

**Benton Station Property Fee to Trust
Application**

Carcieri “Under Federal Jurisdiction in 1934

EXHIBITS 1 - 24

August 7, 2014

EXHIBIT 1



United States Department of the Interior

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

IN REPLY REFER TO:

NOV 5 2013

Honorable Billie Saulque
Chairperson, Benton Paiute Reservation
567 Yellow Jacket Road
Benton, California 93512

Dear Chairman Saulque:

We are requesting the Tribe to submit information and supporting documentation on whether or not the Utu Utu Gwaiitu Paiute Tribe of the Benton Paiute Reservation was under Federal jurisdiction in 1934. On February 24, 2009, the United States Supreme Court issued its decision in Carcieri v. Salazar. The decision held that Congress granted limited authority to the Secretary of the Interior under the Indian Reorganization Act (IRA) to acquire land-in-trust for Indian tribes. To acquire land-in-trust under Section 465 of the IRA, a tribe must have been "under Federal jurisdiction" at the time the IRA was passed in June 1934.

In order to move forward with the pending fee-to-trust applications, we will need to submit all supporting information/documentation to the Solicitor's Office to determine whether the tribe was under Federal jurisdiction in 1934. Please provide any documentation that might assist in this determination.

If you have any questions or require additional information, contact Arvada Wolfen at (916) 978-6069.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kevin Beagly".

Acting

Regional Director

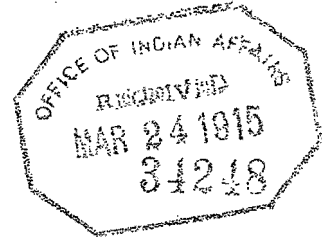
cc: Central California Agency

EXHIBIT 2

Count	Tribes	Project Name	Acres	ON, OFF, CONTIG, OTHER	App. Receipt Date	APN	Phase 1 Date	NEPA: FONSI or CAT EX	GIS REVIEW	Notice of App. Date	Submit to Solicitor for Prelim Title Opinion & 1934 Juris.	Solicitor Opinion Date	Notice of Decision	Final Agency Determination / Public Notice Publication	Updated Phase 1 WICP	Update Title Commitment	Accept, Of Convey	Submit to Solicitor for Final Title Opinion	Final Opinion of Title	COMMENTS
18	Bear River Band		3.71	contig.	1/17/13	309-051-066, 309-051-065 & 309-071-025	2/29/13	1/14/14 FONSI	GIS	NOA	PTO									30 DAY letter dated 11/15/13 to Tribe
19	Benton Paiute	Gas Station and Store	2.50	off	8/13/01	24-132-03	1/13/06	7/10/06	9/8/07	7/9/03	7/24/07	8/2/07	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	CARCIERI CASE
20	Benton Paiute - fractional interest	POA-IND-52 (John Jackson)	120.25	off	5/22/07	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	Cardier	CARCIERI CASE
21	Berry Creek		56.79	contig.	4/30/13	068-160-48; 19; 68; 068-340-30; 068-341-17	11/22/13	3/28/14 FONSI	12/18/13	6/24/14	3/26/14	4/18/14	NOD							VERY QUALIFIED ENDORSEMENT - NEED TO TAKE CARE OF A FEW ITEMS
22	Big Sandy		6.72	on	1/3/12	128-361-02	Phase 1		GIS											Acknowledgement dated 1/18/12, sent to tribe requesting additional information.
23	Blue Lake	Woogey Kiwech Road	21.00	contig.	2/3/12	312-121-011 & 312-101-014	5/27/14 updated	5/8/13	11/13/12	3/24/14	4/5/13	7/15/13	NOD							NOA 3/24/14
24	Blue Lake	Tribal Property	1.38	off	4/2/13	400-041-051	Phase 1													Letter to Tribe 4/18/2013 need title commitment and underline documents referenced in the title. Need a Deed referenced in the legal description.
25	Buena Vista	restored land from Title Handwick	67.14	restored - mandatory	10/21/10	12-100-005	7/19/11	n/a	10/21/11	n/a	10/18/11	11/1/11	Memo 3/13/2012							recommendation sent to CENTRAL OFFICE - DC
26	Chico	Gaming	631.05	off	3/19/04	041-180-C45, 48	12/20/12	FONSI 1/4/2007		4/6/04	6/7/04	6/14/04	3/27/2007 Memo	4/18/08	1/31/14	X	2/3/14	5/8/14		ACCEPTED 2/3/14 - Sent to Title Company. Reisd Grant Deed 3/10/14, waiting on Final Policy.
27	Cloverdale	Gaming	62.43	contig.	4/28/08	116-310-035, 116-310-040, 116-310-039 and 446-310-020	8/28/12 *	DEIS 2/6/09	1/13/12	4/12/12	10/5/12	2/27/13	9/20/13 memo							recommendation sent to CENTRAL OFFICE - DC --mailing memo 9/23/13 aw
28	Coyote Valley	housing and economic development	6.00	contig.	5/16/12	165-050-011, 012, 013, 014 and 015	6/26/13	7/12/12	1/16/13	3/28/13	4/2/13	4/23/13	10/31/13	FAD - 3/28/14 Pub - 4/4/14	4/28/14	4/8/14	5/29/14			Accepted into Trust 5/29/14
29	Elk Valley	Googan-Way Metal	2.00	contig.	5/8/09	115-020-20	12/23/14	6/25/10	2/1/10	9/24/10	7/1/10	8/18/10	6/9/11	9/1/11	32-14-12 CIP and 1-2-13 update	10/31/12	Grant Deed signed 11-8-10; Accepted 1-8-13	5/23/13	7/15/13	FILE COMPLETE
30	Enterprise	Gaming	40.00	off	8/13/02	014-260-86	9/15/08	Pending NIGC review	11/14/08	11/26/08	12/22/08	Conditional 7/23/2009	Memo 2/5/10	FAD -11/21/12	X	X	5/16/13	FTO		Received Recorded Deed - waiting for Title Policy. 6/19/13 aw
31	Ewisapayp	Walker	16.69	contig.	3/21/01	404-080-24-00	1/16/13	7/8/06		5/22/2001 & 10/20/08	2/13/02	2/26/02	6/27/2002 new NOD 5/31/11	IBIA	IBIA	IBIA				IBIA - "Order Vacating Decision and Remanding" IBIA-11-138; 11-137 - Received Solicitor Land Determination on contiguous 12-19-13. Waiting on the updated EA before we can re-issue the Notice of Decision, Aw
32	Ewisapayp	Salerno	18.95	off	9/17/01	404-090-07	2/21/03	5/10/02	9/24/13	2/14/2002 + 11/8/12	3/28/03	4/14/03	NOD							NOD
33	Goldville	Gaming	310.00	off	pending						EIS Pending									

EXHIBIT 3

Bishop, California.



March 19th., 1915.

Mr. W. H. Davis,
Benton, Calif.

Sir:

FILED BY C. P. F.

It has been brought to my attention that you are about to construct a road over that portion of the NE/4, Sec. 11, T. 2 S., R. 31 E., M.D.N., which has been used from time immemorial by the Paiute Indians as a burying ground. My informant states that the construction of this roadway is solely for your convenience and not in any way necessary or conducive to the convenience of the general public.

It is thought that the right of the Indians to have their burying ground unmolested is a just one, and it is suggested that in constructing your road you make it a point to avoid said burying ground.

Very respectfully,

Ross L. Spaulsby
Superintendent.

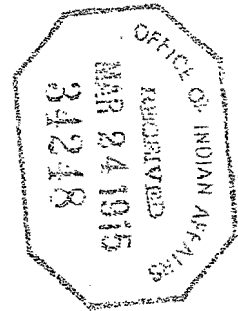
RLS/IRL.
Carbon to Indian Office.

EXHIBIT 4

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

Bishop, California.



March 19th., 1915.

The Commissioner of Indian Affairs,

Washington, D. C.

Sir:

FILED BY C. P. F.

There is enclosed herewith, a copy of a letter which I have today written to W. H. Davis at Benton, California, concerning the construction of a road over a tract of land which has been used by the Indians as a burying ground for a long time. This is vacant public land, and I recommend that steps be taken to have it set aside as a cemetery for these Indians by Executive Order or otherwise.

Very respectfully,

A handwritten signature in cursive script, appearing to read "R. L. L. S. S. S.".

Superintendent.

RLS/IRL.
1 enc.

Handwritten initials, possibly "L. L." or "L. L. S.".

Handwritten note in cursive: "Two from 100.".

EXHIBIT 5

April 1, 1913

Register and Reciever

Independence, California

100

Sirs:

March 21, 1913, the Department approved a recommendation of the Second Assistant Commissioner of Indian Affairs to the effect that the land in the $E\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}NW\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$, $NW\frac{1}{4}NE\frac{1}{4}$, sec. 6 T. 8 S., R. 33 E., and the $N\frac{1}{2}NW\frac{1}{4}$, $W\frac{1}{2}SW\frac{1}{4}$, sec. 35, $S\frac{1}{2}$, $S\frac{1}{2}N\frac{1}{2}$, sec. 36 T. 14 S., R. 35 E., MDM, be temporarily suspended from entry, until a further report can be submitted with the view to having an additional executive order issued withdrawing such other land as may be available and needed for the homeless indians living in Inyo and Mono Counties, California.

You are, therefore directed to make proper notations thereof on your records.

Very respectfully,

Assistant Commisioner

EXHIBIT 6

Land-Allotments

24248-16

P. B. M.

Status of land.

m

FILED BY G. P. F.

APR -3 1915

The Commissioner

of the General Land Office.

My dear Mr. Tullman:

Will you kindly advise the Office as to the status of the following described land in Sec. 2 S., Range 31 T. 14 S. E., California:

1/4 of Section 11

and whether there are any reasons appearing on your records why such land may not be set aside by Executive Order as a withdrawal for the use of the Pinte Indians.

Very truly yours,

E-M-B-21

Second Assistant Commissioner.

ORIGINAL COPY - FOR FILE

(Carbon to Bishop School.)

EXHIBIT 7

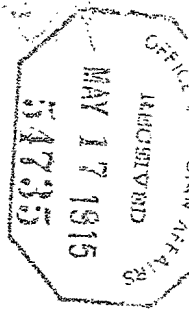
DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

May 14

1915.



ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE

Status.

The Commissioner

of Indian Affairs.

My dear Mr. Sells:

FILED BY C. P. F.

I am in receipt of your letter (Land-Allotments 34248-15 B.D.M.), dated April 3, 1915, requesting to be advised as to whether there are any reasons appearing on the records of this office why the NE $\frac{1}{4}$ Sec. 11, T.2 S., R.31 E., M.D.M., California, should not be reserved by Executive order for the use of Piute Indians.

In reply I have to advise you that said tract appears unappropriated on the records of this office. I have this day requested the local officers at Independence, California, to report whether their records show any reason why the tract should not be reserved for Indian purposes. When said report is received you will be further advised.

Very respectfully,


Assistant Commissioner.

EXHIBIT 8

Land-Allotments
54735-15
P B M

Status of land.

MAY 27 1915

Mr. R. L. Spalsbury,

Supt., Bishop School.

My dear Mr. Spalsbury:

FILED BY C. P. F.

With reference to your letter of March 19, 1915, recommending the setting aside of certain land as a cemetery for the use of the Paiute Indians, there is inclosed herewith, for your information and files, a copy of General Land Office letter of May 14, 1915, showing the status of the matter.

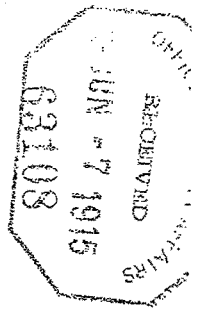
Very truly yours,

5-ANB-25

Second Assistant Commissioner.

RECEIVED COPY FOR FILE

EXHIBIT 9



DEPARTMENT OF THE INTERIOR

GENERAL LAND OFFICE

WASHINGTON

June 5, 1915.

ADDRESS ONLY THE
COMMISSIONER OF THE GENERAL LAND OFFICE

Information.

The Commissioner
of Indian Affairs.

My dear Mr. Sells:

In connection with your letter (Land allotments 34248-15 B. D. M.), dated April 3, 1915, requesting to be advised as to whether there are any reasons appearing on the records of this office why the NE $\frac{1}{4}$ Sec. 11, T. 2 S., R. 31 E., M. D. M., California, should not be reserved by Executive Order for the use of Piute Indians, I have to advise you that this office is in receipt of a letter, dated May 20, 1915, from the local officers at Independence, California, stating that there are no reasons appearing on the records of that office why the above described lands should not be reserved for Indian purposes.

Very respectfully,

Acting Assistant Commissioner.

6-1 Dic. AAM

EXHIBIT 10

Land-Allotments
63108-1915
F B K

Reservation for
Cemetery.

JUN 16 1915

Mr. Ross L. Spalsbury,

Supt. Bishop School.

FILED BY C. F. F.

My dear Mr. Spalsbury:

Again referring to your letter of March 19, 1915, there is enclosed herewith a copy of General Land Office letter dated June 5, 1915, from which it appears that there are no reasons why the NE $\frac{1}{4}$ of Sec. 11, T. 2 S., R. 31 E., N. D. H., California, should not be reserved by Executive Order for the use of the Paiute Indians.

However, the Office understands from your letter of March 19, that this land is desired to be reserved merely for cemetery purposes of these Indians, and it has occurred to the Office that the 160 acres, above described, is a rather large area to be permanently reserved for such a purpose, and it is requested that you give the Office the exact description of the least acreage which it will be necessary to have reserved in order to adequately protect the interests of these Indians.

If it should actually be necessary to have the whole 160 acres reserved, you should furnish this Office with a further justification therefor.

Very truly yours,

Second Assistant Commissioner.

6-JN-14

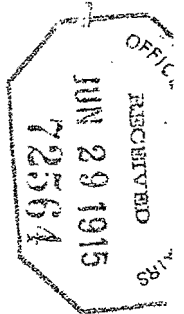
EXHIBIT 11

Land-Allotments
63108-1915
OP-B;M-

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

Bishop, California.



Reservation
Benton Indians.

June 24, 1915.

THE COMMISSIONER OF INDIAN AFFAIRS;

Washington, D. C.

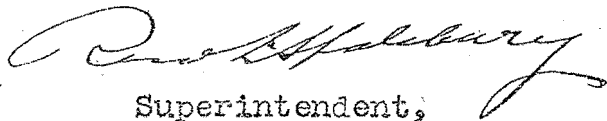
Sir:

FILED BY C. P. F.

Your letter of June 16, 1915 regarding the advisability of having 160 acres described as the NE/4 of Sec. 11, T 2 S., R. 31 E., M.D.M. set aside as a cemetery for the Benton Band of Paiute Indians and it is noted that you ask if a smaller portion would not do.

To definitely locate the small portion that would be required would necessitate a survey of the section, and the cost of such survey would be more than the whole section is worth. However there are quite a number of Indians in that section and they are without a camping ground, being located on private land at present and the land suggested would not only provide them with their cemetery but also with a camp. In view of this fact it is recommended that the entire 160 acres be set aside for them.

Very respectfully,


Superintendent,

