



IN REPLY REFER TO:  
Branch of Real Estate Services

**United States Department of the Interior**  
**BUREAU OF INDIAN AFFAIRS**  
WESTERN NEVADA AGENCY  
311 East Washington Street  
Carson City, NV 89701



**JUL 23 2015**

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Attorney General Catherine Cortez Mastro  
State of Nevada  
Office of the Attorney General  
100 N. Carson Street  
Carson City, NV 89701-4717

Dear Ms. Mastro:

**NOTICE OF (NON-GAMING)  
LAND ACQUISITION APPLICATION**

Pursuant to the Code of Federal Regulations, Title 25, Part 151.11 (copy enclosed), notice is hereby given of an application filed by the Reno-Sparks Indian Colony of Nevada (RSIC) to have real property accepted by the United States of America in trust for the RSIC. The determination whether to acquire this property “in trust” will be made in the exercise of discretionary authority vested in the Secretary of the Interior, or his authorized representative, the Bureau of Indian Affairs, Western Regional Director. 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, we request that you provide the following information - if applicable to your organization:

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

We provide the following information regarding this application:

**Applicant:**

Reno-Sparks Indian Colony of Nevada

**Legal Land Description/Site Location:**

The land to be acquired is situate in the State of Nevada, County of Washoe and described as follows:

A parcel of land located in Lot 10 of the Northeast Quarter of Section 7, Township 19 North, Range 20 East, Mount Diablo Base and Meridian, in the City of Reno, County of Washoe, State of Nevada, and being more particularly described as follows:

Commencing at the West ¼ corner of Section 7, T. 19 N., R. 20 E., M.D.B.&M., and proceeding thence N. 89°35'05" E., 2,395.07 feet; Thence N. 00°01'47" E., 50.79 feet to the TRUE POINT OF BEGINNING, said pointing being on the Northerly line of East Second Street. Then N. 00°01'47"E., 630 feet to the meander line of Truckee River; Thence along the meander line of the Truckee River S. 45°30'00"E., 460.05 feet; Then along the meander line S. 27°30'00"E., 338.28 feet to a point on the Northerly line of East Second Street; Thence along the Northerly line of East Second Street S. 89°06'54" W., 484.72 feet to the TRUE POINT OF BEGINNING.

The subject property is comprised of 6.1828 acres and the Washoe County Assessor identifies the subject property as Assessor Parcel Number (APN) 032-050-64. The subject property is also identified as 2595 East Second Street, located adjacent and contiguous to the Walmart Supercenter trust property. See the enclosed map showing the general location of the property.

**Background and Request for Response:**

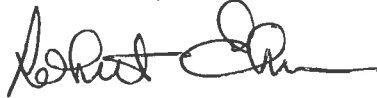
Pursuant to Assembly Bill 299 of the 2005 Nevada legislature, and a Development and Finance Agreement (2012) between the RSIC and the State Public Works Division, the Nevada Division of State Lands, the Nevada Department of Corrections and the Board of Examiners, the RSIC has built a new Restitution Center on tribal trust land located at or near 290 Kietzke Lane, Reno, Nevada (APN 012-182-02 AND APN 012-082-03). In accordance with the authorizing statute and the Agreement, the tribal trust land will be conveyed to the State in exchange for the land described above, to be acquired directly into trust status. As indicated above, federal regulations require that we seek your comments regarding the proposed trust acquisition, in order that we may evaluate the potential impact on local/state government that may result from the removal of the subject property from the tax rolls and local jurisdiction.

Your written comments should be addressed to the office listed 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. Given the State authorization described above, and the short time frame for completion of this transaction that has been agreed to by the parties, we hereby request that you respond as quickly as possible within the comment period, and that you provide a written response even if you do not have any comments. Copies of written comments will be provided to the applicant for a response. You will be notified of our decision to approve or deny the application.

If you are aware of any additional governmental entities or local taxing jurisdictions that may be affected by the subject acquisition, please forward a copy of this letter to said parties.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the address shown above. A request to make an appointment to review the application, or questions regarding the application, may be directed to Gerry Emm, Deputy Trust Services at 775-887-3500, or by e-mail at [gerry.emm@bia.gov](mailto:gerry.emm@bia.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Eben", written over a horizontal line.

Robert J. Eben  
Superintendent

Enclosures

cc: Honorable Brian Sandoval  
Governor, State of Nevada  
State Capital Building  
101 N. Carson Street  
Carson City, Nevada 89701

Leo Drozdoff, Director  
Department of Conservation and Natural Resources  
901 S. Stewart Street, Suite 5003  
Carson City, NV 89701-5246  
(w/enclosures)

Mayor, City of Reno  
P.O. Box 1900  
Reno, NV 89505  
(w/enclosures)

Washoe County Assessor  
P.O. Box 11130  
Reno, NV 87520-0027  
(w/enclosures)

WRO – Real Estate Services  
WNA – Real Estate Services  
(w/enclosures)

**ELECTRONIC CODE OF FEDERAL REGULATIONS**

e-CFR data is current as of July 20, 2015

Title 25 Chapter I → Subchapter H → Part 151

Title 25: Indians

**PART 151—LAND ACQUISITIONS****Contents**

- §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.

[↑ Back to Top](#)

**§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]

[↑ Back to Top](#)

**§151.2 Definitions.**

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

(b) *Tribe* means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of the Annette Island Reserve, which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs. For purposes of acquisitions made under the authority of 25 U.S.C. 488 and 489, or other statutory authority which specifically authorizes trust acquisitions for such corporations, "Tribe" also means a corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

(c) *Individual Indian* means:

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

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

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

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

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

(e) *Restricted land* or *land in restricted status* means land the title to which is held by an individual Indian or a tribe and which can on y 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]

[Back to Top](#)

### §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:

(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.

[Back to Top](#)

### §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.

[Back to Top](#)

### §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.

[Back to Top](#)

### §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.

[Back to Top](#)

**§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.

[Back to Top](#)

**§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.

[Back to Top](#)

**§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.

[Back to Top](#)

**§151.10 On-reservation acquisitions.**

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

- (a) The existence of statutory authority for the acquisition and any limitations contained in such authority;
- (b) The need of the individual Indian or the tribe for additional land;
- (c) The purposes for which the land will be used;
- (d) If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;
- (e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls;
- (f) Jurisdictional problems and potential conflicts of land use which may arise; and
- (g) If the land to be acquired is in fee status, whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.
- (h) The extent to which the applicant has provided information that allows the Secretary to comply with 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]

[Back to Top](#)

**§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 increases, the Secretary shall give greater scrutiny to the

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

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

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

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

 Back to T p

### §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)(i) 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]

 Back to Top

### §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]

[Back to Top](#)

#### **§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]

[Back to Top](#)

#### **§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-S1B, 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 3895, Mar. 23, 1999]

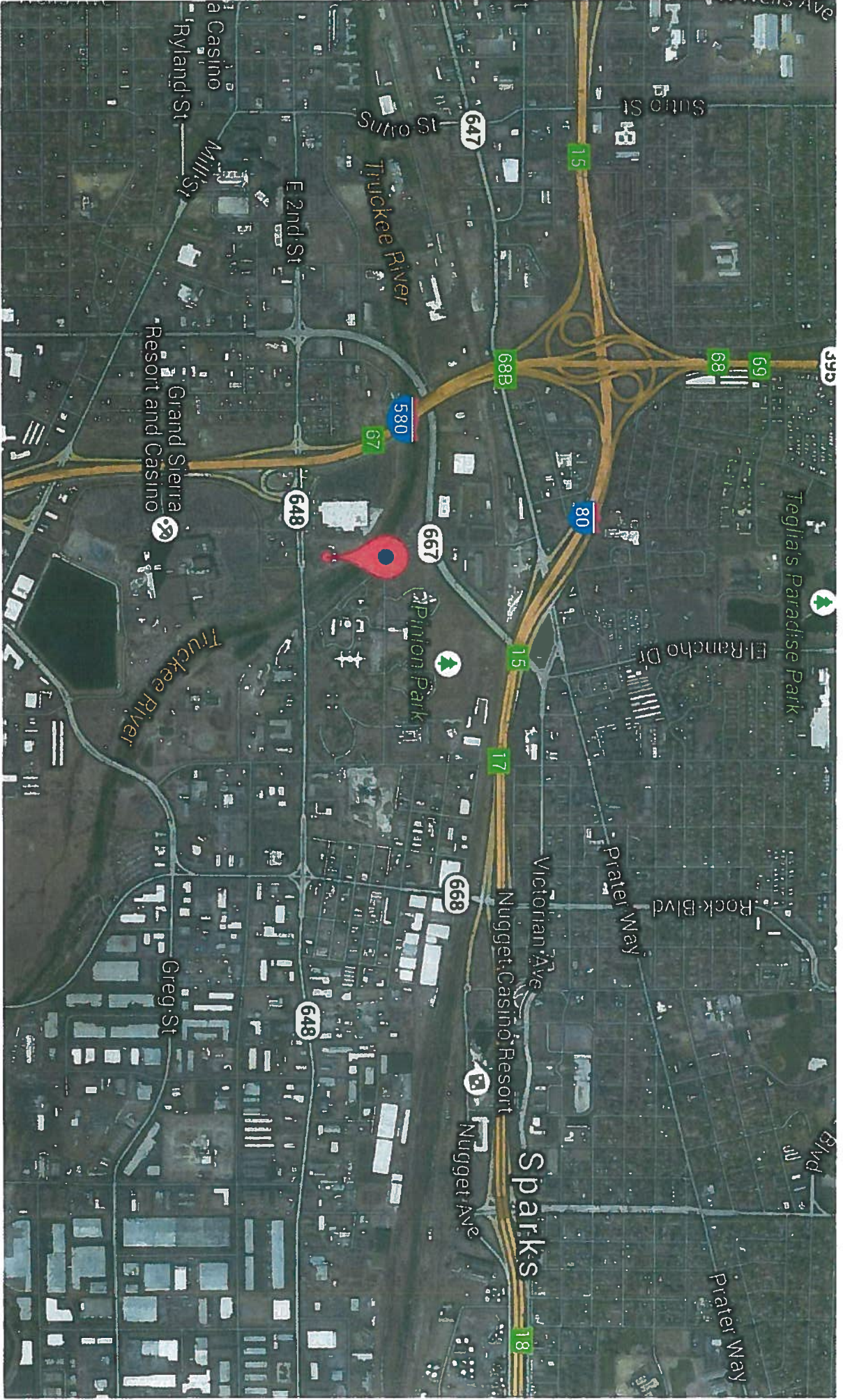
[Back to Top](#)

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[Need assistance?](#)



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