of which is described as follows:

Continuing along the aforementioned centerline of Millerton Road, along a curve to the right, having a radius of 850.00 feet through a central angle of 2°31'29", an arc distance of 37.46 feet to a junction with the aforementioned centerline of said dirt road and the Point of Beginning of courses parallel to and 30.00 feet East of the actual boundary; thence North 5°13'29" East 317.04 feet, North 8°39'17" East 188.55 feet, North 33°35'07" East 213.28 feet, North 70°33'34" East 202.77 feet, North 87°01'44" East 248.65 feet, North 74°32'21" West 89.84 feet, North 62°01'26" West 60.22 feet, North 42°56'41" West 53.42 feet, North 15°35'25" West 49.90 feet, North 5°12'21" West 49.21 feet, North 11°57'38" East 73.61 feet, North 28°12'19" East 98.41 feet, North 35°16'08" East 54.98 feet, North 25°25'30" East 107.99 feet, North 67°21'54" East 79.66 feet, North 29°30'14" East 141.93 feet, North 57°55'57" East 81.96 feet, South 78°44'44" East 147.11 feet, South 84°09'43" East 28.49 feet, North 36°41'31" East 21.98 feet, North 17°27'21" West 29.96 feet, North 30°52'23" West 72.31 feet, North 42°52'07" West 45.48 feet, North 42°17'47" West 51.55 feet, North 29°07'32" West 46.61 feet, North 21°51'00" West 44.64 feet, North 4°36'31" West 46.98 feet, North 12°21'32" East 158.30 feet, North 4°51'09" West 48.80 feet, North 22°29'11" West 58.51 feet, North 11°34'40" West 142.91 feet, North 5°32'13" East 151.49 feet, North 24°01'46" East 44.53 feet, North 10°49'40" East 35.43 feet, North 8°07'50" West 58.63 feet, North 2°36'11" East 82.02 feet, North 16°01'30" West 84.75 feet to a point in a Northeast-Southwest fence line; thence leaving the centerline of said dirt road along said fence line South 76°26'36" West 30.03 feet to the actual boundary of this Parcel; thence South 76°26'36" West 10.90 feet, South 63°36'18" West 87.10 feet, South 82°25'28" West 285.60 feet, South 57°44'37" West 523.17 feet to a point of the West line of the Southeast quarter of Section 12; thence along the West line of the Southeast quarter South 1°30'53" West 639.49 feet to a

point on the North line of the Northeast quarter of Section 13; thence along said North line of the Northeast quarter South 84°46'29" West 436.56 feet to Point of Commencement.

EXCEPTING THEREFROM that parcel of land more particularly described as follows:

Commencing at the Northwest corner of the Northeast quarter of said Section 13, thence South 0°12'55" West 1152.43 feet along the Westerly line of said Northeast quarter to a point in the centerline of Millerton Lake Road; thence along the centerline of said road as follows; South 42°16'38" East 47.20 feet; thence along a curve to the left having a radius of 650.00 feet, through a central angle of 17°04'40", an arc distance of 193.74 feet; thence South 59°21'18" East 57.41 feet, more or less, to an intersection with the Southwesterly extension of an existing fence; thence leaving the centerline of said road and along said extension and said fence North 16°09'31" East 238.68 feet and North 0°32'28" West 1137.56 feet to a point on the Northerly line of said Section 13; thence South 84°46'29" West 285.31 feet along the Northerly line of said Section 13 to the Point of Commencement.

**PARCEL 5:** APN 300-032-34

All that certain real property situate in the City of Fresno, State of California, more particularly described as follows:

Beginning at the South quarter corner of Section 12, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, according to the Official Plat thereof, said corner being a 1 1/2 inch iron pipe, tagged L.S. 2737, said corner being shown on the Record of Survey, recorded in Book 30, page 83, Official Records of Fresno County, thence North 1°36'41" East 892.96 feet to the True Point of Beginning, of this description, thence North 1°36'41" East 677.05 feet, thence North 90°00'00" East 804.08 feet, thence South 1°36'41" West 318.76 feet to the Northeast corner of the parcel conveyed to the Table Mountain Rancheria Band of Indians by Joseph and Doris Jenkins in grant deed recorded as document 2004-145113 by the Fresno County Recorder on June 30, 2004, thence South 76°26'36" West 10.90 feet, thence South 63°36'18" West 87.10 feet, thence South 82°25'28" West 285.60 feet, thence South 57°44'37" West 523.17 feet to the Point of Beginning.

TOGETHER WITH a non-exclusive easement along and upon that certain existing oiled and dirt road adjacent to the East boundary line of the property conveyed by Deed dated May 1979, recorded July 20, 1979, in Book 7332 of Official Records of Fresno County, California, at page 266, and the herein-described real property from its entrance on Millerton Road at the Bull Pine Ranch entrance to the Northeast corner of the herein described parcel.

**Parcel 6:** APN 300-380-08

All of that portion of the Northeast quarter of Section 13 and the Southeast quarter of Section 12, all in Township 11 South, Range 21 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at a point on the East line of said Northeast quarter of Section 13 which bears North 00°00'00" West a distance of 1552.48 feet from the Southeast corner thereof; thence S. 75°51'25" W., a distance 328.00 feet; thence S. 25°24'59" W., a distance of 177.33 feet to the beginning of a 100.00 foot radius tangent curve, concave to the Northwest; thence Southwesterly, along said curve, through a central angle of 64°35'10" an arc distance of 112.72 feet; thence S. 90°00'00" W., a distance of 406.30 feet; thence S. 49°59'52" W., a distance of 855.01 feet to the centerline

of Millerton Road and the beginning of a 900.00 foot radius non-tangent curve, concave to the Southwest, a radial to said beginning bears N. 62°59'46" E.; thence Northwesterly along said curve and along said centerline through a central angle of 21°30'47", an arc distance of 337.93 feet; thence leaving said centerline of Millerton Road, N. 06°22'50" E., along a line 30.00 feet Westerly from and parallel with the centerline of an existing dirt road as described in the deed to Joseph D. Jenkins and Doris J. Jenkins recorded July 20, 1979 in Book 7332, Page 266, official Records of Fresno County a distance of 302.57 feet; thence continuing along said parallel line of the following courses: N. 09°48'38" E., a distance of 196.08 feet, N. 34°44'28" E., a distance of 229.89 feet, N. 71°42'55" E., a distance of 217.14 feet, N. 88°11'05" E., a distance of 101.59 feet, N. 41°47'20" W., a distance of 73.93 feet, N. 14°26'04" W., a distance of 59.93 feet, N. 04°03'00" W., a distance of 56.46 feet, N. 13°06'59" E., a distance of 82.42 feet, N. 29°21'40" E., a distance of 104.54 feet N. 36°25'29" E., a distance of 54.25 feet, N. 26°34'51" E., a distance of 116.90 feet N. 68°31'15" E., a distance of 80.87 feet, N. 30°39'35" E., a distance of 139.24 feet, N., 59°05'18" E., a distance of 101.47 feet and S. 77°35'23" E., a distance of 159.00 feet; thence leaving said parallel line N. 87°12'09" E., a distance of 771.72 feet to said East line of the Northeast quarter of Section 13; thence S. 00°00'00" E., a distance of 866.81 feet to the point of the Beginning of this description.

Excepting therefrom that portion deeded to the County of Fresno in deed recorded April 12, 1982 in Book 7889 Page 678 Document no. 30392 of Official Records.

**Project Description/Proposed Land Use:**

The subject property consists of eight parcels of land, encompassing approximately 147.00 acres more or less, commonly referred to as Assessor's Parcel Numbers: 300-210-23; 300-032-32; 300-032-33; 300-032-34; 300-380-02; 300-380-08; 300-380-19; and 300-380-20. The parcels are contiguous to the Table Mountain Rancheria at the easterly boundary. Currently, the property is limited to five residences and six wells. There is no proposed change in land use.

*See Exhibits for parcel/site maps*

**Current Use/Taxes and Zoning:**

300-210-23 - \$ 4,208.62  
300-032-32 - \$ 21,230.98  
300-032-33 - \$ 10.42  
300-032-34 - \$ 6.46  
300-380-02 - \$ 907.38  
300-380-08 - \$ 22,309.52  
300-380-19 - \$ 11,892.88  
300-380-20 - \$ 5,385.38

**Existing Easements/Encumbrances:**

*See Exhibit "A"*

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

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

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

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

Sincerely,

  
Acting Regional Director

Enclosure: 25 CFR 151  
Exhibit "A"  
Maps

## DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7009 3410 0000 1124 0536  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

Sara J. Drake, Deputy Attorney General – 7009 3410 0000 1124 0543  
State of California  
Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

Mr. Jacob Appelsmith – 7009 3410 0000 1124 0550  
Legal Affairs Secretary  
Office of the Governor of California  
State Capitol Building  
Sacramento, CA 95814

Office of the Honorable Dianne Feinstein – 7009 3410 0000 1124 0659  
331 Hart Senate Office Building  
Washington, DC 20510

Board of Supervisors – 7009 3410 0000 1124 0567  
County of Fresno  
2281 Tulare Street, Room 301  
Fresno, California 93721-2198

Fresno County Treasurer and Tax Collector – 7009 3410 0000 1124 0574  
Hall of Records  
P. O. Box 1247  
Fresno, California 93721

Planning Director – 7009 3410 0000 1124 0581  
Planning Department  
County of Fresno Plaza  
2220 Tulare Street, Suite 800  
Fresno, California 93721



Fresno County Dept. of Public Works – 7009 3410 0000 1124 0598  
Fresno Plaza  
2220 Tulare Street, Suite 700  
Fresno, California 93721

Bart Bohn, County Administrative Officer – 7009 3410 0000 1124 0604  
Hall of Records  
2281 Tulare Street, Suite 304  
Fresno, California 93721

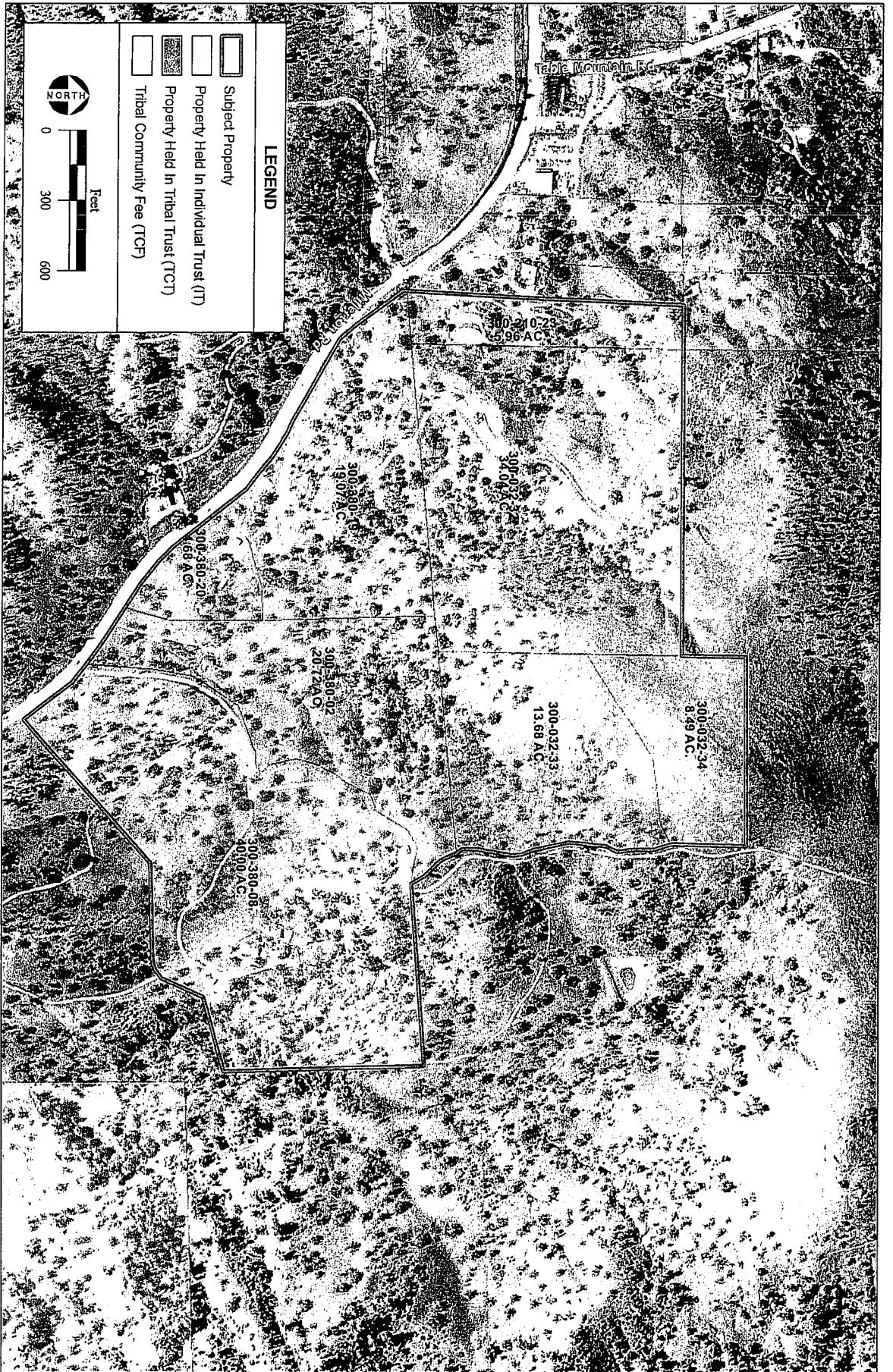
Chairperson – 7009 3410 0000 1124 0611  
Big Sandy Rancheria  
P.O. Box 337  
Auberry, CA 93602

Chairperson – 7009 3410 0000 1124 0628  
Cold Springs Rancheria  
P.O. Box 209  
Tollhouse, CA 93667

Anderson Indian Law – 7009 3410 0000 1124 0635  
503 C Street NE  
Washington, D.C. 20002

Regular Mail:

Superintendent  
Bureau of Indian Affairs  
Central California Agency  
650 Capitol Mall  
Sacramento, CA 95814



SOURCE: Dale G. Meil & Associates, 2005; AES, 2008

Table Mountain 147-Acre Fee-to-Trust EO / 208521

147-Acre Subject Property Parcel Map

**SCHEDULE B – SECTION II**

**EXCEPTIONS**

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

**THE FOLLOWING EXCEPTIONS AFFECT PARCEL 1 AS HEREINABOVE DESCRIBED**

1. **Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2011-2012.
2. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.
3. **Any boundary discrepancies** or rights which may exist or arise by reason of maps of survey of said property, which were recorded March 26, 1962, in Book 22 Page 13 of Record of Surveys, April 25, 1980 in Book 30 Page 83 of Record of Surveys, November 22, 1985 in Book 33 Page 49 of Record of Surveys and August 23, 1995 in Book 40 Pages 97 and 98 of Record of Surveys, in the Office of the County Recorder of said County.
4. **The fact that there exists** a mobile home located on the property as hereinabove described as evidenced by the Fresno county Secured Tax Roll.
5. **Matters** contained in that certain document entitled "Fresno County Fire Protection District Resolution NO. 2000-15" dated , executed by the Fresno County Board of Directors recorded July 21, 2000, Instrument No. 2000-0086384, of Official Records, which document, among other things, contains or provides for: as referenced within said instrument.

Reference is hereby made to said document for full particulars.

**THE FOLLOWING EXCEPTIONS AFFECT PARCEL 2A AS HEREINABOVE DESCRIBED**

6. **Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2011-2012.
7. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

- 8. **The fact that** more than one Township Plat for Township 11 South, Range 21 East, Mount Diablo Base and Meridian, has been filed by the United States Surveyor Generals Office.

This Company has not undertaken to determine the effect, if any, of said late plat on the land described herein, and expressly excludes from the undertakings hereof any obligation as to any claim or loss arising from the effect of said later Township Plats.

- 9. **Any boundary discrepancies** or rights which may exist or arise by reason of maps of survey of said property, which were recorded March 26, 1962, in Book 22 Page 13 of Record of Surveys, April 25, 1980 in Book 30 Page 83 of Record of Surveys, November 22, 1985 in Book 33 Page 49 of Record of Surveys and August 23, 1995 in Book 40 Pages 97 and 98 of Record of Surveys, in the Office of the County Recorder of said County.

- 10. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a California Corporation  
 Purpose: easement  
 Recorded: March 31, 1988, Instrument No. 88034449, of Official Records

Affects: The herein described land and other land.

- 11. **Matters** contained in that certain document entitled "Fresno County Fire Protection District Resolution NO. 2000-15" dated , executed by the Fresno County Board of Directors recorded July 21, 2000, Instrument No. 2000-0086384, of Official Records, which document, among other things, contains or provides for: as referenced within said instrument.

Reference is hereby made to said document for full particulars.

**THE FOLLOWING EXCEPTIONS AFFECT PARCELS 2B AND 2C AS HEREINABOVE DESCRIBED**

- 12. **Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2011-2012.
- 13. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.
- 14. **Rights of the public** as to any portion of the land lying within the area commonly known as Millerton Road.



- 15. The fact that** more than one Township Plat for Township 11 South, Range 21 East, Mount Diablo Base and Meridian, has been filed by the United States Surveyor Generals Office.

This Company has not undertaken to determine the effect, if any, of said late plat on the land described herein, and expressly excludes from the undertakings hereof any obligation as to any claim or loss arising from the effect of said later Township Plats.

- 16. Any boundary discrepancies** or rights which may exist or arise by reason of maps of survey of said property, which were recorded March 26, 1962, in Book 22 Page 13 of Record of Surveys, April 25, 1980 in Book 30 Page 83 of Record of Surveys, November 22, 1985 in Book 33 Page 49 of Record of Surveys and August 23, 1995 in Book 40 Pages 97 and 98 of Record of Surveys, in the Office of the County Recorder of said County.

- 17. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: San Joaquin Power Company  
 Purpose: public utilities  
 Recorded: July 30, 1907, Instrument No. 12057, Book 382, Page 085, of Deeds  
 Affects: within the Northeast quarter of said Section 13

the exact route and extent of said matter is not disclosed of record

- 18. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas & Electric Company  
 Purpose: public utilities  
 Recorded: August 22, 1945, Instrument No. 32827, Book 2278, Page 410, of Official Records  
 Affects: within the Northeast quarter of said Section 13

the exact location and extent of said matter is not disclosed of record

- 19. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas & Electric Company  
 Purpose: a single line of poles and incidental purposes and rights  
 Recorded: October 31, 1945, Instrument No. 46782, Book 2287, Page 096, of Official Records  
 Affects: the Northeast 1/4 of the Northwest 1/4 of said Section 13

the exact route is not disclosed of record

**20. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a California Corporation  
Purpose: easement and right of way  
Recorded: March 31, 1988, Instrument No. 88-034449, of Official Records  
Affects: a portion of said land, the exact route and location is not disclosed of record

together with certain other stipulations as contained therein

Affects: The herein described land and other land.

**21. Matters** contained in that certain document entitled "Declaration of Intent and Acknowledgement of Penalty for Unlawful Conveyance" dated December 12, 1994, executed by and between Leila Harris and Donavon Harris recorded December 19, 1994, Instrument No. 94190629, of Official Records, which document, among other things, contains or provides for: the intended purpose of conveying for no monetary consideration said acreage to and for the exclusive use of the recipient for their residence and to retain the remainder of the property and that no further conveyance is intended and related as contained within said instrument.

Reference is hereby made to said document for full particulars.

**22. Matters** contained in that certain document entitled "Fresno County Fire Protection District Resolution No. 2000-15" dated , executed by the Fresno County Board of Directors recorded July 21, 2000, Instrument No. 2000-0086384, of Official Records, which document, among other things, contains or provides for: as referenced within said instrument.

Reference is hereby made to said document for full particulars.

**THE FOLLOWING EXCEPTIONS AFFECT PARCEL 3 AS HEREINABOVE DESCRIBED**

**23. Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2011-2012.

**24. The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

**25. The fact that** more than one Township Plat for Township 11 South, Range 21 East, Mount Diablo Base and Meridian, has been filed by the United States Surveyor Generals Office.

This Company has not undertaken to determine the effect, if any, of said late plat on the land described herein, and expressly excludes from the undertakings hereof any obligation as to any claim or loss arising from the effect of said later Township Plats.

**26. Any boundary discrepancies** or rights which may exist or arise by reason of maps of survey of said property, which were recorded March 26, 1962, in Book 22 Page 13 of Record of Surveys, April 25, 1980 in Book 30 Page 83 of Record of Surveys, November 22, 1985 in Book 33 Page 49 of Record of Surveys and August 23, 1995 in Book 40 Pages 97 and 98 of Record of Surveys, in the Office of the County Recorder of said County.

**27. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: San Joaquin Power Company  
 Purpose: public utilities  
 Recorded: July 30, 1907, Instrument No. 12057, Book 382, Page 085, of Deeds  
 Affects: within the Northeast quarter of said Section 13

the exact route and extent of said matter is not disclosed of record

**28. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas & Electric Company  
 Purpose: public utilities  
 Recorded: August 22, 1945, Instrument No. 32827, Book 2278, Page 410, of Official Records  
 Affects: within the Northeast quarter of said Section 13

the exact location and extent of said matter is not disclosed of record

**29. Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas & Electric Company  
 Purpose: a single line of poles and incidental purposes and rights  
 Recorded: October 31, 1945, Instrument No. 46782, Book 2287, Page 096, of Official Records  
 Affects: the Northeast 1/4 of the Northwest 1/4 of said Section 13

the exact route is not disclosed of record

30. **Rights of the public** as to any portion of the land lying within the area commonly known as Millerton Road.

31. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas and Electric Company, a California Corporation  
Purpose: easement  
Recorded: March 31, 1988, Instrument No. 88034449, of Official Records

Affects: The herein described land and other land.

32. **Matters** contained in that certain document entitled "Declaration of Intent and Acknowledgement of Penalty for Unlawful Conveyance" dated December 12, 1994, executed by and between Leila Harris and Donavon Harris recorded December 19, 1994, Instrument No. 94190629, of Official Records, which document, among other things, contains or provides for: the intended purpose of conveying for no monetary consideration said acreage to and for the exclusive use of the recipient for their residence and to retain the remainder of the property and that no further conveyance is intended..

Reference is hereby made to said document for full particulars.

33. **Matters** contained in that certain document entitled "Fresno County Fire Protection District Resolution NO. 2000-15" dated , executed by the Fresno County Board of Directors recorded July 21, 2000, Instrument No. 2000-0086384, of Official Records, which document, among other things, contains or provides for: as referenced within said instrument.

Reference is hereby made to said document for full particulars.

**THE FOLLOWING EXCEPTIONS AFFECT PARCELS 4 AND 5 AS HEREINABOVE DESCRIBED**

34. **Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2011-2012.

35. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

36. **Rights of the public** as to any portion of the land lying within the area commonly known as Millerton Road.





- 37. **The fact that** more than one Township Plat for Township 11 South, Range 21 East, Mount Diablo Base and Meridian, has been filed by the United States Surveyor Generals Office.

This Company has not undertaken to determine the effect, if any, of said late plat on the land described herein, and expressly excludes from the undertakings hereof any obligation as to any claim or loss arising from the effect of said later Township Plats.

- 38. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: San Joaquin Power Company  
 Purpose: public utilities  
 Recorded: July 30, 1907, Instrument No. 12057, Book 382, Page 085, of Deeds  
 Affects: within the Northeast quarter of said Section 13

the exact route and extent of said matter is not disclosed of record

- 39. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas & Electric Company  
 Purpose: public utilities  
 Recorded: August 22, 1945, Instrument No. 32827, Book 2278, Page 410, of Official Records  
 Affects: within the Northeast quarter of said Section 13

the exact location and extent of said matter is not disclosed of record

- 40. **Any boundary discrepancies** or rights which may exist or arise by reason of maps of survey of said property, which were recorded March 26, 1962, in Book 22 Page 13 of Record of Surveys, April 25, 1980 in Book 30 Page 83 of Record of Surveys, November 22, 1985 in Book 33 Page 49 of Record of Surveys and August 23, 1995 in Book 40 Pages 97 and 98 of Record of Surveys, in the Office of the County Recorder of said County.

**THE FOLLOWING EXCEPTIONS AFFECT PARCEL 6 AS HEREINABOVE DESCRIBED**

- 41. **Property taxes**, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2011-2012.
- 42. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.



- 43. **The fact that** more than one Township Plat for Township 11 South, Range 21 East, Mount Diablo Base and Meridian, has been filed by the United States Surveyor Generals Office.

This Company has not undertaken to determine the effect, if any, of said late plat on the land described herein, and expressly excludes from the undertakings hereof any obligation as to any claim or loss arising from the effect of said later Township Plats.

- 44. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: San Joaquin Power Company  
 Purpose: public utilities  
 Recorded: July 30, 1907, Instrument No. 12057, Book 382, Page 085, of Deeds  
 Affects: within the Northeast quarter of said Section 13

the exact route and extent of said matter is not disclosed of record

- 45. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Pacific Gas & Electric Company  
 Purpose: public utilities  
 Recorded: August 22, 1945, Instrument No. 32827, Book 2278, Page 410, of Official Records  
 Affects: within the Northeast quarter of said Section 13

the exact location and extent of said matter is not disclosed of record

- 46. **Any boundary discrepancies** or rights which may exist or arise by reason of maps of survey of said property, which were recorded March 26, 1962, in Book 22 Page 13 of Record of Surveys, April 25, 1980 in Book 30 Page 83 of Record of Surveys, November 22, 1985 in Book 33 Page 49 of Record of Surveys and August 23, 1995 in Book 40 Pages 97 and 98 of Record of Surveys, in the Office of the County Recorder of said County.

- 47. **Subject to a** right of way for dirt road as disclosed by the legal description as contained herein. No further information is given as to the extent and location of said matter.



48. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: John Slater and Marion Slater, husband and wife and Steve Wilson and Linda Braun Wilson, as trustee  
Purpose: ingress, egress and public utilities  
Recorded: January 12, 1995, Instrument No. 95-004563, of Official Records  
Affects: the westerly 80 feet of said land

**END OF SCHEDULE B – SECTION II**



## §150.11

Titles and Records Offices are designated as Certifying Officers for this purpose. When a copy or reproduction of a title document is authenticated by the official seal and certified by a Manager, Land Titles and Records Office, the copy or reproduction shall be admitted into evidence the same as the original from which it was made. The fees for furnishing such certified copies are established by a uniform fee schedule applicable to all constituent units of the Department of the Interior and published in 43 CFR part 2, appendix A.

### §150.11 Disclosure of land records, title documents, and title reports.

(a) The usefulness of a Land Titles and Records Office depends in large measure on the ability of the public to consult the records contained therein. It is therefore, the policy of the Bureau of Indian Affairs to allow access to land records and title documents unless such access would violate the Privacy Act, 5 U.S.C. 552a or other law restricting access to such records, or there are strong policy grounds for denying access where such access is not required by the Freedom of Information Act, 5 U.S.C. 552. It shall be the policy of the Bureau of Indian Affairs that, unless specifically authorized, monetary considerations will not be disclosed insofar as leases of tribal land are concerned.

(b) Before disclosing information concerning any living individual, the Manager, Land Titles and Records Office, shall consult 5 U.S.C. 552a(b) and the notice of routine users then in effect to determine whether the information may be released without the written consent of the person to whom it pertains.

## PART 151—LAND ACQUISITIONS

### Sec.

- 151.1 Purpose and scope.
- 151.2 Definitions.
- 151.3 Land acquisition policy.
- 151.4 Acquisitions in trust of lands owned in fee by an Indian.
- 151.5 Trust acquisitions in Oklahoma under section 5 of the I.R.A.
- 151.6 Exchanges.
- 151.7 Acquisition of fractional interests.
- 151.8 Tribal consent for nonmember acquisitions.

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- 151.9 Requests for approval of acquisitions.
- 151.10 On-reservation acquisitions.
- 151.11 Off-reservation acquisitions.
- 151.12 Action on requests.
- 151.13 Title examination.
- 151.14 Formalization of acceptance.
- 151.15 Information collection.

**AUTHORITY:** R.S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1967, as amended, 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended, 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1718; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, 1495, and other authorizing acts.

**CROSS REFERENCE:** For regulations pertaining to: The inheritance of interests in trust or restricted land, see parts 15, 16, and 17 of this title and 43 CFR part 4; the purchase of lands under the BIA Loan Guaranty, Insurance and Interest Subsidy program, see part 103 of this title; the exchange and partition of trust or restricted lands, see part 152 of this title; land acquisitions authorized by the Indian Self-Determination and Education Assistance Act, see parts 900 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR part 2530; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR parts 2561 and 2564; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR part 1823, subpart N; the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§117.8 and 158.54 of this title.

**SOURCE:** 45 FR 62036, Sept. 18, 1980, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

### §151.1 Purpose and scope.

These regulations set forth the authorities, policy, and procedures governing the acquisition of land by the United States in trust status for individual Indians and tribes. Acquisition of land by individual Indians and tribes in fee simple status is not covered by these regulations even though such land may, by operation of law, be held in restricted status following acquisition. Acquisition of land in trust status by inheritance or escheat is not covered by these regulations. These regulations do not cover the acquisition of

land in trust status in the State of Alaska, except acquisitions for the Metlakatla Indian Community of the Annette Island Reserve or its members.

#### § 151.2 Definitions.

(a) *Secretary* means the Secretary of the Interior or authorized representative.

(b) *Tribe* means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of the Annette Island Reserve, which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs. For purposes of acquisitions made under the authority of 25 U.S.C. 488 and 489, or other statutory authority which specifically authorizes trust acquisitions for such corporations, "Tribe" also means a corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

(c) *Individual Indian* means:

(1) Any person who is an enrolled member of a tribe;

(2) Any person who is a descendant of such a member and said descendant was, on June 1, 1934, physically residing on a federally recognized Indian reservation;

(3) Any other person possessing a total of one-half or more degree Indian blood of a tribe;

(4) For purposes of acquisitions outside of the State of Alaska, *Individual Indian* also means a person who meets the qualifications of paragraph (c)(1), (2), or (3) of this section where "Tribe" includes any Alaska Native Village or Alaska Native Group which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs.

(d) *Trust land* or *land in trust status* means land the title to which is held in trust by the United States for an individual Indian or a tribe.

(e) *Restricted land* or *land in restricted status* means land the title to which is held by an individual Indian or a tribe and which can only be alienated or encumbered by the owner with the approval of the Secretary because of limi-

tations contained in the conveyance instrument pursuant to Federal law or because of a Federal law directly imposing such limitations.

(f) Unless another definition is required by the act of Congress authorizing a particular trust acquisition, *Indian reservation* means that area of land over which the tribe is recognized by the United States as having governmental jurisdiction, except that, in the State of Oklahoma or where there has been a final judicial determination that a reservation has been disestablished or diminished, *Indian reservation* means that area of land constituting the former reservation of the tribe as defined by the Secretary.

(g) *Land* means real property or any interest therein.

(h) *Tribal consolidation area* means a specific area of land with respect to which the tribe has prepared, and the Secretary has approved, a plan for the acquisition of land in trust status for the tribe.

[45 FR 62036, Sept. 18, 1980, as amended at 60 FR 32879, June 23, 1995]

#### § 151.3 Land acquisition policy.

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

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

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

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

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

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

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

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

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

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

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

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

#### § 151.6 Exchanges.

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

#### § 151.7 Acquisition of fractional interests.

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

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

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without offering to purchase all of such interests; or

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

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

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

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

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

#### § 151.10 On-reservation acquisitions.

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

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

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

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

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

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

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

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

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

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

[45 FR 62036, Sept. 18, 1980, as amended at 60 FR 32879, June 23, 1995]

### § 151.11 Off-reservation acquisitions.

The Secretary shall consider the following requirements in evaluating tribal requests for the acquisition of lands in trust status, when the land is located outside of and noncontiguous to the tribe's reservation, and the acquisition is not mandated:

(a) The criteria listed in § 151.10 (a) through (c) and (e) through (h);

(b) The location of the land relative to state boundaries, and its distance from the boundaries of the tribe's res-

ervation, shall be considered as follows: as the distance between the tribe's reservation and the land to be acquired increases, the Secretary shall give greater scrutiny to the tribe's justification of anticipated benefits from the acquisition. The Secretary shall give greater weight to the concerns raised pursuant to paragraph (d) of this section.

(c) Where land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use.

(d) Contact with state and local governments pursuant to § 151.10 (e) and (f) shall be completed as follows: Upon receipt of a tribe's written request to have lands taken in trust, the Secretary shall notify the state and local governments having regulatory jurisdiction over the land to be acquired. The notice shall inform the state and local government that each will be given 30 days in which to provide written comment as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments.

[60 FR 32879, June 23, 1995, as amended at 60 FR 48894, Sept. 21, 1995]

### § 151.12 Action on requests.

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

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

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sooner than 30 days after the notice is published.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995, as amended at 61 FR 18083, Apr. 24, 1996]

#### § 151.13 Title examination.

If the Secretary determines that he will approve a request for the acquisition of land from unrestricted fee status to trust status, he shall acquire, or require the applicant to furnish, title evidence meeting the *Standards For The Preparation of Title Evidence In Land Acquisitions by the United States*, issued by the U.S. Department of Justice. After having the title evidence examined, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities which may exist. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition and he shall require elimination prior to such approval if the liens, encumbrances, or infirmities make title to the land unmarketable.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995]

#### § 151.14 Formalization of acceptance.

Formal acceptance of land in trust status shall be accomplished by the issuance or approval of an instrument of conveyance by the Secretary as is appropriate in the circumstances.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995]

#### § 151.15 Information collection.

(a) The information collection requirements contained in §§ 151.9; 151.10; 151.11(c), and 151.13 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076-0100. This information is being collected to acquire land into trust on behalf of the Indian tribes and individuals, and will be used to assist the Secretary in making a determination. Response to this request is required to obtain a benefit.

(b) Public reporting for this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information

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

[60 FR 32879, June 23, 1995; 64 FR 13895, Mar. 23, 1999]

## PART 152—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

### Sec.

152.1 Definitions.

152.2 Withholding action on application.

### ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

152.3 Information regarding status of applications for removal of Federal supervision over Indian lands.

152.4 Application for patent in fee.

152.5 Issuance of patent in fee.

152.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.

152.7 Application for certificate of competency.

152.8 Issuance of certificate of competency.

152.9 Certificates of competency to certain Osage adults.

152.10 Application for orders removing restrictions, except Five Civilized Tribes.

152.11 Issuance of orders removing restrictions, except Five Civilized Tribes.

152.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.

152.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.

152.14 Removal of restrictions, Five Civilized Tribes, without application.

152.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.

152.16 Effect of order removing restrictions, Five Civilized Tribes.