



United States Department of the Interior

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

DEC 20 2012

IN REPLY REFER TO:

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 unincorporated area of the County of Fresno, State of California and is described as follows:

Parcel One:

The South half of Lots 1 and 2 of the Northwest quarter and the North half of Lots 1 and 2 of the Southwest quarter of Section 18, Township 11 South, Range 22 East, Mount Diablo Base and Meridian, in the County of Fresno, State of California, according to the Official Plat thereof. Excepting all that portion of the North half of Government Lot 2 in the Southwest quarter of said



Section 18, described as follows: Commencing at a point on the Southerly line of the North half of Lot 2 at its intersection with the Northeasterly right of way line of the Auberry Road, said point bearing South 89° 40' 15" East, 1013.13 feet from the Southwest corner of the North half of Lot 2, said point also being on a curve whose radian bears North 52° 16' 10" East; thence continuing South 89° 40' 15" East, 106.00 feet, along the Southerly line of the North half of Lot 2 to a point on an existing fence line; thence North 32° 23' 03" West, 35.66 feet along said fence line to a point 30.00 feet North of the Southerly line of the North half of Lot 2; thence North 89° 40' 15" West, 110.67 feet, parallel to and 30 feet North of the Southerly line of the North half of Lot 2 to a point on the Northeasterly right of way line of the Auberry Road said point being on a curve whose radian bears North 51° 11' 10" East; thence Southeasterly along the said Northeasterly right of way line on a curve to the right having a radius of 2030.00 feet through a central angle of 1° 05', an arc distance of 38.38 feet to the Point of Beginning.

APN: 138-061-55

Parcel Two:

A portion of the Southeast quarter of Section 13, Township 11 South, Range 21 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point in the center of the Clovis-Auberry Road which point bears North 15° 35' West 1370.36 feet from the Southeast corner of said Section 13, and running thence Easterly along the center line of said road as follows; North 76° 48' East 86 feet and North 74° 58' East 396 feet; thence leaving said road and running North 4° 49' East 1039 feet to the true point of beginning of this description; thence North 88° 39' West 402 feet, and thence South 60° 09' West 632 feet, a little more or less, to a point in the center of Friant Road; thence Northerly along the centerline of said Friant road to the North line of the Southeast quarter of said Section 13; thence leaving said County Road and running Easterly along the North line of the Southeast quarter of said Section 13 to the East quarter corner of said Section 13; thence South along the East line of said Section 13 to the True Point of Beginning.

Note: The basis of bearings of the following parcel of land is the South line of Section 13, assumed as West.

Excepting therefrom that portion granted to the County of Fresno by deed recorded March 26, 1982, in Book 7880 page 903, instrument No. 25341, Fresno County Records.

APN 300-240-15

Parcel Three:

Parcel 1 of Parcel Map No. 4882, according to the map thereof recorded in Book 32 Pages 10 and 11 of Parcel Maps, Fresno County Records.

Excepting therefrom that portion of Parcel Map No. 4882, described as follows:

Beginning at the Northeast corner of said Parcel 1, being on the centerline of Millerton Road as shown on said map; thence South 01° 06' 25" East along the East boundary of said Parcel 1, 514.30 feet to the Southeasterly boundary of said Parcel 1; thence South 23° 08' 35" West along said Southeasterly boundary, 94.09 feet; thence North 00° 56' 36" West, 605.32 feet to the North boundary of said Parcel 1; thence South 83 ° 02' 25" East along said North boundary, 37.28 feet to the point of beginning.

APN 300-240-18

Parcel Four:

Parcel 1 of Parcel Map 2667, as shown on that certain Parcel Map filed in the office of the Recorder of the County of Fresno, State of California on September 3, 1975, in Book 17 of Maps, page 59.

Excepting therefrom, all of that portion of said Parcel 1, described as follows:

Beginning at a point on the centerline of Auberry Road which is also the southeast corner of said Parcel 1; thence,

1. South 70° 40' 50" West, along the south line of said Parcel 1, 65.15 feet, more or less, to the most southerly corner of said Parcel; thence,
2. North 0° 47' 28" West, along the west boundary of said Parcel 1, 31.62 feet; thence,
3. North 09° 35' 34" West, along the west boundary of said Parcel 1, 15.27 feet; thence,
4. North 71° 19' 08" East, 67.37 feet, more or less, to the east line of said Parcel 1; thence,
5. South 0° 47' 28" East, along said east line, 46.71 feet, more or less, to the Point of Beginning.

APN 300-240-23

Parcel Five:

Parcel 2 of Parcel Map 2667, as shown on that certain Parcel Map filed in the office of the Recorder of the County of Fresno, State of California on September 3, 1975, in Book 17 of Maps, page 59.

APN 300-240-12

Parcel Six:

Parcel 4 of Parcel Map 2667, as shown on that certain Parcel Map filed in the office of the Recorder of the County of Fresno, State of California on September 3, 1975, in Book 17 of Maps, page 59.

Excepting therefrom, all of that portion of said Parcel 4 described as follows:

Beginning at a point on the centerline of Auberry Road which is also the Southeast corner of said Parcel 4; thence,

1. South 70° 45' 33" West, along the south line of said Parcel 4, 306.56 feet, more or less, to the southwest corner of said Parcel 4; thence,
2. North 00° 47' 28" West, along the west line of said Parcel 4, 31.65 feet; thence,

3. North 01° 34' 47" West, along the west line of said Parcel 4, 18.88 feet; thence,
4. North 71° 19' 08" East, 303.39 feet, more or less, to the east line of said Parcel 4; thence,
5. South 09° 35' 34" East, along said east line, 15.27 feet; thence,
6. South 0° 47' 28" East, along said east line, 31.62 feet, more or less, to the Point of Beginning.

APN 300-240-21

Parcel Seven:

Parcel 3 of Parcel Map No. 2667, according to the map thereof recorded in Book 17, Page 59 of Parcel Maps, Fresno County Records.

EXCEPTING THEREFROM that portion of Parcel 3 of Parcel Map No. 2667, described as follows:

Beginning at a point on the centerline of Auberry Road which is also the Southeast corner of said Parcel 3; thence,

1. South 70° 45' 33" West, along the South line of said Parcel 3 which is also the centerline of said road, 20.52 feet; thence,
2. South 72° 25' 17" West, along said South line, 85.65 feet, more or less, to the most Southerly corner of said Parcel 2; thence,
3. North 01° 29' 09" West, along the West boundary of said Parcel 3, 43.43 feet; thence,
4. Northeasterly along an arc concave to the South (having a 1170 foot radius, a radius point which bears South 24° 06' 03" East and a central angle of 05° 19' 33") a distance of 108.75, more or less, to the East line of said Parcel 3; thence,
5. South 01° 34' 47" East, along the East line, 18.88 feet; thence,
6. South 00° 47' 28" East, along said East line, 31.65 feet, more or less, to the point of beginning.

APN: 300-240-22

Project Description/Proposed Land Use:

The subject property consists of seven parcels of land, encompassing approximately 214.8 acres more or less, commonly referred to as Assessor's Parcel Numbers: 138-061-55, 300-240-12, 300-240-15, 300-240-18, 300-240-21, 300-240-22, and 300-240-23. The property is located approximately 0.72 miles from the nearest property held in trust for the Table Mountain Rancheria.

Currently, there are nine structures located on the subject property: an unoccupied residence, three storage buildings, and an empty chicken coop are located in the western portion of the subject property; an abandoned residence and two abandoned storage facilities are located in the southwestern portion of the subject property; and an empty shack is located in the southern central portion of the subject property. There are 28 wells on the property, one of which is active and providing water to the occupied residence, five of which are inactive, and 22 of which are abandoned. Surrounding land uses consist of non-native grassland habitat utilized for cattle grazing, rural residential development, and recreational uses. The Tribe does not propose to change any use of the property or to introduce any ground disturbing activity. Currently, the property is vacant. There is no proposed change in land use.

See Exhibits for parcel/site maps

Current Use/Taxes and Zoning:

138-061-55 - \$13,710.43
300-240-12 - \$ 1,741.72
300-240-15 - \$ 5,306.14
300-240-18 - \$ 2,196.26
300-240-21 - \$ 1,176.04
300-240-22 - \$ 2,739.88
300-240-23 - \$ 2,850.66

Existing Easements/Encumbrances:

See Exhibit "A"

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,

A handwritten signature in black ink that reads "Ker Bean". The signature is written in a cursive style with a large, sweeping flourish at the end.

Acting Regional Director

Enclosure: 25 CFR 151
Schedule B
Map

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7012 1010 0000 9237 3912
Office of Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Sara J. Drake, Deputy Attorney General – 7012 0470 0000 9758 2495
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Ms. Andrea Lynn Hoch – 7012 0470 0000 9758 2501
Legal Affairs Secretary
Office of the Governor of California
State Capitol Building
Sacramento, CA 95814

Devin Rhinerson - 7012 0470 0000 9758 2235
Office of U.S. Senator Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Board of Supervisors – 7012 0470 0000 9758 2242
County of Fresno
2281 Tulare Street, Room 301
Fresno, California 93721-2198

Fresno County Treasurer and Tax Collector – 7012 0470 0000 9758 2259
Hall of Records
P. O. Box 1247
Fresno, California 93721

Planning Director – 7012 0470 0000 9758 2266
Planning Department
County of Fresno Plaza
2220 Tulare Street, Suite 800
Fresno, California 93721

Fresno County Dept. of Public Works – 7012 0470 0000 9758 2273
Fresno Plaza
2220 Tulare Street, Suite 700
Fresno, California 93721

Bart Bohn, County Administrative Officer – 7012 0470 0000 9758 2280
Hall of Records
2281 Tulare Street, Suite 304
Fresno, California 93721

Chairperson – 7012 0470 0000 7558 7269
Big Sandy Rancheria
P.O. Box 337
Auberry, CA 93602

Chairperson – 7012 0470 0000 7558 7276
Cold Springs Rancheria
P.O. Box 209
Tollhouse, CA 93667

Regular Mail:

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

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.

- 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. 1716; 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

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

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

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

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

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

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

§ 151.6 Exchanges.

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

§ 151.7 Acquisition of fractional interests.

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

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

without offering to purchase all of such interests; or

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

§ 151.8 Tribal consent for nonmember acquisitions.

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

§ 151.9 Requests for approval of acquisitions.

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

§ 151.10 On-reservation acquisitions.

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

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 § 16 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and § 2 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

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

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.

SCHEDULE B – SECTION II

EXCEPTIONS

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

EXCEPTIONS AFFECTING PARCEL ONE:

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. On August 2, 1907 there was recorded in Book 372, page 435 of Deeds, a deed executed by Mrs. Kate M. Ferguson purporting to convey a right of way to San Joaquin Power Company, a corporation, over the west half of the southwest of Section 18, Township 11 South, Range 22 East. At the date of said deed the grantor had no record interest in said property, nor has said grantor since acquired any record interest therein.
4. Rights of the public in and to so much of said land that lies within the boundaries of Auberry Road.
5. Matters disclosed by a Map of Survey filed August 13, 1962, in Book 22, page 75 of Record of Surveys.

EXCEPTIONS AFFECTING PARCEL TWO:

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. Rights of way for roads and ditches heretofore granted or conveyed.

9. **The herein described property** lies within the boundaries of the Fresno Metropolitan Flood Control District and may be subject to assessment for drainage fees and/or requirements to construct planned local drainage facilities.

Disclosed by: FMFCD Resolution No. 1816
 Recorded: July 31, 1995, Instrument No. 95-092128, of Official Records

No assessments have been levied at this time.

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: Public utilities
 Recorded: November 29, 1945, Instrument No. 54623, Book 2294, Page 403, of Official Records
 Affects: a portion of said land

11. Matters regarding discrepancies in boundary or area or any rights which may arise or exist which are disclosed by a map of survey on said property, recorded March 26, 1962 in Book 22 of recorded surveys at page 10, Fresno County Records.

EXCEPTIONS AFFECTING PARCEL THREE:

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

Granted to: Pacific Gas and Electric Company
 Purpose: public utilities
 Recorded: October 31, 1945, Instrument No. 46795, Book 2306, Page 399, of Official Records
 Affects: portion of premises of undisclosed route and width



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

Granted to: Pacific Gas and Electric Company
 Purpose: public utilities
 Recorded: November 29, 1945, Instrument No. 54623, Book 2294, Page 403, of Official Records
 Affects: portion of premises of undisclosed route and width

- 16. Easement(s)** for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract.

Purpose: power line
 Affects: as shown on said map

- 17. Any defect** in the Trustee's Sale, or the Trustee's Deed upon Sale recorded November 15, 2005, Instrument No. 2005-02699927, Official Records, that may have occurred, as evidenced by the recording of a reconveyance of the Deed to Trust that was foreclosed upon. Said reconveyance recorded December 30, 2005, Instrument No. 2005-0307065, Official Records.

- 18.** Rights if any, of any parties who may be in possession of the real property that is the subject of this report.

EXCEPTIONS AFFECTING PARCELS FOUR, FIVE AND SIX:

- 19. 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.

- 20. 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.

- 21.** Right of way for roads and ditches heretofore granted or conveyed; or as now located and in public use.

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

Granted to: Pacific Gas and Electric Company
 Purpose: single line of poles
 Recorded: November 29, 1945, Instrument No. 54623, Book 2294, Page 403, of Official Records
 Affects: portion of premises of undisclosed route and width

23. Any boundary discrepancies or rights which may exist or arise by reason of a map survey of said property and other property, which was recorded March 26, 1962, in Book 22 page 13 of Record of Surveys, in the office of the County Recorder of said County.

24. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract.

Purpose: road
 Affects: southerly 30 feet of Parcel 1 and the westerly 30 feet of Parcel 2

EXCEPTIONS AFFECTING PARCEL SEVEN:

25. **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.

26. **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.

27. Right of way for roads and ditches heretofore granted or conveyed; or as now located and in public use.

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: single line of poles
 Recorded: November 29, 1945, Instrument No. 54623, Book 2294, Page 403, of Official Records
 Affects: portion of premises of undisclosed route and width

29. Any discrepancies in boundary or area or any rights which may arise or exist which are disclosed by a Map of Survey on said property, recorded March 26, 1962, in Book 22 page 13 of Record of Surveys.

30. **Easement(s)** for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract.

Purpose: road
Affects: southerly 30 feet and the westerly 30 feet

THE FOLLOWING EXCEPTIONS AFFECT ALL PARCELS AS HEREINABOVE DESCRIBED

31. **Water rights, claims or title to water**, whether or not disclosed by the public records.

END OF SCHEDULE B – SECTION II



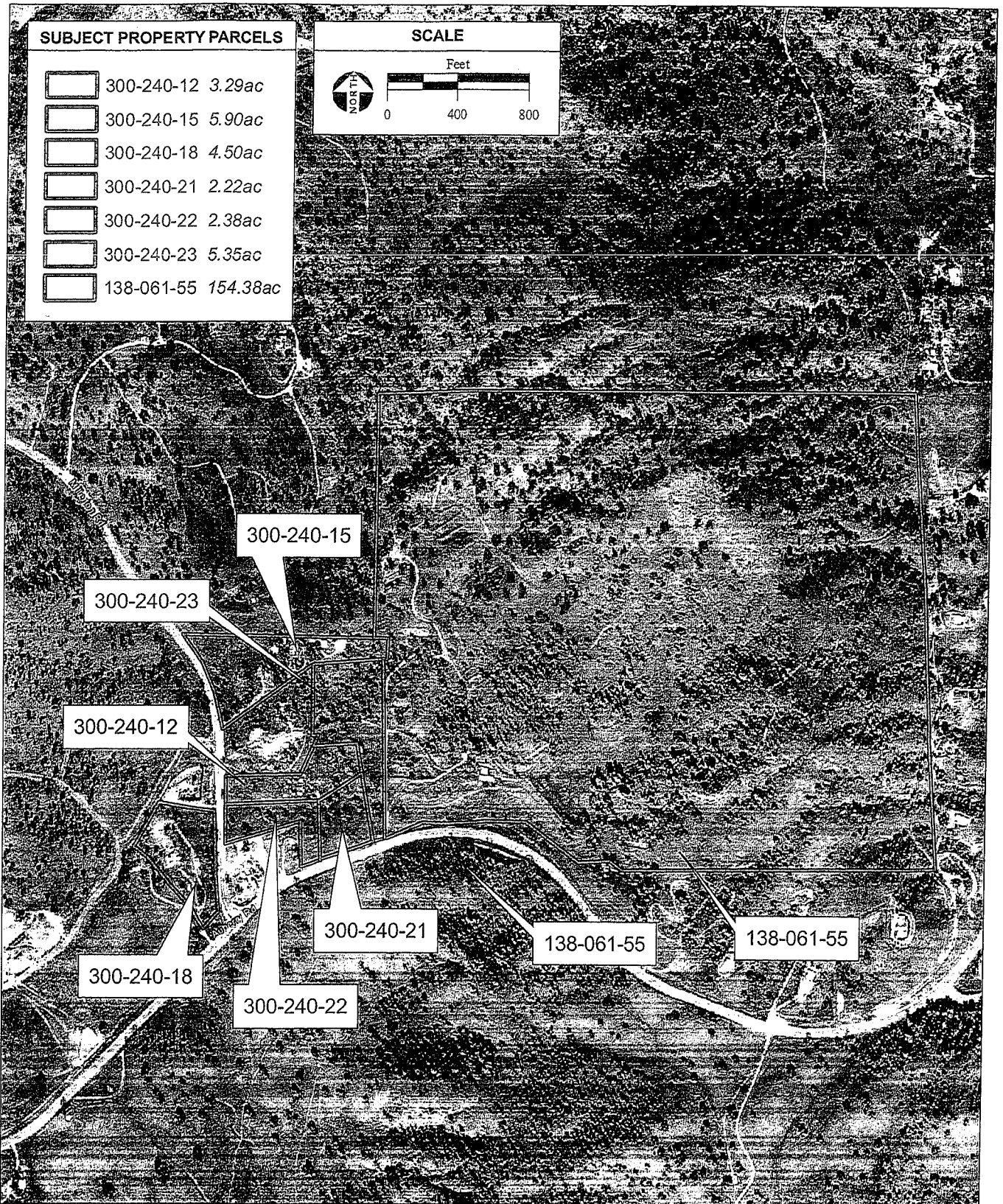
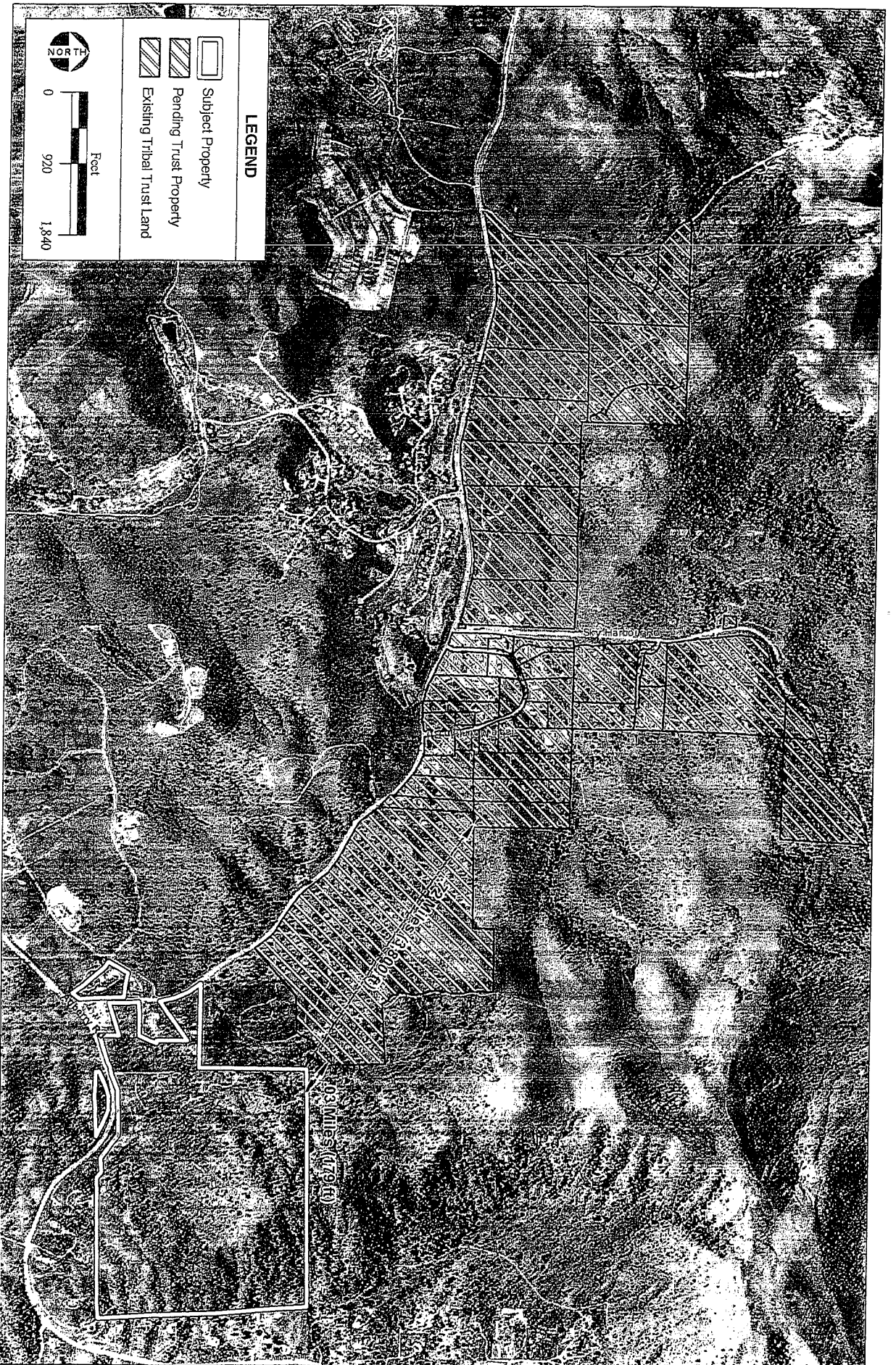


Figure 2
178-Acre Subject Property Parcel Map



SOURCE: Dale G. Mall & Associates, 2005; AES, 2010

Table Mountain 178-acre Fee-to-Trust Application / 208521 ■

Figure 1
Distance to Reservation

