

**MAYNARD/PAUMA PARCEL – 23.52 ACRES**  
**APPLICATION TO THE BUREAU OF INDIAN AFFAIRS (BIA)**  
**TO TAKE LAND INTO TRUST FOR THE BENEFIT OF THE**  
**THE PAUMA BAND OF LUISEÑO INDIANS**



[INSERT PAUMA LETTERHEAD]

Via U.S. Mail

March \_\_, 2013

Amy Dutschke  
Regional Director  
BIA Pacific Region Office  
2800 Cottage Way  
Sacramento, CA 95825

***Re: Request of the Pauma Band of Luiseño Indians of the Pauma & Yuima  
Reservation Indians to Take Land into Trust – Maynard/Pauma Parcel***

Dear Ms. Dutschke:

Pursuant to 25 U.S.C. Sections 465 and 2202, the Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation (“Pauma” or “Tribe”) hereby petitions the Secretary of the Department of the Interior to accept transfer of title of certain lands from the Tribe to the United States to be held in trust for the benefit of the Tribe. The Tribe holds all of these lands in fee simple and all of the lands are contiguous to the Pauma Reservation.

The deeds and the Tribe’s Resolution, No. 010812-01, describe the subject land in detail and accompany this application. The subject properties consist of San Diego County Assessor’s parcel numbers (APNs): 131-090-11, 131-060-25 and 131-090-03 (hereinafter, “the Maynard/Pauma Parcel”) and total 23.52 acres. The Tribe holds title to the properties in fee simple.

The environmental effects of placing the land into trust are nominal because there is no anticipated change in land use for the properties in this request.

The Tribe is ready to provide any other information necessary in order to process this petition expeditiously.

Sincerely,

Randall Majel  
Tribal Chairman, Pauma Band of Mission Indians

Enclosures

**Pauma Band of Luiseño Indians Fee-to-Trust Application – Maynard/Pauma Parcel**

**Table of Contents**

**I. INTRODUCTION ..... 1**

    1) Purpose..... 1

    2) Tribal Background and Land Area ..... 1

**II. PACIFIC REGION LAND ACQUISITION REQUIREMENTS ..... 4**

    1) All applications must be in writing and accompanied by a duly enacted Tribal Resolution..... 4

    2) Land acquisitions must be consistent with the policy set forth in 25 C.F.R § 151.3.4

    3) Factors consistent with 25 C.F.R. §§ 151.10 and 151.11..... 5

        (a) The statutory and legal authority for the land acquisition..... 5

        (b) The need for additional land..... 5

        (c) The purpose(s) for which the land will be used. .... 5

        (d) Impacts on the State and its political subdivisions that will result from removal of property from the tax rolls. .... 6

        (e) Jurisdictional problems or conflicts that may arise because of the intended land use and the removal from State or local jurisdictions..... 7

        (f) Potential impact upon services currently provided by the BIA, or what BIA services will be requested or required if the application receives approval..... 7

        (g) Information that will allow for compliance with 516 DM 6, appendix 4 and 602 DM 2 policy. .... 8

    (4) Mitigation actions that are planned to reduce adverse impacts identified under Sections (3)(d) and (3)(e) above..... 8

    (5) A copy of agreements for the purchase or exchange of the subject property. (Not applicable)..... 8

    (6) A description of existing terrain, existing improvements and/or occupants, statements as to whether or not there is legal access to the subject property. .... 8

    (7) Detailed explanation of the proposed development. (Not applicable)..... 9

    (8) Payment of all taxes due and payable; lack of liens..... 9

**(9) TITLE REQUIREMENTS. .... 9**

(a)	A commitment or a binder of title evidence from a title company willing to issue a final title policy on the approved U.S. form – ALTA U.S. Policy – 9/28/91. ....	9
(b)	Resolution from the Tribe acknowledging title exceptions and statement that the exceptions will not interfere with the proposed land use.....	10
(c)	Copies of referenced documents for title exceptions appearing in Schedule B; full size copies of all maps or plats referenced in the legal description. ....	10
(d)	Existing monetary liens. ....	10
(e)	Title insurance policy liability must be equivalent to the value of the subject property. ....	10
(f)	Vesting deeds.....	10
<b>10)</b>	<b><u>ENVIRONMENTAL REQUIREMENTS.....</u></b>	<b>10</b>
(a)	Endangered Species Act Section 7 Consultation. ....	10
(b)	Cultural Resource Survey.....	11
(c)	Phase I ESA.....	11

# **Pauma Band of Luiseño Indians Fee-to-Trust Application**

## **Maynard/Pauma Parcel**

### **I. INTRODUCTION**

#### **1) Purpose**

This fee-to-trust application (“Application”) seeks transfer of certain lands contiguous to the Pauma & Yuima Reservation (the “Reservation”) to the United States to be held in trust for the benefit of the Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation (“Pauma” or “Tribe”) pursuant to 25 U.S.C. Sections 465 and 2202. The Pauma Reservation consists of a main area, which is south of and contiguous to the Maynard/Pauma Parcel, two small locations east called Yuima Tract North and South and a larger area northeast of the main reservation referred to as the “Pauma Mission Reserve.” *See Exhibit A.*

The properties that are the subject of this trust application total approximately 23.52 acres and consist of APNs 131-090-11, 131-060-25 and 131-090-03 (the “Maynard/Pauma Parcel”). The Tribe holds title to the properties in fee simple. *See Exhibit B.*

As outlined in this Application, the Maynard/Pauma Parcel is contiguous to the northwest boundary of the Pauma Reservation. The Secretary of the Interior’s authority to place the Maynard/Pauma Parcel into trust is consistent with regulations at 25 C.F.R. § 151.10, applicable to “On-Reservation Acquisitions,” namely the acquisition of parcels contiguous to the applicant’s Reservation.

#### **2) Tribal Background and Land Area**

The Pauma Band, historically known as the Pauma Band of Luiseño Mission Indians of the Pauma & Yuima Reservation, is one of six federally-recognized Indian tribes in Southern California who share the Luiseño Indian affiliation, language, and traditions. The various Luiseño tribes reside on land surrounded by northern San Diego County and southwestern Riverside County. The historical territory of the Luiseño people includes lands extending approximately 50 miles along the southern California coastline, including the northern part of San Diego County and lands south of Los Angeles. The Luiseño also occupied the territory south of Mt. San Jacinto extending to the Pacific coast. Their lands extended inland for about 30 miles, north of the Kumeyaay lands.

The Luiseño Indians were split into groups as a result of the establishment of Spanish missions and the Indians' attachment to Mission San Luis Rey. The Spanish named them “Luiseño” after the Mission San Luis Rey, and the San Luis Rey River. The Luiseño were also associated with the Mission San Juan Capistrano and were often designated as Juaneño Indians. Both the Luiseño and Juaneño are included among the groups now called Mission Indians. The

Luißeño and Juaneño languages belong to the Takic branch of the Uto-Aztecan language family. Many Pauma people still speak Luißeño.

Pauma's Luißeño people lived off marine resources along the coast and vegetables gathered in the foothills of the Coast Range to the east. They lived in semi-permanent villages, with some seasonal movement. The Luißeño were organized into roughly 50 patrilineal clans, each with an autonomous village led by a hereditary chief. Each village group also had its own food resource area. In the late 18th century, there were approximately 10,000 Luißeños. The 1990 population of Luißeños on their reservations stood at 1,795. Besides Pauma, Luißeño people also live on the La Jolla, Pala, Pechanga, Rincon, Soboba, and Twenty-Nine Palms reservations.

The United States recognized Pauma in 1891 and established the Pauma Reservation in 1892. Tribal members, who make up the General Council, govern the Tribe. The General Council holds the responsibility and power for conducting Tribal affairs. The Tribe's governing document is the Pauma "Articles of Association," adopted by the Tribe in 1966. The General Council, by appropriate ordinance or resolution, delegates authority to the Pauma Tribal Council/Business Committee or other Tribal committees.

The Tribe's government structure consists of a four-member elected Business Committee including a Tribal Chairperson, Vice-Chairperson, Treasurer/Secretary and one Member At-Large. The Pauma Tribal Council members for 2013 – 2015 are Tribal Chairman: Randall Majel; Vice Chair: Temet Aguilar; Secretary/Treasurer: Robert Quisquis; Member at Large: Dale Brush. The Business Committee has limited delegated authority and the General Council of the Tribe governs the majority of tribal matters, including matters involving fee to trust applications.

Pauma strives to preserve and strengthen its tribal sovereignty and self-determination through the promotion, protection and advancement of the cultural, political and economic well-being of the Pauma people. As the first people of the Pauma Valley, Pauma seeks to enrich and advance the lives of its citizens and future generations through a healthy, educated and close-knit community. The Tribe and its ancestors have lived in the Pauma Valley and surrounding area since time immemorial.

The Pauma Reservation and Maynard/Pauma Parcel are located in north-central San Diego County within the San Luis Rey River Basin and Pauma Valley, south of Palomar Mountain and the Agua Tibia Mountain Range. The Pauma Reservation is located approximately 9 miles northeast of Valley Center, California, and approximately 40 miles from San Diego, California. The Pauma Reservation consists of four parcels, all of which are held in trust by the United States, including the Mission Reserve (~5,638 acres), the Main Reservation (~228 acres) and two Yuima tracts (~12 acres each).

The Mission Reserve contains diverse habitats and species, as well as artifacts of high cultural value. The Tribe's residential areas are located on two tracts and occupy approximately two square miles with 45 homes. The Tribe's land is rich in historical and cultural assets. These

assets include a main village area comprised of a small chapel from the 1800's, an adobe-style tribal hall, adjacent adobe ruins, a cemetery, and an ancestral sacred site.

Currently there are 228 Tribal Members, approximately 90 of which reside on the Main Reservation and one of the Yuima tract parcels. The Mission Reserve in the Agua Tibia Mountains is generally ecologically uninhabitable and is preserved for its cultural value and natural value. The Main Reservation contains residences, orchards, a casino and community facilities. The Pauma Reservation in total only represents a small portion of Pauma's traditional territory, which expands into Northern San Diego, Riverside and Orange Counties.

The reservation is currently in a strong economic growth phase. Primary real assets include Tribally owned and privately owned homes, a Tribal Administrative Complex that provides essential government functions, a Community College Satellite Campus with a computer lab, a Library/Learning Resource Center, a Volunteer Fire Department, Tribal fruit groves, two domestic and two irrigation wells, two water tanks holding up to 500,000 gallons, a wastewater system, a cemetery, a Child Care Building, and a Casino which employs 520 non-Indians. The Casino hosts some 2,000 customers on weekdays and over 7,000 on weekends.

The Tribe owns approximately 20 houses on the reservation; all other houses are privately owned. The Tribe assigns Tribal land to Tribal members for home sites. The Tribe works with agencies and nonprofits such as Housing and Urban Development ("HUD"), Human Investment Project ("HIP"), and All Mission Indian Housing Authority ("AMIHA") to encourage ownership of homes by Tribal members.

The Pauma Reservation contains approximately 25 acres of Valencia orange groves, 10 acres of lemon groves, and 25 acres of avocado groves, which yield approximately 850 bins of oranges, 2400 cartons of lemons, and 2,800 field boxes of avocados, annually. This Tribal endeavor employs three full-time workers, as well as outside contractors for picking and shipping. The full-time workers maintain the crops, including the irrigation, fertilizing and the general health of the crops. The Tribe hires additional part-time help when needed. The Tribe is also engaged in the protection and reforestation of Tribal lands.

The Pauma Tribe owns and operates Casino Pauma, providing employment to members of the Tribe and the surrounding communities. Casino revenues enhance the Tribal Government's ability to meet the essential needs of the membership.

The Maynard/Pauma parcel consists of three contiguous parcels, located immediately adjacent to the northwest boundary of the Reservation. The first parcel, APN 131-090-11, contains a citrus orchard and one residence, which was inhabited by the Maynard family. Household and orchard equipment and facilities are stored on this parcel. The second parcel, APN 131-060-25, is a vacant lot that was devegetated by the previous owner for agricultural purposes. The third parcel, APN 131-03-00, also contains devegetated vacant lands, a driveway, and approximately 2.3 acres of producing citrus orchards.

All three properties contain several easements for public utilities, water lines, gas lines, access roads and road rights-of-way. The Pauma Reservation Road is a Bureau of Indian Affairs road. The Maynard/Pauma Parcel is located in Pauma Valley, San Diego County, California at 116°59'31"W, 33°20'7"N on the USGS 7.5' Topographic Quad: Boucher Hill and is contiguous with the Pauma Band of Mission Indians Reservation NW boundary.

A number of archaeological surveys exist for the Maynard/Pauma Parcel area. An archeologist conducted a records search at the South Coastal Information Center on Dec 12, 2008, in the California Historical Resources Information System (CHRIS) for sites mapped and survey report boundaries. On the Pauma Indian Reservation, four sites have been filed or reviewed. Within one mile surrounding the Maynard/Pauma parcel, several archeological sites exist which are associated with the original prehistoric and proto-historic village of Pauma, which is mentioned in historical accounts and ethnographies. The CHRIS records search and surface survey observations indicated no cultural resources within the boundaries of the Maynard/Pauma Parcel. From this evidence, it is clear the Tribe has inhabited and made use of the entire area around and adjacent to the Pauma Reservation – the precise ancestral land area where the Maynard/Pauma Parcel is located. The Tribe has recently made efforts to preserve several off-reservation cultural sites. The Maynard/Pauma Parcel is of similar cultural significance. Preservation of Pauma's ancestral lands and agricultural lifestyle will be greatly served by placing the Maynard/Pauma Parcel into trust for the benefit of the Tribe.

## **II. PACIFIC REGION LAND ACQUISITION REQUIREMENTS**

### **1) All applications must be in writing and accompanied by a duly enacted Tribal Resolution.**

On January 8, 2012, the General Council of the Tribe duly adopted Resolution No. 01082-01 that: (a) formally requests that San Diego County Assessor Parcel Numbers 131-090-03, 131-060-25, and 131-090-11 be conveyed to the United States to be held in trust for the benefit of the Tribe under the authority of 25 U.S.C. § 2202, the Indian Land Consolidation Act; and (b) authorizes the Tribal Chairman to sign all documents necessary to effect the conveyance of the parcels into trust status. *See Exhibit C.*

### **2) Land acquisitions must be consistent with the policy set forth in 25 C.F.R § 151.3.**

The Tribe's application is consistent with the policy set forth in 25 C.F.R § 151.3. The Maynard/Pauma Parcel: **(1) is adjacent to the Pauma Reservation; (2) is owned by the Tribe in fee simple**, so the Tribe possesses an interest in the land; and **(3) is necessary to facilitate tribal self-determination, economic development, and Indian housing**. Acquisition of the land: (a) facilitates tribal self-determination through assertion of Tribal jurisdiction over the land; (b) increases the Tribe's land base and adds critical housing; and (c) presents economic development opportunities for Tribal members through the land's agricultural uses.



**3) Factors consistent with 25 C.F.R. §§ 151.10 and 151.11.**

**(a) The statutory and legal authority for the land acquisition.**

The Tribe is recognized as an “Indian Entity Recognized and Eligible to Receive Services from the Bureau of Indian Affairs” by the Secretary of the Interior. 77 Fed. Reg. 47,868, 47,870 (Aug. 10, 2012). The Tribe is organized under its Articles of Association adopted on March 17, 1966, and approved by the Bureau of Indian Affairs on June 2, 1968. The Indian Land Consolidation Act (“ILCA”), 25 U.S.C. § 2202, authorizes the Secretary of the Interior to acquire and hold land in trust for the Tribe.

Further, the Tribe was “under federal jurisdiction” on and before passage of the Indian Reorganization Act (“IRA”) of June 1, 1934 by way of its (a) recognition as an Indian tribe by the federal government in 1891 and subsequent relationship with the United States, and (b) through the establishment of the Pauma Reservation in 1893. In 2009, the United States Supreme Court issued a decision that restricts the Secretary of the Interior’s authority to take land into trust for certain tribes not under federal jurisdiction before the passage of the IRA. *See Carcieri v. Salazar*, 129 S. Ct. 1058 (2009). Because Pauma is not one of those tribes, the *Carcieri* decision affirmed the Secretary of Interior’s authority to take land into trust on behalf of Pauma under the ILCA, 25 U.S.C. § 2202.

**(b) The need for additional land.**

Placing the Maynard/Pauma Parcel into trust will have significant and direct benefits to the Tribe and its Members. Specifically, the transfer will:

- Increase Pauma’s Reservation land base;
- Increase Pauma’s ability to self-govern and engage in self-determination by transferring governance and land use decisions of over 23 acres of ancestral Pauma lands from the County of San Diego (“County”) to the Tribe;
- Increase critical housing for members of the Tribe by adding residential space to the Tribe’s portfolio;
- Enhance the Tribe’s historical and culturally significant agricultural practices, including fruit orchards;
- Provide economic benefits through increasing Tribal agricultural lands;
- Preserve and protect lands used and inhabited by ancestors of the Pauma Tribe.

**(c) The purpose(s) for which the land will be used.**

The land is currently used for combined agricultural and residential purposes. There are no immediate plans for land use changes on the Maynard/Pauma parcel. The Tribes foresees no future development on the land because: (1) it is not practical to develop the land for commercial use at this time; (2) the Tribe has no plans for commercial or other development on this land; and (3) the Tribe does not anticipate having available funds for developing the land. The Tribe

anticipates funding support and maintenance only for the land's current agricultural and residential purposes because: (a) the Tribe's residential land base is extremely small, so more homes are needed; and (b) the Tribe has practiced agriculture for centuries and intends to carry this practice into the future. If improvements to existing facilities and equipment are constructed in the future, the Tribe will conduct a thorough environmental analysis in compliance with the National Environmental Policy Act ("NEPA") and tribal environmental laws. The parcels are not part of any Williamson Act restrictions or contracts.<sup>1</sup>

**(d) Impacts on the State and its political subdivisions that will result from removal of property from the tax rolls.**

By removing the parcels from the tax rolls, the impact to San Diego County (the "County") is insignificant. Property taxes, for the fiscal year 2012-2013 are paid. Tax information for the Maynard/Pauma Parcel:

APN: 131-060-25-00  
1st Installment: \$2,419.91 Paid  
2nd Installment: \$2,419.91 Paid  
Exemption: None  
Code Area: 94151

APN: 131-090-03  
1st Installment: \$1,274.96 Paid  
2nd Installment: \$1,274.96 Paid  
Exemption: None  
Code Area: 94157

APN: 131-090-11-00  
1st Installment: \$2,110.78 Paid  
2nd Installment: \$2,110.78 Paid  
Exemption: None  
Code Area: 94157

**See Exhibits D, G.**

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<sup>1</sup> The California Land Conservation Act of 1965, commonly referred to as the Williamson Act, enables local governments to enter into contracts with private landowners for restricting specific parcels of land to agricultural or related open space use. In return, landowners receive property tax assessments that are much lower than normal full market value. Local governments receive an annual subvention of forgone property tax revenues from the state via the Open Space Subvention Act of 1971.

The commercial activities (agriculture) on the property that are subject to taxation at the time of this application produce only nominal tax revenues, and the property does not produce lease income. Neither the County nor the State of California (“State”) stand to lose significant revenue through sales tax collection, use-tax, or franchise tax when the property is placed into trust status.

The Maynard/Pauma Parcel will add minimal acreage to the Reservation. Due to the land’s continued and unchanged agricultural and residential use, there is not a significant demand on County emergency medical services, law enforcement services or other public services. Further, the Tribe currently operates and administers a Tribal Fire Department and Law Enforcement Department that will be the primary provider of most public emergency services. The Tribe also has contracts in place with local fire fighting and ambulance services. The Tribe has a Public Works Agency and Environmental Department, which are responsible for the upkeep and maintenance of Reservation infrastructure and services. The Tribe has in place a Hazard Mitigation Plan to combat the effects of disasters like wildfires, floods and earthquakes. Finally, the Pauma Tribal Agency provides oversight and management of Tribal services and resources, such as mapping and surveys, water delivery, and recovery management. The State will not experience negative effects from Tribal jurisdiction over the Maynard/Pauma Parcel because the Tribe has adequate services and resources to assert jurisdiction over this ~23 acres of land.

**(e) Jurisdictional problems or conflicts that may arise because of the intended land use and the removal from State or local jurisdictions.**

The State is a Public Law 280 state.<sup>2</sup> The State therefore, regardless of a fee-to-trust transfer of the Maynard/Pauma Parcel, will retain limited civil and criminal jurisdiction over the properties. Such jurisdiction will be concurrent with the governing authority of the Tribe.<sup>3</sup>

As noted previously, the Tribe has no plans to change the current use of the land. The proposed land uses are not in conflict with the land use/zoning regulations of the County because the Band is not proposing any changes to land use. With regard to taxation, a transfer of the property into trust will only result in a nominal tax loss to the State and the County.

**(f) Potential impact upon services currently provided by the BIA, or what BIA services will be requested or required if the application receives approval.**

As the Tribe is already providing services on its existing Reservation, the Tribe does not anticipate any additional responsibilities being placed on the BIA should the subject properties

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<sup>2</sup> Public Law 83- 280 (“Public Law 280” or “PL 280”), enacted in 1953, was a transfer of legal authority from the federal government to state governments. Congress originally gave five states, including California, then Alaska, upon statehood, extensive criminal and limited civil jurisdiction over tribal lands in the six "mandatory states."

<sup>3</sup> See 18 U.S.C. § 1162 and 28 U.S.C. § 1360.

be placed into trust. *See supra* Section 6. The Tribe’s territory or population will not increase significantly with the addition of approximately 23 acres of land adjacent to the current Reservation – lands that the Tribe already owns and manages. The newly acquired properties do not present the BIA with any material environmental issues, such as hazardous waste removal. Further, The Tribe has successfully obtained grants through the EPA, HUD, BIA, DHS, FEMA, and other resources. These same organizations distribute grants and provide technical assistance that supports efforts to sustain the resources of the Tribe. The Tribe will continue to pursue these grants. The BIA and its ability to provide services to Indians will not experience negative effects from taking the Maynard/Pauma Parcel into trust.

**(g) Information that will allow for compliance with 516 DM 6, appendix 4 and 602 DM 2 policy.**

Pauma anticipates that the BIA will place the land into trust using a categorical exemption (CATEX or CX) for NEPA compliance, namely “Land Conveyance and Other Transfers,” where no change in land use is planned. *See* 516 DM 10.5(I); 516 DM 6, appendix 4, § 4.4(I) (“Approvals or grants of conveyances and other transfers of interests in land where no change in land use is planned.”). To support this CATEX for placing this land into trust, the Tribe has prepared the attached Environmental Overview. *See Exhibit E.*

**(4) Mitigation actions that are planned to reduce adverse impacts identified under Sections (3)(d) and (3)(e) above.**

Since there are only nominal adverse impacts associated with taking the property into trust, no mitigation action is necessary. The minimal environmental impacts associated with the Tribe’s proposed use of the property appear in the attached Environmental Overview. *See Exhibit E; see also Exhibit F.*

**(5) A copy of agreements for the purchase or exchange of the subject property. (Not applicable).**

The Tribe owns the property in fee simple with no additional conditions for purchase. *See Exhibit B.*

**(6) A description of existing terrain, existing improvements and/or occupants, statements as to whether or not there is legal access to the subject property.**

The Maynard/Pauma Parcel lies in the San Luis Rey River basin, approximately 30 miles east of the California coast at elevations of approximately 1,150 ft. above mean sea level. *See Exhibit F.* The parcels are located on an alluvial fan at the base of the Agua Tibia Mountains, which slopes gradually to the southwest. All three parcels have legal access via roads to the properties, including Pauma Reservation Road, Adams Drive, Citricado Drive and private roads on the properties. *See Exhibit A.*

The first parcel, 131-090-11, contains a citrus orchard and one residence formerly inhabited by Mr. Maynard. Household and orchard materials are stored on this parcel. The second parcel, 131-060-25, is vacant and was devegetated by the previous owner. The third parcel, 131-09-03-00, contains devegetated vacant lands, a driveway, and approximately 2.3 acres of producing citrus orchards. All three parcels contain several easements, including for public utilities, water lines, gas lines, access roads (driveways), and road rights-of-way.

The climate of the area is a Mediterranean type with high variability in total annual precipitation and moderate variation in temperature. Area precipitation is subject to the orographic effect with the adjacent mountains forcing the moist ocean air to rise and cool, which results in precipitation. Precipitation, falling as rain in the lower elevations with some snow on the higher mountains, generally occurs from November to April and is estimated to average 17.51 inches per year on the subject parcels. The steeply sloping Agua Tibia Mountains have a significant effect on run-off and stream flow in the Pauma Valley.

Vegetation in the region is dominated by urban and orchard development with minimal natural habitat or sage scrub communities. Properties directly adjacent to the property, including portions of the Tribe's Main Reservation, have been developed for citrus and avocado orchards and some residential uses. *See Exhibits E, F.*

**(7) Detailed explanation of the proposed development. (Not applicable).**

Pauma has no plans for development of the Maynard/Pauma Parcel. The current agricultural and residential land uses will continue for the foreseeable future. The Tribe will consider all potential use of the properties in conjunction with its membership's needs in the future; however, no proposed plan for development currently exists nor is anticipated by the Tribe.

**(8) Payment of all taxes due and payable; lack of liens.**

The Maynard/Pauma Parcel is free from liens and all assessed property taxes are currently paid on the property. *See Exhibit G.*

**(9) TITLE REQUIREMENTS.**

**(a) A commitment or a binder of title evidence from a title company willing to issue a final title policy on the approved U.S. form – ALTA U.S. Policy – 9/28/91.**

Attached are preliminary ALTA title commitments from The Chicago Title Company for placing the land into trust, and attached title reports, as required in the Standards of the U.S. Department of Justice and consistent with 25 C.F.R. 151.13 and other related policy and rules. *See Exhibit H.*

**(b) Resolution from the Tribe acknowledging title exceptions and statement that the exceptions will not interfere with the proposed land use.**

The Tribe will enact this Tribal Resolution and Statement upon notification from the BIA of the title exceptions, in conformity with Pacific Region BIA policy.

**(c) Copies of referenced documents for title exceptions appearing in Schedule B; full size copies of all maps or plats referenced in the legal description.**

The ALTA title commitments contain details on all exceptions and contain all documents referenced in the legal descriptions. *See Exhibit H.* Please note that the Chicago Title ALTA commitments and reports contain “hyperlinks” to referenced documents. These hyperlinks, when clicked, lead to Chicago Title’s internet servers containing electronic copies of the documents. Please let us know if there is any difficulty using this technology and we will send hard copies of all documents.

**(d) Existing monetary liens.**

The properties are free and clear of any monetary liens. *See Exhibit G.*

**(e) Title insurance policy liability must be equivalent to the value of the subject property.**

The ALTA title commitments disclose the insurance liability coverage. *See Exhibit H.*

**(f) Vesting deeds.**

The Tribe holds title to the properties in fee simple, with deeds registered at the San Diego County Recording Office. *See Exhibits B, H.* The proposed grant deed of transfer to the United States is attached. *See Exhibit I.*

## **10) ENVIRONMENTAL REQUIREMENTS.**

A Phase I Environmental Site Assessment (“ESA”) exists for the property. *See Exhibit F.* A registered engineer has conducted an Environmental Records Search of the subject property, and the property had been found to be free of recognized environmental conditions. *See Exhibits E, F.* The Tribe anticipates that the BIA will place the land into trust using a CATEX, for which an Environmental Overview is attached. *See Exhibit E.*

**(a) Endangered Species Act Section 7 Consultation.**

The BIA initiates Section 7 consultation with the Fish and Wildlife Service (“FWS”). The Tribe has, however, informed the FWS of the pending applications and has sent copies of Biological Assessments to the FWS. The FWS has produced a list of species in conjunction with the Tribe’s “Maynard” fee-to-trust application. *See Exhibit E, “Exhibit A: Fish and Wildlife Letter.”*

**(b) Cultural Resource Survey.**

The Tribe conducted a Cultural Resource Survey on the subject land. A certified Archeologist conducted this Survey, which is attached to the Environmental Overview. *See Exhibit E, “Appendix A: Cultural Resource Survey.”*

**(c) Phase I ESA.**

The Tribe conducted an ESA for the subject land upon purchase of the property, in conformity with 602 DM 2. *See Exhibit F.* The Tribe stands ready to conduct further environmental diligence, should it be necessary.

The Tribe will provide any other information necessary to expedite and facilitate processing this petition for placing the Maynard/Pauma Parcel into trust.

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

Randall Majel

Chairman, Pauma Band of Mission Indians