

**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE**

ABC 211 (6/99)

**TO:** Department of Alcoholic Beverage Control  
 570 RANCHEROS DRIVE  
 SUITE 240  
 SAN MARCOS, CA 92069  
 (760) 471-4237

File Number: **677216**  
 Receipt Number: **3085671**  
 Geographical Code: **3700**  
 Copies Mailed Date: **February 27, 2026**  
 Issued Date:

DISTRICT SERVING LOCATION: **SAN MARCOS**

COSD CLERK OF THE BOARD  
 2026 MAR 8 PM 1:00

First Owner: **JCCP INFINITY INC**

Name of Business:

Location of Business: **629 MAIN ST  
 RAMONA, CA 92065-2043**

County **SAN DIEGO**

Is Premises inside city limits **Yes** Census Tract: **0208.12**

Mailing Address:(If different from premises address)

Type of license(s): **42, 77** Dropping Partner: Yes  No

Transferor's license/name: **570946 / REDS, WHITES & BREWS**

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>
42 - On-Sale Beer And Wine - Public	PER	Y	77[ 1 ]
77 - Event Permit	PER	N	

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	PERSON TO PERSON TRF	NA	0	02/27/26	\$420.00
Application Fee	FEDERAL FINGERPRINTS	NA	2	02/27/26	\$48.00
Application Fee	STATE FINGERPRINTS	NA	2	02/27/26	\$78.00
77 - Event Permit	ANNUAL FEE	NA	1	02/27/26	\$280.00
42 - On-Sale Beer And Wine - Pu	ANNUAL FEE	NA	0	02/27/26	\$705.00
<b>Total</b>					<b>\$1,531.00</b>

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of **SAN DIEGO**

Date: **February 27, 2026**

Applicant Name(s)

**JCCP INFINITY INC**

Department of Alcoholic Beverage Control  
**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE**  
 ABC 211 (6/99)

State of California

**TO:** Department of Alcoholic Beverage Control  
 8620 SPECTRUM CENTER BLVD  
 STE 302  
 SAN DIEGO, CA 92123  
 (858) 300-6855

File Number: **676897**  
 Receipt Number: **3081806**  
 Geographical Code: **3700**  
 Copies Mailed Date: **February 25, 2026**  
 Issued Date:

DISTRICT SERVING LOCATION: **SAN DIEGO**

First Owner: **SOPHIA LIQUOR INC**  
 Name of Business: **JAMESON'S LIQUOR**  
 Location of Business: **39335 OLD HIGHWAY 80  
 BOULEVARD, CA 91905-9554**

COSD CLERK OF THE BOARD  
 2026 FEB 27 PM 3:04

County **SAN DIEGO**

Is Premises inside city limits **No** Census Tract: **0211.02**

Mailing Address:(If different  
 from  
 premises address)

Type of license(s): **21** Dropping Partner: Yes  No

Transferor's license/name: **641289 / AR TEN INC**

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
21 - Off-Sale General	PER	Y			
<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	ISSUE TEMPORARY PERMIT	NA	1	02/13/26	\$100.00
Application Fee	PERSON TO PERSON TRF	NA	0	02/13/26	\$1,565.00
21 - Off-Sale General	ANNUAL FEE	NA	0	02/13/26	\$1,009.00
<b>Total</b>					<b>\$2,674.00</b>

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of SAN DIEGO

Date: February 13, 2026

Applicant Name(s)

**SOPHIA LIQUOR INC**

Department of Alcoholic Beverage Control  
**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE**  
 ABC 211 (6/99)

State of California

**TO:** Department of Alcoholic Beverage Control  
 8620 SPECTRUM CENTER BLVD  
 STE 302  
 SAN DIEGO, CA 92123  
 (858) 300-6855

File Number: **596154**  
 Receipt Number:  
 Geographical Code: **3702**  
 Copies Mailed Date: **February 12, 2026**  
 Issued Date:

CDSD ASSESSMENT APPEALS  
 2026 FEB 13 PM 3:30

DISTRICT SERVING LOCATION: **SAN DIEGO**

First Owner: **LIZARRAGA, MANUEL JR.**  
 Name of Business: **LIZARRAGA COMPANY / BOOZE BRIEFCASE**  
 Location of Business: **3844 WILD OATS LANE  
 BONITA, CA 91902-3050**

County **SAN DIEGO**

Is Premises inside city limits **Yes** Census Tract: **0134.10**

Mailing Address: (If different from premises address)

Type of license(s): **09, 17** Dropping Partner: Yes  No

Transferor's license/name:

License Type	Transaction Type	Master	Secondary LT And Count
17 - Beer And Wine Wholesaler	ORI	Y	09[ 1 ]
09 - Beer And Wine Importer	ORI	N	

License Type	Transaction Description	Fee Code	Dup	Date	Fee
Application Fee	ADD PRIMARY LICENSE TYPE	NA	0	02/12/26	\$1,135.00
17 - Beer And Wine Wholesaler	ANNUAL FEE	NA	0	02/12/26	\$500.00
09 - Beer And Wine Importer	ANNUAL FEE	NA	1	02/12/26	\$155.00
<b>Total</b>					<b>\$1,790.00</b>

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of **SAN DIEGO**

Date: **February 11, 2026**

Applicant Name(s)

**LIZARRAGA, MANUEL JR.**

**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE**

ABC 211 (6/99)

**TO:** Department of Alcoholic Beverage Control  
 570 RANCHEROS DRIVE  
 SUITE 240  
 SAN MARCOS, CA 92069  
 (760) 471-4237

File Number: **677273**  
 Receipt Number: **3086818**  
 Geographical Code: **3700**  
 Copies Mailed Date: **March 3, 2026**  
 Issued Date:

DISTRICT SERVING LOCATION: **SAN MARCOS**

CLERK OF THE BOARD  
 2025 MAR 6 AM 10:58

First Owner: **SINGH MM FALLBROOK LLC**

Name of Business: **MOUNTAIN MIKE'S PIZZA**

Location of Business: **1125 S MISSION RD  
 FALLBROOK, CA 92028-3225**

County **SAN DIEGO**

Is Premises inside city limits **No** Census Tract: **0189.05**

Mailing Address:(If different from premises address) **42910 CORTE CARACAS  
 FREMONT, CA 94539**

Type of license(s): **41** Dropping Partner: Yes  No

Transferor's license/name: **639666 / FBO MMP LLC**

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of **SAN DIEGO**

Date: **March 3, 2026**

Applicant Name(s)

**SINGH MM FALLBROOK LLC**

**APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE**

ABC 211 (6/99)

**TO:** Department of Alcoholic Beverage Control  
 570 RANCHEROS DRIVE  
 SUITE 240  
 SAN MARCOS, CA 92069  
 (760) 471-4237

File Number: **676671**  
 Receipt Number: **3084447**  
 Geographical Code: **3700**  
 Copies Mailed Date: **February 24, 2026**  
 Issued Date:

DISTRICT SERVING LOCATION: **SAN MARCOS**

CLERK OF THE BOARD  
 2026 MAR 3 PM 1:00

First Owner: **YAMA SUSHI GROUP LLC**

Name of Business:

Location of Business: **1067 S MAIN AVE  
 FALLBROOK, CA 92028-3338**

County **SAN DIEGO**

Is Premises inside city limits **No** Census Tract: **0189.05**

Mailing Address:(If different from premises address)

Type of license(s): **41** Dropping Partner: Yes  No

Transferor's license/name: **593804 / LHBS YAMA CORP.**

<u>License Type</u>	<u>Transaction Type</u>	<u>Master</u>	<u>Secondary LT And Count</u>		
41 - On-Sale Beer And Wine - Eating	PER	Y			

<u>License Type</u>	<u>Transaction Description</u>	<u>Fee Code</u>	<u>Dup</u>	<u>Date</u>	<u>Fee</u>
Application Fee	FEDERAL FINGERPRINTS	NA	2	02/06/26	\$48.00
Application Fee	STATE FINGERPRINTS	NA	2	02/06/26	\$78.00
Application Fee	PERSON TO PERSON TRF	NA	0	02/06/26	\$420.00
41 - On-Sale Beer And Wine - Ea	ANNUAL FEE	NA	0	02/06/26	\$565.00
<b>Total</b>					<b>\$1,111.00</b>

Have you ever been convicted of a felony? **No**

Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? **No**

STATE OF CALIFORNIA County of **SAN DIEGO**

Date: **February 6, 2026**

Applicant Name(s)

**YAMA SUSHI GROUP LLC**

**CALIFORNIA COASTAL COMMISSION**  
SAN DIEGO COAST DISTRICT OFFICE

7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CALIFORNIA 92108-4402

(619) 767-2370  
WWW.COASTAL.CA.GOV



Page: 1

Date: February 19, 2026

**IMPORTANT PUBLIC HEARING NOTICE**  
**LOCAL COASTAL PROGRAM**

COUSD CLERK OF THE BOARD  
2025 FEB 20 PM 8:04

**LCP AMENDMENT NO. LCP-6-CAR-25-0007-1**

**Airport Uses**

**AMENDMENT DESCRIPTION:**

Public hearing and action on request by the City of Carlsbad to amend its certified Implementation Plan to update regulations related to the requirements and review procedures for future expanded airport uses.

**HEARING DATE AND LOCATION:**

DATE 3/11/2026

TIME 9:00 AM

ITEM NO: W19a

PLACE County of Ventura Government Center  
800 S Victoria Ave. Ventura, CA 93009

PHONE (562) 477-9089

**HEARING PROCEDURES:**

~~PLEASE NOTE THAT THIS WILL BE A HYBRID MEETING, WITH BOTH VIRTUAL AND IN-PERSON PARTICIPATION ALLOWED.~~ Please see the Coastal Commission's Hybrid Hearing Procedures posted on the Coastal Commission's webpage at [www.coastal.ca.gov](http://www.coastal.ca.gov) for details on the procedures of this hearing. If you would like to receive a paper copy of the Coastal Commission's Hybrid Hearing Procedures, please call 415-904-5202. If you would like to speak during the hearing virtually, you must complete a speaker request form online prior to the hearing date. The speaker request form can be found on our website, at the top of the monthly agenda.

This item has been scheduled for a public hearing and vote. People wishing to testify on this matter may appear at the hearing or may present their concerns by letter to the Commission on or before the hearing date.

## **IMPORTANT PUBLIC HEARING NOTICE LOCAL COASTAL PROGRAM**

### **AVAILABILITY OF STAFF REPORT:**

A copy of the staff report on this matter will be available no later than 10 days before the hearing on the Coastal Commission's website at [www.coastal.ca.gov/mtgcurr.html](http://www.coastal.ca.gov/mtgcurr.html). Alternatively, you may request a paper copy of the report from Chelsea Jander, Coastal Program Analyst at the San Diego Coast District Office.

### **SUBMISSION OF WRITTEN MATERIALS:**

If you wish to submit written materials for review by the Commission, please observe the following:

- Submit your written materials to the Commission staff no later than 5:00 p.m. on the Friday before the hearing (staff will then distribute your materials to the Commission). Note that materials received after this time will not be distributed to the Commission.
- Mark the agenda number of your item, the application number, your name and your position in favor or opposition to the project on the upper right-hand corner of the first page of your submission. If you do not know the agenda number, contact the Commission staff person listed on page 2.
- A current list of Commissioners' names and addresses is available on the Coastal Commission's website at <http://www.coastal.ca.gov/roster.html>. If you wish to submit materials directly to Commissioners, we request that you mail the materials so that the Commissioners receive the materials no later than Thursday of the week before the Commission meeting. You must provide Commission staff with a copy of any materials that you provide to Commissioners. Please mail the same materials to all Commissioners, alternates for Commissioners, and the three non-voting members on the Commission with a copy to the Commission staff person listed on page 2.
- You are requested to summarize the reasons for your position in no more than two or three pages, if possible.

**Please note:** While you are not prohibited from doing so, you are discouraged from submitting written materials to the Commission on the day of the hearing, unless they are visual aids, as it is more difficult for the Commission to carefully consider late materials. The Commission requests that if you submit written copies of comments to the Commission on the day of the hearing, that you provide 20 copies.

### **ALLOTTED TIME FOR TESTIMONY:**

Oral testimony may be limited to 3 minutes or less for each speaker depending on the number of persons wishing to be heard.

Questions regarding the report or hearing should be directed to Chelsea Jander, Coastal Program Analyst at the San Diego Coast District Office.



**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100  
Telephone: (916) 445-7000 FAX: (916) 445-7053  
calshpo.ohp@parks.ca.gov [www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)

February 25, 2026

San Diego County Board of Supervisors  
ATTN: Clerk of the Board, Andrew Potter  
1600 Pacific Highway  
Fourth Floor, Room 402  
San Diego, California 92101

**RE: National Register of Historic Places Nomination for  
El Cantorral Court (San Diego Bungalow Courts MPDF)**

Dear Board of Supervisors:

Pursuant to Federal Regulations 36 CFR Part 60.6(c) I am notifying you that the State Historical Resources Commission (SHRC) at its next meeting intends to consider and take action on the nomination of the above-named property to the National Register of Historic Places (National Register). Details of that meeting are on the enclosed notice. The National Register is the federal government's official list of historic buildings and other cultural resources worthy of preservation. Listing in the National Register provides recognition and assists in preserving California's cultural heritage. If the item is removed from the scheduled agenda, you will be notified by mail.

Local government comments regarding the National Register eligibility of this property are welcomed. Written comments regarding the nomination may be submitted to California State Parks, Attn: Office of Historic Preservation, Julianne Polanco, State Historic Preservation Officer, P.O. Box 94296, Sacramento, California 94296-0001 OR via email to [calshpo.shrc@parks.ca.gov](mailto:calshpo.shrc@parks.ca.gov). To allow the SHRC adequate time to consider the comments, it is requested that written comments be received by the Office of Historic Preservation seven (7) days in advance of the SHRC's meeting. Written comments received within seven days of the meeting will still be included in the nomination file as sent to the Keeper of the National Register. Interested parties are encouraged to attend the SHRC meeting and present oral testimony.

As of January 1, 1993, all National Register properties are automatically included in the California Register of Historical Resources (California Register) and afforded consideration in accordance with state and local environmental review procedures.

The federal requirements covering the National Register program are to be found in the National Preservation Act of 1966, as amended, and in Federal Regulations 36 CFR Part 60. State law regarding the California Register is in the Public Resources Code, Section 5024. Should you have questions regarding this nomination, or would like a copy of the nomination, please contact the Registration Unit at [calshpo.shrc@parks.ca.gov](mailto:calshpo.shrc@parks.ca.gov).

Sincerely,

Julianne Polanco  
State Historic Preservation Officer

Enclosure: Meeting Notice



DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION  
STATE HISTORICAL RESOURCES COMMISSION

Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100  
Telephone: (916) 445-7000  
Info.calshpo@parks.ca.gov www.ohp.parks.ca.gov

Armando Quintero, Director

COMMISSION MEMBERS

Adam Sriro, Chair  
Lee Adams III  
Bryan K. Brandes  
Janet Hansen  
Alan Hess  
Neal Payton, FAIA  
René Vellanoweth, PhD

## MEETING NOTICE

*Pursuant to the Bagley-Keene Open Meeting Act, Government Code Section 11120 et seq., members of a state body may participate in public meetings in-person or remotely. Also in accordance with the Bagley-Keene Opening Meeting Act, the public may observe and provide public comment during the public comment periods, either in-person or remotely.*

**FOR:** State Historical Resources Commission Quarterly Meeting

**DATE:** Thursday, May 7, 2026

**TIME:** 1:00 P.M.

**PLACE:** Riverside Convention Center  
3637 5<sup>th</sup> Street, Room MR6  
Riverside, CA 92501

**The Commission Meeting will also occur through teleconference, available via Zoom through CAL\*SPAN. Dial-in access will also be available.**

**Information on how to log in or phone in to this meeting, including web address and passcodes, will be posted no later than April 24, 2026, at <http://ohp.parks.ca.gov>.**

If you need special accommodations pursuant to the Americans with Disabilities Act, please call Executive Secretary, Monica Newman, at (916) 445-7000. Questions regarding the meeting should be directed to the Registration Unit at (916) 445-7000. In accordance with the *Bagley-Keene Open Meeting Act* an agenda for this meeting will be published on the Office of Historic Preservation website no later than April 24, 2026.



**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION**

Armando Quintero, Director

Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100  
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calshpo.ohp@parks.ca.gov [www.ohp.parks.ca.gov](http://www.ohp.parks.ca.gov)

COSD ASSESSMENT APPEALS  
2026 MAR 6 AM 10:57

February 25, 2026

San Diego County Board of Supervisors  
ATTN: Clerk of the Board, Andrew Potter  
1600 Pacific Highway  
Fourth Floor, Room 402  
San Diego, California 92101

**RE: National Register of Historic Places Nomination for  
Elm Courts (San Diego Bungalow Courts MPDF)**

Dear Board of Supervisors:

Pursuant to Federal Regulations 36 CFR Part 60.6(c) I am notifying you that the State Historical Resources Commission (SHRC) at its next meeting intends to consider and take action on the nomination of the above-named property to the National Register of Historic Places (National Register). Details of that meeting are on the enclosed notice. The National Register is the federal government's official list of historic buildings and other cultural resources worthy of preservation. Listing in the National Register provides recognition and assists in preserving California's cultural heritage. If the item is removed from the scheduled agenda, you will be notified by mail.

Local government comments regarding the National Register eligibility of this property are welcomed. Written comments regarding the nomination may be submitted to California State Parks, Attn: Office of Historic Preservation, Julianne Polanco, State Historic Preservation Officer, P.O. Box 94296, Sacramento, California 94296-0001 OR via email to [calshpo.shrc@parks.ca.gov](mailto:calshpo.shrc@parks.ca.gov). To allow the SHRC adequate time to consider the comments, it is requested that written comments be received by the Office of Historic Preservation seven (7) days in advance of the SHRC's meeting. Written comments received within seven days of the meeting will still be included in the nomination file as sent to the Keeper of the National Register. Interested parties are encouraged to attend the SHRC meeting and present oral testimony.

As of January 1, 1993, all National Register properties are automatically included in the California Register of Historical Resources (California Register) and afforded consideration in accordance with state and local environmental review procedures.

The federal requirements covering the National Register program are to be found in the National Preservation Act of 1966, as amended, and in Federal Regulations 36 CFR Part 60. State law regarding the California Register is in the Public Resources Code, Section 5024. Should you have questions regarding this nomination, or would like a copy of the nomination, please contact the Registration Unit at [calshpo.shrc@parks.ca.gov](mailto:calshpo.shrc@parks.ca.gov).

Sincerely,

Julianne Polanco  
State Historic Preservation Officer

Enclosure: Meeting Notice



**DEPARTMENT OF PARKS AND RECREATION  
OFFICE OF HISTORIC PRESERVATION  
STATE HISTORICAL RESOURCES COMMISSION**

Julianne Polanco, State Historic Preservation Officer  
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100  
Telephone: (916) 445-7000  
Info.calshpo@parks.ca.gov      www.ohp.parks.ca.gov

Armando Quintero, Director

**COMMISSION MEMBERS**

Adam Sriro, Chair  
Lee Adams III  
Bryan K. Brandes  
Janet Hansen  
Alan Hess  
Neal Payton, FAIA  
René Vellanoweth, PhD

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## United States Department of the Interior

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

COSE CLERK OF THE BOARD  
2026 FEB 23 PM1:16

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

Case Number: 60429

CERTIFIED MAIL-RETURN RECEIPT REQUESTED – 9589 0710 5270 0952 5421 98

The Honorable Robert Smith  
Chairman, Pala Band of Mission Indians  
35008 Pala Temecula Road, PMB-50  
Pala, CA 92059

### NOTICE OF DECISION

Dear Chairman Smith:

This is notice of our decision as a result of our analysis of the application filed by the Pala Band of Mission Indians (Tribe) to have the below described real property accepted by the United States of America in trust:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA OF PALA, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 4, SECTION 27, TOGETHER WITH THE SOUTH 20 FEET OF LOTS 5 AND 7, SECTION 27, TOWNSHIP 9 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF THE ALLOTMENTS OF JOSE ROMERO AND FRANCISCO MICHAC, DECEASED PALA ALLOTTEES NOS. 126 AND 69.

The above-described real property is identified in San Diego County records as Assessor's Parcel Number 110-100-44-00, containing 6.14 acres, more or less. The subject property is located within the Pala Indian Reservation.

Federal Law authorizes the Secretary of the Interior, or his authorized representative, to acquire title on behalf of the United States of America for the benefit of tribes when such acquisition is authorized by an Act of Congress and (1) when the land is located within the exterior boundaries of the Tribe's reservation or contiguous thereto, or (2) when the tribe already owns an interest in

the land; or (3) when the Secretary determines that the acquisition of the land will further Tribal interest by establishing a Tribal land base or protecting Tribal homelands, protecting sacred sites or cultural resources and practices, establishing or maintaining conservation or environmental mitigation areas, consolidating land ownership, reducing checkerboarding, acquiring land lost through allotment, protecting treaty or subsistence rights, or facilitating tribal self-determination, economic development, Indian housing, or for other reasons the Secretary determines will support Tribal welfare. In this particular instance, the authorizing Act of Congress is the Indian Reorganization Act (IRA) of June 18, 1934 (25 U.S.C § 5108). The applicable regulations are set forth in the Code of Federal Regulations (CFR), Title 25, INDIANS, Part 151 (04-01-2024 Edition).

Pursuant to 25 CFR § 151.9, the Secretary will consider the following requirements in evaluating tribal requests for the acquisition of lands in trust status, when the land is located within the boundaries of an Indian reservation, and the acquisition is not mandated: 151.9 (a)(1) The existence of statutory authority for the acquisition and any limitations contained in such authority; 151.9(a)(2) If the applicant is an individual Indian, the need for additional land, the amount of trust or restricted land already owned by or for that individual, and the degree to which the individual needs assistance in handling their affairs; 151.9(a)(3) The purposes for which the land will be used; 151.9(a)(4) 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; 151.9(b) The Secretary shall give great weight to acquiring land that serves any of the following purposes, in accordance with § 151.3: (1) Furthers Tribal interests by establishing a Tribal land base or protects Tribal homelands; (2) Protects sacred sites or cultural resources and practices; (3) Establishes or maintains conservation or environmental mitigation areas; (4) Consolidates land ownership; (5) Reduces checkerboarding; (6) Acquires land lost through allotment; (7) Protects treaty or subsistence rights; or (8) Facilitates Tribal self determination, economic development, or Indian housing; 151.9(c) When reviewing a Tribe's request for land within the boundaries of an Indian reservation, the Secretary presumes that the acquisition will further the Tribal interests described in paragraph (b) of this section, and adverse impacts to local governments' regulatory jurisdiction, real property taxes, and special assessments will be minimal, therefore the application should be approved; 151.9(d) Upon receipt of a written request to have land acquired in trust within the boundaries of an Indian reservation the Secretary shall notify the State and local governments with regulatory jurisdiction over the land to be acquired of the applicant's request. The notice will inform the State or local government that each will be given 30 calendar days in which to provide written comments to rebut the presumption of minimal adverse impacts to regulatory jurisdiction, real property taxes, and special assessments. If the State or local government responds within 30 calendar days, a copy of the comments will be provided to the applicant, who will be given a reasonable time in which to reply, if they choose to do so in their discretion, or request that the Secretary issue a decision. In considering such comments, the Secretary presumes that the Tribal community will benefit from the acquisition; 151.14(a) The applicant must submit title evidence as part of a complete acquisition package as described in § 151.8; 151.14(b) After reviewing title evidence, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities that the Secretary identified and may seek additional information or action from the applicant needed to address such issues. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to acceptance of

the land in trust status if the Secretary determines that the liens, encumbrances, or infirmities make title to the land unmarketable; 151.15(a) The Secretary shall comply with the requirements of the National Environmental Policy Act (NEPA) (43 U.S.C. 4321 *et seq.*), applicable Council on Environmental Quality regulations (40 CFR parts 1500–1508), and Department of the Interior regulations (43 CFR part 46) and guidance. The Secretary’s compliance may require preparation of an environmental impact statement, an environmental assessment, a categorical exclusion, or other documentation that satisfies the requirements of NEPA; 151.15(b) The Secretary shall comply with the terms of 602 DM 2, Land Acquisitions: Hazardous Substances Determinations, or its successor policy if replaced or renumbered, so long as such guidance remains in place and binding. If the Secretary approves a request for the acquisition of land in trust status, the Secretary may then require, before formalization of acceptance pursuant to § 151.16, that the applicant provide information updating a prior pre-acquisition environmental site assessment conducted under 602 DM 2. Accordingly, the following analysis of the application is provided:

Our review and analysis of the requirements to evaluate this Tribal request as set forth in 25 Code of Federal Regulations, § 151.9 (a) through (d); § 151.14; and § 151.15; determined the following:

**25 CFR § 151.9 (a)(1) Statutory authority for the acquisition of the property:**

25 U.S.C. § 5108 INDIAN REORGANIZATION ACT OF JUNE 18, 1934 (48 STAT. 984).

Section 5 of the IRA (Section 5)<sup>1</sup> authorizes the Secretary to acquire land in trust for “Indians.” Section 19 of the Act defines “Indian” to include several categories of persons.<sup>2</sup> As relevant here, the first definition includes all persons of Indian descent who are members of “any recognized Indian tribe now under federal jurisdiction.”<sup>3</sup> In 2009, the United States Supreme Court (Supreme Court) in *Carcieri v. Salazar*<sup>4</sup> (*Carcieri*) construed the term “now” in the IRA’s first definition to refer to 1934, the year of the IRA’s enactment. The Supreme Court did not consider the meaning of the phrases “under federal jurisdiction.”

The first definition of “Indian” applies to “all persons of Indian descent who are members of any recognized Indian tribe now under Federal jurisdiction.”<sup>5</sup> In *Carcieri*, the Supreme Court considered the ordinary meaning of the term “now,” its sense within the context of the IRA, as well as contemporaneous Departmental correspondence,<sup>6</sup> and concluded that the phrase “now under the federal jurisdiction” unambiguously referred to tribes “that were under the federal jurisdiction of the United States when the IRA was enacted in 1934.”<sup>7</sup> The majority did not, however, address the meaning of the phrase “under federal jurisdiction.”<sup>8</sup>

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<sup>1</sup> IRA, § 5, codified at 25 U.S.C. § 5108.

<sup>2</sup> *Id.* at § 19, codified at 25 U.S.C. § 5129.

<sup>3</sup> *Id.*

<sup>4</sup> 555 U.S. 379 (2009) (“*Carcieri*”).

<sup>5</sup> IRA, § 19, codified at 25 U.S.C. § 5129.

<sup>6</sup> *Carcieri* at 388-90.

<sup>7</sup> *Id.* at 395.

<sup>8</sup> *Id.* at 382, 395.

In 2014, the Department’s Solicitor issued Sol. Op. M-37029 (M-37029) interpreting the statutory phrase “under Federal jurisdiction” (UFJ) for purposes of determining whether an Indian tribe can demonstrate that it was UFJ in 1934 for purposes of Section 5 of the IRA.<sup>9</sup> Multiple federal court decisions have held that the Department’s interpretation of the IRA’s first definition of “Indian” memorialized in M-37029 was reasonable.<sup>10</sup> Accordingly, we rely on M-37029 to guide our analysis here.

The IRA was a statute of general applicability but included an opt-out provision.<sup>11</sup> Section 18 directed the Secretary to conduct elections to allow Indians residing on a reservation to vote to accept or reject application of the Act.<sup>12</sup> In order for the Secretary to conclude that a reservation was eligible for an election, a determination had to be made that the residents satisfied one of the IRA’s definitions of “Indian.” Between 1934 and 1936, the Department conducted 258 Section 18 elections,<sup>13</sup> the results of which were compiled by the Department in what later became known as the Haas Report.<sup>14</sup>

The Department recognizes that the calling of a Section 18 election serves as unambiguous evidence demonstrating federal jurisdiction over a federally recognized tribe.<sup>15</sup> Federal courts and the Interior Board of Indian Appeals have repeatedly held that Section 18 elections constitute conclusive evidence that the Department considered a tribe or reservation to be under federal

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<sup>9</sup> The Meaning of ‘Under Federal Jurisdiction’ for Purposes of the Indian Reorganization Act, Op. Sol. Interior M-37029 (Mar. 12, 2014) (“Sol. Op. M-37029”).

<sup>10</sup> See, e.g., *Confederated Tribes of the Grand Ronde Cmty. of Ore. v. Jewell*, 75 F. Supp. 3d 387 (D.D.C. 2014), *aff’d*, 830 F. 3d 552 (D.C. Cir. 2016); *Stand Up for California! v. U.S. Dep’t of the Interior*, 204 F. Supp. 3d 212, 278 (D.D.C. 2016), *aff’d*, 879 F. 3d 1177, 1183-86 (D.C. Cir. 2018), *cert. denied*, 139 S. Ct. 786 (2019); *No Casino in Plymouth v. Jewell*, 136 F. Supp. 3d 1166, 1184 (E.D. Cal. 2015), *vacated and remanded sub nom., No Casino in Plymouth v. Zinke*, 698 F. App’x 531 (9th Cir. 2017) (vacated on other grounds); *County of Amador v. U.S. Dep’t of the Interior*, 136 F. Supp. 3d 1193, 1200, 1207-10 (E.D. Cal. 2015), *aff’d*, 872 F. 3d 1012 (9th Cir. 2017), *cert. denied*, 139 S. Ct. 64 (2018); *Cachil Dehe Band of Wintun Indians v. Zinke*, 889 F. 3d 584, 594-96 (9th Cir. 2018); *Cent. N.Y. Fair Bus. Ass’n v. Jewell*, 2015 WL 1400384 (N.D.N.Y. Mar. 26, 2015) (not reported), *aff’d*, 673 F. App’x 63 (2nd Cir. 2016) (not reported), *cert den.*, 137 S. Ct. 2134 (2017).

<sup>11</sup> IRA, § 18, codified at 25 U.S.C. § 5125.

<sup>12</sup> *Id.*

<sup>13</sup> Theodore H. Haas, *Ten Years of Tribal Government Under I.R.A.* (1947) (hereafter “Haas Report”).

<sup>14</sup> *Id.*, Table A at 13-20 (listing Section 18 elections conducted).

<sup>15</sup> Sol. Op. M-37029 at 21.

jurisdiction in 1934.<sup>16</sup> This is true irrespective of whether the Section 18 election resulted in the adoption or rejection of the IRA.<sup>17</sup>

In 1934, the United States understood that the Pala Band of Mission Indians was under the federal jurisdiction and supervision of the United States, and that the adult residents of the Tribe met the IRA's definition of "Indian." As detailed in the Haas Report, on December 18, 1934, the Pala Band of Mission Indians voted on the IRA.<sup>18</sup> One hundred and twenty-one members of the Tribe residing at the Reservation were eligible to vote, and sixty-six members voted against accepting the IRA while seven members voted in its favor.<sup>19</sup>

Based on the foregoing we conclude that the Tribe was "under Federal jurisdiction" in 1934 and the Secretary is authorized to acquire land in trust for the Tribe under Section 5 of the IRA.

**25 C.F.R. § 151.9(a)(2) – 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:**

This regulatory requirement is not applicable to Tribal acquisitions.

**25 C.F.R. § 151.9(a)(3) – Purpose for which the property will be used:**

The Lee Bar Ranch Property contains 6.41 acres, more or less, and is commonly referred to as Assessor's Parcel Number 110-100-44-00. The subject property is located within the Pala Indian Reservation on land that once supported several mobile homes. The Tribe may use the subject property for additional housing in the future since tribal homes surround the property.

**25 C.F.R. § 151.9 (a)(4) – Whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities:**

Acceptance of the Lee Bar Ranch property into trust will not impose any significant additional responsibilities or burdens on the BIA (Bureau of Indian Affairs) beyond those already inherent in the federal trusteeship over the existing reservation.

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<sup>16</sup> See, e.g., *Stand Up for California! v. U.S. Dept. of the Interior*, 919 F.Supp.2d 51, 67-68 (D.D.C. 2013) (Section 18 elections conclusive evidence of being under federal jurisdiction); *Stand Up for California! v. United States Dep't of Interior*, 879 F.3d 1177 (D.C. Cir. 2018), cert den., 139 S.Ct. 786 (Jan. 7, 2019); *Cachil Dehe Band of Wintun Indians of Colusa Indian Cmty. v. Zinke*, 889 F.3d 584, 596 (9th Cir. 2018); *Village of Hobart, Wisc. v. Acting Midwest Reg. Dir., Bureau of Indian Affairs*, 57 IBIA 4, 21 (2013) (Sec. 18 election provides "brightline test" for determining UFJ); *Shawano County, Wisc. v. Acting Midwest Reg. Dir., Bureau of Indian Affairs*, 53 IBIA 62, 74 (2011) (Sec. 18 vote necessarily recognized and determined that a tribe was under federal jurisdiction, "notwithstanding the Department of the Interior's admittedly inconsistent dealings with the Tribe in previous years.").

<sup>17</sup> *Carciari* at 394-95. The *Carciari* majority confirmed that the Indian Land Consolidation Act's amendments to the IRA in 1983 allowed tribes that rejected the IRA pursuant to a Section 18 election to benefit from Section 5 of the IRA; see also Sol. Op. M-37029 at 21.

<sup>18</sup> Haas Report at 14.

<sup>19</sup> *Ibid.*

**25 C.F.R. § 151.9(b) – Great weight to acquiring land that serves certain Tribal interests:**

The trust acquisition of the Lee Bar Ranch property is part of the Tribe's comprehensive effort to restore and protect traditional Tribal homelands. Moreover, Lee Bar Ranch is former Pala Reservation land and lies within the current Pala Reservation that Pala lost through allotment. Hence, the acquisition will reduce checkerboarding, consolidate Tribal land ownership, and strengthen Tribal self-determination.

**25 C.F.R. § 151.9(c) – Further Tribal Interests:**

When reviewing a Tribe's request for land within an Indian reservation, there is a presumption that the impacts to local governments' regulatory jurisdiction, real property taxes, and special assessments will be minimal, and therefore the application should be approved.

**25 C.F.R. § 151.9(d) – Impacts on regulatory jurisdiction, real property taxes, and special assessments of the State and/or local government:**

On December 10, 2025, by certified mail, return receipt requested, we issued notice of, and sought comments regarding the proposed fee to trust application from the Senior Advisor for Tribal Negotiations, Legal Affairs Secretary, Office of the Governor; T. Michelle Laird, Supervising Deputy Attorney General, State of California, Department of Justice; San Diego County Board of Supervisors; San Diego County Treasurer & Tax Collector; and Pala Band of Mission Indians. Regular Mail: Superintendent, Southern California Agency. In response to our notification, we received no comments.

Pala's 2025-26 tax assessment for the Lee Bar Ranch property was \$16,196.50. During the comment period, none of the solicited agencies indicated that any adverse impacts would result from the removal of the subject parcels from the tax rolls.

It is our determination no impacts to regulatory jurisdiction, real property taxes, and special assessments will result from the proposed acquisition.

**25 C.F.R. § 151.14 Title Examination:**

Title review by the Office of the Solicitor, Pacific Southwest Region, was requested on August 14, 2025, and a favorable opinion of title was issued on January 12, 2026. The procedure for acquiring title to subject property by the United States of America in trust for the Tribe is acknowledged and in accordance with the Department's procedures.

**25 C.F.R. § 151.15 – Environmental Compliance: The extent to which the applicant has provided information that allows the Secretary to comply with the requirements of the National Environmental Policy Act (NEPA) (43 U.S.C. 4321 et seq.), applicable Council on Environmental Quality regulations (40 CFR parts 1500–1508), and Department of the Interior regulations (43 CFR part 46) and guidance.:**

### National Environmental Policy Act Compliance

The BIA's guidelines for National Environmental Policy Act of 1969 (NEPA) compliance are set forth in the Interior Departmental Manual (516 DM 1). The proposed action herein has been determined not to require the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). A Categorical Exclusion for the acquisition of the subject property was approved by this Agency on January 17, 2025. Compliance with NEPA has been completed.

### National Historic Preservation Act (NHPA) Compliance

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consider the effects of their land acquisition approvals with the potential to affect historic properties. No change in land use is planned for the subject acquisition. Therefore, the BIA determined there is no potential to affect historic properties on the subject property.

### Endangered Species Act Compliance

The Endangered Species Act requires federal agencies to determine if its action may affect a threatened or endangered species. The BIA review concluded no affects to endangered or threatened species would result from the trust acquisition.

### Hazardous Substances Determination

In accordance with 516 DM1, we are charged with the responsibility of conducting a site assessment for the purposes of determining the potential of, and extent of liability from hazardous substances or other environmental remediation or injury.

A Phase 1 Environmental Site Assessment (ESA) was conducted for the subject parcel on May 15, 2024. The ESA did not find any hazardous materials contamination rising to level of a "Recognized Environmental Condition." Thus, no further investigation or remediation is required. An updated Phase I ESA will be conducted within six months of the acceptance of title to ensure there are no significant changes to conditions on the property.

### Conclusion

Based on the foregoing analysis, and a finding that all applicable legal requirements have been satisfied, the Regional Director, Pacific Region, is issuing this notice of our intent to approve the taking of the subject property into trust status for the benefit and welfare of the Pala Band of Mission Indians. The subject acquisition will vest title in the United States of America in trust for the Pala Band of Mission Indians in accordance with the Indian Reorganization Act of June 18, 1934 (48 Stat. 984; 25 U.S.C. 5108).

Any party who wishes to seek judicial review of this decision must first exhaust administrative remedies. The Regional Director's decision may be appealed to the Interior Board of Indian Appeals (IBIA) in accordance with the regulations in 43 C.F.R. 4.310-4.340.

If you choose to appeal this decision, your notice of appeal to the IBIA must be signed by you or your attorney and must be either postmarked and mailed (if you use mail) or delivered (if you use another means of physical delivery, such as FedEx or UPS) to the IBIA within 30 days from the date of receipt of this decision. The regulations do not authorize filings by facsimile/fax or by electronic means. Your notice of appeal should clearly identify the decision being appealed. You must send your original notice of appeal to the IBIA at the following address: Interior Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203. You must send copies of your notice of appeal to (1) the Assistant Secretary – Indian Affairs, U.S. Department of the Interior, MS-4141-MIB, 1849 C Street N.W., Washington, D.C. 20240; (2) each interested party known to you; and (3) the Regional Director. Your notice of appeal sent to the IBIA must include a statement certifying that you have sent copies to these officials and interested parties and should identify them by names or titles and addresses.

If you file a notice of appeal, the IBIA will notify you of further procedures. If no appeal is timely filed, this decision will become final for the Department of the Interior at the expiration of the appeal period. No extension of time may be granted for filing a notice of appeal.

Sincerely,

**FELIX KITTO** Digitally signed by FELIX KITTO  
Date: 2026.02.20 06:24:29 -08'00'

Acting Regional Director

Enclosure:

43 CFR 4.310, et seq.

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: 9589 0710 5270 0952 5421 50

T. Michelle Laird, Supervising Deputy Attorney General  
c/o Paula Corral  
State of California, Department of Justice  
P.O. Box 944255  
Sacramento, CA 94244-2250  
Certified Mail ID: 9589 0710 5270 0952 5421 67

San Diego County Board of Supervisors  
1600 Pacific Highway, Room 310  
San Diego, CA 92101  
Certified Mail ID: 9589 0710 5270 0952 5421 74

San Diego County Treasurer & Tax Collector  
1600 Pacific Highway, Room 162  
San Diego, CA 92101  
Certified Mail ID: 9589 0710 5270 0952 5421 81

### **BY FIRST CLASS MAIL:**

Bureau of Indian Affairs  
Southern California Agency  
1451 Research Dr., Suite 100  
Riverside, CA 92507

Office of the Secretary, Interior

§ 4.310

state specifically and concisely the grounds upon which it is based.

(b) *Notice; burden of proof.* The OHA deciding official will, upon receipt of a demand for hearing, set a time and place therefor and must mail notice thereof to all parties in interest not less than 30 days in advance; provided, however, that such date must be set after the expiration of the 60-day period fixed for the filing of the demand for hearing as provided in § 4.305(a). At the hearing, each party challenging the tribe's claim to purchase the interests in question or the valuation of the interests as set forth in the valuation report will have the burden of proving his or her position.

(c) *Decision after hearing; appeal.* Upon conclusion of the hearing, the OHA deciding official will issue a decision which determines all of the issues including, but not limited to, a judgment establishing the fair market value of the interests purchased by the tribe, including any adjustment thereof made necessary by the surviving spouse's decision to reserve a life estate in one-half of the interests. The decision must specify the right of appeal to the Board of Indian Appeals within 60 days from the date of the decision in accordance with §§ 4.310 through 4.323. The OHA deciding official must lodge the complete record relating to the demand for hearing with the title plant as provided in § 4.236(b), furnish a duplicate record thereof to the Superintendent, and mail a notice of such action together with a copy of the decision to each party in interest.

§ 4.306 Time for payment.

A tribe must pay the full fair market value of the interests purchased, as set forth in the valuation report or as determined after hearing in accordance with § 4.305, whichever is applicable, within 2 years from the date of decedent's death or within 1 year from the date of notice of purchase, whichever comes later.

§ 4.307 Title.

Upon payment by the tribe of the interests purchased, the Superintendent must issue a certificate to the OHA deciding official that this has been done and file therewith such documents in

support thereof as the OHA deciding official may require. The OHA deciding official will then issue an order that the United States holds title to such interests in trust for the tribe, lodge the complete record, including the decision, with the title plant as provided in § 4.236(b), furnish a duplicate record thereof to the Superintendent, and mail a notice of such action together with a copy of the decision to each party in interest.

§ 4.308 Disposition of income.

During the pendency of the probate and up to the date of transfer of title to the United States in trust for the tribe in accordance with § 4.307, all income received or accrued from the land interests purchased by the tribe will be credited to the estate.

CROSS REFERENCE: See 25 CFR part 2 for procedures for appeals to Area Directors and to the Commissioner of the Bureau of Indian Affairs.

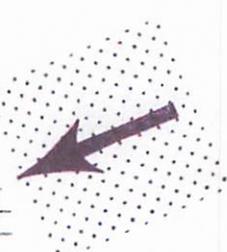
GENERAL RULES APPLICABLE TO PROCEEDINGS ON APPEAL BEFORE THE INTERIOR BOARD OF INDIAN APPEALS

SOURCE: 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

§ 4.310 Documents.

(a) *Filing.* The effective date for filing a notice of appeal or other document with the Board during the course of an appeal is the date of mailing or the date of personal delivery, except that a motion for the Board to assume jurisdiction over an appeal under 25 CFR 2.20(e) will be effective the date it is received by the Board.

(b) *Service.* Notices of appeal and pleadings must be served on all parties in interest in any proceeding before the Interior Board of Indian Appeals by the party filing the notice or pleading with the Board. Service must be accomplished upon personal delivery or mailing. Where a party is represented in an appeal by an attorney or other representative authorized under 43 CFR 1.3, service of any document on the attorney or representative is service on the party. Where a party is represented by more than one attorney, service on any one attorney is sufficient. The certificate of service on an attorney or



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representative must include the name of the party whom the attorney or representative represents and indicate that service was made on the attorney or representative.

(c) *Computation of time for filing and service.* Except as otherwise provided by law, in computing any period of time prescribed for filing and serving a document, the day upon which the decision or document to be appealed or answered was served or the day of any other event after which a designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, Federal legal holiday, or other nonbusiness day, in which event the period runs until the end of the next day which is not a Saturday, Sunday, Federal legal holiday, or other nonbusiness day. When the time prescribed or allowed is 7 days or less, intermediate Saturdays, Sundays, Federal legal holidays, and other nonbusiness days are excluded in the computation.

(d) *Extensions of time.* (1) The time for filing or serving any document except a notice of appeal may be extended by the Board.

(2) A request to the Board for an extension of time must be filed within the time originally allowed for filing.

(3) For good cause the Board may grant an extension of time on its own initiative.

(e) *Retention of documents.* All documents received in evidence at a hearing or submitted for the record in any proceeding before the Board will be retained with the official record of the proceeding. The Board, in its discretion, may permit the withdrawal of original documents while a case is pending or after a decision becomes final upon conditions as required by the Board.

#### §4.311 Briefs on appeal.

(a) The appellant may file an opening brief within 30 days after receipt of the notice of docketing. Appellant must serve copies of the opening brief upon all interested parties or counsel and file a certificate with the Board showing service upon the named parties. Opposing parties or counsel will have 30 days from receipt of appellant's brief

#### 43 CFR Subtitle A (10-1-03 Edition)

to file answer briefs, copies of which must be served upon the appellant or counsel and all other parties in interest. A certificate showing service of the answer brief upon all parties or counsel must be attached to the answer filed with the Board.

(b) Appellant may reply to an answering brief within 15 days from its receipt. A certificate showing service of the reply brief upon all parties or counsel must be attached to the reply filed with the Board. Except by special permission of the Board, no other briefs will be allowed on appeal.

(c) The BIA is considered an interested party in any proceeding before the Board. The Board may request that the BIA submit a brief in any case before the Board.

(d) An original only of each document should be filed with the Board. Documents should not be bound along the side.

(e) The Board may also specify a date on or before which a brief is due. Unless expedited briefing has been granted, such date may not be less than the appropriate period of time established in this section.

#### §4.312 Decisions.

Decisions of the Board will be made in writing and will set forth findings of fact and conclusions of law. The decision may adopt, modify, reverse or set aside any proposed finding, conclusion, or order of a BIA official or an OHA deciding official. Distribution of decisions must be made by the Board to all parties concerned. Unless otherwise stated in the decision, rulings by the Board are final for the Department and must be given immediate effect.

#### §4.313 Amicus Curiae; intervention; joinder motions.

(a) Any interested person or Indian tribe desiring to intervene or to join other parties or to appear as amicus curiae or to obtain an order in an appeal before the Board must apply in writing to the Board stating the grounds for the action sought. Permission to intervene, to join parties, to appear, or for other relief, may be granted for purposes and subject to limitations established by the Board. This section will be liberally construed.

(b) Motions to intervene, to appear as *amicus curiae*, to join additional parties, or to obtain an order in an appeal pending before the Board must be served in the same manner as appeal briefs.

**§ 4.314 Exhaustion of administrative remedies.**

(a) No decision of an OHA deciding official or a BIA official, which at the time of its rendition is subject to appeal to the Board, will be considered final so as to constitute agency action subject to judicial review under 5 U.S.C. 704, unless made effective pending decision on appeal by order of the Board.

(b) No further appeal will lie within the Department from a decision of the Board.

(c) The filing of a petition for reconsideration is not required to exhaust administrative remedies.

**§ 4.315 Reconsideration.**

(a) Reconsideration of a decision of the Board will be granted only in extraordinary circumstances. Any party to the decision may petition for reconsideration. The petition must be filed with the Board within 30 days from the date of the decision and must contain a detailed statement of the reasons why reconsideration should be granted.

(b) A party may file only one petition for reconsideration.

(c) The filing of a petition will not stay the effect of any decision or order and will not affect the finality of any decision or order for purposes of judicial review, unless so ordered by the Board.

**§ 4.316 Remands from courts.**

Whenever any matter is remanded from any federal court to the Board for further proceedings, the Board will either remand the matter to an OHA deciding official or to the BIA, or to the extent the court's directive and time limitations will permit, the parties will be allowed an opportunity to submit to the Board a report recommending procedures for it to follow to comply with the court's order. The Board will enter special orders governing matters on remand.

**§ 4.317 Standards of conduct.**

(a) *Inquiries about cases.* All inquiries with respect to any matter pending before the Board must be made to the Chief Administrative Judge of the Board or the administrative judge assigned the matter.

(b) *Disqualification.* An administrative judge may withdraw from a case in accordance with standards found in the recognized canons of judicial ethics if the judge deems such action appropriate. If, prior to a decision of the Board, a party files an affidavit of personal bias or disqualification with substantiating facts, and the administrative judge concerned does not withdraw, the Director of the Office of Hearings and Appeals will determine the matter of disqualification.

**§ 4.318 Scope of review.**

An appeal will be limited to those issues which were before the OHA deciding official upon the petition for rehearing, reopening, or regarding tribal purchase of interests, or before the BIA official on review. However, except as specifically limited in this part or in title 25 of the Code of Federal Regulations, the Board will not be limited in its scope of review and may exercise the inherent authority of the Secretary to correct a manifest injustice or error where appropriate.

APPEALS TO THE BOARD OF INDIAN  
APPEALS IN PROBATE MATTERS

SOURCE: 66 FR 67656, Dec. 31, 2001, unless otherwise noted.

**§ 4.320 Who may appeal.**

(a) A party in interest has a right to appeal to the Board from an order of an OHA deciding official on a petition for rehearing, a petition for reopening, or regarding tribal purchase of interests in a deceased Indian's trust estate.

(b) Notice of appeal. Within 60 days from the date of the decision, an appellant must file a written notice of appeal signed by appellant, appellant's attorney, or other qualified representative as provided in 43 CFR 1.3, with the Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203. A

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statement of the errors of fact and law upon which the appeal is based must be included in either the notice of appeal or in any brief filed. The notice of appeal must include the names and addresses of parties served. A notice of appeal not timely filed will be dismissed for lack of jurisdiction.

(c) Service of copies of notice of appeal. The appellant must personally deliver or mail the original notice of appeal to the Board of Indian Appeals. A copy must be served upon the OHA deciding official whose decision is appealed as well as all interested parties. The notice of appeal filed with the Board must include a certification that service was made as required by this section.

(d) Action by the OHA deciding official; record inspection. The OHA deciding official, upon receiving a copy of the notice of appeal, must notify the Superintendent concerned to return the duplicate record filed under §§ 4.236(b) and 4.241(d), or under § 4.242(f) of this part, to the Land Titles and Records Office designated under § 4.236(b) of this part. The duplicate record must be conformed to the original by the Land Titles and Records Office and will thereafter be available for inspection either at the Land Titles and Records Office or at the office of the Superintendent. In those cases in which a transcript of the hearing was not prepared, the OHA deciding official will have a transcript prepared which must be forwarded to the Board within 30 days from receipt of a copy of the notice of appeal.

[66 FR 67656, Dec. 31, 2001, as amended at 67 FR 4368, Jan. 30, 2002]

#### § 4.321 Notice of transmittal of record on appeal.

The original record on appeal must be forwarded by the Land Titles and Records Office to the Board by certified mail. Any objection to the record as constituted must be filed with the Board within 15 days of receipt of the notice of docketing issued under § 4.332 of this part.

#### § 4.322 Docketing.

The appeal will be docketed by the Board upon receipt of the administrative record from the Land Titles and

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Records Office. All interested parties as shown by the record on appeal must be notified of the docketing. The docketing notice must specify the time within which briefs may be filed and must cite the procedural regulations governing the appeal.

#### § 4.323 Disposition of the record.

Subsequent to a decision of the Board, other than remands, the record filed with the Board and all documents added during the appeal proceedings, including any transcripts prepared because of the appeal and the Board's decision, must be forwarded by the Board to the Land Titles and Records Office designated under § 4.236(b) of this part. Upon receipt of the record by the Land Titles and Records Office, the duplicate record required by § 4.320(c) of this part must be conformed to the original and forwarded to the Superintendent concerned.

#### APPEALS TO THE BOARD OF INDIAN APPEALS FROM ADMINISTRATIVE ACTIONS OF OFFICIALS OF THE BUREAU OF INDIAN AFFAIRS: ADMINISTRATIVE REVIEW IN OTHER INDIAN MATTERS NOT RELATING TO PROBATE PROCEEDINGS

SOURCE: 54 FR 6487, Feb. 10, 1989, unless otherwise noted.

#### § 4.330 Scope.

(a) The definitions set forth in 25 CFR 2.2 apply also to these special rules. These regulations apply to the practice and procedure for: (1) Appeals to the Board of Indian Appeals from administrative actions or decisions of officials of the Bureau of Indian Affairs issued under regulations in 25 CFR chapter 1, and (2) administrative review by the Board of Indian Appeals of other matters pertaining to Indians which are referred to it for exercise of review authority of the Secretary or the Assistant Secretary—Indian Affairs.

(b) Except as otherwise permitted by the Secretary or the Assistant Secretary—Indian Affairs by special delegation or request, the Board shall not adjudicate:

- (1) Tribal enrollment disputes;

(2) Matters decided by the Bureau of Indian Affairs through exercise of its discretionary authority; or

(3) Appeals from decisions pertaining to final recommendations or actions by officials of the Minerals Management Service, unless the decision is based on an interpretation of Federal Indian law (decisions not so based which arise from determinations of the Minerals Management Service, are appealable to the Interior Board of Land Appeals in accordance with 43 CFR 4.410).

**§4.331 Who may appeal.**

Any interested party affected by a final administrative action or decision of an official of the Bureau of Indian Affairs issued under regulations in title 25 of the Code of Federal Regulations may appeal to the Board of Indian Appeals, except—

(a) To the extent that decisions which are subject to appeal to a higher official within the Bureau of Indian Affairs must first be appealed to that official;

(b) Where the decision has been approved in writing by the Secretary or Assistant Secretary—Indian Affairs prior to promulgation; or

(c) Where otherwise provided by law or regulation.

**§4.332 Appeal to the Board; how taken; mandatory time for filing; preparation assistance; requirement for bond.**

(a) A notice of appeal shall be in writing, signed by the appellant or by his attorney of record or other qualified representative as provided by 43 CFR 1.3, and filed with the Board of Indian Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy Street, Arlington, Virginia 22203, within 30 days after receipt by the appellant of the decision from which the appeal is taken. A copy of the notice of appeal shall simultaneously be filed with the Assistant Secretary—Indian Affairs. As required by §4.333 of this part, the notice of appeal sent to the Board shall certify that a copy has been sent to the Assistant Secretary—Indian Affairs. A notice of appeal not timely filed shall be dismissed for lack of jurisdiction. A notice of appeal shall include:

(1) A full identification of the case;

(2) A statement of the reasons for the appeal and of the relief sought; and

(3) The names and addresses of all additional interested parties, Indian tribes, tribal corporations, or groups having rights or privileges which may be affected by a change in the decision, whether or not they participated as interested parties in the earlier proceedings.

(b) In accordance with 25 CFR 2.20(c) a notice of appeal shall not be effective for 20 days from receipt by the Board, during which time the Assistant Secretary—Indian Affairs may decide to review the appeal. If the Assistant Secretary—Indian Affairs properly notifies the Board that he has decided to review the appeal, any documents concerning the case filed with the Board shall be transmitted to the Assistant Secretary—Indian Affairs.

(c) When the appellant is an Indian or Indian tribe not represented by counsel, the official who issued the decision appealed shall, upon request of the appellant, render such assistance as is appropriate in the preparation of the appeal.

(d) At any time during the pendency of an appeal, an appropriate bond may be required to protect the interest of any Indian, Indian tribe, or other parties involved.

[54 FR 6487, Feb. 10, 1989, as amended at 67 FR 4368, Jan. 30, 2002]

**§4.333 Service of notice of appeal.**

(a) On or before the date of filing of the notice of appeal the appellant shall serve a copy of the notice upon each known interested party, upon the official of the Bureau of Indian Affairs from whose decision the appeal is taken, and upon the Assistant Secretary—Indian Affairs. The notice of appeal filed with the Board shall certify that service was made as required by this section and shall show the names and addresses of all parties served. If the appellant is an Indian or an Indian tribe not represented by counsel, the appellant may request the official of the Bureau whose decision is appealed to assist in service of copies of the notice of appeal and any supporting documents.

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(b) The notice of appeal will be considered to have been served upon the date of personal service or mailing.

#### § 4.334 Extensions of time.

Requests for extensions of time to file documents may be granted upon a showing of good cause, except for the time fixed for filing a notice of appeal which, as specified in § 4.332 of this part, may not be extended.

#### § 4.335 Preparation and transmittal of record by official of the Bureau of Indian Affairs.

(a) Within 20 days after receipt of a notice of appeal, or upon notice from the Board, the official of the Bureau of Indian Affairs whose decision is appealed shall assemble and transmit the record to the Board. The record on appeal shall include, without limitation, copies of transcripts of testimony taken; all original documents, petitions, or applications by which the proceeding was initiated; all supplemental documents which set forth claims of interested parties; and all documents upon which all previous decisions were based.

(b) The administrative record shall include a Table of Contents noting, at a minimum, inclusion of the following:

(1) The decision appealed from;

(2) The notice of appeal or copy thereof; and

(3) Certification that the record contains all information and documents utilized by the deciding official in rendering the decision appealed.

(c) If the deciding official receives notification that the Assistant Secretary—Indian Affairs has decided to review the appeal before the administrative record is transmitted to the Board, the administrative record shall be forwarded to the Assistant Secretary—Indian Affairs rather than to the Board.

#### § 4.336 Docketing.

An appeal shall be assigned a docket number by the Board 20 days after receipt of the notice of appeal unless the Board has been properly notified that the Assistant Secretary—Indian Affairs has assumed jurisdiction over the appeal. A notice of docketing shall be sent to all interested parties as shown

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by the record on appeal upon receipt of the administrative record. Any objection to the record as constituted shall be filed with the Board within 15 days of receipt of the notice of docketing. The docketing notice shall specify the time within which briefs shall be filed, cite the procedural regulations governing the appeal and include a copy of the Table of Contents furnished by the deciding official.

#### § 4.337 Action by the Board.

(a) The Board may make a final decision, or where the record indicates a need for further inquiry to resolve a genuine issue of material fact, the Board may require a hearing. All hearings shall be conducted by an administrative law judge of the Office of Hearings and Appeals. The Board may, in its discretion, grant oral argument before the Board.

(b) Where the Board finds that one or more issues involved in an appeal or a matter referred to it were decided by the Bureau of Indian Affairs based upon the exercise of discretionary authority committed to the Bureau, and the Board has not otherwise been permitted to adjudicate the issue(s) pursuant to § 4.330(b) of this part, the Board shall dismiss the appeal as to the issue(s) or refer the issue(s) to the Assistant Secretary—Indian Affairs for further consideration.

#### § 4.338 Submission by administrative law judge of proposed findings, conclusions and recommended decision.

(a) When an evidentiary hearing pursuant to § 4.337(a) of this part is concluded, the administrative law judge shall recommend findings of fact and conclusions of law, stating the reasons for such recommendations. A copy of the recommended decision shall be sent to each party to the proceeding, the Bureau official involved, and the Board. Simultaneously, the entire record of the proceedings, including the transcript of the hearing before the administrative law judge, shall be forwarded to the Board.

(b) The administrative law judge shall advise the parties at the conclusion of the recommended decision of their right to file exceptions or other

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comments regarding the recommended decision with the Board in accordance with §4.339 of this part.

**§4.339 Exceptions or comments regarding recommended decision by administrative law judge.**

Within 30 days after receipt of the recommended decision of the administrative law judge, any party may file exceptions to or other comments on the decision with the Board.

**§4.340 Disposition of the record.**

Subsequent to a decision by the Board, the record filed with the Board and all documents added during the appeal proceedings, including the Board's decision, shall be forwarded to the official of the Bureau of Indian Affairs whose decision was appealed for proper disposition in accordance with rules and regulations concerning treatment of Federal records.

**WHITE EARTH RESERVATION LAND SETTLEMENT ACT OF 1985; AUTHORITY OF ADMINISTRATIVE JUDGES; DETERMINATIONS OF THE HEIRS OF PERSONS WHO DIED ENTITLED TO COMPENSATION**

SOURCE: 56 FR 61383, Dec. 3, 1991, unless otherwise noted.

**§4.350 Authority and scope.**

(a) The rules and procedures set forth in §§4.350 through 4.357 apply only to the determination through intestate succession of the heirs of persons who died entitled to receive compensation under the White Earth Reservation Land Settlement Act of 1985, Public Law 99-264 (100 Stat. 61), amended by Public Law 100-153 (101 Stat. 886) and Public Law 100-212 (101 Stat. 1433).

(b) Whenever requested to do so by the Project Director, an administrative judge shall determine such heirs by applying inheritance laws in accordance with the White Earth Reservation Settlement Act of 1985 as amended, notwithstanding the decedent may have died testate.

(c) As used herein, the following terms shall have the following meanings:

(1) The term *Act* means the White Earth Reservation Land Settlement Act of 1985 as amended.

(2) The term *Board* means the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary.

(3) The term *Project Director* means the Superintendent of the Minnesota Agency, Bureau of Indian Affairs, or other Bureau of Indian Affairs official with delegated authority from the Minneapolis Area Director to serve as the federal officer in charge of the White Earth Reservation Land Settlement Project.

(4) The term *party (parties) in interest* means the Project Director and any presumptive or actual heirs of the decedent, or c. any issue of any subsequently deceased presumptive or actual heir of the decedent.

(5) The term *compensation* means a monetary sum, as determined by the Project Director, pursuant to section 8(c) of the Act.

(6) The term *administrative judge* means an administrative judge or an administrative law judge, attorney-advisor, or other appropriate official of the Office of Hearings and Appeals to whom the Director of the Office of Hearings and Appeals has redelegated his authority, as designee of the Secretary, for making heirship determinations as provided for in these regulations.

(7) The term *appellant* means a party aggrieved by a final order or final order upon reconsideration issued by an administrative judge who files an appeal with the Board.

[56 FR 61383, Dec. 3, 1991; 56 FR 65782, Dec. 18, 1991, as amended at 64 FR 13363, Mar. 18, 1999]

**§4.351 Commencement of the determination process.**

(a) Unless an heirship determination which is recognized by the Act already exists, the Project Director shall commence the determination of the heirs of those persons who died entitled to receive compensation by filing with the administrative judge all data, identifying the purpose for which they are being submitted, shown in the records relative to the family of the decedent.

(b) The data shall include but are not limited to: