



IN REPLY REFER TO

# United States Department of the Interior

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

MAY - 9 2019

CERTIFIED MAIL – RETURN RECEIPT REQUESTED – 7017 2680 0000 6244 4937

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

Gentlemen:

Enclosed for your appropriate distribution are ten copies of our notice of an application seeking acceptance of title to real property “in trust” for the Habematolel Pomo of Upper Lake, California. Said notice is issued pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 and Part 151.11.

Sincerely,

*/s/ Amy Dutschke*

Regional Director

Enclosure

Governor's Office of Planning & Research  
MAY 09 2019  
STATE CLEARINGHOUSE





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

**MAY 06 2019**

Governor's Office of Planning & Research

**MAY 09 2019**

STATE CLEARINGHOUSE

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

**Due to a typographical error in the Notice of Application Heading, we are reissuing this notice to again seek comments regarding the within-subject application submitted by the Habematolel Pomo of Upper Lake, California (Tribe). The previous notice was dated March 27, 2019.**

Pursuant to the Code of Federal Regulations, Title 25, INDIANS, Part 151.10 and Part 151.11, notice is given of the application filed by the 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 land referred to herein below is situated in the unincorporated area of the County of Lake, State of California and is described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT 2 IN BLOCK 4 AS SHOWN ON THAT CERTAIN MAP ENTITLED "ORIGINAL TOWN OF UPPER LAKE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID LAKE COUNTY IN BOOK 1 OF TOWN MAPS AT

PAGES 57 AND 58, AND RUNNING THENCE SOUTH 10-1/2° WEST, ALONG THE EASTERLY LINE OF MAIN STREET IN SAID TOWN, 80 FEET TO A POINT ON THE EAST LINE OF SAID MAIN STREET, LOCATED NORTH 79° 30' WEST FROM THE NORTHWEST CORNER OF THAT CERTAIN CONCRETE BUILDING KNOWN AS THE "GARNER AND TWIGGS BUILDING"; THENCE SOUTH 79° 30' EAST, ALONG THE NORTHERLY LINE OF SAID BUILDING AND A LINE EXTENDED EASTERLY IN THE SAME DIRECTION, 240 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE EAST LINE OF SAID BLOCK 4, EXTENDED SOUTH 10-1/2° WEST FROM THE SOUTHEAST CORNER OF SAID BLOCK 4; THENCE NORTH 10° 30' EAST, ALONG THE EAST LINE OF SAID BLOCK 4, SO EXTENDED, AND ALONG THE EAST LINE OF, SAID BLOCK 4, 80 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF LOT 7 OF SAID BLOCK 4; AND THENCE NORTH 79° 30' WEST, ALONG THE NORTHERLY LINE OF LOTS 7 AND 2 OF SAID BLOCK 4, 240 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

**Project Description/Proposed Use:**

The subject property consists of land, encompassing approximately .441 acres, more or less, and is commonly referred to as Assessor's Parcel Number 027-194-040 (9470 Main St.). The property is not contiguous to existing Tribal trust lands. The subject property is being used to house various Tribal government offices and related Tribal programs. The Tribe has no plans for further development of the property, 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:

027-194-040 – \$2,915.00

**Existing Easements/Encumbrances:**

*See enclosed Schedule B*

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

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

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

comments will additionally be provided to the applicant. You will be notified of the decision to approve or deny the application.

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

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

Sincerely,

  
Regional Director

Enclosures

cc: Distribution List

**DISTRIBUTION LIST**

cc: BY CERTIFIED MAIL – RETURN RECEIPTS REQUESTED TO:

California State Clearinghouse (10 copies) – 7017 2680 0000 6244 4937  
Office Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

Senior Advisor for Tribal Negotiations – 7017 2680 0000 6244 4944  
Deputy Legal Affairs Secretary  
Office of the Governor  
State Capitol Building, Suite 1173  
Sacramento, CA 95814

Sara Drake, Deputy Attorney General – 7017 2680 0000 6244 4951  
State of California  
Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2550

U.S. Senator Dianne Feinstein – 7017 2680 0000 6244 4968  
331 Hart Senate Building  
Washington, DC 20510

U.S. House of Representatives – 7017 2680 0000 6244 4975  
3<sup>rd</sup> District  
412 G St.  
Davis, CA 95616

Lake County Board of Supervisors – 7017 2680 0000 6244 4982  
255 North Forbes St.  
Lakeport, CA 95453

Lake County – 7017 2680 0000 6244 4999  
Office of the Assessor  
255 North Forbes St.  
Lakeport, CA 95453

Lake County – 7017 2680 0000 6244 5002  
Planning Department  
255 North Forbes St.  
Lakeport, CA 95453

Lake County Public Works – 7019 0140 0000 7335 5759  
255 North Forbes St.  
Lakeport, CA 95453

Lake County Treasurer & Tax Collector – 7019 0140 0000 7335 5766  
255 North Forbes St.  
2<sup>nd</sup> Floor, Rm 215  
Lakeport, CA 95453

Lake County Sheriff's Department – 7019 0140 0000 7335 5773  
1220 Martin St.  
Lakeport, CA 95453

Chairperson – 7019 0140 0000 7335 5780  
Big Valley Rancheria  
2726 Mission Rancheria Road  
Lakeport, CA 95453

Chairperson – 7019 0140 0000 7335 5797  
Elem Indian Colony  
P.O. Box 757  
Lower Lake, CA 95457

Chairperson – 7019 0140 0000 7335 5803  
Hopland Rancheria  
3000 Shanel Road  
Hopland, CA 95449

Chairperson – 7019 0140 0000 7335 5810  
Middletown Rancheria  
P.O. Box 1035  
Middletown, CA 95461

Chairperson – 7019 0140 0000 7335 5827  
Robinson Rancheria  
P.O. Box 4015  
Nice, CA 95464

Chairperson – 7019 0140 0000 7335 5834  
Scotts Valley Rancheria  
1005 Parallel Drive  
Lakeport, CA 95453

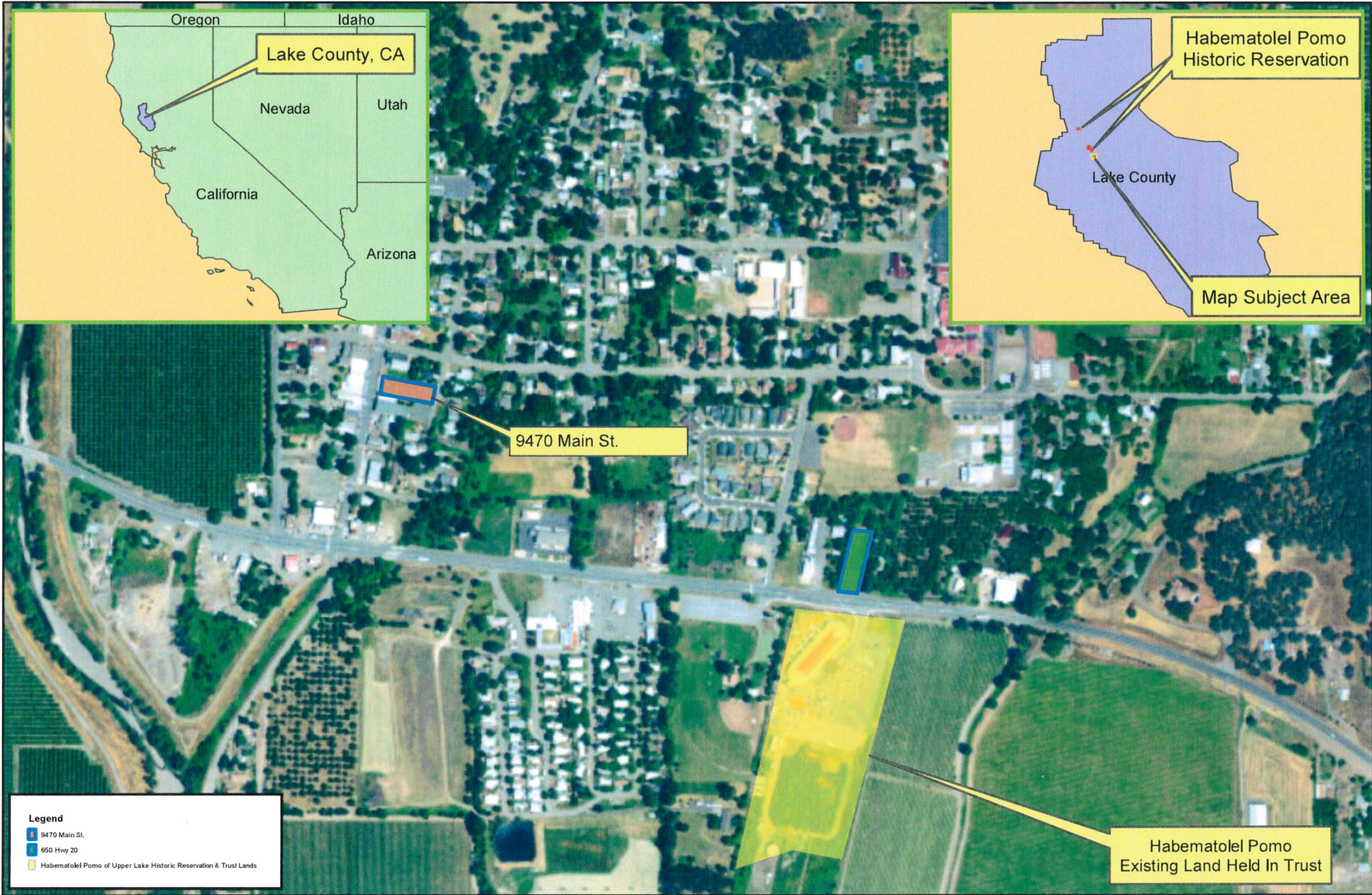
Honorable Sherry Treppa – 7019 0140 0000 7335 5841  
Chairperson, Upper Lake Rancheria  
P.O. Box 516  
Upper Lake, CA 95485

Regular Mail:

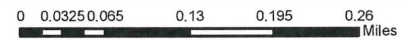
Superintendent  
Central California Agency  
Bureau of Indian Affairs  
650 Capitol Mall, Suite 8-500  
Sacramento, CA 95814







**2016 fee-to-trust Parcels**



**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.



**Contact Information**

Contact: [Redacted]  
 Phone: [Redacted]  
 Date: January 1, 2018



## SCHEDULE B

### SECTION TWO

#### EXCEPTIONS

##### PART I:

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.

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)
- 8a. 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.
9. 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.

10. 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.
11. 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.
12. General and special taxes and assessments for the fiscal year 2019-2020, a lien not yet due or payable.
13. Intentionally Deleted
14. The lien of supplemental taxes, if any, assessed pursuant to Chapter 3.5 commencing with Section 75 of the California Revenue and Taxation Code.
15. 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.
16. An easement for SEWER LINE and incidental purposes, recorded January 11, 1990 as BOOK 1499, PAGE 422 OF OFFICIAL RECORDS.  
  
In Favor of: THE LAKE COUNTY SANITATION DISTRICT, A PUBLIC ENTITY  
Affects: as described therein
17. The fact that the land lies within the boundaries of the NORTHSORE Redevelopment Project Area, as disclosed by various documents of record.