



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUL - 1 2024

The Honorable Jack Potter
Chairman, Redding Rancheria
2000 Redding Rancheria Road
Redding, California 96001

Dear Chairman Potter:

On April 30, 2019, the Redding Rancheria of California (Tribe) submitted an updated request to the Department of the Interior (Department) for the placement of approximately 221.41 acres of land¹ (Strawberry Fields Site or Site), located approximately 1.6 straight-line miles from the Tribe's Rancheria in Shasta County, California, into Federal trust for gaming and other purposes. In addition, the Tribe requested that the Department make a determination that the land will qualify as restored lands for a restored tribe pursuant to the Indian Gaming Regulatory Act, the Department's implementing regulations, and the United States Court of Appeals for the Ninth Circuit's January 20, 2015, decision in *Redding Rancheria v. Jewell*, 776 F.3d 706.

We have completed our review of the Tribe's application, the Regional Director's Findings of Fact, and the documentation contained within the record. We note the small amount of land owned by the Tribe within the boundaries of the Tribe's Rancheria is already either fully developed or incapable of additional development. This means there is no available on-Rancheria land for the needed additional Tribal governmental, housing, and economic developmental purposes. Similarly, expansion and/or new development on lands adjacent to the Rancheria is undesirable and difficult given the predominantly residential and governmental use of those lands. As discussed below, I have determined that the Strawberry Fields Site will be acquired in trust for the benefit of the Tribe pursuant to Section 5 of the Indian Reorganization Act (IRA), 25 U.S.C. § 5108. Once acquired in trust the Tribe may conduct gaming on the Site as restored lands for a restored tribe pursuant to Section 20 of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2719(b)(1)(B)(iii).

Description of the Project

The Tribe intends to relocate its existing Win-River casino and develop a destination style casino-resort (Proposed Project) on the Strawberry Fields Site. The Proposed Project will be built within a portion of the Strawberry Fields Site and is planned to include a casino, an attached hotel and convention center, as well as a nearby retail store.² The Strawberry Fields Site is approximately 221.41 acres in unincorporated Shasta County, and is near, but not within, the City of Redding California. While the Site is not contiguous to the Tribe's existing Rancheria, it is 1.6 straight-line

¹ See Bureau Indian Lands Surveyor (BILS) certification for the legal land description review (LDR), that the legal land description is acceptable as written and presented dated March 20, 2022, Tab 3. Note: APN No. 055-020-005 that equaled ½ undivided interest contains 7.23 acres, which has been deducted from the total acreage (228.64) and the land description of that parcel was removed.

² The Proposed Project is described in detail as "Alternative A" in the enclosed Record of Decision, and in the Final EIS published on April 3, 2024. 89 Fed. Reg. 23040

miles or 3.7 road miles from the Tribes current governmental buildings. A complete legal description of the land is enclosed as Enclosure I.

Procedural Background

The Tribe submitted the 2019 Updated Application in response to the United States Court of Appeals for the Ninth Circuit's decision in *Redding Rancheria v. Jewell* which remanded to the Department for further consideration the Tribe's request for an opinion that the Strawberry Fields Site would qualify as restored lands for a restored Tribe under the Indian Gaming Regulatory Act and the Department's implementing regulations, also known as an *Indian Lands Opinion*.

The Tribe's efforts to transfer the Strawberry Fields Site in trust formally began in 2003 with a Tribal Council Resolution 055-11-12-03 requesting the Department accept the Strawberry Fields Site in trust for the Tribe. In the following years the Tribe submitted several amendments to the 2003 application. In 2008, the Tribe submitted a request for an Indian Lands Opinion pursuant to the Department's then newly promulgated regulations at 25 CFR Part 292 which implement the Department's procedures for determining if gaming may occur newly acquired lands pursuant to Section 20 of IGRA. 25 U.S.C. § 2719. On December 14, 2010, the Tribe submitted a letter to the Department stating the Tribe was willing to close its current gaming facility and if necessary, memorialize that commitment in a Memorandum of Understanding or similar agreement.

On December 22, 2010, the Department issued an Indian Lands Opinion (2010 Decision) finding that the Tribe was a *restored Tribe* but the Strawberry Fields Site would not qualify as *restored lands* if acquired in trust under the Department's regulations at 25 CFR Part 292. The 2010 Decision found the Tribe satisfied two of the three regulatory requirements under section 292.12. Namely the Tribe satisfied the in-state and modern connections test and was able to demonstrate significant historical connections to the Site. However, the 2010 Decision found the Tribe could not satisfy the temporal connection test in 292.12(c) because the Tribe was already conducting gaming on other lands.

The Tribe challenged the 2010 Decision and the litigation ultimately ended up in the United States Court of Appeals for the Ninth Circuit. On January 20, 2015, the Ninth Circuit issued its decision in *Redding Rancheria v. Jewell*, 776 F.3d 706. The Court in *Redding Rancheria*, remanded only the temporal connection issue to the Department for consideration of the Tribe's December 14, 2010, offer to close its existing facility. The Court's decision effectively left undisturbed the remaining core findings of the 2010 Decision.

Historical Background

The history of the Redding Rancheria, similar to all Indian people in California, is a story of a people who were killed, enslaved, and displaced by non-Indian settlers. Settlers stole tribal land with impunity and often violently displaced the Tribe and its members, both to take their land but also for the purpose of enslaving the people. Beginning in the early 1800's colonial powers including Spain, Mexico, and eventually the United States, moved into California, upending the traditional ways of life.

Under Spanish Rule, Native Communities in California were organized into areas of land called Missions. The Missions were designed to allow the Spanish to convert the Tribes to Christianity while also enslaving them to produce goods and services. Primarily this meant Tribal people were forced into farming and raising of cattle for transportation back to Spain. The missions permanently altered the California environment and disrupted the traditional subsistence based native economy.³ The independent Mexican government largely maintained the Spanish's previous violent and abusive tactics of the enslavement and conversion of Natives.⁴ It is clear from the historical records that throughout these periods the California Indians were treated as either "tame Indians" who were used as slave labor on the missions and later Ranchos and farms or "wild Indians" who could be shot on sight as horse thieves.⁵ During this period Indian villages were subjected to raids for the purpose of obtaining labor for the missions and Ranchos.⁶

Unfortunately, the Tribes did not fare any better as the United States took jurisdiction of the area under the 1848 Treaty of Guadalupe Hidalgo between the United States and Mexico. The violent murder and abduction of California Indians under the Spanish and Mexican rule continued unabated during the first fifty years of Federal governance.⁷ Additionally the State of California sanctioned and funded efforts to "exterminate" California Indians during this period.⁸ By 1900, it is estimated that the total California Indian population was about 17,000, a 90% decline in population from estimated 1848 figures.⁹

Despite the previous century of tragedies members of the Tribe survived and in 1922 the Bureau of Indian Affairs purchased lands for the Tribe, which are now commonly referred to as the Redding Rancheria. However, the subsequent termination of Federal recognition in 1958, caused most of the Rancheria to fall out of the Tribe's ownership and become distributed to individual Tribal members.¹⁰ In 1979, members of the Tribe joined in a class action lawsuit to restore their federal recognition and on June 11, 1984, the Tribe's lawsuit was successful, and the Tribe's federal recognition was restored.¹¹

While the Tribe's stipulated judgment restored the Tribe's federally recognized status, it did not provide funding to reacquire the original Rancheria parcels (many of which had passed into third-party ownership) or to restore those lands to federal trust.

³ Report by Albert L. Hurtado, Ph.D. dated January 29, 2016, at 5, 8.

⁴ Hurtado Report 22. This grant of approximately 44, 000 acres, was confirmed by Governor Manuel Michel Torená and increased in 1843 by 22,000 acres. See California Department of Parks and Recreation, http://www.parks.ca.gov/?page_id=22729 (last visited, Jun 15, 2016).

⁵ See example Report by Albert L. Hurtado, Ph.D. dated January 29, 2016, at 57.

⁶ See example Report by Albert L. Hurtado, Ph.D. dated January 29, 2016, at 27.

⁷ Executive Summary, Advisory Council on California Indian Policy Final Reports and Recommendations to the Congress of the United States Pursuant to Public Law 102-416 (Sept. 1997) (Advisory Council Report), page 4, published pursuant to "An Act to establish the Advisory Council on California Indian Policy, and for other purposes," Pub. L. No. 102-416 (Oct. 14, 1992), 106 Stat. 2131, available at <http://www.bia.gov/cs/groups/xraca/documents/text/idc1-022834.pdf>.

⁸ Advisory Council Report at 2.

⁹ *The Trajectory of Indian Country in California: Rancherias, Villages, Pueblos, Missions, Ranchos, Reservations, Colonies, and Rancherias*, at 333. See also Advisory Council Report at 4.

¹⁰ Act of Aug. 18, 1958, 72 Stat. 619, amended by 78 Stat. 390 (1964).

¹¹ *Hardwick vs. United States*, No. C79-1710 SW(N.D. Cal 1983.)

Gaming Eligibility Determination Pursuant to the Indian Gaming Regulatory Act

Congress enacted IGRA to in part, provide for a statutory basis for the operation of gaming by Indian tribes as a means of promoting tribal economic development and self-sufficiency.¹² Section 20 of IGRA, codified at 25 U.S.C. § 2719, generally prohibits gaming activities on newly acquired lands held in trust by the United States on behalf of a tribe after October 17, 1988.¹³ Congress however, expressly provided in the Restored Lands Exception that lands taken in trust as part of “the restoration of lands for an Indian tribe that is restored to Federal recognition” are not subject to IGRA’s general prohibition. 25 U.S.C. § 2719 (b)(1)(B)(iii). The legislative history surrounding this provision shows the intent was to place restored tribes on a level footing as tribes who had not suffered from termination. The courts have read this provision broadly within a framework of restitution for decades of improper treatment as a terminated tribe and compensation for not only what a tribe lost by the act of termination but also for opportunities lost in the interim.¹⁴

The Department’s regulations at 25 C.F.R Part 292 implement Section 20 of IGRA. Under the criteria set forth in those regulations, a tribe qualifies for the Restored Lands Exception in Section 20 if it meets the “restored tribe” criteria of sections 292.7-10, and if lands acquired in trust meet the “restored lands” criteria of sections 292.11-12. The Department has repeatedly stated that a restored lands “analysis is, necessarily, fact-intensive, and will vary based on the *unique history and circumstances of a particular tribe*.”¹⁵ Further given the D.C. District Court’s decision in *Koi Nation*, and later in *Scotts Valley* the Department’s application of IGRA must be consistent with Congress’s restorative intent.

In its request for an Indian Lands Opinion, the Tribe asks the Department to determine that the Tribe qualifies as a “restored Tribe” and that the Strawberry Field Site qualifies as “restored lands” pursuant to the IGRA at 25 U.S.C. § 2719(b)(1)(B)(iii) and the Department’s implementing regulations at 25 C.F.R. §§ 292.7 through 292.12. As discussed below, the Tribe meets the requirements of Section 20 of IGRA and its implementing regulations.¹⁶ Specifically, the Tribe meets the requirements of Sections 292.7-12, and, therefore, meets the requirements of the Restored Lands Exception.

The Part 292 Regulations

Restored Tribe Criteria 25 C.F.R. § 292.7

The restored lands exception, 25 C.F.R. § 292.7, allows for gaming on newly acquired lands if the following conditions are met:

¹² 25 U.S.C. § 2702(2)

¹³ The Department’s regulations define “newly acquired lands” to mean land that has been taken, or will be taken, in trust for the benefit of an Indian tribe by the United States after October 17, 1988. 25 C.F.R. § 292.2

¹⁴ *Koi Nation of N. Cal v. United States DOI*, 2019 U.S. Dist. LEXIS 7859 at *66, *68, 2019 WL 250670 (D.D.C. Jan. 16, 2019) *citing to City of Roseville*, 348 F.3d at 1027, 1029 (D.C. Cir. Nov. 14, 2003). *See also The Confederated Tribes of the Grand Ronde Community of Oregon v. Jewell*, 75 F. Supp. 3d 378, 411 (D.C. Dist. 2014) *affirmed by Grand Ronde v. Jewell*, 830 F.3d 552 (D.C. Cir. 2016).

¹⁵ Richmond Determination at 15, note 59;

¹⁶ 25 C.F.R. § 292.

- (a) The tribe at one time was federally recognized, as evidenced by its meetings the criteria in § 292.8;
- (b) The tribe at some later time lost its government-to-government relationship by one of the means specified in § 292.9;
- (c) At a time after the tribe lost its government-to-government relationship, the tribe was restored to Federal recognition by one of the means specified in § 292.10; and
- (d) The newly acquired lands meet the criteria of “restored lands” in § 292.11.

Thus, to qualify as having been restored to Federal recognition, the Tribe must show that (i) it was at one time federally recognized; (ii) the United States terminated its government-to-government relationship with the Tribe; and (iii) after it lost its government-to-government relationship, it was restored to Federal recognition.

As noted above, the Department previously held in the 2010 Decision that the Tribe qualifies as a restored tribe. The Ninth Circuit's remand did not disturb that finding; therefore, we will briefly summarize the restored tribe analysis here.

Despite the previous century of tragedies, the Tribe survived and in 1922 the Bureau of Indian Affairs purchased the Rancheria for the Tribe, satisfying the requirements of 25 CFR 292.8(d). The Tribe's government-to-government relationship was subsequently terminated by the California Rancheria Act on July 6, 1959 (the Act), satisfying the requirements of 25 CFR 292.9 (a). The Act set forth the distribution of assets of the Rancheria, and the people residing there were no longer considered Indians. In 1979 members of the Tribe joined in a class action lawsuit to restore their federal recognition. In 1983, a California district court ruled that the failure of the Bureau of Indian Affairs to comply with its obligations under the California Rancheria Act invalidated the Act. As a result, the Redding Rancheria Tribe and 17 other tribes were restored as federally-recognized Indian tribes, thus satisfying the requirements of 25 CFR 292.10(c). *Hardwick v. United States*, No. C79-1710 SW (N.D. Cal 1983).

The 2010 Decision's finding that the Tribe is a restored tribe remains intact and as summarized above the Tribe is a restored tribe for the purposes of IGRA's Restored Lands Exception. To be eligible to conduct gaming on the Strawberry Field Site, the Tribe must show that the newly acquired lands meet the criteria in § 292.11.

Restored Lands Criteria 25 CFR § 292.11

Gaming may occur on newly acquired trust lands under the restored lands exception if all the conditions are met in 25 C.F.R. § 292.7, including the requirement of 25 C.F.R. § 292.7(d), which requires that newly acquired lands are “restored lands” under Section 292.11.

25 C.F.R. § 292.11 provides that for newly acquired lands to qualify as “restored lands” for purposes of §292.7, the tribe acquiring the lands must meet the requirements of paragraph (a), (b), or (c) of this section, which are tailored to the Tribe's method of restoration.¹⁷

¹⁷ Section 292.11(a) applies to Tribes restored through Congressional enactment of legislation; and section 292.11(b) applies to Tribes through the 25 C.F.R. Part 83 recognition process.

As noted above the Tribe was restored on July 11, 1984, pursuant to a court ordered settlement agreement. Therefore, the Tribe must satisfy the requirements of paragraph (c) which states:

If the tribe was restored by a federal court determination in which the United States is a party or by a court-approved settlement agreement entered into by the United States, it must meet the requirements of § 292.12.
25 C.F.R. 292.11(c)

25 C.F.R. § 292.12: How does a tribe establish connections to newly acquired lands for the purpose of the “restored lands” exception?

Under 25 C.F.R. § 292.12, the Tribe must demonstrate (i) an in-state and modern connection to the Site, (ii) a significant historical connection to the Site, and (iii) a temporal connection to the Site. As noted above the 2010 Decision found the Tribe satisfied the in-state and modern connections and the significant historical connections tests. As discussed below, we again find that the Tribe has satisfied these requirements as well as the temporal connection test.

25 C.F.R. 292.12(a): In-State and Modern Connections

In order to establish in-state and modern connections, the Tribe must satisfy the requirements of 25 C.F.R. § 292.12(a).

- (a) The newly acquired lands must be located within the State or States where the tribe is now located, as evidenced by the tribe’s governmental presence and tribal population, and the tribe must demonstrate one or more of the following modern connections to the land:
 - (1) *The land is within reasonable commuting distance of the tribe’s existing reservation;*
 - (2) *If the tribe has no reservation, the land is near where a significant number of tribal members reside;*
 - (3) *The land is within a 25-mile radius of the tribe’s headquarters or other tribal governmental facilities that have existed at that location for at least 2 years at the time of the application for land-into-trust; or*
 - (4) *Other factors demonstrate the tribe’s current connection to the land.*

For this section only one modern connection factor needs be met. The Tribe’s application however satisfies (a)(1) and (3). The Strawberry Fields Site is within 1.6 straight-line miles or 3.8 driving miles from the Tribes existing trust lands. The 2010 Decision’s finding that the Tribe’s application satisfied the in-state and modern connection test remains intact.

25 C.F.R. § 292.12 (b): Significant Historical Connection

Section 292.12(b) requires that a tribe demonstrate a significant historical connection to the proposed land. The Department’s regulations define the term “significant historical connection” to mean either (i) the land is located within the boundaries of the tribe’s last reservation under a

ratified or unratified treaty, or (ii) the tribe has demonstrated by historical documentation the existence of the tribe's villages, burial grounds, occupancy, or subsistence use in the vicinity of the land.¹⁸

Here the Tribe has demonstrated significant connection to the lands by providing historical documentation of the existence of the Tribe's villages, burial grounds, occupancy or subsistence use in the vicinity of the land. The record also indicates that the Redding Rancheria, which is the site of tribal residences and burial grounds from at least as early as 1922, is less than two miles from the subject parcels. The 2010 Decision's finding that the Tribe's application demonstrates a significant historical connection to the land remains intact.¹⁹

25 C.F.R. § 292.12 (c): Temporal Connection

In order to establish temporal connections, the Tribe must satisfy the requirements of 25 C.F.R. § 292.12(c).

- (c) The tribe must demonstrate a temporal connection between the date of the acquisition of the land and the date of the tribe's restoration. To demonstrate this connection, the tribe must be able to show that either:
 - (1) *The land is included in the tribe's first request for newly acquired lands since the tribe was restored to Federal recognition; or*
 - (2) *The tribe submitted an application to take the land into trust within 25 years after the tribe was restored to Federal recognition and the tribe is not gaming on other lands.*

The Department's understanding of IGRA's restored lands exception and the Part 292 regulations has been informed by caselaw. The court in *Grand Ronde* noted that the Department's decisions in applying the Part 292 regulations often rely on evidence that could and would meet a more stringent standard, for example evidence of actual, exclusive, and continuous use, because that same evidence will undoubtedly satisfy the less stringent standard of *significant historical connection*.²⁰ The *Koi* decision cited to the *City of Roseville* and other similar decisions which highlight the court's expectation that the Department read IGRA and its implementing regulations broadly and whenever possible in favor of an applicant tribe.²¹ Further, the *Koi* decision quoted *City of Roseville* and stated that the restored lands exception:

“Compensates [a] Tribe not only for what it lost by the act of termination, but also for opportunities lost in the interim. Thus, Congress intended for the restored lands exception “to be read broadly,” in service of IGRA's overall goal of “promoting tribal economic development and self-sufficiency.”²²

¹⁸ 25 CFR § 292.2

¹⁹ 25 C.F.R. § 292.2 The regulations define “reservation to include Rancherias such as the Redding Rancheria.

²⁰ *The Confederated Tribes of the Grand Ronde Community of Oregon v. Jewell*, 75 F. Supp. 3d 378, 414 (D.C. Dist. 2014), *affirmed*.

²¹ *Koi Nation of N. Cal v. United States DOI*, 2019 U.S. Dist. LEXIS 7859 at *66, *68, 2019 WL 250670 (D.D.C. Jan. 16, 2019) *citing to City of Roseville*, 348 F.3d at 1027, 1029 (D.C. Cir. Nov. 14, 2003).

²² *Koi Nation of N. Cal v. United States DOI*, 2019 U.S. Dist. LEXIS 7859 at *68 *citing to City of Roseville* internal citations omitted.

The courts have clearly stated that the Department must keep Congress' broad restorative justice intent in mind when considering whether or not to take land into trust as part of the restoration of lands for an Indian tribe that is restored to Federal recognition. Further, we must view the restored tribe's evidence of a significant historical connection to land against the backdrop of its unique history and the Department's roll in that history. This history includes both the distant past discussed above and more recent modern history. This body of caselaw also informs our analysis of the temporal connection test and the Ninth Circuits charge to the Department in remanding this issue for further consideration.

As the Department reviewed the Tribe's original application, in December of 2010, the Tribe submitted notice to the Department that they would close their existing Win-River Casino Resort and move the Casino to the Strawberry Fields site and would therefore only be operating one casino. Then, on December 22, 2010, without regard to the Tribe's concession, the Department found that Strawberry Fields did not constitute restored lands under the Restored Lands Exception of the IGRA and implementing regulation because the Tribe was gaming on other lands. As noted above the Tribe challenged the 2010 Decision, and the Ninth Circuit remanded the issue back to the Department for consideration of the Tribe's December 14, 2010 letter.²³

Ninth Circuit's remand instructed the Department to evaluate if the Department's regulations require the Tribe to not be gaming at the time of the application or at the time of acquisition when evaluating if the Tribe is or is not "gaming on other lands." When promulgating the Part 292 regulations the Department explained the temporal limitation is intended to effectuate IGRA's balancing of the gaming interests of newly acknowledges and or restored Tribes with the interests of nearby tribes and the surrounding communities.²⁴ The practical application of this limitation, and a similar limitation for a Tribe's *initial reservation* in section 292.6(b) is intended to reasonably limit newly recognized or restored Tribes by effectively preventing unlimited use of these two important exemptions to IGRA's general prohibition on the conduct of gaming on lands acquired after October 17, 1988. For this reason, the Department interprets the timing of this limitation to the time of application.

A strict application of this limitation would again result in the Department denying this application as we did in the 2010 Decision. However, in this case it would also frustrate the restorative intent behind the restored lands exception.

Waiver of 292.12(c)(2)

Redding Rancheria requests a waiver pursuant to the authority in 25 CFR § 1.2, which provides in pertinent part that "the Secretary retains the power to waive or make exceptions to his regulations as found in chapter 1 of title 25 CFR in all cases where permitted by law and the Secretary finds that such waiver or exception is in the best interest of the Indians."²⁵ The Departmental Manual, Part

²³ *Redding Rancheria v. Jewell*, et al, 776 F.3d 706, 715 (9th Cir. 2015).

²⁴ 73 Fed. Reg. 29354, 29367, May 20, 2008.

²⁵ 25 Fed. Reg. 3124 (April 12, 1960). Chapter 1 of Title 25 of the CFR contains parts 1 through 293.

209, Chapter 8.1A, delegates the authority to promulgate regulations to the AS-IA, and the authority to issue waivers is impliedly delegated as well.²⁶

The Rancheria filed an application to place the land area known as Strawberry Fields, located near the City of Redding California, into trust for gaming purposes. Redding Rancheria presently operates a casino in Redding and is proposing to move this operating casino to another site 1.6 straight-line miles away. The waiver process provides the Secretary with discretion to waive regulations when in the best interest of the Indians. Here, Redding Rancheria already operates a casino and is simply requesting to move the existing casino to a nearby location. Gaming already exists near Redding, California, and this “new” gaming facility is simply a continuation of the existing gaming activity. This area is within the historical areas that were identified in our 2010 decision. Additionally, the Tribe has agreed to shut down its existing gaming facility when the new one becomes operational. I believe it is in the best interest of Indians to have flexibility in the Department’s regulations, when allowed. Based on the fact that the new proposed parcel for gaming is simply replacing the existing casino, also located within the Tribe’s historic area, and waiving 292.12(c)(2) is in the best interest of Indians, I invoke my authority in 25 C.F.R. 1.2 and waive 292.12(c)(2).

Conclusion

The Department has evaluated the Tribe’s application in accordance with the IRA, IGRA, the unique facts and circumstances of the application, and the letters it received both in support of and in opposition to the Tribe’s application.²⁷

The Department finds that the Tribe’s application was submitted within the required time frames under Part 292.12(c)(2). In keeping with the Ninth Circuit’s remanded decision, previous court’s words, Congress’ broad restorative justice intent, and the Tribe’s agreement to stop gaming at their current casino²⁸ the Department will waive the portion of 292.12(c)(2) that states “not gaming on other lands.” Therefore, the Tribe has demonstrated that it meets the requirements set forth in the restored lands for a restored tribe of the Part 292 regulations. The Strawberry Fields Site is eligible for gaming under the Restored Lands exception of IGRA and in accordance with the terms of the Tribe’s gaming compact.

With the Gaming Eligibility Determination made, we now move to the Trust Acquisition Analysis to determine compliance with 25 C.F.R. Part 151.

²⁶ Because AS-IA’s decisions are final, the Interior Board of Indian Affairs does not have authority to review 25 CFR 1.2 waivers. 25 CFR § 2.6(c); *see also Limitations on the Board Jurisdiction*, IBIA, <https://www.doi.gov/oha/organization/ibia/Limitations-on-the-Board-Jurisdiction>.

²⁷ The Department notes that some in opposition believed that the application should only be considered under a two part determination. See opposition letters from Paskenta Band Of Nomlaki Indians, Senators Butler, Padia, and Feinstein, Congressman LaMalfa, City of Redding CA; See also Region Director’s Finding of Fact issued February 6, 2024.

²⁸ *See e.g.* Tribal-State Gaming Compact between the State of California and the Redding Rancheria, California, approved by the Department on Nov. 24, 2023, at Sec. 4.2.

Trust Acquisition Determination Pursuant to 25 C.F.R. Part 151

The Department's authority for acquiring the land in trust is found in Section 5 of the IRA.²⁹ The Department's land acquisition regulations at 25 C.F.R. § Part 151 sets forth the procedures for implementing Section 5 of the IRA. Pursuant to the law and absent a request from the Tribe this application has been processed under the regulations that were in effect prior to January 11, 2024.³⁰

25 C.F.R. § 151.3 - Land acquisition policy

Section 151.3(a) sets forth the conditions under which land may be acquired in trust by the Secretary for an Indian Tribe:

- (1) When the property is located 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 acquisition of the land is necessary to facilitate Tribal self-determination, economic development, or Indian housing

Although only one factor in Section 151.3(a) must be met, the Tribe's application satisfies both subsection (a)(2) and (a)(3). The Department's review of the Tribe's application found that the Strawberry Fields Site is owned by the Tribe and acquisition of the Site in trust is also necessary to facilitate Tribal self-determination and economic development. Today, the Tribe owns 11 current Rancheria parcels comprising approximately 14.8 acres, 48 percent of the original Rancheria (8.51 acres of which are held in trust and 6.29 of which are held in fee by the Tribe). Of these, 6.9 acres are fully developed with the Win-River Casino; 6.34 acres are fully developed with Tribal administrative offices; 1.06 acres are developed with the Tribe's Head Start facility; and 0.5 acres consist of a historic burial ground. The Tribe is unable to purchase more of the original Rancheria, or lands contiguous to the existing reservation, and seeks to use its limited Rancheria lands for governmental purposes and to meet the growing needs of its citizens.³¹ Therefore, the acquisition satisfies the conditions in 25 C.F.R. § 151.3(a)(2) and (3).

25 C.F.R. § 151.11 - Off-reservation acquisitions

The Tribe's application will be considered under the off-reservation criteria of Section 151.11. The off-reservation regulations add requirements to the on-reservation criteria. Section 151.11(a) requires the consideration of the criteria listed in Sections 151.10(a) through (c), and (e) through (h), as discussed below.

²⁹ Act of June 18, 1934, ch. 576, § 5, 48 Stat. 984 ("IRA") (codified at 25 U.S.C. § 5108) ("The Secretary of the Interior is hereby authorized, in his discretion, to acquire through purchase, relinquishment, gift, exchange, or assignment, any interest in lands, water rights, or surface rights to lands, within or without existing reservations, including trust or otherwise restricted allotments whether the allottee be living or deceased, for the purpose of providing land for Indians.").

³⁰ 25 C.F.R. § 151.17(a)

³¹ See Dec 2023 Admin FEIS, Section 1.3.

25 C.F.R. § 151.10(a) - The existence of statutory authority for the acquisition and any limitations contained in such authority

Section 151.10(a) requires the Secretary to consider whether there is statutory authority for the trust acquisition, and if such authority exists, to consider any limitations contained in it including the effect, if any, of the decision in *Carcieri v. Salazar*. In *Carcieri*, the United States Supreme Court held that the Secretary's authority to take land into trust for an Indian tribe under the first definition of "Indian" in the IRA extends only to those tribes that were "under federal jurisdiction" on June 18, 1934, when the IRA was enacted.³²

In the current analysis, the Solicitor has concluded that a Tribe's election under Section 18 of the IRA whether to adopt or reject application of the IRA unambiguously and conclusively establishes that the United States understood that this particular tribe was under federal jurisdiction in 1934.³³ On July 11, 1935, there were twelve members of the Tribe residing at the Rancheria who were eligible to vote, four members voted against accepting the IRA while two members voted for accepting the IRA.³⁴

This is conclusive evidence that the Tribe was "under Federal Jurisdiction" in 1934 and the Department is authorized to acquire land in trust under Section 5 of the IRA.

25 C.F.R. § 151.10(b) - The need of the individual Indian or tribe for additional land

Section 151.10(b) provides that the Secretary will consider a tribe's need for additional land when reviewing a tribe's request to have land acquired in trust.

As discussed above the Tribe owns less than half of the original Rancheria and only 8.51 acres are held in trust for the Tribe. Further, all of the parcels owned by the Tribe are fully developed or incapable of additional development and there remains no available on-Rancheria land for additional Tribal governmental, housing, or economic development purposes. Similarly, expansion and/or new development on lands adjacent to the Rancheria is undesirable given the predominantly residential and government use of the Rancheria lands, the presence of Clear Creek along the Rancheria's northern boundary, a historic cemetery, state highway 273 along the eastern boundary, the Anderson-Cottonwood Canal, and private landowners along the southern boundary.

In summary, the Tribe needs additional trust land in order to help the Tribe restore an adequate land base capable of supporting the governmental, economic, and housing needs of the Tribe and its growing population. In addition, allowing the Win-River Casino to move to a more prominent and accessible location will allow the Tribe to diversify its gaming and non-gaming economic activities while also allowing conversion of the existing facility into Tribal governmental offices.

The Regional Director found, and I concur, that the Tribe has established a need for additional land and the acquisition of the Strawberry Fields Site in trust will help address the Tribe's needs.

³² *Carcieri v. Salazar*, 555 U.S. 379 (2009) (hereinafter *Carcieri*).

³³ *M-37029* at 20.

³⁴ Haas Report at 15

25 C.F.R. § 151.10(c) - The purpose for which the land will be used

Section 151.10(c) requires consideration of the purposes for which the land will be used.

The Proposed Project is a destination resort style casino with a modest footprint anticipated to be 383,893 square feet. The casino itself is anticipated to have approximately 1200 gaming machines and 36 table games. The resort intends to include an events center, various dining options and a 250-room hotel. In addition to a flat parking lot of an appropriate size the Tribe is anticipating the construction of a parking structure to ensure there is adequate parking for the resort.³⁵ The Tribe's application satisfies the requirements of this Section.

25 C.F.R. § 151.10(e) - If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of land from the tax rolls

This section requires the consideration of the impact on the state and its political subdivision resulting from the removal of land from the tax rolls. The Department's regulations at 25 C.F.R. 151.11(d) require a notice of application be sent to state and local governments having regulatory jurisdiction over the land which solicits comments on the potential impact of the proposed acquisition on regulatory jurisdiction, real property taxes, and special assessments and provides a 30-day response period. The Department, by correspondence dated October 31, 2022, provided the required notice to the State and local governments, and as a courtesy, to certain interested parties:³⁶

- Office of the Governor, State of California
- Attorney General, State of California
- U.S. Senator Dianne Feinstein
- U.S. Senator Alex Padilla
- Congressman Doug LaMalfa
- Shasta County Assessor
- Shasta County Board of Supervisors
- Shasta County Planning Department;
- Shasta County Department of Public Works
- Shasta County Treasurer and Tax Collector
- Shasta County Fire
- Shasta County Sheriff's Department
- Pit River Tribe
- City of Redding
- Center for Biological Diversity
- Drummond Woodsum
- Paskenta Band of Nomlaki Indians
- Superintendent, Bureau of Indian Affairs, Northern California Agency

³⁵ See Notice of Fee-to-Trust application for the Strawberry Fields Property for gaming, dated October 31, 2022, at Tab 4.

³⁶ See Notice of Application for the Redding Rancheria's Fee-to-Trust application for the Strawberry Fields Property for gaming, dated October 31, 2022, Regional Director's Finding of Fact at Tab 4.

In response to requests for additional time from the Office of the Governor, the City of Redding, and attorneys for the Paskenta Band, the Department extended the comment period from 30 days to 65 days. While this application was under review the Department received letters of support and opposition to the acquisition of the Strawberry Fields Site both during formal comment periods and outside of formal comment periods.

In response to the Part 151 notification the Department received responses from the Shasta County Board of Supervisors, the City of Redding, Senators Feinstein, Padilla, and Butler, as well as Congressman Lamalfa, and the Paskenta Band of Nomlaki Indians of California. With the exception of the Shasta County Board of Supervisors letter, the responses did not address the impact on the State and its political subdivision resulting from the removal of the Strawberry Fields Site from the tax rolls.³⁷ The other responsive letters addressed either the proposed use of the Site for gaming and have been addressed in other sections or raised environmental and historical impact concerns which have been addressed in the Final EIS and enclosed Record of Decision.

The County noted the property taxes levied on the Site for Fiscal Year 2022-2023 was \$44,464.72. The County's budget for that fiscal year was \$618,665,444.³⁸ Taxes collected comprised \$60,537,000.³⁹ The Strawberry Fields Site represents a minimal portion of the County's overall tax base. This minimal loss of tax revenue will be offset by increased business activity from the Proposed Project.⁴⁰ The Proposed Projects is expected to create approximately 2,127 construction related jobs, both direct and induced, totaling an estimated \$99.1 million in wages.⁴¹ The Proposed Project is expected to generate approximately 921 operational related jobs, both direct and induced, totaling an estimated \$23.9 million in wages annually.⁴² The operational employment estimates account for closing the Tribe's existing Win-River Casino and relocating operations to the Strawberry Fields Site.⁴³

The Regional Director found, and I concur, that the impact of removing the Strawberry Fields Site from the tax rolls is minimal and will be offset by the benefits that will accrue to the region from the increased economic activity from the Proposed Project.

25 C.F.R. § 151.10(f) - Jurisdictional problems and potential conflicts of land use which may arise

Section 151.10(f) requires the Secretary to consider whether any jurisdictional problems and potential conflicts of land use may arise.

As discussed in Section 151.10(e) above, the Department requested comment regarding jurisdictional problems and potential conflicts of land use from state and local governments as well

³⁷ Pacific Region Director's Finding of Fact (Pg 12-15) February 6, 2024

³⁸ County of Shasta California Adopted Budgets Fiscal Year 2022-2023, available at https://www.shastacounty.gov/sites/default/files/filefield_paths/final-adopted_budget_book_fy2223.pdf

³⁹ *Id.*

⁴⁰ Final EIS § 4.7.1

⁴¹ Final EIS § 4.7.1

⁴² Final EIS § 4.7.1

⁴³ Final EIS § 4.7.1

as other interested parties. As noted above the Strawberry Fields Site is located in unincorporated Shasta County near the City of Redding.

Land Use

The City of Redding comments stated that the Tribe's Proposed Project is inconsistent with the zoning of nearby parcels and will have significant impact on City-maintained roadways. The Proposed Project's expected impacts on traffic and roadways was studied in depth as part of the Final EIS and is discussed in detail in the enclosed Record of Decision. The Strawberry Fields Site falls outside the City's jurisdictional limits. The majority of the Strawberry Fields Site is zoned by the County as Limited Agriculture (A-1), with a small sliver adjacent to the Sacramento River zoned as Designated Floodway (F-1); however, no development would occur in the F-1 zoned area. The Proposed Project would result in the development of a casino-resort and sporting goods retail store on the Strawberry Fields Site, and while these proposed uses on the Strawberry Fields Site are not consistent with allowable uses under existing zoning, they are compatible with surrounding land uses along the Interstate 5 (I-5) corridor. Furthermore, once acquired into trust status, the Strawberry Fields Site would no longer be under the jurisdiction of the County, and thus the policies and land use regulations of the Shasta County General Plan and the Shasta County Zoning Code would no longer apply. Therefore, while the proposed uses on the Strawberry Fields Site are not consistent with allowable uses under existing zoning, this inconsistency with existing zoning would not result in significant adverse land use effects.⁴⁴

Jurisdiction

In 1953, Congress passed Public Law 83-280, a statute granting to five states, including California, jurisdiction over most crimes and some civil regulatory matters on Indian reservations in the states.⁴⁵ Public Law 83-280 left intact the inherent civil and criminal jurisdiction of Indian nations because it did not specifically extinguish Tribal jurisdiction. Placing the Strawberry Fields Site in trust will not create jurisdictional problems under Public Law 83-280. Once the Site has been accepted into trust for the benefit of the Tribe, the State of California will have the same territorial and adjudicatory jurisdiction over the land, persons, and transactions on the land as the State has over other Indian lands within the State. Additionally, the Tribe has entered into an Intergovernmental Agreement with Shasta County to help ensure that any additional emergency service calls to the Strawberry Fields Site will have minimal impacts on the local governments.

As discussed above, the Region has found, and I concur that the acquisition of the Strawberry Fields Site would not cause conflicts of land use or other jurisdictional problems.

⁴⁴ Final EIS § 4.9.1

⁴⁵ Act of Aug. 15, 1953, 67 Stat. 588 (codified as amended at 18 U.S.C. § 1162, 25 U.S.C. §§ 1321-1326, and 28 U.S.C. § 1360; *see generally* Cohens Handbook of Federal Indian Law, Section 6.04[3][a], at 537 (Nell, Jessup, Newton ed., 2012).

25 CFR § 151.10(g) - If land to be acquired is in fee status, whether BIA is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status

The Regional Director has found, and I concur that accepting the Strawberry Fields Site into trust will not impose any significant additional responsibilities or burdens on the Bureau of Indian Affairs.⁴⁶

25 CFR § 151.10(h) - The extent of information to allow the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determinations

Section 151.10(h) requires the Secretary to consider the availability of information necessary for compliance with NEPA, 42 U.S.C. § 4321 *et seq.* The Department must also complete and Environmental Site Assessment (ESA) pursuant to Departmental Manual at 602 DM 2. The Department finalized a Phase 1 ESA and certified it on February 21, 2024, determining that there were no hazardous materials or contaminants on the Site.⁴⁷ This satisfies the requirements of 602 DM 2.

As described in more detail below, an Environmental Impact Statement (EIS) was prepared to evaluate the potential impacts of the Proposed Project. Based on the facts and available evidence, the EIS concluded that the Proposed Project would not result in significant impacts to land resources, water resources, air quality, biological resources, cultural resources, socioeconomic resources and environmental justice, transportation and circulation, land use, public services and utilities, visual resources, or noise.⁴⁸

On November 29, 2016 the Department published a notice of Intent to prepare an EIS, pursuant to NEPA.⁴⁹ A Draft EIS was prepared and made available for public review on April 10, 2019, for 68 days.⁵⁰ A public hearing was held on May 20, 2019, during which verbal comments on the Draft EIS were received. On May 14, 2020, the BIA suspended the preparation of the EIS⁵¹ and resumed preparation of the EIS began on September 23, 2021.⁵² After review of all public comments, a Final EIS was prepared, which included the evaluation of the seven alternatives and contained responses to all substantive comments. On April 4, 2024, the Department published a notice of availability in the *Federal Register* for the Final EIS.⁵³ The Final EIS provided extensive information on the existing environment and provided environmental analysis of the seven alternatives.⁵⁴ Of the

⁴⁶ Pacific Region Director's Finding of Fact (pg. 19) February 6, 2024.

⁴⁷ See Final Phase I Environmental Site Assessment (February 21, 2024).

⁴⁸ Pacific Region Directors Finding of Fact February 6, 2024.

⁴⁹ 81 Fed. Reg. 86001, November 29, 2016.

⁵⁰ 84 Fed. Reg. 14391, April 10, 2019, and 84 Fed. Reg. 26440, June 6, 2019.

⁵¹ 85 Fed. Reg. 28973, May 14, 2020.

⁵² 86 Fed. Reg. 52922, September 23, 2021.

⁵³ Notice of Availability of Final Environmental Impact Statement for the Redding Rancheria Win-River Casino Relocation Project, 89 Fed. Reg. 23040, April 4, 2024.

⁵⁴ See Dec 2023 Admin FEIS, Section 2.0

alternatives, the Proposed Project, listed in the Final EIS as Alternative A, was the Tribe's preferred option. The Final EIS found that after evaluating the potential impacts and hazardous materials the project design and implementation of BMPs would ensure impacts to these resources would be less than significant.

The proposed project consists of the following components: (1) acquisition of the Strawberry Fields Site in trust by the United States for the benefit of the Tribe, and (2) the subsequent development of the Proposed Project on the Strawberry Fields Site by the Tribe. The other six alternatives included various measures of reduced intensities that included different building sites, the removal of retail sporting goods stores from future construction plans, smaller gaming establishments, and a no action alternative. The Final EIS contains more detailed information about the various alternatives. As detailed in the Final EIS, however, the Tribe's Proposed Project, is anticipated to have less-than-significant impacts. The enclosed Record of Decision concludes the Department's compliance with both the letter and the spirit of NEPA for the Tribe's application to transfer the Strawberry Fields Site into trust for gaming and other purposes.

25 CFR § 151.11(b)- Location of Land Relative to State Boundaries and its distance from the Boundaries of the tribe's reservation.

The Strawberry Fields Site is located in Shasta County, California, approximately 120 miles (straight line) from the nearest State boundaries. It is 1.6 miles (straight-line) from the Tribe's nearest reservation border and 3.7 miles (driving distance) from the Tribe's Governmental Headquarters located in Redding California.

25 C.F.R. § 151.11(c) - Where land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use

The Tribe engaged the services of the Innovation Group to conduct a Gaming Market Assessment for the Proposed Project using a complex drive-time gravity model and provided that plan to the Department.⁵⁵ In addition, the Tribe provided a copy of the Win-River Casino Resort Relocation Business Plan (Business Plan) which includes pro-forma financial statements, including income statement, balance sheet, and statement of cash flows for the first five years of operations.⁵⁶ The Tribe's submissions provide adequate support to demonstrate the economic benefits associated with the proposed use.

I find the Tribe's application meets the requirements of this section.

⁵⁵ Id. at p. 42.

⁵⁶ The Innovation Grp., Win-River Casino Resort Business Plan (2018) Business Plan is located under Tab 8 of the Regional Director's Findings of Fact attachments and contains trade secrets and financial information and is marked as "Confidential and Proprietary Information." This information is protected from release to third parties without the consent of the Tribe (5 U.S.C § 552(b)(4)).

25 C.F.R. §§ 151.10 and 151.11(d). Contact with state and local governments pursuant to sections 151.10(e) and (f).

As more fully discussed in Sections 151.10(e)-(f) above, the Department sent a notice of application dated October 31, 2022, to state and local governments having regulatory jurisdiction over the land which solicits comments on the potential impact of the proposed acquisition on regulatory jurisdiction, real property taxes, and special assessments. While not required by the regulations the Department also provided the notice of application to certain interested parties. The notice requirements of this section have been met.

Conclusion

Having thoroughly considered the Part 151 criteria, the Part 292 criteria, and all of the documents in the record, I conclude the Tribe's application meets all of the regulatory requirements as well as the spirit and purpose of the underlying statutes and therefore the Strawberry Fields Site will be acquired into trust as restored lands for a restored Tribe.

Decision to Approve the Tribe's Fee-to-Trust Application and Part 292 Determination

Pursuant to Section 5 of the IRA, 25 U.S.C. § 5108, the Department will acquire the Strawberry Fields Site in trust for the Tribe. Furthermore, I have determined the Tribe may conduct gaming on those lands pursuant to Section 20 of IGRA, 25 U.S.C. § 2719(a)(1) and the Tribe's approved Gaming Compact with the State of California. Consistent with applicable law and the Departmental requirements, the Regional Director shall immediately acquire the land in trust. This decision constitutes a final agency action pursuant to 5 U.S.C. § 704.

Sincerely,



Bryan Newland
Assistant Secretary - Indian Affairs

Enclosures:

- I. Legal Description of the Strawberry Fields Site
- II. Record of Decision

Enclosure I.

Legal Description of the Strawberry Fields Site

Legal Land Description of Property

[GRANT DEED RECORDED MARCH 31, 2004, DOCUMENT NO. 2004-0017674]

All that certain real property situate in the unincorporated area, county of Shasta, State of California, described as follows:

Parcel 1:

- All that portion of the northeast one-quarter and the north one-half of the north one-half of the north one-half of the southeast one-quarter of section 19, township 31 north, range 4 west, M.D.B. & M., according to the official plat thereof lying easterly of the Sacramento River.

Parcel 2:

- All that portion of the following described parcel lying westerly of interstate route #5, as described in the final order of condemnation recorded in the office of the county recorder, December 18, 1963, in book 769 of official records at page 108, Shasta County records.
- Beginning at the section corner common to sections 17, 18, 19 and 20, township 31 north, range 4 west, M.D.B. & M.; thence south 89° 41' 44" east on and along the section line common to said sections 17 and 20, a distance of 2640.35 feet to the one-quarter section corner common to said sections 17 and 20; thence south 0° 30' 26" east 3002.71 feet to a ¾" galvanized iron pin marked r. C. E. 8700, set in a fence corner; thence north 89° 34' 03" west along existing fence to the intersection with the west line of the northwest one-quarter of said section 20; thence northerly along said west line to the point of beginning of this description.
- APN NO'S: 055-010-011, 055-010-012, 055-010-014, 055-010-015 & 055-020-001

[GRANT DEED RECORDED APRIL 2, 2010, DOCUMENT NO. 2010-0009576]

The land described herein is situated in the State of California, county of Shasta, unincorporated area, and is described as follows:

Parcel 1:

- A portion of the southwest quarter of section 20 and a portion of the southeast quarter of fractional section 19, township 31 north, range 4 west of Mount Diablo Base and Meridian, Shasta County, California. Commencing at a buried rock with a chiseled cross at the center of section 20, township 31 north, range 4 west, M.D.M., as shown on that map recorded in book 27 of land surveys, at page 15, Shasta County records; thence, along the east line of the southwest quarter of said section 20, S. 0 degrees 13' 10" E., 332.19 feet to a point marked by an iron pin stamped LS 2656; thence, leaving said east line parallel with the north line of the southwest quarter of said section 20, N. 89 degrees 43' 40" W., 1239.16 feet to a point on the westerly right of way line of proposed state highway US 99 freeway, said point being marked by an iron pin with 3" brass cap stamped RCE 5438, the true point of beginning of this parcel; thence, from said point of beginning, continuing n. 89 degrees 43' 40" W., 1409.65 feet to a point on the west line

of said section 20, from whence an iron pin stamped RCE 8700 bears S. 4 degrees E., 5.11 feet; thence, continuing N. 89 degrees 43' 40" W., 1809.51 feet to an iron pin witness corner with a 3" brass cap, stamped RCE 5438; thence, continuing N. 89 degrees 43' 40" W., 265 feet more or less to a point on the waters edge at the left bank of the Sacramento River as it was December 5, 1962; thence, following the left bank of the Sacramento River, southeasterly to a point on the centerline of that certain 60 foot wide parcel recorded in book 470 at page 490, official records of Shasta County, said point bears S. 0 degrees 13' 10" E., 1336.90 feet and N. 89 degrees 47' 12" W., 4533 feet more or less from the center of said section 20; thence, along said centerline S. 89 degrees 47' 12" E., 304 feet, more or less, to a point which bears N. 11 degrees 01' 40" W., 30.59 feet from an iron pin stamped LS 2656; thence, continuing along said centerline s. 89 degrees 47' 12" E., 3223.52 feet to a point on the westerly right of way line of proposed state highway us 99 freeway which bears N. 13 degrees 19' 10" W., 30.86 feet from an iron pin with a 3" brass cap stamped RCE 5438; thence, along said westerly right of way line N. 13 degrees 19' 10" W., 1,003.89 feet to the point of beginning.

- Excepting therefrom the south 30 feet.
- APN: 055-020-004

Parcel 2:

- Removed (contained an undivided 1/2 interest)

Parcel 3:

- A right of way for road purposes to be used in common with others over the following described property:
 - Commencing at the southwest corner of section 20, township 31 north, range 4 west, M.D. B. & M.; thence along the south line of said section 20, S 89 degrees 53' 17" E., 1325.40 feet; thence leaving said section line N. 0 degrees 28' 17" W., 20.00 feet to the true point of beginning of this description; thence continuing N. 0 degrees 28' 17" W., 1300.00 feet to the south boundary of the Anderson-Cottonwood irrigation district canal right of way; thence along said south boundary S. 89 degrees 53' 17" E., 60.00 feet; thence S. 0 degrees 28' 17" E., 1300.00 feet; thence N. 89 degrees 53' 17" W., 60.00 feet to the true point of beginning.
 - Being a portion of the southwest quarter of section 20, township 31 north, range 4 west, M.D.B.& M.