United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

APR 2 2 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Distribution List:

Enclosed is a copy of our notice of an application seeking acceptance of title to real property "in trust" by the United States of America for the Habematolel Pomo of Upper Lake, California.

Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10. We are seeking your comments regarding the proposed trust land acquisition in order to obtain sufficient data that would enable an analysis of the potential impacts on local government, which may result from the removal of the subject property from the tax roll and local jurisdiction. Pertinent information regarding the proposal is included in the enclosure.

Sincerely,

Amy Dutschke

Regional Director

Enclosure

RECEIVED
APR 2 6 2019
COUNTY OF LAKE
BOARD OF SUPERVISORS

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

APR 2 2 2019

Notice of On-Reservation Land Acquisition Application (Non-Gaming)

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10, notice is given of the application filed by the Habematolel Pomo of Upper Lake, 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

Habematolel Pomo of Upper Lake, California

Legal Land Description/Site Location:

THE FOLLOWING DESCRIBED PROPERTY IN THE UNINCORPORATED OF UPPER LAKE, COUNTY OF LAKE, STATE OF CALIFORNIA:

LAND REFERRED TO HEREIN BELOW IS LOCATED IN THE SW¼ OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 9 WEST OF THE MOUNT DIABLO BASE AND MERIDIAN, SITUATED IN UNINCORPORATED OF UPPER LAKE, COUNTY OF LAKE, STATE OF CALIFORNIA:

ALL THAT PORTION OF PARCEL "B" AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON JUNE 29, 1976 IN BOOK 11 OF PARCEL MAPS AT PAGE 8, LAKE COUNTY RECORDS DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL AND RUNNING THENCE ALONG THE SOUTHERLY LINE THEREOF, SOUTH 83° 26' 20" EAST 81.89 FEET; THENCE IN A NORTHERLY DIRECTION, 270.00 FEET TO A POINT THAT IS SOUTH 83° 26' 20" EAST OF A POINT ON THE WEST LINE OF SAID PARCEL THAT IS NORTH 13° 03' 43" EAST 270.18 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 83° 26' 20" WEST, 80.30 FEET TO SAID POINT ON THE WEST LINE, AND THENCE ALONG SAID WEST LINE, SOUTH 13° 03' 43" WEST 270.18 FEET TO THE POINT OF BEGINNING.

Project Description/Proposed Use:

The subject property consists of a parcel of land, encompassing approximately .50 acres more or less, commonly referred to as Assessor's Parcel Number 004-058-240. The parcel is contiguous to the Tribal trust land.

The Tribe has demolished and removed a single residence (mobile home) from the property and the land is currently undeveloped. No additional improvements or development are planned, preserving the existing character of the area.

See enclosures for parcel/site maps

Current Use/Taxes and Zoning:

Lake County Assessed property taxes for 2018-2019:

004-058-240 – $858.26

Existing Easements/Encumbrances:

See enclosed Schedule B

As indicated above, the purpose for seeking your comments regarding the proposed trust land acquisition is to obtain sufficient data that would enable an analysis of the potential impact on local/state government, which may result from the removal of the subject property from the tax roll and local jurisdiction.

This notice does not constitute, or replace, a notice that might be issued for the purpose of compliance with the National Environmental Policy Act of 1969.

Your written comments should be addressed to the Bureau of Indian Affairs at the address at the top of this notice. Any comments received within thirty days of your receipt of this notice will be considered and made a part of our record. You may be granted an extension of time to furnish comments, provided you submit a written justification requesting such an extension within thirty days of receipt of this letter. An extension of ten to thirty days may be granted. Copies of all comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party or timely provide our office with the name and address of said party.

A copy of the application, excluding any documentation exempted under the Freedom of Information Act, is available for review at the above address. A request to make an appointment to review the application, or questions regarding the application, may be directed to Alexis St. John, Realty Specialist, at (916) 978-6059.

Sincerely,

Amy L. Dutschke

Regional Director

Enclosures

cc: Distribution List

DISTRIBUTION LIST

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7019 0140 0000 7335 7913
Office Planning and Research
P.O. Box 3044
Sacramento, CA 95812-3044

Senior Advisor for Tribal Negotiations – 7019 0140 0000 7335 7937
Deputy Legal Affairs Secretary
Office of the Governor
State Capitol Building, Suite 1173
Sacramento, CA 95814

Sara Drake, Deputy Attorney General – 7019 0140 0000 7335 7944
State of California
Department of Justice
P.O. Box 944255
Sacramento, CA 94244-2550

U.S. Senator Dianne Feinstein – 7019 0140 0000 7335 7951
331 Hart Senate Building
Washington, DC 20510

U.S. House of Representatives – 7019 0140 0000 7335 7968
3rd District
412 G St.
Davis, CA 95616

Lake County Board of Supervisors – 7019 0140 0000 7335 7975
255 North Forbes St.
Lakeport, CA 95453

Lake County – 7019 0140 0000 7335 7982
Office of the Assessor
255 North Forbes St.
Lakeport, CA 95453

Lake County – 7019 0140 0000 7335 7999
Planning Department
255 North Forbes St.
Lakeport, CA 95453

Lake County Public Works – 7019 0140 0000 7335 8002
255 North Forbes St.
Lakeport, CA 95453

Lake County Treasurer & Tax Collector – 7019 0140 0000 7335 8019
255 North Forbes St.
2nd Floor, Rm 215
Lakeport, CA 95453

Lake County Sheriff's Department – 7019 0140 0000 7335 8026
1220 Martin St.
Lakeport, CA 95453

Chairperson – 7019 0140 0000 7335 8033
Big Valley Rancheria
2726 Mission Rancheria Road
Lakeport, CA 95453

Chairperson – 7019 0140 0000 7335 8040
Elem Indian Colony
P.O. Box 757
Lower Lake, CA 95457

Chairperson – 7019 0140 0000 7335 8057
Hopland Rancheria
3000 Shanel Road
Hopland, CA 95449

Chairperson –7019 0140 0000 7335 8064
Robinson Rancheria
P.O. Box 4015
Nice, CA 95464

Chairperson –7019 0140 0000 7335 8071
Scotts Valley Rancheria
1005 Parallel Drive
Lakeport, CA 95453

Honorable Sherry Treppa – 7019 0140 0000 7335 7920
Chairperson, Upper Lake Rancheria
P.O. Box 516
Upper Lake, CA 95485

Regular Mail:

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

SCHEDULE A

1. Commitment Date: January 15, 2019 at 7:30 A.M .

2. Policy or Policies to be issued: Amount

(A) ALTA United States Owner's Policy (09-28-91 Rev. 12-3-12)

$255,000.00

Proposed Insured:
THE UNITED STATES OF AMERICA IN TRUST FOR THE HABEMATOLEL POMO OF UPPER LAKE, CALIFORNIA; A FEDERALLY RECOGNIZED INDIAN TRIBE

3. (A) The estate or interest in the land described in this Commitment is:

A fee.

(B) Title to said estate or interest at the date hereof is vested in:

HABEMATOLEL POMO OF UPPER LAKE, A FEDERALLY RECOGNIZED INDIAN TRIBE

4. The land referred to in this Commitment is described as follows:

Real property in the unincorporated area of the County of Lake, State of California described as follows:

THE LAND REFERRED TO HEREIN BELOW IS LOCATED IN THE SW1/4 OF SECTION 7, TOWNSHIP 15 NORTH, RANGE 9 WEST OF THE MOUNT DIABLO BASE AND MERIDIAN, SITUATED IN UNINCORPORATED OF UPPER LAKE, COUNTY OF LAKE, STATE OF CALIFORNIA:

ALL THAT PORTION OF PARCEL "B" AS SHOWN ON THAT CERTAIN PARCEL MAP FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY ON JUNE 29, 1976 IN BOOK 11 OF PARCEL MAPS AT PAGE 8, LAKE COUNTY RECORDS DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL AND RUNNING THENCE ALONG THE SOUTHERLY LINE THEREOF, SOUTH 83° 26' 20" EAST 81.89 FEET; THENCE IN A NORTHERLY DIRECTION, 270.00 FEET TO A POINT THAT IS SOUTH 83° 26' 20" EAST OF A POINT ON THE WEST LINE OF SAID PARCEL THAT IS NORTH 13° 03' 43" EAST 270.18 FEET FROM THE POINT OF BEGINNING; THENCE NORTH 83° 26' 20" WEST, 80.30 FEET TO SAID POINT ON THE WEST LINE, AND THENCE ALONG SAID WEST LINE, SOUTH 13° 03' 43" WEST 270.18 FEET TO THE POINT OF BEGINNING, CONSISTING OF .51 ACRES, MORE OR LESS.

APN: 004-058-240

SCHEDULE B

SECTION ONE

REQUIREMENTS

The following requirements must be met:

(A) Pay the agreed amounts for the interest in the land and/or the mortgage to be insured.

(B) Pay us the premiums, fees and charges for the policy.

(C) Documents satisfactory to us creating the interest in the land and/or the mortgage to be insured must be signed, delivered and recorded.

(D) You must give us the following information:

A) Releases(s) or Reconveyance(s) of Item(s): NONE

(E) Furnish for review copies of the following:
1) Current organizational documents of The HABEMATOLEL POMO OF UPPER LAKE, A FEDERALLY RECOGNIZED INDIAN TRIBE ("Tribe") including, but not limited to the Constitution, Charter, and By-Laws.

2) The Resolution, Minutes of Meeting, Ordinance, Code, Statute, or Law setting out the person or persons approved to sign a deed giving the land described in Schedule A to the United States of America in Trust for The HABEMATOLEL POMO OF UPPER LAKE, A FEDERALLY RECOGNIZED INDIAN TRIBE.

3) Documentation confirming said Resolution, Minutes of Meeting, Ordinance, Code, Statute or Law was adopted in compliance with Tribal Law adopted by the governing body of The HABEMATOLEL POMO OF UPPER LAKE, A FEDERALLY RECOGNIZED INDIAN TRIBE.

4) Certification from an authorized tribal officer or the tribal attorney, certifying that the version of documents furnished are current and accurate.

(F) The Company requires a certified Title Status Report from the appropriate Bureau of Indian Affairs Land Title and Records Office.

The Company reserves the right to make further requirements or add exceptions upon review thereof.

(G) The Company requires recordation in the county records of original or certified copies of any conveyance documents or other instruments affecting the land found in the appropriate Bureau of Indian Affairs Land Title and Records Office but not already found in the county records.

(H) Furnish for review opinion of Tribal Attorney affirming the following:
1. No matters exist in Tribal Court, tribal land records or tribal tax records which could create liens on the land or affect the Tribe's right to convey the property to Trust.

2. No challenge has been made to the authority of those parties holding official positions within the Tribe that are submitting the application to the Department of the Interior or making other decisions on behalf of the Tribe pertaining to this transaction.

(I) Furnish documentation that sets forth that the HABEMATOLEL POMO OF UPPER LAKE, FEDERALLY RECOGNIZED INDIAN TRIBE was a recognized Indian Tribe under federal jurisdiction on June 18, 1934. (This requirement is necessary pursuant to Carcieri v. Salazar, 555 US 379, the Supreme Court held that under the Indian Reorganization Act of 1934, the Secretary of the Interior was not authorized to take land into trust from tribes that were not recognized and under federal jurisdiction at that date).

(J) Proof of compliance with applicable laws and regulations relating to the acquisition of title by the United States of America in Trust (25 U.S.C. 465 and 25 CFR, Part 151), including the following (Note: the following requirements are independent, and must all be satisfied in order to insure):

1. Proof of notification of the proposed acquisition by the Secretary of the Interior to state and local governments having regulatory jurisdiction over the land (25 CFR 151.10, 151.11).

2. Confirmation that: (i) an administrative appeal has not been flied pursuant to 25 CFR Part 2, or (ii)if an appeal has been filed, proof that all administrative and judicial appeal rights and remedies have been exhausted.

3. Proof of publication of the Secretary of Interior's decision to take the land into trust (may be described as "notice of final agency determination") and that Interior shall acquire title in the name of the United States no sooner than 30 days after the notice is published. 25 CFR 151.12 requires publication as follows:
• If the BIA official makes a decision to approve the request, publish the Public Notice in a newspaper of general circulation serving the affected areas.
• If the AS-IA makes a decision to approve the request, publish the Public Notice in the Federal Register

4. Confirmation that more than 30 days have passed since the publication of the Secretary of the Interior's notice of final agency determination to take the land in trust, without appeal or challenge of any kind. Confirmation shall include an express representation that the records of the United States District Court or the Interior Board of Indian Appeals for proceedings challenging the decision by the Assistant Secretary of the Interior – Indian Affairs or the Bureau of Indian Affairs to take the land into trust brought against any of the following: the United States of America, the Department of Interior, the Secretary of Interior (by name and/or title), the Bureau of Indian Affairs, and the Tribe.) (25 CFR 151.12) have been researched.

5. If the land being transferred into trust is greater than 200 acres in aggregate, we require proof that the BIA official notified the AS-IA of the fee to trust application.

6. Provide a copy of the decision issued by the BIA or AS-IA to acquire land in trust.

(K) A properly executed Grant Deed from Habematolel Pomo Of Upper Lake, Federally Recognized Indian Tribe to the United States of America in Trust for Habematolel Pomo Of Upper Lake, Federally Recognized Indian Tribe, approved by the Secretary of the Interior, to be filed with the office of the county recorder in Upper Lake, County of Lake and the Bureau of Indian Affairs Land Title and Records Office.
Said instrument must be dated more than 30 days after publication of the Secretary of Interior's final determination. (25 CFR 151.14, 151.12)

(L) If the Company is asked to perform escrow services in connection with the transaction vesting the interest set forth in item 3 on Schedule A in the Proposed Insured, the Company will require an Agreement for Settlement Services on its form. Alternatively, a separate document agreed upon by the Tribe and the Company that contains a clear and express waiver by the Tribe of its sovereign immunity, submission of jurisdiction to the courts of the United States of America or of the State where the land is located and a stipulation that the choice of law for disputes shall be the law of the State where the land is located may be acceptable to Company, at its discretion. The Company will require sufficient documentation evidencing the authority of the individual signing on behalf of the Tribe to execute either document.

(M) If the existing or intended use of this property is for gaming purposes, the Company must be informed and the Company will have additional requirements.

Upon review of the above Requirements, we reserve the right to make further Requirements.

SCHEDULE B

SECTION TWO

EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. The printed exceptions and exclusions from the coverage of the policy or policies are set forth in Exhibit A attached. Copies of the policy forms should be read. They are available from the office which issued this Commitment.

PART I:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records.

2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.

3. Easements, claims of easement or encumbrances which are not shown by the public records.

4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the title including discrepancies, conflicts in boundary lines, shortage in area, or any other facts that would be disclosed by an accurate and complete land survey of the land, and that are not shown in the public records.

5. (A) Unpatented mining claims; (B) Reservations or exceptions in patents or in Acts authorizing the issuance thereof; (C) Water rights, claims or title to water; whether or not the matters excepted under (A), (B) or (C) are shown by the public records.

6. Any lien or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

PART II:

7. Any claim that the United States lacks proper authority to acquire or hold title to the land, or arising from or related to an alleged defect in the process of approving or authorizing the acquisition of title by the United States of America in Trust for HABEMATOLEL POMO OF UPPER LAKE, a federally recognized tribe .

8. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is (a) a fraudulent conveyance or fraudulent transfer or (b) a preferential transfer. (Not necessary if US Policy form Rev. 12-3-12 is used)

9. Any claim arising from the failure of a Deed to the United States of American in Trust for the HABEMATOLEL POMO OF UPPER LAKE, a federally recognized tribe, to record in the Bureau of Indian Affairs Land Title and Records Office.

10. Paragraphs 1 and 2 of the Exclusions from Coverage are expressly extended to include those laws, ordinances or regulations of an Indian tribe or nation.

11. Public records as defined in this Policy do not include records of an Indian tribe, band, pueblo, nation, community, village, Rancheria or similar entity or association of Indians or any other repository of Indian Land Records, including, but not limited to the Bureau of Indian Affairs Land Titles and Records Office.

12. Tribal records for any tax, law or regulation are not "public records" within the meaning of this policy, and this policy provides no coverage respecting any loss occasioned by any such tribal tax law or regulation.

13. General and special taxes and assessments for the fiscal year 2019-2020, a lien not yet due or payable.

14. Intentionally Deleted

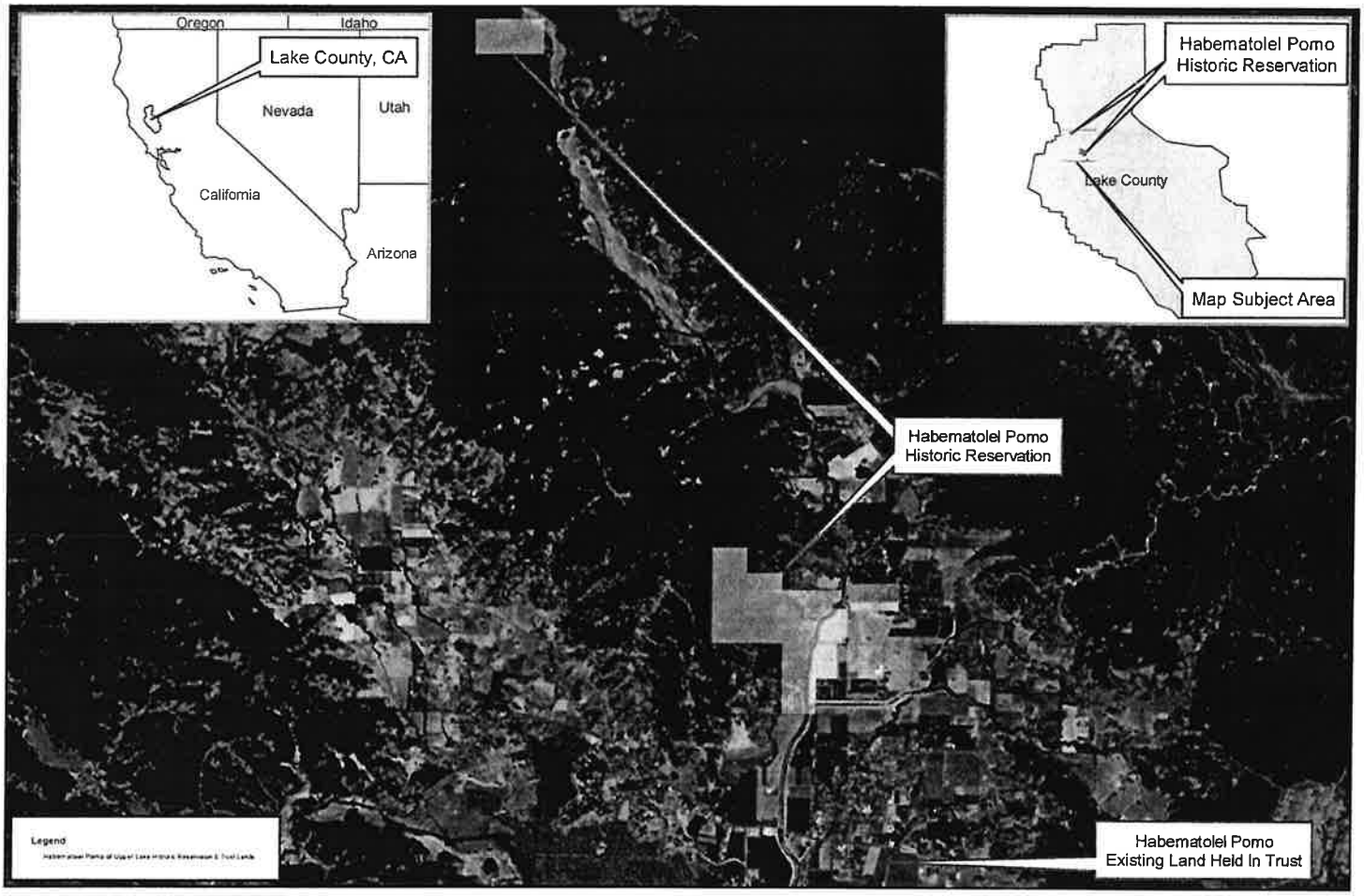
15. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.

16. A notice of assessment recorded May 26, 1989 as BOOK 1463, PAGE 345 of Official Records, executed by CLERK OF THE BOARD OF DIRECTORS LAKE COUNTY SANITATION DISTRICT.

17. The fact that the land lies within the boundaries of the NORTHSHORE Redevelopment Project Area, as disclosed by various documents of record.

18. The policy contemplated by this report/commitment will not insure the title to any mobilehome or manufactured home that may be located on the land. The Company will consider issuing such coverage only upon the customer's specific request.

19. Rights of parties in possession.



Historic Reservation & Existing Trust Land

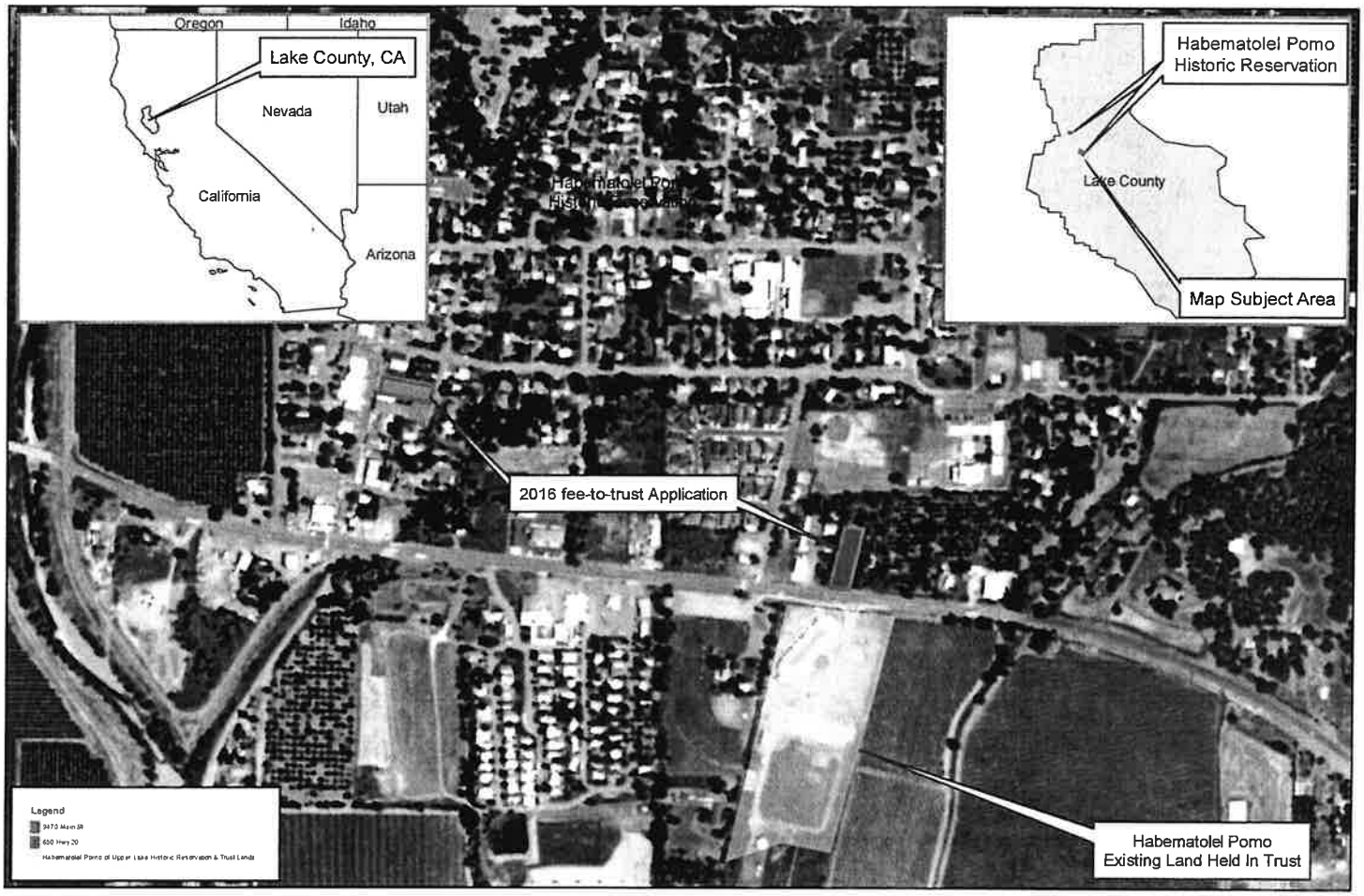
0 0.275 0.55 1.1 1.65 2.2 Miles

Pomo of Upper Lake
Habematolel

Disclamer: The Habematolel Pomo of Upper Lake makes no warranty for fitness of use for a particular purpose, express or implied, with respect to this map product. Every reasonable effort has been made to assure the accuracy of the maps and data provided nevertheless, some information may not be accurate. Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold the Habematolel Pomo of Upper Lake harmless from and against any damage, loss or liability.

Design By

Contact Information	
Contact	Garet Couch, GISP
Phone	573-358-2522
Date	January 1, 2018



2016 fee-to-trust Parcels

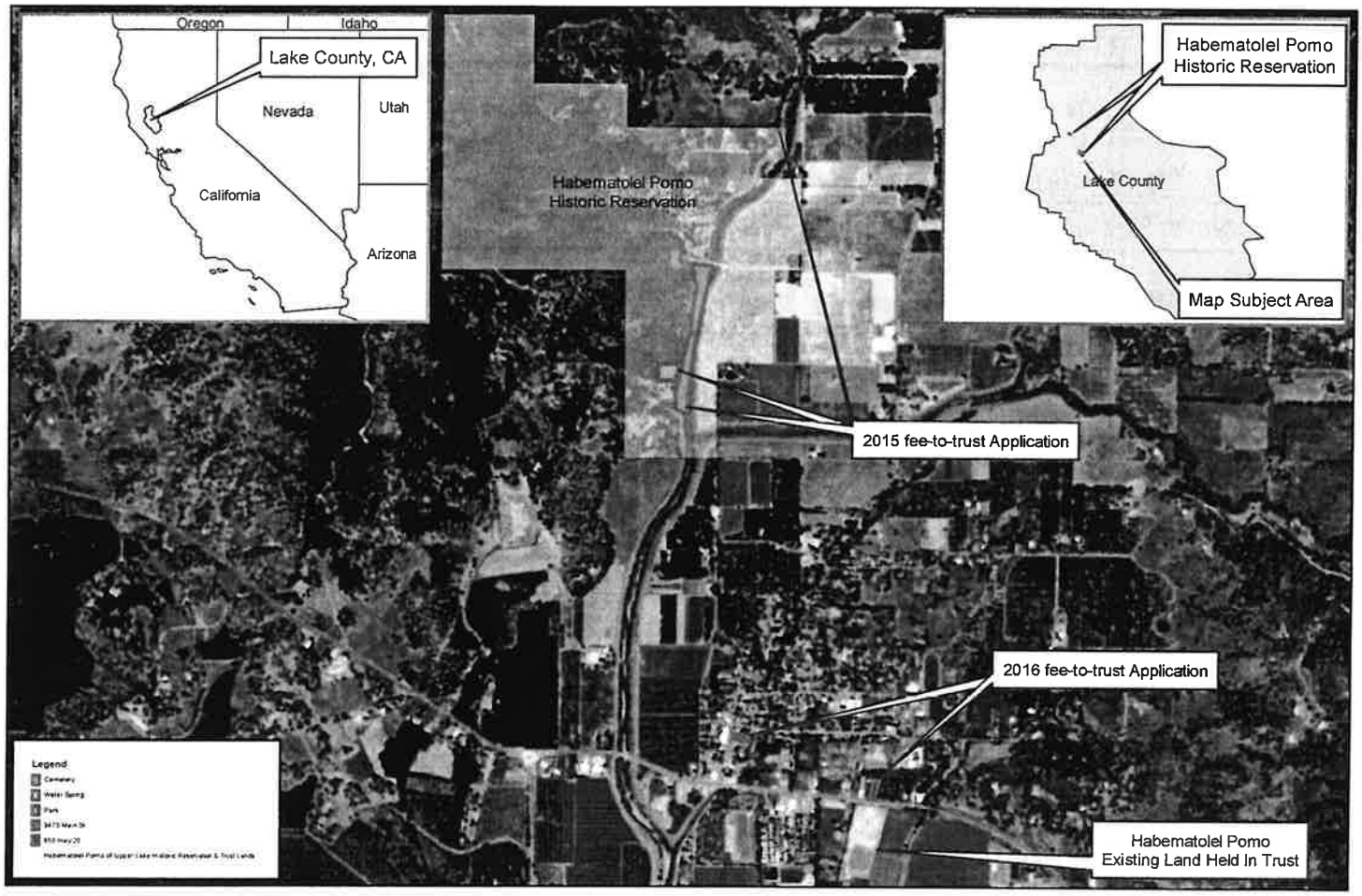
0 0.0325 0.065 0.13 0.195 0.26 Miles

Pomo of Upper Lake
Habematolel

Disclaimer: The Habematolel Pomo of Upper Lake makes no warranty for fitness of use for a particular purpose, express or implied, with respect to this map product. Every reasonable effort has been made to assure the accuracy of the maps and data provided nevertheless, some information may not be accurate. Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold the Habematolel Pomo of Upper Lake harmless from and against any damage, loss or liability.

Design by

Contact Information	
Contact	Garet Couch, GISP
Phone	573-358-2522
Date	January 1, 2018



2015 & 2016 fee-to-trust Parcels

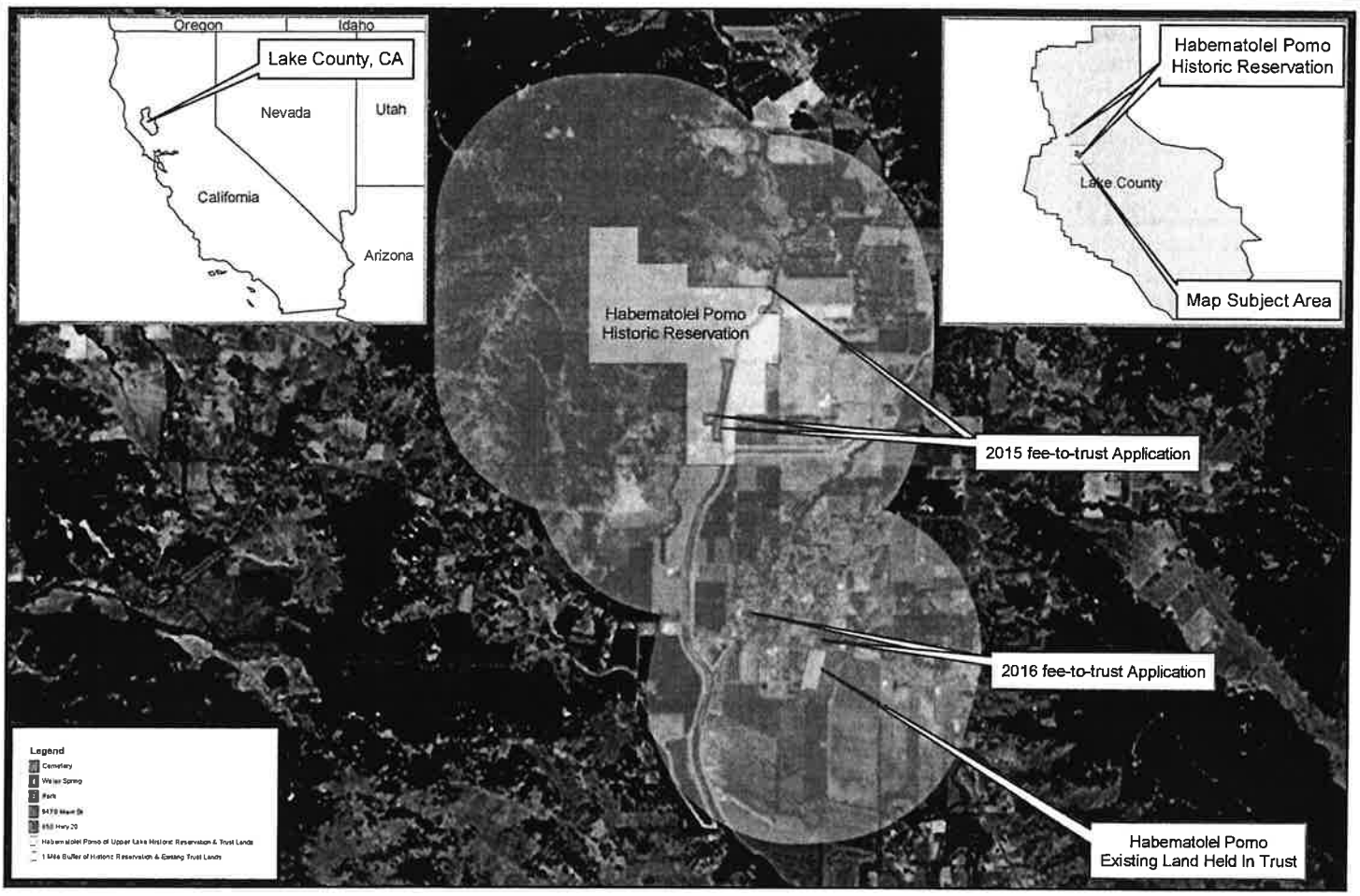
0 0.1 0.2 0.4 0.6 0.8 Miles

Pomo of Upper Lake
Habematolel

Disclaimer: The Habematolel Pomo of Upper Lake makes no warranty for fitness of use for a particular purpose, express or implied, with respect to this map product. Every reasonable effort has been made to assure the accuracy of the maps and data provided nevertheless, some information may not be accurate. Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold the Habematolel Pomo of Upper Lake harmless from and against any damage, loss or liability.

Design by

Contact Information	
Contact	Garet Couch, GISP
Phone	573-358-2522
Date	January 1, 2018



1 Mile Buffer to Historic Reservation and Existing Trust Land

0 0.2 0.4 0.8 1.2 1.6 Miles

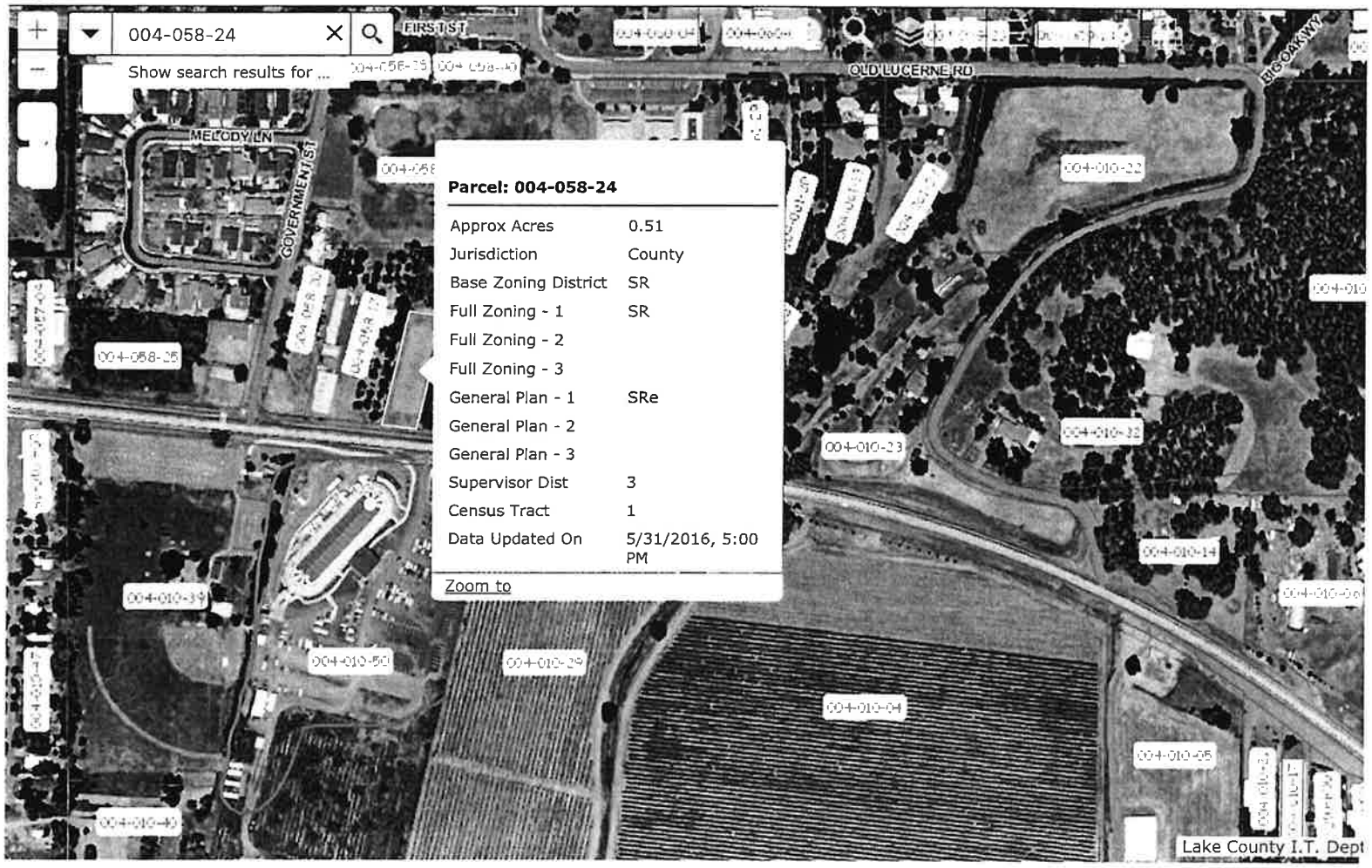
Pomo of Upper Lake
Habematolel

Disclamer: The Habematolel Pomo of Upper Lake makes no warranty for fitness of use for a particular purpose, express or implied, with respect to this map product. Every reasonable effort has been made to assure the accuracy of the maps and data provided nevertheless, some information may not be accurate. Any user of this map product accepts its faults and assumes all responsibility for the use thereof, and further agrees to hold the Habematolel Pomo of Upper Lake harmless from and against any damage, loss or liability.

Design by:

Contact Information	
Contact:	Garet Couch, GISP
Phone:	573-358-2522
Date:	January 1, 2018

Parcel Viewer



300ft

39.163 -122.892 Degrees