

INTRODUCTION

Purpose

The purpose of this document is to provide a formal request to the Pacific Regional Office, through the Southern California Agency, from the Santa Ynez Band of Mission Indians (Santa Ynez Band) to process the transfer of title from fee land owned by the Santa Ynez Band of Mission Indians, to land owned by the United States of America held in trust for the benefit of the Santa Ynez Band of Mission Indians. This application has been prepared under the guidelines of 25 CFR 151, Land Acquisitions, and the Fee to Trust Land Acquisitions Application Requirements Checklist for Tribal Land Transfers. All of the accompanying support materials are included herein. A combined application for the Condit and Daniels properties was previously submitted in January of 2002. That application was withdrawn by the Santa Ynez Band earlier this year. This application incorporates those parcels.

The property is located within the City of Santa Ynez. There is no issue regarding contradictory jurisdictions as the property is approximately 634 miles from the Oregon border, approximately 401 miles from the Nevada border, approximately 397 miles from the Arizona border and approximately 18 miles from the Pacific Ocean. Further, the property lies within the County of Santa Barbara, and lies approximately 30 miles from the City of Santa Barbara. Finally, the property is adjacent to Highway 246 which runs along the Santa Ynez Reservation and is contiguous to the Reservation. (See Exhibit A).

From August 2001 through October of 2004, the Santa Ynez Band purchased the various parcels as follows:

<u>Common Property Name</u>	<u>APNs</u>	<u>Closing Date</u>	<u>Acreeage</u>
Condit	143-253-02	August 3, 2001	0.7
	143-253-07		
	143-253-08		
Daniels	143-254-01	August 13, 2001	1.1
	143-254-03		
Cogburn	143-253-04	March 28, 2002	1.24
	143-253-05		
	143-253-06		
Escobar	143-252-01	May 13, 2002	.73
	143-252-02		
Mooney	143-242-01	April 29, 2003	1.38
	143-242-02		
Verizon	143-253-03	October 6, 2004	.53
Total:			5.68

As outlined herein, these parcel are contiguous to each other and the Reservation. (See Exhibit A.) Therefore, the regulations for on-reservation acquisitions under 25 CFR 151 shall apply to this application.

568 Acres Application

Santa Ynez Historical Perspective

The members of the modern day Santa Ynez Band of Mission Indians are the direct descendants of the original Chumash peoples, whose numbers totaled 18,000-22,000 prior to the Spanish contact. Prior to the Mission Period, there were around 150 independent Chumash villages along the coast of California. Subsequent to Spanish contact, the Chumash population dwindled to a mere 2700 in 1831.

The Santa Ynez Band is a politically independent unit of the Chumash cultural group and is the only federally-recognized band of Chumash Indians. At the time of the missions, the Chumash were the most widespread tribe within California; their territory stretched from what is today Malibu to the South to modern day Paso Robles to the North. They occupied many of the Channel Islands to the West and extended as far East as a portion of what is now Kern County. In all, their lands comprised over seven thousand square miles.

The Spaniards considered the Chumash to be superior to other Indian tribes in California due to their well-developed towns, extensive trade routes and high quality of goods. The Spaniards encountered prosperous and sophisticated towns on their arrival on the coast. Once the Mission Period began, the Chumash contributed both skilled craftsmen and religious leaders to the benefit of the Santa Ines Mission.

Creation of the Santa Ynez Reservation

Subsequent to the Mission Period, the Mexican governors of California issued land grants to tribal leaders and several heads of families of the "Santa Inés Indians." These land grants were not honored by the United States Government after taking over California. The Santa Ynez Band was therefore forced from the lands near the Mission where they had lived throughout the Mexican occupation/rule of California.

The Band eventually resettled at Sanja de Cota creek area which was owned by the Catholic Church. Although it was documented that many of the tribal families resided on the land since about 1835, a formal lease of the land from the Catholic Church was not made until 1877. In 1898, the Catholic Church entered into an agreement with the United States to convey the property in trust for the tribe. In 1903, the Santa Ynez Land and Improvement Company also conveyed land to the United States to be held in trust for the tribe. In the early 1900s, a series of court cases ensued concerning the ownership and occupancy of the land.

It was not until December 18, 1941 that the area, approximately 100 acres of land, was officially acquired by the U.S. Government to be held in trust for use as the Santa Ynez Reservation. Much of that land was unusable creek bed and flood plain and continues to be so today.

The original hundred acres makes up the Southern portion of the reservation. In July of 1979, approximately 26.35 acres (the Northern portion) was added for tribal housing. In February of 2004, the Davidge/Walker property, an irregularly shaped 12.6 acre parcel of land which is primarily riparian in nature and separated the Northern and Southern portions of the reservation, was acquired in Trust for the Santa Ynez Band. The reservation now includes a total holding of

approximately 139 acres in Trust. However, even with uniting the reservation, the Tribe continues to have a very limited useable trust land base.

The current reservation of the Santa Ynez Band of Mission Indians is located in the community of Santa Ynez, southwest of Highway 246 in Santa Barbara County, California.

Santa Ynez Recent History

As difficult as conditions had been in the past for the Santa Ynez Band of Mission Indians, they became even more difficult in recent years. Despite the large population of Chumash Indians prior to contact, today the Santa Ynez Band of Mission Indians has a tribal enrollment of 157.

In the face of stark poverty on land with little serviceable area, the Santa Ynez Band continued with its strong drive for preservation of its lands and people. The Santa Ynez Band reorganized their government under the IRA and began both developing its governmental functions and structures, to assure such necessities as tribal housing, as well as economic development to assure continued survival of the Band and its members. The turbulent beginnings of the Indian casino in the 1980s ultimately provided a base upon which the Santa Ynez Band began to develop their governmental capabilities and entrepreneurial infrastructure.

Today, the Tribal government oversees a number of different programs: A full-time Environmental Department, Education Committee, Elders Council and Enrollment Committee. The Tribe maintains a Social Services/Community Outreach program through its Tribal Health Clinic. These programs and services help manage and ensure the well-planned growth of the Santa Ynez Tribal government.

The Band continues to identify goals and opportunities for the future benefit of the Tribe. They utilize the proceeds from economic development efforts to become more self-sufficient and expand the capabilities of the Tribal government, and increase the amount of usable land for tribal needs such as housing.

It is widely understood throughout Indian Country that a Tribal government's sovereignty is dependent on a land base to exercise its jurisdiction over. Thus, the preservation of the tribe's existing land base and the re-acquisition of its aboriginal lands have always been top philosophical priorities. Today, although land prices around the Reservation are not necessarily favorable, the Tribe is fortunate to have extra income to allocate for land acquisitions.

Summary

Historically the Chumash had an extensive territory ranging along the California Coast. In 1941, the Santa Ynez Reservation was formally established with 100 acres of land, largely unusable creek beds and flood plains. The Tribe has slowly but surely been able to increase this acreage and has purchased additional properties. These properties are to be transferred back to the reservation under the jurisdiction of the Tribal Government for use and development for future generations.

This application shall demonstrate that all provisions of 25 CFR 151, Land Acquisitions, have been met to establish the documents and conditions by which the Secretary, at her discretion (as authorized by US Code 25 Section 465), may transfer title of property from land held in fee by the

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Santa Ynez Band of Mission Indians to land held in trust by the United States for benefit of the Santa Ynez Band of Mission Indians. It is pursuant to these federal laws that the Tribe hereby makes the request.

**SECTION: 1
REQUEST FOR SECRETARIAL ACTION**

All applications must be in writing and accompanied by a duly enacted Tribal Resolution which requests Secretarial action. (25 C.F.R. 151.9)

On August 17, 2004, the General Council of the Santa Ynez Band of Mission Indians duly adopted Resolution No. 871, authorizing the Tribal Chairperson and the Business Council to take the steps necessary to acquire and place into trust, certain lands contiguous to the existing reservation; requesting the Secretary to take the action of transferring title from fee land owned by the Santa Ynez Band of Mission Indians to land owned by the United States of America in trust for the benefit of the Santa Ynez Band of Mission Indians through submission of a Fee-to-Trust Application; and execution of a grant deed conveying the subject property to the United States of America to be held in trust for the Santa Ynez Band of Mission Indians on the Santa Ynez Indian Reservation. (See Exhibit B).

In furtherance of the General Council's authorization, the Santa Ynez Band, through submission of this application, is requesting Secretarial action to transfer title of land from fee landed owned by the Santa Ynez Band to land owned by the United States of American in trust for the benefit of the Santa Ynez Band of Mission Indians.

**SECTION: 2
STATUTORY AUTHORITY FOR THE ACQUISITION**

All applications must cite the statutory authority for the land acquisition. (25 C.F.R. 151.10(a)).

Section 5 of the Indian Reorganization Act of 1934 (48 Stat. 984), as amended, provides the authority for this acquisition. The Secretary of the Interior is authorized to acquire and hold land in trust for the Tribe pursuant to Section 203 of the Indian Land Consolidation Act (25 U.S.C. 465) as amended. The process for securing this land acquisition is governed generally by 25 CFR Part 151.

The Santa Ynez Band of Mission Indians is recognized as an American Indian Tribe by the Secretary of the Interior. The Tribe in organized under the Articles of Organization which were adopted by the membership on November 17, 1963. The Articles of Organization were approved by the Secretary of the Interior on August 23, 1963 and later approved as a Constitution in 1964 and amended in 1980.

**SECTION: 3
CONSISTENCY**

Land acquisitions must be consistent with the policy set forth in 25 CFR 151.3. If application is not consistent with the policy, that application must state that a waiver of the regulations is being

requested, and a justification for approval of the waiver should be contained within the application and/or supporting documents. (25 C.F.R. 151.3)

The Santa Ynez Band of Mission Indians has ownership of fee simple title to the properties encompassed within this application. Pursuant to 25 CFR sections 151.3(a), 151.3(a)(1), (2) and (3), the Tribe does hereby submit the following information and documents contained within this Application in support of its request that the Secretary of the Interior accept into trust the subject lands, as described in the title reports (**Exhibits C - H**), which are contiguous with the boundaries of the Santa Ynez Band of Mission Indians' existing reservation for purposes of facilitating tribal self-determination.

SECTION: 4 JUSTIFICATION FOR ACQUISITION

The applicant must state the need for additional land (25 C.F.R. 151.10(b)).

The Santa Ynez Band of Mission Indians is a strong functioning Tribal Government with many capabilities and a growing economy. These are some of the tools necessary to sustain future generations, increase the Tribal enrollment, and build an ever-stronger functioning Tribe in the future. Another critical element is land as a basic resource. The Tribal government, and the life of its members rely on the highest and best use of its land resources to generate income and opportunities that contribute to Tribal self-sufficiency. While the Tribe has managed to move ahead on its existing land base, it recognizes the need to acquire more useable land for the reservation to either develop now, or land-bank and hold for development by future generations. The proposed action of transferring the land into trust for the benefit of the Tribe will meet the following needs:

1. Bring land within the jurisdictional control of the Tribe, meeting the need for consistent planning, regulatory, and development practices under the single jurisdiction of the Tribe.
2. Help meet the Tribal long range need to establish reservation land base to by increasing the reservation land base by 5.68 acres.
3. Help meet the need to preserve the Tribal land base.
4. Help meet the need for a land base for future generations, land-banking, etc.
5. Help to increase Tribe's ability to exercise self-determination, and to expand Tribal government.
6. Help meet the need to preserve cultural resources in the area by returning land to Tribal and DOI control in order to protect Tribal land from dumping, environmental hazard, unauthorized trespass, or jurisdictional conflict.

The current Reservation lands are highly constrained due to a variety of physical, social, and economic factors. A majority of the lands held in Trust for the Santa Ynez Band are located in a flood plain. This land is not suitable for much, if any, development because of flooding and drainage problems. The irregular topography and flood hazards are associated with the multiple creek corridors which run throughout the property resulting in severe limitations of efficient land utilization. The current reservation has a residential capability of approximately 26 acres or 18% and an economic development capability of approximately 16 acres or 11%. The remaining 99 acres or 71% of the reservation is creek corridor and sloped areas which are difficult to impossible

to develop. Therefore, the size of the usable portion of the Santa Ynez Reservation amounts to approximately 50 acres, much of which has already been developed.

Undeveloped property is at a minimum within the Santa Ynez Reservation. Lands that are undeveloped are of insufficient size for development. The northern portion of the reservation, has the Tribal Health Clinic and Tribal Government facilities, the remainder of the land utilization is specifically designed to provide residential opportunities for tribal members. Any further development in the area would be appropriate only for small scale residential enhancements.

The remaining acres held in Trust for the Santa Ynez Band constitutes the southern Reservation. This is a long narrow parcel of land which at times narrows to only a couple of hundred feet in width. Such narrowness imposes severe constraints on development of the property. Given the limited usable land the Tribe has to work with, it has established a plan for land consolidation of lands immediately adjacent to the Reservation. Such land consolidation allows the Tribe to consolidate its holdings for purposes of enhancing its self-determination, beautification of the Reservation and surrounding properties, and protection and preservation of invaluable cultural resources.

A significant archaeological/cultural resource was recently discovered on property adjacent to the Reservation. This resource is portions of an ancient village site which the Tribe is making every effort to preserve and protect. Nevertheless, the proximity of that property to the properties which are the subject of this application suggests the potential for such significant resources to be encountered as well. There should be no question that the Tribe maintains the primary interest in such resources and should therefore be the ultimate authority on proper treatment and disposition of such resources. Placing the property into trust thus ensures that the Tribe has jurisdiction over the property and will be able to dictate how best to preserve and protect such resources.

Further, placing the property into trust facilitates the Tribes' land consolidation plan by allowing the Tribe to exercise its self-determination and sovereignty over such property. Land is often considered to be the single most important economic resource of an Indian tribe. Once the lands are placed under the jurisdiction of the Federal and tribal governments, the tribal right to govern the lands becomes predominant. This is important, as the inherent right to govern its own lands is one of the most essential powers of any tribal government. As with any government, the Tribe must be able to determine its own course in addressing the needs of its government and its members. Trust status is crucial to this ability.

Specifically, the Tribe must be able to manage and develop its property pursuant its own interests and goals. If the land were to remain in fee status, tribal decisions concerning the use of the land would be subject to the authority of the State of California and the County of Santa Barbara, impairing the Tribe's ability to adopt and execute its own land use decisions and development goals. Thus, in order to ensure the effective exercise of tribal sovereignty and development prerogatives with respect to the land, trust status is essential.

In addition to allowing the Tribe to work within its own regulatory scheme, trust status provides protections for the lands that the Tribe would not otherwise be able to achieve. For example, once the land is in trust, parties other than the Federal government or the Tribe, whether they be governmental or private entities, have no power over the property. Thus, these parties would not

be able to obtain rights in the property through, for example, adverse possession or the power of eminent domain.

**SECTION: 5
PURPOSE FOR ACQUISITION**

Applicant must state the purpose(s) for which the land will be used. (25 C.F.R. 151.0(c)).

The Tribe has no current planned uses for the property. The purpose of the acquisition and transfer from fee to trust status will be for future long range planning and land banking. The property will serve to enhance the Tribe's land base as is contemplated by its land consolidation plan which supports tribal self-determination. Placing the land into trust will allow the Tribe jurisdiction over such things as the overt appearances of the property, as well as any cultural resources contained within the property. Tribal lands also comprise the heart of the non-economic resources of a tribe by serving cultural, spiritual, or educational purposes, among others. This invaluable tribal resource is protected by placing newly acquired fee lands in trust with the United States Government. By placing the land in trust, the potential interference with those powers by State and local governments is reduced, and the jurisdiction of the Tribe thereby solidified and preserved.

**SECTION: 6
IMPACTS ON THE STATE OF CALIFORNIA AND ITS POLITICAL SUBDIVISIONS**

The application must state what impacts on the state and its political subdivisions will result from removal of property from the tax rolls. (25 C.F.R. 151.10(e)).

The Tribe has practiced sound environmental stewardship of their Tribal lands and will do so with this property; therefore, there will be a positive environmental and visual impact on the neighboring county and city areas as well as from Highway 246.

Santa Barbara County would experience a *de minimis* decrease in the amount of assessable taxes in the county by placing the property into trust and removing it from the county tax rolls. The County of Santa Barbara expected to generate \$410 million for the fiscal year 2003-2004. The following is a table demonstrating the taxes collectable from the properties for 2001-2004 (See Exhibit I):

<u>Common Property Name</u>	<u>APNs</u>	<u>Taxes 2001-2002</u>	<u>Taxes 2002-2003</u>	<u>Taxes 2003-2004</u>
Condit	143-253-02	\$185.33	\$2000.00	\$2040.00
	143-253-07	\$185.33	\$2000.00	\$2040.00
	143-253-08	\$224.42	\$2250.00	\$2294.99
Daniels	143-254-01	\$839.76	\$6500.00	\$6629.99
	143-254-03	\$11.51	\$780.00	\$285.60
Cogburn	143-253-04	\$185.33	\$1585.00	\$2040.00
	143-253-05	\$540.17	\$4050.00	\$5661.00
	143-253-06	\$239.30	\$1249.99	\$1989.01
Escobar	143-252-01	\$46.20	\$47.13	\$3621.00
	143-252-02	\$30.63	\$32.64	\$1479.00

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Mooney	143-242-01	\$8.17	\$8.32	\$8.48
	143-242-02	\$434.36	\$444.32	\$454.61
Verizon	143-253-03	0*	0	0

The total collectable taxes on the properties (prior to the ownership by the Tribe) was \$2,930.51, this reflects less than 1% of the County's total 2001-2002 property tax revenues which were \$356 million. Despite the fact that property taxes increased significantly (nearly tenfold) once the Tribe was the owner, the total collectable on the properties for 2003-2004 is \$28,543.68 which still represents less than 1% of the total which the County expects to generate from property taxes. Therefore, the percentage of tax revenue that will be lost by transferring the land into trust would be insignificant in comparison to the total amount of revenue enjoyed by the County.

SECTION: 7
POTENTIAL JURISDICTIONAL PROBLEMS

The application must fully describe the jurisdictional problems or conflicts which may arise as a result of the intended land use, and the removal from state or local jurisdictions. (25 C.F.R. 151.10(f)).

Santa Barbara County has current jurisdiction over the land use on property encompassed by this application. The County's land use regulations are presently the applicable regulations when identifying potential future land use conflicts.

The Condit Properties are zoned C-2, General Commercial. Surrounding areas are also zoned either C-2, Retail Commercial or Commercial Highway. The Daniels Properties are zoned Commercial Highway. The Cogburn Properties are zoned C-2, General Commercial. The Escobar Properties are zoned Commercial Highway. The Mooney Properties are zoned Commercial Highway. The Verizon Property is zoned C-2, General Commercial. Surrounding areas are either also zoned Commercial Highway or C-2 Commercial Retail.

There is a great need for the land to be taken into trust so that the Tribe may consolidate its land base and solidify its jurisdiction over the property owned by it. There should be no adverse jurisdictional impacts to the County because the Tribe's intended purpose of land consolidation and land banking are not inconsistent with the surrounding uses. As such, the County will not have any additional impacts of trying to coordinate incompatible uses. Further, the County would not have the burden or responsibility of maintaining jurisdiction over the Tribal property. As such, the Tribe does not anticipate that there will be any adverse jurisdictional impacts by the land being taken into trust.

The land presently is subject to the full civil and criminal prohibitory jurisdiction of the State of California and Santa Barbara County. Once title to the land is accepted into trust and becomes part of the Santa Ynez Reservation and thus becomes Indian Country, the State of California will have the same territorial and adjudicatory jurisdiction over it and over individuals and transactions that occur on it as the State now has over similar individuals and transactions in other areas of Indian Country within the state. Under PL. 280 [18 U.S.C., Section 1162 (criminal) and 28 U.S.C.

* According to the County's site, no information can be found on this parcel.

Section 1360 (civil)], except as otherwise provided in PL. 280, the State of California would continue to exercise its jurisdiction to enforce its civil and criminal prohibitory laws against all individuals on the land, and to adjudicate in State courts civil causes of action arising in this Indian Country involving individual Indian defendants, but not the Tribe itself. PL. 280 itself does provide certain important exceptions to this civil jurisdiction, such as extending no civil jurisdiction to tax, and denying to State courts the right to determine ownership, possession, or any interest in such trust land. Thus, provision of police services would continue to be the responsibility of the Santa Barbara County Sheriff's Department, and criminal prosecutions of criminal offenses under state statutes committed by anyone within such Indian Country would continue to be brought in State courts. However, neither the State nor the County would have jurisdiction to enforce civil regulatory laws within that Indian Country against individual reservation Indians or the Tribe, such as building and zoning ordinances, rent control, etc. As such, there should be no adverse jurisdictional impacts created by placing the property into trust.

With respect to impacts to the State and County, the Tribe has consistently been cooperative with local government and service providers to assist in mitigating any adverse effects their activities may cause. For instance, the Tribe has an existing agreement with the California Highway Patrol to assist in monitoring traffic related to the Tribe's casino. This agreement is renewable and has been in place since the summer of 1995. The Tribe has also been able to make generous contributions to the surrounding communities. They have sponsored numerous organizations and events. These include youth programs, sports programs, and local emergency service providers such as the Sheriff's Department and Fire Department. Thus the Tribe has made every effort to help mitigate any impacts to County service organizations. The Tribe hopes to continue to support such community activities.

Finally, the Tribe, as part of its Highway 246 Mitigation Measures (unrelated to the instant application), has installed signalization of the Edison intersection which is an improvement the County itself has wanted for some time.

SECTION: 8 PROPOSED MITIGATION MEASURES

The application must state what mitigation actions are planned to reduce adverse impacts identified under Item Nos. 6 and 7 above.

The Tribe does not anticipate any adverse impacts with the use of land to be taken into Trust. The Tribe's intended purpose of land consolidation is consistent with the current surrounding zoning. Since there are no adverse impacts to taking this parcel into trust, there is no mitigation action necessary. Further, impacts on the local government tax schemes and services have been addressed. (See above in Section 7.)

At such time as the property is developed, the impacts will be reviewed and addressed in the environmental documents as required by the Tribal laws and ordinances, including all applicable federal and state requirements related to the impacts of particular uses.

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**SECTION: 9
BIA IMPACTS AND CONTEMPLATED SERVICES**

The application must identify any potential impact upon services currently provided by the BIA, or what BIA services will be requested or required if the application is approved. (25 C.F.R. 151.10(g)).

Acceptance of the acquired lands into Federal trust status should not impose any significant additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trusteeship over the existing Reservation. Most of the property is currently vacant and has no forestry or mineral resources which would require BIA management. With respect to maintenance of the property itself, as well as the one residence on the Cogburn property, the Tribe has, and will continue to, maintain the property through its Environmental Department. Emergency services to the property are provided by City and County Fire and Police through agreements between those agencies and the Tribe.

The Tribe has no current plans for the property other than to maintain it in its current state. Therefore, there are no easements or leases which are anticipated for the property. Thus, the acquisition of these lands into Federal trust status will place no discernable burdens on the BIA.

**SECTION: 10
CERTIFIED COPY OF PROPOSED DEED**

An original (or certified copy) of the proposed deed to the United States of America in trust for the Santa Ynez Band of Mission Indians. The notary acknowledgment on the deed must conform to California notary law. The deed must be executed by the legal landowner(s) as evidenced by a current title report or a recent title insurance policy. For conveyances of Tribal "fee" lands, the deed must be signed by a representative of the tribe as evidenced by a duly enacted Tribal resolution.

The Santa Ynez Band of Mission Indians, on August 17, 2004, approved Resolution No. 871, which authorizes the appropriate officers of the Tribe to sign the Grant Deed referred to above. (See Exhibit B). A copy of that deed is attached as Exhibit J.

**SECTION: 11
ESCROW INSTRUCTIONS**

Any agreement(s) for purchase or exchange of the subject property (escrow instructions should also be included).

This section is not applicable because the Tribe has fee simple title to the property. (See Exhibits K - P).

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SECTION: 12
PRELIMINARY TITLE REPORT
POLICY OF TITLE INSURANCE (ALTA)

A current title report or title policy (see Item 10 above). As required in the Standards of the U.S. Department of the Justice (see CFR 151.13), a title company must be willing to issue a final title policy on the approved U.S. form - ALTA U.S. Policy - 9/28/91 - and subject only to those exceptions acceptable to the U.S. and with liability in an amount equal to the value (most commonly the purchase price) of the subject property.

First American Title and Chicago Title have provided Preliminary Title Reports for each property (See Exhibits C - H) and ALTA Title insurance policy commitments for each property (See Exhibits Q - V) as required in the Standards of the U.S. Department of Justice (see 25 CFR 151.13) in an amount equal to the market value of the parcels.

SECTION: 13
LEGAL DESCRIPTION OF PROPERTY
SURVEY MAP

THE LAND DESCRIPTION ON THE DEED AND TITLE EVIDENCE TITLE MUST BE IDENTICAL. Metes and bounds land descriptions must be supported by a legible copy of a survey plant map (maps will be microfilmed by BIA).

These parcels described as 143-253-02, 143-253-07, 143-253-08, 143-254-01, 143-254-03, 143-253-04, 143-253-05, 143-253-06, 143-252-01, 143-252-02, 143-242-01, 143-242-02 and 143-253-03 are shown in the land description, the deed and the evidence of title as identical, demonstrated by Exhibits C - H and K - P as required.

The legal description and accompanying ALTA survey maps have been prepared by Wallace Group and are attached as (Appendices 1 - 6).

SECTION: 14
EXCEPTIONS TO TITLE

For any exception listed on the title evidence, a copy of the referenced document must be included - e.g., rights-of-way of record; all information relevant to any existing special assessment districts; legible copies of all maps or plats referenced; deeds or judgments that might be referenced. (If monetary lien(s) exist, the Tribe must state plans(s) for their elimination at close of escrow and/or prior to acceptance of title by the U.S.)

See applicable documents attached to the Preliminary Title Reports at (Exhibits C -H). See also Exhibit W Resolution No. 877 accepting the title exceptions.

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**SECTION: 15
RIGHTS-OF-WAY OF RECORD, SPECIAL ASSESSMENT DISTRICTS, DEEDS OR
JUDGMENT LIENS**

For right-of-way of record, the Tribe must state whether or not such right will interfere with the intended use of the subject property - e.g., describe location of electrical lines; prohibit or limit land use within right-of-way area or if line is proposed for relocation (copies of any negotiated agreements should also be included).

See Appendices 1 - 6, the ALTA/ACSM Land Title Surveys.

**SECTION: 16
APPRAISAL REPORT**

Application should include a copy of any appraisal report, if an appraisal is already available.

Appraisal reports are not available for the properties because the Tribe already owns the land in fee simple title. (See Exhibits K - P).

**SECTION: 17
NEPA COMPLIANCE**

Application must include an environmental assessment. (BIA may request additional documentation, investigations, or reports in order to be able to evaluate the impact of the trust acquisition as required by the National Environmental Policy Act).

Categorical Exclusions are being issued for the property. **See Property Assessments and Overviews at Appendices 9-13.**

**SECTION: 18
EXISTING TERRAIN**

Application should include a description of existing terrain, existing improvements and/or occupants, statements as to whether or not there is LEGAL ACCESS to the subject property (plot maps showing existing roads, etc., and any proposed roads, structure sites, etc., are useful).

There are no occupants on the property and it has not been previously developed other than the residence on the Cogburn property.

The Condit parcels are located north of State Highway 246 and east of Edison Street with access off of both. The surrounding land use is primarily comprised of residential and commercial land uses, while the subject property is currently undeveloped. The property is situated at an elevation of about 592 feet above sea level and slopes to the southwest.

The Daniels parcels are located south of State Highway 246 and east of Edison Street with access off of both roadways. An unpaved road is located on the northern portion of the property. Zanja de Cota creek is located on the southern portion of the property. The property is located in an area

that is primarily commercial and residential land uses. The property itself is vacant undeveloped land.

The Cogburn parcels are located north of State Highway 246 and east of Edison Street with access off Numancia Street. The surrounding land use is primarily comprised of residential and commercial land uses. There is a vacant house located on these parcels. The parcels have an elevation of approximately 600 feet above sea level.

The Escobar parcels are located south of State Highway 246 and west of Edison Street with access off Edison Street. The surrounding land use is primarily comprised of residential and commercial land uses. The property itself is vacant land with County roadway improvements across it. The parcels have an elevation of approximately 565 feet above sea level.

The Mooney parcels are located south of State Highway 246 and west of Edison Street with access off Sanja Cota Road. The surrounding land use is primarily comprised of residential and commercial land uses. The property itself is vacant land with landscaping and County roadway improvements across it. The parcels have an elevation of approximately 558 feet above sea level.

The Verizon parcel is located north of State Highway 246 and east of Edison Street with access off Numancia Street. The surrounding land use is primarily comprised of residential and commercial land uses. The property itself is vacant undeveloped land. The parcels have an elevation of approximately 600 feet above sea level.

See also Appendices 1 - 6, the ALTA/ACSM Land Title Surveys

SECTION: 19
PROPOSED USE

Off-Reservation land acquisitions for economic development must include a detailed explanation of the proposed development and how it will benefit the Tribe, e.g., Tribal employment, anticipated revenues to the Tribe and projections for increased Tribal programs or services.

No specific economic development plans exist for use of these parcels. The purpose of acquiring the property and placing it into trust is to facilitate the Tribe's land consolidation plan and enhance its self-determination efforts.

SECTION: 20
EVIDENCE OF TAXES PAID

THE APPLICANT MUST PAY ALL TAXES DUE AND PAYABLE UNTIL SUCH TIME AS THE APPLICANT HAS BEEN ADVISED THAT THE PROPERTY HAS BEEN ACCEPTED INTO TRUST. THE APPLICANT MUST ALSO MAKE SURE THAT ALL FINANCIAL OBLIGATIONS ARE MET IN ORDER TO AVOID ATTACHMENT OF ANY LIENS AGAINST THE PROPERTY PROPOSED FOR TRUST ACQUISITION (e.g., Tribes are responsible for contributions to the Internal Revenue Service for Tribal employees).

Fee to Trust Application for ...ooney, Escobar, Condit, Daniels, Verizon and Cogburn

April 2005

All taxes to date have been paid as described in the attached title reports. (See Exhibits C – H)
(See also Exhibit I)

SECTION: 21
PHASE I ENVIRONMENTAL ASSESSMENT

Pursuant to the BIA checklist, the subject property must also have an environmentally clean bill of health absent of contaminants, or other environmental contamination. A registered engineering firm has conducted Phase I Environmental Assessments of the subject parcels and has found them to be free of environmental contaminants. (See Appendices 7 – 13 for reference.)