

July 23, 2010

Honorable Dale Risling
Acting Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way Office
Sacramento, CA. 95825

RE: Letter of Comment Tule River Indian Tribe (“TRIBE”) 40 ac. Fee to Trust Acquisition in Porterville, Tulare County, CA.

Dear Mr. Risling:

Attached to this letter is a recent letter sent to Andrea Hoch, Legal Affairs Secretary to Governor Arnold Schwarzenegger. The letter is signed by owners of gasoline and convenience store retailers in and around the area of the proposed land acquisition of the Tribe. We stand united in opposition to this proposed fee to trust acquisition.

The owners of these retail operations are family owned businesses that will suffer significant financial harm if the Tribe is allowed to promote unfair competition to these businesses. Unfair competition created by tribal economic development free from local and state taxation and regulatory oversight. The 15 parcels of vacant land included in the fee to trust acquisition are in the heart of our City’s redevelopment zone. This zone is intended to produce revenue for essential city services to the taxpayers and residents in the City’s sphere of influence. Essential services such as law enforcement, emergency services, revenue to the local school district, road, water and air quality. If this land becomes trust lands, the residents and the taxpayers will forever be at a loss.

The language of the fee to trust regulations that applies to this off reservation acquisition specifically state:

25 CFR 151.11 (c)

Where the land is being acquired for business purposes, the tribe shall provide a plan which specifies the anticipated economic benefits associated with the proposed use.

There is no detailed business plan submitted in the EA. The acquisition is for 15 parcels of vacant land with no description of its future use. There is an unenforceable promise of

mitigating future impacts whatever they maybe. But the regulation does not ask for unenforceable promises, it asks for a detailed business plan.

25 CFR 151.10 (e)

If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls.

The attached letter addresses this issue. The State and the community will lose millions of dollars in taxable revenue today and into the future. The burden to prove otherwise is on the Tribe. The Tribe has not provided any evidence to indicate that they cannot continue to prosper without this significant benefit of land removed from the tax roles and land use regulatory oversight. Indeed, the EA states the Tribe has the *“desire”* to acquire the land for future developments. *Desire* does not represent **need**.

25 CFR 151.10 (f)

Jurisdictional problems and potential conflicts of land use which may arise...

The Tribe has failed to submit a detailed business plan. Thus there is no reasonable or fact finding process in which to make a determination of jurisdictional problems or potential conflicts of land use. Once the land is in trust the Tribe may develop it as it wishes without regard to state or local jurisdictional problems or conflicts.

This is very important in California considering the cultural, economic and political impacts on nearby residential and commercial developments. Particularly where the land is being acquired for business purposes, the tribe is required to provide a plan identifying anticipated economic benefits associated with the proposed use. The Tribe must submit a full environmental impact report *prior* to land transferred into trust in order to comply with the intent of the regulation which provides affected parties the opportunity to comment on developments. No plan was submitted with the Tribes application.

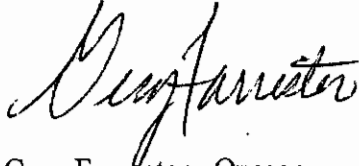
Indeed, the request for the fee to trust is the need to *bank land* for future generations. *“Land banking”* is the acquisition of land by tribes for some future undisclosed use. This action circumvents the intent of federal regulations to address serious and critical taxation and jurisdictional issues.

This type of acquisition appears contrary to the 1934 Indian Reorganization Act (IRA). The IRA requires tribes to demonstrate an immediate need for the acquisition for the land. Approval of land banking applications appears to constitute federal interference with the powers reserved to the State in a manner patently at odds with the intent of the Tenth Amendment of the United States Constitution.

Failure to notify affected parties or adhere to administrative procedure requirements such as Environmental Impact Review or a Business Development Plan *prior* to the time of transfer significantly affects the political authority and good working order of states, state agencies and political sub divisions of states, ultimately, affecting all inhabitants of the state.

We stand opposed to this fee to trust acquisition. If you have any additional questions please do not hesitate to call on me. Phone 559-784-4300 ext. 105

Sincerely,

A handwritten signature in cursive script, appearing to read "Greg Forrester".

Greg Forrester –Owner
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CC: Andrea Hoch, Secretary Legal Affairs for Governor Arnold Schwarzenegger