

Sandra Gilbert
Citizens for a Better Way
15 Pleasant Grove Road
Wheatland, CA 95692

March 13, 2009

Mr. Dale Morris, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

RE: Enterprise Rancheria bid to take land in trust in Yuba County

Dear Mr. Morris:

Citizens for a Better Way is, by this letter, voicing an expression of outrage over the tactics used to try to obtain off-reservation land into trust for a casino in Yuba County. We have experienced the worse of attempts to circumvent existing laws and policy put in place to safeguard the United States from such aggressions and I do hope that your agency will take note and act swiftly and accordingly.

In our County of Yuba, a promoter from Chicago, Mr. Gerald Forsythe, negotiated with the county to establish a NASCAR racetrack. The citizens of this county voted to establish a location for the racetrack on January 27, 1998. The racetrack was never built.

Mr. Forsythe and Enterprise Rancheria (we're not certain if the "Rancheria" is #1 or #2 or a combination of both, or if their group might not qualify as a gaming candidate) somehow found one another and came before the Yuba County Supervisors with a new deal to establish a casino at the location voted upon by the citizens for a racetrack.

On December 17, 2002, Mr. Forsythe and Enterprise were able to convince the Yuba County Board of Supervisors to enter into a MOU with Enterprise/Forsythe to promote a casino. An uproar from the community against a casino at that Supervisors meeting was not enough to sway the decision. It appears the supervisors were under the opinion that the casino was going to be built and that the county had better get on board with a MOU to protect themselves from the assault. They apparently were told that if they did not enter into a MOU they would be out of luck regarding extra services needed for a casino. In return, the county supervisors agreed in the MOU to promote the casino bid. You must realize staff, especially counsel, is limited in our county. When it comes to tribal law, our county had absolutely no background and relied upon Mr. Forsythe and Enterprise to provide counsel in good faith. Upon examination, the MOU is very poorly written, There is considerable doubt now that the aging MOU will serve the County well and also that perhaps it is fraudulent.

Both Mr. Forsythe and the Enterprise could be easily accused of "reservation shopping", manipulating misrepresentations to fall under sovereignty protection. I do submit the time has come to provide clear policy on agreements between tribal governments and outside parties to the same standards as any other contractual agreement., especially at this time when submitting their application to the Department of the Interior and the State Governments.

On May 5, 2005, Governor Schwarzenegger wrote a letter to Yuba County Supervisor Griego stating that there was not significant independent public policy presented to support a Section 20 concurrence and that "negotiations with the tribe at this time are premature."

On May 18, 2005 Governor Schwarzenegger issued a proclamation on tribal gaming stating "the local jurisdiction in which the tribe's proposed gaming project is located must support the project", and further, "the tribe and the local jurisdiction (must) demonstrate that the affected local community supports the project, such as a local advisory vote".

On July 26, 2005, Supervisor Griego asked for and received permission to conduct an advisory election to determine whether Yuba County citizens would support a casino at the original racetrack location.

On November 8, 2005, the citizens of Yuba county rejected the advisory measure by over 52%.

On February 24, 2009 the Supreme Court Carcieri decision put even further concern over the validity of Enterprise Rancheria. attempt for a casino.

On March 10, 2009, Yuba County Supervisors were perplexed as to how to answer your letter (Dale Morris, Pacific Regional Office, BIA) calling for comment on the proposed casino. Among questions that could not be answered to the public at that meeting were:

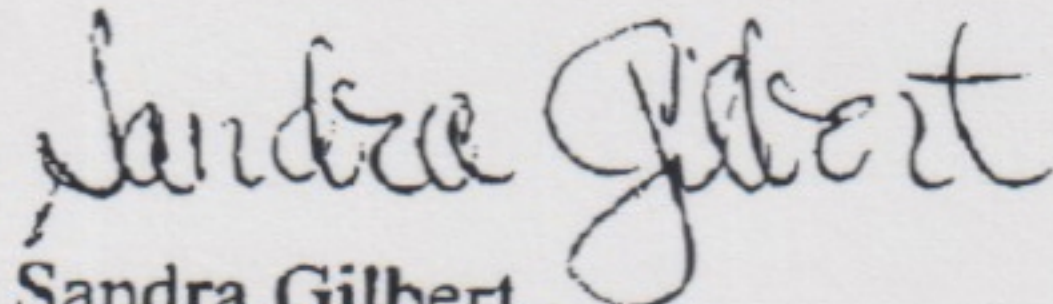
1. Has the County of Yuba officially sought from the BIA the exact recognition as to whether or not Enterprise has or does not have with the Federal Government, or did Yuba County rely only upon facts set forth by Enterprise?
2. Does the county have a legal obligation to support the casino, or does the county have the legal obligation to support the voters? Does one of these trump the other?
3. Is it the intention of Supervisors and staff to present unbiased information to the BIA in the letter responding to your letter of January 16, 2009. Or, rather is the letter intentionally biased to conform with obligations to the MOU?
4. Has the omission of proclamations, policies and protests from such entities as the Governor, the Secretary of the Interior, the Farm Bureau, the City of Wheatland,

the County Board of Education, the Sheriff, the County Auditor, etc., etc., etc.
caused concern as to disregard of bias on the part of the county supervisors?

5. Is county counsel, with its limited staff, confident in affirming all material put forth in the letter responding to BIA as being accurate and/or that county counsel has the ability to make that determination at the present time?.

In conclusion, it appears that Yuba County is unable to defend itself properly in a project of this magnitude and also unable to answer your request for comment.

Sincerely,


Sandra Gilbert