



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: 48519

NOTICE OF NON-GAMING LAND ACQUISITION APPLICATION

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 (4-1-16 Edition), notice is given of the application filed by the Pauma Band of Luiseno Mission Indians of the Pauma & Yuima 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:

Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California

Legal Land Description/Site Location:

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE CITY OF PAUMA VALLEY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF THE PAUMA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ATTACHED TO THE RECORD OF THE PATENT IN BOOK 1, PAGE 67 OF PATENTS, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT A 6" X 6" WHITE POST MARKED -"P" ON THE NORTH SIDE AND "RCB" ON THE EAST SIDE, SET TO DESIGNATE THE MOST WESTERLY CORNER OF THAT CERTAIN TRACT OF LAND COMMONLY KNOWN AS "BISHOP TRACT" AND DESCRIBED AS EXCEPTION 4 IN THE DEED TO CHARLES FOREMAN, DATED NOVEMBER 28, 1911, RECORDED DECEMBER 4, 1911 IN BOOK 540, PAGE 79 OF DEEDS., RECORDS OF SAID COUNTY, SAID POINT OF COMMENCEMENT BEING ALSO THE MOST WESTERLY CORNER OF LAND DESCRIBED IN DEED TO PETE DYKQUEL, ET UX, DATED MARCH 7, 1942 AND RECORDED MARCH 12, 1942 IN BOOK 1315, PAGE 239 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH $38^{\circ} 09' 40''$ EAST ALONG THE NORTHWESTERLY LINE OF SAID "BISHOP TRACT" 5864.08 FEET TO A 4" X 4" WHITE POST IN MOUND STONE, MARKED "P" ON THE NORTH AND "RCB" ON THE SOUTH; THENCE SOUTH $21^{\circ} 23' 00''$ EAST 491.92 FEET TO A 1 1/2 INCH IRON PIPE; THENCE CONTINUING SOUTH $21^{\circ} 23' 00''$ EAST 59.23 FEET TO A COPPER NAIL SET ON THE CENTER LINE OF CALIFORNIA STATE HIGHWAY BETWEEN RINCON AND RANCHO CUCA (RD XI-SD-195-D); THENCE SOUTH $75^{\circ} 32' 30''$ EAST 155.94 FEET ALONG THE CENTER LINE OF SAID STATE HIGHWAY TO THE BEGINNING OF A CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 250.00 FEET AND A CENTRAL ANGLE OF $39^{\circ} 46' 00''$; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID CENTER LINE 173.21 FEET TO THE END THEREOF; THENCE NORTH $64^{\circ} 41' 30''$ EAST CONTINUING ALONG THE CENTER LINE OF SAID STATE HIGHWAY 114.58 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 460.00 FEET AND A CENTRAL ANGLE OF $29^{\circ} 12' 30''$; THENCE ALONG THE ARC OF SAID CURVE AND ALONG SAID CENTER LINE 234.50 FEET TO THE END THEREOF; THENCE CONTINUING ALONG SAID CENTER LINE OF SAID STATE HIGHWAY THE FOLLOWING COURSES AND DISTANCES; SOUTH $86^{\circ} 06' 00''$ EAST 359.24 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 124.78 FEET AND A CENTRAL ANGLE OF $106^{\circ} 34' 30''$; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY DIRECTION 232.10 FEET TO THE END THEREOF; THENCE NORTH $12^{\circ} 40' 30''$ WEST 831.41 FEET TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY HAVING A RADIUS OF 350.00 FEET AND A CENTRAL ANGLE OF $18^{\circ} 17' 30''$; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE 111.74 FEET TO THE END THEREOF; THENCE NORTH $05^{\circ} 37' 00''$ EAST 163.36 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF $103^{\circ} 35' 00''$; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHERLY AND NORTHEASTERLY DIRECTION 90.40 FEET TO A POINT ON SAID CURVE, THE TRUE POINT OF BEGINNING; THENCE LEAVING THE CENTER LINE OF SAID STATE HIGHWAY NORTH $32^{\circ} 35' 30''$ WEST 61.68 FEET TO A 1" X 16" IRON PIN STAMPED LS 2129; THENCE NORTH $13^{\circ} 15' 30''$ WEST 276.47 FEET TO A POINT; THENCE NORTH $68^{\circ} 12' 00''$ EAST 1071.96 FEET TO A POINT; THENCE SOUTH 753.00

FEET TO A POINT ON THE SAID CENTER LINE OF SAID STATE HIGHWAY
HEREINABOVE DESCRIBED AND ON THE ARC OF A CURVE CONCAVE
NORTHERLY HAVING A RADIUS OF 700.00 FEET AND A TOTAL CENTRAL ANGLE
OF 12° 02' 30"; THENCE WESTERLY ALONG THE ARC OF SAID CURVE AND ALONG
THE CENTER LINE OF SAID STATE HIGHWAY 20.57 FEET TO THE END OF SAID
CURVE; THENCE SOUTH 81° 27' 30" WEST, CONTINUING ALONG THE CENTER LINE
OF SAID STATE HIGHWAY 206.81 FEET TO THE BEGINNING OF A CURVE CONCAVE
NORTHEASTERLY HAVING A RADIUS OF 1040 FEET AND A CENTRAL ANGLE 27°
44' 30"; THENCE WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID
CURVE AND ALONG SAID CENTER 503.55 FEET TO THE END THEREOF; THENCE
CONTINUING ALONG SAID CENTER LINE NORTH 70° 48' 00" WEST, 95.82 FEET TO
THE BEGINNING OF SAID CURVE HEREINABOVE DESCRIBED AS HAVING A
RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 103° 35' 35"; THENCE
NORTHWESTERLY AND WESTERLY ALONG THE ARC OF SAID CURVE AND ALONG
SAID CENTER LINE, A DISTANCE OF 90.39 FEET TO THE TRUE POINT OF
BEGINNING.

EXCEPTING THEREFROM THAT PORTION AS DESCRIBED IN DEED TO THE STATE
OF CALIFORNIA FOR HIGHWAY PURPOSES BY DEED RECORDED AUGUST 18, 1969
AS FILE NO. 150377.

ALSO EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF THE LAND FIRST ABOVE
DESCRIBED, BEING THE MOST NORTHERLY CORNER OF THE LAND DESCRIBED IN
DEED TO D.D. DUNLAP AND DOROTHY DUNLAP, RECORDED APRIL 27, 1948
DOCUMENT NO. 42797 OFFICIAL RECORDS; THENCE ALONG THE NORTHERLY
LINE OF SAID DUNLAP LAND, SOUTH 69° 21' 57" WEST (RECORD - SOUTH 69° 18' 16"
WEST), 180.91 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 20° 38' 03"
EAST, 51.57 FEET; THENCE SOUTH 52° 47' 26" WEST, 394.19 FEET; THENCE SOUTH
83° 45' 00" WEST, 192.69 FEET; THENCE NORTH 63° 21' 48" WEST, 104.44 FEET;
THENCE NORTH 74° 38' 30" WEST, 67.10 FEET TO THE SOUTHWEST CORNER OF THE
LAND DESCRIBED IN DEED TO KENNETH A. CHAPMAN, ET UX, RECORDED
OCTOBER 10, 1960 AS FILE NO. 201689; THENCE ALONG THE SOUTHEASTERLY
LINE OF SAID LAND, NORTH 69° 21' 57" EAST, 689.62 FEET TO THE TRUE POINT OF
BEGINNING.

PARCEL 2:

THOSE PARTS OF THOSE PORTIONS OF PAUMA RANCHO, ACCORDING TO MAP
THEREOF ATTACHED TO THE RECORD OF PATENT IN BOOK 1, PAGE 67 OF
PATENTS AS SAID PORTIONS WERE CONVEYED TO THE STATE OF CALIFORNIA
BY DEEDS RECORDED FEBRUARY 3, 1970 AS FILE NO. 19214 AND MAY 5, 1969 AS
FILE NO. 77595, OFFICIAL RECORDS OF SAN DIEGO COUNTY; SAID PARTS HEREBY
CONVEYED LYING NORTHWESTERLY OF THE NORTHWESTERLY RIGHT OF WAY
LINE OF THE STATE HIGHWAY, 11-SD-76-34.6; SAID PARTS HEREBY CONVEYED
DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF SAID LAND CONVEYED
TO THE STATE BY DEED RECORDED MAY 5, 1969, NO. 77595 SAID CORNER BEING

A POINT ON THE BOUNDARY OF ABANDONMENT NO. 19028 RECORDED MAY 1, 1970 AS FILE NO. 75854, OFFICIAL RECORDS OF SAN DIEGO COUNTY; THENCE ALONG SAID BOUNDARY SOUTH 69° 41' 44" EAST, 3.25 FEET; AND CONTINUING ALONG SAID BOUNDARY FROM A RADIAL OF SOUTH 20° 18' 16" WEST, SOUTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHEAST, WITH A RADIUS OF 1040.00 FEET, THROUGH AN ANGLE OF 02° 44' 12" A DISTANCE OF 49.67 FEET TO SAID NORTHWESTERLY RIGHT OF WAY LINE; THENCE ALONG SAID LINE, FROM A RADIAL OF NORTH 11° 26' 13" WEST, SOUTHWESTERLY ALONG A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST WITH A RADIUS OF 375.00 FEET, THROUGH AN ANGLE OF 26° 18' 55" A DISTANCE OF 172.23 FEET; THENCE NON-TANGENT TO SAID CURVE, NORTH 31° 29' 14" WEST, 131.24 FEET TO SAID ABANDONMENT BOUNDARY; THENCE ALONG SAID BOUNDARY, FROM A RADIAL OF NORTH 31° 29' 14" WEST, EASTERLY ALONG A NON-TANGENT CURVE, CONCAVE TO THE SOUTH, WITH A RADIUS OF 100.00 FEET, THROUGH AN ANGLE OF 51° 47' 30" A DISTANCE OF 90.39 FEET; AND CONTINUING ALONG SAID BOUNDARY SOUTH 69° 41' 44" EAST, 92.57 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

PARCEL C OF CERTIFICATE OF COMPLIANCE RECORDED MAY 7, 2004 AS 2004-0415406 OF OFFICIAL RECORDS AND DESCRIBED AS FOLLOW:

THAT PORTION OF THE PAUMA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF RECORDED IN BOOK 1, PAGE 67 OF PATENTS, IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "A" AS DESCRIBED IN PARCEL A OF CERTIFICATE OF COMPLIANCE RECORDED MAY 7, 2004 AS 2004-0415405 OFFICIAL RECORDS; THENCE ALONG THE EASTERLY LINE OF THAT LAND DESCRIBED IN DEED TO THE DUNLAP'S RECORDED APRIL 27, 1948 DOCUMENT NO. 42797 OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE, SOUTH 01° 06' 47" WEST, 643.79 FEET TO AN INTERSECTION WITH THE CENTERLINE OF THAT 50.00 FOOT HIGHWAY RIGHT-OF-WAY EASEMENT GRANTED TO THE STATE OF CALIFORNIA, AND RECORDED OCTOBER 28, 1944 IN BOOK 1767 PAGE 151 OF OFFICIAL RECORDS; SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT 700.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A RADIAL LINE FROM SAID RADIUS POINT BEARS SOUTH 09° 07' 25" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE OF SAID CENTERLINE OF THAT 50.00 FOOT HIGHWAY RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 10° 25' 9" AN ARC DISTANCE OF 126.51 FEET; THENCE CONTINUING ALONG SAID CENTERLINE OF THAT 50.00 FOOT HIGHWAY RIGHT-OF-WAY, NORTH 70° 31' 16" EAST, 210.00 FEET TO THE SOUTHEAST CORNER OF THAT LAND DESCRIBED IN DEED TO THE ELLIS RECORDED JULY 3 1997 AS 1997-0317661 OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE, NORTH 01° 09' 44" EAST, 673.99 FEET; THENCE LEAVING SAID EASTERLY LINE, NORTH 55° 49' 11" WEST, 130.22 FEET; THENCE NORTH 28° 12' 29" EAST, 180.94 FEET; THENCE EAST, 26.92 FEET TO A POINT ON SAID EASTERLY LINE OF SAID LAND DESCRIBED IN DEED TO THE ELLIS; THENCE NORTH 01° 09' 44" EAST, 78.22 FEET TO THE NORTHEAST CORNER OF THAT LAND DESCRIBED IN

DEED TO ELLIS RECORDED JULY 3, 1997 AS 1997-0317661; THENCE ALONG THE NORTHERLY LINE OF SAID ELLIS LAND, SOUTH 60° 39' 45" WEST, 159.49 FEET; THENCE CONTINUING ALONG SAID NORTHERLY LINE, SOUTH 27° 24' 51" WEST, 410.15 FEET TO THE POINT OF BEGINNING.

PARCEL 4:

PARCEL B OF CERTIFICATE OF COMPLIANCE RECORDED MAY 7, 2004 AS 2004-0415405 OF OFFICIAL RECORDS AND DESCRIBED AS FOLLOWS:

THAT PORTION OF THE PAUMA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF RECORDED IN BOOK 1, PAGE 67 OF PATENTS, IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT POINT "B" DESCRIBED IN PARCEL "A" OF CERTIFICATE OF COMPLIANCE RECORDED MAY 7, 2004 AS 2004-0415405 OFFICIAL RECORDS; SAID POINT BEING A POINT ON SAID EASTERLY LINE OF THAT LAND DESCRIBED IN DEED TO ELLIS RECORDED JULY 3, 1997 AS 1997-0317661 OFFICIAL RECORDS; THENCE ALONG SAID EASTERLY LINE, SOUTH 01° 09' 44" WEST, 673.99 FEET TO AN INTERSECTION WITH THE CENTERLINE OF THAT 50.00 FOOT HIGHWAY RIGHT-OF-WAY DESCRIBED IN AN EASEMENT GRANTED TO THE STATE OF CALIFORNIA, RECORDED ON OCTOBER 28, 1944, IN BOOK 1767, PAGE 151 OF OFFICIAL RECORDS; THENCE ALONG SAID CENTERLINE, NORTH 70° 31' 16" EAST, 59.83 FEET TO A POINT IN THE WESTERLY LINE OF SAID LAND DESCRIBED IN DEED TO JOSEPH W. ELLIS AND ELIZABETH IONE ELLIS, RECORDED ON DECEMBER 6, 2000 AS FILE NO. 2000-0663298 OF OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE, NORTH 44° 43' 44" EAST, 589.60 FEET; THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH, 234.87 FEET; THENCE LEAVING SAID WESTERLY LINE, SOUTH 89° 49' 46" WEST, 285.68 FEET; THENCE SOUTH 43° 35' 20" WEST, 28.06 FEET; THENCE SOUTH 89° 23' 38" WEST, 119.39 FEET; THENCE NORTH 55° 49' 11" WEST, 40.21 TO THE POINT OF BEGINNING.

PARCEL 4A:

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS FOR PUBLIC ROAD PURPOSES OVER A STRIP OF LAND HAVING A UNIFORM WIDTH OF 5 FEET SITUATED WITHIN THE PAUMA RANCHO, ACCORDING TO MAP THEREOF RECORDED IN BOOK 1, PAGE 67 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID 5 FOOT STRIP LYING WESTERLY OF AND IMMEDIATELY ADJOINING THAT COURSE IN THE DESCRIPTION OF THE PARCEL OF LAND HEREIN ABOVE DESCRIBED IN PARCEL 1 DESIGNATED THEREIN AS "NORTH 1° 09' 44" EAST 639.39 FEET"; THE WESTERLY LINE OF SAID 5 FOOT STRIP BEING SHORTENED SO AS TO TERMINATE IN THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID PARCEL OF LAND HEREIN ABOVE DESCRIBED IN PARCEL 4:

EXCEPT FROM SAID 5 FOOT STRIP OF LAND THAT PORTION THEREOF INCLUDED WITHIN THE 50 FOOT HIGHWAY RIGHT OF WAY AS DESCRIBED IN DEED RECORDED IN BOOK 1767, PAGE 151 OF OFFICIAL RECORDS OF SAID SAN DIEGO COUNTY HEREIN ABOVE REFERRED TO IN PARCEL 1.

PARCEL 4B:

AN EASEMENT AND RIGHT OF WAY FOR INGRESS AND EGRESS FOR PUBLIC ROAD PURPOSES AND FOR THOSE USES COMMONLY ASSOCIATED THEREWITH ACROSS, OVER AND UNDER A STRIP OF LAND HAVING A UNIFORM WIDTH OF 20.00 FEET SITUATED WITHIN THE PAUMA RANCHO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF RECORDED IN BOOK 1, PAGE 67 OF PATENTS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, THE CENTER LINE OF SAID 20.00 FOOT STRIP BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE CORNER COMMON TO SECTIONS 22 AND 23; TOWNSHIP 10 SOUTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE SOUTHERLY BOUNDARY OF SAID PAUMA RANCHO, FROM WHICH COMMON CORNER SAID SOUTHERLY BOUNDARY BEARS SOUTH 72° 19' 00" EAST; THENCE NORTH 56° 56' 45" EAST 9615.57 FEET TO A POINT ON THE EAST LINE OF LAND DESCRIBED IN DEED TO D.D. DUNLAP AND DOROTHY DUNLAP RECORDED APRIL 27, 1948 DOCUMENT NO. 42797 OFFICIAL RECORDS OF SAID SAN DIEGO COUNTY, THAT IS DISTANT THEREALONG SOUTH 01° 06' 47" WEST (RECORD SOUTH) 108.88 FEET FROM THE MOST NORTHERLY CORNER THEREOF; THENCE LEAVING SAID EASTERLY LINE, NORTH 27° 24' 51" EAST 410.15 FEET; THENCE NORTH 60° 39' 45" EAST 159.49 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 01° 09' 44" WEST 959.87 FEET, MORE OR LESS, TO A POINT ON THE NORTHERLY LINE OF THAT 50.00 FOOT HIGHWAY RIGHT OF WAY DESCRIBED IN EASEMENT DEED TO THE STATE OF CALIFORNIA RECORDED OCTOBER 28, 1944 IN BOOK 1767, PAGE 151 OF OFFICIAL RECORDS OF SAID SAN DIEGO COUNTY, THE SIDELINES OF SAID 20.00 FOOT STRIP BEING PROLONGED OR SHORTENED SO AS TO TERMINATE IN SAID NORTHERLY LINE OF SAID 50.00 FOOT HIGHWAY RIGHT OF WAY DESCRIBED IN BOOK 1767, PAGE 151 OF OFFICIAL RECORDS HEREIN ABOVE REFERRED TO AND IN A LINE THAT BEARS NORTH 60° 39' 45" EAST AND SOUTH 60° 39' 45" WEST FROM SAID POINT "C" HEREIN ABOVE REFERRED TO.

EXCEPTING FROM SAID 20.00 FOOT STRIP OF LAND THE PORTION THEREOF INCLUDED WITHIN THAT PARCEL OF LAND HEREIN ABOVE FIRST DESCRIBED IN PARCEL 4.

Project Description/Proposed Land Use:

The Ellis property contains 21.91 acres, more or less, and is commonly referred to as Assessor's Parcel Numbers: 132-200-19-00, 132-200-20-00, 132-230-24-00, and 132-230-25-00. The subject property is contiguous to the exterior boundaries of the Pauma Reservation. Currently, the property contains an existing home on one parcel which may be used for tribal housing at some point in the future and the remainder are orchards. The Tribe does not propose 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

Regional Director

Digitally signed by
AMY DUTSCHKE
Date: 2024.03.05
11:41:32 -08'00'

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: 7016 3010 0001 0589 0467

T. MICHELLE LAIRD, SUPERVISING DEPUTY ATTORNEY GENERAL
C/O PAULA CORRAL
STATE OF CALIFORNIA DEPARTMENT OF JUSTICE
P.O. BOX 944255
SACRAMENTO, CA 94244-2250
Certified Mail ID: 7016 3010 0001 0589 0474

UNITED STATES SENATOR LAPHONZA BUTLER
DIRKSEN SENATE OFFICE BUILDING, ROOM G-12
WASHINGTON, DC 20510
Certified Mail ID: 7016 3010 0001 0589 0481

UNITED STATES SENATOR ALEX PADILLA
331 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510
Certified Mail ID: 7016 3010 0001 0589 0498

SAN DIEGO COUNTY ASSESSOR
1600 PACIFIC HIGHWAY, SUITE 103
SAN DIEGO, CA 92101
Certified Mail ID: 7016 3010 0001 0589 0504

SAN DIEGO COUNTY TREASURER & TAX COLLECTOR
1600 PACIFIC HIGHWAY, SUITE 162
SAN DIEGO, CA 92101-2480
Certified Mail ID: 7016 3010 0001 0589 0511

COUNTY OF SAN DIEGO BOARD OF SUPERVISORS
1600 PACIFIC HIGHWAY, ROOM 335
SAN DIEGO, CA 92101
Certified Mail ID: 7016 3010 0001 0589 0528

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 0589 0535

SAN DIEGO COUNTY DEPARTMENT OF PUBLIC WORKS
5510 OVERLAND AVE., SUITE 410
SAN DIEGO, CA 92123
Certified Mail ID: 7016 3010 0001 0589 0542

SAN DIEGO COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT
5510 OVERLAND AVE., SUITE 110
SAN DIEGO, CA 92123
Certified Mail ID: 7016 3010 0001 0589 0559

SAN DIEGO COUNTY FIRE - ADMINISTRATIVE OFFICE
COUNTY OPERATIONS CENTER
5510 OVERLAND AVENUE, SUITE 250
SAN DIEGO, CA 92123
Certified Mail ID: 7016 3010 0001 0589 0566

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 0589 0573

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 0589 0580

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 0589 0597

EWIIAAPAAYP BAND OF KUMEYAAY INDIANS, CALIFORNIA
4054 WILLOWS ROAD
ALPINE, CA 91901
Certified Mail ID: 7016 3010 0001 0589 0603

JAMUL INDIAN VILLAGE OF CALIFORNIA
P.O. BOX 612
JAMUL, CA 91935
Certified Mail ID: 7016 3010 0001 0589 0610

LA JOLLA BAND OF LUISENO INDIANS, CALIFORNIA
22000 HIGHWAY 76
PAUMA VALLEY, CA 92061
Certified Mail ID: 7016 3010 0001 0589 0627

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 0589 0634

LOS COYOTES BAND OF CAHUILLA & CUPENO INDIANS, CALIFORNIA
P.O. BOX 189
WARNER SPRINGS, CA 92086
Certified Mail ID: 7016 3010 0001 0589 0641

MANZANITA BAND OF DIEGUENO MISSION INDIANS OF THE
MANZANITA RESERVATION, CALIFORNIA
P.O. BOX 1302
BOULEVARD, CA 91905
Certified Mail ID: 7016 3010 0001 0589 0658

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 0589 0665

PALA BAND OF MISSION INDIANS
35008 PALA-TEMECULA ROAD
PMB-50
PALA, CA 92059
Certified Mail ID: 7016 3010 0001 0589 0672

PECHANGA BAND OF LUISENO MISSION INDIANS
OF THE PECHANGA RESERVATION, CALIFORNIA
P.O. BOX 1477
TEMECULA, CA 92593
Certified Mail ID: 7016 3010 0001 0589 0689

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 0589 0696

SAN PASQUAL BAND OF DIEGUENO MISSION INDIANS OF CALIFORNIA
P.O. BOX 365
VALLEY CENTER, CA 92082
Certified Mail ID: 7016 3010 0001 0589 0702

IIPAY NATION OF SANTA YSABEL, CALIFORNIA
P.O. BOX 130
SANTA YSABEL, CA 92070
Certified Mail ID: 7016 3010 0001 0589 0719

SYCUAN BAND OF KUMEYAAY NATION
1 KWAAYPAAY COURT
EL CAJON, CA 92019
Certified Mail ID: 7016 3010 0001 0589 0726

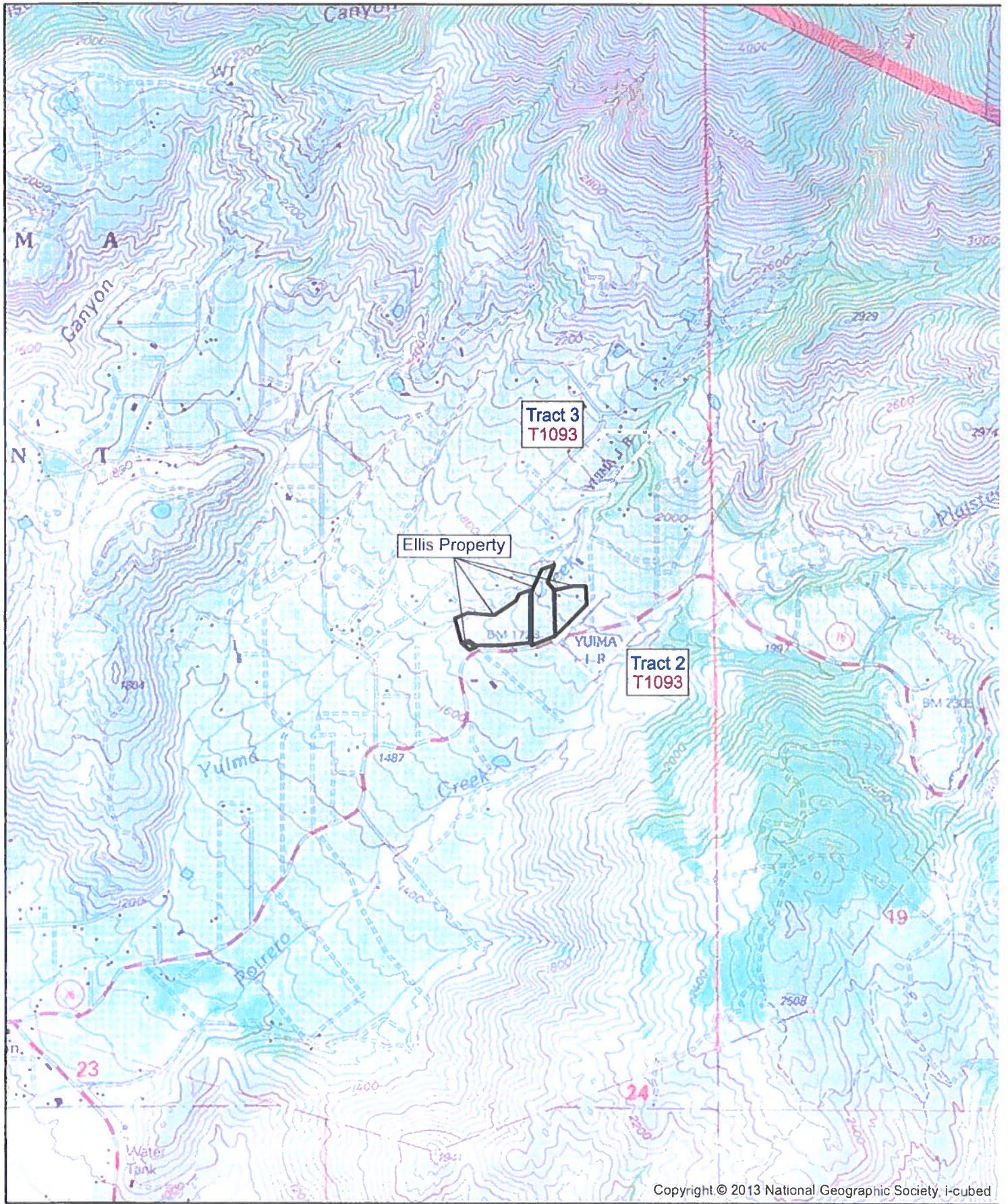
VIEJAS (BARON LONG) GROUP OF CAPITAN GRANDE BAND OF
MISSION INDIANS OF THE VIEJAS RESERVATION, CALIFORNIA
P.O. BOX 908
ALPINE, CA 91901
Certified Mail ID: 7016 3010 0001 0589 0733

PAUMA BAND OF LUISENO MISSION INDIANS
P.O. BOX 369
PAUMA VALLEY, CA 92061
Certified Mail ID: 7016 3010 0001 0589 0740

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



USGS 7.5' Quadrangle: Boucher Hill

Ellis Property in Relation to the Pauma Reservation

**SCHEDULE B, PART II
EXCEPTIONS**

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

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

1. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2023-2024.
2. Property taxes, including any personal property taxes and any assessments collected with taxes, are paid. For proration purposes the amounts were:

Tax Identification No.: 132-200-19-00
Fiscal Year: 2022-2023
1st Installment: \$46.64
2nd Installment: \$46.64
Code Area: 94148

3. Property taxes, including any personal property taxes and any assessments collected with taxes, are paid. For proration purposes the amounts were:

Tax Identification No.: 132-200-20-00
Fiscal Year: 2022-2023
1st Installment: \$1,179.26
2nd Installment: \$1,179.26
Code Area: 94156

4. Property taxes, including any personal property taxes and any assessments collected with taxes, are paid. For proration purposes the amounts were:

Tax Identification No.: 132-230-24-00
Fiscal Year: 2022-2023
1st Installment: \$671.57
2nd Installment: \$671.57
Code Area: 94156

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART II
EXCEPTIONS**

(continued)

5. Property taxes, including any personal property taxes and any assessments collected with taxes, are paid. For proration purposes the amounts were:

Tax Identification No.: 132-230-25-00

Fiscal Year: 2022-2023

1st Installment: \$2,513.19

2nd Installment: \$2,513.19

Code Area: 94156

6. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.

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

FOLLOWING MATTERS AFFECT PARCELS 1, 2 AND 3:

8. The herein described Land is located in an area frequently subject to Land Conservation Contracts executed pursuant to the Williamson Act (Cal. Govt. Code §§ 51200 et seq.). Land Conservation Contracts restrict the land use to agricultural, recreational, open-space and other compatible uses. If the herein described Land is subject to a Land Conservation Contract, please notify the Title Department.

The Company reserves the right to add additional items and/or make further requirements

9. Rights of the public to any portion of the Land lying within the area commonly known as
any roads, streets or highways.

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

Granted to: State of California

Purpose: public road

Recording Date: October 28, 1944

Recording No.: [Book 1773, page 4 Official Records](#) and in [Book 1770, page 186 Official Records](#)

Affects: the route thereof affects a portion of said land and is more fully described in said document.

Said instrument additionally contains the privilege and right to extend structures and excavation and embankment slopes beyond the limits where required for the construction and maintenance thereof.

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**SCHEDULE B, PART II
EXCEPTIONS**

(continued)

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

Granted to: Richard Hiubbard et ux
Purpose: ingress and egress for public road
Recording Date: March 16, 1950
Recording No.: [Book 3541, page 86 Official Records](#)
Affects: the route thereof affects a portion of said land and is more fully described in said document.

Affects: Parcel 3

Said easement has been granted and/or reserved in various instruments of record.

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

Granted to: Bernard B. Smith, et ux.
Purpose: ingress and egress for public road
Recording Date: August 17, 1970
[Recording No.: 146052 Official Records](#)
Affects: the route thereof affects a portion of said land and is more fully described in said document.

Said easement has been granted and/or reserved in various instruments of record.

13. The effect of a Certificate of Compliance issued by Land Use and Environmental Regulation recorded January 18, 1977 as File No. [77-019964 Official Records](#).

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

Granted to: Yuima Municipal Water District
Purpose: pipeline
Recording Date: September 29, 1980
[Recording No.: 80-316721 Official Records](#)
Affects: the route thereof affects a portion of said land and is more fully described in said document.

15. Conditional Certificate of Compliance

Executed by: Department of Planning and Land Use
Dated: May 7, 2004
Compliance No.: C03-0258BA(C)12
[Recording No.: 2004-0415406 Official Records](#)

Which among other things, provides for: NOT APPROVED FOR DEVELOPMENT
Reference is hereby made to said document for full particulars.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART II
EXCEPTIONS**

(continued)

Affects: Parcel 3

16. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

FOLLOWING MATTER AFFECTS PARCELS 4, 4A and 4B:

17. Rights of the public to any portion of the Land lying within the area commonly known as
any roads, streets or highways.
18. 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.

Purpose: Ingress and egress, pipelines, drainage and/or public utilities and incidental purposes thereto
over, under, along and across the easement parcel(s) herein described.

Affects: Parcels 4A and 4B

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

Purpose: as stated therein

Recording Date: May 10, 1913

Recording No.: [Book 609, page 321 of Deeds](#)

Affects: the exact location and extent of said easement is not disclosed of record.

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

Granted to: State of California

Purpose: public highway

Recording Date: October 28, 1944

Recording No.: [Book 1767, page 151 Official Records](#)

Affects: the route thereof affects a portion of said land and is more fully described in said document.

21. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document:

Purpose: ingress and egress for public road

Recording Date: March 16, 1950

Recording No.: [Book 3541, page 86 Official Records](#)

Affects: the route thereof affects a portion of said land and is more fully described in said document.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART II
EXCEPTIONS**
(continued)

Said easement has been granted and/or reserved in various instruments of record.

22. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other matters shown on

Map: Record of Survey
Recording No.: 2425

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

Granted to: San Diego Gas & Electric Company
Purpose: public utilities and incidental purposes
Recording Date: January 20, 1964
Recording No.: 11327 Official Records
Affects: the route thereof affects a portion of said land and is more fully described in said document.

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

Purpose: ingress and egress for public road
Recording Date: June 4, 1970
Recording No.: 97080 Official Records
Affects: the route thereof affects a portion of said land and is more fully described in said document.

Said easement has been granted and/or reserved in various instruments of record.

25. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

The following affects all parcels.

26. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
27. Any rights, interests or claims, which are not shown by the public records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession thereof.
28. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
29. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other matters which a correct survey would disclose and which are not shown by the public records.

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ALTA Commitment for Title Insurance (08/01/2016)



**SCHEDULE B, PART II
EXCEPTIONS**

(continued)

30. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown in the public records.
31. Any lien or right to a lien for services, labor or material not shown by the Public Records.
32. Any assertion that the acquisition by the United States in trust for the Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation was without authority.

END OF SCHEDULE B, PART II

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ALTA Commitment for Title Insurance (08/01/2016)



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

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(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]

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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.