



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

IN REPLY REFER TO:

Real Estate Services
TR-4609-P5

Case Number: 21536

NOTICE OF NON-GAMING LAND ACQUISITION APPLICATION

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, 151.10 On-Reservation, notice is given of the application filed by the Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California to have real property accepted "in 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 her 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 governmental 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 the zoning.

We provide the following information regarding this application:

Applicant:

Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California

Legal Land Description/Site Location:

Real property in the unincorporated area of the County of San Diego, State of California, described as follows:

Parcel 1:

The Southwest quarter of the Southwest quarter of Section 25 and the North half of the Northwest quarter of the Northwest quarter of Section 36, all being in Township 10 South, Range 1 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to official plat thereof.

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Excepting therefrom that portion lying Northwesterly and Westerly of a line described as follows:

Beginning at a point on the west line of the Southwest quarter of said Section 25, distant thereon North 00°14'20" West 147.53 feet from the Southwest corner of said Section 25; thence North 68°14'30" East, 84.66 feet; thence North 53°35'10" East, 128.56 feet; thence North 79°48'40" East, 400.62 feet; thence North 05°23'50" East, 143.18 feet; thence North 15°12'20" East, to a point on the North line of the Southwest quarter of the Southwest quarter of said Section 25.

Also, excepting therefrom, that portion lying Southerly of the following described line.

Beginning at a point on the West line of said Section 36, which bears South 378.90 feet from the Northwest corner thereof; thence North 84°36'20" East 731.68 feet; thence north 68°46'40" east, 131.15 feet; thence north 56°17'50" east 69.52 feet; thence North 43°58'20" East 249.63 feet; thence North 65°01'20" East 82.08 feet; thence North 59°37'40" East 171.01 feet; thence North 83°01'40" East to an intersection with the East line of the Southwest quarter of the Southwest quarter of said Section 25.

Parcel 2:

An easement for road and utility purposes over, under, along and across the Westerly 10.00 feet of the Southwest quarter of the Southwest quarter of Section 25 and the Westerly 10.00 feet of the North quarter of the Northwest quarter of Section 36; all being in Township 10 South, Range 1 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to official plat thereof.

Excepting that portion lying within Parcel 1 above.

Project Description/Proposed Land Use:

The subject property consists of land containing 30.01 acres, more or less, commonly referred to as the Arias property and Assessor's Parcel Number 133-190-12, 133-190-13, 133-190-14, and 133-190-15. The subject property is contiguous to the Rincon Reservation. Currently, the entire subject property is vacant, open space. The Tribe has no plans for any development of the property.

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

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

Your written comments should be addressed to the Bureau of Indian Affairs office listed 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 one thirty day extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of

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receipt of this letter. Additionally, copies of all comments will be provided to the applicant for a response. 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 to said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act (FOIA), 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 the Pacific Regional Office attention Alexis St. John, Realty Specialist, (916) 978-6059.

Sincerely,

AMY
DUTSCHKE

Digitally signed by AMY
DUTSCHKE
Date: 2022.07.21 11:42:29
-07'00'

REGIONAL DIRECTOR

Enclosure(s)

NOLA001



Office Codes: JJJ-54-587 AD Number: 4200218782 Case: 21536

CC:

BY CERTIFIED MAIL:

Senior Advisor for Tribal Negotiations
Deputy Legal Affairs Secretary
Office of the Governor
State Capitol Building, Suite 1173
Sacramento, CA 95814
Certified Mail ID: 7019 0700 0001 7354 2130

Sara Drake, Deputy Attorney General
State of California, Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2250
Certified Mail ID: 7019 0700 0001 7354 2147

United States Senator Dianne Feinstein
331 Hart Senate Building
Washington, DC 20510
Certified Mail ID: 7019 0700 0001 7354 2154

United States Senator Alex Padilla
B03 Russell Senate Office Building
Washington, DC 20510
Certified Mail ID: 7019 0700 0001 7354 2161

Congressman Darrell Issa
United States House of Representatives - 50th District
2300 Rayburn House Office Building
Washington, DC 20515
Certified Mail ID: 7019 0700 0001 7354 2178

Assemblywoman Marie Waldron
75th Assembly District
350 West 5th Avenue, Suite 110
Escondido, CA 92025
Certified Mail ID: 7019 0700 0001 7354 2185

Senator Brian Jones
38th Senate District
State Capitol, Room 4088
Sacramento, CA 95814
Certified Mail ID: 7019 0700 0001 7354 2192

San Diego County Assessor
1600 Pacific Highway, Suite 103
San Diego, CA 92101
Certified Mail ID: 7019 0700 0001 7354 2208

NO LAQ01



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County of San Diego
Board of Supervisors
1600 Pacific Highway, Suite 335
San Diego, CA 92101
Certified Mail ID: 7019 0700 0001 7354 2215

San Diego County Treasurer and Tax Collector
1600 Pacific Highway, Suite 162
San Diego, CA 92101
Certified Mail ID: 7019 0700 0001 7354 2222

San Diego County Department of Planning and Development
5510 Overland Ave., Suite 110
San Diego, CA 92123
Certified Mail ID: 7019 0700 0001 7354 2239

San Diego County Sheriff's Department
John F. Duffy Administrative Center
P.O. Box 92123
San Diego, CA 92123
Certified Mail ID: 7019 0700 0001 7354 2246

San Diego County Fire – Administrative Office
County Operations Center
5510 Overland Ave, Suite 250
San Diego, CA 92123
Certified Mail ID: 7019 0700 0001 7354 2253

Barona Group of Capitan Grande Band of Mission Indians
1095 Barona Road
Lakeside, CA 92040
Certified Mail ID: 7019 0700 0001 7354 2260

Campo Band of Diegueno Mission Indians
36190 Church Rd., Suite 1
Campo, CA 91906
Certified Mail ID: 7019 0700 0001 7354 2277

Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901
Certified Mail ID: 7019 0700 0001 7354 2284

Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation
2005 S. Escondido Blvd.
Escondido, CA 92025
Certified Mail ID: 7019 0700 0001 7354 2291

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Jamul Indian Village
P.O. Box 612
Jamul, CA 91935
Certified Mail ID: 7019 0700 0001 7354 2307

La Jolla Band of Luiseno Indians
22000 Highway 76
Pauma Valley, CA 92061
Certified Mail ID: 7019 0700 0001 7354 2314

La Posta Band of Diegueno Mission Indians
8 Crestwood Road
Boulevard, CA 91905
Certified Mail ID: 7019 0700 0001 7354 2321

Los Coyotes Band of Cahuilla & Cupeno Indians
P.O. Box 189
Warner Springs, CA 92086
Certified Mail ID: 7019 0700 0001 7354 2338

Manzanita Band of Diegueno Mission Indians
P.O. Box 1302
Boulevard, CA 91905
Certified Mail ID: 7019 0700 0001 7354 2345

Mesa Grande Band of Diegueno Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070
Certified Mail ID: 7019 0700 0001 7354 2352

Pala Band of Mission Indians
35008 Pala-Temecula Road
PMB - 50
Pala, CA 92059
Certified Mail ID: 7019 0700 0001 7354 2369

Pauma Band of Luiseno Mission Indians
P.O. Box 369
Pauma Valley, CA 92061
Certified Mail ID: 7019 0700 0001 7354 2376

Pechanga Band of Luiseno Mission Indians
P.O. Box 1477
Temecula, CA 92593
Certified Mail ID: 7019 0700 0001 7354 2383

NO LAQ01



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Honorable Frederick "Bo" Mazzetti
Chairman, Rincon Band of Luiseno Mission Indians
One Government Center Lane
Valley Center, CA 92082
Certified Mail ID: 7019 0700 0001 7354 2390

San Pasqual Band of Diegueno Mission Indians
P.O. Box 365
Valley Center, CA 92082
Certified Mail ID: 7019 0700 0001 7354 2406

Iipay Nation of Santa Ysabel
P.O. Box 130
Santa Ysabel, CA 92070
Certified Mail ID: 7021 0950 0000 7170 6960

Sycuan Band of the Kumeyaay Nation
1 Kwaaypaay Court
El Cajon, CA 92019
Certified Mail ID: 7021 0950 0000 7170 6977

Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians
P.O. Box 908
Alpine, CA 91901
Certified Mail ID: 7021 0950 0000 7170 6984

BY FIRST CLASS MAIL:

Southern California Agency
1451 Research Park Drive, Suite 100
Riverside, CA 92507

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SCHEDULE B

PART II – EXCEPTIONS

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the Public Records or attaching to the subsequent effective date hereof but prior to the date the proposed Insured acquires of records for value the estate or interest or mortgage thereon covered by this Commitment.

- A. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.
- B. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
- C. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records,
- D. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
- E. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the insurance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.
- F. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2022-2023.
- G. Intentionally omitted.
- H. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

SCHEDULE B
PART II – EXCEPTIONS
(Continued)

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

Purpose: ingress and egress and incidental purposes
Recording Date: June 17, 1952
Recording No: in Book 4497, page 197 of Official Records
Affects: A portion of the Land described herein.

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

Granted to: San Diego Gas and Electric Company
Purpose: Either or both pole lines, underground conduits and incidental purposes together with the right of ingress and egress
Recording Date: April 29, 1953
Recording No: in Book 4838, page 566 of Official Records
Affects: A portion of the Land described herein.

3. Intentionally omitted.

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

Granted to: San Diego Gas and Electric Company
Purpose: Either or both pole lines, underground conduits and incidental purposes together with the right of ingress and egress
Recording Date: May 8, 1986
Recording No: 86-182136 of Official Records
Affects: As described therein

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

Granted to: San Diego Gas and Electric Company
Purpose: Either or both pole lines, underground conduits and incidental purposes together with the right of ingress and egress
Recording Date: July 19, 1987
Recording No: 87-384219 of Official Records
Affects: As described therein

6. Intentionally omitted.

7. Notwithstanding the Covered Risks as set forth in the policy, the Company does not insure against loss or damage by reason of a lack of a right of access to and from the Land.

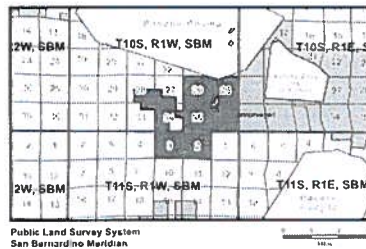
END OF SCHEDULE B, PART II – EXCEPTIONS

This page is only a part of a 2016 ALTA® Commitment for Title Insurance issued by Chicago Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

U.S. DEPARTMENT OF INTERIOR
Bureau of Indian Affairs
Pacific Regional Office
Land Title and Records

Rincon Reservation
San Diego County, California

LAND STATUS
As of July 2022



LEGEND

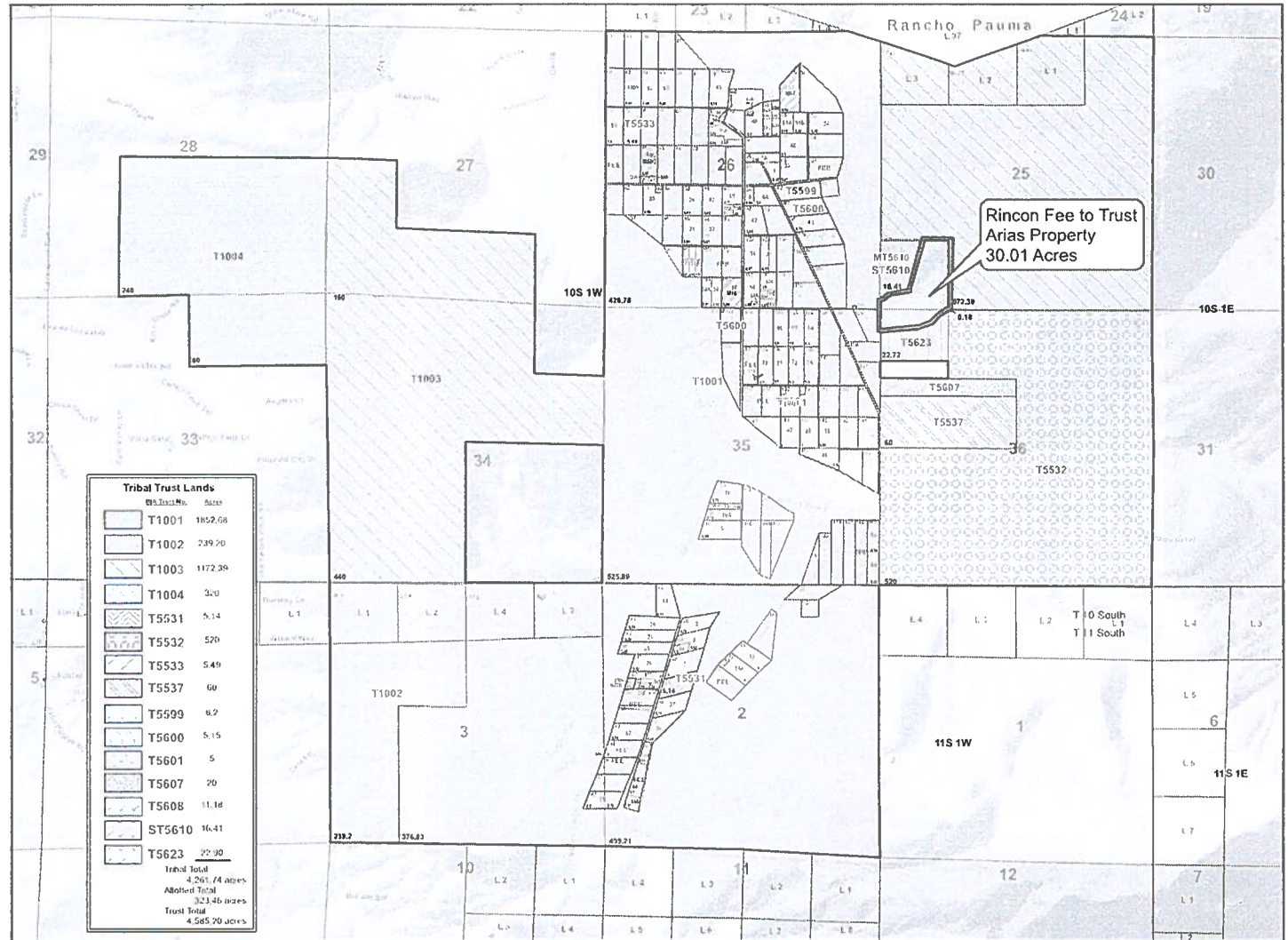
Tract Status

[Symbol]	Tribal Tract
[Symbol]	Allotted Tract
[Symbol]	Fed. Land
[Symbol]	Allotted tract with negotiated mineral rights
T5070	Allotment or Tract Number
5.07	Acreage of Tract (per section)

Land Survey Status

[Symbol]	Public Land Survey Section
[Symbol]	BLM Lot and Lot Number
[Symbol]	BLM Tract and Tract Number
[Symbol]	Land Grant

Ownership status shown is subject to revision after audit of records.

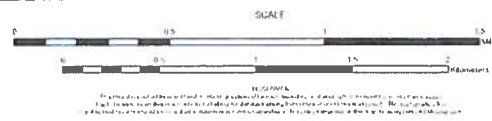


Rincon Fee to Trust
Arias Property
30.01 Acres

California Indian Trust Land

U.S. Bureau of Indian Affairs
Pacific Regional Office - Division of Real Estate Services
2800 Cottage Way, Suite W-2619
Sacramento, California 95825 Ph: (916) 978-6000

Prepared: California State Plane Zone VI
Datum: North American Datum 1983 Spheroid: GRS 1995



Pacific Region

Rincon (587)

Ver. 2.4

Created by John Musley
Regional Geospatial Coordinator
BIA Pacific Regional Office

Map Date: 07/07/2022

RINCON 587

Bureau of Indian Affairs, Interior

§ 151.1

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.

[79 FR 76897, Dec. 23, 2014]

§ 151.2

25 CFR Ch. I (4-1-16 Edition)

§ 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 descendent 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 limitations 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:

Bureau of Indian Affairs, Interior

§ 151.10

(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:

§ 151.11

25 CFR Ch. I (4-1-16 Edition)

(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 reservation, shall be considered as follows: as the distance between the tribe's reservation and the land to be acquired in-

creases, 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 each request and may request any additional information or justification deemed necessary to reach a decision.

(b) The Secretary's decision to approve or deny a request shall be in writing and state the reasons for the decision.

(c) A decision made by the Secretary, or the Assistant Secretary—Indian Affairs pursuant to delegated authority, is a final agency action under 5 U.S.C. 704 upon issuance.

(1) If the Secretary or Assistant Secretary denies the request, the Assistant Secretary shall promptly provide the applicant with the decision.

(2) If the Secretary or Assistant Secretary approves the request, the Assistant Secretary shall:

(i) Promptly provide the applicant with the decision;

(ii) Promptly publish in the FEDERAL REGISTER a notice of the decision to acquire land in trust under this part; and

(iii) Immediately acquire the land in trust under § 151.14 on or after the date

such decision is issued and upon fulfillment of the requirements of § 151.13 and any other Departmental requirements.

(d) A decision made by a Bureau of Indian Affairs official pursuant to delegated authority is not a final agency action of the Department under 5 U.S.C. 704 until administrative remedies are exhausted under part 2 of this chapter or until the time for filing a notice of appeal has expired and no administrative appeal has been filed.

(1) If the official denies the request, the official shall promptly provide the applicant with the decision and notification of any right to file an administrative appeal under part 2 of this chapter.

(2) If the official approves the request, the official shall:

(i) Promptly provide the applicant with the decision;

(ii) Promptly provide written notice of the decision and the right, if any, to file an administrative appeal of such decision pursuant to part 2 of this chapter, by mail or personal delivery to:

(A) Interested parties who have made themselves known, in writing, to the official prior to the decision being made; and

(B) The State and local governments having regulatory jurisdiction over the land to be acquired;

(iii) Promptly publish a notice in a newspaper of general circulation serving the affected area of the decision and the right, if any, of interested parties who did not make themselves known, in writing, to the official to file an administrative appeal of the decision under part 2 of this chapter; and

(iv) Immediately acquire the land in trust under § 151.14 upon expiration of the time for filing a notice of appeal or upon exhaustion of administrative remedies under part 2 of this title, and upon the fulfillment of the requirements of § 151.13 and any other Departmental requirements.

(3) The administrative appeal period under part 2 of this chapter begins on:

(i) The date of receipt of written notice by the applicant or interested parties entitled to notice under paragraphs (d)(1) and (d)(2)(ii) of this section;

(ii) The date of first publication of the notice for unknown interested parties under paragraph (d)(2)(iii) of this section.

(4) Any party who wishes to seek judicial review of an official's decision must first exhaust administrative remedies under 25 CFR part 2.

[78 FR 67937, Nov. 13, 2013]

§ 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]

EFFECTIVE DATE NOTE: At 81 FR 10479, Mar. 1, 2016, § 151.13 was revised, effective Apr. 15, 2016. For the convenience of the user, the revised text is set forth as follows:

§ 151.13 Title review.

(a) If the Secretary determines that she will approve a request for the acquisition of land from unrestricted fee status to trust status, she shall require the applicant to furnish title evidence as follows:

(1) Written evidence of the applicant's title or that title will be transferred to the United States on behalf of the applicant to complete the acquisition in trust; and

(2) Written evidence of how title was acquired by the applicant or current owner; and

(3) Either:

(i) A current title insurance commitment; or

(ii) The policy of title insurance issued at the time of the applicant's or current owner's acquisition of the land and an abstract of title dating from the time the land was acquired by the applicant or current owner.

§ 151.14

(b) After reviewing submitted title evidence, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities that the Secretary identified and may seek additional information from the applicant needed to address such issues. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition, and she shall require elimination prior to such approval if she determines that the liens, encumbrances or infirmities make title to the land unmarketable.

§ 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]

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

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