

ATTACHMENT B

11-13556



United States Department of the Interior

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

IN REPLY REFER TO:

SEP 17 2013

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Distribution List:

Enclosed is a copy of our notice of an application seeking acceptance of title to real property "in trust" by the United States of America for the Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation of California.

Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, and Parts 151.10 and 151.11. We are seeking your comments regarding the proposed trust land acquisition in order to obtain sufficient data that would enable an analysis of the potential impacts on local government, which may result from the removal of the subject property from the tax roll and local jurisdiction. Pertinent information regarding the proposal is included in the enclosure.

Sincerely,

Acting Regional Director

Enclosure



IN REPLY REFER TO:

United States Department of the Interior

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

SEP 17 2013

Notice of (Non-Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 and 151.11, notice is given of the application filed by the Santa Ynez Band of Chumash Mission Indians (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 his authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

- (1) If known, the annual amount of property taxes currently levied on the subject property allocated to your organization;
- (2) Any special assessments, and amounts thereof, that are currently assessed against the property in support of your organization;
- (3) Any government services that are currently provided to the property by your organization; and
- (4) If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

We are providing the following information regarding this application:

Applicant:

Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California

Legal Land Description/Site Location:

Real property in the unincorporated area of the County of Santa Barbara, State of California, described as follows:

PARCEL 1: (APN: 141-121-51 AND PORTION OF APN: 141-140-10)

LOTS 9 THROUGH 18, INCLUSIVE, OF TRACT 18, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**TAKE PRIDE
IN AMERICA** 

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105580 OF OFFICIAL RECORDS.

PARCEL 2: (PORTION OF APN: 141-140-10)

LOTS 1 THROUGH 12, INCLUSIVE, OF TRACT 24, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105581 OF OFFICIAL RECORDS.

PARCEL 3: (PORTIONS OF APNS: 141-230-23 AND 141-140-10)

LOTS 19 AND 20 OF TRACT 18 AND THAT PORTION OF LOTS 1, 2, 7, 8, 9, 10, AND 15 THROUGH 20, INCLUSIVE, OF TRACT 16, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THAT LIES NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE LAND GRANTED TO THE STATE OF CALIFORNIA BY AN EXECUTOR'S DEED RECORDED APRIL 2, 1968 IN BOOK 2227, PAGE 136 OF OFFICIAL RECORDS OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105582 OF OFFICIAL RECORDS.

PARCEL 4: (APN: 141-240-02 AND PORTION OF APN: 141-140-10)

LOTS 1 THROUGH 12, INCLUSIVE, OF TRACT 25, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105583 OF OFFICIAL RECORDS.

PARCEL 5: (PORTION OF APN: 141-230-23)

THAT PORTION OF LOTS 3 AND 6 OF TRACT 16, IN THE COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP SHOWING THE SUBDIVISIONS OF THE CANADA DE LOS PINOS OR COLLEGE RANCHO, FILED IN RACK 3, AS MAP 4 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THAT LIES NORTHEASTERLY OF THE NORTHEASTERLY LINE OF THE LAND GRANTED TO THE STATE OF CALIFORNIA BY AN EXECUTOR'S DEED RECORDED APRIL 2, 1968 IN BOOK 2227, PAGE 136 OF OFFICIAL RECORDS OF SAID COUNTY.

THIS LEGAL IS MADE PURSUANT TO THAT CERTAIN CERTIFICATE OF COMPLIANCE RECORDED DECEMBER 5, 2001 AS INSTRUMENT NO. 01-105584 OF OFFICIAL RECORDS.

Project Description/Proposed Land Use:

The subject property encompasses approximately 1427.78 acres more or less, commonly referred to as Assessor's Parcel Numbers: 141-151-051, 141-140-010, 141-230-023, and 141-240-002. The property is adjacent to highway 154 and is 1.6 miles from the Santa Ynez Reservation.

The Tribe intends to provide tribal housing and supporting infrastructure on a portion of the property. The remainder will continue to be used for economic pursuits (vineyards and a horse boarding stable), as well as for future long range planning and land banking.

Current Use/Taxes and Zoning:

Assessed property taxes for 2012-2013:

- 141-121-051 - \$40,401.06
- 141-140-010 - \$41,753.30
- 141-230-023 - \$595.96
- 144-240-002 - \$504.88

The total collectable taxes on the property for 2012-2013 were \$83,255.20, which represents far less than 1% of the total which the County expects to generate from property taxes. Therefore, the percentage of the tax revenue that will be lost by transferring the land into trust would be significant in comparison to the total amount of revenue enjoyed by the County.

Existing Easements/Encumbrances:

See attached Schedule B

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.

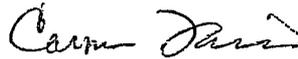
Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension

within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Lorrae Russell, Realty Specialist, at (916) 978-6071 or Arvada Wolfin, Supervisory Realty Specialist, at (916) 978-6069.

Sincerely,



Acting

Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) - 7013 1090 0002 1067 6357
Office Planning and Research
P.O. Box 3044
Sacramento, CA 95814

Mr. Jacob Appelsmith - 7013 1090 0002 1067 6364
Legal Affairs Secretary
Office of the Governor
State Capitol Building
Sacramento, CA 95814

Sara Drake, Deputy Attorney General - 7013 1090 0002 1067 6371
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

Devin Rhinerson - 7013 1090 0002 1067 6388
U.S. Senator Dianne Feinstein
331 Hart Senate Building
Washington, DC 20510

Santa Barbara County Assessor - 7013 1090 0002 1067 6395
105 East Anapamu Street, Suite 204
Santa Barbara, CA 93101

Santa Barbara County Treasurer & Tax Collector - 7013 1090 0002 1067 6401
105 East Anapamu Street
Santa Barbara, CA 93101

Santa Barbara County Sheriff's Department - 7013 1090 0002 1067 6418
4434 Calle Real
Santa Barbara, CA 93110

Santa Barbara County Department of Public Works - 7013 1090 0002 1067 6425
123 East Anapamu Street
Santa Barbara, CA 93101

Santa Barbara County Department of Planning and Development - 7013 1090 0002 1067 6432
123 East Anapamu Street
Santa Barbara, CA 93101-2058

Chair, County Board of Supervisors - 7013 1090 0002 1067 6449
County of Santa Barbara
105 E. Anapamu Street
Santa Barbara, CA 93101

County Executive Officer - 7013 1090 0002 1067 6456
County of Santa Barbara
105 E. Anapamu Street
Santa Barbara, CA 93101

County Counsel - 7013 1090 0002 1067 6463
County of Santa Barbara
105 E. Anapamu Street
Santa Barbara, CA 93101

County of Santa Barbara - 7013 1090 0002 1067 6470
Doreen Farr, Third District Supervisor
105 East Anapamu Street
Santa Barbara, CA 93101

Santa Barbara County - 7013 1090 0002 1067 6487
Kevin Ready, Senior Deputy County Counsel
105 E. Anapamu Street, Suite, 201
Santa Barbara, CA 93101

City of Santa Barbara - 7013 1090 0002 1398 3056
P.O. Box 1990
Santa Barbara, CA 93102-1990

Buellton City Hall - 7013 1090 0002 1067 8603
P.O. Box 1819
Buellton, CA 93427

City of Solvang - 7013 1090 0002 1067 8610
1644 Oak Street
Solvang, CA 93463

Lois Capps - 7013 1090 0002 1067 6494
U.S. House of Representatives
301 E. Carrillo Street, Suite A
Santa Barbara, CA 93101

Stand Up For California - 7013 1090 0002 1067 7514
Cheryl Schmit- Director
P.O. Box 355
Penryn, CA 95663

Santa Ynez Valley Concerned Citizens - 7013 1090 0002 1067 7521
Gerry Shepherd, Treasurer
P.O. Box 244
Santa Ynez, CA 93460

Women's Environmental Watch - 7013 1090 0002 1067 7538
Cathie McHenty, President
P.O. Box 830
Solvang, CA 93464

Santa Ynez Valley Alliance - 7013 1090 0002 1067 7545
Mark Oliver, President
P.O. Box 941
Santa Ynez, CA 93460

Santa Ynez Community Services District – 7013 1090 0002 1067 8627
P.O. Box 667
Santa Ynez, CA 93460

Andi Culbertson - 7013 1090 0002 1067 7552
P.O. Box 172
Santa Ynez, CA 93460

Cathy Christian - 7013 1090 0002 1067 7569
Nielson Merksamer Parrinello Gross & Leoni LLP
Attorneys At Law
1415 L. Street, Suite 1200
Sacramento, CA 95814

Rob Walton - 7013 1090 0002 1067 7576
305 White Oak Road
Santa Ynez, CA 93460

Kathy Cleary - 7013 1090 0002 1067 7583
P.O. Box 936
Los Olivos, CA 93441

Regular Mail:

Superintendent, Southern California Agency, BIA
1451 Research Park Drive, Suite 100
Riverside, California 92507-2154

SCHEDULE B

SECTION TWO

EXCEPTIONS

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

1. General and special taxes and assessments for the fiscal year 2013-2014, a lien not yet due or payable.
2. General and special taxes and assessments for the fiscal year 2012-2013.

First Installment: \$20,876.65, PAID
Penalty: \$0.00
Second Installment: \$20,876.65, PAID
Penalty: \$0.00
Tax Rate Area: 62-023
A. P. No.: 141-140-10

Affects: Parcel 2 and a Portion of Parcels 1, 3 and 4

3. General and special taxes and assessments for the fiscal year 2012-2013.

First Installment: \$20,200.53, PAID
Penalty: \$0.00
Second Installment: \$20,200.53, PAID
Penalty: \$0.00
Tax Rate Area: 62-023
A. P. No.: 141-121-51

Affects: Portion of Parcel 1

4. General and special taxes and assessments for the fiscal year 2012-2013.

First Installment: \$297.98, PAID
Penalty: \$0.00
Second Installment: \$297.98, PAID
Penalty: \$0.00
Tax Rate Area: 62-023
A. P. No.: 141-230-23

Affects: Parcel 5 and Portion of Parcel 3

5. General and special taxes and assessments for the fiscal year 2012-2013.

First Installment: \$252.44, PAID
Penalty: \$0.00
Second Installment: \$252.44, PAID
Penalty: \$0.00
Tax Rate Area: 62-023
A. P. No.: 141-240-02

Affects: Portion of Parcel 4

6. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

7. Rights of the public in and to that portion of the land lying within any road, street or highways.

8. An easement shown or dedicated on the Map as referred to in the legal description

For: Road and incidental purposes.

9. An easement for public road and incidental purposes, recorded October 12, 1895 in Book 40 of Deeds, Page 207.

In Favor of: Santa Barbara County
Affects: As described therein

10. An easement for road, ingress, egress and public utilities and incidental purposes, recorded May 24, 1955 as Instrument No. 9285 in Book 1316, Page 276 of Official Records.

In Favor of: Williard W. Shepherd and Norma D. Shepherd, husband and wife, as joint tenants
Affects: Lots 9 and 10 of Parcel 1

11. An easement for road purposes, ingress, egress and public utilities and incidental purposes, recorded May 24, 1955 as Instrument No. 9287 in Book 1316, Page 280 of Official Records.

In Favor of: Titus A. Giorgi, et ux
Affects: Lots 9 and 10 of Parcel 1

12. An easement for public road and incidental purposes, recorded December 4, 1959 as Instrument No. 40994 in Book 1693, Page 381 of Official Records and conditions contained therein.
In Favor of: County of Santa Barbara
Affects: As described therein
13. Abutter's rights of ingress and egress to or from State Highway 154 have been relinquished in the document recorded April 2, 1968 as Instrument No. 10737 in Book 2227, Page 136 of Official Records, except as therein provided.
14. A waiver of any claims for damages by reason of the location, construction, landscaping or maintenance of a contiguous freeway, highway or roadway, as contained in the document recorded April 2, 1968 as Instrument No. 10737 in Book 2227, Page 136 of Official Records.
15. An easement for water line and equipment passing and incidental purposes, recorded April 2, 1968 as Instrument No. 10737 in Book 2227, Page 136 of Official Records and conditions contained therein.
In Favor of: Joan Vickers Crawford, Executor of the Will of Anna V. Crawford
Affects: Portion of Parcel Three, should same cross or intersect said land
16. Terms, provisions, covenants, restrictions and conditions contained in a document executed pursuant to the California Land Conservation Act of 1965 (Williamson Act) and recorded February 3, 1972 as Instrument No. 3889 in Book 2385, Page 431 of Official Records.
17. The terms and provisions contained in the document entitled "Judgment by Stipulation of the Parties" recorded November 8, 2004 as Instrument No. 04-118646 of Official Records.

Which among other things contains provisions for the repair and maintenance of the "Easement Area".

Affects: Lots 9 and 10 of Parcel 1

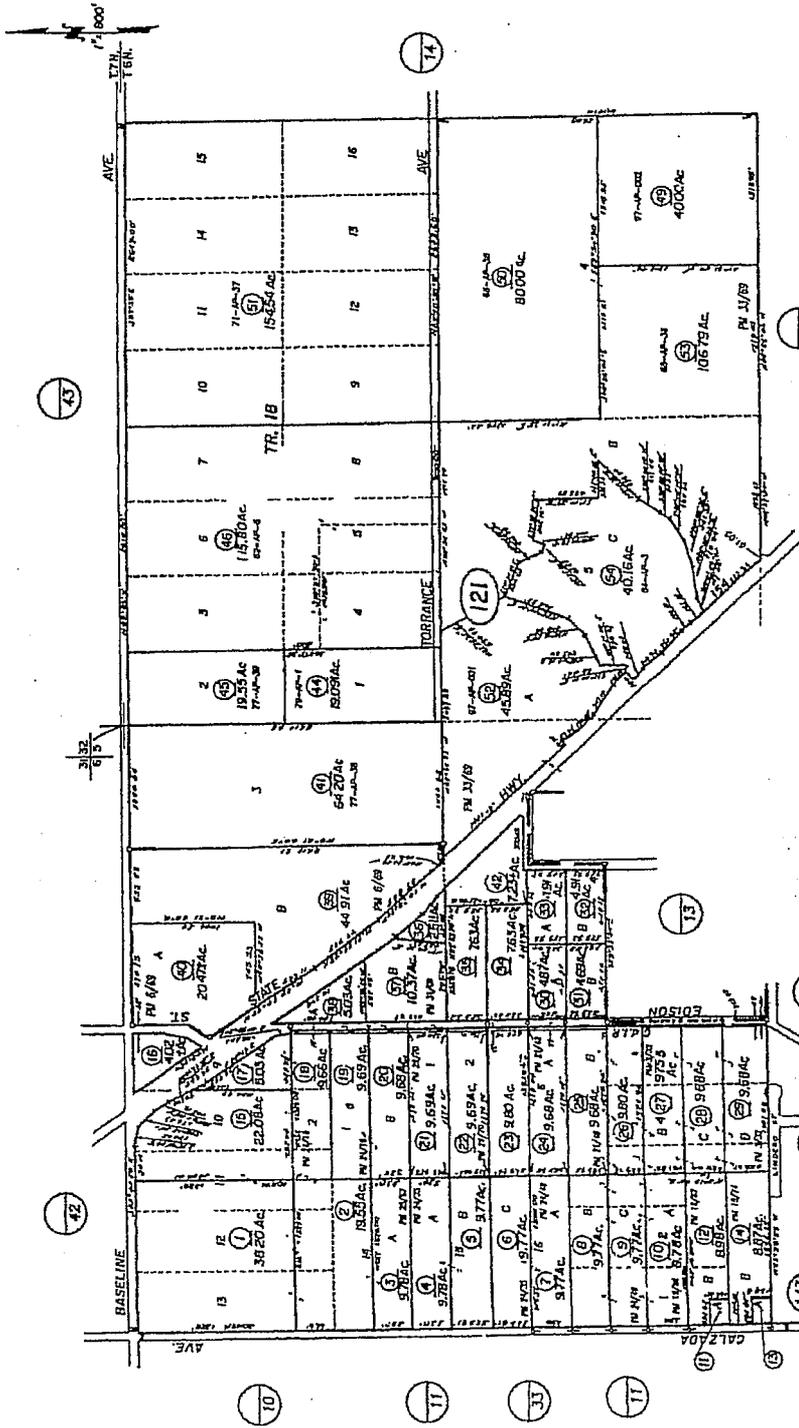
Affects: Parcel 1 and 2

18. The following matters disclosed by an ALTA/ACSM survey made by First American Title Insurance Company on March 15, 2010, designated Job No. Express Map EM 5595:
Roads, ranch roads and trails, crops and Flood Zones
19. The following matters disclosed by an ALTA/ACSM survey made by Wallace Group on April 5, 2012, designated Project No. 375-19-200:
Utility easements, overhead utility lines, utility poles and guy wires, utility pedestals, dirt roads, barns, pump shed, reservoir, wells and conduits, house, barns meters, gas tank, barbed wire fencing, fenced pump facility with transformer, GTE pad and wood retaining walls, culverts, water pump facilities, drainage channels, concrete drainage structure, headwall, wire fences, barbed wire fences, steel fences, gates, underground pipelines, fuel tanks and Torrance Ave (paper road).
Surveyors Notes .which includes in part "that the County of Santa Barbara is of the opinion that the roads shown on the map of the subdivision of Canada de Los Pinos or College Rancho, Rack 3, Map 4, may be owned in fee by the County, maybe not".....

20. Water rights, claims or title to water, whether or not shown by the public records.
21. Rights of partles in possession.

141-12

FOR RANCHO CANADA DE LOS PINOS
T. 5 S. 6 N., R. 30 W.



Assessor's Map Bk, 140-Pg, 12
County of Santa Barbara, Calif.

R.M. Bk. PM 3Pg. 4 ; Tract Canada de los Pinos

§ 150.11

Titles and Records Offices are designated as Certifying Officers for this purpose. When a copy or reproduction of a title document is authenticated by the official seal and certified by a Manager, Land Titles and Records Office, the copy or reproduction shall be admitted into evidence the same as the original from which it was made. The fees for furnishing such certified copies are established by a uniform fee schedule applicable to all constituent units of the Department of the Interior and published in 43 CFR part 2, appendix A.

§ 150.11 Disclosure of land records, title documents, and title reports.

(a) The usefulness of a Land Titles and Records Office depends in large measure on the ability of the public to consult the records contained therein. It is therefore, the policy of the Bureau of Indian Affairs to allow access to land records and title documents unless such access would violate the Privacy Act, 5 U.S.C. 552a, or other law restricting access to such records, or there are strong policy grounds for denying access where such access is not required by the Freedom of Information Act, 5 U.S.C. 552. It shall be the policy of the Bureau of Indian Affairs that, unless specifically authorized, monetary considerations will not be disclosed insofar as leases of tribal land are concerned.

(b) Before disclosing information concerning any living individual, the Manager, Land Titles and Records Office, shall consult 5 U.S.C. 552a(b) and the notice of routine users then in effect to determine whether the information may be released without the written consent of the person to whom it pertains.

PART 151—LAND ACQUISITIONS

Sec.

- 151.1 Purpose and scope.
- 151.2 Definitions.
- 151.3 Land acquisition policy.
- 151.4 Acquisitions in trust of lands owned in fee by an Indian.
- 151.5 Trust acquisitions in Oklahoma under section 5 of the I.R.A.
- 151.6 Exchanges.
- 151.7 Acquisition of fractional interests.
- 151.8 Tribal consent for nonmember acquisitions.

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- 151.9 Requests for approval of acquisitions.
- 151.10 On-reservation acquisitions.
- 151.11 Off-reservation acquisitions.
- 151.12 Action on requests.
- 151.13 Title examination.
- 151.14 Formalization of acceptance.
- 151.15 Information collection.

AUTHORITY: R.S. 161; 5 U.S.C. 801, 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. 505; 69 Stat. 882, as amended; 70 Stat. 290, as amended; 70 Stat. 628; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 727; 82 Stat. 174, as amended, 82 Stat. 384; 84 Stat. 120; 84 Stat. 1374; 88 Stat. 218; 86 Stat. 530; 88 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1718; 88 Stat. 2209; 88 Stat. 2207; 26 U.S.C. 2, 9, 409a, 450a, 461, 484, 485, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624. 6400-10; 1466, 1496, 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 49 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 910 and 270 of this title; the acquisition of allotments on the public domain or in national forests, see 49 CFR part 2630; 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 13227, Mar. 30, 1982.

§ 151.1 Purpose and scope.

These regulations set forth the authorities, policy, and procedures governing the acquisition of land by the United States in trust status for individual Indians and tribes. Acquisition of land by individual Indians and tribes in fee simple status is not covered by these regulations even though such land may, by operation of law, be held in restricted status following acquisition. Acquisition of land in trust status by inheritance or escheat is not covered by these regulations. These regulations do not cover the acquisition of

land in trust status in the State of Alaska, except acquisitions for the Metlakatla Indian Community of the Annette Island Reserve or its members.

§ 151.2 Definitions.

(a) *Secretary* means the Secretary of the Interior or authorized representative.

(b) *Tribe* means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of the Annette Island Reserve, which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs. For purposes of acquisitions made under the authority of 25 U.S.C. 498 and 499, 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. 938; 25 U.S.C. 477) or section 3 of the Act of June 28, 1936 (49 Stat. 1967; 25 U.S.C. 503).

(c) *Individual Indian* means:

(1) Any person who is an enrolled member of a tribe;

(2) Any person who is a descendant of such a member and said descendant was, on June 1, 1934, physically residing on a federally recognized Indian reservation;

(3) Any other person possessing a total of one-half or more degree Indian blood of a tribe;

(4) For purposes of acquisitions outside of the State of Alaska, *Individual Indian* also means a person who meets the qualifications of paragraph (c)(1), (2), or (3) of this section where "Tribe" includes any Alaska Native Village or Alaska Native Group which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs.

(d) *Trust land* or *land in trust status* means land the title to which is held in trust by the United States for an individual Indian or a tribe.

(e) *Restricted land* or *land in restricted status* means land the title to which is held by an individual Indian or a tribe and which can only be alienated or encumbered by the owner with the approval of the Secretary because of limi-

tations contained in the conveyance instrument pursuant to Federal law or because of a Federal law directly imposing such limitations.

(f) Unless another definition is required by the act of Congress authorizing a particular trust acquisition, *Indian reservation* means that area of land over which the tribe is recognized by the United States as having governmental jurisdiction, except that, in the State of Oklahoma or where there has been a final judicial determination that a reservation has been disestablished or diminished, *Indian reservation* means that area of land constituting the former reservation of the tribe as defined by the Secretary.

(g) *Land* means real property or any interest therein.

(h) *Tribal consolidation area* means a specific area of land with respect to which the tribe has prepared, and the Secretary has approved, a plan for the acquisition of land in trust status for the tribe.

[45 FR 62038, Sept. 18, 1980, as amended at 60 FR 32679, 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

§ 151.4

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

(1) When the land is located within the exterior boundaries of an Indian reservation, or adjacent thereto; or

(2) When the land is already in trust or restricted status.

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

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

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

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

§ 151.6 Exchanges.

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

§ 151.7 Acquisition of fractional interests.

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

(a) The buyer already owns a fractional interest in the same parcel of land; or

(b) The interest being acquired by the buyer is in fee status; or

(c) The buyer offers to purchase the remaining undivided trust or restricted interests in the parcel at not less than their fair market value; or

(d) There is a specific law which grants to the particular buyer the right to purchase an undivided interest or interests in trust or restricted land

25 CFR Ch. I (4-1-08 Edition)

without offering to purchase all of such interests; or

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

§ 151.8 Tribal consent for nonmember acquisitions.

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

§ 151.9 Requests for approval of acquisitions.

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

§ 151.10 On-reservation acquisitions.

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

the land is located within or contiguous to an Indian reservation, and the acquisition is not mandated:

(a) The existence of statutory authority for the acquisition and any limitations contained in such authority;

(b) The need of the individual Indian or the tribe for additional land;

(c) The purposes for which the land will be used;

(d) If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;

(e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls;

(f) Jurisdictional problems and potential conflicts of land use which may arise; and

(g) If the land to be acquired is in fee status, whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.

(h) The extent to which the applicant has provided information that allows the Secretary to comply with 518 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 62086, Sept. 18, 1980, as amended at 60 FR 32879, June 23, 1995]

§ 151.11 Off-reservation acquisitions.

The Secretary shall consider the following requirements in evaluating tribal requests for the acquisition of lands in trust status, when the land is located outside of and noncontiguous to the tribe's reservation, and the acquisition is not mandated:

(a) The criteria listed in § 151.10 (a) through (c) and (e) through (h);

(b) The location of the land relative to state boundaries, and its distance from the boundaries of the tribe's res-

ervation, shall be considered as follows: as the distance between the tribe's reservation and the land to be acquired increases, the Secretary shall give greater scrutiny to the tribe's justification of anticipated benefits from the acquisition. The Secretary shall give greater weight to the concerns raised pursuant to paragraph (d) of this section.

(c) Where land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use.

(d) Contact with state and local governments pursuant to § 151.10 (e) and (f) shall be completed as follows: Upon receipt of a tribe's written request to have lands taken in trust, the Secretary shall notify the state and local governments having regulatory jurisdiction over the land to be acquired. The notice shall inform the state and local government that each will be given 30 days in which to provide written comment as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments.

[60 FR 32879, June 23, 1995, as amended at 60 FR 48304, Sept. 21, 1995]

§ 151.12 Action on requests.

(a) The Secretary shall review all requests and shall promptly notify the applicant in writing of his decision. The Secretary may request any additional information or justification he considers necessary to enable him to reach a decision. If the Secretary determines that the request should be denied, he shall advise the applicant of that fact and the reasons therefor in writing and notify him of the right to appeal pursuant to part 2 of this title.

(b) Following completion of the Title Examination provided in § 151.13 of this part and the exhaustion of any administrative remedies, the Secretary shall publish in the FEDERAL REGISTER, or in a newspaper of general circulation serving the affected area a notice of his/her decision to take land into trust under this part. The notice will state that a final agency determination to take land in trust has been made and that the Secretary shall acquire title in the name of the United States no

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sooner than 30 days after the notice is published.

[45 FR 62886, Sept. 18, 1980. Redesignated at 60 FR 82879, June 23, 1995, as amended at 61 FR 18088, Apr. 24, 1996]

§ 151.13 Title examination.

If the Secretary determines that he will approve a request for the acquisition of land from unrestricted fee status to trust status, he shall acquire, or require the applicant to furnish, title evidence meeting the Standards For The Preparation of Title Evidence In Land Acquisitions by the United States, issued by the U.S. Department of Justice. After having the title evidence examined, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities which may exist. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition and he shall require elimination prior to such approval if the liens, encumbrances, or infirmities make title to the land unmarketable.

[45 FR 62886, Sept. 18, 1980. Redesignated at 60 FR 82878, June 23, 1995]

§ 151.14 Formalization of acceptance.

Formal acceptance of land in trust status shall be accomplished by the issuance or approval of an instrument of conveyance by the Secretary as is appropriate in the circumstances.

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 82879, 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

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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 397-S1E, 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 82879, June 23, 1995; 64 FR 18895, Mar. 23, 1999]

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

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