



# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Pacific Regional Office

2800 Cottage Way

Sacramento, California 95825

IN REPLY REFER TO:

Fee-to-Trust

FEB 11 2019

Governor's Office of Planning & Research

FEB 14 2019

STATE CLEARINGHOUSE

### Notice of (Non-Gaming) Land Acquisition Application

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 and 151.11, notice is given of the application filed by the Augustine Band of Cahuilla Indians, 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:

Augustine Band of Cahuilla Indians, California

#### Legal Land Description/Site Location:

All that real property situated in the County of Riverside, unincorporated area, State of California, and more particularly described as:

PARCEL ONE:

Lots 1 through 23 and lettered Lots D and E of Tract 29423, in the County of Riverside, State of California, as per map filed for record in Book 417, Pages 26 through 31 of Maps, Official Records of said County.

APNs: 767-370-011, 767-370-012, 767-370-013, 767-370-014, 767-370-015, 767-370-016, 767-370-017, 767-370-018, 767-370-019, 767-370-020, 767-370-021, 767-370-022, 767-370-023, 767-370-024, 767-380-017, 767-380-018, 767-380-019, 767-380-020, 767-380-021, 767-380-022, 767-380-023, 767-380-024, 767-380-025, 767-380-026, and 767-380-027.

PARCEL TWO: OMITTED

PARCEL THREE:

That portion of the Northeast Quarter of the Northwest Quarter of Section 13, Township 6 South, Range 7 East, San Bernardino Base and Meridian, described as follows:

Commencing at the Northeast corner of said Northeast Quarter of the Northwest Quarter of Section 17, said point also being the Northeast corner of Parcel 1 described in Deed to American Soul Clinic Dated February 16, 1971 as Instrument No. 19076 of Official Records, said point also being the true point of beginning; thence Westerly along the North line of said Northeast Quarter of the Northwest Quarter of Section 13, North 89° 42' 27" West, 356.96 feet; thence parallel to the East line of said Northeast Quarter of the Northwest Quarter of Section 13, South 01° 51' 36" East, 430.02 feet; thence parallel to the North line of said Northeast Quarter of the Northwest Quarter of Section 13, South 89° 42' 27" East, 356.96 feet to a point on the East line of said Northeast Quarter of the Northwest Quarter of Section 13; thence along said East line of said Northeast Quarter of the Northwest Quarter of Section 13, North 01° 51' 36" West, 430.02 feet to the true point of beginning.

APN: 767-370-008-6

Project Description/Proposed Land Use:

The subject property consists of 2 parcels of land, encompassing approximately 48.34 acres more or less, commonly referred to as Assessor's Parcel Numbers: APNs: 767-370-011, 767-370-012, 767-370-013, 767-370-014, 767-370-015, 767-370-016, 767-370-017, 767-370-018, 767-370-019, 767-370-020, 767-370-021, 767-370-022, 767-370-023, 767-370-024, 767-380-017, 767-380-018, 767-380-019, 767-380-020, 767-380-021, 767-380-022, 767-380-023, 767-380-024, 767-380-025, 767-380-026, 767-380-027 and 767-370-008-6. The subject parcels are not contiguous to the Augustine's existing reservation.

The Tribe has no current plans for the subject property other than to continue to provide tribal housing through the two residents currently on the property. The acquisition will allow jurisdiction over the property and support tribal self-determination.

**Current Use/Taxes and Zoning:**

APN: 767-370-011, \$1,322.68  
APN: 767-370-012, \$1,322.68  
APN: 767-370-013, \$1,322.68  
APN: 767-370-014, \$1,089.06  
APN: 767-370-015, \$1,374.12  
APN: 767-370-016, \$1,382.46  
APN: 767-370-017, \$1,367.16  
APN: 767-370-018, \$1,454.76  
APN: 767-370-019, \$1,447.78  
APN: 767-370-020, \$1,374.12  
APN: 767-370-021, \$1,382.46  
APN: 767-370-022, \$1,382.46  
APN: 767-370-023, \$1,075.16  
APN: 767-370-024, \$0  
APN: 767-380-017, \$2,660.42  
APN: 767-380-018, \$1,374.12  
APN: 767-380-019, \$1,382.46  
APN: 767-380-020, \$1,367.16  
APN: 767-380-021, \$1,454.76  
APN: 767-380-022, \$1,477.00  
APN: 767-380-023, \$1,382.46  
APN: 767-380-024, \$1,396.36  
APN: 767-380-025, \$1,272.60  
APN: 767-380-026, \$22.62  
APN: 767-380-027, \$0  
APN: 767-370-008-6, \$22,471.06

Total Amount \$53,558.60

**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 Arvada Wolfen, Realty Specialist, at (916) 978-6069.

Sincerely,

A handwritten signature in blue ink, appearing to read "Amy W. Witschke".

Regional Director

Enclosures

cc: Distribution List

## DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7018 0360 0000 8590 8984  
Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 92220

Sara Drake, Deputy Attorney General – 7018 0360 0000 8590 8991  
State of California  
Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

Sr. Advisor for Tribal Negotiations – 7018 0360 0000 8590 9004  
Deputy Legal Affairs Secretary  
Office of the Governor  
State Capitol Building, Ste. 1173  
Sacramento, CA 95814

U.S. Senator Dianne Feinstein - 7018 0360 0000 8590 9011  
331 Hart Senate Building  
Washington, DC 20510

Honorable Duncan Hunter – 7018 0360 0000 8590 9028  
Member of Congress  
1611 N. Magnolia Ave., Ste. 310  
El Cajon, CA 92020

Riverside County Assessor – 7018 0360 0000 8590 9035  
Office of the Assessor  
4080 Lemon Street, 1<sup>st</sup> Floor  
Riverside, CA 92501

Riverside County Board of Supervisors – 7018 0360 0000 8590 9042  
County Administrative Center  
4080 Lemon Street, 14<sup>th</sup> Floor  
Riverside, CA 92501

County of Riverside – 7018 0360 0000 8590 9059  
Planning Department  
4080 Lemon Street, 9<sup>th</sup> Floor  
Riverside, CA 92501

County of Riverside – 7018 0360 0000 8590 9066  
Treasurer & Tax Collector  
4080 Lemon Street, 4<sup>th</sup> Floor  
Riverside, CA 92501

Riverside County Sheriff's Department – 7018 0360 0000 8590 9073  
4095 Lemon Street  
Riverside, CA 92501

Riverside County -Office of County Counsel – 7018 0360 0000 8590 9080  
Attn: Ronak N. Patel  
3960 Orange Street, Suite 500  
Riverside, CA 92501

Chairperson – 7018 0360 0000 8590 9097  
Agua Caliente  
5401 Dinah Shore Drive  
Palm Springs, CA 92264

Chairperson – 7018 0360 0000 8590 9103  
Augustine Band of Mission Indians  
P.O. Box 846  
Coachella, CA 92236

Chairperson – 7018 0360 0000 8590 9110  
Cabazon Band of Mission Indians  
84-245 Indio Springs Drive  
Indio, CA 92201

Chairperson – 7018 0360 0000 8590 9127  
Cahuilla Band of Mission Indians  
52701 Highway 371  
Anza, CA 92539-1760

Chairperson – 7018 0360 0000 8590 9134  
Morongo Band of Mission Indians  
12700 Pumarra Road  
Banning, CA 92220

Chairperson – 7018 0360 0000 8590 9141  
Pechanga Band of Luiseno Indians  
P.O. Box 1477  
Temecula, CA 92593

Chairperson- 7018 0360 0000 8590 9158  
Ramona Band of Cahuilla  
P.O. Box 391670  
Anza, California 92539

Chairperson – 7018 0360 0000 8590 9165  
Santa Rosa Band of Mission Indians  
P.O. Box 391820  
Anza, CA 92539

Chairperson – 7018 0360 0000 8590 9172  
Soboba Band of Mission Indians  
P.O. Box 487  
San Jacinto, CA 92581

Chairperson – 7018 0360 0000 8590 9189  
Torres Martinez Desert Cahuilla Indians  
P.O. Box 1160  
Thermal, CA 92274

Chairperson – 7018 0360 0000 8590 9196  
Twenty Nine Palms  
46-200 Harrison Place  
Coachella, CA 92236

Regular Mail:

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

## **SCHEDULE B**

### **I. REQUIREMENTS:**

1. This Company will require payment of all title and policy premiums, fees and charges.
2. Instrument(s) creating the estate or interest to be insured must be approved, executed and filed for record, to wit:  
  
A duly authorized and executed Grant Deed from the Augustine Band of Cahuilla Indians, California, to the United States of American in trust for the Augustine Band of Cahuilla Indians, California.
3. The Company will require that a copy of the published notice issued by the Bureau of Indian Affairs (BIA) of the proposed conveyance to applicable state, local and Tribal governments be furnished to the Company."
4. Satisfactory evidence furnished to this Company that any and all documents that are to be recorded in this transaction must conform to the BIA's specifications and have its approval prior to recording.
5. The Company reserves the right to make additional exceptions and/or requirements related to any challenge to this transaction.
6. Prior to issuance of any policy of title insurance, the Company will require the following with respect to the Augustine Band of Cahuilla Indians, California:
  - a) A copy of its Constitution.
  - b) A copy of its bylaws.
  - c) A copy of its applicable real estate conveyancing ordinance(s).
  - d) A copy of its Tribal Resolution authorizing this transaction and specifying the individual(s) authorized to execute the deed of conveyance and any related documents on behalf of the Augustine Band of Cahuilla Indians, California.

The Company reserves the right to require additional information after review of the above-referenced Tribal governance/authority documents.



7. The Company reserves the right to make additional requirements and/or exceptions to this Commitment.
8. The requirement that a copy of the Bureau of Indian Affairs Title Status Report for the herein described property be furnished to this company for review.
9. The herein described land is Native American land. Any and all documents that are to be recorded must conform with the Bureau of Indian Affairs specifications and have its approval prior to recording.

## **SCHEDULE B continued**

- II. Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the Effective Date hereof but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage thereon covered by this Commitment.

1. Taxes and assessments, general and special, for the fiscal year 2018 - 2019, a lien, but not yet due or payable.
2. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-008-6	
Bill No.	:	000593162	
Code No.	:	058-085	
1st Installment	:	\$11,235.53	Marked Paid
2nd Installment	:	\$11,235.53	Marked Paid
Land Value	:	\$879,956.00	
Imp. Value	:	\$803,642.00	

Said matters affect Parcel Two

3. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-011-8	
Bill No.	:	000593163	
Code No.	:	058-085	
1st Installment	:	\$661.34	Marked Paid
2nd Installment	:	\$661.34	Marked Paid
Land Value	:	\$98,863.00	

Said matters affect Lot 10

4. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-012-9	
Bill No.	:	000593164	
Code No.	:	058-085	
1st Installment	:	\$661.34	Marked Paid
2nd Installment	:	\$661.34	Marked Paid
Land Value	:	\$98,863.00	

Said matters affect Lot 11

5. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-013-0	
Bill No.	:	000593165	
Code No.	:	058-085	
1st Installment	:	\$661.34	Marked Paid
2nd Installment	:	\$661.34	Marked Paid
Land Value	:	\$98,863.00	

Said matters affect Lot 12

6. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-014-1	
Bill No.	:	000593166	
Code No.	:	058-085	
1st Installment	:	\$544.53	Marked Paid
2nd Installment	:	\$544.53	Marked Paid
Land Value	:	\$81,117.00	

Said matters affect Lot 13

7. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-015-2	
Bill No.	:	000593167	
Code No.	:	058-085	
1st Installment	:	\$687.06	Marked Paid
2nd Installment	:	\$687.06	Marked Paid
Land Value	:	\$102,771.00	

Said matters affect Lot 14

8. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-016-3	
Bill No.	:	000593168	
Code No.	:	058-085	
1st Installment	:	\$691.23	Marked Paid
2nd Installment	:	\$691.23	Marked Paid
Land Value	:	\$103,405.00	

Said matters affect Lot 15

9. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-017-4	
Bill No.	:	000593169	
Code No.	:	058-085	
1st Installment	:	\$683.58	Marked Paid
2nd Installment	:	\$683.58	Marked Paid
Land Value	:	\$102,243.00	

Said matters affect Lot 16

10. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-018-5	
Bill No.	:	000593170	
Code No.	:	058-085	
1st Installment	:	\$727.38	Marked Paid
2nd Installment	:	\$727.38	Marked Paid
Land Value	:	\$108,897.00	

Said matters affect Lot 17

11. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-019-6	
Bill No.	:	000593171	
Code No.	:	058-085	
1st Installment	:	\$723.89	Marked Paid
2nd Installment	:	\$723.89	Marked Paid
Land Value	:	\$108,367.00	

Said matters affect Lot 18

12. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-020-6	
Bill No.	:	000593172	
Code No.	:	058-085	
1st Installment	:	\$687.06	Marked Paid
2nd Installment	:	\$687.06	Marked Paid
Land Value	:	\$102,771.00	

Said matters affect Lot 19

13. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-021-7	
Bill No.	:	000593173	
Code No.	:	058-085	
1st Installment	:	\$691.23	Marked Paid
2nd Installment	:	\$691.23	Marked Paid
Land Value	:	\$103,405.00	

Said matters affect Lot 20

14. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-022-8	
Bill No.	:	000593174	
Code No.	:	058-085	
1st Installment	:	\$691.23	Marked Paid
2nd Installment	:	\$691.23	Marked Paid
Land Value	:	\$103,405.00	

Said matters affect Lot 21

15. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-023-9	
Bill No.	:	000593175	
Code No.	:	058-085	
1st Installment	:	\$537.58	Marked Paid
2nd Installment	:	\$537.58	Marked Paid
Land Value	:	\$80,061.00	

Said matters affect Lot 22

16. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-370-024-0	
Code No.	:	058-085	
1st Installment	:	\$0.00	No Taxes Due
2nd Installment	:	\$0.00	No Taxes Due

Said matters affect Lot E

17. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-017-5	
Bill No.	:	000593176	
Code No.	:	058-085	
1st Installment	:	\$1,330.21	Marked Paid
2nd Installment	:	\$1,330.21	Marked Paid
Land Value	:	\$122,206.00	
Imp. Value	:	\$77,527.00	

Said matters affect Lot 1

18. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-018-6	
Bill No.	:	000593177	
Code No.	:	058-085	
1st Installment	:	\$687.06	Marked Paid
2nd Installment	:	\$687.06	Marked Paid
Land Value	:	\$102,771.00	

Said matters affect Lot 2

19. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-019-7	
Bill No.	:	000593178	
Code No.	:	058-085	
1st Installment	:	\$691.23	Marked Paid
2nd Installment	:	\$691.23	Marked Paid
Land Value	:	\$103,405.00	

Said matters affect Lot 3

20. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-020-7	
Bill No.	:	000593179	
Code No.	:	058-085	
1st Installment	:	\$683.58	Marked Paid
2nd Installment	:	\$683.58	Marked Paid
Land Value	:	\$102,243.00	

Said matters affect Lot 4

21. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-021-8	
Bill No.	:	000593180	
Code No.	:	058-085	
1st Installment	:	\$727.38	Marked Paid
2nd Installment	:	\$727.38	Marked Paid
Land Value	:	\$108,897.00	

Said matters affect Lot 5

22. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-022-9	
Bill No.	:	000593181	
Code No.	:	058-085	
1st Installment	:	\$738.50	Marked Paid
2nd Installment	:	\$738.50	Marked Paid
Land Value	:	\$110,586.00	

Said matters affect Lot 6

23. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-023-0	
Bill No.	:	000593182	
Code No.	:	058-085	
1st Installment	:	\$691.23	Marked Paid
2nd Installment	:	\$691.23	Marked Paid
Land Value	:	\$103,405.00	

Said matters affect Lot 7

24. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-024-1	
Bill No.	:	000593183	
Code No.	:	058-085	
1st Installment	:	\$698.18	Marked Paid
2nd Installment	:	\$698.18	Marked Paid
Land Value	:	\$104,461.00	

Said matters affect Lot 8



25. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-025-2	
Bill No.	:	000593184	
Code No.	:	058-085	
1st Installment	:	\$636.30	Marked Paid
2nd Installment	:	\$636.30	Marked Paid
Land Value	:	\$95,059.00	

Said matters affect Lot 9

26. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-026-3	
Bill No.	:	000593185	
Code No.	:	058-085	
1st Installment	:	\$11.31	Marked Paid
2nd Installment	:	\$11.31	Marked Paid
Land Value	:	\$104.00	

Said matters affect Lot 23

27. Taxes and assessments, general and special, for the fiscal year 2017 - 2018, as follows:

Assessor's Parcel No	:	767-380-027-4	
Code No.	:	058-085	
1st Installment	:	\$0.00	
2nd Installment	:	\$0.00	
Land Value	:	\$1.00	

Said matters affect Lot D

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

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

Instrument : Contract and Grant of Easement  
Granted To : The United States of America  
For : Water pipe lines  
Dated : September 14, 1949  
Recorded : [January 13, 1950 in Book 1138 of Official Records, Page 401 as Instrument Number 1539](#)  
Affects : Northerly 5 feet of Lots 13 and 22 and a portion of Parcel Two

Upon the terms and conditions contained therein.

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

Instrument : Mutual Easement Agreement  
Granted To : Aram Arakelian  
For : Pipe lines  
Dated : January 30, 1960  
Recorded : [May 19, 1960 in Official Records as Instrument Number 45658](#)  
Affects : Westerly 10 feet of Lots 5 and 6

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

31. Agreement for : Mutual Easement  
Executed By : A. N. Hopland and Dorothy Hopland  
and Between : Aram Arakelian

On the terms, covenants and conditions contained therein,

Dated : January 30, 1960  
Recorded : [May 19, 1960 in Official Records as Instrument Number 45658](#)

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

32. The effect, if any, of hazardous substances on said land, due to land being used for agricultural purposes.

33. An easement affecting that portion of said land and for the purposes stated herein and incidental purposes as shown on the map filed on [March 5, 2007 in Book 417 of Maps, at Page 26](#)

For : Public utility easement in favor of Imperial Irrigation District  
Affects : All private streets shown on this map, and an additional 10 feet in width on both sides of and adjacent to all private streets shown on this map

For : Public utility purposes together with the right of ingress and egress for emergency vehicles  
Affects : Lots D and E

For : Domestic water purposes in favor of Coachella Valley Water District  
Affects : Lots D and E and those areas designated as "P.U.E."

34. Recitals shown or noted upon a map as follows:

Map Entitled : Tract Map No. 29423  
Filed On : [March 5, 2007 in Book 417 of Maps, at Page 26](#)  
Which Says : A) Environmental constraint note: Environmental constraint sheet affecting this Map is on file in the office of the Riverside County Surveyor, in E.C.S. Book 38, Page 96.

B) As a condition of dedication of Lot "C" (54th Avenue), the owners of Lots 13 and 22 abutting this highway and during such time will have no rights of access except the general easement of travel. Any change of alignment or width that results in the vacation thereof shall terminate this condition of access rights as to the part vacated.

C) We hereby retain Lots D and E, indicated as "private streets", as shown hereon for private use for the sole benefit of ourselves, our successors, assignees and lot owners within this tract map.

D) We hereby retain Lot 23 for landscape purposes for private use for the sole benefit of ourselves, our successors, assignees and lot owners within this tract map.

35. The fact that the owners of said land have no right of vehicular access to 54th Avenue except the public right to travel same, said rights having been relinquished by the dedication provisions on the map of said tract.

Said land, however, abuts on a public thoroughfare other than the one referred to above, over which rights of vehicular access have not been relinquished.

Said matter affects Lot 13 and 22.

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

Entitled : Restated Declaration of Covenants, Conditions and Restrictions for Boitano Palms  
Executed by : Bethany Group, a Washington corporation  
Dated : March 23, 2007  
Recorded : [March 28, 2007 in Official Records as Instrument Number 2007-0209892](#)

Said matters affect Lots 10 through 22 and Lettered Lots B, C and E

The herein described property was annexed to the above Covenants, Conditions and Restrictions by Declaration of Annexation,

Dated : May 7, 2007  
Recorded : [July 6, 2007 in Official Records as Instrument Number 2007-0443270](#)

Said matters affect Lots 1 through 9, 23 and Lettered Lots A and D

Said Covenants, Conditions and Restrictions provide that a violation thereof shall not defeat or render invalid the lien of any Mortgage or Deed of Trust made in good faith and for value.

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

37. Liens and charges for upkeep and maintenance as provided in the above mentioned Covenants, Conditions and Restrictions, if any, where no notice thereof appears on record.



For information regarding the current status of said liens and/ or assessments  
Contact : Boitano Palms Community Association, a California nonprofit  
mutual benefit corporation

38. Agreement for : Special domestic water and irrigation system installation  
Executed By : Coachella Valley Water District, a public agency of the State of  
California  
and Between : The Bethany Group, Inc.

On the terms, covenants and conditions contained therein,

Dated : July 21, 2011  
Recorded : [July 25, 2011 in Official Records as Instrument Number 2011-0324517](#)  
Returned to  
Address : P.O. Box 1058, Coachella, CA 92236

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

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

Instrument : Grant of Easement  
Granted To : Southern California Gas Company, a California corporation  
For : Transportation of natural gas  
Dated : May 23, 2012  
Recorded : [July 26, 2012 in Official Records as Instrument Number 2012-0350150](#)  
Affects : More particularly described in the above mentioned

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

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

Instrument : Drainage Easement  
Granted To : County of Riverside, a political subdivision  
For : Drainage purposes, including public services purposes  
Dated : June 2, 2011  
Recorded : [August 2, 2011 in Official Records as Instrument Number 2011-0336256](#)

Said matters affect Lot 17

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

Instrument : Drainage Easement  
Granted To : County of Riverside, a political subdivision  
For : Drainage purposes, including public services purposes  
Dated : June 2, 2011  
Recorded : [August 2, 2011 in Official Records as Instrument Number 2011-0336257](#)

Said matters affect Lot 9

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

Instrument : Drainage Easement  
Granted To : County of Riverside, a political subdivision  
For : Drainage purposes, including public services purposes  
Dated : June 2, 2011  
Recorded : [August 2, 2011 in Official Records as Instrument Number 2011-0336258](#)

Said matters affect Lot 1

43. Agreement for : Standard domestic water system installation  
Executed By : Coachella Valley Water District, a public agency of the State of California  
and Between : Bethany Group, Inc., a Washington corporation

On the terms, covenants and conditions contained therein,

Dated : March 14, 2011  
Recorded : [October 2, 2012 in Official Records as Instrument Number 2012-0470453](#)  
Returned to Address : P.O. Box 1058, Coachella, CA 92236

44. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

45. Any unrecorded and subsisting leases.
46. Any claim or allegation that the Secretary of the Interior lacks authority to take the land in trust because the Augustine Band of Cahuilla Indians, California (previously listed as the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation), was not under federal jurisdiction in or about 1934, within the meaning of the "Carcieri decision" by the United States Supreme Court, 555 S. Ct. 379 (2009).
47. Any claim or allegation that the Secretary of Interior violated any authority or discretion to take the land in trust under the Administrative Procedures Act or any federal law or regulation, within the meaning of the "Patchak decision" by the United States Supreme Court, 132 S. Ct. 2199 (2012).
48. "Governmental," as it appears in the Policy Covered Risks, Exclusions From Coverage, Conditions or Exceptions From Coverage contained in Schedule B shall mean and include any applicable tribal, federal, state (including any of their political subdivisions, agencies or instrumentalities) with authority or jurisdiction over the insured land or any persons having an estate or interest in it.
49. The Company does not insure against loss or damage by reason of any claim or allegation that any conveyance by the Augustine Band of Cahuilla Indians, California, which acquired title as Augustine Band of Cahuilla Indians was an "ultra vires" act or violated the federal "non-intercourse" act or similar law, or that title is unmarketable by reason thereof. This exceptions for a claim or allegation of unmarketability of title shall apply to claims made after the Date of Policy by any person or by future purchasers, transferees or mortgagees of the estate or interest insured in this Policy, who refuse to accept any conveyance requiring the delivery of marketable title, for the reason that any former or proposed conveyance was or would be in violation of or not authorized by tribal or federal law.
50. This Policy does not insure that any tribal, state or federal court is or is not a court "of record" or "of competent jurisdiction" for purposes of determining the validity of the title or interest insured or of any insured mortgage according to its terms or as those terms are used in the Policy Conditions or for purposes of assuming jurisdiction of any foreclosure or judicial action by or against the Insured or the Company.
51. The Company does not insure against loss or damage by reason of any claim or allegation that the estate or interest insured by this policy is not enforceable by reason of a claim by any necessary or indispensable party to a defense based on a right to sovereign immunity.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

NOV 15 2007

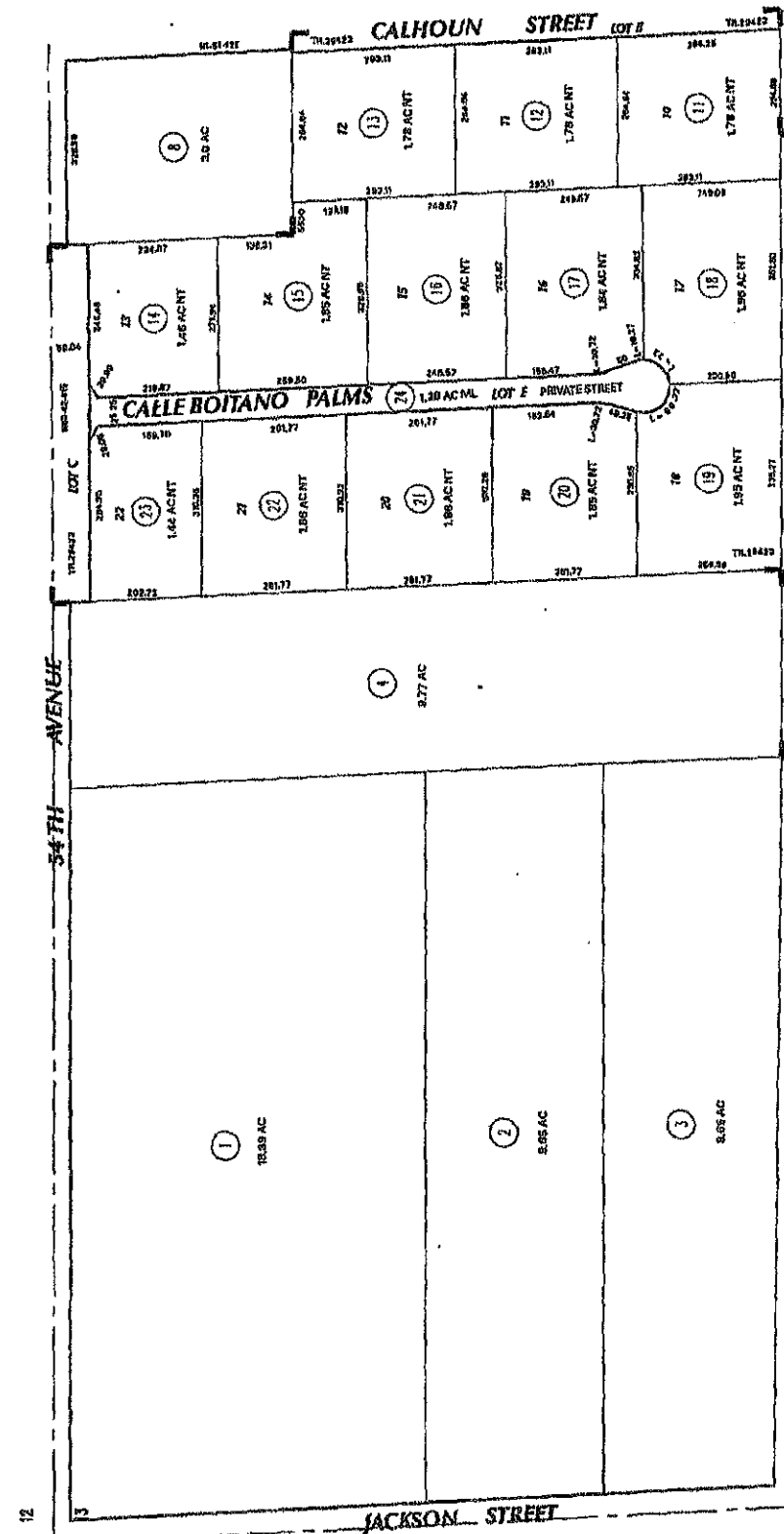
POR. W 13 T. 6S., R. 7E

I.R.A. 058-085

767-37

31

1" = 200'  
ANGLE = 0



DATA: G.L.D., 12/22/06 4/59 STREETS

ASSESSOR'S MAP BK. 763 PG. 37  
Riverside County, Calif.

AB 417/28-31 TRACT MAP NO. 29423

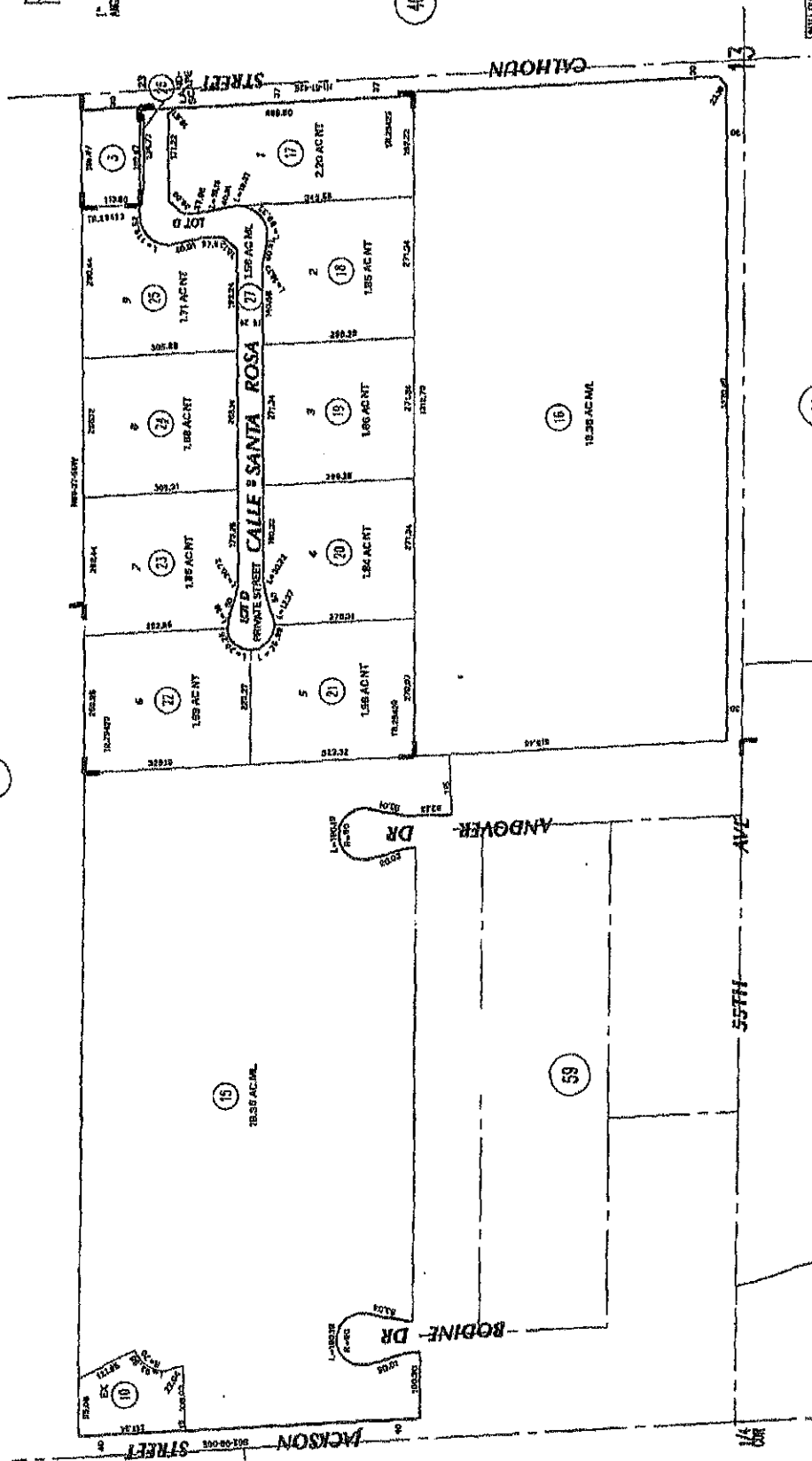
Oct 2007

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11/15/07	J. L. D.	4
11/15/07	J. L. D.	5
11/15/07	J. L. D.	6
11/15/07	J. L. D.	7
11/15/07	J. L. D.	8
11/15/07	J. L. D.	9
11/15/07	J. L. D.	10
11/15/07	J. L. D.	11
11/15/07	J. L. D.	12
11/15/07	J. L. D.	13
11/15/07	J. L. D.	14
11/15/07	J. L. D.	15
11/15/07	J. L. D.	16
11/15/07	J. L. D.	17
11/15/07	J. L. D.	18
11/15/07	J. L. D.	19
11/15/07	J. L. D.	20
11/15/07	J. L. D.	21
11/15/07	J. L. D.	22
11/15/07	J. L. D.	23
11/15/07	J. L. D.	24
11/15/07	J. L. D.	25
11/15/07	J. L. D.	26
11/15/07	J. L. D.	27
11/15/07	J. L. D.	28
11/15/07	J. L. D.	29
11/15/07	J. L. D.	30
11/15/07	J. L. D.	31
11/15/07	J. L. D.	32
11/15/07	J. L. D.	33
11/15/07	J. L. D.	34
11/15/07	J. L. D.	35
11/15/07	J. L. D.	36
11/15/07	J. L. D.	37
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11/15/07	J. L. D.	43
11/15/07	J. L. D.	44
11/15/07	J. L. D.	45
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11/15/07	J. L. D.	47
11/15/07	J. L. D.	48
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11/15/07	J. L. D.	80
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11/15/07	J. L. D.	95
11/15/07	J. L. D.	96
11/15/07	J. L. D.	97
11/15/07	J. L. D.	98
11/15/07	J. L. D.	99
11/15/07	J. L. D.	100



THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S LABEL MAY NOT COMPLY WITH LOCAL LOT-SPLIT OR BUILDING SITE ORDINANCES.

10075 ADK

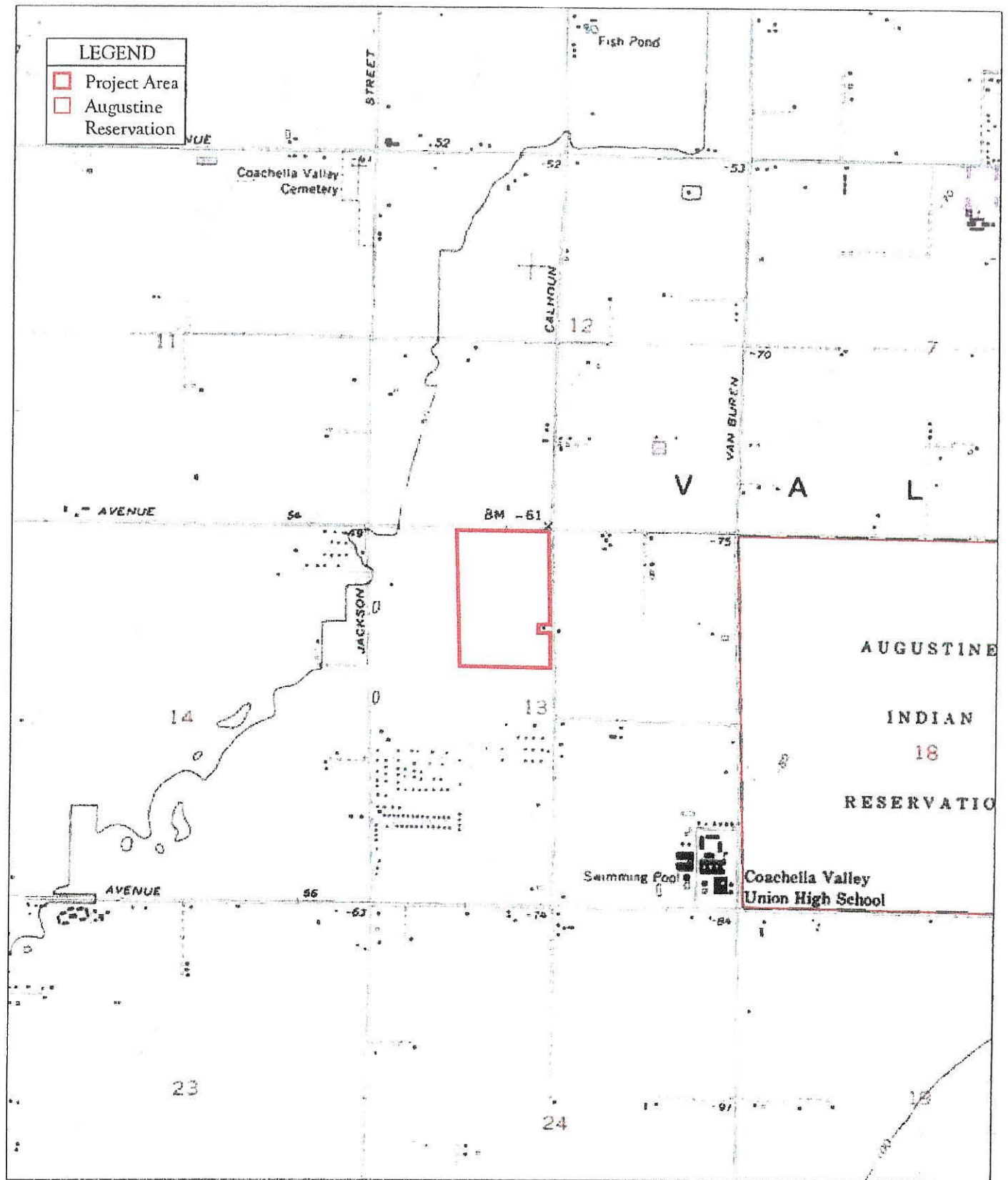


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12-11	5, 11	14
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ASSESSOR'S MAP 38787 PG.38  
Riverside County, Calif.

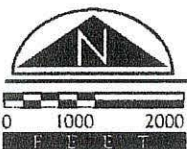
48 417/26-31 TRACT MAP NO. 29423

Oct 2007



USGS 7.5' Quadrangle: Indio

Figure 1-2 - Project Location Map



**TIERRA**  
ENVIRONMENTAL SERVICES

## 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. 1108, 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 descendant of such a member and said descendant was, on June 1, 1934, physically residing on a federally recognized Indian reservation;

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

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

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

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

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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

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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-

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 43804, 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

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(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.