



## United States Department of the Interior

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

El Dorado County  
Board Of Supervisors  
330 Fair Lane  
Placerville, CA 95667

Received @ 10:20am  
on 11/13/23

IN REPLY REFER TO:  
Real Estate Services  
TR-4609-P5

Case Number: 40317

### **NOTICE OF NON-GAMING LAND ACQUISITION APPLICATION**

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 On-Reservation, notice is given of the application filed by the Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California, to have real property accepted "into trust" for said applicant by the United States of America. The determination whether to acquire this property "in trust" will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior, or her authorized representative, U.S. Department of the Interior. To assist us in the exercise of that discretion, we invite your comments on the proposed acquisition. In order for the Secretary to assess the impact of the removal of the subject property from the tax rolls, and if applicable to your organization, we also request that you provide the following information:

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

We are providing the following information regarding this application:

#### **Applicants:**

Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California

**Legal Land Description/Site Location:**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF SHINGLE SPRINGS, IN THE COUNTY OF EL DORADO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF EL DORADO, UNINCORPORATED AREA DESCRIBED AS FOLLOWS:

PARCEL B, AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "NORTHEAST 1/4 OF THE NORTHEAST 1/4, SECTION 30, TOWNSHIP 10 NORTH, RANGE 10 EAST, M. D. M.", FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL DORADO COUNTY, STATE OF CALIFORNIA, ON AUGUST 29, 1975, IN BOOK 8 OF PARCEL MAPS, AT PAGE 107.

EXCEPTING THEREFROM ANY MOBILEHOME LOCATED THEREON.

APN: 319-081-006-000

PARCEL 2:

PARCEL B, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL DORADO COUNTY ON OCTOBER 3, 1975 IN BOOK 9 OF PARCEL MAPS, AT PAGE 6.

APN: 319-081-017-000

PARCEL 3:

PARCEL A, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL DORADO COUNTY, STATE OF CALIFORNIA, ON NOVEMBER 12, 1976, IN BOOK 13 OF PARCEL MAPS, PAGE 5.

APN: 319-030-54-000

PARCEL 4:

A PORTION OF THE SOUTH 1/2 OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 10 EAST, M.D.B.& M. MORE PARTICULARLY DESCRIBED AS FOLLOWS.

PARCEL A, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF EL DORADO, STATE OF CALIFORNIA ON DECEMBER 22, 1976, IN BOOK 13, AT PAGE 94 OF PARCEL MAPS.

EXCEPTING THEREFROM ALL THE COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES OF AMERICA, RECORDED DECEMBER 1, 1924, IN BOOK M, AT PAGE 127 OF PATENTS, RECORDS OF EL DORADO COUNTY.

APN: 319-030-052-000

PARCEL 5:

PARCEL 1, AS SHOWN ON THE MAP ENTITLED "PARCEL MAP, PORTION OF THE SOUTHWEST 1/4 OF SECTION 29, TOWNSHIP 10 NORTH, RANGE 10 EAST, M. D. M., BEING PARCEL D OF, P.M. 12-125," FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF EL DORADO, STATE OF CALIFORNIA, ON MARCH 23, 1978 IN BOOK 19 OF PARCEL MAPS, AT PAGE 72.

APN: 319-110-13-000

PARCEL 6:

PARCEL 2, AS SHOWN ON THAT CERTAIN PARCEL MAP, FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL DORADO COUNTY ON APRIL 21, 1978 IN BOOK 19 OF PARCEL MAPS, AT PAGE 108.

APN: 319-081-018-000

PARCEL 7:

PARCEL B, AS SHOWN ON THAT CERTAIN MAP FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF EL DORADO, STATE OF CALIFORNIA ON OCTOBER 2, 1978 IN BOOK 21 OF PARCEL MAPS AT PAGE 104.

APN: 319-020-031-000

PARCEL 8:

A PORTION OF THE SOUTH HALF OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 10 EAST, M.D.M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 2, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON DECEMBER 11, 1978 IN BOOK 22 OF PARCEL MAPS, AT PAGE 70.

APN: 319-030-030-000

PARCEL 9:

PARCEL 2, AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 30, TOWNSHIP 10 NORTH, RANGE 10 EAST, M.D.M., BEING PARCEL C OF P.M. 8-107", FILED IN THE OFFICE OF THE COUNTY RECORDER OF EL DORADO COUNTY, STATE OF CALIFORNIA, ON JUNE 3, 1985. IN BOOK 33 OF PARCEL MAPS, AT PAGE 140.

APN: 319-081-031-000

PARCEL 10:

A PORTION OF SECTION 19, TOWNSHIP 10 NORTH, RANGE 10 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS: PARCEL D, AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF EL DORADO, STATE OF CALIFORNIA, ON NOVEMBER 12, 1976. IN BOOK 13 OF PARCEL MAPS, AT PAGE 5.

EXCEPTING THEREFROM ALL THE COAL AND OTHER MINERALS AS RESERVED IN THE PATENT FROM THE UNITED STATES RECORDED DECEMBER 1, 1924 IN BOOK "M" OF PATENTS, AT PAGE 127, EL DORADO COUNTY RECORDS.

APN: 319-030-021-000

**Project Description/Proposed Land Use:**

The subject property consists of 81.718 acres, more or less, which is commonly referred to as #3 that include Assessor's Parcel Numbers 319-110-13 (Detwiler), 319-030-54 (Sommers), 319-081-006 (McNamee), 319-081-031 (Lucy), 319-030-052 (Lazenby), 319-020-031 (Donovan), 319-030-021 (Irwin), 319-030-030 (Whitney) 319-081-017 (Pettibone) and 319-081-018 (Armas). These parcels are contiguous to the Tribes existing reservation, and are currently used for housing.

On September 19, 2023, the Tribe changed the use for the Pettibone and Armas parcels from housing to economic development. Specifically, the Tribe will develop an event center on these parcels, consistent with Tribal land use guidelines and the Tribes agreement, if any, with El Dorado County.

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. Additionally, copies of all comments will be provided to the applicant for an opportunity to respond. You will be notified of the decision to approve or deny the application.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy to said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to the Pacific Regional Office attention Langdon Bueschel, Realty Specialist, at (916) 978-6092.

Sincerely,

AMY  
DUTSCHKE

Digitally signed by  
AMY DUTSCHKE  
Date: 2023.11.08  
08:19:25 -08'00'

Regional Director

Enclosures

cc: Distribution List

## **DISTRIBUTION LIST**

cc: By Certified Mail – return receipts requested to:

Senior Advisor for Tribal Negotiations  
Deputy Legal Affairs Secretary  
Office of the Governor  
State Capitol Building, Suite 1173  
Sacramento, CA 95814  
Certified Mail ID: 7016 3010 0001 0588 7030

Sara Drake, Deputy Attorney General  
State of California, Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2250  
Certified Mail ID: 7016 3010 0001 0588 7047

United States Senator Laphonza Butler  
331 Hart Senate Building  
Washington, DC 20510  
Certified Mail ID: 7016 3010 0001 0588 7054

United States Senator Alex Padilla  
B03 Russell Senate Office Building  
Washington, DC 20510  
Certified Mail ID: 7016 3010 0001 0588 7061

El Dorado County Tax Assessor/Collector  
360 Fair Lane  
Placerville, CA 95667  
Certified Mail ID: 7016 3010 0001 0588 7078

County of El Dorado  
Board of Supervisors  
330 Fair Lane  
Placerville, CA 95667  
Certified Mail ID: 7016 3010 0001 0588 7085

El Dorado County Sheriff's Department  
200 Industrial Dr.  
Placerville, CA 95667  
Certified Mail ID: 7016 3010 0001 0588 7092

Placerville City Public Works  
3101 Center St.  
Placerville, CA 95667  
Certified Mail ID: 7016 3010 0001 0588 7108

El Dorado County Planning  
and Development  
2850 Fairlane Ct # C  
Placerville, CA 95667  
Certified Mail ID: 7016 3010 0001 0588 7115

El Dorado County Fire Protection District  
P.O. Box 807  
Camino, CA 95709  
Certified Mail ID: 7016 3010 0001 0588 7122

Congressman Tom McClintock, 5<sup>th</sup> District  
United States House of Representatives  
2256 Rayburn House Office Building  
Washington, DC 20515  
Certified Mail ID: 7016 3010 0001 0588 7139

El Dorado Irrigation District  
2890 Mosquito Rd.  
Placerville, CA 95667  
Certified Mail ID: 7016 3010 0001 0588 7146

Gene Whitehouse, Chairman  
Auburn Rancheria  
10720 Indian Hill Road  
Auburn, CA 95603  
Certified Mail ID: 7016 3010 0001 0588 7153

Regina Cuellar, Chairwoman  
Shingle Springs Rancheria  
Post Office Box 1340  
Shingle Springs, CA 95682  
Certified Mail ID: 7016 3010 0001 0588  
7160

**BY FIRST CLASS MAIL:**

Bureau of Indian Affairs  
Superintendent  
Central California Agency  
650 Capitol Mall, Suite 8-500  
Sacramento, CA 95814

## 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.

[79 FR 76897, Dec. 23, 2014]

## § 151.2

## 25 CFR Ch. I (4-1-16 Edition)

### § 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 descendent 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 limitations 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 land in trust or restricted status, land may be acquired for an individual Indian in trust status:



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**§ 151.10**

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

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

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

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

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

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

**§ 151.6 Exchanges.**

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

**§ 151.7 Acquisition of fractional interests.**

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

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

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

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

(d) There is a specific law which grants to the particular buyer the right to purchase an undivided interest or interests in trust or restricted land without offering to purchase all of such interests; or

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

**§ 151.8 Tribal consent for nonmember acquisitions.**

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

**§ 151.9 Requests for approval of acquisitions.**

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

**§ 151.10 On-reservation acquisitions.**

Upon receipt of a written request to have lands taken in trust, the Secretary will notify the state and local governments having regulatory jurisdiction over the land to be acquired, unless the acquisition is mandated by legislation. The notice will inform the state or local government that each will be given 30 days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments. If the state or local government responds within a 30-day period, a copy of the comments will be provided to the applicant, who will be given a reasonable time in which to reply and/or request that the Secretary issue a decision. The Secretary will consider the following criteria in evaluating requests for the acquisition of land in trust status when the land is located within or contiguous to an Indian reservation, and the acquisition is not mandated:

## § 151.11

## 25 CFR Ch. I (4-1-16 Edition)

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

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

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

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

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

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

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

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

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

### § 151.11 Off-reservation acquisitions.

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

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

(b) The location of the land relative to state boundaries, and its distance from the boundaries of the tribe's reservation, shall be considered as follows: as the distance between the tribe's reservation and the land to be acquired in-

creases, the Secretary shall give greater scrutiny to the tribe's justification of anticipated benefits from the acquisition. The Secretary shall give greater weight to the concerns raised pursuant to paragraph (d) of this section.

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

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

[60 FR 32879, June 23, 1995, as amended at 60 FR 48894, Sept. 21, 1995]

### § 151.12 Action on requests.

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

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

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

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

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

(i) Promptly provide the applicant with the decision;

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

(iii) Immediately acquire the land in trust under §151.14 on or after the date

such decision is issued and upon fulfillment of the requirements of §151.13 and any other Departmental requirements.

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

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

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

(i) Promptly provide the applicant with the decision;

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

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

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

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

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

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

(i) The date of receipt of written notice by the applicant or interested parties entitled to notice under paragraphs (d)(1) and (d)(2)(ii) of this section;

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

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

[78 FR 67937, Nov. 13, 2013]

#### § 151.13 Title examination.

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

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

EFFECTIVE DATE NOTE: At 81 FR 10479, Mar. 1, 2016, §151.13 was revised, effective Apr. 15, 2016. For the convenience of the user, the revised text is set forth as follows:

#### § 151.13 Title review.

(a) If the Secretary determines that she will approve a request for the acquisition of land from unrestricted fee status to trust status, she shall require the applicant to furnish title evidence as follows:

(1) Written evidence of the applicant's title or that title will be transferred to the United States on behalf of the applicant to complete the acquisition in trust; and

(2) Written evidence of how title was acquired by the applicant or current owner; and

(3) Either:

(i) A current title insurance commitment; or

(ii) The policy of title insurance issued at the time of the applicant's or current owner's acquisition of the land and an abstract of title dating from the time the land was acquired by the applicant or current owner.

## § 151.14

(b) After reviewing submitted title evidence, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities that the Secretary identified and may seek additional information from the applicant needed to address such issues. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition, and she shall require elimination prior to such approval if she determines that the liens, encumbrances or infirmities make title to the land unmarketable.

### § 151.14 Formalization of acceptance.

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

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

### § 151.15 Information collection.

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

(b) Public reporting for this information collection is estimated to average 4 hours per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the information collection. Direct comments regarding the burden estimate or any other aspect of this information collection to the Bureau of Indian Affairs, Information Collection Clearance Officer, Room 337-SIB, 18th and C Streets, NW., Washington, DC 20240; and the Office of Information and Regulatory Affairs [Project 1076-0100], Office of Management and Budget, Washington, DC 20502.

[60 FR 32879, June 23, 1995; 64 FR 13895, Mar. 23, 1999]

## 25 CFR Ch. I (4-1-16 Edition)

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

#### Sec.

- 152.1 Definitions.
- 152.2 Withholding action on application.

#### ISSUING PATENTS IN FEE, CERTIFICATES OF COMPETENCY OR ORDERS REMOVING RESTRICTIONS

- 152.3 Information regarding status of applications for removal of Federal supervision over Indian lands.
- 152.4 Application for patent in fee.
- 152.5 Issuance of patent in fee.
- 152.6 Issuance of patents in fee to non-Indians and Indians with whom a special relationship does not exist.
- 152.7 Application for certificate of competency.
- 152.8 Issuance of certificate of competency.
- 152.9 Certificates of competency to certain Osage adults.
- 152.10 Application for orders removing restrictions, except Five Civilized Tribes.
- 152.11 Issuance of orders removing restrictions, except Five Civilized Tribes.
- 152.12 Removal of restrictions, Five Civilized Tribes, after application under authority other than section 2(a) of the Act of August 11, 1955.
- 152.13 Removal of restrictions, Five Civilized Tribes, after application under section 2(a) of the Act of August 11, 1955.
- 152.14 Removal of restrictions, Five Civilized Tribes, without application.
- 152.15 Judicial review of removal of restrictions, Five Civilized Tribes, without application.
- 152.16 Effect of order removing restrictions, Five Civilized Tribes.

#### SALES, EXCHANGES AND CONVEYANCES OF TRUST OR RESTRICTED LANDS

- 152.17 Sales, exchanges, and conveyances by, or with the consent of the individual Indian owner.
- 152.18 Sale with the consent of natural guardian or person designated by the Secretary.
- 152.19 Sale by fiduciaries.
- 152.20 Sale by Secretary of certain land in multiple ownership.
- 152.21 Sale or exchange of tribal land.
- 152.22 Secretarial approval necessary to convey individual-owned trust or restricted lands or land owned by a tribe.
- 152.23 Applications for sale, exchange or gift.
- 152.24 Appraisal.
- 152.25 Negotiated sales, gifts and exchanges of trust or restricted lands.

## SCHEDULE B – PART II EXCEPTIONS

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.**

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

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.

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

3. Rights of the public to any portion of the Land lying within the area commonly known as  
Shingle Springs Drive.

4. 5. Waiver of any claims for damages to said Land by reason of the location, construction, landscaping or maintenance of the street or highway adjoining said Land, as contained in the deed to

County/City/State: El Dorado  
Name of Street or Highway: Highway 50  
Recording Date: May 17, 1967  
Recording No.: Book 825, Page 69, of Official Records

6. Waiver of any claims for damages to said Land by reason of the location, construction, landscaping or maintenance of the street or highway adjoining said Land, as contained in the deed to

County/City/State: Eldorado/ Ca  
Name of Street or Highway: Highway 50

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**SCHEDULE B**  
**PART II – EXCEPTIONS**  
(Continued)

7. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon age, race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, genetic information, medical condition, citizenship, primary language, and immigration status, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: October 16, 1974  
Recording No: Book 1290. Page 317. Of Official Records

Said covenants, conditions and restrictions provide that a violation thereof shall not defeat the lien of any mortgage or deed of trust made in good faith and for value.

Modification(s) of said covenants, conditions and restrictions

Recording Date: June 23, 1976  
Recording No: Book 1414, Page 117 Official Records

Modification(s) of said covenants, conditions and restrictions

Recording Date: December 19, 2008  
Recording No: Instrument No. 2008-0060179 Official Records

Modification(s) of said covenants, conditions and restrictions

Recording Date: April 06, 2011  
Recording No: Instrument No. 2011-0015740 Official Records

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

Reserved by: Stephen F Williams, Inc et al  
Purpose: Public Utilities  
Recording Date: July 14, 1975  
Recording No: Book 1333, Page 367 Official Records

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

Reserved by: Stephen F Williams, Inc et al  
Purpose: Public Utilities  
Recording Date: July 14, 1975  
Recording No: Book 1333, Page 367 Official Records

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**SCHEDULE B**  
**PART II – EXCEPTIONS**  
(Continued)

10. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: Road & Public utilities

Affects: as shown on maps

Recording No: Book 8, Page 107, Book 13, Page 5, Book 13, Page 94, Book 33, Page 140,  
Book 19, Page 72, Book 19, Page 72, Book 19, Page 107, Book 9, Page 6 &  
Book 22, Page 70 of Parcels Maps, Eldorado County Records

- 11 Notes, Legends, Recitals and/or Conditions as contained on the herein mentioned maps.

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**SCHEDULE B**  
**PART II – EXCEPTIONS**  
(Continued)

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

Reserved by: Stephen F Williams, Inc et al  
Purpose: Road & Public Utilities  
Recording Date: August 13, 1975  
Recording No: Book 1339, Page 399 Official Records

13. An irrevocable offer to dedicate an easement over a portion of said Land for

Purpose(s): Road to Public Use  
Recording Date: October 3, 1979  
Recording No: Book 1351, Page 183 Official Records

And Rerecorded: October 3, 1979 in Book 1355, Page 110 Official Records

14. Matters contained in that certain document

Entitled: Grant Deed  
Dated: February 7, 1976  
Executed by: Frederick B Pierson et al  
Recording Date: February 27, 1976  
Recording No: Book 1380, Page 160 Official Records

Reference is hereby made to said document for full particulars.

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

Reserved by: Stephen F Williams, Inc et al  
Purpose: Road & Public Utilities  
Recording Date: August 26, 1976  
Recording No: Book 1424, Page 202 Official Records

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

Reserved by: Stephen F Williams, Inc et al  
Purpose: Road & Public Utilities  
Recording Date: October 4, 1976  
Recording No: Book 1434, Page 771 Official Records

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**SCHEDULE B**  
**PART II – EXCEPTIONS**  
(Continued)

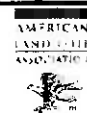
17. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;
- Reserved by: Richard H Brown et al  
Purpose: Road & Public Utilities  
Recording Date: December 8, 1976  
Recording No: Book 1453, Page 548 Official Records
18. Matters contained in that certain document
- Entitled: Grant Deed  
Dated: January 22, 1977  
Executed by: Walter S Babson and Mary R Babson  
Recording Date: June 21, 1977  
Recording No: Book 1468, Page 284 Official Records
- Reference is hereby made to said document for full particulars.
19. Matters contained in that certain document
- Entitled: Grant Deed  
Dated: May 19, 1977  
Executed by: Raymond D Rickards and Gail H Rickards  
Recording Date: June 27, 1977  
Recording No: Book 1515, Page 483 Official Records
- Reference is hereby made to said document for full particulars.
20. Matters contained in that certain document
- Entitled: Grant Deed  
Dated: July 21, 1977  
Executed by: Walter S Babson and Mary R Babson  
Recording Date: September 21, 1977  
Recording No: Book 1547, Page 638 Official Records
- Reference is hereby made to said document for full particulars.
21. Matters contained in that certain document
- Entitled: Road Maintenance Agreement  
Executed by: Leroy A Harvey et al  
Recording Date: March 16, 1978  
Recording No: Book 1608, Page 244 Official Records

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**SCHEDULE B**  
**PART II – EXCEPTIONS**  
(Continued)

22. Reference is hereby made to said document for full particulars.  
Matters contained in that certain document

Entitled: Grant Deed  
Dated: March 13, 1978  
Executed by: Leroy A Harvey et al  
Recording Date: March 16, 1978  
Recording No: Book 1608, Page 247 Official Records

Reference is hereby made to said document for full particulars.

23. Matters contained in that certain document

Entitled: Agreement  
Dated: March 10, 1978  
Executed by: Leroy A Harvey  
Recording Date: March 16, 1978  
Recording No: Book 1608, Page 248 Official Records

Reference is hereby made to said document for full particulars.

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

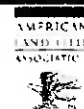
Reserved by: Jack D Harnden and Karen L Harnden  
Purpose: Road and Utilities  
Recording Date: June 29, 1978  
Recording No: Book 1645, Page 407 Official Records

25. Matters contained in that certain document

Entitled: Agreement  
Dated: April 26, 1996  
Executed by: Gary T & Dwana Detwiler  
Recording Date: August 21, 1996  
Recording No: Book 4752, Page 759 Official Records

Reference is hereby made to said document for full particulars.

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**SCHEDULE B**  
**PART II – EXCEPTIONS**  
(Continued)

26. Matters contained in that certain document
- Entitled: Agreement  
Dated: December 9, 1997  
Executed by: Gary T & Dwana Detwiler  
Recording Date: February 3, 1998  
Recording No: Instrument No. 1998-0005713 Official Records
- Reference is hereby made to said document for full particulars.
27. Matters contained in that certain document
- Entitled: Memorandum of Lease Agreement  
Dated: August 18, 2000  
Executed by: Gary T & Dwana Detwiler  
Recording Date: August 25, 2000  
Recording No: Instrument No. 2000-0042478 Official Records
- Reference is hereby made to said document for full particulars.
28. Matters contained in that certain document
- Entitled: Real Property Waiver  
Dated: May 4, 2004  
Executed by: Dumac Leasing  
Recording Date: June 4, 2004  
Recording No: Instrument No. 2004-0045217 Official Records
- Reference is hereby made to said document for full particulars.
29. A Notice of Manufactured Housing Unit or Commercial Coach, installed on a permanent foundation System
- Recording Date: October 14, 2004  
Recording No: Instrument No. 2004-0084166 Official Records

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**SCHEDULE B**  
**PART II – EXCEPTIONS**  
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30. Matters contained in that certain document

Entitled: Agreement  
Dated: May 26, 2005  
Executed by: STC Five LLC  
Recording Date: July 8, 2005  
Recording No: Instrument No. 2005-0055400 Official Records

Reference is hereby made to said document for full particulars.

31. Matters contained in that certain document

Entitled: Memorandum of Option and Lease Agreement  
Dated: March 20, 2006  
Executed by: Lakes KAR-Shingle Springs LLC  
Recording Date: June 9, 2006  
Recording No: Instrument No. 2006-0038625 Official Records

Reference is hereby made to said document for full particulars.

32. Matters contained in that certain document

Entitled: Assignment and Assumption of Ground Lease  
Dated: February 27, 2009  
Executed by: West Coast PCL LLC  
Recording Date: April 22, 2009  
Recording No: Instrument No. 2009-0018155 Official Records

Reference is hereby made to said document for full particulars.

33. A lease with certain terms, covenants, conditions and provisions set forth therein.

Dated: September 9, 2012  
Lessor: Cellco Partnership  
Lessee: ATC Sequoia LLC  
Recording Date: September 18, 2015  
Recording No: Instrument No. 2015-0043778 Official Records

34. A lease with certain terms, covenants, conditions and provisions set forth therein.

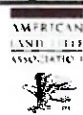
Dated: not shown

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**SCHEDULE B**  
**PART II – EXCEPTIONS**  
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Lessor: Shingle Springs Bank of Miwok Indians  
Lessee: PCS Structures Towers, LLC  
Recording Date: October 15, 2020  
Recording No: Instrument No. 2020-0057916 Official Records

- 35. Water rights, claims or title to water, whether or not disclosed by the public records.
  
- 36. The search did not disclose any open mortgages or deeds of trust of record, therefore the Company reserves the right to require further evidence to confirm that the property is unencumbered, and further reserves the right to make additional requirements or add additional items or exceptions upon receipt of the requested evidence.

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**OF SCHEDULE B – PART II**

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