



United States Department of the Interior
Bureau of Indian Affairs
Northwest Regional Office
911 N.E. 11th Avenue
Portland, Oregon 97232-4169



JUL 15 2010

In Reply Refer To:
Realty

MEMORANDUM

TO: Director, Bureau of Indian Affairs

FROM: Northwest Regional Director

SUBJECT: Request by the Puyallup Tribe of Indians, Puyallup Reservation, State of Washington, for Trust Acquisition of 13.9 acres, within the exterior boundaries of the Reservation for parking for the Tribal Gaming Facility, known as the "Fife Emerald Queen Casino"

This memorandum is to recommend approval of the request of the Puyallup Tribe of Indians (Tribe) for acquisition of fee property in trust and to transmit the request and supporting documentation in accordance with the July 19, 1990, Secretarial Directive and the Office of the Secretary's memorandum dated November 9, 2001. The Secretarial Directive and memorandum requires that all requests from Tribes to acquire land in trust for gaming purposes shall be approved or disapproved by the Assistant Secretary – Indian Affairs.

This memorandum is to recommend the following findings of the transaction's compliance with the trust acquisition regulations at 25 CFR Part 151 and the National Environmental Policy Act (NEPA).

I. Property to be Acquired

By Puyallup Tribal Council Resolution No. 301208D dated December 30, 2008 and Fee-to-Trust Application dated May 17, 2010 the Tribe requested that the United States acquire a 13.9-acre tract, known as the "**Fife Casino Parking Area**" in trust for the benefit of the Tribe. The Tribe stated that the subject property is currently being used for parking structures in support of the Tribal Fife Emerald Queen (Fife) gaming facility and to accommodate unrelated commercial uses

(recreational vehicle sales and services) under lease agreements. After the property is converted to trust status, the Tribe will continue to use the property for these purposes (**Exhibit 1**).

The Tribe purchased Parcels A and B, from the Fife Hunting Club, LLC, a Washington Limited Liability Company by Statutory Warranty Deed dated April 24, 2007. The Tribe purchased Parcels C through I, from RAI, LLC, a Washington Limited Liability Company by Statutory Warranty Deed dated December 17, 2006 (**Exhibit 1-A**).

Land Description of the Property

The land proposed for trust acquisition is next to the Tribe's Fife gaming facility, and is within the exterior boundaries of the Puyallup Reservation in Pierce County, Washington (**Exhibit 1-B – Location and Vicinity/Reservation Maps**). The subject property is described as follows:

PARCEL A: (0420072126)

Lot(s) 3, as shown on Short Plat No. 9103180301, which is an amendment of Short Plat Nos. 8502210395 and 8403080186, filed with Pierce County Auditor, in Pierce County, Washington.

Except that portion of Lot 3 conveyed to the State of Washington by Deeds recorded under Auditor's file number 689865 and 689858.

Together with the East half of the Northeast quarter of the Northwest quarter of Section 7, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington, lying Northerly of Primary State Highway No. 1.

Except 62nd Avenue East.

PARCEL B: (0420067016, 0720067017)

Lots 1 and 2, as shown on Short Plat No. 9103180301, which is an amendment of Short Plat Nos. 8502210395 and 8403080186, filed with the Pierce County Auditor, in Pierce County, Washington.

Except those portions of Lots 1 and 2 conveyed to the State of Washington by Deeds recorded under Auditor's file numbers 689865 and 689858.

Also except that portion of Lot 1 conveyed to Pierce County by Deed recorded under Auditor's file number 9005140272.

PARCEL C: (0420072124)

That portion of the East 165.3 feet of the South 100 feet of the West one half of the Southeast one quarter of the Southwest one quarter of Section 6, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington, lying South of the South line of Pacific Highway East (State Road No. 1) as conveyed to the State of Washington by deed recorded September 13, 1923 and November 19, 1923 under Auditor's file number 689858 and 689869.

Together with the East 165.3 feet of the North 409.6 feet of the West one half of the Northeast one quarter of the Northwest one quarter, Section 7, Township 20 North, Range 4 East of the W.M.

Except the West 10 feet of the South 209.6 feet thereof.

(Being revised Parcel A of Boundary Line Revisions recorded under recording number 9812185004)

PARCEL D: (0420072085)

Commencing at the Northeast corner of the Northwest Quarter of Section 7, Township 20 North, Range 4 East of the W.M., in Pierce County, Washington;
Thence West 778.38 feet;
Thence South 200 feet to the true point of beginning;
Thence West 155.3 feet to the West boundary of the East Half of the West Half of the Northeast Quarter of the Northwest Quarter of said Section;
Thence on said West Boundary line South 509.15 feet;
Thence East 154.7 feet;
Thence North 509.605 feet to the true point of beginning.

Except the North 136 feet thereof,
Also Except that portion of the above described property conveyed
to the State of Washington for State Highway by Deed recorded
under recording number 1877004.

PARCEL E: (0420063094)

That portion of the South 100 feet of the West Half of the West Half of the
Southeast Quarter of the Southwest Quarter of Section 6, Township 20
North, Range 4 East of the W.M., lying South of the South line of Pacific
Highway East (State Road No. 1) as conveyed to the State of Washington
under Auditor's file number 689869 and 689858.

Except Dyslin County Road (58th Avenue East)

PARCEL F: (0420072035)

Beginning at the Northwest corner of the North Half of the West Half of the
West Half of the Northeast Quarter of the Northwest Quarter of Section 7,
Township 20 North, Range 4 East of the W.M. in Pierce County, Washington;
thence on the West line of said subdivision South 259.50 feet to a line
parallel with and 397 feet North of the South line of said subdivision;
thence Easterly along said parallel line to the East line of said subdivision;
thence North to the North line of said subdivision;
thence West along said North line to the Point of Beginning;

Except the Westerly 30 feet thereof for 58th Avenue East (Dyslin County
Road)

PARCEL G: (0420072069)

Beginning at the Northwest corner of the North Half of the West Half of the
West Half of the Northeast Quarter of the Northwest Quarter of Section 7,
Township 20 North, Range 4 East of the W.M. in Pierce County, Washington;
thence on the West line of said subdivision South 355.50 feet to a line
parallel with and 310 feet North of the South line of said subdivision, being
the true point of beginning;
thence on said parallel line East 148.00 feet;
thence parallel with said West line South 78 feet, more or less, to a line
parallel with and 145 feet Northerly, as measured at right angles to the
centerline of Primary State Highway No. 1, Tacoma to King County line;
thence on said parallel line East 148 feet to the West line of said

subdivision;
thence on said West line North 85 feet, more or less, to the true point of beginning

Except the West 30 feet for Dyslin County Road

PARCEL H: (0420072074)

That portion of Section 7, Township 20 North, Range 4 East of the W.M. described as follows:

Beginning at the Northwest corner of the North Half of the West Half of the West Half of the Northeast Quarter of the Northwest Quarter of Section 7, Township 20 North, Range 4 East of the W.M. in Pierce County, Washington;

thence on the West line of said subdivision South 259.50 feet to a line parallel with and 397 feet North of the South line of said subdivision and the true point of beginning;

thence continue on said West line South 96 feet;

thence parallel with said South line East 148 feet;

thence parallel with said West line South 78 feet more or less to a line parallel with and 145 feet Northerly, as measured at right angles to the centerline of Primary State Highway No. 1, Tacoma to King County line;

thence on said parallel line Northeasterly to the East line of said subdivision;

thence on said East line North 167 feet more or less to a line parallel with and 397 feet North of the South line of said subdivision;

thence West on said parallel line to the point of beginning

Except the West 30 feet for Dyslin County Road

PARCEL I: (0420072125)

The North 200 feet of the West 145.3 feet of the East 310.6 feet of the West Half of the Northeast Quarter of the Northwest Quarter of Section 7, Township 20 North, Range 4 East of the W.M. in Pierce County, Washington;

Together with that portion of the South 100 feet of West 145.3 feet of the East 310.6 feet of the West Half of the Southeast Quarter of the Southwest Quarter of Section 6, Township 20 North, Range 4 East of

the W.M. in Pierce County, Washington, lying South of the South right-of-way line of State Road No. 1, as conveyed in instruments recorded under recording number 689869 and 689858.

Also Together with the North 136 feet of the following described property:

Beginning at the Northeast corner of the Northwest Quarter of Section 7, Township 20 North, Range 4 East of the W.M. in Pierce County, Washington;
thence West 788.38 feet;
thence South 200 feet to the true point of beginning;
thence West 145.3 feet to the West boundary of the East Half of the West Half of the Northeast Quarter of the Northwest Quarter of said Section;
thence on said West boundary South 509.15 feet;
thence East 144.7 feet;
thence North 509.6 feet to the true point of beginning.

Also Together with a strip of land 10 feet in width lying East of and adjoining the North 136 feet of the following described property:

Beginning at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 7, Township 20 North, Range 4 East of the W.M. in Pierce County, Washington;
thence West 788.38 feet;
thence South 200 feet to the true point of beginning;
thence West 145.3 feet to the West boundary of the East Half of the West Half of the Northeast Quarter of the Northwest Quarter of said Section;
thence on said West boundary South 509.15 feet;
thence East 144.7 feet;
thence North 509.6 feet to the true point of beginning.

Pierce County, Washington

Containing 13.9 acres, more or less.

The Bureau of Land Management (BLM) approved the Land Description Review and Chain of Survey Certificates on June 12, 2009. BLM stated that the legal description has potential problems; however, the risk appears minor and the conveyance/activity should not be affected.

BLM stated that the legal descriptions as they are written have gaps and overlaps, but the property is owned by one entity and bounded on each side by a public road. The correction would be to investigate any possible ownership claims to the gaps in the property. The largest is an eleven foot gap between parcel "C" and the Interstate 5 right-of-way. BLM suggested that the Tribe do a quiet title action and re-write the legal description (**Exhibit 1-C – Land Description and Chain of Survey Certificates**).

By letter dated May 17, 2010, the Tribe stated that the gap/overlap problems are being corrected by their surveyor, John Bentley, and Ticor Title is assisting with uncovering the last identified owner of the 11 foot gap. After the name is uncovered a vesting deed will be given to the Tribe, and the Tribe will proceed with a course of action and have the legal description re-written (**Exhibit 1-D**).

I find that this issue should not prevent approval of the acquisition; however, it may change the precise legal description somewhat.

I find that the Tribe has fulfilled the requirements of 25 CFR § 151.9 governing requests for approval of acquisitions because Tribal Council Resolution No. 301208D sets out the identity of the parties, a description of the land, and other information showing that the acquisition comes within 25 CFR Part 151, namely by showing and/or demonstrating the following under 25 CFR § 151.3(a):

- (1) The land is located within the exterior boundaries of the Puyallup Reservation.
- (2) The Tribe already owns the land.
- (3) The acquisition of the land is necessary to facilitate self-determination and economic development.

II. Title to the Property

The title commitment for title insurance lists title at the effective date, May 7, 2010, with the Tribe (**Exhibit 1-E**). The Office of the Solicitor, Pacific Northwest Region, reviewed our draft Statutory Warranty Deed (**Exhibit 2**) and issued a Preliminary Opinion of Title 11562 dated June 10, 2010. The Office of the Solicitor

stated that items 1-10, 12-14, 16 and 19 of the Special Exceptions in Schedule B of the preliminary title evidence must be satisfactorily eliminated or addressed as explained in the "Additional remarks/requirements" section. The Solicitor found title to be vested in the Tribe (**Exhibit 3**).

III. Compliance with Land Acquisition Regulations:

A. 25 CFR §151.10(a): The existence of statutory authority for the acquisition and any limitations contained in such authority:

The primary authority to acquire land in trust for a tribe is Section 5 of the Indian Reorganization (IRA) Act of June 18, 1934 (48 Stat. 984), 25 U.S.C. § 465. Section 5 provides in relevant part:

The Secretary of the Interior is 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 purposes of providing land for Indians.

In accordance with the *Carciari v. Salazar* case, the Secretary may use this authority only for tribes that were under federal jurisdiction in 1934.

Based on the 1947 Tribal Relations Pamphlet called, *Ten Years of Tribal Government Under I.R.A.* written by Theodore H. Haas, Chief Counsel United States Indian Services, the Puyallup Indians voted to accept the IRA in 1934. The Puyallup Tribe of Indians also adopted a Constitution and Bylaws in accordance with the IRA, which was approved by the Secretary of the Interior of the United States on May 1, 1936.

Based on the above facts, the Tribe was under federal jurisdiction when the IRA was enacted, and the Secretary has the authority to take the land into trust using the authority of Section 5 of the IRA.

The Tribe is a self-governing Tribe operating under a Constitution and Bylaws, which was approved by the Secretary of the Interior on May 1, 1936, and amended and approved on June 1, 1970, June 5, 1991, and April 25, 2005 (**Exhibit 1-F – Constitution and Bylaws**).

The governing body is a seven-member Tribal Council; each duly elected to serve three years, two members being elected each year, except that every third year three members shall be elected. The Council so organized shall elect from within its number a Chairman, a Vice-Chairman, and from within or without, a Secretary, and Treasurer; and may appoint or employ such officers or committees, as may be deemed necessary.

The Tribal Council holds regular meetings every third Tuesday of each month, and at such other times as the Council, by resolution, may meet. Special meetings may be called by a written notice signed by the Chairman or by a majority of the Tribal Council, and when so called the Tribal Council shall have power to transact business as in regular meetings.

The Tribal Council is authorized to request that this Tribal fee land be placed in trust under Article V, Section 1(c) of the Constitution of the Tribe. That section states that the Tribal Council can exercise the power:

To approve or veto any sale, disposition, lease, or encumbrance of Tribal lands, interests in lands, or other Tribal assets which may be authorized or executed by the Secretary of the Interior, the Commissioner of Indian Affairs, or any other official or agency of Government; Provided, That no Tribal lands shall ever be sold, encumbered, or leased for a period exceeding 5 years, except for governmental purposes.

B. 25 CFR § 151.10(b): The need of the tribe for additional land:

The Tribe stated that the subject property is currently being used for parking structures in support of the Tribe's Fife gaming facility and to accommodate unrelated commercial uses (recreational vehicle sales and services) under lease agreements. After the property is converted to trust status, the Tribe will continue to use the property for these purposes.

The property proposed for trust acquisition is next to the Tribe's Fife gaming facility. Therefore, acquisition of the subject property in trust will enable the Tribe to manage its Fife gaming facility in a consistent and more efficient manner since all the land will be in trust status.

Additionally, the land in trust status is needed to centralize the Tribe's gaming facility and adjacent lands under the exclusive governance of the Tribe to

provide efficient operations and basic governmental oversight of lands within its jurisdiction.

Based on the preceding discussion, I find that the need for additional land is shown to be adequately justified for economic development and self-determination purposes.

C. 25 CFR § 151.10(c): The purposes for which the land will be used:

Currently, the Tribe is using the subject property for parking structures in support of the Tribe's Fife gaming facility and to accommodate unrelated commercial users (recreational vehicle sales and services) under lease agreements.

The Tribe is authorized to engage in Class III gaming pursuant to a Tribal-State Compact executed between the Tribe and the State on May 28, 1996. The Compact was approved by the Secretary of the Interior.

Pursuant to negotiations conducted in accordance with the Order dated September 26, 1997 in *State of Washington v. The Confederated Tribes of the Chehalis Reservation, et al.*, No. C-951805-FVS (W.D. Wash.), the State and Tribe agreed to amend Section III and to add Appendix X to the Compact to authorize the Tribal Lottery Systems. The Amendment to the Tribal-State Compact for Class III Gaming was approved by the Assistant Secretary – Indian Affairs on January 14, 1999.

The State and Tribe agreed to a Second Amendment to the Tribal/State Compact on May 30, 2002 and approved by the Assistant Secretary – Indian Affairs on June 19, 2002 (**Exhibit 1-G – Tribal-State Compact and Amendments**).

D. 25 CFR § 151.10(d): 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 the land from the tax rolls:

The Acting Northwest Regional Director provided notice of the Tribe's application and sought information and comments from the Governor of Washington, City of Fife's attorney, Mr. Loren D. Combs, Director of Pierce County Government Relations, County Executive of Pierce County, and Office of the Prosecuting Attorney of Pierce County on May 19, 2010 (**Exhibit 4**). The notices provide 30 days for comments.

According to the United States Postal Services' Track & Confirm, all local governmental entities received their notices on May 21, 2010, except the Governor of Washington. The Governor of Washington received her Notice on May 24, 2010.

Mr. Steve Worthington, City Manager of the City of Fife (City) responded to the Northwest Regional Office's notice on June 3, 2010. The City stated that the annual amount of the property taxes currently levied on the property is \$194,025.18, which includes property tax, drainage district, and weed control. In brief, the City stated that the transfer of the subject property into trust would have a significant impact on the City as it would take away a revenue stream, and the potential for increased revenues from this property in the future would be lost to the City. With that said, the City stated that it fully supports the Tribe's application, and requested that the Bureau of Indian Affairs (BIA) approve the transfer as soon as possible.

Ms. Pat McCarthy, Pierce County Executive (County) responded on June 18, 2010. The County stated that the taxes total \$388,050.40, and they had no objection to the fee-to-trust transfer at this time. The County stated that placing the subject property into trust status would render it tax-exempt, and they provide governmental services. The County referred to Section VIII D. on pages 23 and 24 of the Tribe's Settlement Agreement, and indicated that they reserve its rights under this provision. The County recommended that cooperative agreements be developed and established to continue these services by either or both of the appropriate jurisdictions (**Responses from the City of Fife and Pierce County - Exhibit 5**).

In reviewing the City's and County's responses, there is a large discrepancy concerning taxes currently levied on the property; however, the City was only referring to the one-half payment that was due for the mid-year taxes. The annual amount of property taxes currently levied on the property is \$388,050.40. According to the Pierce County's Assessor/Treasurer's Office, their tax base is \$92,604,618,893, and thus, the subject property currently contributes about .004 to the County's taxable land base. Therefore, I find that there will be a slight impact on the County, if the land is placed in trust status.

The State did not respond, and thus, I find that I cannot determine any impact on the State due to its failure to respond to the notice.

E. 25 CFR § 151.10(f): Jurisdictional problems and potential conflicts of land use which may arise:

There should be no jurisdictional problems. Any jurisdictional problems and related conflicts with respect to gaming are expected to be addressed by the Tribe and the State pursuant to the Tribal-State Compact (Compact). For instance, the Compact provides under Section III, B. that the Tribal Gaming Agency and State Gaming Agency shall have concurrent jurisdiction:

The Tribal Gaming Agency and the State Gaming Agency shall have concurrent jurisdiction to investigate violations of the provisions of this Compact, and to bring administrative charges, in accordance with Tribal Laws and the incorporated provisions of Chapter 9.46 RCW, Chapter 34.05 RCW and Chapter 230-50 WAC, against any individual or business entity that is licensed by the Tribal Gaming Agency or certified by the State Gaming Agency in accordance with this Compact. The Tribe further consents to the limited waiver of sovereign immunity solely with respect to this exercise of jurisdiction by the Federal District Court of the Western District of Washington with respect to actions to enforce the provisions of this Compact, but if any such court declines to exercise subject matter jurisdiction, then by any court of competent jurisdiction. With the exception of those jurisdictional issues specifically addressed in this Compact, this Compact should not be construed to affect any other jurisdictional issues between the State and the Tribe.

The Compact also discusses Investigative Authority and Jurisdictional Forums under Section VIII, C. and D. However, this trust acquisition is for parking for the Tribe's Fife gaming facility, and thus, no gaming will be conducted in or on the parking structures.

It is anticipated that there will be no potential conflicts of land use. The property is located within the exterior boundaries of the Puyallup Reservation. The property is zoned Regional Commercial, and thus, the current/proposed uses are allowed land uses.

In addition, any jurisdictional problems and potential conflicts of land use are expected to be addressed consistent with the August 27, 1988 Agreement between the Puyallup Tribe of Indians, local governments in Pierce County, the

State of Washington, the United States of American, and certain private property owners and Document 7 of the Agreement (Exhibit 6).

For instance, Document 7 discusses that before the Tribe files a trust land application, they are required to consult with the local governments and provide them with an opportunity for written and/or oral comments. The document also states that if concerns or questions are raised by the other entity, then the Tribe or local government will make good faith efforts to accommodate the concerns of the other party.

As required by the 1988 Agreement, the Tribe sent 30-day consultation notices to the local governmental entities: City of Tacoma, Pierce County Governmental Relations, City of Fife and City of Puyallup on January 30, 2009, concerning the subject property.

Ms. Pat McCarthy, Office of the County Executive, Pierce County responded on February 27, 2009, stating that the County supports this fee-to-trust proposal.

On March 10, 2009, the Tribe sent letters to the local governments stating that the 30-day consultation was closed (**Exhibit 7 – Tribe's consultation notices, Pierce County's response and Tribe's letters notifying that the 30-day consultation period was closed**).

During the 30-day consultation period, no issues were raised concerning potential jurisdictional problems and/or conflicts of land use.

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

A portion of the property is used for commercial leasing, and thus, there will be some additional responsibilities, such as reviewing and approving Business leases. There will also be some lease compliance duties. However, since the property is located within the exterior boundaries of the Reservation, and the BIA is already providing services, there should be minimal added responsibilities.

The addition of a 13.9-acre tract to the Puget Sound Agency and the Northwest Regional Office would not unduly burden the staff. Therefore, I find that the BIA is equipped to discharge the additional responsibilities.

IV. National Environmental Policy Act (NEPA)

Since there is no development, physical alteration, or change of land use planned by the Tribe, this conversion is categorically excluded pursuant to 516 DM 10.5 (I) (**Categorical Exclusion – Exhibit 8**). Should future development occur on the subject property, compliance with NEPA will be required if federal funding or a federal decision is involved.

Historic/Endangered Species Compliance

There are no immediate plans for further development of this property. Therefore, there will be no impact on any historic or archeological values that may exist or on any threatened or endangered species. Should future development occur, compliance with laws governing historic/archeological values and/or endangered species will be required if federal funding or a federal decision is involved.

VI. Hazardous Substances Determination

A Phase I Environmental Site Assessment was conducted by Robinson Noble Saltbush Inc. in January 2010. Their assessment did not reveal any evidence of recognized environmental conditions.

On January 20, 2010, the Northwest Regional Environmental Scientist reviewed the Phase I Environmental Site Assessment and stated that it met the requirements of 602 DM 2, ASTM E 1527-05, and 40 CFR 312, except that it did not include a comparison of the purchase price of the property to the value of the property if it is not contaminated.

On May 19, 2010, the Northwest Regional Environmental Scientist reviewed the supplemental information provided by the Tribe, and he concluded that the properties were purchased for a reasonable approximation of fair market value for uncontaminated property and that there is no evidence that there was a reduction in price for latent environmental contamination. At that time, most of the elements of the Phase I Environmental Site Assessment had expired (**Exhibit 9 – Phase I Environmental Site Assessment and e-mails of the Northwest Regional Environmental Scientist**).

Prior to deed acceptance, a new Phase I Environmental Site Assessment will need to be conducted by a qualified Environmental Professional. The new Phase I Environmental Site Assessment will need to be reviewed and approved by the Northwest Regional Environmental Scientist.

VII. Indian Gaming Regulatory Act (IGRA)

The proposed acquisition is being used and will continue to be used for parking structures for the Tribe's Fife gaming facility located adjacent/contiguous to the subject property and for non-gaming purposes (commercial leasing).

The Tribe does not intend to conduct gaming in or on the parking structures. Consequently, consistent with the language at page 6 of the September 2007 Checklist for Gaming Acquisitions, this acquisition is not "for gaming." Therefore, an analysis of its compliance with 25 U.S.C. § 2719 is not needed.

The September 2007 Gaming Acquisition Checklist, indicates that the completed acquisition package must be reviewed by the appropriate Regional or Field Solicitor to ensure that all legal requirements have been adequately addressed. The recommendation memorandum and acquisition package was reviewed by the Office of the Solicitor, Pacific Northwest Region, on July 13, 2010 (**Exhibit 10**).

VIII. Northwest Regional Director's Recommendation

Based upon the Puyallup Tribe of Indians' application and supporting documentation, and the review and recommendation of the staff of the Northwest Regional Office, I recommend that the Assistant Secretary – Indian Affairs authorize acquisition of the 13.9-acre tract within the boundaries of the Puyallup Reservation in trust for the purpose of parking structures that is currently being used in connection for the Tribe's Fife gaming facility and for non-gaming purposes (commercial leasing for sales and service of recreational vehicles).

This recommendation is based upon my opinion that the requirements of the Land Acquisition Regulations (25 CFR § 151.10) and the National Environmental Policy Act have been satisfied.

The following items were relied on and provided in support of the proposed acquisition are indexed and attached as exhibits for reference.

Index

1. Tribal Council Resolution No. 301208D dated December 30, 2008 and Fee-to-Trust Application dated May 17, 2010
 - A. Statutory Warranty Deeds
 - B. Location and Vicinity/Reservation Maps
 - C. Land Description Review and Chain of Survey Certificates
 - D. Tribe's Letter dated May 17, 2010
 - E. Title Commitment
 - F. Constitution and Bylaws
 - G. Tribal-State Compact and Amendments
2. Draft Statutory Warranty Deed
3. Preliminary Opinion of Title dated June 10, 2010
4. Notices sent to the Governor of Washington, City of Fife's Attorney, Loren D. Combs, Director of Pierce County Government Relations, County Executive of Pierce County, and Office of the Prosecuting Attorney of Pierce County
5. Responses from the City of Fife and Pierce County Office of the County Executive
6. *August 27, 1988 Agreement between the Puyallup Tribe of Indians, local governments in Pierce County, the State of Washington, the United States of American, and certain private property owners and Document 7 of the Agreement*

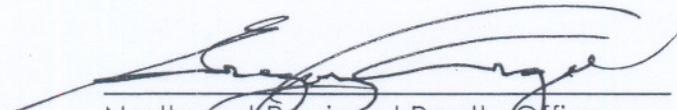
7. Tribe's consultation notices, Pierce County's response and Tribe's letters notifying that the 30-day consultation period was closed
8. Categorical Exclusion
9. Phase I Environmental Site Assessment and e-mails from the Northwest Regional Environmental Scientist
10. Memorandum from the Office of the Regional Solicitor

The September 2007 Gaming Checklist states that the Tribe's application should be kept intact and tabbed as one exhibit. The Tribe's application and attachments were voluminous; therefore, for ease of locating the documents, they have been tabbed as 1 and 1-A through 1-G.

I certify that the documents submitted for the acquisition are copies of the original documents.

I attest that I have reviewed this transaction to convert from fee-to-trust a 13.9-acre tract located within the exterior boundaries of the Puyallup Reservation for the Puyallup Tribe of Indians and the case file is documented and in compliance with all of the above-stated regulations and facts. I further state that I will not approve this transactions (i.e. accept the land in trust) until I have received satisfactory title evidence in accordance with Section 151.13 of Title of the *Code of Federal Regulations*.

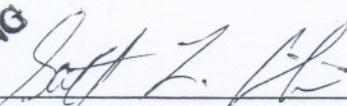
RECOMMEND:


Northwest Regional Realty Officer

JUL 15 2010

Date

ATTEST:

ACTING

Northwest Regional Director

7/15/2010

Date