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P.O. Box 355
Penryn, CA 95663

February 14, 2009

Ms. Terisa Draper
Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA. 95825
Terisa.draper@bia.gov

RE: Tule River Indian Tribe's 2003 Application for 40 ac. by the Airport

Dear Ms. Draper:

The focus of today's correspondence is to document the status of the Tule River Indian Tribe's application at Porterville and the need for notification or request for resubmission of the application to reflect the present scope of the application.

On February 13, 2009, we discussed by telephone the 2003 application for the Tule River Indian Tribe. I made the inquiry of the status of this specific application. You have informed me that the application is considered **ACTIVE** even though there has not been activity since 2005. You further explained that this application will continue to be considered "*in active status*" until the Tribe withdraws the application. Yet, I still have a few questions that I hope you can respond to in writing, or at the very least confirm that the status of the Tule River Indian Tribe's application is in active status.

As required by federal regulation, the Pacific Regional Office of the BIA sent notices in a timely manner to affected jurisdictions in 2003. I inquired: "Since the application appears stale, approximately 6 years old, will the Pacific Regional Office send out a new notice of the application to affected jurisdictions?" You indicated that no new notice would be sent unless there was a substantial change in the application. This raises numerous policy and process questions. Such as, how many applications are currently at the Pacific Regional Office of the BIA that are considered in *active status* and yet have had no activity for a number of years? I will send these questions in a future FOIA.

The 40 ac. application near the airport does not reflect that it is an after acquired lands gaming application that will require the concurrence of the Secretary of the Interior and the Governor of California. Moreover, that the surrounding community will have a voice in whether or not they wish to have an Off-Reservation gaming facility.

- Will an announcement of a "scoping hearing" occur/and when?
- Will the Tribe submit a new draft environmental statement?

- Is making the change in the application to after acquired lands for gaming purposes a significant change that will require the Pacific Regional Office of the BIA to request a new application from the Tule River Indian Tribe?
- When, if that change is necessary, will that occur?

My sincere thanks and appreciation for the time and effort you have taken to research explain/educate and assist me with this issue. It is always a pleasure to speak with you. I look forward to written correspondence that confirms the status of the Tule River Indian Tribes 2003 application for lands near the Airport and any action that the BIA may take to ensure the accuracy reflecting after acquired lands for a casino development.

Sincerely

Cheryl Schmit – Director

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