



**TULE RIVER  
TRIBAL COUNCIL**  
TULE RIVER INDIAN RESERVATION

March 26, 2002

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Via Overnight Courier

Mr. Ronald Jaeger  
Pacific Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way  
Sacramento, CA 95825

**RE: Fee to Trust Application for Airport Property**

Dear Mr. Jaeger:

Pursuant to Title 25, Volume 1, Part 151 of the Code of Federal Regulations, the Tule River Indian Tribe (the "Tribe"), hereby files with the Secretary the following written request for approval to acquire the Land (as defined herein) in trust status:

1. Identity of the Parties

The Tule River Indian Tribe is a federally recognized Indian Tribe, organized pursuant to the Indian Reorganization Act of June 18, 1934, as amended. 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. Article I of the Tribal Constitution provides that the jurisdiction of the Tule River Indian Tribe shall extend to the territory within the confines of the Tule River Indian Reservation, situated in Tulare County, State of California, as established by Executive Orders of January 9 and October 3, 1873, and of August 3, 1878 and as to all lands claimed by the Tribe to which title in the Tribe may be established. 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. Article VI, Power and Duties of the Tribal Council, Section 1(c) and (f) respectively, authorizes the Tribal Council to transfer Tribal assets and to administer any funds or property within the control of the Tribe.

2. Description of the Land to be Acquired (the "Land")

Please see the legal description attached to Exhibit 1, Corporation Grant Deed.

3. Other Information Required by 25 C.F.R. Sec. 151.10

a. The statutory authority for the acquisition:

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25 C.F.R. Sec. 151, et seq., and the Indian Reorganization Act of 1934, as amended.

b. The need of the Tribe for the additional Land

The current reservation was established by executive Orders of January 9, 1873, October 3, 1873, and August 3, 1878. The current acreage of the reservation covers 55,396 acres, which is held in trust by the United States. The reservation is located in south-central California, approximately 75 miles south of Fresno in Tulare County. The reservation is situated on the Western slope of the Sierra Nevada Mountains and lies almost entirely within the South Fork Tule River drainage basin. The topography is generally steep, with elevations from about 1,000 to 7,500 feet. Most of the inhabited land is along the lower head of the South Fork Tule River on the Western side of the reservation.

c. The purpose for which the Land will be used

In 1986, the Bureau of Indian Affairs (BIA) informed the Tribe that it had over \$150,000 in its Indian Monies Proceeds of Labor (IMPL) account. Instead of making a per capita distribution of such IMPL monies, the Tribe chose to invest in its future through real estate development. The Tribe purchased a parcel of real property near the Porterville Airport (referred to herein as the "Land" or the "Airport Property"). Development of the Airport Property began slowly with a grant to construct infrastructure on the Land. The Tribe then built its first buildings on the Land to house the Tule River Economic Development Corporation (TREDC) and a U.S. Department of Agriculture (USDA) warehouse for distributing food to low-income families. TREDC is an instrumentality of the Tribe that manages other economic development programs including Tule River Aero Industries.

d. [Omitted pursuant to 25 C.F.R. Sec. 151.11(a)]

e. Impact on State and other tax rolls

The Tribe currently pays property taxes. However, federal funds may be available to replace such tax revenue.

f. Potential jurisdictional and use conflicts regarding the Land

As California is a P.L. 93-280 State, California will still retain State criminal law enforcement jurisdiction after the land is taken into trust status. However, State civil regulatory laws will not apply.

g. Additional BIA responsibilities from acquisition of the Land

BIA responsibilities should be minimal and included within the current services provided to the Tribe.

h. National Environmental Policy Act information

The City of Porterville prepared a Phase I Environmental Investigation for the entire airport area, including the Land purchased by the Tribe prior to its acquisition by the Tribe. A copy of such EIA is quite voluminous and is being sent separately.

4. Other concerns pursuant to 25 C.F.R. Sec. 151.11

a. Balancing of distance from reservation with anticipated benefits

The Airport Property is managed by and houses the Tule River Economic Development Corporation (TREDC), the instrumentality of the Tribe dedicated to promoting the Tribe's economic development. One Tribal business managed by TREDC is Tule River Aero Industries. At the grand opening of the Airport Property, the Tribe was introduced to Mr. Dick Honn, President of Super Skyrocket, LLC (SSR). Mr. Hahn had recently purchased the Riley Super Skyrocket company out of bankruptcy and was looking for someone to be the manufacturer of the twin-engine airplane. After a very time consuming negotiation, the Tribe agreed to enter into a business arrangement with SSR whereby SSR would provide the plans and engineering expertise and the Tribe would establish the manufacturing facility for the Super Skyrocket.

For a site for its aircraft manufacturing facility, the Tribe needed runway access and therefore the Tribe approached the City of Porterville to lease additional land near the Porterville Airport and the Airport Property. Once the site was acquired, construction of the 20,000 square foot facility took approximately six (6) months. The Tribe hired local architects, engineers and contractors whenever possible.

In addition to being a source of revenue, Aero Industries is intended to be a place where Tribal members can find meaningful employment in the high-tech aircraft industry. Tribal members were at first hired in administrative and managerial positions. Now that the business has been operating for several years, the Tribe has funded technical training for some of its members to develop high-tech manufacturing skills.

At the same time, Aero Industries itself has been growing. Instead of outsourcing certain technical specialties such as the electronic components in the aircraft, also called avionics, the Tribe made the decision to bring such functions in-house. The Tribe is now FAA and FCC certified as an aircraft repair station and both fixes aircraft as needed and performs annual aircraft certifications. The benefit to general aviation pilots is that Aero Industries is a "one stop" service center.

Aero Industries continues to diversify beyond just aircraft manufacturing. Just this year, Aero Industries has been selected to be the Western regional distributor for LoPresti Speed Merchants, a company that manufactures kits to increase aircraft


speed and performance. Aero Industries both sells the kits and has the capability to install the modifications on site. Aero Industries is also the authorized distributor for other brand name aviation items such as Bridgestone Tires, Garmin, King Radios and Hartzell Propellers. Communication with other shops located at the Porterville Airport has also led to additional work on rotary wing aircraft (helicopters) doing avionic upgrades.

b. Business plan if the Land is acquired for business use

The Tribe desires to continue the use of Land to house TREDC to promote economic development and to oversee aircraft maintenance and manufacturing operations at the nearby Tule River Aero Industries. In addition, portions of the Land may be suitable for warehouses and other future commercial development.

Sincerely,

Tule River Tribal Council

  
Duane M. Garfield, Sr., Chairman

Enclosure: Exhibit 1, Corporation Grant Deed