

# United States Department of the Interior



BUREAU OF INDIAN AFFAIRS  
Central California Agency  
650 Capitol Mall, Suite 8-500  
Sacramento, CA 95814

IN REPLY REFER TO:  
Real Estate Services  
FOIA #05-J51-FOIA-007  
S-70-A; S-70-C; S-70-D;  
S-70-E; S-70-F; S-70-G;  
S-70-H; S-70-I; S-70-J

MAR 30 2005

Ms. Karla D. Bell  
Law Offices of Karla D. Bell  
6080 Center Drive, 6<sup>th</sup> Floor  
Los Angeles, California 90045

Dear Ms. Bell:

This is in partial response to your February 24, 2005, request under the Freedom of Information Act (5 USC § 552, as amended) for information on land (trust, restricted, or public domain) in or near West Point, in Calaveras County, California.

Real Estate Services staff performed a records check and found that current title reports reflect that there are several Indian trust allotment parcels located in the area of interest. They are described as being in section 2, Township 6 North, Range 13 East, and further described as follows.

S-70-A,	Original Allottee:	Frank Fisher,	containing 38.63 acres, Lot 9.
S-70-C,	"	"	, containing 2.48 acres, Lot 39.
S-70-D,	"	"	, containing 2.48 acres, Lot 40.
S-70-E,	"	"	, containing 2.32 acres, Lot 41.
S-70-F,	"	"	, containing 7.71 acres, Lot 42.
S-70-G,	"	"	, containing 0.98 acres, Lot 43.
S-70-H,	"	"	, containing 5.35 acres, Lot 45.
S-70-I,	"	"	, containing 9.35 acres, Lot 46.
S-70-J,	"	"	, containing 10.04 acres, Lot 47.

These trust parcels were created by a partition action from the original public domain allotment that was allotted approximately eighty (80) years ago to Frank Fisher, and, held in trust for him. Further, all of these parcels are now individually held in restricted trust status by the United States for the heirs of the original allottee, Frank Fisher. We are prevented from releasing information about who the trust owners are at this time because this is personal information exempted from release, in accordance with the Privacy Act of 1974, as amended, and Exemption 6 of the FOIA, 5 USC § 552(b)(6): "...personal and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy."

CVMT-2011-000707

The fee incurred in responding to your request is less than \$30 and is not being charged in accordance with 43 CFR 2.16(b)(2).

Because our response to your request may be considered a denial of your request, you may appeal this response by writing to:

U.S. Department of the Interior  
Freedom of Information Act Appeals Officer  
MS-5312 MIB  
1849 C Street, NW  
Washington, DC 20240

Your appeal must be received within thirty (30) working days (Saturdays, Sundays, and legal holidays excepted) from the date of this letter. The appeal should be marked "FREEDOM OF INFORMATION ACT APPEAL" both on the envelope and the face of the letter. Your appeal should be accompanied by a copy of your original request and this letter along with any information you have which leads you to believe the records do in fact exist, including where they might be found, if the location is known to you.

The officials responsible for the partial denial of your request are Bobbie Jo Henry, Agency Realty Officer, and Raymond Fry, Tribal Operations Officer. Also, Daniel Shillito, Regional Solicitor, was consulted in reaching this decision.

Sincerely,

  
Dale Morris  
Acting Superintendent

cc: TO, CCA 