



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
NORTHERN CALIFORNIA AGENCY
364 Knollcrest Drive, Suite 105
Redding, California 96002

IN REPLY REFER TO:

Real Estate Services

JUN 10 2026

Phillip Del Rosa
104 Arnold Lane
Medford, OR 97501

RECEIVED
JUN 15 2026

Darren Rose
24 Lolii Place
Lahaina, HI 96761

BY:

AIR Construction and Excavation (*formerly Rick Evans Construction, Inc.*)
900 Running Bear Road Yreka,
CA 96097

Azuma Corporation
901 County Road 56 Alturas,
CA 96101

Re: Notice of Unauthorized Commercial Use and Directive to Cease

Dear Mr. Del Rosa, Mr. Rose, Representatives of Azuma Corporation, and AIR Construction and Excavation:

This letter is formal notice regarding apparent unauthorized commercial activities observed on the Jim Benter California Public Domain Allotment, federal trust land held by the United States for the benefit of Indian landowners with undivided interests. The purpose of this notice is to inform you of these activities, outline the applicable legal framework, and direct corrective action.

The following apparent unauthorized commercial activities have been specifically observed:

- Operation of a gas station, including fuel sales and related retail transactions;
- Operation of a smoke shop, including retail sales of tobacco products and paraphernalia;
- Operation of a batch plant, including production and storage of concrete or aggregate materials; and

- Associated grading, excavation, staging, stockpiling, and other commercial use activities, including equipment deployment and material handling.

This allotment remains undivided trust property. No individual co-owner, majority interest holder, or affiliated business may unilaterally authorize exclusive possession, commercial development, excavation, or other use of trust land without required federal approval.

Agency records do not identify a Bureau-approved lease, permit, right-of-way, or other federal authorization for these commercial activities. In the absence of such authorization, these activities may constitute trespass under 25 C.F.R. § 162.023 and 25 U.S.C. § 415.

Agency records indicate a deed transfer from Rick Evans Construction, Inc. to AIR Construction and Excavation, affiliated with Alturas Indian Rancheria. Such transfers do not create or establish authorization for commercial use absent required federal approval.

You were previously found to be in trespass on this allotment for operating your asphalt/concrete stockpiling and processing business without a permit or lease approved by BIA.¹ BIA records appear to indicate that you have been in trespass since as early as 2005. On May 22, 2014, the Regional Director issued an administrative cease and desist order ordering you within 15 days of receipt of the letter to cease and desist your operation, remove all surface and subsurface structures from the site and to restore the land to its original state prior to the unauthorized use. You appealed the Regional Director's administrative cease and desist order to the Interior Board of Indian Appeals (IBIA). On March 25, 2016, the IBIA affirmed the portion of the Regional Director's administrative order finding you in trespass and ordering you to remove all structures, stockpiles and debris from the allotment that are or have been in your possession or control or otherwise attributable to your trespass.² The BIA subsequently issued two letters in 2018 assessing trespass damages and penalties of \$30,376 for your past unauthorized use and possession of the allotment (2018 decisions). In 2018, you appealed the Regional Director's 2018 decisions to the IBIA. In July 2019, you entered into a settlement agreement with BIA in which you agreed to pay trespass damages for the period up to and including February 9, 2018,³ and to continue negotiating in good faith toward an approved business lease that would retroactively commence February 10, 2018 (2019 settlement agreement).⁴ Although pursuant to the 2019 settlement agreement, the BIA agreed to not assess trespass damages while the parties negotiated toward an approved business lease, both parties acknowledged that if a lease is not approved, "trespass damages may be assessed for the period commencing February 10, 2018."

In addition to the asphalt/concrete stockpiling and processing business addressed in the earlier administrative appeals and 2019 settlement agreement (now referenced as a "batch plant"), as stated above, the BIA observed during a site visit on February 25, 2026, operations associated

¹ See attached administrative cease and desist order dated May 22, 2014, from the Regional Director to Darren Rose.

² See attached IBIA decision in *Rose v. Acting Pacific Regional Director*, 62 IBIA 330 (2016).

³ Pursuant to the settlement agreement, BIA withdrew the 2018 letters assessing trespass damages after receiving payment from you for damages for the period up to and including February 9, 2018. The IBIA dismissed the appeal pursuant to the parties' stipulation.

⁴ See attached 2019 settlement agreement.

with a gas station and a smoke shop on the allotment that are also being conducted without a permit or lease approved by BIA.

During a subsequent site visit conducted by Agency staff on June 4, 2026, workers were observed actively engaged in the extraction, hauling, processing, and stockpiling of materials on the allotment. Heavy equipment and work crews were actively operating within the extraction and stockpile areas. Staff also noted continued construction, development, maintenance, and improvement work on a large commercial building.

This notice addresses apparent unauthorized conduct and is directed to the named parties in connection with activities occurring on the allotment.

You are directed to:

1. Cease all unauthorized commercial operations specified in this notice;
2. Cease all grading, excavation, extraction, hauling, stockpiling, construction development, maintenance, or expansion activities associated with those operations
3. Discontinue placement or use of equipment, materials, or other activities associated with unauthorized use; and
4. Provide a written response within twenty (20) business days stating whether you will cease the activities identified herein.

Failure to comply with this notice may result in further enforcement action, including recovery of fair market rental value, pursuit of damages for injury to trust resources, issuance of trespass notices, or referral for additional legal or administrative action as permitted by law.

Sincerely,

DARIN
JARNAGHAN

Digitally signed by DARIN
JARNAGHAN
Date: 2026.06.10
08:33:35 -07'00'

Darin Jarnaghan
Acting Superintendent

Cc: Regional Director, Pacific Region Office
Pacific Southwest Region, Office of the Solicitor
Co-Owners of Jim Benter California Public Domain Allotment