



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: 22554

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 La Jolla Band of Luiseno Indians, 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:

La Jolla Band of Luiseno Indians, California

Legal Land Description/Site Location:

See "Exhibit A" for legal description

Project Description/Proposed Land Use:

The subject property consists of land containing 516.26 acres, more or less, commonly referred to as Assessor's Parcel Numbers 135-230-08-00 and 135-230-15-00. The subject property is contiguous to the La Jolla Reservation. The Tribe plans to use the subject property for housing, water resources development, and cultural preservation.

NOLA001



Office Codes: JJJ-54-576 AD Number: 420022664 Case: 22554

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 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: 2022.09.22 08:19:49
-07'00'

REGIONAL DIRECTOR

Enclosure(s)

NO LA 201



Office Codes: JJJ-54-576 AD Number: 4200222664 Case: 22554

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: 7021 2720 0001 0165 5942

Sara Drake, Deputy Attorney General
State of California, Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2250
Certified Mail ID: 7021 2720 0001 0165 5959

United States Senator Dianne Feinstein
331 Hart Senate Building
Washington, DC 20510
Certified Mail ID: 7021 2720 0001 0165 5966

United States Senator Alex Padilla
B03 Russell Senate Office Building
Washington, DC 20510
Certified Mail ID: 7021 2720 0001 0165 5976

Congressman Darrell Issa
United States House of Representatives - 50th District
2300 Rayburn House Office Building
Washington, DC 20515
Certified Mail ID: 7021 2720 0001 0165 5980

San Diego County Assessor
1600 Pacific Highway, Suite 103
San Diego, CA 92101
Certified Mail ID: 7021 2720 0001 0165 5997

County of San Diego
Board of Supervisors
1600 Pacific Highway, Suite 335
San Diego, CA 92101
Certified Mail ID: 7021 2720 0001 0165 6000

San Diego County Treasurer and Tax Collector
1600 Pacific Highway, Suite 162
San Diego, CA 92101
Certified Mail ID: 7021 2720 0001 0165 6017

NOLA001



Office Codes: J-J-54-576 AD Number: 4200222664 Case: 22554

San Diego County Department of Planning and Development
5510 Overland Ave., Suite 110
San Diego, CA 92123
Certified Mail ID: 7021 2720 0001 0165 6024

San Diego County Sheriff's Department
John F. Duffy Administrative Center
P.O. Box 939062
San Diego, CA 92123
Certified Mail ID: 7021 2720 0001 0165 6031

San Diego County Fire – Administrative Office
County Operations Center
5510 Overland Ave, Suite 250
San Diego, CA 92123
Certified Mail ID: 7021 2720 0001 0165 6048

Barona Group of Capitan Grande Band of Mission Indians
1095 Barona Road
Lakeside, CA 92040
Certified Mail ID: 7021 2720 0001 0165 6055

Campo Band of Diegueno Mission Indians
36190 Church Rd., Suite 1
Campo, CA 91906
Certified Mail ID: 7021 2720 0001 0165 6062

Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901
Certified Mail ID: 7021 2720 0001 0165 6079

Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation
2005 S. Escondido Blvd.
Escondido, CA 92025
Certified Mail ID: 7021 2720 0001 0165 6086

Jamul Indian Village
P.O. Box 612
Jamul, CA 91935
Certified Mail ID: 7021 2720 0001 0165 6093

Honorable Norma Contreras
Chairwoman, La Jolla Band of Luiseno Indians, California
22000 Highway 76
Pauma Valley, CA 92061
Certified Mail ID: 7021 2720 0001 0165 6109

NOLAQ01



Office Codes: J-J, 54, 57b AD Number: 4200222664 Case: 22554

La Posta Band of Diegueno Mission Indians
8 Crestwood Road
Boulevard, CA 91905
Certified Mail ID: 7021 2720 0001 0165 6116

Los Coyotes Band of Cahuilla & Cupeno Indians
P.O. Box 189
Warner Springs, CA 92086
Certified Mail ID: 7021 2720 0001 0165 6123

Manzanita Band of Diegueno Mission Indians
P.O. Box 1302
Boulevard, CA 91905
Certified Mail ID: 7021 2720 0001 0165 6130

Mesa Grande Band of Diegueno Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070
Certified Mail ID: 7021 2720 0001 0165 6147

Pala Band of Mission Indians
35008 Pala-Temecula Road
PMB - 50
Pala, CA 92059
Certified Mail ID: 7021 2720 0001 0165 6154

Pauma Band of Luiseno Mission Indians
P.O. Box 369
Pauma Valley, CA 92061
Certified Mail ID: 7021 2720 0001 0165 6161

Pechanga Band of Indians
P.O. Box 1477
Temecula, CA 92593
Certified Mail ID: 7021 2720 0001 0165 6178

Rincon Band of Luiseno Mission Indians
One Government Center Lane
Valley Center, CA 92082
Certified Mail ID: 7021 2720 0001 0165 6185

San Pasqual Band of Diegueno Mission Indians
P.O. Box 365
Valley Center, CA 92082
Certified Mail ID: 7021 2720 0001 0165 6192

Iipay Nation of Santa Ysabel
P.O. Box 130
Santa Ysabel, CA 92070
Certified Mail ID: 7021 2720 0001 0165 6208

NO LA Q01



Office Codes: JJJ-54-576 AD Number: 4200222664 Case: 22554

Sycuan Band of the Kumeyaay Nation
1 Kwaaypaay Court
El Cajon, CA 92019
Certified Mail ID: 7021 2720 0001 0165 6215

Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians
1 Viejas Grade Road
Alpine CA 91901
Certified Mail ID: 7021 2720 0001 0165 6222
BY FIRST CLASS MAIL:

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

NOLA001



Office Codes: J-J-54-576 AD Number: 4200222664 Case: 22554

EXHIBIT "A"

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

PARCEL 1:

ALL THAT PORTION OF LOT 1 OF RANCHO CUCA OR EL POTRERO IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 845, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 31, 1898 AS DESCRIBED IN PARCEL A OF CERTIFICATE OF COMPLIANCE RECORDED SEPTEMBER 24, 1980 AS FILE NO. 80-310105 OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, RANCHO CUCA, ACCORDING TO THE MAP THEREOF NO. 845, DESCRIBED AS GRANT CORNER NO. 2, THENCE SOUTH 86°43'42" EAST ALONG THE SOUTHERLY BOUNDARY OF SAID LOT 1, 2,635.00 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY BOUNDARY SOUTH 86°43'42" EAST, 3,828.60 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE CENTER LINE OF A 30 FOOT ACCESS ROAD EASEMENT GRANTED TO THE VISTA IRRIGATION DISTRICT DESCRIBED IN DEED RECORDED JANUARY 29, 1959 AS DOCUMENT NO. 18787 IN BOOK 7470, PAGE 165 OF OFFICIAL RECORDS; THENCE ALONG SAID CENTER LINE AS FOLLOWS.

NORTH 03°23'00" EAST, 63.61 FEET, MORE OR LESS, TO AN ANGLE POINT, SOUTH 85°38'00" EAST, 583.43 FEET; NORTH 63°08'00" EAST 149.04 FEET; NORTH 32°59'00" EAST, 274.10 FEET; NORTH 06°11'40" EAST 144.85 FEET NORTH 10°33'20" WEST 167.52 FEET, AND NORTH 21°10'40" EAST, 92.92 FEET TO AN ANGLE POINT BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID CENTER LINE NORTH 41°50'40" WEST, 1,924.56 FEET; THENCE NORTH 40°25'00" EAST, 1,635 FEET, MORE OR LESS, TO THE MOST SOUTHERLY CORNER OF PARCEL 24 OF RECORD OF SURVEY MAP NO. 4813, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE ALONG THE SOUTHERLY BOUNDARY OF PARCELS 29 AND 30 OF SAID RECORD OF SURVEY MAP NO. 4813, NORTH 67°06'19" EAST 1,015.35 FEET TO THE MOST SOUTHEASTERLY CORNER OF SAID PARCEL 30; THENCE ALONG THE EASTERLY BOUNDARY OF PARCELS 30 AND 31 OF SAID RECORD OF SURVEY MAP NO. 4813, NORTH 33°01'19" EAST, 496.54 FEET, MORE OR LESS, TO THE CENTER LINE OF SAID 30 FOOT ACCESS ROAD EASEMENT, THENCE ALONG SAID CENTER LINE AS FOLLOWS:

NORTH 84°16'15" EAST 54.36 FEET, MORE OR LESS, TO AN ANGLE POINT, SOUTH 57°54'25" EAST, 229.19 FEET; SOUTH 44°21'55" EAST 123.30 FEET, SOUTH 59°52'15" EAST, 206.77 FEET; SOUTH 37°26'35" EAST, 129.95 FEET SOUTH 17°18'40" WEST 195.54 FEET. SOUTH 06°32'20" EAST, 234.96 FEET; SOUTH 57°28'00" EAST, 298.40 FEET, SOUTH 38°29'00" EAST, 359.00 FEET. SOUTH 10°56'00" EAST, 89.64 FEET,

SOUTH 34°04'00" WEST, 122.13 FEET; SOUTH 53°10'40" WEST, 387.00 FEET, SOUTH 53°02'40" WEST, 223.68 FEET, SOUTH 05°52'40" EAST, 205.95 FEET. SOUTH 19°45'20" WEST, 377.46 FEET SOUTH 47°37'20" WEST, 113.76 FEET. SOUTH 63°54'00" WEST 367.12 FEET; SOUTH 72°27'20" WEST. 105.36 FEET; SOUTH 50°41'40" WEST. 337.95 FEET; SOUTH 26°26'40" WEST, 170.36 FEET. SOUTH 47°36'00" WEST, 222.56 FEET, SOUTH 37°03'00" WEST 182.55 FEET AND SOUTH 55°17'00" WEST, 297.71 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THE WATER IN THE SAN LUIS REY RIVER AS DESCRIBED IN DEED FROM SYLVESTER J. MENDENHALL TO THE FLETCHER SALMONS INVESTMENT COMPANY, DATED DECEMBER 18, 1905, RECORDED JANUARY 2, 1906 IN BOOK 372 PAGE 384 OF DEEDS AS FOLLOWS:

ALL MY RIGHT, TITLE AND INTEREST IN THE WATERS OF THE SAN LUIS REY RIVER THAT FLOWS ON AND ACROSS THE RANCHO CUCA OR EL POTRERO, IN SECTION 28; TOWNSHIP 10 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE MERIDIAN.

ALSO EXCEPTING THE RIGHTS CONVEYED BY MENDENHALL CATTLE COMPANY TO THE ESCONDIDO MUTUAL WATER COMPANY, BY DEED DATED MAY 21, 1909, RECORDED JANUARY 7, 1910 IN BOOK 480 PAGE 260 OF DEEDS, AS FOLLOWS:

ALL MY RIPARIAN RIGHTS, TITLE AND INTEREST AS OWNER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE AND MERIDIAN, TO THE WATERS FLOWING AND TO FLOW IN THE SAN LUIS REY RIVER.

PARCEL 2:

AN EASEMENT FOR ROAD AND UTILITY PURPOSES OVER, UNDER, ALONG AND ACROSS THOSE PORTIONS OF RECORD OF SURVEY MAP NO. 4813, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 19, 1958 AS FILE/PAGE NO. 194035 OF OFFICIAL RECORDS, LYING WITHIN THE AREA DELINEATED AND DESIGNATED THEREON AS "EASEMENT RESERVED FOR ROAD PURPOSES."

PARCEL 3:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITIES OVER, UNDER, AND ALONG AND ACROSS A STRIP OF LAND 60 FEET IN WIDTH LYING WITHIN LOT 1 OF RANCHO CUCA OR EL POTRERO IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 845, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 31, 1898, AND BEING 30 FEET EITHER SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PARCEL 24 OF RECORD OF SURVEY 4813, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 19, 1958; THENCE SOUTH 85°40'00" WEST, 480 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE CENTER LINE OF AN EASEMENT AND RIGHT OF WAY AS GRANTED BY INSTRUMENT RECORDED NOVEMBER 19, 1980 AS FILE NO. 80-389851 OF OFFICIAL RECORDS, BEING THE TRUE POINT OF BEGINNING; THENCE SOUTH 10°00'00" WEST TO A POINT OF INTERSECTION WITH THE NORTHWESTERLY BOUNDARY LINE OF PARCEL 1 HEREINABOVE DESCRIBED. WHICH BOUNDARY LINE HAS A BEARING OF NORTH 40°25'00" EAST AND A LENGTH OF 1,635 FEET MORE OR LESS.

PARCEL 4:

ALL THAT PORTION OF LOT 1 OF THE RANCHO CUCA, OR EL POTRERA, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF NO. 845, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY MAY 31, 1898 WHICH LIES SOUTHERLY OF THE SOUTHEASTERLY LINE OF THE STATE OF CALIFORNIA HIGHWAY XI-SD-195-D AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED JUNE 9, 1953 AS DOCUMENT NO. 78747 IN BOOK 4883, PAGE 500 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM ALL OF THE LAND LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE WHICH REPRESENTS THE CENTER LINE OF A 30-FOOT ACCESS ROAD GRANTED TO THE VISTA IRRIGATION DISTRICT AS DESCRIBED IN DEED RECORDED JANUARY 29, 1959 AS DOCUMENT NO. 18787 IN BOOK 7470, PAGE 165 OF OFFICIAL RECORDS.

BEGINNING AT A POINT ON STATE HIGHWAY XI SD 195-D, SAID POINT OF BEGINNING BEING SHOWN ON THE ROAD SURVEY AS STATION 330/54; THENCE SOUTH 33° 08' 25" WEST, DISTANT 60.00 FEET TO THE TRUE POINT OF BEGINNING.

THENCE SOUTH 33°08'25" WEST DISTANT 33.50 FEET; THENCE SOUTH 67°20'55" WEST 105.57 FEET; THENCE SOUTH 7°34'05" WEST, DISTANT 319.79 FEET; THENCE SOUTH 23°44'35" EAST DISTANT 103.45 FEET; THENCE SOUTH 0°39'45" EAST DISTANT 88.68 FEET; THENCE SOUTH 53°59'55" EAST DISTANT 130.22 FEET; THENCE SOUTH 42°34'15" EAST DISTANT 179.29 FEET; THENCE SOUTH 35°15'35" EAST DISTANT 199.23 FEET; THENCE SOUTH 20°21'55" EAST DISTANT 176.00 FEET; THENCE SOUTH 83°25'55" EAST DISTANT 125.26 FEET; THENCE NORTH 80°19'55" EAST DISTANT 103.01 FEET; THENCE NORTH 53°06'55" EAST DISTANT 136.62 FEET; THENCE NORTH 84°16'15" EAST DISTANT 98.80 FEET; THENCE SOUTH 57°54'25" EAST DISTANT 229.19 FEET; THENCE SOUTH 44°21'55" EAST DISTANT 123.30 FEET; THENCE SOUTH 59°52'15" EAST DISTANT 206.77 FEET; THENCE SOUTH 37°26'35" EAST DISTANT 129.95 FEET; THENCE SOUTH 17°18'40" WEST DISTANT 195.54 FEET; THENCE SOUTH 6°32'20" EAST DISTANT 234.96 FEET; THENCE SOUTH 57°28'00" EAST DISTANT 298.40 FEET; THENCE SOUTH 38°29'00" EAST DISTANT 359.00 FEET; THENCE SOUTH 10°36'00" EAST DISTANT 89.64 FEET; THENCE SOUTH 34°04'00"

WEST DISTANT 122.13 FEET; THENCE SOUTH 53°10'40" WEST DISTANT 387.00 FEET; THENCE SOUTH 53°02'40" WEST DISTANT 223.68 FEET; THENCE SOUTH 5°52'40" EAST DISTANT 205.95 FEET; THENCE SOUTH 19°45'20" WEST DISTANT 377.46 FEET; THENCE SOUTH 47°37'20" WEST DISTANT 113.76 FEET; THENCE SOUTH 63°54'00" WEST DISTANT 367.12 FEET; THENCE SOUTH 72°27'20" WEST DISTANT 105.36 FEET; THENCE SOUTH 50°41'40" WEST DISTANT 337.95 FEET; THENCE SOUTH 26°26'40" WEST DISTANT 170.36 FEET; THENCE SOUTH 47°36'00" WEST DISTANT 222.56 FEET; THENCE SOUTH 37°03'00" WEST DISTANT 182.55 FEET; THENCE SOUTH 55°17'00" WEST DISTANT 297.71 FEET; THENCE SOUTH 21°10'40" WEST DISTANT 92.92 FEET; THENCE SOUTH 10°33'20" EAST DISTANT 167.52 FEET; THENCE SOUTH 6°11'40" WEST DISTANT 144.85 FEET; THENCE SOUTH 32°59'00" WEST DISTANT 274.10 FEET; THENCE SOUTH 63°08'00" WEST DISTANT 149.04 FEET; THENCE NORTH 85°38'00" WEST DISTANT 583.43 FEET; THENCE SOUTH 3°23'00" WEST, A DISTANCE OF 63.61 FEET, MORE OR LESS, TO A POINT ON THE SOUTHERLY BOUNDARY OF THE RANCHO CUCA, SAID POINT BEING DISTANT 1310.19 FEET MORE OR LESS ALONG A LINE BEARING SOUTH 87°37' EAST FROM THE POINT OF INTERSECTION OF SAID SOUTHERLY BOUNDARY OF RANCHO CUCA AND THE WESTERLY BOUNDARY OF SECTION 28, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE AND MERIDIAN.

ALSO EXCEPTING THEREFROM THE WATER IN THE SAN LUIS REY RIVER AS DESCRIBED IN DEED FROM SYLVESTER J. MENDENHALL TO THE FLETCHER SALMONS INVESTMENT COMPANY, DATED DECEMBER 18, 1905, RECORDED JANUARY 2, 1906 IN BOOK 372 PAGE 384 OF DEEDS AS FOLLOWS:

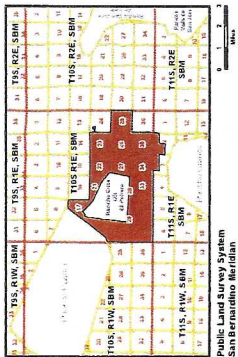
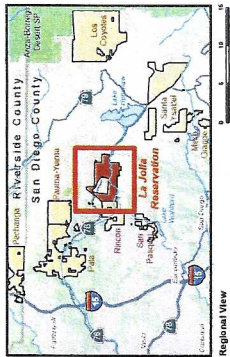
ALL MY RIGHT, TITLE AND INTEREST IN THE WATERS OF THE SAN LUIS REY RIVER THAT FLOWS ON AND ACROSS THE RANCHO CUCA OR EL POTRERO, IN SECTION 28; TOWNSHIP 10 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE MERIDIAN.

ALSO EXCEPTING THE RIGHTS CONVEYED BY MENDENHALL CATTLE COMPANY TO THE ESCONDIDO MUTUAL WATER COMPANY, BY DEED DATED MAY 21, 1909, RECORDED JANUARY 7, 1910 IN BOOK 480 PAGE 260 OF DEEDS, AS FOLLOWS:

ALL MY RIPARIAN RIGHTS, TITLE AND INTEREST AS OWNER OF SECTION 27, TOWNSHIP 10 SOUTH, RANGE 1 EAST, SAN BERNARDINO BASE AND MERIDIAN, TO THE WATERS FLOWING AND TO FLOW IN THE SAN LUIS REY RIVER.

APN: 135-230-08-00, 135-230-15-00

U.S. DEPARTMENT OF INTERIOR
Bureau of Indian Affairs
Pacific Regional Office
Land Title and Records
La Jolla Reservation
San Diego County, California
LAND STATUS
As of September 2022



LEGEND

Tract Status

- Tribal Tract
- Allotted Tract
- Fee Land
- 18976 Allotment or Tract Number
- 687 Acreage of Tract (per section)

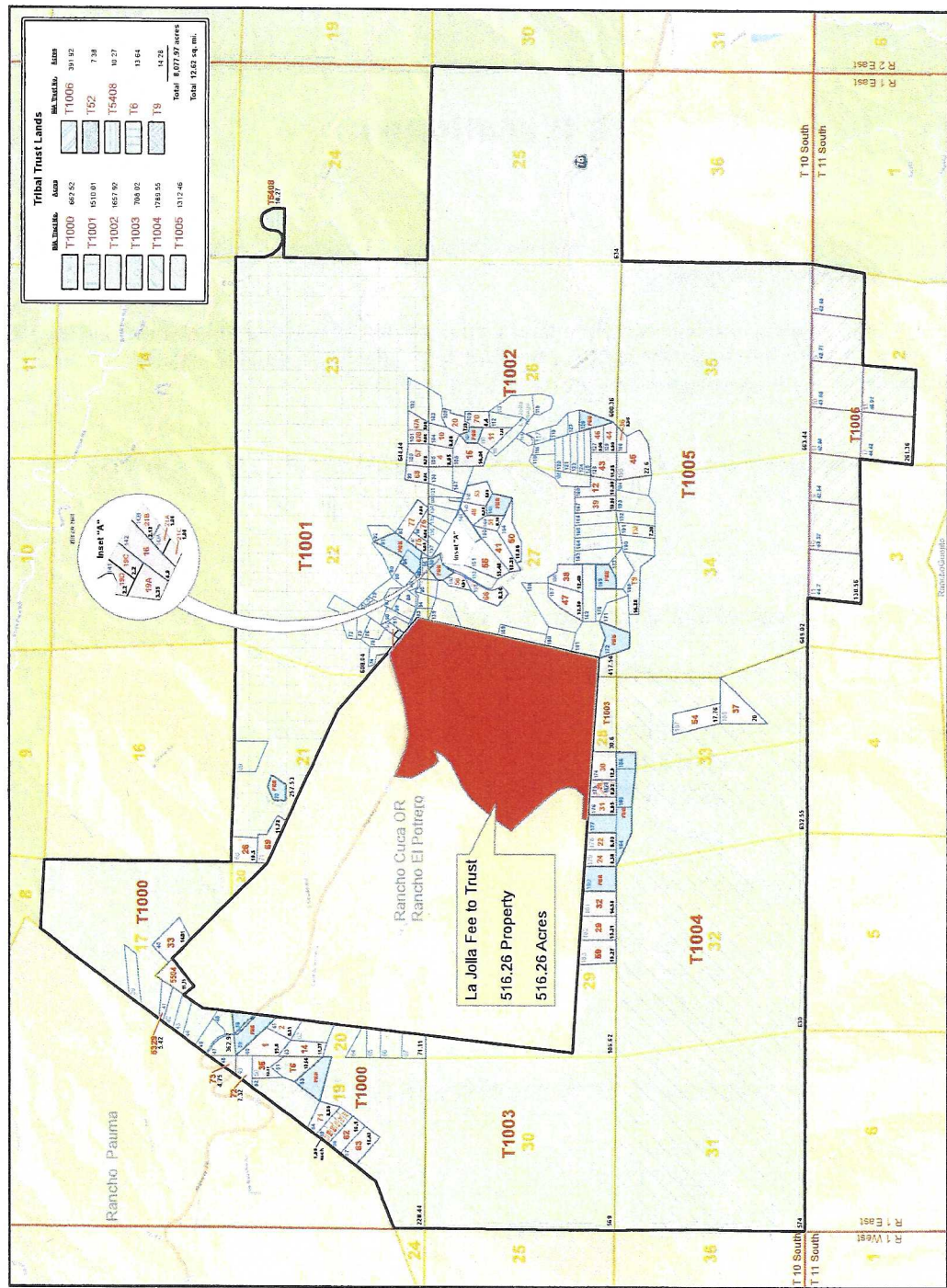
Land Survey Status

- Public Land Survey Section
- BLM Lot and Lot Number
- BLM Tract and Tract Number
- Land Grant

Copyright: Status shown is subject to revision after audit of records

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) 978-0000
Proprietor: California State Plains Zone VI
Datum: North American Datum 1983 Spheroid: GRS 1980



Agency Jurisdiction

Northern
Central
Southern

Area of Interest

Area of Interest

SCALE

0 0.5 1 1.5 2 2.5 3 3.5 Miles

North Arrow

This map was prepared by the Bureau of Indian Affairs, Department of the Interior, and is not to be used for any purpose other than that for which it was prepared. It is not to be used for any purpose other than that for which it was prepared. It is not to be used for any purpose other than that for which it was prepared.

Sheet No. 1 of 1

La Jolla (576)

Ver. 3.2

Created by: John Mackay
Regional Geospatial Coordinator

Map Date: 09/01/2022

SCHEDULE B continued

- II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of 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 subsequent to the Effective Date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. Taxes and assessments, general and special, for the fiscal year 2020 - 2021, a lien, but not yet due or payable.

2. Taxes and assessments, general and special, for the fiscal year 2019 - 2020, as follows:

Assessor's Parcel No	:	135-230-08-00	
Code No.	:	94160	
1st Installment	:	\$11,669.48	Marked Paid
2nd Installment	:	\$11,669.48	NOT Marked Paid
Land Value	:	\$2,152,200.00	

3. Supplemental taxes, general and special, for the fiscal year 2019 - 2020 as follows:

Assessor's Parcel No.	:	889-410-00-28	
1st Installment	:	\$5,896.66	Marked Paid
2nd Installment	:	\$5,896.66	Marked Paid

4. Supplemental taxes, general and special, for the fiscal year 2019 - 2020 as follows:

Assessor's Parcel No.	:	879-410-00-37	
1st Installment	:	\$1,977.83	Marked Paid
2nd Installment	:	\$1,977.83	Marked Paid

5. Taxes and assessments, general and special, for the fiscal year 2019 - 2020, as follows:

Assessor's Parcel No	:	135-230-15-00	
Code No.	:	94160	
1st Installment	:	\$3,816.83	Marked Paid
2nd Installment	:	\$3,816.83	NOT Marked Paid
Land Value	:	\$703,800.00	

6. Supplemental taxes, general and special, for the fiscal year 2019 - 2020 as follows:

Assessor's Parcel No.	:	889-410-00-68	
1st Installment	:	\$861.60	Marked Paid
2nd Installment	:	\$861.60	Marked Paid

7. Supplemental taxes, general and special, for the fiscal year 2019 - 2020 as follows:

Assessor's Parcel No.	:	879-410-00-77	
1st Installment	:	\$302.25	Marked Paid
2nd Installment	:	\$302.25	Marked Paid

8. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq., of the Revenue and Taxation Code of the State of California.

9. (1) Any adverse claim based upon the assertion that:
- (a) Some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - (b) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of San Luis Rey River, or has been formed by accretion to any such portion.

(2) Rights and easements for navigation and fishery which may exist over that portion of said land lying beneath the waters of San Luis Rey River.

10. Any rights in favor of the public which may exist on said land if said land or portions thereof are or were at any time used by the public.
11. Any easement for water course over that portion of said land lying within the banks of San Luis Rey River and any changes in the boundary lines of said land that have occurred or may hereafter occur from natural causes.
12. Water rights, claims or title to water, whether or not shown by the public records.
13. Rights of the public, County and/or City, in and to that portion of said land lying within the lines of any existing roads.

14. Easement(s) or right(s) of way for the purpose(s) shown below and rights incidental thereto, as granted and/or reserved in various Deeds of record.

Affects Parcels 2 and 3

15. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Granted To : San Diego County
For : Public road
Recorded : June 27, 1899 in Book 257 of Deeds, Page 431
Affects : The exact location and extent of said easement is not disclosed of record

16. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Granted To : San Diego County
For : Public road
Recorded : June 27, 1899 in Book 257 of Deeds, Page 432
Affects : The exact location and extent of said easement is not disclosed of record

17. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Right of Way
Granted To : The Southern Sierras Power Company, its successors and assigns
For : Public utilities
Recorded : January 19, 1925 in Book 1065 of Deeds, Page 120
Affects : Parcel 4

18. Release and relinquishment of abutter's or access rights to and from California State Highway XI-SD-195-D, except across courses "Third" and "Sixth" herein described Deed, upon which premises abuts, as follows:

Instrument : Grant Deed
To : County of San Diego
Dated : October 2, 1958
Recorded : October 20, 1958 in Book 7307 of Official Records, Page 556 as Instrument Number 173086

Affects Parcel 4

19. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Right-Of-Way Agreement And Easement Grant
Granted To : Vista Irrigation District, a California irrigation district and Mutual Water Company, a California corporation
For : Private road and ingress and egress
Recorded : January 29, 1959 in Book 7470 of Official Records, Page 165 as Instrument Number 18787
Affects : Parcel 1

Upon the terms and conditions contained therein.

And as modified by an instrument, executed by Mount Palomar Ranchos, Inc., recorded March 18, 1959 in Book 7554 of Official Records, Page 434 as Instrument Number 53542.

Note: Reference is made to said instrument for full particulars.

20. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Grant Deed
Reserved By : Lou Krepel, dba Commercial Aviation, aka COMAVIA
For : Road and utilities
Dated : September 12, 1979
Recorded : September 28, 1979 in Official Records as Instrument Number 79-405741
Affects : Parcel 1

The present ownership of said easement and other matters affecting the interests thereto, if any, are not shown herein.

21. The Recital contained in the Deed, From Lou Krepel, DBA Commercial Aviation, aka Comavia To Cris Carleton Peterson, an unmarried man as to an undivided 70% interest and Rick Eckert, an unmarried man, as to 30% interest, recorded September 28, 1979, as Instrument No. 1979-405741, Official Records which states as follows:

Grantor expressly reserves and excepts to himself, his heirs, executors and assigns the decomposed granite on or in the property herein conveyed, together with the right of ingress and egress to and from all decomposed granite deposits.

Said matter affects Parcel 1

22. Covenants, Conditions and Restrictions which do not contain express provision for forfeiture or reversion of title in the event of violation, but omitting any covenants or restriction if any, based upon race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Title 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicapped persons, as provided in an instrument.

Entitled : Declaration of Building and Use Restrictions of Rancho Cuca Ranch
Executed by : Southern California Land Corporation, a California corporation, et al.
Dated : January 10, 1991
Recorded : May 8, 1991 in Official Records as Instrument Number 1991-0215450

NOTE: "If this document contains any restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, familial status, marital status, disability, veteran or military status, genetic information, national origin, source of income as defined in subdivision (p) of Section 12955, or ancestry, that restriction violates state and federal fair housing laws and is void, and may be removed pursuant to Section 12956.2 of the Government Code. Lawful restrictions under state and federal law on the age of occupants in senior housing or housing for older persons shall not be construed as restrictions based on familial status."

23. Any rights, easements, interests or claims which may exist or arise by reason of or reflected by the facts shown on that certain Record of Survey filed November 9, 2009 in Record of Survey No. 20619.

24. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as provided in the following

Instrument : Easement
Granted To : San Diego Gas & Electric Company, a corporation
For : Public utilities
Recorded : February 1, 2018 in Official Records as Instrument Number 2018-0042707
Affects : As decribed therein

Upon the terms and conditions contained therein.

25. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
26. Any claim or allegation that the Secretary of the Interior lacks authority to take the land in trust because the La Jolla Band of Luiseno Indians, was not under federal jurisdiction in or about 1934, within the meaning of an the "Carcieri decision" by the United States Supreme Court, 555 S. Ct. 379 (2009).
27. Any claim or allegation that the Secretary of Interior violated any authority or discretion to take the land in trust under the Administrative Procedures Act or any federal law or regulation, within the meaning of the "Patchak decision" by the United States Supreme Court, 132 S. Ct. 2199 (2012).
28. Any unrecorded and subsisting leases.

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 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:

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

Bureau of Indian Affairs, Interior

§ 151.13

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]

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

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.

SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

152.17 Sales, exchanges, and conveyances by, or with the consent of the individual Indian owner.

152.18 Sale with the consent of natural guardian or person designated by the Secretary.

152.19 Sale by fiduciaries.

152.20 Sale by Secretary of certain land in multiple ownership.

152.21 Sale or exchange of tribal land.

152.22 Secretarial approval necessary to convey individual-owned trust or restricted lands or land owned by a tribe.

152.23 Applications for sale, exchange or gift.

152.24 Appraisal.

152.25 Negotiated sales, gifts and exchanges of trust or restricted lands.