

# Coalition of Retailers

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April 25, 2011

Honorable Dianne Feinstein  
United States Senator  
Attn: Devin Rhinerson  
Senate Hart Building 331  
Washington, D.C. 20510  
FAX: (202) 228-3841

## **RE: SUPPORT “Tribal Gaming Eligibility Act”**

Dear Senator Feinstein,

Thank you for your willingness to act on this issue that is significantly affecting small business communities. The *Coalition of Retailers* supports the “**Tribal Gaming Eligibility Act**”.

The coalition is a group of small business owners operating individual businesses in and around the City of Porterville, California. Coalition members include owners of gas station/convenience stores, and many other local businesses. Our businesses are facing unfair competition as tribes do not have to comply with local zoning, regulations, fees or taxation. Nor does a tribe have to comply with California Environmental Quality Act and state taxation. Our coalition is currently opposing an off-reservation acquisition by the Tule River Indian Tribe (Tribe) of Tulare County. The Tribe already has a large Reservation, a successful casino and many other highly profitable business operations.

Make no mistake, the Tule River Indian Tribe is reservation shopping. The Tribe’s current application demonstrates an attempt to manipulate the fee-to-trust process as a non-gaming application. However, the Tribe’s intent appears to be the development of a casino. Clear, competent and verifiable evidence supports this “bait and switch activity” and appears in the County of Tulare and the State of California’s comments appealing the Finding of No Significant Impacts (FONSI) that the Pacific Regional Office of the Bureau of Indian Affairs has issued. Our coalition is also appealing the flawed FONSI.

Our concerns focus on the unfair competition that many of our gas station/convenience store retailers face from the development of tribal stations that undercut the price of gas by avoiding the State Excise Tax and selling gasoline in some instances as low as 20 cents less per gallon. To us, the individual retailers, it diminishes and threatens our livelihood and affects our family life. While this may appear as a savings to some patrons, it affects significant revenues that the State collects on the sale of gasoline which provides for the development and maintenance of our state roads and highway infrastructure. The taxable dollars that our retailers earn diminishes and thus reduces the revenue to local and state coffers affecting other social services.

*Reservations shoppers* may focus initially on casino development, but tribal gas stations and other developments become amenities of the off reservation casino. Each small business owner is

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now forced to compete with unfair competition. This creates a rippling affect throughout our local and state economy.

We thank you for your willingness to amend the Indian Gaming Regulatory Act, and restore the much needed balance of authority between the state, tribal and federal authorities.

Please list the *Coalition of Retailers* in support of the “**Tribal Gaming Eligibility Act**” and accept our sincere thanks for the development of this common sense public policy.

Sincerely,



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Greg Forrester  
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