



United States Department of the Interior

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

AUG 16 2019

Governor's Office of Planning & Research

AUG 21 2019

STATE CLEARINGHOUSE

NOTICE OF DECISION

CERTIFIED MAIL-RETURN RECEIPT REQUESTED – 7019 0140 0000 7335 6756

Honorable Russell Attebery
Chairman, Karuk Tribe
P.O. Box 1016
Happy Camp, CA 96039

Dear Chairman Attebery:

This is our Notice of Decision for the application of the Karuk Tribe (Tribe) to have the below described real property accepted by the United States of America in trust for Karuk Tribe. The land referred herein is in the City of Yreka, County of Siskiyou, State of California, being more particularly described as follows:

Tynes – (23.97 acres)

PARCEL I (consists of one parcel of land):

A fractional portion of the Northeast quarter of Section 34, Township 45 North, Range 7 West, M.D.M. described as follows:

Beginning at a point from which the Northeast corner of said Section 34 bears North 35° 07' 40" East 280.51 feet; thence South 2° 57' 30" West, 1388.45 feet to the Northerly line of a County Road; thence North 78° 26' 10" West, 657.92 feet along said Northerly line to the true point of beginning; thence North 78° 26' 10" West, 513.72 feet along said Northerly line; thence North 19° 32' 10" East, 513.72 feet; thence South 78° 26' 10" East, 513.72 feet; thence South 19° 32' 10" West, 513.72 feet to the true point of beginning.

PARCEL II (consists of one parcel of land):

A portion of the Northeast one-quarter of Section 34, Township 45 North, Range 7 West, M.D.M. described as follows:

Beginning at a 6" x6" concrete monument set in the Northerly line of a County Road and the Southwest corner of the Pine Mountain Lumber Company property as said concrete monument is shown on that certain plat titled "Map of Siskiyou County Fairgrounds", recorded in Record Survey Book No. 4, page 13 said monument being that same point on that certain plat entitled "Survey for Yreka Western Railroad", recorded in Record Survey Book No. 3, page 115,; thence South 77° 32' 55" East, 30.23 feet along the Northerly line of said road to the true point of beginning; thence South 77° 32' 55" East 512.65 feet along said Northerly line; thence North 19° 31' 31" East, 8.59 feet (North 19° 32' 10" East, Record); thence North 78° 26' 49" West, 513.72 feet (North 78° 26' 10" West, Record); thence South 19° 31' 31" West, 0.48 feet (South 19° 32' 10" West, Record) to the true point of beginning.

Excepting therefrom all that portion deeded to the County of Siskiyou in the deed recorded May 26, 2000 as Instrument No. 2000052605698.

PARCEL B (consists of one parcel of land):

A fractional portion of the Northeast quarter of Section 34, Township 45 North, Range 7 West, Mount Diablo Meridian, described as follows:

Beginning at a point from which the Northeast corner of said Section 34 Bears North 35° 07' 40" East, 280.51 feet; thence south 2° 57' 30" West, 1388.45 feet to the Northerly line of a County Road; thence North 78° 26' 10" West, 657.92 feet along said Northerly line; thence North 19° 32' 10" East, 513.72 feet; thence North 78° 26' 10" west, 513.72 feet; thence South 19° 32' 10" West, 513.72 feet to the Northerly line of said County Road; thence North 78° 26' 10" West, 30.29 feet along said Northerly line to the Easterly line of the Vernon Young property; thence North 19° 32' 10" East, 776.11 feet along said Easterly line; thence North 11° 12' 20" East, 137.00 feet along said Easterly line to the Southwest corner of the Fruit Growers Supply Company property; thence East, 622.78 feet along the South line of said property to the beginning of a tangent curve concave to the Northwest, and having a radius of 346.76 feet; thence Northeasterly, 477.36 feet along said curve on said property line thru an angle of 78° 52' 30" to the Point of Beginning.

SAVING AND EXCEPTING therefrom a parcel of land 37 ½ feet in width bounded on the West by the Westerly boundary line of the property hereinabove described and on the East by the Easterly boundary line thereof, extended, said strip of land lying 12 ½ feet Northerly of and 25 feet Southerly of and adjacent to the following described line:

Beginning at the point of beginning of the above described parcel; thence South 2° 57' 30" West, 58.82 feet to the True Point of Beginning and the beginning of a non-tangent curve concave to the Northwest and having a radius of 359.26 feet, a radial line of said curve at said point bears south 69° 52' 01" East; thence Southwesterly 438.08 feet along said curve thru an angle of 69° 52' 01"; thence tangent to said curve West, 354.22 feet to the beginning of a tangent curve concave to the Southeast and having a radius of 359.26 feet; thence Southwesterly, 332.32 feet along said curve thru an angle of 53° 00'; thence tangent to said curve South 37° 00' West, 49.48 feet to the Easterly line of the Vernon Young property.

Menne – (11.28 acres)

PARCEL 1 (consists of two separately described parcels of land):

A parcel of real property located in portions of Sections 26, 27, 34 and 35, Township 45 North, Range 7 West, M.D.M., City of Yreka, Siskiyou County, California, described as follows:

Beginning at the section corner common to said Section 26, 27, 34 and 35; thence South 0°17'14" West, 676.63 feet along said Section Line as per the map entitled "Record of Survey for Susan Tebbe", filed January 5, 1999 in Book 18 of Record of Surveys at Page 106, Siskiyou County Records; thence South 47° 47' 24" East, 267.65 feet; thence South 0° 17' 14" West, 945.50 feet; thence North 80° 25' 24" West, 201.79 feet; thence North 77° 42' 26" West, 235.74 feet (235.65, Record), to a 6" X 6" concrete monument per that certain map entitled "Siskiyou County Fairgrounds", filed February 25, 1964 in Book 4 of Record Surveys at Page 13, Siskiyou County Records; thence North 2° 59' 11" East, 84.03 feet (84.04 Record); thence North 2° 59' 11" East, 1638.80 feet more or less to a point on the Section Line common to said Section 27 and 34, said point being the Southwest corner of Parcel B per the Parcel Map for Yreka Western Railroad, filed November 15, 1976, in Book 4 of Parcel Maps at Page 135, Siskiyou County Records; thence Easterly along said Section Line, a distance of 149.44 feet more or less to the Point of Beginning.

Also, all of Parcel B per the Parcel Map for Yreka Western Railroad, filed November 15, 1976 in Book 4 of Parcel Maps at Page 135, Siskiyou County Records.

Excepting therefrom a parcel of land located in portions of said Section 34 and 35, described as follows:

Commencing at a concrete monument on the Southerly side of Sharps Road from which the ¼-corner common to said Section 34 and 35 bears South 77° 42' 26" East, 235.74 feet, (235.65 Record) and South 0° 17' 14" West, 876.870 feet (876.90 Record), as shown on that certain map entitled "Siskiyou County Fairgrounds", filed February 25, 1964 in Book 4 of Record of Surveys, at Page 13, Siskiyou County Records; thence North 2° 59' 11" East, 84.03 feet; (84.04, Record); thence North 2° 59' 11" East, 546.93 feet; thence South 76° 18' 21" East, 264.02 Feet; thence South 0° 17' 14" West, 627.23 feet; thence North 80° 25' 24" West, 56.69 feet; thence North 77° 42' 26" West, 235.74 feet to the Point of Beginning.

PARCEL 2 (consists of an easement burdening the Southerly portion of PARCEL 1):

Together with an easement for ingress and egress and public utilities described as follows:

An easement for ingress and egress and public utilities and including the right to transfer all such interest to the public, over a parcel of real property situate in the City of Yreka, Siskiyou County, California, described as follows:

A parcel of land located in fractional portions of the Northeast quarter of Section 34 and of the Northwest quarter of Section 35, Township 45 North, Range 7 West, M.D.M., and being more particularly described as follows:

Beginning at a concrete monument on the Southerly side of Sharps Road from which the ¼ corner common to said Section 34 and 35 bears South 77° 42' 26" East, 235.74 feet (235.65 record) and South 0° 17' 14" West, 876.80 feet (876.90, record) as shown on that certain map entitled "Siskiyou County Fairgrounds", filed February 25, 1964 in Book 4 of Record Surveys at Page 13, Siskiyou County Records; Thence North 2° 59' 11" East, 84.03 feet; thence South 77° 32' 55" East 435.55 feet to the Westerly line of Susan Tebbe property; thence South 0° 17' 14" West along said Westerly line, 73.77 feet to the Southeast corner of the Yreka Western Railroad property; thence North 80° 25' 24" West, 201.79 feet; thence North 77° 42' 26" West, 235.74 feet to the Point of Beginning.

The subject property consists of the above described parcels of land totaling approximately 35.25 acres, more or less, commonly referred to as Assessor's Parcel Numbers: 062-051-330, 062-051-360, and 062-051-370 (Tynes), and 062-051-520 (Menne). The subject parcels are located in the City of Yreka, California and are contiguous to existing land held in trust for the Karuk Tribe.

Note: The total acreage is consistent with the Bureau of Land Management Indian Land Surveyor's Land Description Review dated July 10, 2018.

Federal Law authorizes the Secretary of the Interior, or his authorized representative, to acquire title on behalf of the United States of America for the benefit of Tribes when such acquisition is authorized by an Act of Congress and (1) when such lands are 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 land is necessary to facilitate tribal self-determination, economic development, or tribal housing. In this particular instance, the authorizing Act of Congress is the Indian Land Consolidation Act of 1983 (25 U.S.C. § 2202). The applicable regulations are set forth in the Code of Federal Regulations (CFR), Title 25, INDIANS, Part 151, as amended. The proposed land acquisition of 35.25 acres contains lands that are contiguous to lands held in trust for the Tribe. This acquisition, therefore, falls within the land acquisition policy as set forth by the Secretary of Interior.

The Tribe was established under the authority of Section 5 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), by Corporation Grand Deed dated April 1, 1977, from the Orleans Karuk Council, in trust for Orleans Karuk Indians of one-half degree or more Indian blood as the Secretary of the Interior may designate. This was accepted on behalf of the Secretary of the Interior on May 6, 1977.

On September 11, 2018, we issued, by certified mail, return receipt requested, notice of and sought comments regarding the proposed fee-to-trust application from the California State Clearinghouse, Office of Planning and Research; Mr. Joe Dhillon, Senior Advisor for Tribal Negotiations, Legal Affairs Secretary, Office of the Governor; Sara Drake, Deputy Attorney General, State of California; Office of the Honorable Senator Diane Feinstein; Humboldt County Assessor; Mr. Ryan Sundberg, 5th District Supervisor, Humboldt County Board of Supervisors; Humboldt County Sheriff; Planning Director, Planning Department, County of Humboldt; Director, Humboldt County Public Works; Humboldt County Tax Collector; Bear River Band of

Rohnerville Rancheria; Big Lagoon Rancheria, California; Blue Lake Rancheria, California; Hoopa Valley Tribe, California; and Karuk Tribe. Regular Mail: Superintendent, Northern California Agency.

The notice was inadvertently sent to Humboldt County local governments. On or about October 15, 2018, the September 11, 2018 notice was sent to the correct County and local government by email and/or certified mail, return receipt requested, to provide notice of, and sought comments regarding the proposed fee-to-trust application from the Siskiyou County Public Works; Siskiyou County Tax Collector; Planning Director, Planning Department, County of Siskiyou; Siskiyou County Board of Supervisors; Siskiyou County Assessor; City of Yreka, City Manager; Yreka Police Department; Siskiyou County Sheriff's Department; Yreka Fire Department; and Quartz Valley Indian Reservation.

In response to our Notice of Application dated September 11, 2018, we received the following comment(s):

1. Letter dated November 14, 2018 from the City of Yreka (City), stating the following:

- The application is procedurally incomplete;
- Concerns regarding the City's existing utility easements on the property;
- The Intergovernmental Agreement (IGA) between the Tribe and the City requires the Tribe to adopt water and wastewater regulations, and has not advised the City that they have done so;
- Concerns regarding complications to the City's implementation plans for storm water discharges, floodplain mitigation, and FEMA concerns;
- Taking the property into trust will create conflict through the application of various Federal, State, and location regulations;
- Taking the property into trust will eliminate the opportunity for local residents to provide meaningful public input into the orderly growth and development of the City;
- The proposed use of the property is inaccurate, the City has had a number of discussions with the Tribe over said use and was informed that the intended use is a gas station/truck stop and RV park adjacent to the Tribe's existing casino;
- California's hazardous site environmental database does not indicate any NEPA evaluation has taken place at the location, which was previously a timber mill site;
- The current lost taxes are a relatively small sum, however, when the property is improved the property taxes would significantly increase, and the business activities on the property would not be subject to California Sales Tax, which would reduce the standard percentages the City receives from the State Sales tax and eliminate the voter approved special tax assessments;
- Untaxed Tribal business activity competing with other business who are subject to California taxes further reduces available revenue streams for the City; and

- It is not necessary for this property to be held in trust to accomplish the Tribe's purposes. The area is already appropriately zoned for the potential uses. The Tribe will operate 4% of the City's jurisdictional acreage, which is commensurate with the estimate population of Karuk tribal members (350) residing in the City.

By letter dated July 2, 2019, the Karuk Tribe's responses are as follows:

- *The City identified a typo in the NOA dated September 11, 2018 which incorrectly states that the subject property consists of five parcels, the fee to trust application at issue consists of only four parcels including Assessor Parcel Numbers: 062-051-330, 062-051-360, 062-051-370, and 062-051-520. The number of parcels, and specific parcel numbers appear to be correct through the remainder of the document.*
- *The City alleges that 25 CFR 151.13 "requires" the elimination of easements, in which case, the City alleges it would affect the water supply. However, 25 CFR 151.13 states that the Secretary "may require" elimination, and only "shall require" when the easement would render title to the land unmarketable. As long as the easement is compatible with the United States' title standards, it will be accepted by the United States upon transfer into trust status.*
- *The Tribe did adopt a Wastewater Operations & Management Plan on January 4, 2018 which provides similar regulations as required by applicable State and/or Federal law. The Tribe is not in violation of the IGA. There is no ongoing requirement that the Tribe notify the City the ordinance is in place, the notice requirement is only where there is a violation that was discovered during testing and compliance under the ordinance. The Tribe does not believe that the conversion of the property from fee to trust would alter the Tribe's obligations to the City under the IGA. The City requires a service agreement to be entered into by users prior to the City providing water and wastewater services, which the Tribe has entered into. The Tribe does not foresee any jurisdictional conflicts as the service can be terminated under established City processes.*
- *The Tribe has not planned, proposed, or meaningfully contemplated a development on the property. The fee to trust process requires a study of environmental concerns under NEPA, ensuring the parcel is in compliance with appropriate environmental laws. The Tribe is responsible for developing storm water implementation plans for any projects in the future, and any such plan would require approval by the EPA, with an opportunity for comment by the City. The BIA does not regulate floodplains, they fall under the jurisdiction of other federal agencies that the City is already working with.*
- *When a parcel of land is taken into trust for a Tribe, the land is subject to Tribal law and applicable federal law.*

- *Conversion of these parcels does not negate the local residents' opportunity to provide meaningful public input, because public input is required for any project that requires federal approval or federal funding, therefore triggering a "federal action" for the purposes of NEPA.*
- *The Tribe has not planned, proposed, or meaningfully contemplated a development on the property, The Tribe currently has no plans to change the existing land use, and therefore has no defined project to analyze potential impacts from. The Tribe's IGA with the City for mitigation of its gaming project has never included a gas station/truck stop or RV park.*
- *In order to minimize potential environmental liability to the DOI and the Tribe, and in accordance with the fee to trust process, a Phase I Environmental Site Assessment (ESA) and limited Phase II ESA (including sampling) were conducted on the subject property prior to the Notice of Application. These assessments were conducted in accordance with ASTM standards. None of the samples exceeded levels beyond that which were naturally occurring.*
- *The Tribe has not planned, proposed, or meaningfully contemplated a development project on the property. The City admits that the existing property tax is "a relatively small sum," but the \$7,902 paid in property tax is significant to the Tribe and constitutes a hardship to continue to pay.*
- *The Tribe has three main population centers in Orleans, Happy Camp, and in Yreka. The Yreka area is referred to as Katishram or "big valley" in our native language. The City's estimates regarding our tribal population residing in the City are a little low. The City has our largest population base, with 467 members and 225 descendants residing within the City limits. This is 9.1% of the City's total population of 7,600 residents. The addition of this property will add to our tribal land base, lessen our tax burden, and provide the Tribe an opportunity to exercise self-determination, self-governance, and tribal sovereignty over these parcels.*

Pursuant to 25 CFR 151.10, the following factors were considered in formulating our decision: (1) the need of the Tribe for additional land; (2) the purposes for which the land will be used; (3) impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls; (4) jurisdictional problems and potential conflicts of land use which may arise; (5) whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of land in trust status; (6) 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; (7) The location of the land relative to state boundaries and its distance from the boundaries of the Tribe's reservation; (8) 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. Accordingly, the following analysis of the application is provided.

Factor 1 - Need for Additional Land

The Karuk Tribe is the second largest Native American Tribe in the state of California with approximately 3,603 enrolled tribal members. The Karuk Aboriginal Territory consists of some 1,048,907 acres of mostly public land. At one time, the Karuk People (Arrars) exercised self-governance and control over the entire aboriginal territory. In 1851, the Karuk People were signatory to two "treaties of peace & friendship" drafted by a federal Indian Agent named Reddick McKee on behalf of the United States to settle hostilities that had developed with the local miners along the Klamath and Trinity Rivers. Unfortunately the treaties were never ratified, and the areas to be reserved were never created. In 1905 President Theodore Roosevelt declared the lands within the Karuk Aboriginal Territory as the Klamath Forest Reserve and opened the area briefly for homesteading and mine patenting. Approximately 20,000 acres, less than 2% of the Karuk Aboriginal Territory was patented and available for purchase as private fee land. Since 1977, the Karuk Tribe has purchased lands within the aboriginal territory when funds are available.

The existing trust land for the Karuk Tribe (Tribe) is scattered throughout the Tribe's Aboriginal Territory among Orleans in Humboldt County and Yreka and Happy Camp in Siskiyou County, all in the State of California. The Tribe currently has approximately 901 acres of land held in trust on its behalf.

The Tribe was established under the authority of Section 5 of the Indian Reorganization Act of June 18, 1934 (48 Stat. 984), by Corporation Grand Deed dated April 1, 1977, from the Orleans Karuk Council, in trust for Orleans Karuk Indians of one-half degree or more Indian blood as the Secretary of the Interior may designate. This was accepted on behalf of the Secretary of the Interior on May 6, 1977. The Federal Register Volume 84, Number 22, contains the list of federally recognized tribes including the Karuk Tribe.

This trust acquisition of the subject parcels will facilitate the Tribe's goals of self-determination and self-governance by allowing the Tribe to preserve the property for future generations of the Tribe. The addition of the Tynes and Menne property will allow the Tribe to consolidate its land holdings and exercise tribal sovereign powers over the subject property. It is our determination that the Karuk Tribe has an established need for additional land in order to facilitate self-determination.

Factor 2 - Proposed Land Use

The subject property is currently owned in fee by the Tribe and is being used for a single family home unit, a 40x60 shop, and four storage barns. There is no proposed change in use. The Tribe plans to continue utilizing the property as a single family residence, temporary storage and vacant land.

During the comment period, the City indicated that the Tribe had informed them that it intends to utilize the property as a gas station/truck stop and RV park. The Tribe's application, as well as their response letter state that there is no proposed change in land use.

Factor 3 – Impact on State and Local Government’s Tax Base

Siskiyou County would experience a de minimis decrease in the amount of assessable taxes in the County by placing the property into trust and removing it from the County tax rolls. Parcels accepted into federal trust status are exempt from taxation and would be removed from the County’s taxing jurisdiction. In the 2018-2019 tax years, the total taxes assessed on the subject parcels were as follows:

062-051-330	\$ 141.41
062-051-360	\$2,061.10
062-051-370	\$3,260.85
062-051-520	\$3,186.51

The total collectable taxes on the property for 2018-2019 were \$8,649.87. During the comment period, the City indicated that the amount of tax revenue generated from the property was a small sum. It is our determination that no significant impact will result from the removal of this property from the county tax rolls given the relatively small amount of tax revenue assessed on the subject parcel.

Factor 4 - Jurisdictional Problems and Potential Conflicts of Land Use Which May Arise

Siskiyou County has current jurisdiction over the land use on the property subject to this application. The County’s land use regulations are presently the applicable regulations when identifying potential future land use conflicts. The property is currently zoned M-1 for light industrial and residential purposes. The properties are compliant with current City of Yreka zoning ordinances.

The Tribe does not anticipate that any significant jurisdictional conflicts will occur as a result of transfer of the subject property into trust. The Tribe’s intended purposes of a single family residence, temporary storage and vacant land are not inconsistent with the current zoning ordinances. As such, the County will not have any additional impacts of trying to coordinate incompatible uses. Further, the County would not have the burden of responsibility of maintaining jurisdiction over the Tribal property.

The acceptance of the Property into federal trust status for the benefit of the Tribe will remove the property from State and local laws concerning real property taxation and other land use regulations. Tribal law will govern these activities after the Property is accepted into trust.

There will be no change in criminal jurisdiction as jurisdiction in California is subject to 18 U.S.C. § 1163 and 28 U.S.C. § 1360 (P.L. 83-280). The State of California would retain its jurisdiction to enforce its criminal laws against all persons and conduct occurring on the land.

During the comment period, the City indicated that the trust acquisition could lead to jurisdictional issues due to the existing easements and the environmental concerns in the area. The BIA is not eliminating any easements that currently exist on the property. The property will remain under federal jurisdiction for environmental concerns and will have to maintain NEPA

compliance. Based on the foregoing, it does not appear that transfer of the subject land to trust status would result in jurisdictional conflict.

Factor 5 - Whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status

The Bureau of Indian Affairs has a trust responsibility for all lands held in trust by the United States for Tribes. Accepting the property into trust would not impose any significant additional burdens on the BIA beyond those already inherent in the federal trust relationship between the BIA and the Tribe. As such, it is our determination that the BIA is equipped to administer any additional responsibilities resulting from this transaction.

Factor 6 – The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 1-7, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determination

In accordance with Interior Department Policy (602 DM 2), we are charged with the responsibility of conducting a site assessment for the purposes of determining the potential for and extent of liability from hazardous substances or other environmental remediation or injury. The record includes a negative Phase 1 “Contaminant Survey Checklist” dated May 5, 2017, reflecting that there were no hazardous materials or contaminants.

National Environmental Policy Act Compliance

An additional requirement that has to be met when considering land acquisition proposals is the impact upon the human environment pursuant to the criteria of the National Environmental Policy Act of 1969 (NEPA). The BIA's guidelines for NEPA compliance are set forth in the Bureau of Indian Affairs Manual (59 IAM). The proposed action herein has been determined not to require the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). A Categorical Exclusion requires a qualifying action in this case, 516 DM 10.5I, Land Conveyance and Other Transfers, where no immediate change in land use is planned. A Categorical Exclusion for the acquisition for the subject property was approved by this Agency on March 28, 2017, and compliance with NEPA has been completed.

Conclusion

Based on the foregoing, we at this time do hereby issue notice of our intent to accept the subject real property into trust. The subject acquisition will vest title in the United States of America in trust for the Karuk Tribe in accordance with the Indian Land Consolidation Act of January 12, 1983, (25 U.S.C. §2202).

Should any of the below-listed known interested parties feel adversely affected by this decision, an appeal may be filed within thirty (30) days of receipt of this notice with the Interior Board of Indian Appeals, U.S. Department of the Interior, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310-4.340 (copy enclosed).

Any notice of appeal to the Board must be signed by the appellant or the appellant's legal counsel, and the notice of the appeal must be mailed within 30 days of the date of receipt of this notice. The notice of appeal should clearly identify the decision being appealed.

If possible, a copy of this decision should be attached. Any appellant must send copies of the notice of appeal to: (1) the Assistant Secretary of Indian Affairs, U.S. Department of Interior, 1849 C Street, N.W., MS-3071-MIB, Washington, D.C. 20240; (2) each interested party known to the appellant; and (3) this office. Any notice of appeal sent to the Board of Indian Appeals must certify that copies have been sent to interested parties. If a notice of appeal is filed, the Board of Indian Appeals will notify appellant of further appeal procedures.

If no appeal is timely filed, further notice of a final agency action will be issued by the undersigned pursuant to 25 CFR 151.12(b). No extension of time may be granted for filing a notice of appeal.

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.

Sincerely,



Regional Director

Enclosure:

43 CFR 4.310, et seq.

cc: Distribution List

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P.O. Box 944255
Sacramento, CA 94244-2550

Senior Advisor for Tribal Negotiations – 7019 0140 0000 7335 6640
Deputy Legal Affairs Secretary
Office of the Governor
California State Capitol Building, Ste. 1173
Sacramento, CA 95814

Office of the Honorable Dianne Feinstein – 7019 0140 0000 7335 6657
331 Hart Senate Office Building
Washington, DC 20510

Director – 7019 0140 0000 7335 6664
Siskiyou County Public Works
1312 Fairlane Road
Yreka, CA 96097

Siskiyou County Tax Collector – 7019 0140 0000 7335 6671
311 Fourth Street, Room 104
Yreka, CA 96097

Planning Director, Planning Dept. – 7019 0140 0000 7335 6688
County of Siskiyou
806 South Main Street
Yreka, CA 96097

Siskiyou County Board of Supervisors – 7019 0140 0000 7335 6695
510 North Main Street
Yreka, CA 96097

Siskiyou County Assessor – 7019 0140 0000 7335 6701
311 Fourth Street, Rm 108
Yreka, CA 96097

City of Yreka – 7019 0140 0000 7335 6718
City Manager
701 Fourth Street
Yreka, CA 96097

Yreka Police Department – 7019 0140 0000 7335 6725
412 W. Miner Street
Yreka, CA 96097

Siskiyou County – 7019 0140 0000 7335 6732
Sheriff's Department
305 Butte Street
Yreka, CA 96097

Yreka Fire Department – 7019 0140 0000 7335 6749
701 Fourth Street
Yreka, CA 96097

Chairperson – 7019 0140 0000 7335 6763
Quartz Valley Indian Reservation
13601 Quartz Valley Rd
Fort Jones, CA 96032-0024

cc: Regular Mail:
Superintendent, Northern California Agency
364 Knollcrest Drive, Ste. 105
Redding, CA 96002

Office of the Secretary, Interior

§ 4.310

state specifically and concisely the grounds upon which it is based.

(b) *Notice; burden of proof.* The OHA deciding official will, upon receipt of a demand for hearing, set a time and place therefor and must mail notice thereof to all parties in interest not less than 30 days in advance; provided, however, that such date must be set after the expiration of the 60-day period fixed for the filing of the demand for hearing as provided in § 4.305(a). At the hearing, each party challenging the tribe's claim to purchase the interests in question or the valuation of the interests as set forth in the valuation report will have the burden of proving his or her position.

(c) *Decision after hearing; appeal.* Upon conclusion of the hearing, the OHA deciding official will issue a decision which determines all of the issues including, but not limited to, a judgment establishing the fair market value of the interests purchased by the tribe, including any adjustment thereof made necessary by the surviving spouse's decision to reserve a life estate in one-half of the interests. The decision must specify the right of appeal to the Board of Indian Appeals within 60 days from the date of the decision in accordance with §§ 4.310 through 4.323. The OHA deciding official must lodge the complete record relating to the demand for hearing with the title plant as provided in § 4.236(b), furnish a duplicate record thereof to the Superintendent, and mail a notice of such action together with a copy of the decision to each party in interest.

§ 4.306 Time for payment.

A tribe must pay the full fair market value of the interests purchased, as set forth in the valuation report or as determined after hearing in accordance with § 4.305, whichever is applicable, within 2 years from the date of decedent's death or within 1 year from the date of notice of purchase, whichever comes later.

§ 4.307 Title.

Upon payment by the tribe of the interests purchased, the Superintendent must issue a certificate to the OHA deciding official that this has been done and file therewith such documents in

support thereof as the OHA deciding official may require. The OHA deciding official will then issue an order that the United States holds title to such interests in trust for the tribe, lodge the complete record, including the decision, with the title plant as provided in § 4.236(b), furnish a duplicate record thereof to the Superintendent, and mail a notice of such action together with a copy of the decision to each party in interest.

§ 4.308 Disposition of income.

During the pendency of the probate and up to the date of transfer of title to the United States in trust for the tribe in accordance with § 4.307, all income received or accrued from the land interests purchased by the tribe will be credited to the estate.

CROSS REFERENCE: See 25 CFR part 2 for procedures for appeals to Area Directors and to the Commissioner of the Bureau of Indian Affairs.

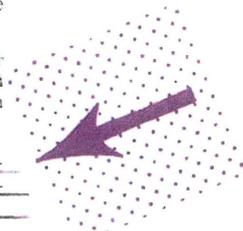
GENERAL RULES APPLICABLE TO PROCEEDINGS ON APPEAL BEFORE THE INTERIOR BOARD OF INDIAN APPEALS

SOURCE: 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

§ 4.310 Documents.

(a) *Filing.* The effective date for filing a notice of appeal or other document with the Board during the course of an appeal is the date of mailing or the date of personal delivery, except that a motion for the Board to assume jurisdiction over an appeal under 25 CFR 2.20(e) will be effective the date it is received by the Board.

(b) *Service.* Notices of appeal and pleadings must be served on all parties in interest in any proceeding before the Interior Board of Indian Appeals by the party filing the notice or pleading with the Board. Service must be accomplished upon personal delivery or mailing. Where a party is represented in an appeal by an attorney or other representative authorized under 43 CFR 1.3, service of any document on the attorney or representative is service on the party. Where a party is represented by more than one attorney, service on any one attorney is sufficient. The certificate of service on an attorney or



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representative must include the name of the party whom the attorney or representative represents and indicate that service was made on the attorney or representative.

(c) *Computation of time for filing and service.* Except as otherwise provided by law, in computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be appealed or answered was served or the day of any other event after which a designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, in which event the period runs until the end of the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day. When the time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal legal holidays, and other nonbusiness days are excluded in the computation.

(d) *Extensions of time.* (1) The time for filing or serving any document except a notice of appeal may be extended by the Board.

(2) A request to the Board for an extension of time must be filed within the time originally allowed for filing.

(3) For good cause the Board may grant an extension of time on its own initiative.

(e) *Retention of documents.* All documents received in evidence at a hearing or submitted for the record in any proceeding before the Board will be retained with the official record of the proceeding. The Board, in its discretion, may permit the withdrawal of original documents while a case is pending or after a decision becomes final upon conditions as required by the Board.

§4.311 Briefs on appeal.

(a) The appellant may file an opening brief within 30 days after receipt of the notice of docketing. Appellant must serve copies of the opening brief upon all interested parties or counsel and file a certificate with the Board showing service upon the named parties. Opposing parties or counsel will have 30 days from receipt of appellant's brief

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to file answer briefs, copies of which must be served upon the appellant or counsel and all other parties in interest. A certificate showing service of the answer brief upon all parties or counsel must be attached to the answer filed with the Board.

(b) Appellant may reply to an answering brief within 15 days from its receipt. A certificate showing service of the reply brief upon all parties or counsel must be attached to the reply filed with the Board. Except by special permission of the Board, no other briefs will be allowed on appeal.

(c) The BIA is considered an interested party in any proceeding before the Board. The Board may request that the BIA submit a brief in any case before the Board.

(d) An original only of each document should be filed with the Board. Documents should not be bound along the side.

(e) The Board may also specify a date on or before which a brief is due. Unless expedited briefing has been granted, such date may not be less than the appropriate period of time established in this section.

§4.312 Decisions.

Decisions of the Board will be made in writing and will set forth findings of fact and conclusions of law. The decision may adopt, modify, reverse or set aside any proposed finding, conclusion, or order of a BIA official or an OHA deciding official. Distribution of decisions must be made by the Board to all parties concerned. Unless otherwise stated in the decision, rulings by the Board are final for the Department and must be given immediate effect.

§4.313 Amicus Curiae; intervention; joinder motions.

(a) Any interested person or Indian tribe desiring to intervene or to join other parties or to appear as amicus curiae or to obtain an order in an appeal before the Board must apply in writing to the Board stating the grounds for the action sought. Permission to intervene, to join parties, to appear, or for other relief, may be granted for purposes and subject to limitations established by the Board. This section will be liberally construed.

(b) Motions to intervene, to appear as *amicus curiae*, to join additional parties, or to obtain an order in an appeal pending before the Board must be served in the same manner as appeal briefs.

§ 4.314 Exhaustion of administrative remedies.

(a) No decision of an OHA deciding official or a BIA official, which at the time of its rendition is subject to appeal to the Board, will be considered final so as to constitute agency action subject to judicial review under 5 U.S.C. 704, unless made effective pending decision on appeal by order of the Board.

(b) No further appeal will lie within the Department from a decision of the Board.

(c) The filing of a petition for reconsideration is not required to exhaust administrative remedies.

§ 4.315 Reconsideration.

(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from the date of the decision and must contain a detailed statement of the reasons why reconsideration should be granted.

(b) A party may file only one petition for reconsideration.

(c) The filing of a petition will not stay the effect of any decision or order and will not affect the finality of any decision or order for purposes of judicial review, unless so ordered by the Board.

§ 4.316 Remands from courts.

Whenever any matter is remanded from any federal court to the Board for further proceedings, the Board will either remand the matter to an OHA deciding official or to the BIA, or to the extent the court's directive and time limitations will permit, the parties will be allowed an opportunity to submit to the Board a report recommending procedures for it to follow to comply with the court's order. The Board will enter special orders governing matters on remand.

§ 4.317 Standards of conduct.

(a) *Inquiries about cases.* All inquiries with respect to any matter pending before the Board must be made to the Chief Administrative Judge of the Board or the administrative judge assigned the matter.

(b) *Disqualification.* An administrative judge may withdraw from a case in accordance with standards found in the recognized canons of judicial ethics if the judge deems such action appropriate. If, prior to a decision of the Board, a party files an affidavit of personal bias or disqualification with substantiating facts, and the administrative judge concerned does not withdraw, the Director of the Office of Hearings and Appeals will determine the matter of disqualification.

§ 4.318 Scope of review.

An appeal will be limited to those issues which were before the OHA deciding official upon the petition for rehearing, reopening, or regarding tribal purchase of interests, or before the BIA official on review. However, except as specifically limited in this part or in title 25 of the Code of Federal Regulations, the Board will not be limited in its scope of review and may exercise the inherent authority of the Secretary to correct a manifest injustice or error where appropriate.

APPEALS TO THE BOARD OF INDIAN
APPEALS IN PROBATE MATTERS

SOURCE: 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

§ 4.320 Who may appeal.

(a) A party in interest has a right to appeal to the Board from an order of an OHA deciding official on a petition for rehearing, a petition for reopening, or regarding tribal purchase of interests in a deceased Indian's trust estate.

(b) Notice of appeal. Within 60 days from the date of the decision, an appellant must file a written notice of appeal signed by appellant, appellant's attorney, or other qualified representative as provided in 43 CFR 1.3, with the Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. A

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statement of the errors of fact and law upon which the appeal is based must be included in either the notice of appeal or in any brief filed. The notice of appeal must include the names and addresses of parties served. A notice of appeal not timely filed will be dismissed for lack of jurisdiction.

(c) Service of copies of notice of appeal. The appellant must personally deliver or mail the original notice of appeal to the Board of Indian Appeals. A copy must be served upon the OHA deciding official whose decision is appealed as well as all interested parties. The notice of appeal filed with the Board must include a certification that service was made as required by this section.

(d) Action by the OHA deciding official; record inspection. The OHA deciding official, upon receiving a copy of the notice of appeal, must notify the Superintendent concerned to return the duplicate record filed under §§ 4.236(b) and 4.241(d), or under § 4.242(f) of this part, to the Land Titles and Records Office designated under § 4.236(b) of this part. The duplicate record must be conformed to the original by the Land Titles and Records Office and will thereafter be available for inspection either at the Land Titles and Records Office or at the office of the Superintendent. In those cases in which a transcript of the hearing was not prepared, the OHA deciding official will have a transcript prepared which must be forwarded to the Board within 30 days from receipt of a copy of the notice of appeal.

[66 FR 67656, Dec. 31, 2001, as amended at 67 FR 4368, Jan. 30, 2002]

§ 4.321 Notice of transmittal of record on appeal.

The original record on appeal must be forwarded by the Land Titles and Records Office to the Board by certified mail. Any objection to the record as constituted must be filed with the Board within 15 days of receipt of the notice of docketing issued under § 4.332 of this part.

§ 4.322 Docketing.

The appeal will be docketed by the Board upon receipt of the administrative record from the Land Titles and

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Records Office. All interested parties as shown by the record on appeal must be notified of the docketing. The docketing notice must specify the time within which briefs may be filed and must cite the procedural regulations governing the appeal.

§ 4.323 Disposition of the record.

Subsequent to a decision of the Board, other than remands, the record filed with the Board and all documents added during the appeal proceedings, including any transcripts prepared because of the appeal and the Board's decision, must be forwarded by the Board to the Land Titles and Records Office designated under § 4.236(b) of this part. Upon receipt of the record by the Land Titles and Records Office, the duplicate record required by § 4.320(c) of this part must be conformed to the original and forwarded to the Superintendent concerned.

APPEALS TO THE BOARD OF INDIAN APPEALS FROM ADMINISTRATIVE ACTIONS OF OFFICIALS OF THE BUREAU OF INDIAN AFFAIRS: ADMINISTRATIVE REVIEW IN OTHER INDIAN MATTERS NOT RELATING TO PROBATE PROCEEDINGS

SOURCE: 54 FR 6487, Feb. 10, 1989, unless otherwise noted.

§ 4.330 Scope.

(a) The definitions set forth in 25 CFR 2.2 apply also to these special rules. These regulations apply to the practice and procedure for: (1) Appeals to the Board of Indian Appeals from administrative actions or decisions of officials of the Bureau of Indian Affairs issued under regulations in 25 CFR chapter 1, and (2) administrative review by the Board of Indian Appeals of other matters pertaining to Indians which are referred to it for exercise of review authority of the Secretary or the Assistant Secretary—Indian Affairs.

(b) Except as otherwise permitted by the Secretary or the Assistant Secretary—Indian Affairs by special delegation or request, the Board shall not adjudicate:

- (1) Tribal enrollment disputes;

(2) Matters decided by the Bureau of Indian Affairs through exercise of its discretionary authority; or

(3) Appeals from decisions pertaining to final recommendations or actions by officials of the Minerals Management Service, unless the decision is based on an interpretation of Federal Indian law (decisions not so based which arise from determinations of the Minerals Management Service, are appealable to the Interior Board of Land Appeals in accordance with 43 CFR 4.410).

§4.331 Who may appeal.

Any interested party affected by a final administrative action or decision of an official of the Bureau of Indian Affairs issued under regulations in title 25 of the Code of Federal Regulations may appeal to the Board of Indian Appeals, except—

(a) To the extent that decisions which are subject to appeal to a higher official within the Bureau of Indian Affairs must first be appealed to that official;

(b) Where the decision has been approved in writing by the Secretary or Assistant Secretary—Indian Affairs prior to promulgation; or

(c) Where otherwise provided by law or regulation.

§4.332 Appeal to the Board; how taken; mandatory time for filing; preparation assistance; requirement for bond.

(a) A notice of appeal shall be in writing, signed by the appellant or by his attorney of record or other qualified representative as provided by 43 CFR 1.3, and filed with the Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after receipt by the appellant of the decision from which the appeal is taken. A copy of the notice of appeal shall simultaneously be filed with the Assistant Secretary—Indian Affairs. As required by §4.333 of this part, the notice of appeal sent to the Board shall certify that a copy has been sent to the Assistant Secretary—Indian Affairs. A notice of appeal not timely filed shall be dismissed for lack of jurisdiction. A notice of appeal shall include:

(1) A full identification of the case;

(2) A statement of the reasons for the appeal and of the relief sought; and

(3) The names and addresses of all additional interested parties, Indian tribes, tribal corporations, or groups having rights or privileges which may be affected by a change in the decision, whether or not they participated as interested parties in the earlier proceedings.

(b) In accordance with 25 CFR 2.20(c) a notice of appeal shall not be effective for 20 days from receipt by the Board, during which time the Assistant Secretary—Indian Affairs may decide to review the appeal. If the Assistant Secretary—Indian Affairs properly notifies the Board that he has decided to review the appeal, any documents concerning the case filed with the Board shall be transmitted to the Assistant Secretary—Indian Affairs.

(c) When the appellant is an Indian or Indian tribe not represented by counsel, the official who issued the decision appealed shall, upon request of the appellant, render such assistance as is appropriate in the preparation of the appeal.

(d) At any time during the pendency of an appeal, an appropriate bond may be required to protect the interest of any Indian, Indian tribe, or other parties involved.

[54 FR 6487, Feb. 10, 1989, as amended at 67 FR 4368, Jan. 30, 2002]

§4.333 Service of notice of appeal.

(a) On or before the date of filing of the notice of appeal the appellant shall serve a copy of the notice upon each known interested party, upon the official of the Bureau of Indian Affairs from whose decision the appeal is taken, and upon the Assistant Secretary—Indian Affairs. The notice of appeal filed with the Board shall certify that service was made as required by this section and shall show the names and addresses of all parties served. If the appellant is an Indian or an Indian tribe not represented by counsel, the appellant may request the official of the Bureau whose decision is appealed to assist in service of copies of the notice of appeal and any supporting documents.

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(b) The notice of appeal will be considered to have been served upon the date of personal service or mailing.

§ 4.334 Extensions of time.

Requests for extensions of time to file documents may be granted upon a showing of good cause, except for the time fixed for filing a notice of appeal which, as specified in § 4.332 of this part, may not be extended.

§ 4.335 Preparation and transmittal of record by official of the Bureau of Indian Affairs.

(a) Within 20 days after receipt of a notice of appeal, or upon notice from the Board, the official of the Bureau of Indian Affairs whose decision is appealed shall assemble and transmit the record to the Board. The record on appeal shall include, without limitation, copies of transcripts of testimony taken; all original documents, petitions, or applications by which the proceeding was initiated; all supplemental documents which set forth claims of interested parties; and all documents upon which all previous decisions were based.

(b) The administrative record shall include a Table of Contents noting, at a minimum, inclusion of the following:

- (1) The decision appealed from;
- (2) The notice of appeal or copy thereof; and
- (3) Certification that the record contains all information and documents utilized by the deciding official in rendering the decision appealed.

(c) If the deciding official receives notification that the Assistant Secretary—Indian Affairs has decided to review the appeal before the administrative record is transmitted to the Board, the administrative record shall be forwarded to the Assistant Secretary—Indian Affairs rather than to the Board.

§ 4.336 Docketing.

An appeal shall be assigned a docket number by the Board 20 days after receipt of the notice of appeal unless the Board has been properly notified that the Assistant Secretary—Indian Affairs has assumed jurisdiction over the appeal. A notice of docketing shall be sent to all interested parties as shown

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by the record on appeal upon receipt of the administrative record. Any objection to the record as constituted shall be filed with the Board within 15 days of receipt of the notice of docketing. The docketing notice shall specify the time within which briefs shall be filed, cite the procedural regulations governing the appeal and include a copy of the Table of Contents furnished by the deciding official.

§ 4.337 Action by the Board.

(a) The Board may make a final decision, or where the record indicates a need for further inquiry to resolve a genuine issue of material fact, the Board may require a hearing. All hearings shall be conducted by an administrative law judge of the Office of Hearings and Appeals. The Board may, in its discretion, grant oral argument before the Board.

(b) Where the Board finds that one or more issues involved in an appeal or a matter referred to it were decided by the Bureau of Indian Affairs based upon the exercise of discretionary authority committed to the Bureau, and the Board has not otherwise been permitted to adjudicate the issue(s) pursuant to § 4.330(b) of this part, the Board shall dismiss the appeal as to the issue(s) or refer the issue(s) to the Assistant Secretary—Indian Affairs for further consideration.

§ 4.338 Submission by administrative law judge of proposed findings, conclusions and recommended decision.

(a) When an evidentiary hearing pursuant to § 4.337(a) of this part is concluded, the administrative law judge shall recommend findings of fact and conclusions of law, stating the reasons for such recommendations. A copy of the recommended decision shall be sent to each party to the proceeding, the Bureau official involved, and the Board. Simultaneously, the entire record of the proceedings, including the transcript of the hearing before the administrative law judge, shall be forwarded to the Board.

(b) The administrative law judge shall advise the parties at the conclusion of the recommended decision of their right to file exceptions or other

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comments regarding the recommended decision with the Board in accordance with §4.339 of this part.

§4.339 Exceptions or comments regarding recommended decision by administrative law judge.

Within 30 days after receipt of the recommended decision of the administrative law judge, any party may file exceptions to or other comments on the decision with the Board.

§4.340 Disposition of the record.

Subsequent to a decision by the Board, the record filed with the Board and all documents added during the appeal proceedings, including the Board's decision, shall be forwarded to the official of the Bureau of Indian Affairs whose decision was appealed for proper disposition in accordance with rules and regulations concerning treatment of Federal records.

WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985; AUTHORITY OF ADMINISTRATIVE JUDGES; DETERMINATIONS OF THE HEIRS OF PERSONS WHO DIED ENTITLED TO COMPENSATION

SOURCE: 56 FR 61383, Dec. 3, 1991, unless otherwise noted.

§4.350 Authority and scope.

(a) The rules and procedures set forth in §§4.350 through 4.357 apply only to the determination through intestate succession of the heirs of persons who died entitled to receive compensation under the White Earth Reservation Land Settlement Act of 1985, Public Law 99-264 (100 Stat. 61), amended by Public Law 100-153 (101 Stat. 886) and Public Law 100-212 (101 Stat. 1433).

(b) Whenever requested to do so by the Project Director, an administrative judge shall determine such heirs by applying inheritance laws in accordance with the White Earth Reservation Settlement Act of 1985 as amended, notwithstanding the decedent may have died testate.

(c) As used herein, the following terms shall have the following meanings:

(1) The term *Act* means the White Earth Reservation Land Settlement Act of 1985 as amended.

(2) The term *Board* means the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary.

(3) The term *Project Director* means the Superintendent of the Minnesota Agency, Bureau of Indian Affairs, or other Bureau of Indian Affairs official with delegated authority from the Minneapolis Area Director to serve as the federal officer in charge of the White Earth Reservation Land Settlement Project.

(4) The term *party (parties) in interest* means the Project Director and any presumptive or actual heirs of the decedent, or of any issue of any subsequently deceased presumptive or actual heir of the decedent.

(5) The term *compensation* means a monetary sum, as determined by the Project Director, pursuant to section 8(c) of the Act.

(6) The term *administrative judge* means an administrative judge or an administrative law judge, attorney-advisor, or other appropriate official of the Office of Hearings and Appeals to whom the Director of the Office of Hearings and Appeals has redelegated his authority, as designee of the Secretary, for making heirship determinations as provided for in these regulations.

(7) The term *appellant* means a party aggrieved by a final order or final order upon reconsideration issued by an administrative judge who files an appeal with the Board.

[56 FR 61383, Dec. 3, 1991; 56 FR 65782, Dec. 18, 1991, as amended at 64 FR 13363, Mar. 18, 1999]

§4.351 Commencement of the determination process.

(a) Unless an heirship determination which is recognized by the Act already exists, the Project Director shall commence the determination of the heirs of those persons who died entitled to receive compensation by filing with the administrative judge all data, identifying the purpose for which they are being submitted, shown in the records relative to the family of the decedent.

(b) The data shall include but are not limited to:

