



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
SHAWNEE AGENCY
624 W. INDEPENDENCE, SUITE 109
SHAWNEE, OK 74801

In Reply Refer To:
Real Estate Services
TR-4609-P5

MAY 02 2024

Case Number: 52817

Certified Mail - Return Receipt Requested 70211970000039585256

CITIZEN POTAWATOMI NATION, OKLAHOMA
1601 SOUTH GORDON COOPER DRIVE
SHAWNEE, OK 74801

NOTICE OF DECISION

Dear Applicant:

This decision is a result of our analysis of an application filed by CITIZEN POTAWATOMI NATION, OKLAHOMA for trust acquisition of fee lands. The property is described as follows:

See "Exhibit A" for legal descriptions.

Regulatory Authority

The applicable regulations are set forth in the Code of Federal Regulations (CFR) Title 25, Part 151. The regulations specify that it is the Secretary's policy to accept lands "in trust" for the benefit of Tribes when such acquisition is authorized by an Act of Congress; and, (1) when such lands are within the exterior boundaries of the Tribe's reservation, or adjacent thereto, or within a Tribal consolidation area, or (2) when the Tribe already owns an interest in the land; or (3) when the Secretary determines that the land is necessary to facilitate Tribal self-determination, economic development, or Indian housing.

This acquisition facilitates Tribal Self-Determination. Therefore, it is within the land acquisition policy as set forth by the Secretary of the Interior.

Pursuant to 25 CFR Part 151, 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 or contiguous to the tribe's reservation, and the acquisition is not mandated:

- (a) The existence of Statutory Authority for the acquisition and any limitations contained in such authority;
- (b) need of the individual Indian or the Tribe for additional land;
- (c) the purpose for which the land will be used;
- (d) if the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;
- (e) impact on the State and its political subdivisions resulting from removal of the land from the tax rolls;
- (f) jurisdictional problems and potential conflict of land use which may arise;
- (g) whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status; and,
- (h) the extent to which

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the applicant has provided information that allows the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions.

Our review of the requirements to evaluate this Tribal request as set forth in 25 Code of Federal Regulations, § 151.10 (a) through (h), determined the following:

1. 25 CFR § 151.10 (a) Statutory authority for the acquisition of the property.

25 U.S.C 5108 INDIAN REORG ACT JUNE 18 1934 (48 STAT. 984)

2. 25 CFR § 151.10 (b) – The need of the individual Indian or a Tribe for additional land.

The Tribe has been successful in reacquiring a small amount of trust lands. This property lies in close proximity to other trust lands of the same character and in an area subject to tribal consolidation efforts.

3. 25 CFR § 151.10 (c) – Purpose for which the property will be used.

The tribe plans to use this land for economic development, Tribal Self-Determination and increasing Tribal land base which will further the pursuit of Tribal Self-Determination and allows future generations of tribal leaders to have the flexibility to use the land for the health, welfare and sovereignty of the Citizen Potawatomi Nation.

4. 25 CFR § 151.10 (d) – If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs.

N/A

5. 25 CFR § 151.10 (e) – Impact on State and its political subdivisions resulting from the removal of this property from the tax rolls.

The Office of the Governor, State of Oklahoma, City of Shawnee, Mayor, Pottawatomie County Board of Commissioners, Oklahoma Tax Commission, Pottawatomie County Assessor officials are the state and local entities having regulatory jurisdiction over the land in question. Comments were requested from these entities concerning the potential impact on regulatory jurisdiction, real property taxes, and special assessments resulting from removal of the land from the tax rolls. Two comments of concern were received, one from the Governor & one from the County Assessor stating there are 2 accounts for this parcel and all taxes are up to date.

6. 25 CFR § 151.10 (f) – Jurisdictional problems and potential conflicts of land use.

There are no known jurisdictional problems or potential conflicts of land use concerning this property. The tribe co-exists with the state and local community very well and has not received any

negative responses or comments regarding the roads, water and sewer, fire protection, zoning, emergency services or school districts.

7. 25 CFR § 151.10 (g) – Whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities.

It is determined that the Bureau of Indian Affairs (BIA) and the Tribe are equipped to handle the additional responsibilities resulting from the acquisition of the property in trust. More specifically, the Tribe has a trained law enforcement division, a drug court, a district court, and a supreme court all having legal jurisdiction over trust land. Tribal police are certified to enforce federal and tribal laws of trust lands and are cross deputized with the State of Oklahoma.

8. 25 CFR § 151.10 (h) – Environmental Compliance:

National Environmental Policy Act Compliance

This acquisition involves no change in land use; therefore, it is categorically excluded from further environmental review. An exception review checklist was prepared to ensure the action remains categorically excluded and all twelve items received a negative response. The acting Deputy Regional Director-Trust, signed a Categorical Exclusion Review on 2023.4.17 documenting his decision to categorically exclude the action. No further NEPA compliance is required.

National Historic Preservation Act (NHPA) Compliance

There is no change in land use, however the Tribe consulted with appropriate authorities regarding environmental issues, and a record of all correspondence related to such is included in the casefile. It has been determined that endangered species will not be impacted by the decision to take this tract of land into trust status.

Endangered Species Act (ESA) Compliance

The BIA has made a determination of "no effect" on threatened or endangered species per section 7(a)(2) of the ESA as of April 9, 2024. No further compliance is required for the ESA.

Hazardous Substances Determination

602 DM2: A Phase I Environmental Site Assessment Dated April 9, 2024, found no Recognized Environmental Conditions associated with the proposed acquisition. The Assessment is within 180 days of acquisition; therefore, no further action is required.

Conclusion

Based upon our completion of the required casework in this fee to trust acquisition and a complete preliminary approval of this transaction, we request this property be accepted into trust status.

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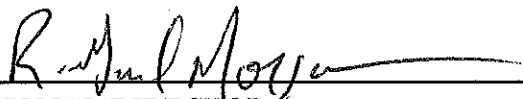
Notice of Appeal

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,



REGIONAL DIRECTOR

Enclosure(s)

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cc:

BY CERTIFIED MAIL:

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BY FIRST CLASS MAIL:

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