



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 1 0 2010

Memorandum

To: Regional Director, Northwest Region

From: *AD* Assistant Secretary – Indian Affairs *AD*

Subject: Request by the Puyallup Tribe of Washington - Trust Acquisition of a 13.9-Acre Tract of Land

The request of the Puyallup Tribe (Tribe), to acquire a 13.9-acre tract of land, consisting of nine (9) parcels located within the exterior boundaries of the Puyallup Reservation, Pierce County, Washington, in trust for gaming related purposes was transmitted to Central Office by your memorandum dated July 15, 2010, with a recommendation that the request be approved. After a thorough review, and as set forth below, this Office has approved the Tribe's acquisition request. This decision constitutes the final agency action in this matter. A notice to the Tribe informing them of the determination will be sent simultaneously with the transmission of this Memorandum. Publication in the *Federal Register*, pursuant to 25 CFR § 151.12(b) will proceed. You are authorized to proceed in acquiring the land into trust subject to the completion of an updated contaminate survey and expiration of the thirty-day waiting period required by § 151.12(b), and barring legal challenge to this decision.

I. Description of the Property

The legal description of the property is 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;

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.

II. Compliance with applicable laws and regulations

The review of the transaction documents was conducted in Central Office to assure compliance with applicable laws and regulations. The attached letter to the Tribe sets forth the compliance in more detail.

a. Compliance with land acquisition regulations. The authority for acquiring the 13.9-acre tract of land in trust is the Indian Reorganization Act (IRA), 25 USC § 465. The implementing regulations are set forth in 25 CFR Part 151. This Office has determined that this acquisition furthers the requirements and goals of the IRA. This Office also has determined that the administrative record adequately documents and analyzes each relevant provision of the regulations.

b. Compliance with 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. The Tribe does not intend to conduct gaming in or on the parking structures. Therefore, an analysis of its compliance with 25 U.S.C. § 2719 is not needed.

c. Decision – All applicable laws and regulations have been complied with in connection with this acquisition. You are authorized, pursuant to delegated authority in 209 DM 8, Secretarial Order No. 3150, as amended, and 3 IAM 4.1G, as amended, to approve the property conveyance to, *The United States in Trust for the Puyallup Indian Tribe of Washington* under the IRA, 25 USC 465, subject to the completion of an updated contaminate survey and expiration of the thirty-day waiting period required under 25 CFR § 151.12. If a lawsuit is filed within the thirty-day waiting period, please coordinate with this office before accepting title. The Office of Indian Gaming will publish the *Federal Register* notice pursuant to 25 CFR § 151.12(b), a copy of which will be made available to you immediately following its publication.

Attachment