



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: 26938

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 Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California (Tribe) 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 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 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:

Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California

Legal Land Description/Site Location:

THE FOLLOWING DESCRIBED PROPERTY IN THE CITY OF LAKESIDE, COUNTY OF SAN DIEGO STATE OF CALIFORNIA:

PARCEL 1:

ALL THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28; THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, NORTH 89 DEGREES 07 MINUTES 00 SECONDS EAST, 328.00 FEET; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID NORTHEAST QUARTER OF THE NORTHWEST QUARTER, NORTH 01 DEGREE 39 MINUTES 27 SECONDS EAST, 500.00 FEET; THENCE PARALLEL WITH SAID SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, NORTH 89 DEGREES 07 MINUTES 00 SECONDS EAST, 768.43 FEET TO THE CENTER LINE OF THAT CERTAIN ROAD WHICH TRAVELS IN A GENERAL NORTHERLY AND SOUTHERLY DIRECTION THROUGH THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28 (KNOWN AS OLD BARONA ROAD), AS SAID ROAD EXISTED ON APRIL 7, 1960; THENCE ALONG THE APPROXIMATE CENTER LINE OF SAID ROAD AS FOLLOWS: NORTH 01 DEGREE 37 MINUTES 00 SECONDS EAST, 142.22 FEET, NORTH 51 DEGREES 37 MINUTES 00 SECONDS EAST, 121.78 FEET; AND NORTH 32 DEGREES 37 MINUTES 00 SECONDS EAST, 87.12 FEET TO POINT "A" OF THIS DESCRIPTION; THENCE CONTINUING NORTH 32 DEGREES 37 MINUTES 00 SECONDS EAST ALONG SAID APPROXIMATE CENTER LINE, A DISTANCE OF 160.00 FEET TO THE NORTH-SOUTH CENTER LINE OF SAID SECTION 28; THENCE ALONG SAID NORTH-SOUTH CENTER LINE, NORTH 01 DEGREE 56 MINUTES 30 SECONDS EAST, 350.85 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION; THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION, 208.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 01 DEGREE 56 MINUTES 30 SECONDS WEST, 496.00 FEET TO AN INTERSECTION WITH A LINE WHICH BEARS SOUTH 89 DEGREES 07 MINUTES 00 SECONDS WEST FROM POINT "A" ABOVE; THENCE SOUTH 89 DEGREES 07 MINUTES 00 SECONDS WEST, 220.00 FEET; THENCE NORTH 01 DEGREE 56 MINUTES 30 SECONDS EAST, TO THE NORTHERLY LINE OF SAID NORTHWEST QUARTER; THENCE ALONG SAID NORTHERLY LINE, SOUTH 89 DEGREES 55 MINUTES 00 SECONDS EAST, 220.00 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT AND RIGHT OF WAY FOR ROAD PURPOSES OVER, ALONG AND ACROSS A STRIP OF LAND 60.00 FEET IN WIDTH, LYING WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, THE SOUTHERLY LINE OF SAID 60.00 FOOT STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF PARCEL 1 ABOVE; THENCE NORTH 89 DEGREES 07 MINUTES 00 SECONDS EAST TO POINT "A" HEREINABOVE DESCRIBED. THE NORTHERLY SIDELINE OF SAID 60.00 FOOT STRIP TO

TERMINATE EASTERLY IN THE APPROXIMATE CENTER LINE OF SAID "OLD BARONA ROAD".

PARCEL 3:

AN EASEMENT AND RIGHT OF WAY FOR ROAD, SEWER, WATER, GAS, POWER AND TELEPHONE LINES AND APPURTENANCES THERETO OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 20.00 FEET IN WIDTH, LYING WITHIN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 28, TOWNSHIP 14 SOUTH, RANGE 1 EAST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, THE EASTERLY LINE OF SAID STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF PARCEL 1 HEREINABOVE DESCRIBED; THENCE SOUTH 01 DEGREE 56 MINUTES 30 SECONDS WEST TO THE CENTER LINE OF "OLD BARONA ROAD". SAID EASEMENT TO TERMINATE NORTHERLY IN THE SOUTHERLY LINE OF SAID PARCEL 1 ABOVE, AND TO TERMINATE SOUTHERLY IN THE BOUNDARY OF LAND DESCRIBED AS PARCEL 1 IN DEED TO LOUIE. G. ANAYA, ET UX, RECORDED MARCH 20, 1975 AS FILE NO. 75-064006.

Project Description/Proposed Land Use:

The subject property consists of one parcel containing 2.51 acres more or less, commonly referred to as the Bonfils property and Assessor's Parcel Number 329-150-55-00. The parcel is contiguous to the Barona Indian Reservation. Currently, the property is undeveloped. The Tribe intends to utilize the Subject Property to further enhance self-determination and increase their land base to provide for future generations and creating a buffer from outside incursions. The Tribe has no plans to change the use 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 of 1969.

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. 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 this 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, 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 Lorrae Russell, Realty Specialist, (916) 978-6071.

Sincerely,

AMY
DUTSCHKE

Digitally signed by AMY
DUTSCHKE
Date: 2022.08.15 09:30:33
-07'00'

Regional Director

Enclosures

cc: Distribution List

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: 7015 3010 0000 3622 4974

SARA DRAKE, DEPUTY ATTORNEY GENERAL
STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE
P.O. BOX 944255
SACRAMENTO, CA 94244-2250
Certified Mail ID: 7015 3010 0000 3622 9696

UNITED STATES SENATOR DIANNE FEINSTEIN
331 HART SENATE BUILDING
WASHINGTON, DC 20510
Certified Mail ID: 7016 3010 0001 0587 5860

UNITED STATES SENATOR ALEX PADILLA
B03 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510
Certified Mail ID: 7016 3010 0001 0587 5877

SAN DIEGO COUNTY ASSESSOR
1600 PACIFIC HIGHWAY, SUITE 103
SAN DIEGO, CA 92101
Certified Mail ID: 7016 3010 0001 0587 5884

SAN DIEGO COUNTY TREASURER & TAX COLLECTOR
1600 PACIFIC HIGHWAY, SUITE 162
SAN DIEGO, CA 92101-2480
Certified Mail ID: 7016 3010 0001 0587 5891

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
1600 PACIFIC HIGHWAY, ROOM 335
SAN DIEGO, CA 92101
Certified Mail ID: 7016 3010 0001 0587 5907

SAN DIEGO COUNTY SHERIFF'S DEPARTMENT
JOHN F. DUFFY ADMINISTRATIVE CENTER
P.O. BOX 939062
SAN DIEGO, CA 92193
Certified Mail ID: 7016 3010 0001 0587 5914

SAN DIEGO COUNTY DEPARTMENT OF PUBLIC WORKS
5510 OVERLAND AVE., SUITE 410
SAN DIEGO, CA 92123
Certified Mail ID: 7016 3010 0001 0587 5921

SAN DIEGO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
5510 OVERLAND AVE., SUITE 110
SAN DIEGO, CA 92123
Certified Mail ID: 7016 3010 0001 0587 5938

SAN DIEGO COUNTY FIRE - ADMINISTRATIVE OFFICE
COUNTY OPERATIONS CENTER
5510 OVERLAND AVENUE, SUITE 250
SAN DIEGO, CA 92123
Certified Mail ID: 7016 3010 0001 0587 5945

COUNTY OF SAN DIEGO OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER
1600 PACIFIC HIGHWAY, ROOM 209
SAN DIEGO, CA 92101
Certified Mail ID: 7016 3010 0001 0587 5952

BARONA GROUP OF CAPITAN GRANDE BAND OF MISSION INDIANS
OF THE BARONA RESERVATION, CALIFORNIA
1095 BARONA ROAD
LAKESIDE, CA 92040
Certified Mail ID: 7016 3010 0001 0587 5969

CAMPO BAND OF DIEGUENO MISSION INDIANS
OF THE CAMPO INDIAN RESERVATION, CALIFORNIA
36190 CHURCH ROAD, SUITE 1
CAMPO, CA 91906
Certified Mail ID: 7016 3010 0001 0587 5976

EWILAAPAAYP BAND OF KUMEYAAY INDIANS, CALIFORNIA
4054 WILLOWS ROAD
ALPINE, CA 91901
Certified Mail ID: 7016 3010 0001 0587 5983

JAMUL INDIAN VILLAGE OF CALIFORNIA
P.O. BOX 612
JAMUL, CA 91935
Certified Mail ID: 7016 3010 0001 0587 5990

LA JOLLA BAND OF LUISENO INDIANS, CALIFORNIA
22000 HIGHWAY 76
PAUMA VALLEY, CA 92061
Certified Mail ID: 7016 3010 0001 0587 8809

LA POSTA BAND OF DIEGUENO MISSION INDIANS
OF THE LA POSTA INDIAN RESERVATION, CALIFORNIA
8 CRESTWOOD ROAD
BOULEVARD, CA 91905
Certified Mail ID: 7016 3010 0001 0587 8816

LOS COYOTES BAND OF CAHUILLA & CUPENO INDIANS, CALIFORNIA
P.O. BOX 189
WARNER SPRINGS, CA 92086
Certified Mail ID: 7016 3010 0001 0587 8717

MANZANITA BAND OF DIEGUENO MISSION INDIANS OF THE
MANZANITA RESERVATION, CALIFORNIA
P.O. BOX 1302
BOULEVARD, CA 91905
Certified Mail ID: 7016 3010 0001 0587 8731

MESA GRANDE BAND OF DIEGUENO MISSION INDIANS
OF THE MESA GRANDE RESERVATION, CALIFORNIA
P.O. BOX 270
SANTA YSABEL, CA 92070
Certified Mail ID: 7016 3010 0001 0587 8748

PECHANGA BAND OF LUISENO MISSION INDIANS
OF THE PECHANGA RESERVATION, CALIFORNIA
P.O. BOX 1477
TEMECULA, CA 92593
Certified Mail ID: 7016 3010 0001 0587 8755

RINCON BAND OF LUISENO MISSION INDIANS
OF THE RINCON RESERVATION, CALIFORNIA
ONE GOVERNMENT CENTER LANE
VALLEY CENTER, CA 92082
Certified Mail ID: 7016 3010 0001 0587 8762

SAN PASQUAL BAND OF DIEGUENO MISSION INDIANS OF CALIFORNIA
P.O. BOX 365
VALLEY CENTER, CA 92082
Certified Mail ID: 7016 3010 0001 0587 8779

IIPAY NATION OF SANTA YSABEL, CALIFORNIA
P.O. BOX 130
SANTA YSABEL, CA 92070
Certified Mail ID: 7016 3010 0001 0587 8786

SYCUAN BAND OF KUMEYAAY NATION
1 KWAAYPAAY COURT
EL CAJON, CA 92019
Certified Mail ID: 7016 3010 0001 0587 8793

VIEJAS (BARON LONG) GROUP OF CAPITAN GRANDE BAND OF
MISSION INDIANS OF THE VIEJAS RESERVATION, CALIFORNIA
P.O. BOX 908
ALPINE, CA 91901
Certified Mail ID: 7016 3010 0001 0587 8717

PALA BAND OF MISSION INDIANS
35008 PALA-TEMECULA ROAD
PMB-50
PALA, CA 92059
Certified Mail ID: 7016 3010 0001 0587 9615

BY FIRST CLASS MAIL:

INAJA BAND OF DIEGUENO MISSION INDIANS
OF THE INAJA AND COSMIT RESERVATION, CALIFORNIA
2005 ESCONDIDO BOULEVARD
ESCONDIDO, CA 92025

BUREAU OF INDIAN AFFAIRS
SUPERINDENDENT
SOUTHERN CALIFORNIA AGENCY
1451 RESEARCH PARK DRIVE, SUITE 100
RIVERSIDE, CA 92507

SCHEDULE B

SECTION TWO

EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. The printed exceptions and exclusions from the coverage of the policy or policies are set forth in Exhibit A attached. Copies of the policy forms should be read. They are available from the office which issued this Commitment.

1. General and special taxes and assessments for the fiscal year 2020-2021, a lien not yet due or payable.
2. General and special taxes and assessments for the fiscal year 2019-2020.

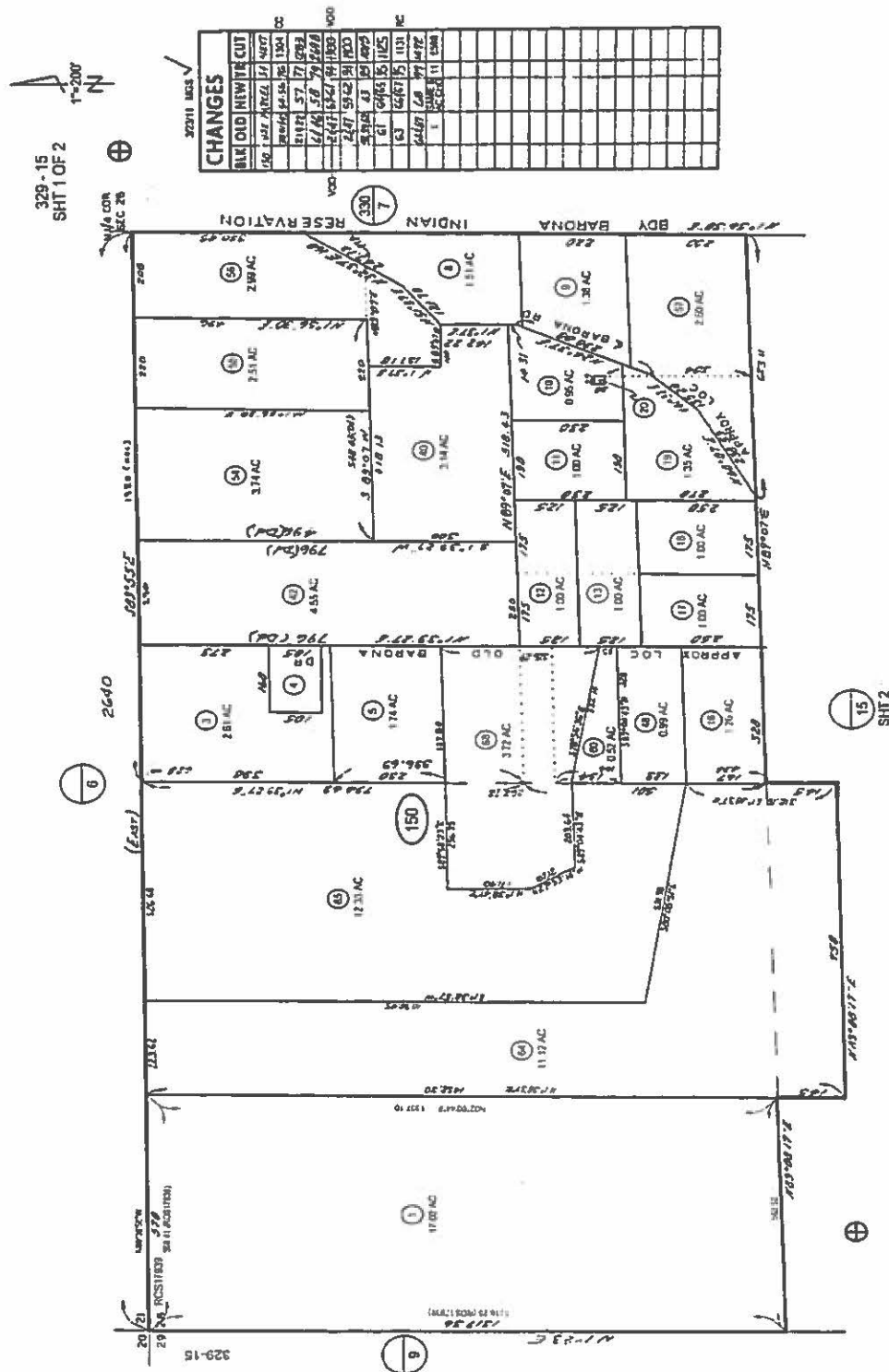
First Installment:	\$266.64, PAID
Penalty:	\$0.00
Second Installment:	\$266.64, PAYABLE; DELINQUENT AFTER 4-10-2020
Penalty:	\$36.66
Tax Rate Area:	82082
A. P. No.:	329-150-55-00
3. The lien of supplemental taxes, if any, as a result of new construction or transfer of title after the date of the policy, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
4. The lien of bonds and assessment liens, if applicable, collected with the general and special taxes.
5. Easements and rights of way for road and public utilities and incidental purposes, over, under, along and across easements Parcel(s) 2 and 3, as conveyed and reserved by various deeds of record.
6. An easement for public utilities and incidental purposes in the document recorded as [Book 7048, page 414](#) of Official Records.
7. An easement for public utilities and incidental purposes in the document recorded February 3, 1959 as Instrument No. [21418](#) of Official Records.
8. The terms and provisions contained in the document entitled "Road Maintenance Agreement" recorded December 10, 1971 as Instrument No. [288287](#) of Official Records.
9. An easement for public utilities and incidental purposes in the document recorded February 11, 2000 as Instrument No. [72622](#) of Official Records.

10. Any rights, interests or claims of the parties in possession of said land, including but not limited to those based on an unrecorded agreement, contract of lease.

This Company will require that a full copy of any unrecorded agreement, contract or lease be submitted to us, together with all supplements, assignments and amendments, before any policy of title insurance will be issued.

We will need these prior to close of escrow.

Note: To avoid any delays in closing, please make sure to complete and return to us the attached Owner's Affidavit in its entirety and it must be notarized.

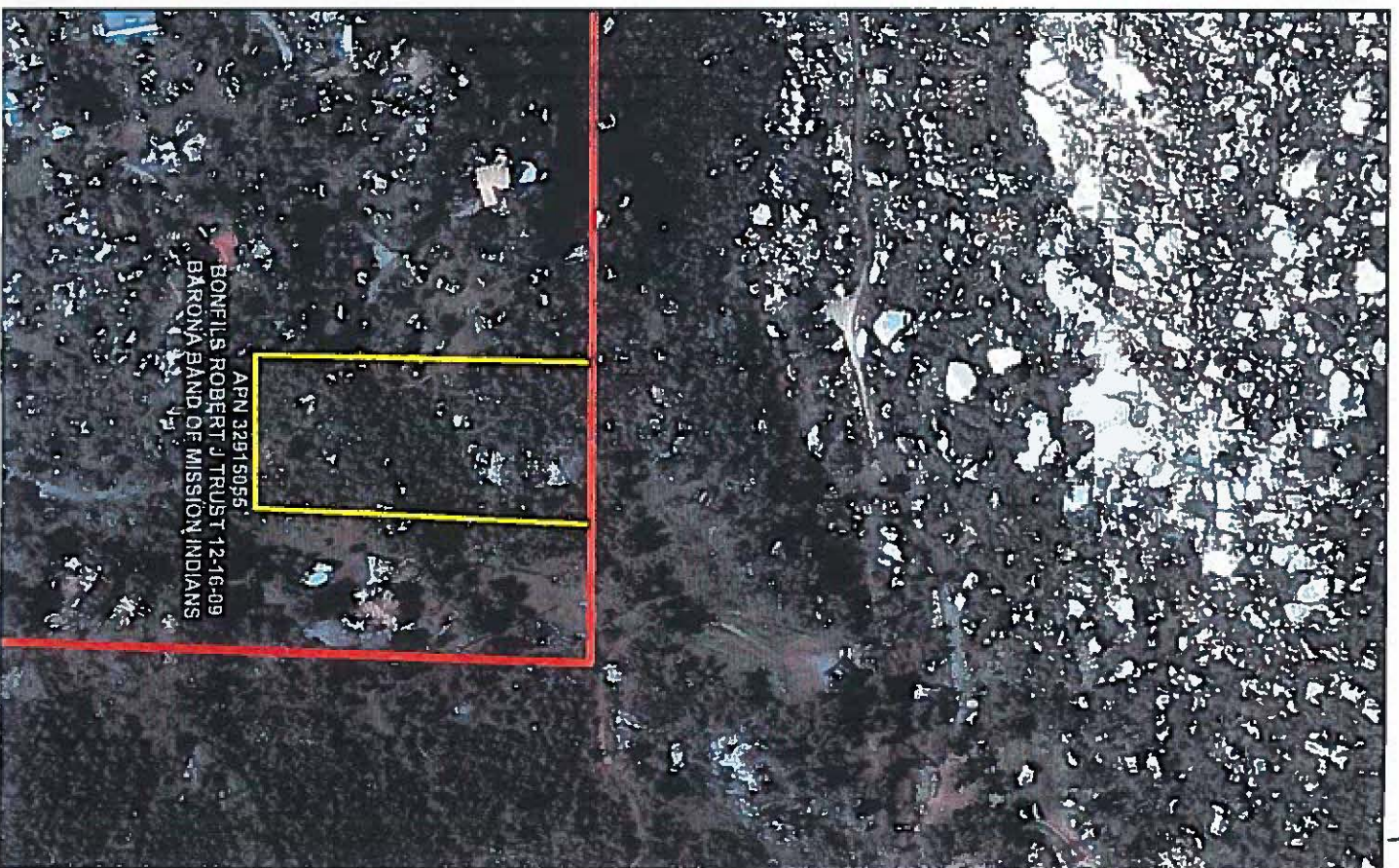
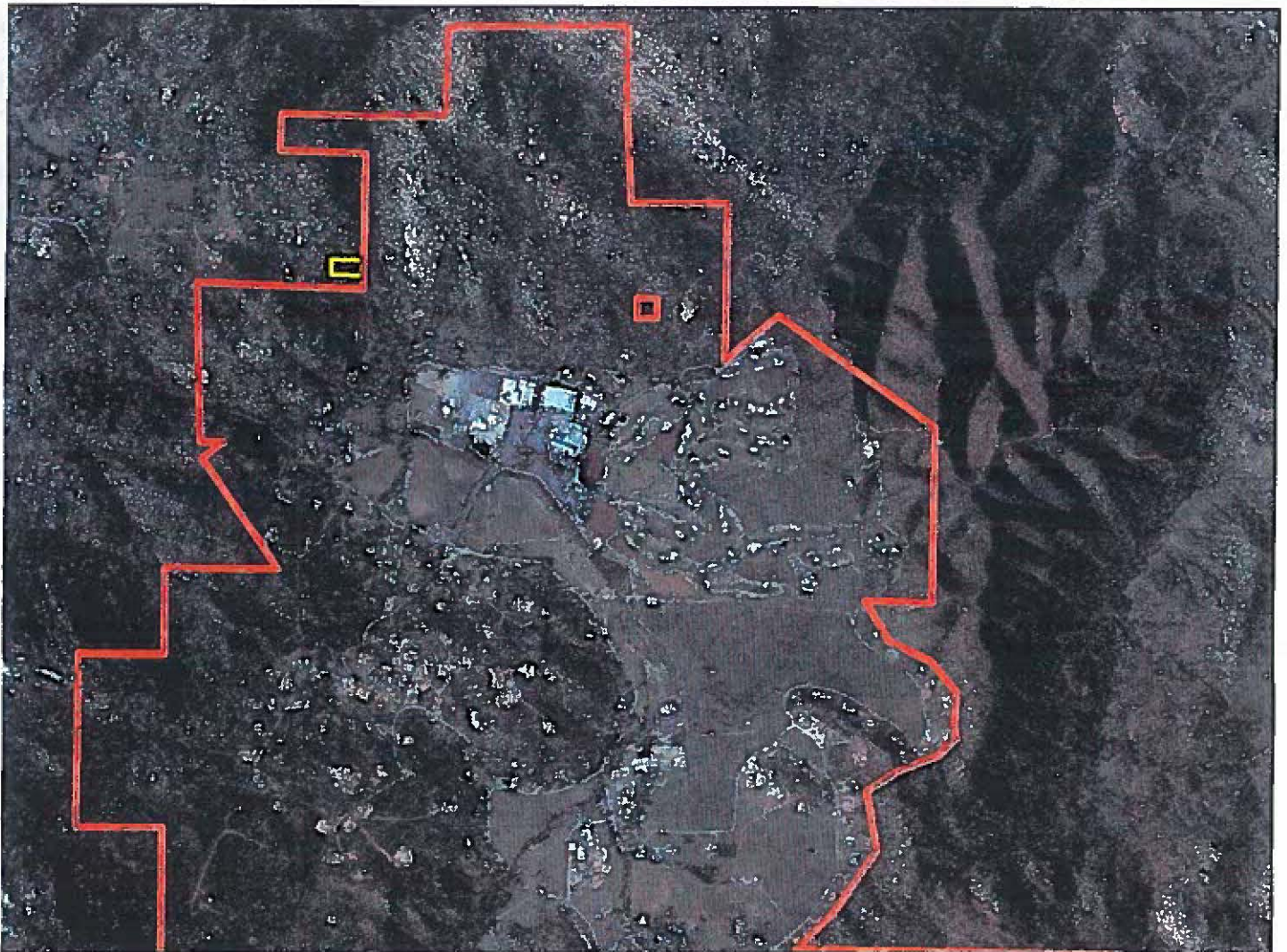


SEC 28 - T14S - R1E - POR NW/4
ROS 14573, 17839, 20830

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

11/15/15
SAN DIEGO COUNTY
ASSESSOR'S MAP
BOOK 329 PAGE 15 SHT 1 OF 2

Location of APN 329-150-55 (Bonfils/Barona)



§ 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 review.
- 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]

Bureau of Indian Affairs, Interior

§ 151.3

§ 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 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:

§ 151.4

(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

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(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 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 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) The deed or other conveyance instrument providing evidence of the applicant's title or, if the applicant does not yet have title, the deed providing evidence of the transferor's title and a written agreement or affidavit from the transferor, that title will be transferred to the United States on behalf of the applicant to complete the acquisition in trust; and

(2) Either:

(i) A current title insurance commitment; or

(ii) The policy of title insurance issued to the applicant or current owner and an abstract of title dating from the time the policy of title insurance was issued to the applicant or current owner to the present.

(3) The applicant may choose to provide title evidence meeting the title standards issued by the U.S. Department of Justice, in lieu of the evidence required by paragraph (a)(2) of this section.

(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.

[81 FR 30177, May 16, 2016]

§ 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

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

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SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

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