



United States Department of the Interior

SHAWNEE AGENCY

624 W. INDEPENDENCE, SUITE 109

SHAWNEE, OK 74801

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

APR 20 2020

Case Number: 15359

Certified Mail - Return Receipt Requested Emailed

CITIZEN POTAWATOMI NATION THE HONORABLE JOHN BARRETT,
CHAIRMAN

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 THE HONORABLE JOHN BARRETT, CHAIRMAN 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

FTND01



Office Codes: B.B.08.821 AD Number: 4200196960 Case: 15359

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 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.

Tribal Self-Determination.

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

Agriculture.

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.

This acquisition will not have a significant impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls. The property currently generates a total of \$156.98 in property taxes.

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.

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 and the Citizen Potawatomi Nation are equipped to handle the additional responsibilities resulting from the acquisition of the land in trust status.

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

National Environmental Policy Act Compliance

The Environmental Scientist, Southern Plains Regional Office has issued an Environmental Compliance Review Memorandum for this property. This requirement has been met.

National Historic Preservation Act (NHPA) Compliance

The Environmental Scientist, Southern Plains Regional Office has issued an Environmental Compliance Review Memorandum for this property. This requirement has been met.

Endangered Species Act (ESA) Compliance

The Environmental Scientist, Southern Plains Regional Office has issued an Environmental Compliance Review Memorandum for this property. His review included the Endangered Species Act. This requirement has been met.

Hazardous Substances Determination

The Environmental Scientist, Southern Plains Regional Office has issued an Environmental Compliance Review Memorandum for this property. This requirement has been met.

Other Environmental Requirements

The Environmental Scientist, Southern Plains Regional Office has issued an Environmental Compliance Review Memorandum for this property. No other Environmental requirements are required.

Conclusion

Based upon the Citizen Potawatomi Nation's request for the above described property to be placed in the name of the United States of America in trust for the Citizen Potawatomi Nation, the information provided in their case package and the above information from the United States Department of the Interior, Bureau of Indian Affairs, the Regional Director, Southern Plains Regional Office, Anadarko, Oklahoma, hereby issues this Notice of Decision to accept this land into a trust status for the benefit and welfare of the Citizen Potawatomi Nation.

Notice of Appeal

FTNDD01



Office Codes: B-B-08-821 AD Number: 4200196960 Case: 15359

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, **James Schock**

REGIONAL DIRECTOR

Enclosure(s)

FTND001



Office Codes: B.B.08.821 AD Number: 4200196960 Case: 15359

cc:

BY CERTIFIED MAIL:

STATE OF OKLAHOMA THE HONORABLE KEVIN STITT, GOVERNOR
STATE CAPITOL BUILDING
2300 NORTH LINCOLN BOULEVARD, ROOM 212
OKLAHOMA CITY, OK 73105

Certified Mail ID: 7015 0640 0003 0537 3185

OKLAHOMA TAX COMMISSION CHARLES PRATER, CHAIRMAN
2501 NORTH LINCOLN BLVD
OKLAHOMA CITY, OK 73194

Certified Mail ID: 7015 0640 0003 0537 3192

SUPERINTENDENT, CHOCTAW-NICOMA PARK PUBLIC SCHOOLS JIM McCHAREN,
Ed.D.

12880 NORTHEAST 10TH
CHOCTAW, OK 73020

Certified Mail ID: 7015 0640 0003 0537 3208

CITY OF CHOCTAW RANDY ROSS, MAYOR
P.O. BOX 567

CHOCTAW, OK 73020

Certified Mail ID: 7015 0640 0003 0537 3215

OKLAHOMA COUNTY COMMISSIONER BRIAN MAUGHAN
320 ROBERT S KERR

OKLAHOMA CITY, OK 73102

Certified Mail ID: 7015 0640 0003 0537 3222

OKLAHOMA COUNTY ASSESSOR LARRY STEIN
320 ROBERT S KERR AVENUE

OKLAHOMA CITY, OK 73102

Certified Mail ID: 7015 0640 0003 0537 3239

SUPERINTENDENT, EASTERN OKLAHOMA COUNTY TECHNOLOGY TERRY
UNDERWOOD, Ed.D.

4601 NORTH CHOCTAW ROAD
CHOCTAW, OK 73020

Certified Mail ID: 7015 0640 0003 0537 3246

BY FIRST CLASS MAIL:

FTND001



Office Codes: B-B-08-821 AD Number: 4200196960 Case: 15359

Case Number: 15359
 Applicant Name: CITIZEN POTAWATOMI
 NATION THE
 HONORABLE JOHN
 BARRETT, CHAIRMAN

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: ALG PROPERTY

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTR0</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>	
821	CITIZEN POTAWATOMI		ANADARKO, OK	SOUTHERN PLAINS REGIONAL OFFICE	SHAWNEE AGENCY	Surface Only	
<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
25	012.00N	001.00W	OKLAHOMA	OKLAHOMA	Indian		80.100

METES AND BOUNDS: Beginning at the Northeast Corner of said Section 25, T12N, R1W, Indian Meridian, Oklahoma County Oklahoma. thence S89°39'27" W a distance of 1317.88 feet to the Northwest corner of said E1/2 NE1/4 and the Northeast corner of Government Lot 1 of said Section 25, thence S00°00'12" W a distance of 2640.74 feet to the Southwest corner of said E1/2 NE1/4 and the Southeast corner of Government Lot 2, thence N89°42'08" E a distance of 1324.36 feet to the Southeast corner of said E1/2 NE1/4, thence N 00°08'15" W a distance of 2641.74 feet to the point of beginning, said tract containing 80.10 acres more or less and subject to easements, rights-of-way and other encumbrances of record.

WDAEADL

B; B; 08; 821; 4200196960; 15359; 821T000001
 Office Codes: B-B,08,821 AD Number: 4200196960 Case: 15359