



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 09 2024

Case Number: 21481

Certified Mail - Return Receipt Requested 702119770000039585522

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

FTNDD01

**\*B ; B ; 08 ; 821 ; 4200218375 ; 21481 ; 821T000055\***

Office Codes: B,B,08,821 AD Number: 4200218375 Case: 21481

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.**

HOUSING.

**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 Tecumseh, 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. No comments of concern were received.

**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.**

FTNDD01

**\*B ; B ; 08 ; 821 ; 4200218375 ; 21481 ; 821T000055\***

Office Codes: B.B-08-821 AD Number: 4200218375 Case: 21481

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 04/25/2024 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 04/24/2024. No further compliance is required for the ESA.

##### Hazardous Substances Determination

602 DM2: A Phase I Environmental Site Assessment Dated 02/28/2024, 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.

#### **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.

FTNDDDL

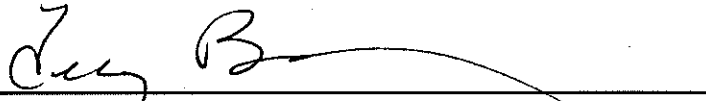
**\*B ; B ; 08 ; 821 ; 4200218375 ; 21481 ; 821T000055\***

Office Codes: B-B-08-821 AD Number: 4200218375 Case: 21481

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)

**ACTING**

FTNDDDL

**\*B ; B ; 08 ; 821 ; 4200218375 ; 21481 ; 821T000055\***

Office Codes: B-B-08-821 AD Number: 4200218375 Case: 21481

cc:

**BY CERTIFIED MAIL:**

OKLAHOMA TAX COMMISSION CHAIRMAN  
2501 NORTH LINCOLN BOULEVARD  
OKLAHOMA CITY, OK 73194  
Certified Mail ID: 70211970000039585515

POTTAWATOMIE COUNTY ASSESSOR  
P.O. BOX 1748  
SHAWNEE, OK 74802-1748  
Certified Mail ID: 70211970000039585508

BOARD OF COUNTY COMMISSIONERS POTTAWATOMIE COUNTY, OKLAHOMA  
P.O. BOX 1950  
SHAWNEE, OK 74802  
Certified Mail ID: 70211970000039585492

STATE OF OKLAHOMA THE HONORABLE KEVIN STITT, GOVERNOR  
STATE CAPITOL BUILDING  
2300 NORTH LINCOLN BOULEVARD  
OKLAHOMA CITY, OK 73105  
Certified Mail ID: 70211970000039585485

CITY OF TECUMSEH ATTN: MAYOR  
114 NORTH BROADWAY  
TECUMSEH, OK 74873  
Certified Mail ID: 70211970000039585478

**BY FIRST CLASS MAIL:**

FTNDD01

**\*B ; B ; 08 ; 821 ; 4200218375 ; 21481 ; 821T000055\***

Office Codes: B-B-08-821 AD Number: 4200218375 Case: 21481

Case Number: 21481  
 Applicant Name: CITIZEN POTAWATOMI  
 NATION, OKLAHOMA

LEGAL DESCRIPTION EXHIBIT A

Tract ID:

Tract Name: HOLLIS

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTR</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>
1	009.00N	003.00E	OKLAHOMA	POTTAWATOMIE	Indian		5.000

METES AND BOUNDS: BEGINNING at a point on the West line of said SW1/4-NW1/4, 466.69 feet N00°14'40"W of the Southwest Corner of said SW1/4-NW1/4, thence from said POINT OF BEGINNING, N00°14'40"W, on the West line of said SW1/4-NW1/4, for a distance of 466.69 feet; thence S89°33'56"E for a distance of 466.69 feet; thence S00°14'40"E for a distance of 466.69 feet; thence N89°33'56"W for a distance of 466.69 feet to the POINT OF BEGINNING, containing 5.000 acres more or less and subject to easements and rights-of-way of record.

WDAEAO1

\*B ; B ; 08 ; 821 ; 4200218375 ; 21481 ; 821T000055\*

Office Codes: B-B,08,821 AD Number: 4200218375 Case: 21481