

**KOI NATION OF NORTHERN CALIFORNIA FEE TO TRUST APPLICATION
PURSUANT TO 25 C.F.R. PART 151**

(68.60 Acres) (Sonoma County) (APN 059-300-003-000)

PART I

GENERAL OVERVIEW

The Koi Nation of Northern California ("Koi Nation") is filing this fee to trust application pursuant to 25 C.F.R. Part 151. Concurrently with this application, Koi Nation is filing a request for a restored land determination pursuant to 25 C.F.R. Part 292.

The Koi Nation is headquartered on fee land in Santa Rosa, California and Koi Nation currently has no land held in trust. Our Nation has approximately eighty-nine (89) members and is governed by a three-member Council: Chairman Darin Beltran, Vice Chairman/Treasurer Dino Beltran, and Secretary Judy Fast Horse. The Nation operates programs under the Tribal Self Governance Act of 1994, programs funded by the Indian Health Service, and the American Rescue Plan of 2021.

Koi Nation is seeking to acquire land in trust for gaming pursuant the Indian Reorganization Act 25 U.S.C. § 465 ("IRA") and the Indian Gaming Regulatory Act ("IGRA"). IGRA generally prohibits Indian tribes from conducting gaming activities on lands acquired in trust after October 17, 1988. Congress exempted tribes from this prohibition where the Department of the Interior acquires the lands in trust as part of the restoration of lands for a tribe that has been restored to federal recognition. 25 U.S.C. § 2719(b)(1)(B)(iii).

The Koi Nation has acquired a parcel of fee land at 222 E. Shiloh Road, Santa Rosa, California, which is located 12 miles from its tribal headquarters in Santa Rosa, California, and is known as the "Shiloh parcel." The Tribe intends to operate a gaming facility on the Shiloh parcel pursuant to IGRA once it is acquired in trust.

Koi Nation has made the Santa Rosa-Sebastopol area its home for more than a century and has had a consistent and continuous presence in the area since before California's statehood. This area has been the de facto center of life for the Koi people as a tribal community throughout the past century and longer. From our Captain/Leader Tom Johnson's and his brother John Johnson's establishment of a commercial orchard in Sebastopol, approximately ten (10) miles from the Shiloh parcel, and their political activities on behalf of our Tribe in Santa Rosa in the late 1918-1919 time period, the 1920s, 1930s and 1940s, and the establishment of the community at San Sebastopol during that time, through the present, Koi has called Sebastopol, Santa Rosa and Sonoma County home.

PART II

COMPLIANCE WITH 25 C.F.R. PART 151

§ 151.1: Purpose and Scope of Regulation

This section describes the purpose and scope of the regulations and requires no response.

§ 151.2: Definitions

This section provides definitions relevant to the regulations and requires no response.

§ 151.3(a): Limitations on the Land Acquisition Policy for Tribes Including Facilitation of Self-Determination, Economic Development, or Indian Housing

Title to the Shiloh parcel totals approximately 68.60 acres and is held in fee by the Koi Nation. The September 1, 2021 grant deed for these parcels is provided as Attachment 1. Title is in the name of Sonoma Rose, LLC, a wholly owned California limited liability company of Koi Nation. Attachment 2. The acquisition of the 68.60 acres will allow Koi Nation to acquire its first parcel in trust and will allow Koi Nation to pursue a gaming establishment pursuant to the Indian Gaming Regulatory Act ("IGRA").

§ 151.3(b): Limitations on the Land Acquisition Policy for Individual Indians

This section provides definitions relevant to the regulations and requires no response.

§ 151.4: Acquisition of Trust Lands Owned in Fee by an Indian (Individual or Tribe).

This section provides definitions relevant to the regulations and requires no response.

§ 151.5: Trust Acquisitions in Oklahoma

This section is not applicable to California acquisitions.

§ 151.6: Exchanges

The acquisition of the 68.60 acre parcel is not being acquired by exchange.

§ 151.7: Acquisition of Fractional Interests

The 68.60 acre acquisition does not involve any fractionated interests.

§ 151.8: Tribal Consent of Nonmember Acquisitions

This acquisition does not involve land on the reservation of another Tribe.

§ 151.9: Requests for Approval of Acquisitions

The Koi Nation of Northern California is recognized as an American Indian Tribe by the federal government and is listed in the Bureau of Indian Affairs' annual list of federally recognized tribes published in the Federal Register. The Koi Nation is organized under its Constitution and governed by its Tribal Council. Pursuant to Article VIII, Section 1(h) of the Constitution, the Tribal Council is empowered to initiate and approve acquisition of Tribal lands or property on behalf of the Nation. Attachment 3. The current version of the Constitution was amended most recently by the membership on May 8, 2019.

Section 151.9 provides that a tribe or individual should submit a written request for approval of the acquisition of land in trust. This entire package is responsive to this subpart. Further, the application must be accompanied by a duly enacted Tribal Resolution that requires that the Secretary of Interior take this land in trust. This Resolution, adopted on September 9, 2021, is attached as Attachment 4.

§ 151.10: On-Reservation Acquisitions.

The current 68.60 acre parcel is in fee land status and is the only land owned by the Koi Nation. Therefore, the application will be judged under the criteria set forth in §151.11 for off-reservation acquisitions.

§ 151.11: Off-Reservation Acquisitions

This application is for an off-reservation acquisition, although § 151.11(a) applies § 151.10 (a)-(c) and (e)-(h) for on-reservation acquisitions to this section.

§ 151.11(a): The criteria listed in § 151.10(a)-(c) and (e)-(h)

§ 151.10(a): Statutory Authority

The Secretary of Interior may place land in trust pursuant to the general acquisition authority provided in Section 5 of the Indian Reorganization Act, 25 U.S.C. § 465. Koi Nation adopted the Indian Reorganization Act on June 8, 1935. Attachment 5. The regulations found at 25 C.F.R. Part 151 set forth the procedures for implementing Section 5. The Koi Nation relies on the authority set out under these statutes to request that the 68.60 acre parcel be taken into trust for the benefit of the Nation.

This section provides that a tribe or individual should submit a written request for approval of the acquisition of land in trust. This entire package is responsive to this subpart. Further, the application must be accompanied by a duly enacted Tribal Resolution that requires that the Secretary of Interior take this land in trust. This Resolution is attached as Attachment 4.

§ 151.10(b): Need for Additional Land

Koi Nation has no land in trust and needs the Shiloh parcel for a Class III gaming facility.

§ 151.10(c): Planned Land Use

The current intended use for the Shiloh parcel is for a Class III gaming facility.

§ 151.10(e): Impact on State and Local Taxes

The tax loss that Sonoma County, California will experience due to placing the 68.60 acre Shiloh parcel into trust is negligible. In FY 2020, Sonoma County collected approximately \$266.5 million in property taxes. The total amount of assessed property for the Shiloh parcel for the taxable year 2020-2021 is \$93,679.84. The breakdown of county property taxes by parcels is as follows:

Parcel Number	Payment Type	Installment Amount	Status
APN 059-300-003-000	1st Installment	\$46,838.92	Paid
	2nd Installment	\$46,838.92	Paid
Total Amount		\$93,679.84	Paid

Therefore, the amount of loss tax revenue for Sonoma County is de minimis. Sonoma County tax records for the Shiloh parcel is provided on Page 7 of the Preliminary Title Report as Attachment 6.

Koi Nation recognizes that all County property taxes must be paid until such time as the land is placed into trust. The 68.60 acre Shiloh parcel is up to date in property tax payments.

§ 151.10(f): Jurisdictional Issues

Sonoma County has current jurisdiction over the land use zoning of the 68.60 Shiloh parcel. The Shiloh parcel is generally zoned as agricultural by Sonoma County.

As a P.L 280 state, California exercises concurrent criminal and civil jurisdiction over Indian Country. However, P.L. 280 accepts state civil regulatory laws including environmental control, land use, and taxation laws in Indian Country. Therefore, once the land is in trust there will be little jurisdictional conflict because the State will retain much of its criminal and civil jurisdiction, while the Nation will have civil regulatory jurisdiction.

§ 151.10(g): BIA Discharge of Responsibilities

The Bureau of Indian Affairs office closest to the 68.60 acre parcel is in Sacramento, California, which is approximately 97 miles from the property. Emergency services, such as fire support, will be provided Cal Fire.

The 68.60 acres is not currently nor will it in the future be used for mining of natural resources or forestry requiring BIA management. Therefore, the Koi Nation expects that the Bureau will be able to discharge any additional responsibilities that may arise in connection with the acquisition of the 68.60 acres in trust.

§ 151.10(h): Environmental Information Relating to the National Environmental Policy Act and Hazardous Substance Determination

The National Environmental Policy Act requires an Environmental Assessment for the 68.60 acre parcel. Any actions taken with respect to the Shiloh parcel acquisition in trust will not individually or cumulatively have a significant impact on the environment. To assist the Secretary of Interior in meeting obligations under 516 DM 6, Appendix 4, NEPA Revised Implementing Procedures, and 602 DM 2, Land Acquisitions, a Phase I Environmental Site Assessment, a Phase I ESA was prepared for this application on September 13, 2021, by Environmental Sciences Associates (“ESA”) in Sonoma County California. Attachment 7. A link to this report is at <https://oneesa.egnyte.com/dl/QKxwwUH3dc>. ESA also prepared a Bio-survey of the property, Attachment 8, link at <https://oneesa.egnyte.com/dl/trWvf2qa14> and an Overview of the property, Attachment 9, link at <https://oneesa.egnyte.com/dl/PrP5oEs2cl>.

§ 151.11(b): Location of Land Relative to the State Boundaries, etc.

A description of the location of the land is contained in § 151.10 (b).

§ 151.11(c): Anticipated Economic Benefits

A description of the acquisition purposes is contained in § 151.10 (c). An economic benefits report prepared by Pro Forma Advisors and dated September 14, 2021 is contained in Attachment 11. Because the report contains proprietary and confidential information to the Koi Nation, the Nation requests that the entire report receive FOIA protected status and that

the Koi Nation be consulted prior to any information in the Pro Forma report being released.

§ 151.11(d): Contact with State and Local Governments

This section concerns actions taken by the Secretary of the Interior to notify appropriate state and local governments of the Band's request to have lands taken in trust. To the extent that the Secretary requests additional information or response to comments, the Nation will respond promptly.

§ 151.12: Action on Requests

This section describes actions taken by the Secretary of the Interior. To the extent that the Secretary requests additional information, the Nation will respond promptly.

§ 151.13: Title Examination

The 68.60 acres do not contain any clouds on title that would render the parcels unmarketable. The parcel is not subject to the Williamson Act.

The 68.60 acres is covered by a preliminary title report ("Preliminary Report") issued by Fidelity National Title Company on August 20, 2021. Attachment 6. A legal description entitled "Exhibit A" is included in the Preliminary Report.

The 68.60 acres has a number of easements for access, and other public utilities attached to the land. These types of easements are considered acceptable under the nonbinding Department of Justice Title Standards. The Preliminary title report issued by Fidelity National Title Company details these easements.

§ 151.14: Formalization of Acceptance

This section describes actions taken by the Secretary of Interior and requires no response.

§ 151.15: Information Collection

This section provides definitions relevant to the regulations and requires no response.

CONCLUSION

The Koi Nation of Northern California has worked diligently to identify parcels of land that can meet the Nation's self-governance needs. The Nation respectfully requests that the Assistant Secretary for Indian Affairs or other delegated official cause this land to be acquired in trust.