



IN REPLY REFER TO

United States Department of the Interior

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

MAY - 6 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 7016 3010 0001 0589 3536

California State Clearinghouse
Office of Planning and Research
P.O. Box 3044
Sacramento, California 95812-3044

Gentlemen:

Enclosed for your appropriate distribution are ten copies of our notice of an application seeking acceptance of title to real property “in trust” for the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California. Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10.

Sincerely,


Regional Director

Enclosure

Governor's Office of Planning & Research
MAY 10 2019
STATE CLEARINGHOUSE



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United States Department of the Interior

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

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STATE CLEARINGHOUSE

Notice of (Non-Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California (Tribe) to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or 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:

Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California

Legal Land Description/Site Location:

Norton:

All that certain real property situated in the unincorporated area of the County of Tuolumne, State of California, more particularly described as follows:

PARCEL ONE:

Parcel A, as shown and delineated on that certain Parcel Map filed in the Office of the County Recorder on May 29, 1981 in Book 16 of Parcel Maps, at pages 62 & 63, as Instrument No. 6717, Tuolumne County Official Records.

EXCEPTING THEREFROM the three mobile homes or manufactured housing units and appurtenances, if any, located on said land.

APN: 062-020-062-000

PARCEL TWO:

All that certain real property situated in the State of California, County of Tuolumne and being a portion of the Southeast ¼ of the Northeast ¼ of Section 6, Township 1 North, Range 16 East, Mount Diablo Base and Meridian, being more particularly described as follows:

Beginning at the Tuolumne County Standard Brass Cap Monument set upon the Southeast corner to the abovementioned 1/16 section corner and running thence on and along the East boundary to said 1/16 section North 03°19'24" East 299.47 feet to a 5/8" Re-bar with L.S. Tag No. 2308. Thence leaving the said East boundary and running North 86°40'36" West 290.91 feet to 5/8" Re-bar with L.S. Tag No. 2308; Thence South 03°19'24" West 299.47 feet to 5/8" Re-bar with L.S. Tag No. 2308; Thence South 86°40'36" East 290.91 feet to the point of beginning.

APN: 062-020-043-000

Bartholomew

All that certain real property in the unincorporated area of the County of Tuolumne, State of California, described as follows:

Parcel B, as shown and delineated on that certain Parcel Map filed in the Office of the County Recorder on May 29, 1981 in Book 16 of Parcel Maps, at pages 62 & 63, as Instrument No. 6717, Tuolumne County Official Records.

EXCEPTING THEREFROM the mobile home or manufactured housing unit and appurtenances, if any located on said land.

APN: 062-020-063-000

Project Description/Proposed Land Use:

The subject properties consist of three parcels totaling 100.33 acres more or less, commonly referred to as Assessor's Parcel Numbers 062-020-062-000 and 062-020-043-000 (Norton) and 062-020-063-000 (Bartholomew). The subject properties are contiguous to lands held in trust for the Tuolumne Rancheria.

Both the Norton and Bartholomew properties are primarily undeveloped open space. Currently there are two removable steel workshop buildings and a well on the Norton property. Additionally, there is a single family residence on the Bartholomew property. The Tribe has no plans to change the use of either property.

Current Use/Taxes and Zoning:

Assessed property taxes for 2018-2019:

062-020-062-000 - \$4,771.68

062-020-043-000 - \$336.82

062-020-063-000 - \$10,958.02

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 Alexis St. John, Realty Specialist, at (916) 978-6059.

Sincerely,



Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7016 3010 0001 0589 3536
Office Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Senior Advisor for Tribal Negotiations- 7016 3010 0001 0589 3543
Office of the Governor
State Capitol Building, Suite 1173
Sacramento, CA 95814

Sara J. Drake, Deputy Attorney General – 7016 3010 0001 0589 3550
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

U.S. Senator Dianne Feinstein – 7016 3010 0001 0589 3567
331 Hart Senate Office Building
Washington, DC 20510

U.S. House of Representatives – 7016 3010 0001 0589 3574
4th District
2200A Douglas Blvd., Suite 240
Roseville, CA 95661

Tuolumne County Assessor's Office – 7016 3010 0001 0589 3581
2 S. Green St.
Sonora, CA 95370

Tuolumne County Board of Supervisors – 7016 3010 0001 0589 3598
2 S. Green St.
Sonora, CA 95370

Tuolumne County Treasurer and Tax Collector – 7016 3010 0001 0589 3604
2 S. Green St.
Sonora, CA 95370

Tuolumne County Administrative Officer – 7016 3010 0001 0589 3611
2 S. Green St.
Sonora, CA 95370

Tuolumne County Sheriff's Office – 7016 3010 0001 0589 3628
28 N. Lower Sunset Dr.
Sonora, CA 95370

Tuolumne County Planning Division – 7016 3010 0001 0589 3635
2 S. Green St.
Sonora, CA 95370

Honorable Kevin Day – 7016 3010 0001 0589 3642
Chairman, Tuolumne Rancheria
P.O. Box 699
Tuolumne, CA 95379

Chairperson, – 7016 3010 0001 0589 3659
Chicken Ranch Rancheria
P.O. Box 1159
Jamestown, CA 95327

Regular Mail:

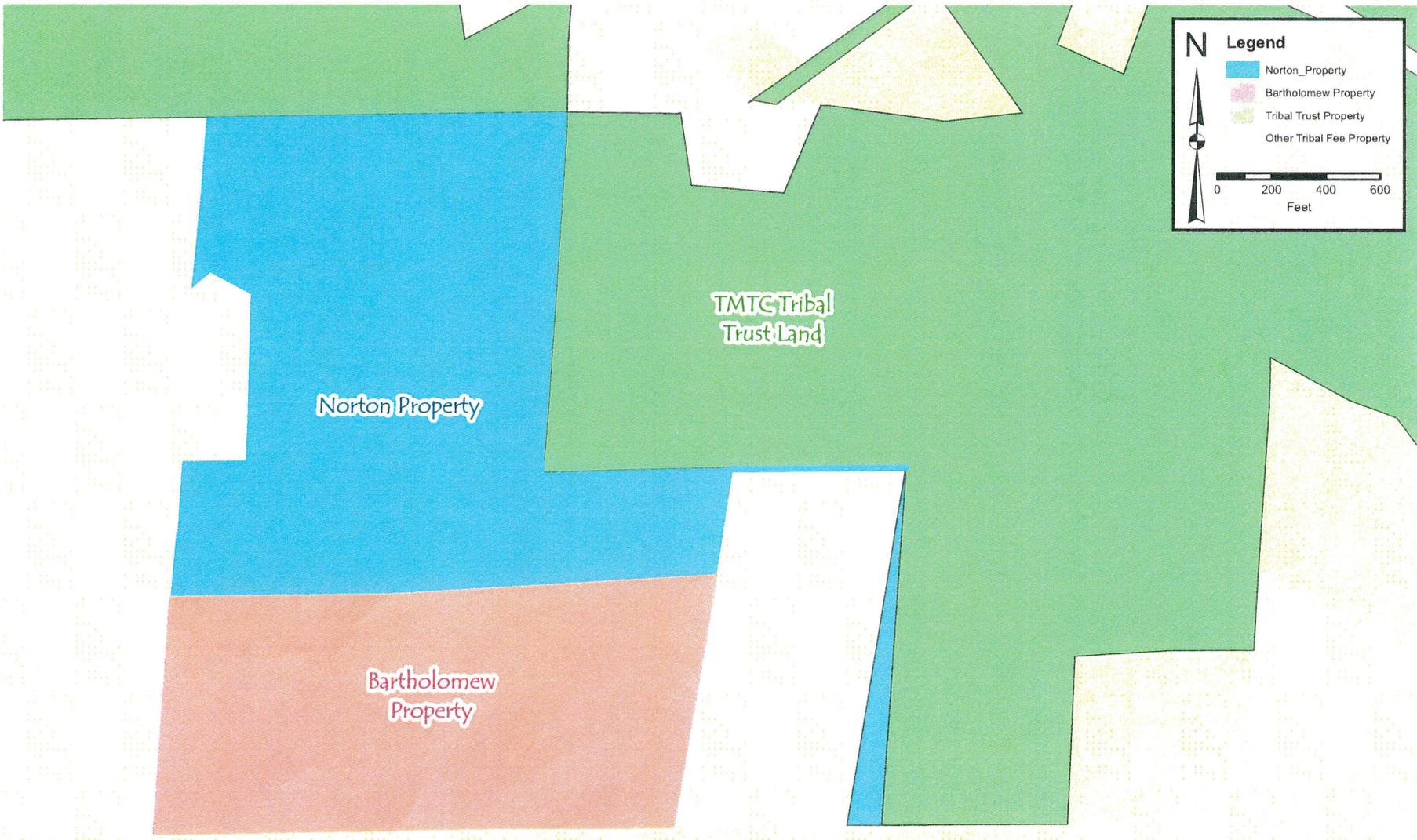
Superintendent, Central California Agency, BIA
650 Capitol Mall, Ste. 8-500
Sacramento, CA 95814





The Tuolumne Band of Me-Wuk Indians

RELATIONSHIP OF THE BARTHOLOMEW AND NORTON PROPERTY



For informational purposes only. No non-authorized distribution allowed. Contact Tuolumne Me-Wuk Tribal Council Planning & Development Department at (209) 928-5304 for more information. April 30, 2019 (M. Ulibarri)

SCHEDULE B

Order No.: 313178BW

At the date hereof exceptions to coverage in addition to the printed Exceptions and Exclusions in said policy form would be as follows:

1 GENERAL AND SPECIAL COUNTY AND CITY TAXES for the fiscal year 2016 - 2017

1 st installment	:	\$2,038.77	DUE
2 nd installment	:	\$2,038.77	PAYABLE
Land	:	\$350,261.00	
Improvements	:	\$25,381.00	
Personal Property	:	\$0.00	
Exemptions	:	\$0.00	
A P No	:	062-020-62	
Code Area	:	74/017	
Bill No.	:	22365	

2 GENERAL AND SPECIAL COUNTY AND CITY TAXES for the fiscal year 2016 - 2017

1 st installment	:	\$165.28	DUE
2 nd installment	:	\$165.28	PAYABLE
Land	:	\$25,381.00	
Improvements	:	\$5,076.00	
Personal Property	:	\$0.00	
Exemptions	:	\$0.00	
A.P. No	:	062-020-43	
Code Area	:	74/017	
Bill No.	:	22361	

3. THE LIEN OF SUPPLEMENTAL TAXES, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the Revenue and Taxation Code of the State of California, et seq.

4. RESERVATIONS, EASEMENTS AND CONDITIONS as contained in the United States Land Patent

Issued	:	October 20, 1889
To	:	ISAAC T HOLLAND
Recorded	:	September 26, 1892, in Book E-1 of Patents, Page 119, Tuolumne County Records.

5. An easement, as reserved in the United States Land Patent herein referred to, for the proprietor of any vein or lode to extract or remove the ore therefrom should the same be found to penetrate or intersect the herein described property.

6. The terms and provisions of that certain Land Conservation Contract dated December 6, 1968, Between Joseph R. Norton, as Owner or Lessee, and the County of Tuolumne, a Political Subdivision, recorded February 27, 1969, in Volume 266 of Official Records, Page 648, Instrument No. 1432, Tuolumne County Records.

Said Conservation Contract was amended by agreement dated December 21, 1971 and recorded February 22, 1969, in Volume 349 of Official Records, Page 375, Instrument No. 1678, Tuolumne County Records.

The effect of a document captioned Notice of Nonrenewal of a Tuolumne County Land Conservation Contract, recorded October 13, 2006, as Instrument No. 2006018411, Tuolumne County Records.

7. RIGHTS OF THE PUBLIC and the COUNTY OF TUOLUMNE over that portion of the premises lying within the lines of CHEROKEE ROAD as the same now exist(s).
8. EASEMENTS, NOTES, RECITALS, PROVISIONS AND DEDICATIONS as shown or delineated on the Official Map filed for record May 29, 1981 in Volume 16 of Parcel Maps, at Page 62, Tuolumne County Records, which provide for, among other things, as follows:
 - (a) A 50 foot sanitary set back arounds the entire interior perimeter.
 - (b) A 100 foot saniatry set back from an existing well in the Westerly portion of said land.
 - (c) A 50 foot wide road and utility easement running Southeasterly across a central portion of said land.
 - (d) An existing overhead public utility easement across a Southwesterly portion of said land.
 - (e) 8 foot overhead public utility easements on both sides of the road easement.
 - (f) A dedicated county road (Cherokee Road) across the Northwesterly corner of said land.
9. ANY EASEMENT FOR WATER COURSE over that portion of the premises within the lines of an existing creek and any changes in the Boundary of said premises that occurred or may hereafter occur from natural causes and by imperceptible degrees.
10. RIGHT OF WAY for the natural flow of waters of an existing creek together with incidentals in connection therewith that include but shall not be limited to rights of implied dedication for recreation purposes that may be subsequently adjudicated in favor of the Public based on their continuous use without interference.
11. THE RIGHTS OF ANY PARTIES IN POSSESSION OF SAID LAND based on any unrecorded leases and/or rental agreements.

Policy No.: **Commitment**

Order No.: **315136BW**

**SCHEDULE B
EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorney's fees or expenses) which arise by reason of:

1. Rights or claims of parties other than Insured in actual possession of any or all of the property.

2. Unrecorded easements, discrepancies or conflicts in boundary lines, shortage in area and encroachments which an accurate and complete survey would disclose.

3. Unfiled mechanics' or materialmen's liens.

1. GENERAL AND SPECIAL COUNTY TAXES for the fiscal year 2017 - 2018, a lien not yet due or payable.

2. The property herein may lie within a jurisdiction or district in which case, there may be assessments and obligations that are collected with the taxes shown herein.

3. THE LIEN OF SUPPLEMENTAL TAXES, if any, assessed pursuant to the provisions of Chapter 3.5 (commencing with Section 75) of the Revenue and Taxation Code of the State of California, et seq.

4. RESERVATIONS, EASEMENTS AND CONDITIONS as contained in the United States Land Patent

Issued : October 20, 1889
To : ISAAC T. HOLLAND
Recorded : September 26, 1892, in Book E-1 of Patents, Page 119,
Tuolumne County Records.

5. An easement, as reserved in the United States Land Patent herein referred to, for the proprietor of any vein or lode to extract or remove the ore therefrom should the same be found to penetrate or intersect the herein described property.

6. EASEMENTS, NOTES, RECITALS, PROVISIONS AND DEDICATIONS as shown or delineated on the Official Map filed for record May 29, 1981 in Volume 16 of Parcel Maps, at Page 62, Tuolumne County Records, which provide for, among other things, as follows:

(a) A 50 foot sanitary set back around the entire interior perimeter.

(b) A historical site in the Southeastern portion of the premises.

- (c) An existing overhead public utility easement roughly bisecting the property Northeast from Southwest.
 - (d) An existing overhead public utilities easement running from the approximate midpoint of the Southerly boundary in a Northeasterly direction to the easement referred to in Item C, above.
7. THE RIGHTS OF ANY PARTIES IN POSSESSION OF SAID LAND based on any unrecorded leases and/or rental agreements.
 8. ANY EASEMENT FOR WATER COURSE over that portion of the premises within the lines of an existing creek and any changes in the Boundary of said premises that occurred or may hereafter occur from natural causes and by imperceptible degrees.
 9. RIGHT OF WAY for the natural flow of waters of together with incidentals in connection therewith that include but shall not be limited to rights of implied dedication for recreation purposes that may be subsequently adjudicated in favor of the Public based on their continuous use without interference.
 10. Any challenges to the Secretary of the Interior's decision to take the subject land into trust.
 11. Any consequence, including but not limited to any title conveyance to the U.S. in Trust for the subject Tribe being ineffective, resulting from the fact that the subject Trust was not "under Federal recognition" in 1934.
 12. Any challenges to the Secretary of the Interior's decision to take the subject land into trust within six years of (1) the date of decision or (2) recording of the conveyance to the U.S. as Trustee, whichever is later.

NOTE: GENERAL AND SPECIAL COUNTY AND CITY TAXES for the fiscal year 2016 - 2017

1 st installment	:	\$2,330.14	PAID
2 nd installment	:	\$2,330.14	PAID
Land	:	\$173,451.00	
Improvements	:	\$262,875.00	
Personal Property	:	\$0.00	
Exemptions	:	\$7,000.00	
A.P. No.	:	062-020-063	
Code Area	:	74/017	

Bureau of Indian Affairs, Interior

§ 151.1

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

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

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

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

PART 151—LAND ACQUISITIONS

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

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

AUTHORITY: R.S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 Stat. 1471, as amended; 48 Stat. 985, as amended; 49 Stat. 1967, as amended, 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 Stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended, 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 2, 9, 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, 1495, and other authorizing acts.

CROSS REFERENCE: For regulations pertaining to: The inheritance of interests in trust or restricted land, see parts 15, 16, and 17 of this title and 43 CFR part 4; the purchase of lands under the BIA Loan Guaranty, Insurance and Interest Subsidy program, see part 103 of this title; the exchange and partition of trust or restricted lands, see part 152 of this title; land acquisitions authorized by the Indian Self-Determination and Education Assistance Act, see parts 900 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR part 2530; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR parts 2561 and 2564; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR part 1823, subpart N; the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§ 117.8 and 158.54 of this title.

SOURCE: 45 FR 62036, Sept. 18, 1980, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

§ 151.1 Purpose and scope.

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

§ 151.2

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. 488 and 489, or other statutory authority which specifically authorizes trust acquisitions for such corporations, "Tribe" also means a corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

(c) *Individual Indian* means:

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

(2) Any person who is a descendent 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-

25 CFR Ch. I (4-1-14 Edition)

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 62036, Sept. 18, 1980, as amended at 60 FR 32879, June 23, 1995]

§ 151.3 Land acquisition policy.

Land not held in trust or restricted status may only be acquired for an individual Indian or a tribe in trust status when such acquisition is authorized by an act of Congress. No acquisition of land in trust status, including a transfer of land already held in trust or restricted status, shall be valid unless the acquisition is approved by the Secretary.

(a) Subject to the provisions contained in the acts of Congress which authorize land acquisitions, land may be acquired for a tribe in trust status:

(1) When the property is located within the exterior boundaries of the tribe's reservation or adjacent thereto, or within a tribal consolidation area; or

(2) When the tribe already owns an interest in the land; or

(3) When the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing.

(b) Subject to the provisions contained in the acts of Congress which authorize land acquisitions or holding

Bureau of Indian Affairs, Interior

§ 151.10

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

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

§ 151.11

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

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

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

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

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

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

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

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

(h) The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations. (For copies, write to the Department of the Interior, Bureau of Indian Affairs, Branch of Environmental Services, 1849 C Street NW., Room 4525 MIB, Washington, DC 20240.)

[45 FR 62036, Sept. 18, 1980, as amended at 60 FR 32879, June 23, 1995]

§ 151.11 Off-reservation acquisitions.

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

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

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

25 CFR Ch. I (4-1-14 Edition)

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 48894, Sept. 21, 1995]

§ 151.12 Action on requests.

(a) The Secretary shall review each request and may request any additional information or justification deemed necessary to reach a decision.

(b) The Secretary's decision to approve or deny a request shall be in writing and state the reasons for the decision.

(c) A decision made by the Secretary, or the Assistant Secretary—Indian Affairs pursuant to delegated authority, is a final agency action under 5 U.S.C. 704 upon issuance.

(1) If the Secretary or Assistant Secretary denies the request, the Assistant Secretary shall promptly provide the applicant with the decision.

(2) If the Secretary or Assistant Secretary approves the request, the Assistant Secretary shall:

(i) Promptly provide the applicant with the decision;

(ii) Promptly publish in the FEDERAL REGISTER a notice of the decision to acquire land in trust under this part; and

Bureau of Indian Affairs, Interior

§ 151.15

(iii) Immediately acquire the land in trust under §151.14 on or after the date such decision is issued and upon fulfillment of the requirements of §151.13 and any other Departmental requirements.

(d) A decision made by a Bureau of Indian Affairs official pursuant to delegated authority is not a final agency action of the Department under 5 U.S.C. 704 until administrative remedies are exhausted under part 2 of this chapter or until the time for filing a notice of appeal has expired and no administrative appeal has been filed.

(1) If the official denies the request, the official shall promptly provide the applicant with the decision and notification of any right to file an administrative appeal under part 2 of this chapter.

(2) If the official approves the request, the official shall:

(i) Promptly provide the applicant with the decision;

(ii) Promptly provide written notice of the decision and the right, if any, to file an administrative appeal of such decision pursuant to part 2 of this chapter, by mail or personal delivery to:

(A) Interested parties who have made themselves known, in writing, to the official prior to the decision being made; and

(B) The State and local governments having regulatory jurisdiction over the land to be acquired;

(iii) Promptly publish a notice in a newspaper of general circulation serving the affected area of the decision and the right, if any, of interested parties who did not make themselves known, in writing, to the official to file an administrative appeal of the decision under part 2 of this chapter; and

(iv) Immediately acquire the land in trust under §151.14 upon expiration of the time for filing a notice of appeal or upon exhaustion of administrative remedies under part 2 of this title, and upon the fulfillment of the requirements of §151.13 and any other Departmental requirements.

(3) The administrative appeal period under part 2 of this chapter begins on:

(i) The date of receipt of written notice by the applicant or interested parties entitled to notice under para-

graphs (d)(1) and (d)(2)(ii) of this section;

(ii) The date of first publication of the notice for unknown interested parties under paragraph (d)(2)(iii) of this section.

(4) Any party who wishes to seek judicial review of an official's decision must first exhaust administrative remedies under 25 CFR part 2.

[78 FR 67937, Nov. 13, 2013]

§ 151.13 Title examination.

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

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995]

§ 151.14 Formalization of acceptance.

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

[45 FR 62036, Sept. 18, 1980. Redesignated at 60 FR 32879, June 23, 1995]

§ 151.15 Information collection.

(a) The information collection requirements contained in §§151.9; 151.10; 151.11(c), and 151.13 have been approved by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.* and assigned clearance number 1076-0100. This information is being collected to acquire land into trust on behalf of the Indian tribes and individuals, and will be used to assist the Secretary in making a determination. Response to this request is required to obtain a benefit.

