



PECHANGA INDIAN RESERVATION
Temecula Band of Luiseño Mission Indians

Post Office Box 1477 • Temecula, CA 92593
Telephone (951) 770-6000 Fax (951) 695-1778

Ms. Elizabeth Adams, Acting Director
Pacific Southwest, Region 9
Air Division
75 Hawthorne Street #11
San Francisco, CA 94105

Tribal Chairman:
Mark Macarro

Council Members:
Raymond Basquez, Jr.
Catalina R. Chacon
Marc Luker
Robert "R.J." Munoa
Russell "Butch" Murphy
Michael Vasquez

Tribal Secretary:
Louise Burke

Tribal Treasurer:
Robyn Delfino

October 1, 2016

RE: *Recommendation for Designation of Non-Attainment for the 2015 8-hour Ozone Standard for the Pechanga Air Quality Planning Area.*

Dear Ms. Adams:

The purpose of this letter is to provide you with a recommendation for designation of Non-Attainment for the 2015 8-hour Ozone standard for the Pechanga Air Quality Planning Area.

Introduction:

The Pechanga Band of Luiseño Indians (Tribe), a sovereign nation, has maintained an air quality monitoring station on the Pechanga Reservation since 2008. On April 3, 2015, the United States Environmental Protection Agency (EPA) designated the boundaries of Pechanga Reservation as a separate air quality planning area for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS). The EPA also approved the Tribe's Tribal Implementation Plan (TIP), and classified the newly designated air quality planning area as "attainment" for the 1997 8-hour ozone standard.¹

The Pechanga Reservation is unique in that, though it is a sovereign nation, changes to its size and borders must be done with either the approval of the Department of Interior or with the consent of Congress. Lands that were part of the Tribe's traditional aboriginal territory (i.e. prior to European contact), had fallen out of the Tribe's ownership over the past several hundred years owing to various land acquisition practices in California by the Mexican, and later, U.S. government. In recent years, the Tribe has had the ability to purchase lands within their traditional aboriginal territory and place them back into trust (i.e. include them as part of the Pechanga Reservation), in addition to obtaining additional lands through congressional action.

¹ EPA. 2015. Approval of Tribal Implementation Plan and Designation of Air Quality Planning Area; Pechanga Band of Luiseno Mission Indians. Federal Register (EPA-R09-OAR-2014-0869, FRL-9924-45-Region 9).

Since the designation of a separate air quality planning area for the Pechanga Reservation by the EPA, the boundaries of the Reservation have changed. The Tribe has purchased various properties, and some of them have been placed into trust, effectively expanding the legal boundaries of the Reservation. These properties, referred to as Pu'eska Mountain and Meadowbrook², respectively, were acquired and placed into trust by the Tribe in order to protect sacred sites and irreplaceable cultural resources (Attachments A and B). There is no desire or plan to develop either of these properties. In fact, a condition of these lands is that they remain undeveloped (Attachment A).

For the purposes of this redesignation request, Pu'eska Mountain, which is close in proximity to the main Reservation, is considered to be within the same air basin as the Pechanga Air Quality Planning Area, as designated by EPA on April 3, 2015. Meadowbrook, however, is outside of the immediate geographical area of the main Reservation and Pu'eska Mountain. It experiences different microclimate and is influenced by different emission sources, geography, and topography. The characterization of the air quality on Meadowbrook probably closely resembles that of the Lake Elsinore air quality monitoring station; this is the closest monitoring station in proximity to Meadowbrook (Attachment B).

Legal Description of Pu'eska

Please see Attachment A for the full legal description of Pu'eska Mountain. A Notice of Decision (NOD) has also been included for reference (Attachment C)

Legal Description of Meadowbrook

Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW 1/4 of SW 1/4 of NE 1/4) Section twenty two (22); Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE 1/2 of SW 1/4 of NE 1/4) Section twenty two (22); Southwest Quarter of the Southeast Quarter of the Northeast Quarter (SW 1/4 of SE 1/4 of NE 1/4) Section twenty two (22); Northwest Quarter of the Northeast Quarter of the Southeast Quarter (NW 1/4 of NE 1/4 of SE 1/4) Section twenty two (22); Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE 1/4 of NW 1/4 of SE 1/4) Section twenty two (22); Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW 1/4 of NW 1/4 of SE 1/4) Section twenty two (22); Township Five (5) South, Range four (4) West, San Bernardino Base and Meridian (SBBM), California.

Five Factor Analysis

Air Quality Data

The Tribe has been operating an air quality monitoring station continuously since 2008. The site is located on the Reservation on the southeastern boundary of the city of Temecula (Attachment D). The single air station collects data for multiple NAAQS. A full description of the Pechanga air station location and adherence to applicable federal law can be found in the *Pechanga Band of Luiseño Indians Environmental Department Ambient Air Monitoring Network Plan* (July 2016), on file with the EPA. A summary of this information is presented here (Table 1).

² Acquired via PL 110-383, 122 STAT. 4090, "Pechanga Band of Luiseño Mission Indians Land Transfer Act of 2007." See Attachment A.

Site Name	AQS Code	Pollutants Monitored
Pechanga Air Station	TT-586-0009	NO ₂ O ₃ PM _{2.5}

Table 1. Pechanga Air Station Pollutants Monitored

Of the NAAQS the Pechanga Air Station monitors, ozone (O₃) was reevaluated by the EPA in 2015 and a revised standard was set. The primary and secondary ozone standard levels are now 0.070 parts per billion (ppb). In determining the recommendation by the Tribe for the Pechanga air quality management area, ambient air quality data for the past three years and a design value were calculated.

Annual 4 th Maximum 2013 (ppb)	Annual 4 th Maximum 2014 (ppb)	Annual 4 th Maximum 2015 (ppb)	Three Year Design Value (ppb)
0.069	0.079	0.074	0.074

Table 2. Ozone Design Value for Pechanga Air Quality Planning Area

Emissions and Emissions-Related Data

Owing to its unique position as the northern border of the relatively undeveloped San Diego North County area and the southern border of the rapidly urbanizing Temecula Valley (Riverside County), the Pechanga Reservation primarily experiences impacts to air quality from off-Reservation mobile sources. The I-15 freeway which runs between the main Reservation and Pu'eska Mountain is a heavily traveled interstate that often experiences traffic congestion, and the many idling cars and trucks that accompany it³. With increases in fuel efficiency mandated by the California Air Resources Board (CARB), it is expected that the off-Reservation impacts will lessen over time, even with projected population increases⁴.

On Reservation emissions are predominantly from commercial and residential use. The Tribe operates a resort and casino which includes a hotel, Recreational Vehicle Park, gas station, and co-generation power plant.

The Pechanga Environmental Department (PED) completed its most recent emissions inventory in 2012. The emissions report was conducted using the most current information and data available during the 2012 timeframe, and thoroughly accounts for emissions sources on the Reservation.

Area Sources

A total of seven (7) area sources were identified on the Pechanga Reservation in the 2012 Emissions Inventory. Typically, area sources are inventoried collectively due to number of sources or geographical separation. Area Sources include:

- Pechanga Resort & Casino (PRC)

³ Eisele, B., Schrank, D., and Lomax, T. 2011. Texas A&M Congested Corridors Report. Texas Transportation Institute, The Texas A&M University System. <https://mobility.tamu.edu/>

⁴ Sierra Research, Inc. 2014. Ozone Redesignation Request and Maintenance Plan for Pechanga Band of Luiseño Mission Indians of the Pechanga Reservation Nonattainment Area. Sierra Research, Inc., Sacramento, California.

- Tribal Government Building
- Recreation Center
- Gas Station
- Residences
- Unpaved Roads
- Emergency Generators

Area Sources within Pechanga Reservation have been identified and inventoried individually in order to establish baseline emissions data that can be used to calculate trends from each individual source.

Source	CO	NO _x	SO ₂	PM ₁₀ (PM _{2.5})	VOC
Pechanga Resort & Casino	6.72	4.87	0.64	12.13	0.73
Government Bldg	0.30	0.25	0.01	0.01	0.04
Recreation Center	2.32	1.60	0.02	0.21	0.15
Gas Station	-	-	-	-	1.2
Residences	0.33	0.20	0.002	0.03	0.02
Unpaved Roads	-	-	-	76.87 (11.53)	-
Emergency Generators	0.18	1.54	0.07	0.04	0.09
Total (tons/yr)	9.85	8.46	0.742	89.29	2.23

Table 3. Area Sources of Emissions (tons/year) from Pechanga Reservation 2012

Mobile Sources

Mobile sources include emissions from on-road and off-road vehicles, and equipment that directly impact the Reservation air quality planning area. On-road vehicles include passenger cars, trucks, buses, and motorcycles. Off-road vehicles include construction and farm equipment. Other off-road vehicles, such as aircraft, trains, and boats, are not operated within the boundaries of Pechanga Reservation and are not included in this emissions inventory.

Source	CO	NO _x	SO ₂	PM ₁₀	VOC
Automobiles	44.70	4.859	0.026	0.213	4.781
Trucks	45.89	56.15	0.433	0.971	6.041
Total (tons/yr)	90.59	61.00	0.459	1.184	10.82

Table 4. On-Road Mobile Emissions Sources (tons/year) from Pechanga Reservation 2012

Natural Sources

Natural sources of emissions on Pechanga Reservation include wildfire, vegetation, and dust from undisturbed surfaces.

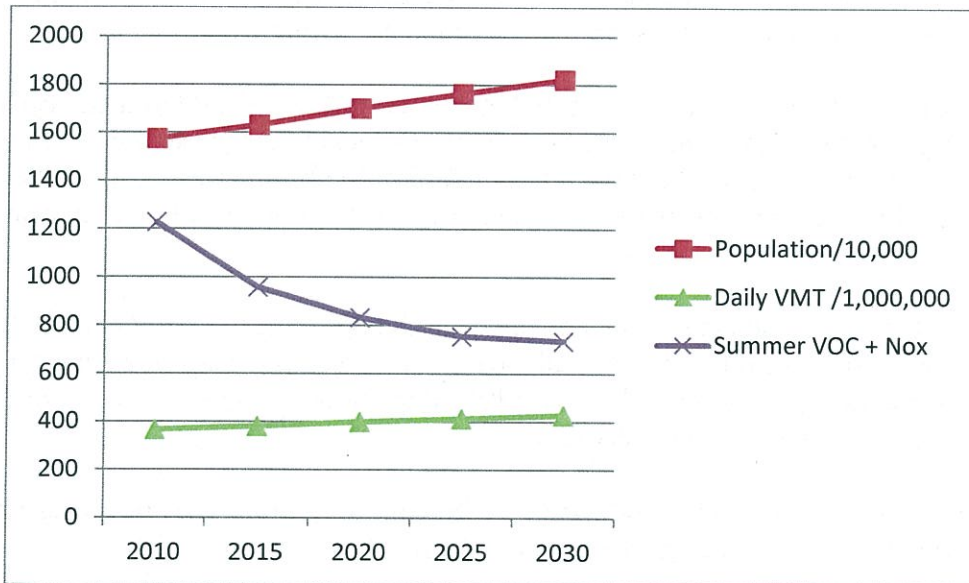
Source	CO	NO _x	SO ₂	PM ₁₀	VOC
Wildfires	712.51	20.39	-	86.35	122.1
Dust from undisturbed lands	-	-	-	0.036	-

Source	CO	NO _x	SO ₂	PM ₁₀	VOC
Natural Biogenic Activity					
Riparian Woodland	-	-	-	-	1.55
Southern Oak Woodland	-	-	-	-	1.54
Chamisal Chaparral	-	-	-	-	6.70
Transitional Chaparral	-	-	-	-	0.857
Totals (tons/yr)	712.51	20.39	-	86.386	132.747

Table 5. Natural Source Emissions (tons/year) from Pechanga Reservation 2012

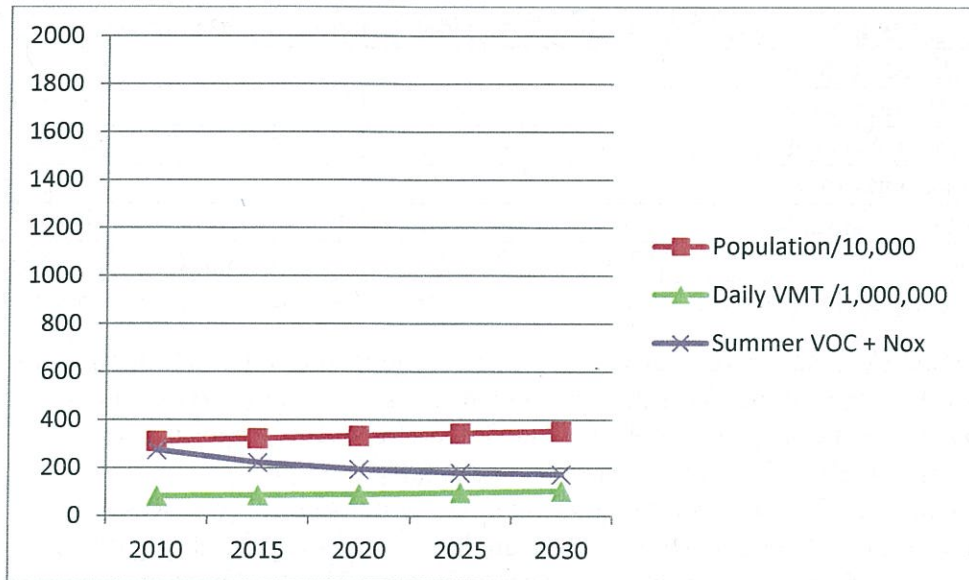
The Pechanga Reservation has consistently had very low emissions. Through participation in the Title V program, the Tribe has reported all emissions from known sources annually. The Tribe also participates in the electronic Green House Gas Reporting Tool (e-GGRT), logging tons of carbon dioxide (CO₂) emitted annually.

While no new major sources of emissions are proposed for the Reservation in the foreseeable future, off-Reservation sources are likely impeding the ability of the Pechanga air quality planning area to reach compliance with the 2015 8-hour ozone standards. The main source of emissions is the I-15. It is anticipated that more stringent vehicle emissions controls will continue to improve off-Reservation impacts from the I-15. Excerpted and included below are graphical representations of expected emissions reductions from the *Ozone Redesignation Request and Maintenance Plan for Pechanga Band of Luiseño Mission Indians of the Pechanga Reservation Nonattainment Area* (Figures 2 and 3).



Source: ARB, *Almanac of Emissions and Air Quality*, 2013 Edition, Appendix C

Figure 1. South Coast Basin VOC & NO_x Emission Reductions Despite Population Growth



Source: ARB, *Almanac of Emissions and Air Quality*, 2013 Edition, Appendix C

Figure 2. San Diego County VOC & NO_x Emission Reductions Despite Population Growth

Meteorology

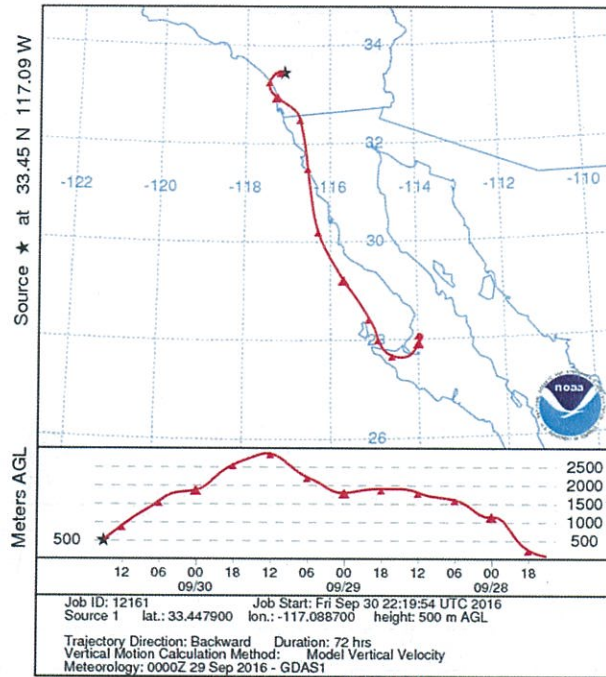
Ambient air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the local air shed, and the pollutant-dispersion properties of local weather patterns. When airborne pollutants are not dispersed by local meteorological conditions, air quality problems will result.

Weather and climate patterns at Pechanga Reservation reflect a Mediterranean ecosystem with hot, dry summers, and mild winters. Conditions local to the Reservation often differ in precipitation and temperature from the neighboring communities, likely reflecting a microclimate impacted by surrounding mountains and lack of urbanization (e.g. heat island effect)

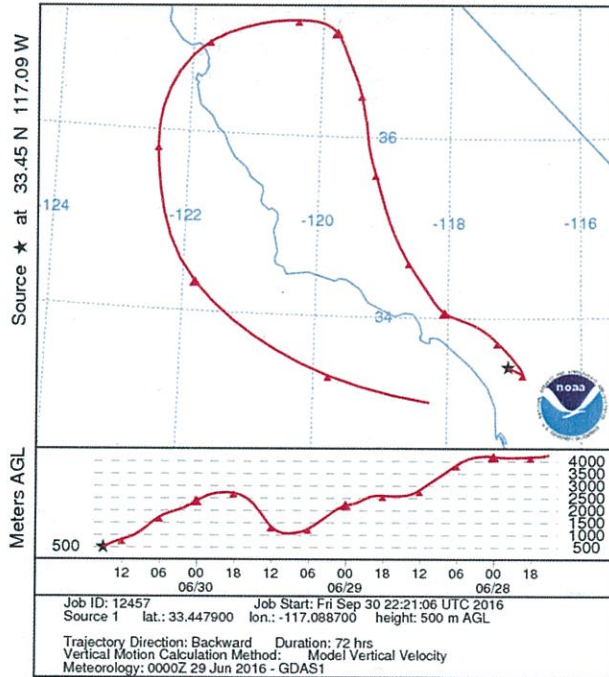
Review of the meteorological data collected at the Pechanga Reservation indicate a predominant wind direction from the southwest. This is a strong sea breeze that originates near Oceanside and passes through a relatively unpopulated area in San Diego County before it reaches the Pechanga Reservation.

A trajectory model was run through NOAA HYSPLIT software. The following graphics show sample data from Pechanga Reservation (Figure 3).

NOAA HYSPLIT MODEL
 Backward trajectory ending at 1500 UTC 30 Sep 16
 GDAS Meteorological Data



NOAA HYSPLIT MODEL
 Backward trajectory ending at 1500 UTC 30 Jun 16
 GDAS Meteorological Data



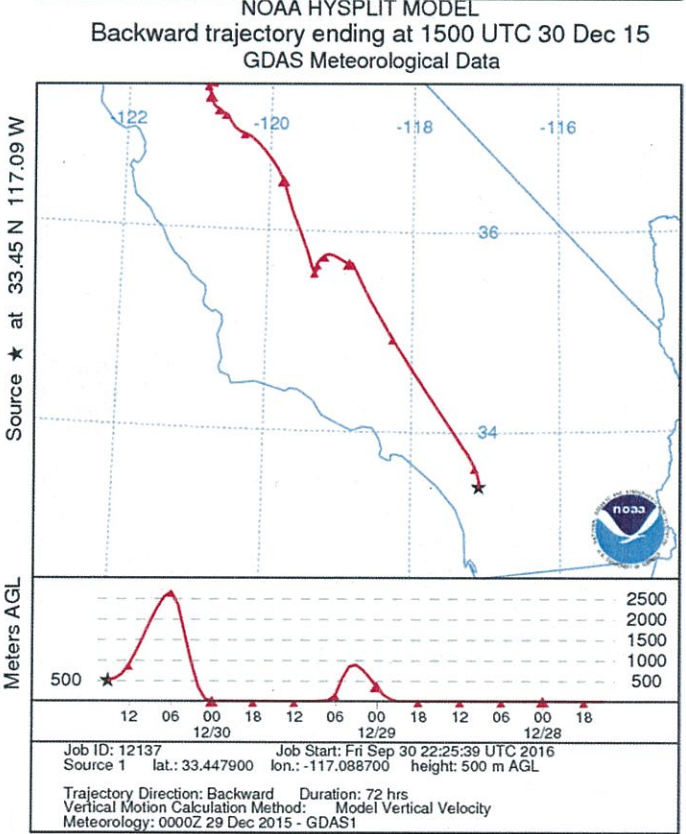
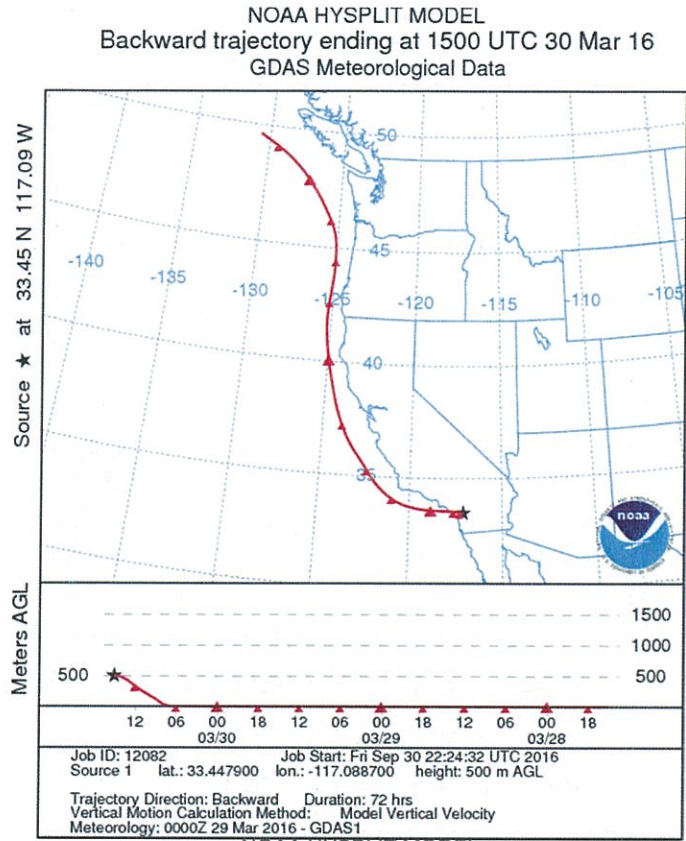


Figure 3. NOAA HYSPLIT Model Outputs for Pechanga Reservation

Geography/Topography

The Pechanga Reservation ranges from 1,100 feet to 2,600 feet in elevation. The Pechanga Reservation is comprised of mountains and plateaus. Interstate 15, a major transportation route for the inland counties, bi-sects the Reservation. To the west of I-15 is Pu'eska Mountain, to the east is the main Reservation which contains the Tribe's residential and commercial developments. The City of Temecula is located approximately four miles to the northwest; with SR 79 as the main transportation corridor providing access to the Pechanga Reservation. The outlying areas to the North and Northeast from the reservation include Temecula residential and business.

Both Pu'eska Mountain and Meadowbrook are recent acquisitions by the Tribe, expanding and redefining the boundaries of Pechanga Reservation. While Pu'eska Mountain is directly west of the main Reservation and sharing similar emission and meteorological conditions, Meadowbrook is further removed. Meadowbrook is located northeast of the City of Lake Elsinore and is north of the City of Canyon Lake. It has relatively low elevation at about 1,600 feet and a generally flat, sloping topography.

Jurisdictional Boundaries

The Pechanga Reservation is equal to the boundary of the Pechanga air quality planning area. There are no other jurisdictions within the boundaries of the Pechanga Reservation—a sovereign nation. The Meadowbrook parcel, while still part of the Tribe's sovereign lands, is seated within the City of Lake Elsinore and is within the Southcoast Air Basin.

Jurisdictionally, the Meadowbrook parcel is subject to tribal and, as applicable, federal jurisdiction and oversight. The State, County, and City of Lake Elsinore have no jurisdiction over these lands. The Meadowbrook parcel is a separate non-attainment area and the air quality onsite is measured by the Lake Elsinore air quality monitoring station (AQS Site ID 060659001) (Attachment B). Because of distinct geographical features and relative proximity to the main Reservation, it is not prudent to assume the air basins will be similar.

With respect to the main residential and commercial Pechanga Reservation lands and Pu'eska Mountain, these lands may be subject to federal jurisdiction and oversight consistent with applicable law. However, generally these lands fall within the sole jurisdiction of the Tribe. Neither the Reservation nor Pu'eska is subject to State or local jurisdiction or oversight, absent express consent of the Tribe (i.e., via its gaming compact with the State). Pu'eska Mountain and the Reservation are within the Pechanga Air Quality Planning Area and thus, not subject to any other air district jurisdiction.

Conclusion

In careful review of the Pechanga air station's data, calculated design values, and changed boundaries, the Tribe recommends the following:

- 1) Designation of non-attainment for the 2015 8-hour ozone standard for the main Reservation and Pu'eska Mountain parcels;

2) Designation of a separate non-attainment area for the 2015 8-hour ozone standard for the Meadowbrook parcel.

If there are any questions, comments, or concerns regarding this designation, please feel free to contact Pechanga Environmental Director, Kelcey Stricker (kstricker@pechanga-nasn.gov), 951-770-6153.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Macarro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Macarro
Tribal Chairman

Public Law 110-383
110th Congress

An Act

Oct. 10, 2008
[H.R. 2963]

To transfer certain land in Riverside County, California, and San Diego County, California, from the Bureau of Land Management to the United States to be held in trust for the Pechanga Band of Luiseno Mission Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Pechanga Band
of Luiseno
Mission
Indians Land
Transfer Act of
2007.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Pechanga Band of Luiseno Mission Indians Land Transfer Act of 2007”.

SEC. 2. TRANSFER OF LAND IN TRUST FOR PECHANGA BAND OF LUISENO MISSION INDIANS.

(a) TRANSFER AND ADMINISTRATION.—

Effective date.

(1) TRANSFER.—Effective on the date of the enactment of this Act and subject to valid existing rights, all right, title, and interest of the United States in and to the Federal lands described in subsection (b) (including all improvements thereon, appurtenances thereto, and rights to all minerals thereon or therein, including oil and gas, water, and related resources) shall be held by the United States in trust for the Pechanga Band of Luiseno Mission Indians, a federally recognized Indian tribe. Such transfer shall not include the 12.82 acres of lands more or less, including the facilities, improvements, and appurtenances associated with the existing 230 kV transmission line in San Diego County and its 300 foot corridor, more particularly described as a portion of sec. 6, T. 9 S., R. 2 W., San Bernardino Base and Meridian, which shall be sold by the Bureau of Land Management for fair market value to San Diego Gas & Electric Company not later than 30 days after the completion of the cadastral survey described in subsection (c) and the appraisal described in subsection (d).

Deadline.

(2) ADMINISTRATION.—The land transferred under paragraph (1) shall be part of the Pechanga Indian Reservation and administered in accordance with—

(A) the laws and regulations generally applicable to property held in trust by the United States for an Indian tribe; and

(B) a memorandum of understanding entered into between the Pechanga Band of Luiseno Mission Indians the Bureau of Land Management, and the United States Fish and Wildlife Service on November 11, 2005, which shall remain in effect until the date on which the Western

Riverside County Multiple Species Habitat Conservation Plan expires.

(3) NOTIFICATION.—At least 45 days before terminating the memorandum of understanding entered into under paragraph (2)(B), the Director of the Bureau of Land Management, the Director of the United States Fish and Wildlife Service, or the Pechanga Band of Luiseno Mission Indians, as applicable, shall submit notice of the termination to—

(A) the Committee on Natural Resources of the House of Representatives;

(B) the Committee on Indian Affairs of the Senate;

(C) the Assistant Secretary for Indian Affairs; and

(D) the members of Congress representing the area subject to the memorandum of understanding.

(4) TERMINATION OR VIOLATION OF THE MEMORANDUM OF UNDERSTANDING.—The Director of the Bureau of Land Management and the Pechanga Band of Luiseno Mission Indians shall submit to Congress notice of the termination or a violation of the memorandum of understanding entered into under paragraph (2)(B) unless the purpose for the termination or violation is the expiration or cancellation of the Western Riverside County Multiple Species Habitat Conservation Plan.

(b) DESCRIPTION OF LAND.—The lands referred to in subsection (a) consist of approximately 1,178 acres in Riverside County, California, and San Diego County, California, as referenced on the map titled, “H.R. 28, the Pechanga Land Transfer Act” and dated May 2, 2007, 2007, which, before the transfer under such subsection, were administered by the Bureau of Land Management and are more particularly described as follows:

(1) Sections 24, 29, 31, and 32 of township 8 south, range 2 west, San Bernardino base and meridian.

(2) Section 6 of township 9 south, range 2 west, lots 2, 3, 5 and 6, San Bernardino Base and Meridian.

(3) Mineral Survey 3540, section 22 of township 5 south, range 4 west, San Bernardino base and meridian.

(c) SURVEY.—Not later than 180 days after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete a survey of the lands transferred and to be sold under subsection (a) for the purpose of establishing the boundaries of the lands.

(d) CONVEYANCE OF UTILITY CORRIDOR.—

(1) IN GENERAL.—The Secretary shall convey to the San Diego Gas & Electric Company all right, title, and interest of the United States in and to the utility corridor upon—

(A) the completion of the survey required under subsection (c);

(B) the receipt by the Secretary of all rents and other fees that may be due to the United States for use of the utility corridor, if any; and

(C) the receipt of payment by United States from the San Diego Gas & Electric Company of consideration in an amount equal to the fair market value of the utility corridor, as determined by an appraisal conducted under paragraph (2).

(2) APPRAISAL.—

(A) IN GENERAL.—Not later than 90 days after the date on which the survey of the utility corridor is completed

under subsection (c), the Secretary shall complete an appraisal of the utility corridor.

(B) APPLICABLE LAW.—The appraisal under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisitions; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(3) COSTS.—The San Diego Gas & Electric Company shall pay the costs of carrying out the conveyance of the utility corridor under paragraph (1), including any associated survey and appraisal costs.

(4) DISPOSITION OF PROCEEDS.—The Secretary shall deposit any amounts received under paragraph (1)(C) of this section in the Federal Land Disposal Account established under section 206(a) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(a)).

(e) MAP ON FILE.—The map referred to in subsection (b) shall be on file in the appropriate offices of the Bureau of Land Management.

(f) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval of the survey completed under subsection (c) by the duly elected tribal council of the Pechanga Band of Luiseno Mission Indians, the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the boundary lines; and

(B) legal description of the lands transferred under subsection (a).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of the boundary lines and the lands transferred under subsection (a).

(g) RULES OF CONSTRUCTION.—Nothing in this Act shall—

(1) enlarge, impair, or otherwise affect any right or claim of the Pechanga Band of Luiseno Mission Indians to any land or interest in land that is in existence before the date of the enactment of this Act;

(2) affect any water right of the Pechanga Band of Luiseno Mission Indians in existence before the date of the enactment of this Act; or

(3) terminate any right-of-way or right-of-use issued, granted, or permitted before the date of enactment of this Act.

(h) RESTRICTED USE OF TRANSFERRED LANDS.—

(1) IN GENERAL.—The lands transferred under subsection (a) may be used only as open space and for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources thereon.

(2) NO ROADS.—There shall be no roads other than for maintenance purposes constructed on the lands transferred under subsection (a).

(3) DEVELOPMENT PROHIBITED.—

(A) IN GENERAL.—There shall be no development of infrastructure or buildings on the land transferred under subsection (a).

Federal Register,
publication.

Effective date.

(B) OPEN SPACE.—The land transferred under subsection (a) shall be—

(i) maintained as open space; and

(ii) used only for—

(I) purposes consistent with the maintenance of the land as open space; and

(II) the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources on the land transferred.

(C) EFFECT.—Nothing in this paragraph prohibits the construction or maintenance of utilities or structures that are—

(i) consistent with the maintenance of the land transferred under subsection (a) as open space; and

(ii) constructed for the protection, preservation, and maintenance of the archaeological, cultural, and wildlife resources on the land transferred.

(4) GAMING PROHIBITED.—The Pechanga Band of Luiseno Mission Indians may not conduct, on any land acquired by the Pechanga Band of Luiseno Mission Indians pursuant to this Act, gaming activities or activities conducted in conjunction with the operation of a casino—

(A) as a matter of claimed inherent authority; or

(B) under any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) (including any regulations promulgated by the Secretary or the National Indian Gaming Commission under that Act)).

Approved October 10, 2008.

LEGISLATIVE HISTORY—H.R. 2963:

SENATE REPORTS: No. 110-503 (Comm. on Indian Affairs).

CONGRESSIONAL RECORD:

Vol. 153 (2007): July 30, considered and passed House.

Vol. 154 (2008): Sept. 26, considered and passed Senate, amended.

Sept. 29, House concurred in Senate amendments.





Pechanga Tribal Government

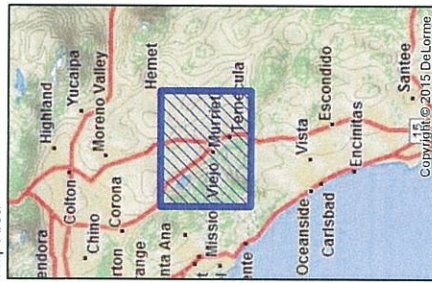
Air Quality



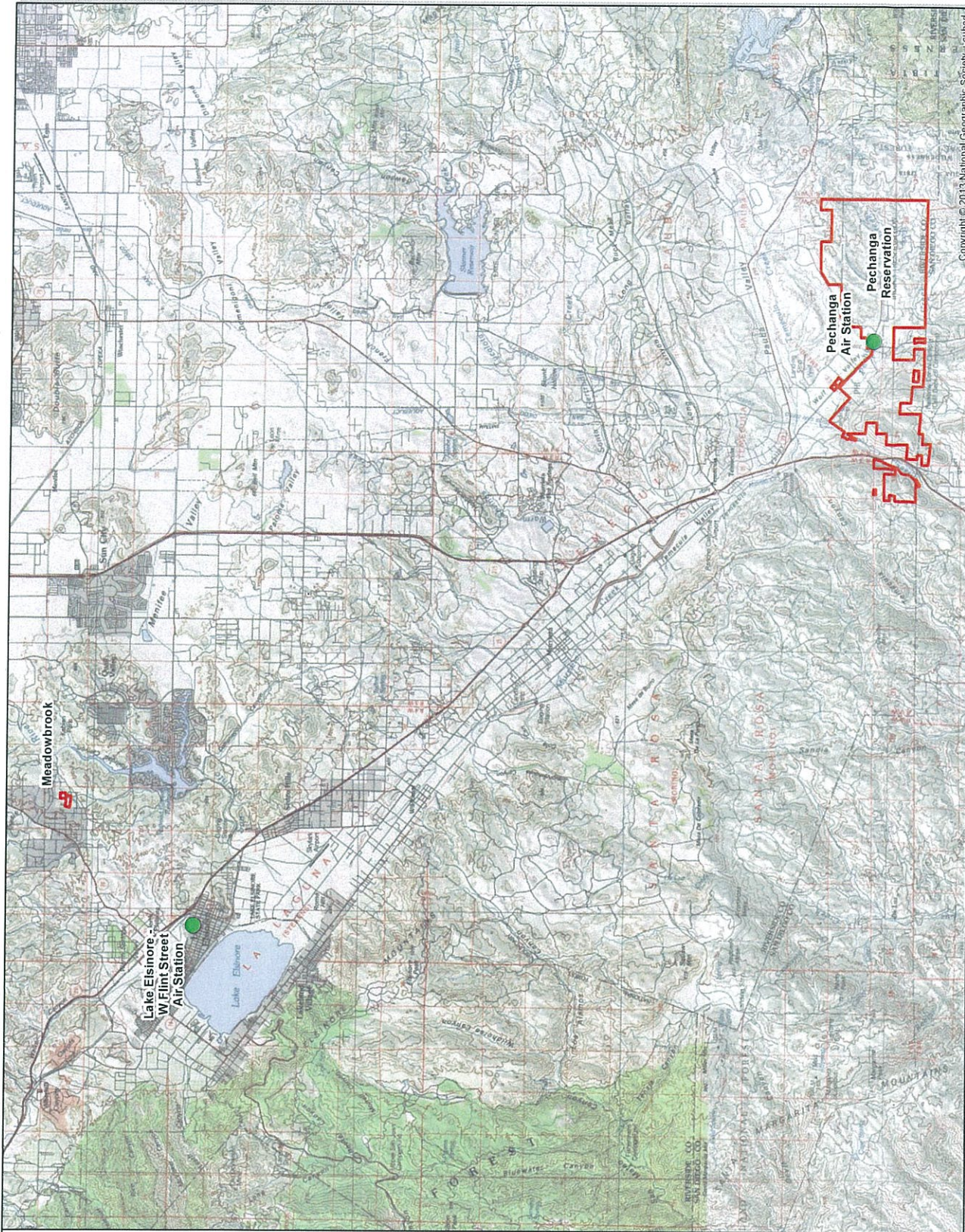
Pechanga Reservation



Map Area



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United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

OCT 20 2015

NOTICE OF DECISION

CERTIFIED MAIL-RETURN RECEIPT REQUESTED – 7013 2630 0001 5558 4549

Honorable Mark Macarro
Chairman, Pechanga Band of Luiseno Mission Indians
P.O. Box 1477
Temecula, CA 92593

Dear Chairman Macarro:

This is our Notice of Decision for the application of the Pechanga Band of Luiseno Mission Indians to have the below described property accepted by the United States of America in trust for the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California.

The land referred to herein is situated in the State of California, in the County of Riverside and is described as follows:

PARCEL NO. 1: (APN: 962-461-001; 962-461-002; 962-461-003; 962-461-004; 962-461-005; 962-461-006; 962-461-007; 962-461-008; 962-461-009; 962-461-010; 962-461-011; 962-461-012; 962-461-013; 962-461-014; 962-461-015; 962-461-016; 962-461-017; 962-461-018; 962-461-019; 962-461-020; 962-461-021; 962-461-022; 962-461-023; 962-461-024; 962-461-025; and 962-461-026)

Lots 107 through 131 inclusive and Lot 134 of Tract Map No. 23065-3, in the City of Temecula, County of Riverside, State of California, as shown by map on file in Book 357, Pages 1 through 10 of Maps, records of said County.

PARCEL NO. 2: (APN: 962-430-077 and 962-400-074)

Lots "B" and "C" as shown on Lot Line Adjustment No. PA07-0118, as evidenced by document recorded March 17, 2008 as Instrument No. 2008-0128555 of Official Records, being more particularly described as follows: Lot "B" that certain parcel of land situated in the City of Temecula, County of Riverside, State of California, being that portion of Lot 330 of Tract No. 23065 as shown on a map thereof filed in Book 330, Pages 20 through 38, inclusive, of maps in

the Office of the Riverside County Recorder, described as follows: Beginning at the southeasterly corner of said lot; Thence along the southerly line of said lot North 89° 31' 25" West 352.00 feet; Thence North 68° 15' 46" East 163.09 feet; Thence North 49° 53' 57" East 255.81 feet to the easterly line of said lot; Thence along said easterly line South 01° 12' 35" East 228.16 feet to the Point of Beginning. Lot "C" that certain parcel of land situated in the City of Temecula, County of Riverside, State of California, being that portion of Lot 326 of Tract No. 23065 as shown on a map thereof filed in Book 330, Pages 20 through 38, inclusive, of maps in the Office of the Riverside County Recorder, described as follows:

Beginning at the southeasterly corner of said lot; Thence along the southerly line of said lot North 89° 18' 26" West 216.57 feet; Thence North 51° 47' 52" East 28.92 feet; Thence North 59° 20' 00" East 64.73 feet; Thence North 56° 23' 01" East 15.15 feet; Thence North 51° 06' 15" East 31.22 feet; Thence North 47° 02' 59" East 27.50 feet; Thence North 45° 14' 01" East 49.48 feet; Thence North 42° 54' 34" East 29.46 feet; Thence North 27° 32' 48" East 35.82 feet; Thence North 10° 34' 09" East 23.54 feet; Thence North 01° 16' 21" East 123.19 feet to the easterly line of said lot; Thence along said easterly line South 00° 23' 39" East 334.73 feet to the Point of Beginning.

The subject property is referred to as the "Centex" property and is comprised of 28 tax parcels totaling approximately 6.97 acres, more or less. The Centex property is adjacent to the Tribe's Reservation between the tribal government center and a residential housing subdivision. The Tribe purchased this property to provide a natural land buffer against the encroaching high-density housing development from the adjacent City of Temecula.

Federal Law authorizes the Secretary of the Interior, or his authorized representative, to acquire title on behalf of the United States of America for the benefit of tribes when such acquisition is authorized by an Act of Congress and (1) when such lands are within the consolidation area; or (2) when the tribe already owns an interest in the land; or (3) when the Secretary determines that the land is necessary to facilitate tribal self-determination, economic development, or tribal housing. In this particular instance, the authorizing Act of Congress is the Indian Land Consolidation of 1983 (25 U.S.C. § 2202). The applicable regulations are set forth in the Code of Federal Regulations (CFR), Title 25, INDIANS, Part 151, as amended. This land acquisition falls within the land acquisition policy as set forth by the Secretary of the Interior.

The Pechanga Reservation was originally established on June 27, 1882 by Executive Order.

Pursuant to 25 U.S.C. § 478, the Secretary held such an election for the tribe on December 15, 1934, at which the majority of the tribe's voters voted to reject the provisions of the Indian Reorganization Act of June 18, 1934. See *Ten Years of Tribal Government Under I.R.A.*, United States Services, 1947, at Interior's website at <http://www.doi.gov/library/internet/subject/upload/Haas-TenYears.pdf>. The Secretary's act of calling and holding this election for the Tribe informs us that the Tribe was deemed to be "under Federal jurisdiction" in 1934. The Haas List tribes are considered to be under federal jurisdiction in 1934, See, *Shawano County, Wisconsin v. Acting Midwest Regional Director, BIA, 53 IBIA 62 (February 28, 2011)* and *Stand Up for California, et al, v. U.S. Department of Interior v. North*

Fork Rancheria of Mono Indians, 919 F. Supp. 2d 51 (January 29, 2013), the District Court for District of Columbia.

On April 29, 2015 by certified mail, return receipt requested, we issued notice of and sought comments regarding the proposed fee-to-trust application from the California State Clearinghouse, Office of Planning and Research; Mr. Joe Dhillon, Senior Advisor for Tribal Negotiations, Office of the Governor; Sara Drake, Deputy Attorney General, State of California; Office of Senator Dianne Feinstein; John J. Benoit, Supervisor, 4th District, Riverside County Board of Supervisors; Riverside County Office of the Treasurer-Tax Collector; Riverside County Planning Department; Riverside County Tax Assessor; Mayor, City of Temecula; Capitan Band of Diegueno Mission Indians (Barona Reservation); Campo Band of Mission Indians; Ewiiapaayp Band of Kumeyaay Indians; Inaja-Cosmit Band of Mission Indians; Jamul Indian Village; La Jolla Band of Luiseno Indians; La Posta Band of Mission Indians; Los Coyotes Band of Cahuilla & Cupeno Indians; Manzanita Band of Mission Indians; Mesa Grande Band of Mission Indians; Pala Band of Luiseno Mission Indians; Rincon Band of Mission Indians; Santa Ysabel Band of Mission Indians; Sycuan Band; San Pasqual Band of Mission Indians; Viejas Band of Mission Indians and Superintendent, Southern California Agency.

In response to our notification, we received the following comments:

- 1. Letter dated May 27, 2015 from the City of Temecula stating that the City fully supports the Pechanga Band of Luiseno Indians application to place the Centex Property into federal trust status.**
- 2. Letter dated May 14, 2015 from the Native American Heritage Commission stating that the Commission has reviewed the Notice of Application and has no comments regarding the cultural resources impact of this proposal.**

Pursuant to 25 CFR 151.10, the following factors were considered in formulating our decision: (1) the need of the tribe for additional land; (2) the purposes for which the land will be used; (3) impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls; (4) jurisdictional problems and potential conflicts of land use which may arise; (5) whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of land in trust status; (6) the extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 6, appendix 4, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions; Hazardous Substances Determinations. Accordingly, the following analysis of the application is provided.

Factor 1 - Need for Additional Land

The Tribe has a strong functional government and is striving to serve its growing community. The Pechanga Band of Luiseño Mission Indians has established a priority to protect and restore tribal homelands. Placing this property into trust status will protect the land for present and future generations in addition to promoting the Tribe's exercise of self-determination and self-governance.

Factor 2 - Proposed Land Use

The purpose of this acquisition is to protect tribal homelands by providing a natural land buffer against the encroaching high-density housing from the City of Temecula. Placing the land into federal trust status will preserve the property and the Pechanga Reservation. The property will not be used for gaming and the Tribe does not anticipate any significant development on the property.

Factor 3 – Impact on State and Local Government’s Tax Base

Parcels accepted into federal trust status are exempt from taxation and would be removed from the County’s taxing jurisdiction. For fiscal year 2012-2013, the County of Riverside generated Two Billion dollars (\$2B) in property tax revenue. In comparison, for the 2012-2013 tax years the total tax assessed on the subject parcels was \$24,900.30, which is less than one-hundredth of one percent. The percentage of tax revenue that will be lost by transferring the Centex property into trust would be minimal in comparison to the total amount of revenue collected by Riverside County. Therefore, it is our determination that no significant impact will result from the removal of this property from the Riverside County tax rolls.

Factor 4 - Jurisdictional Problems and Potential Conflicts of Land Use Which May Arise

The Tribe does not anticipate that any significant jurisdictional conflicts will occur as a result of transfer of the Centex property into trust because there will be no change in land use. In addition, the County will not have the burden or responsibility of maintaining jurisdiction over tribal property.

The land presently is subject to the full civil/regulatory and criminal/prohibitory jurisdiction of the State of California and Riverside County. Once the land is accepted into trust and becomes part of the Pechanga Reservation, because of P.L. 280, under 18 U.S.C. § 1162 (criminal) and 28 U.S.C. § 1360 (civil), the State of California would 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 the Pechanga Reservation.

Under P.L. 280, except as otherwise provided, the State of California exercises concurrent jurisdiction with the tribe to enforce criminal laws against all individuals on the Centex property and state criminal prosecutions committed by anyone on the property would continue to be brought in California courts. Thus, there will be no adverse jurisdictional impacts by placing this property into trust.

In addition, the tribe has consistently been cooperative with the State and County by working with local government and service providers. Although the tribe has its own fire department, the tribe also has mutual aid agreements with the Riverside County Fire Department.

Factor 5 - Whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status

Acceptance of the acquired land into Federal trust status should not impose any additional responsibilities or burdens on the BIA beyond those already inherent in the Federal trusteeship over the existing Pechanga Reservation. The Tribe will ensure that all essential services – security, fire protection, education, natural resource protections, etc. – are provided to the property using existing federal allocations and/or profits from the Tribe’s economic enterprises. This acquisition anticipates no change in land use; and therefore, any additional responsibilities resulting from this transaction will be minimal.

Factor 6 – The extent to which the applicant has provided information that allows the Secretary to comply with 516 DM 1-7, National Environmental Policy Act Revised Implementing Procedures, and 602 DM 2, Land Acquisitions: Hazardous Substances Determination

In accordance with Interior Department Policy (602 DM 2), we are charged with the responsibility of conducting a site assessment for the purposes of determining the potential of, and extent of liability from hazardous substances or other environmental remediation or injury.

The record includes a negative Phase 1 “Contaminant Survey Checklist” dated August 28, 2014, and updated August 5, 2015, reflecting that there were no hazardous materials or contaminants.

National Environmental Policy Act Compliance

An additional requirement that has to be met when considering land acquisition proposals is the impact upon the human environment pursuant to the criteria of the National Environmental Policy Act of 1969 (NEPA). The BIA’s guidelines for NEPA compliance are set forth in the Bureau of Indian Affairs Manual (59 IAM). The proposed action herein has been determined not to require the preparation of either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). A Categorical Exclusion requires a qualifying action in this case, 516 DM 10.5I, Land Conveyance and Other Transfers, where no immediate change in land use is planned. A Categorical Exclusion for the acquisition for the subject property was approved by this Agency on January 22, 2015, and compliance with NEPA has been completed.

Conclusion

Based on the foregoing, we at this time issue notice of our intent to accept the subject real property into trust. The subject acquisition will vest title in the United States of America in trust for the Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California in accordance with the Indian Land Consolidation Act of January 12, 1983, (25 U.S.C. §2202).

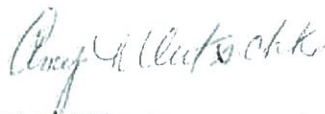
Should any of the below-listed known interested parties feel adversely affected by this decision, an appeal may be filed within thirty (30) days of receipt of this notice with the Interior Board of Indian Appeals, U.S. Department of the Interior, 801 N. Quincy St., Suite 300, Arlington, Virginia 22203, in accordance with the regulations in 43 CFR 4.310-4.340.

Any notice of appeal to the Board must be signed by the appellant or the appellant's legal counsel, and the notice of the appeal must be mailed within thirty (30) days of the date of receipt of this notice. The notice of appeal should clearly identify the decision being appealed.

If possible, a copy of this decision should be attached. Any appellant must send copies of the notice of appeal to: (1) the Assistant Secretary of Indian Affairs, U.S. Department of Interior 1849 C Street, N.W., MS-3071-MIB, Washington, D.C. 20240; (2) each interested party known to the appellant; and (3) this office. Any notice of appeal sent to the Board of Indian Appeals must certify that copies have been sent to interested parties. If a notice of appeal is filed, the Board of Indian Appeals will notify appellant of further appeal procedures. If no appeal is timely filed, further notice of a final agency action will be issued by the undersigned pursuant to 25 CFR 151.12(b). No extension of time may be granted for filing a notice of appeal.

If any party receiving this notice is aware of additional governmental entities that may be affected by the subject acquisition, please forward a copy of this notice to said party; or timely provide our office with the name and address of said party.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gregory H. [unclear]".

Regional Director

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Fourth District, Riverside County Board of Supervisors
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Riverside, CA 92502-1647

County of Riverside – 7015 0640 0003 6795 7668
Office of the Treasurer-Tax Collector
Post Office Box 12005
Riverside, CA 92502-2205

County of Riverside – 7015 0640 0003 6795 7675
Planning Department
Post Office Box 1409
Riverside, CA 92502-1409

County of Riverside – 7015 0640 0003 6795 7682
Office of the Tax Assessor
2724 Gateway Drive
Riverside, CA 92507

County of Riverside Sheriff's Dept. – 7015 0640 0003 6795 7699
4095 Lemon Street
Riverside, CA 92501

Added as of May 7, 2015 per notice from Office of Riverside County Counsel:
Riverside County -Office of County Counsel – 7015 0640 0003 6795 7705
Attn: Ronak N. Patel
3960 Orange Street, Suite 500
Riverside, CA 92501

Mayor, City of Temecula – 7015 0640 0003 6795 7712
41000 Main Street
Temecula, CA 92590

Chairperson - 7015 0640 0003 6795 7729
Barona Reservation
1095 Barona Road
Lakeside, CA 92040

Chairperson – 7015 0640 0003 6795 7736
Campo Band of Mission Indians
36190 Church Rd., Suite 1
Campo, CA 91906

Chairperson – 7015 0640 0003 6795 7743
Ewiiapaayp Band of Kumeyaay Indians
4054 Willows Road
Alpine, CA 91901

Chairperson - 7015 0640 0003 6795 7750
Jamul Indian Village
P.O. Box 612
Jamul, CA 91935

Chairperson - 7015 0640 0003 6795 7767
La Jolla Band of Luiseno Indians
22000 Highway 76
Pauma Valley, CA 92061

Chairperson – 7015 0640 0003 6795 7774
La Posta Band of Mission Indians
8 Crestwood Road
Boulevard, CA 91905

Chairperson – 7015 0640 0003 6795 7781
Los Coyotes Band of Cahuilla & Cupeno Indians
P.O. Box 189
Warner Springs, CA 92086

Chairperson – 7015 0640 0003 6795 7866
Manzanita Band of Mission Indians
P.O. Box 1302
Boulevard, CA 91905

Chairperson - 7015 0640 0003 6795 7873
Mesa Grande Band of Mission Indians
P.O. Box 270
Santa Ysabel, CA 92070

Chairperson – 7015 0640 0003 6795 7880
Pala Reservation
35008 Pala Temecula Rd. PMB 50
Pala, CA 92059

Chairperson - 7015 0640 0003 6795 7897
Santa Ysabel Band of Mission Indians
P.O. Box 130
Santa Ysabel, CA 92070

Chairperson – 7015 0640 0003 6795 7903
Sycuan Band of Mission Indians
5459 Sycuan Road
El Cajon, CA 92021

Chairperson – 7015 0640 0003 6795 7910
San Pasqual Band of Mission Indians
P.O. Box 365
Valley Center, CA 92082

Chairperson - 7015 0640 0003 6795 7927
Viejas (Baron Long) Band of Mission Indians
P.O. Box 908
Alpine, CA 91903

Regular Mail:

Chairperson
Inaja-Cosmit Band of Mission Indians
2005 S. Escondido Boulevard
Escondido, CA 92025

Chairperson
Rincon Band of Mission Indians
1 West Tribal Road
Valley Center, CA 92082

Superintendent, Southern California Agency, BIA
1451 Research Park Drive, Ste. 100
Riverside, California 92507-2154



Pechanga Tribal Government

Pechanga Indian Reservation

- Air Monitoring Station
- Pechanga Indian Reservation Boundary

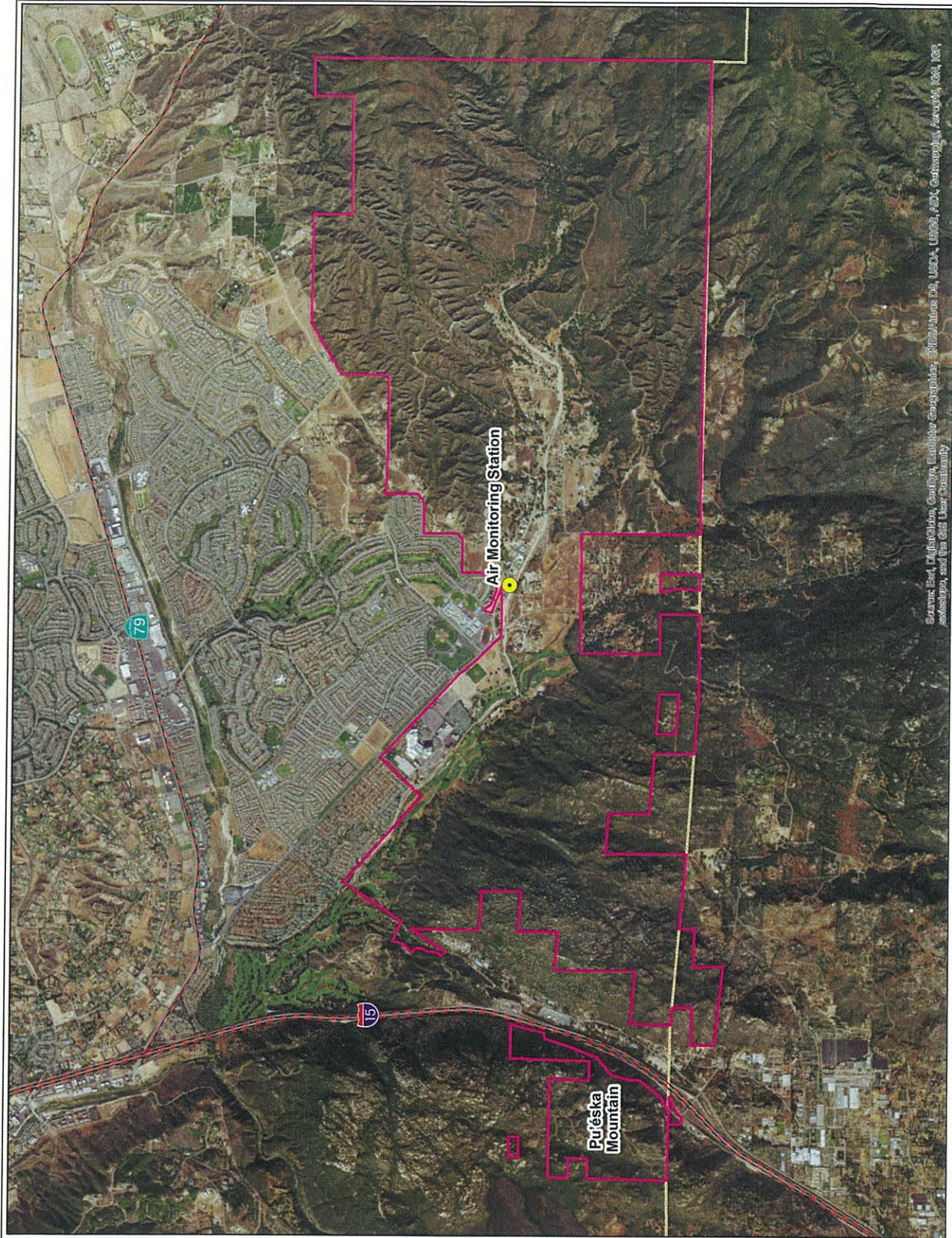


1 inch = 3,000 feet

Map Area



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