



TULE RIVER TRIBAL COUNCIL TULE RIVER INDIAN RESERVATION

September 15, 2010

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

RE: Harry Lowe Fee-To-Trust (878.58 acres total, the "Property")
Amendment to 2004 application to remove 21 houses and make no change in use

Dear Mr. Risling:

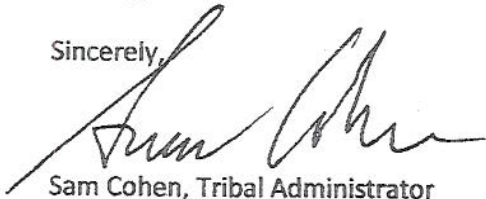
The Tule River Tribe filed the above fee-to-trust application with your office on November 9, 2004. At that time, this parcel was encumbered by a Williamson Act Conservation Contract which encumbrance we were advised had to be removed before such parcel could be conveyed to the federal government in trust for the Tribe.

The Tribe therefore began the difficult process of cancelling such Williamson Act Contract. First, the Tribe applied for permission to initiate a general plan amendment with the Tulare County Board of Supervisors. After that the Tribe filed a Notice of Non-Renewal of such Williamson Act Contract to begin the nine (9) year non-renewal process. Part of such cancellation also required a non-agricultural change in use of the property and, therefore, the Tribe designed a small subdivision of twenty-one (21) houses for the Property.

The Tribe has since learned that the Office of the Solicitor will now permit land to be taken into trust subject to a Williamson Act Contract so long as (1) the Contract is in non-renewal and (2) the Tribe agrees to comply with the Williamson Act Contract during the remainder of such non-renewal period. In contrast to cancellation, non-renewal of the Williamson Act Contract means the use of the Property cannot change from agriculture.

Attached please find a duly executed resolution of the Tule River Tribal Council reaffirming the desire of the Tribe to take the Harry Lowe Property into trust subject to the existing Williamson Act Contract for the remainder of the Contract non-renewal period. Pursuant to the terms of such Williamson Act Contract there the agricultural use of the Property will not change making this a no change in use fee-to-trust application.

Sincerely,



Sam Cohen, Tribal Administrator

Enclosure--Amendment No. 1 to Tule River Tribal Council Resolution No. 2004-68

Phone (559) 781-4271 Fax (559) 781-4610
P.O. Box 589 Porterville, California 93258





TULE RIVER TRIBAL COUNCIL TULE RIVER INDIAN RESERVATION

IN THE MATTER OF:

Placing the Harry Lowe Property and)
McDarmont Property into Trust Status)

AMENDMENT NO. 01 TO
RESOLUTION NO. FY2004-68

BE IT RESOLVED BY THE COUNCIL OF THE TULE RIVER INDIAN TRIBE:

WHEREAS, the Tule River Tribe is governed under a Constitution and Bylaws duly adopted and approved by the Secretary of the Interior on January 15, 1936; and

WHEREAS, Article VI, Power and Duties of the Tribal Council, Section 1 (f) authorizes the Tribal Council to transfer Tribal assets and to administer any funds or property within the control of the Tribe; and

WHEREAS, Article VI, Section 1 (a) of the Tribal Constitution authorizes the governing body to enter into negotiations with federal, state or local agencies on behalf of the Tribe; and

WHEREAS, the Tule River Tribal Council purchased on July 9, 2004 approximately 855 acres from Harry Lowe (the "Harry Lowe Property") as more specifically identified by the legal description in Exhibit A attached hereto and is also identified as APN 305-120-006, APN 305-130-017 and APN 305-130-011; and

WHEREAS, the Tule River Tribal Council previous received from Mr. William McDarmont approximately 21.55 acres (the "McDarmont Property") as more specifically identified by the legal description attached in Exhibit B hereto and also identified as APN 305-130-010; and

WHEREAS, the Tribe desires to place both the Harry Lowe Property and the McDarmont Property in trust status by conveying title of this property to the United States of America and its assigns as provided in those Department of Justice Title Standards 2001, as amended (the "United States"), to hold in trust on behalf of the Tribe; and

THEREFORE BE IT RESOLVED that the Tule River Tribal Council requests that the Bureau of Indian Affairs of the U.S. Department of the Interior review the Harry Lowe Property and the McDarmont Property and take all necessary steps to place such Harry Lowe Property and McDarmont Property in trust status such that the title to the Harry Lowe Property and McDarmont Property is held by the United States in trust on behalf of the Tribe; and

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Amendment No. 01 to
Resolution No. FY2004-68

THEREFORE BE IT FURTHER RESOLVED that the Tule River Tribal Council agrees to take such Harry Lowe Property and McDarment Property into trust status subject to the existing Williamson Act Conservation Contract the non-renewal for which has already been identified; and

NOW THEREFORE BE IT RESOLVED that the Tule River Tribal Council does hereby agree to convey the Harry Lowe Property and McDarment Property to the United States to hold such Harry Lowe Property and McDarment Property in trust on behalf of the Tribe and the Tule River Tribal Council does hereby authorize Ryan Garfield, Chairman of the Tribal Council, Gary G. Santos, Vice-Chairman of the Tribal Council or Gayline Hunter, Treasurer of the Tribal Council any one of them individually to execute all necessary documents to convey the Harry Lowe Property and McDarment Property to the United States to hold such Harry Lowe Property and McDarment Property in trust on behalf of the Tribe; and

NOW THEREFORE BE IT FURTHER RESOLVED that this resolution has not been amended or rescinded in any way.


CERTIFICATION

UPON MOTION OF COUNCIL MEMBER **Gayline Hunter**, SECONDED BY COUNCIL MEMBER **Duane M. Garfield, Sr.** THE FOREGOING WAS ADOPTED BY THE TULE RIVER TRIBAL COUNCIL AT A DULY CALLED MEETING HELD ON **Tuesday, August 17, 2010** AT WHICH A QUORUM WAS PRESENT BY THE FOLLOWING VOTES:

AYES: 5

NOES: 0

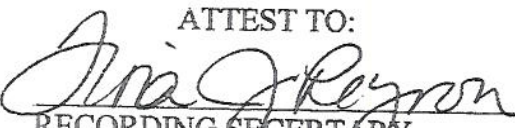
ABSTAIN: 2



RYAN GARFIELD, CHAIRMAN
TULE RIVER TRIBAL COUNCIL



WILLIE CARRILLO, SR. SECRETARY
TULE RIVER TRIBAL COUNCIL

ATTEST TO:


RECORDING SECRETARY