

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P.O. Box 355
Penryn, CA 95663

September 9, 2010

John Rydzik –Environmental Specialist
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA. 95828
FAX: 916-978-6055

RE: RE-Submit FONSI – Tule River Indian Tribe 40ac. City of Porterville

Dear Mr. Rydzik:

Stand Up For California! on behalf of some 30 businessmen/employers in the City of Porterville is resubmitting the attached letters as official comment on the fee-to-trust acquisition of 40 acres by the Tule River Indian Tribe of Tulare County.

This is a pressing matter as the FONSI (noticed in the local paper 9-2-2010) failed to include these letters of comment. Of great significance the FONSI failed to include Governor Schwarzenegger’s letter of comment. Our organization is greatly relieved that the BIA has pulled back this FONSI and allowed these letters of comment to be included in the Administrative Record of Decision (ROD).

Under the current circumstances a FONSI based on only an EA is having a practical affect of a final agency action. This FONSI will become a guiding document of the information gathering and documentation for the ROD. This is being done without an opportunity for third parties to appeal the FONSI.

It would appear, that the Tule River Indian Tribe ROD for an off reservation acquisition, is being seriously flawed due to the corrupting perspective of the FONSI. The FONSI fails to identify the long term efforts of the Tribe to develop gaming on the 40 ac. site. This acquisition requires an EIS as the tribe has on numerous times attempted to acquire this land under exceptions in the Indian Gaming Regulatory Act for gaming purposes. The Tribe has attempted to develop a Joint Powers Authority with the City through State Legislative Action for the purposes of establishing gaming. Moreover, the local agreement with the City of Porterville does not rule out the development of gaming or any activity outside the City’s general plan, it simply requests the Tribe to pay more revenue to the City.

The Tribe's goal of exploring job creation and expanded economic activity can be achieved without trust status. Trust status is only necessary if the Tribe continues to pursue a casino. One has to wonder if this is why the Governor's letter of comment was not included in the FONSI review. The Tribe cites the need for trust as necessary to remove the property from local civil jurisdiction and taxation effectively preventing unwarranted discriminatory actions toward the Tribe. Yet, the FONSI cites the local agreement as requiring the tribe to adhere to all local codes, ordinances and to mitigate lost funds to the City. This sounds contradictory. What exactly are the unwarranted discriminatory actions that are being suggested? This Tribe is successful; it has a casino, a gas station, a mini mart, an aviation business and leasing revenues. How is this Tribe being unwarrantedly discriminate against?

1. How will the Department verify that the application is based on objective criteria if the entire ROD is not based on objective criteria beginning with comment from affected parties to determine whether or nor an EIS should be developed?
2. How does a court provide a thorough judicial review if a complete and extensive Administrative Record of a tribe's application is missing and instead a tribe is allowed to skip-over steps in the process?
3. The issuance of the FONSI, unsigned and lacking submitted comment letters can be viewed by some as an effort by the Department to manipulate the ROD and at the same time potentially lay the ground work to frustrate future judicial review of the application.

This issue has heightened importance to these businessmen/employers in and around the City of Porterville. ***Stand Up For California!*** on behalf of the 30 or so businessmen/employers respectfully request your prompt attention to this matter. Additionally, we hope that your office determines that a full EIS is necessary for completion of this application.

Stand Up For California! and the businessmen/employers who have sent the attached letters of comment would sincerely appreciate a response advising us of your decision to re-issue a FONSI or the warranted action of requiring the Tribe to submit a full EIS. Thank you in advance for your assistance in this matter.

Sincerely,



Cheryl Schmit- Director
916-663-3207
cherylschmit@att.net
www.standupca.org

Attachments: Listed.

Letter Dated July 14, 2010 from Mr. Greg Forrester supported by 25 additional individual gasoline retailers and store owners, addressed to Andrea Hoch, Legal Affairs Secretary for Governor Arnold Schwarzenegger

Letter submitted by Dennis A. Townsend

Letter submitted by Carroll's Tire Warehouse, Randall Carroll, owner

Letter submitted by Smiths Enterprise, H. Neil Smith, Owner

Letter dated July 23, 2010 submitted by Greg Forrester and supported by 25 additional individuals addressed to Dale Risling.

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Honorable Andrea Hoch
Comment 40 Ac. Fee To Trust
Tule River Indian Tribe - Porterville

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7/19/2010

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.

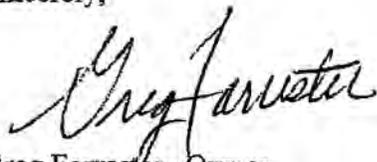
Honorable Andrea Hoch
Comment 40 Ac. Fee To Trust
Tule River Indian Tribe - Porterville

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7/19/2010

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,



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: SUNLIFE HANDY MARKET

Name: TONY KASSAB
Address: 499 S PLANO CT
Phone: 559-784-2298
Business Name: PORTERVILLE LIQUOR

Name: CHAMAN LAL
Address: 914 E 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: SUKHJINDERS GILL

Name: HOSAM KASAB
Address: 285 E DATE AVE
Phone: 559-781-7298
Business Name: SUNLIFE # MARKET

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

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

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

Name: NOUROZ RATHI
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 STORE

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

Name: BENJAMIN WONG
Address: 610 W. OLIVE
Phone: 559-781-6428
Business Name: BENJAMIN WONG TOWN & COUNTRY MKT.

Comment 40 Ac. Fee To Trust

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: 5521 784-8178

Business Name: Jouis Westside Market

Name: Robert Galvin

Address: 21084 Ave 152

Phone: 559-793-0152

Business Name: Stage Stop

Name: Sam Aroush

Address: 1907 W. Morton St.

Phone: (559) 781-4228

Business Name: Shirwad Market

Name: Peter Lions YAM

Address: 19227 Ave 144 Porterville

Phone: 559-781-0411

Business Name: Poplar Mini Mart

Name: Robby Rogers

Address: PO Box 469 Porterville, Ca

Phone: 559-784-2384

Business Name: Parks Petroleum

Name: Faiz H Saleh

Address: Poplar 14542 Rd 142

Phone: 784-7358

Business Name: Farmers 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. Teufel Dome

Phone: 559-781-1059

Business Name: W&S Chevron

Name: _____

Address: _____

Phone: _____

Business Name: _____

Mr. Dale Morris, Regional Director c/o
Mr. Dale Riesling, Acting Regional Director
United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Draft Environmental Assessment for the Proposed 40 Acre Fee- to-Trust Transfer for the
Tule River Indian Tribe

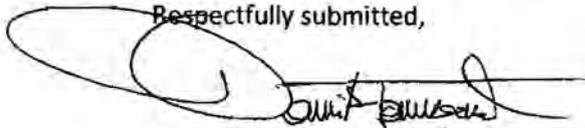
Dear Mr. Riesling,

I wish to offer the following comments and concerns regarding the potential economic impact of the Tule River Tribe's proposed fee-to-trust acquisition of 40 acres adjoining the Porterville Airpark. The Tribe has been a good neighbor to the City of Porterville and has established a record of cooperation with and generosity to various organizations. The concern I have is not the potential competition from retail facilities which may be established on the site. Competition is healthy and, ultimately, a benefit to all businesses and the community in general. The concern is for the potential of tribal tax advantages establishing an uneven playing field which may result in heavy economic losses to local businesses. With low profit margins, established businesses will likely not be able to reduce sales prices to compete with prices offered on tribal lands. Local businesses selling gasoline are currently experiencing this issue and some have reported large fuel sale reductions since the opening of the Eagle Feather Trading Post on tribal trust property near Success Lake. This facility is about 10 miles from Porterville yet draws residents to make the drive to take advantage of the discounted fuel. The prices are possible due to the tax exemptions enjoyed on trust land under current law. The economic impact of this single station on Porterville fuel retailers has been negative. I am concerned that a similar impact could be experienced by Porterville retail businesses.

It is my understanding that 25 CFR 151.11 (c) requires the Tribe to publish a business plan indicating the proposed use of the land. The application includes no such plan and it is also not addressed in the agreement forged with the City of Porterville. With no indication of the specific type of businesses included in the DEA, we may only speculate which businesses are the most likely to be impacted. If an auto mall were to go in, it would likely cripple auto dealerships in the City. If an outlet mall were developed, small clothing and accessories stores would feel the greatest reductions. The uncertainty of the proposed development requires us to consider many possibilities. It is my request that the fee-to-trust proposal be accompanied by the required business plan or a development plan which may be studied in greater detail so that the potential economic and environmental impacts may be considered before long-term decisions are made. I again wish to acknowledge the positive relationship the Tribe enjoys with local organizations and agencies. I would hope those established relationships would continue while developing a plan which will be beneficial to all sectors of the community.

Thank you for your consideration of these comments.

Respectfully submitted,



Dennis A. Townsend
633 North Westwood Street
Porterville, CA 93257

CARROLL'S TIRE WAREHOUSE

981 West North Grand Avenue • Porterville, CA 93257

559-781-5040 extension 12

July 23, 2010

Dale Morris, Regional Director
C/O Dale Reisling, Acting Regional Director
U.S. Department of the Interior
Bureau of Indian Affairs Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

RE: Draft Environmental Assessment for the proposed 40 acre transfer Fee- to-Trust by the Tule River Indian Tribe

Dear Mr. Reisling:

It came to my attention today that the matter above is being reviewed by the Bureau and I wanted to waste no time in sharing my very strong concerns about the complicated decisions which will soon be made.

I am personally apprehensive about the above mentioned matter and how it might affect me and my business. I have a long established business in the valley with 10 retail tire stores and, specifically in Porterville, where my company's first store and corporate office is located. I also own a restaurant in Porterville and have a number of commercial rental properties that this could negatively effective.

While I am sure that Porterville and the surrounding community has benefitted greatly from the many businesses and programs that the Tule River Indians have put in place, I am convinced that if they were given an opportunity to operate certain businesses close to Porterville that it would have an undue, negative influence on business owners in our shopping area.

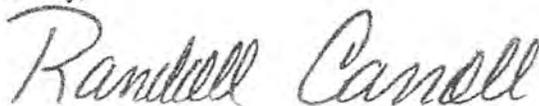
As I understand, it a business operated on land put in trust would not pay some or all of the federal and state taxes most businesses are required to pay. By not having those fees the Indian enterprises are able to offer what appears to be savings to consumers. Unfortunately, most consumers give no thought to how those reduced taxes impact the many services funded by tax dollars.

Additionally, if a consumer believes he would get something at a lower cost at an Indian establishment then he will continue to purchase there and many local businesses will be unable to compete and will be forced to close.

This simply cannot be allowed to happen! There must be some restrictions as to what types of enterprises can be operated by the Indians on trust land. It is very important that all parties involved think not only of the advantages to the Indians but also address any disadvantages to local economy. Let's not grant the Indians free rein to make millions of dollars without considering the long term aspects very carefully.

My company has already suffered great impact with the downturn in the economy and the changes to tariffs put in place on imported tires. I simply do not know if the company can weather another disadvantage that I foresee as Indian businesses not being on a level playing field. I would very much appreciate your response and careful consideration of these issues.

Sincerely,



Randall Carroll



55 North Hockett ♦ P.O. Box 1688 ♦ Porterville, California 93258 ♦ (559) 784-2244 ♦ Fax (559) 781-2735

Mr. Dale Morris, Regional Director
Mr. Dale Riesling, Acting Regional Director
United States Department of the Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Draft Environmental Assessment for the Proposed 40 Acre Fee-to-Trust Transfer
For the Tule River Indian Tribe

Dear Mr. Riesling:

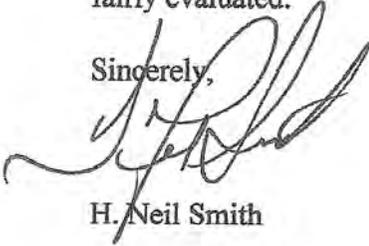
I was born in Porterville and have had a family business interest operating in Porterville since 1930.

I am concerned about the Tule River Indian Tribe's effort to transfer land at the Porterville airport from a Fee-to-Trust status.

- . The application does not address potential economic impacts to the local economy in the EIR report.
- . As a sovereign nation, the Tribe could, at any time, engage in any retail activities that would be detrimental to the local merchants and economy. Their favored status as a Sovereign Nation precludes them from having to pay or collect State and local sales and use taxes. This alone is significant as can be seen in their Trading Post gas station that offers gas prices that local merchants are unable to meet. This one activity has had a huge negative impact on our local service stations.
- . I am unable to truly analyze this proposed transfer because no business plan was ever supplied and unknown uses cannot be argued.
- . The Tribe has been a good neighbor to Porterville and has a positive impact on the lives of its citizens. Their casino has been a wonderful addition to the region and as a member of the local Indian Gaming Commission, have seen great economic benefits for Porterville. However, the casino, is a unique entertainment business and not unfairly endangering any of the existing businesses.

I urge you to deny this application or refer it back to the Tribe to revise the project's EIR report and address the potential negative economic impact that the proposed uses will have. The application should elucidate in its business plan the proposed uses so that the transfer can be fairly evaluated.

Sincerely,

A handwritten signature in black ink, appearing to read 'H. Neil Smith', written in a cursive style.

H. Neil Smith

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 rolls 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.

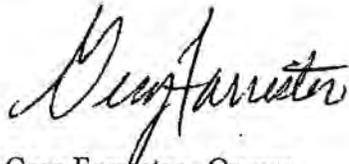
Indeed, the request for the fee to trust is the need to *bank land* for future generations. "*Land banking*" is the acquisition of land by tribes for some future undisclosed use. This action circumvents the intent of federal regulations to address serious and critical taxation and jurisdictional issues.

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 that reads "Greg Forrester".

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

CC: Andrea Hoch, Secretary Legal Affairs for Governor Arnold Schwarzenegger