

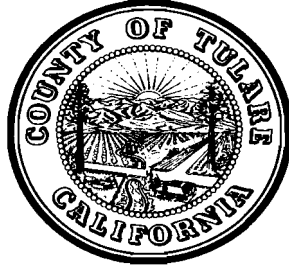
TULARE COUNTY COUNSEL

County Counsel

Kathleen Bales-Lange

Chief Deputies

Julia J. Roberts
John A. Rozum
Teresa M. Saucedo
Deanne H. Peterson
Harold W. Wood, Jr.



Attorneys

Carol L. Laird	Arlene F. Silva
Judith D. Chapman	Barbara Booth Grunwald
Crystal E. Sullivan	Carol Holding
Kathleen A. Taylor	Jason Chu
Julia C. Langley	Erin K. Leedy
Amy-Marie Costa	Elizabeth A. Klotz
Clinton O. Sims, II	Desiree Serrano
Nina F. Dong	Abel C. Martinez
Special Assistant	
Gary de Malignon, Esq.	

2900 W. Burrel, County Civic Center, Visalia, CA 93291
 11200 Avenue 368, Room 102, Visalia CA 93291

Telephone: (559) 636-4950 Fax: (559) 737-4319
Telephone: (559) 735-1505 Fax: (559) 713-3240

July 26, 2010

Dale Risling, Acting Regional Director
United States Department of Interior
Bureau of Indian Affairs, Pacific Region Office
2800 Cottage Way
Sacramento, CA 95825

Re: Fee-to-Trust Application for Porterville Airpark APN 302-400-001 through 302-400-17 – Tule River Indian Tribe – Environmental Assessment

Dear Mr. Risling:

The County of Tulare submits this letter and the attached Exhibits as comments on the above-mentioned Fee-to-Trust Application and Environmental Assessment (EA) dated June, 2010.

Exhibit A, attached herein, is a comment letter dated July 23, 2010 from Cynthia Echavarria (Environmental Coordinator, County of Tulare) and Jake Raper, Jr. (Director of Resource Management Agency, County of Tulare) regarding this project, the June, 2010 Environmental Assessment and the need for an Environmental Impact Study.

Exhibit B, attached herein, is a letter dated April 28, 2010 by Cathy Christian, Esq. on behalf of the County of Tulare to Dale Morris, Regional Director, Pacific Regional Office, Bureau of Indian Affairs. Please notice the previous Memorandum of Understanding (MOU) between the Tule River Indian Tribe ("Tribe") and City of Porterville signed January 30, 2008, in Attachment No. 1 of Ms. Christian's letter. This MOU indicates the Tribe seriously considered a casino and resort on their property within the City of Porterville subject to the pending land trust application (the above-mentioned property). Attachment No. 3 of Ms. Christian's letter includes 2008 news articles indicating the Tribe's intent to open a casino and resort in the City of Porterville. The current Cooperation Agreement effective April 1, 2010, in Attachment No. 2 of Ms. Christian's letter, does not reference gaming or a resort on the above-mentioned property, however leaves the options open by requiring compliance with the City of

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Porterville's General Plan. The EA states the City of Porterville's 2030 General Plan, hereby incorporated by reference¹, designates the site as M-1 (AS) (Light Industrial-Airport Safety). The 2030 City of Porterville General Plan also indicates the designation for the above-mentioned property in the Land Use Diagram (Figure 2-2) as having an alternate use of "Commercial Recreation". This leaves open the possibility for a casino/resort, gas station/truck stop, large commercial center, or other intense commercial use that will attract large numbers of people. An Environmental Impact Study must be prepared to evaluate potential uses and alternatives.

Exhibit C, attached herein, provides letters from concerned citizens submitted to the BIA. The County of Tulare agrees with and submits these concerns regarding environmental and socioeconomic impacts.

Exhibit D, attached herein, provides Porterville Recorder news articles dated July 22, 2010 and July 23, 2010 indicating some concerns of citizens regarding the project, including socioeconomic effects on gas station owners in the nearby area if the Fee-to-Trust Application is approved and the Tribe creates a gas station/truck stop. We also provide a July 22, 2010 Fresno Bee article to demonstrate the potential environmental and socioeconomic impacts from a casino/truck stop. The County agrees with and submits the concerns regarding environmental/socioeconomic impacts.

Exhibit E, attached herein, is a letter from Jason Lobue and the Tulare County Airport Land Use Commission, dated July 23, 2010, commenting on the above-mentioned project. The County agrees with and submits the concerns and proposed conditions.

The County of Tulare requests that the BIA require the Tribe to prepare an Environmental Impact Study evaluating the environmental and socioeconomic impacts, including but not limited to those set forth in this letter and exhibits. The BIA is responsible for adequate environmental review of this project and must not ignore the repetitive statements of intent from the Tribe for a casino, resort or other intense commercial use to occur on this land. Although the Tribe has stated in the Fee-to-Trust application there will be no change in land use, there is enough information in the attached exhibits indicating there is a strong possibility of a change in land use to an intense commercial use.

The County is concerned that once the deed is in trust pursuant to this application, the Tribe may proceed with any development they desire, including an intense commercial use. To secure the Tribe's statement in their Fee-to-Trust application and "Notice of (Off-Reservation/Non-Gaming) Land Acquisition Application"¹ that there is no planned change in land use and the EA statements that there are no known current/future construction or development proposals, the County requests that if the BIA approves the Fee-to-Trust, it

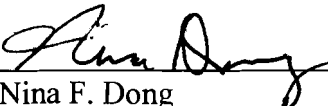
¹ The County of Tulare Board of Supervisors did not receive this notice and therefore was unable to comment within the 30-day comment period.

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specifically restrict the deed at the time the land is taken into trust to preclude any intense commercial use, including but not limited to gaming/casino, resort/hotel or truck stop/gasoline station and preclude any change in the current land use. If such a deed restriction is not put in place, the County could be faced with an intense commercial use on this property sometime in the future and would be unable to raise objections or deal with the impacts of that development.

The County has a strong public interest in reviewing development on the above-mentioned land for public health, safety and welfare considerations and impacts, including but not limited to impacts from economic development. The Board of Supervisors must be provided more information through BIA environmental review before it can adequately review and respond regarding the County's concerns and impacts. The BIA must fulfill its duties pursuant to the National Environmental Policy Act (NEPA) to fully analyze the environmental impacts from the Fee-to-Trust decision and to consider all of the existing information regarding the Tribe's potential and previously stated and/or agreed uponⁱⁱ use of the land. If you have any questions or concerns, please contact me at (559) 636-4950 or Cathy Christian, Esq. at (916) 446-6752.

Very truly yours,
KATHLEEN BALES-LANGE
County Counsel

By 
Nina F. Dong
Deputy County Counsel

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ENDNOTES

ⁱ The City of Porterville, CA 2030 General Plan located is located online at <
http://www.ci.porterville.ca.us/depts/CommunityDevelopment/documents/PortervilleAdoptedGeneralPlanwithFiguresUpdated5_12_2008.pdf> or on the City's official website.

ⁱⁱ MOU signed January 30, 2008 between Tribe and City of Porterville.

EXHIBIT A

EXHIBIT B

EXHIBIT C

EXHIBIT D

EXHIBIT E