

July 14, 2010

Honorable Andrea Hoch
Secretary of Legal Affairs
Office of the Governor
State Capitol
Sacramento, CA. 95814

RE: **Millions of Dollars in Lost Taxable Revenue** – Tule River Indian Tribe (“TRIBE”) 40 ac. Fee to Trust Acquisition in Porterville, Tulare County, California.

Dear Ms. Hoch:

Currently before the review of the Governor is the proposed 40 ac. fee-to-trust acquisition of the Tule River Indian Tribe within the City of Porterville, Tulare County. This acquisition in my view and the view of many in the Porterville area business community neglects to identify the future plans of the Tribe for the developments on the 15 parcels of vacant land. The purpose of this letter is to inform you of the proposed development that is currently being discussed in our business circles.

My name is Greg Forrester and I am just one of several independent gasoline retailers and convenience store owners in the immediate area of the proposed acquisition. We have been advised that the Tribe must present a detailed business plan. Further that significant financial impacts occurring from the removal of land from the tax roles is a serious issue worthy of the Governor’s attention and consideration.

In a cursory review of the Tribe’s May and June 2010 Environmental Assessments (“EA”) it is clear, there is NO detailed business plan. The recently negotiated Memorandum of Agreement (“MOA”) with the City of Porterville simply agrees to agree in the future over the environmental and financial impacts associated with whatever the Tribe’s development will be or become. Indeed, there is no mention of the how the tribe would plan to address the significant financial impact to the business community in and around the City of Porterville and the regional area. The MOA is not adequate, nor was there opportunity for public input or debate in its development or approval.

In a free-market, fair competition is the nature of business. A free-market is what makes our nation strong and will bring-back California’s economy. However, this proposal invites unfair competition which will harm any business similar to that developed on newly acquired lands. The Tribe would be exempt from many of the environmental regulations, local codes and state laws, especially taxation. A clear example was recently stated on Fresno Radio Station KFSN, July 12, 2010 by the CEO of Mighty Oak Capitol, the manager of the Chuckchansis Tribe’s funds: “Because it (the Chukchansi Tribe) doesn’t have to pay state or local taxes it can sell gas 30 cents cheaper than any other gas station in the Valley” (See – article attached)

I wish to advise you of a conversation I had with a representative of the Fresno Company, L. C. Services. This company built the Eagle Feather Gas Station for the Tribe on Highway 190. I am advised that there are discussions for the construction of a Truck Stop and gas station at the proposed fee-to-trust location that is currently vacant. This is not mentioned nor is it described in the May or June 2010 EA or in the negotiated MOA.

The Tribe's Eagle Feather Gas Station on Highway 190 is a lucrative business. The stations success, other than a terrific location across from Lake Success providing for the recreational needs of campers, is due to being free from state and local taxation and air quality regulatory requirements. This unfair competition has financially harmed other nearby stations that cannot compete with the reduced gas prices and are inhibited by state regulations requiring reduction of green gas emissions. It is understandable that the Tribe would wish to par-lay this success to other lucrative locations but that creates a direct social – cultural, economic and political impact on the State, its governmental subdivisions and on those of us in similar businesses trying to scratch-out a living in California's current economy.

The Eagle Feather Station purchases 2 to 3 truck loads of gas each day from the State of Nevada offering gas at a reduced price and gas that is non-certified by the California Air Pollution Control Board. **This weekly purchase represents 2.5 to 3 million dollars annually in lost taxable revenue to the State of California.** This estimate is according to a representative of the California Board of Equalization ("BOE") that was here in Porterville and observed the Eagle Feather Station.

It appears that the Tribe and elected officials of the City of Porterville have unofficially formed a "partnership" to "explore" the development of the 15 parcels of vacant land that will create jobs and aid in the growth strategy of the City of Porterville. It would appear that the business community and the residents of the City are not a party to these discussions and have lost community control. Indeed, in my recent visit to discuss these financial impacts with new City Council members I learned that my new Council Member Ron Irish cannot vote on any issue relating to the Tribes plans as he owns a business, "Stop Alarm" that has installed the camera security system at the Tribes Casino.

Without doubt, this proposed fee-to-trust acquisition has significant financial impacts to the State, and the surrounding business community. All gasoline retailers in the regional area will face a serious financial impact. Moreover, the health of the public is at risk with the introduction of non-certified gas shipped in from Nevada. It also appears that there is the additional impact on the political system affecting the fair representation of the citizens of the City of Porterville. We are opposed to this fee-to-trust transfer.

Tribal governments in California are aspiring to expanded their economic bases, expanded their land bases, increase their jurisdiction, this is understandable. But there must be safeguards that protect the business communities from unfair commercial competition. There must be safeguards to ensure community control over local developments and shared resources.

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On behalf of those willing to address this letter to you, we ask that you give attention and consideration to our concerns when you comment on the 40 ac. fee-to-trust acquisition of the Tribe. We do not see a "need" nor has the Tribe identified a need to transfer the lands into trust for the Tribe to continue to prosper. 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 black ink that reads "Greg Forrester". The signature is written in a cursive style with a large, stylized initial "G".

Greg Forrester- Owner
Sierra Minit Mart
559-784-4300 ext. 105
101 West Morton Ave. Porterville CA. 93257
Email address: gforrester@sierraminitmart.com

CC: Honorable Jerry Brown, Attorney General State of California

Attachments

Chukchansi Casino is expanding beyond gaming

Monday, July 12, 2010 Liz Harrison

FRESNO, California (KFSN) -- Action News has learned the Chukchansi Indian Tribe is moving beyond gaming and going into retail. This time next year the tribe will open a huge gas station and retail center just down the road from the casino ... off Highway 41 near Coarsegold.

Everyday hundreds of travelers pass the Chukchansi Resort and Casino on their way to and from Yosemite National Park. Some stop to gamble and grab a bite ... but soon ... travelers will be able to buy gas, smokes, and a sandwich.

Case Lawrence said, "Chukchansi crossing is unlike anything in the Valley. It's going to be a Native American fuel outlet. It's going to see gas at a scale and volume that's really unheard of here in the Valley."

Lawrence is the CEO of Mighty Oak Capital ... the manager of the Chukchansi Tribe's funds. **He says the tribe is trying to diversify their economy. Because it doesn't have to pay state or local taxes it can sell gas 30 cents cheaper than any other gas station in the Valley.**

There's no question cheap gas is good for consumers and the creation of jobs will be good for the local economy. But there's a lot of mom and pop businesses up the road who are very concerned about their future.

Chet Shah is just a stone's throw from the new development. He's the first gas station travelers see after the casino.

"That is going to hurt all over the 41 from Coarsegold to Oakhurst ... and people is going to go there first because their price is going to be cheap. There's no restrictions for them and they can do anything they want to," said Shah.

Alan Lohuis owns the Coarsegold Market. He's watched the casino go up. He's seen the housing market boom and then crash. He's weathered it all ... but this new development might be more than his small market can handle.

Alan Lohuis said, "As the economy is really hard right now. It's going to make things even tougher. That's basically the bottom line. It's just gonna be one more to compete for the smaller pie."

Indian tribes receive legal benefits like tax exemptions from the federal government so they can have a leg up in competing with local businesses. What remains to be seen is whether that advantage will end up hurting the local economy.

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Gasoline Retailers in the immediate area in support of this letter:

Name: GIFFORDS / AL HIRANI
Address: 35627 Hwy 190
Phone: 559-539-2637
Business Name: GIFFORDS MARKET

Name: SHAHINA HIRANI
Lake Express MKT
Address: 28779 Hwy 190
Phone: 559-789-9137
Business Name: LAKE EXPRESS MKT.

Name: GEORGE KASSAB
Address: 415 W. POPLAR AVE
Phone: 559-784-3013
Business Name: SUNLISE HANDYMARKET

Name: TONY KASSAB
Address: 199 S PLANO ST
Phone: 559-784-2298
Business Name: PORTERVILLE LIQUOR

Name: CHAMAN LAL
Address: PIE DATE AVE
Phone: 559-783-0787
Business Name: HARI'S MARKET

Name: BOB'S TINY MART
Address: 1391 E. SPRINGVILLE AVE
Phone: 559-783-0787
Business Name: SUKHINDER S.G.U.

Name: HOSAM KASAB
Address: 385 E DATE AVE
Phone: 559-781-7298
Business Name: SUNLISE # MARKET

Name: FRANK ALSET
Address: 309 E PUTNAM AVE
Phone: 559-359-5411
Business Name: SUNNYSIDE HANDY

Name: JOE SINGH
Address: 90 E. OLIVE
Phone: Porterville
Business Name: SUPER-7

Name: Fudhal Mohsen
Address: 11 W. OLIVE
Phone: (559) 788-2166
Business Name: C&L MINI MART

Name: NOUROZ RAHIM
Address: 610 W. OLIVE
Phone: (559) 784-0445
Business Name: FRANK'S STOP & GO.

Name: friendly license
Address: 814 W. OLIVE
Phone: 559-784-8997
Business Name: GLOBAL STOP

Name: ADEL Joudi
Address: 1060 W. OLIVE AV
Phone: 559-783-8680
Business Name: EXPRESS MARKET GAS

Name: BRIAN WONG
Address: 110 W. OLIVE
Phone: 559-781-6428
Business Name: BRIAN WONG / TOWN & COUNTRY MKT.

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Tule River Indian Tribe - Porterville

Name: Taha Saleh
Address: 1206 W. Westside
Phone: 559-781-1850
Business Name: Shop N Save Mart

Name: Jose F. Elizondo
Address: 244 N. D St.
Phone: 783-0537
Business Name: "D" St. Chevron

Name: Khalil Nagi
Address: 1340 W. N. Grand
Phone: (559) 781-6680
Business Name: Ranch Mkt.

Name: Joseph Touma
Address: 22388 Ave 152
Phone: 1552) 784-8178
Business Name: Jouis Westside Market

Name: ROBERT GALVIN
Address: 21024 AVE 152
Phone: 559-793-0152
Business Name: STAGE STOP

Name: SAM Aroush
Address: 1907 W. Morton St.
Phone: (559) 781-4228
Business Name: Shirwood Market

Name: Peter Loms VAM
Address: 19227 AVE. 144 PORTERVILLE
Phone: 559-781-0411
Business Name: POPLAR MINI MART

Name: Bobby Rogers
Address: PO Box 469 Porterville, Ca
Phone: 559-784-2384
Business Name: Parks Petroleum

Name: FAIZ H SALEH
Address: Poplar 14542, Rd 192
Phone: 784-7358
Business Name: Famers Food Market

Name: _____
Address: _____
Phone: _____
Business Name: _____

Name: Adel Nagi
Address: 1340 W. North Grand
Phone: 559-781-6680
Business Name: Ranch Market

Name: _____
Address: _____
Phone: _____
Business Name: _____

Name: Vassen Mohamed
Address: 951 W. Tanager Drive
Phone: 559-781-1059
Business Name: N&S Chevron

Name: _____
Address: _____
Phone: _____
Business Name: _____