

COUNTY OF EL DORADO

330 Fair Lane
Placerville, CA 95667
(530) 621-5390
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JAMES S. MITRISIN
Clerk of the Board



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May 24, 2016

United States Department of the Interior
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Suite W2820
Sacramento, California 95825

RE: Notice of Land Acquisition Application (Non-Gaming)

Dear Regional Director Amy Dutschke,

Thank you for the opportunity to comment on the two Notices of Land Acquisition Application (Non-Gaming), for two separate applications, both dated April 7, 2016, proposed for the Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California. Both applications for land acquisition, as further identified below, include land located near the unincorporated town of Shingle Springs off U.S. Highway 50 within the geographic boundaries of the County of El Dorado. The subject parcels are east of, and adjacent and contiguous to, the Shingle Springs Rancheria. The proposed land use for parcels for the separate applications is described as follows:

- A. "Trust Application #1" - identified as Assessor's Parcel Numbers 319-100-29, 319-100-32 and 319-100-33, 319-100-38, and 319-100-39, consisting of approximately 25.00 acres, is for residential single family development;
- B. "Trust Application #2" - identified as Assessor's Parcel Numbers 319-100-020 and 319-100-21, consisting of approximately 10.18 acres, is for residential single family development.

The purpose of this letter is to assist the Bureau of Indian Affairs in its assessment of the impact of the removal of the subject parcels of land from the tax rolls and potential impacts to the County of El Dorado. Specifically, our comments are in response to question Number 4 of the above referenced Notice¹.

The proposed use of Assessor's Parcel Numbers identified above as Application #1 is for single family residential development is consistent with the low density residential land use designation

¹ If subject to zoning, how the intended use is consistent, or inconsistent, with current zoning.

and RE-5 zoning. Existing conditions indicate that there is currently one single family dwelling unit on each identified parcel for Application #1, and the application has indicated that the residences will continue to be utilized for tribal member housing. The County does not oppose the application with the stated use of the parcels.

The proposed use of Assessor's Parcel Numbers identified above in Application #2 is for single family residential development. The subject parcels are vacant and undeveloped, and the application indicates that the intent is to develop the parcels for additional tribal housing. While the County does not oppose the proposed development of these parcels for single family development, it should be noted that the proposed density is not consistent with the current low density residential land use designation and RE-5 zoning.

- The Tribe has posted an Environmental Assessment on their webpage indicating their intent to subdivide the parcels of Application #2 into 10 parcels with one single family residence on each parcel. Development at this rate is considerably denser than allowed for at the current RE-5 level (one single family unit per five acres) and is inconsistent with surrounding parcels.
- Placement of the properties of either or both Applications into trust will result in a loss of revenue to the County and related Districts and agencies, as, if placed in trust, those properties would be removed from the tax roll. The total loss of revenue is estimated at \$23,551.94 (\$17,980.46 for the five parcels in Application #1, and \$5,571.48 for the two parcels in Application #2). The loss of current property tax revenue is just under \$8,000.
- Additionally, any development of the parcels identified in Application #2 would result in significant future revenue being lost by the County. For example: if the proposed 10 single family residential units are developed without being taken into trust, they would be subject to Traffic Impact Mitigation (TIM) fees that the County relies on to mitigate impacts of additional vehicle traffic on its roadway system. Total TIM fees owed for the proposed development on the parcels would be \$357,740 under the current TIM fee program (\$35,740 per unit), which the County would not realize if the subject parcels are taken into trust. Additionally, if taken into trust, the proposed development will not be responsible for the payment of other development impact mitigation fees to help offset the increased cost of providing public services to the development. Such development would no longer be subject to County rules and regulations.
- Development of the parcels identified in Application #2 to ten residential properties will increase service needs. Portions of the needs are met with existing tribal resources, including tribal public safety units and the tribal health clinic. However, increased development results in impacts to County services and roads.
- Specific to the proposed land use and planned subdivision for parcels identified in Application #2, the boundaries of three of the proposed 1-acre residential parcels extend across the seasonal creek, which runs along the eastern border of the application area. Plan maps indicate no use of the creek area, or that area which extends on the opposite side of the creek. This indication has been supported by representatives of the Tribe.

However, because those parcels border to existing residential properties, concern has been expressed that conflict could arise between existing and future property owners should the use of the identified Trust properties not respect the nature of the creek area. Environmental concerns could also arise should the creek area be used in a way that is different from known and expected uses.

In order to more fully explain the concerns of the County regarding the current applications to take land into Trust, a brief description of a prior fee to trust application and the ultimate outcome of those applications is warranted. In April 2003, the County was notified of the request by the Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract) to have the United States of America take two Parcels of land, Parcel 9 (Assessor's Parcel Numbers 319-210-18, 319-230-49, and 319-230-48) and Parcel 13 (Assessor's Parcel Number 319-220-18) into trust.

The use proposed for APN 319-210-18 was the construction and development of a health clinic. The use proposed for Assessor's Parcel numbers 319-210-18 and 319-230-49 was for those parcels to remain undeveloped. The use proposed for Assessor's Parcel number 319-220-181 was for Tribal housing consisting of six 3-bedroom single family residences. On April 22, 2003, the County through its Planning Department submitted comments to the BIA, including that the parcels could be developed without being put into trust. The comments from the El Dorado Irrigation District expressed the concern that once the land was placed into trust it would "immunize it from local land-use authority, however, another scenario exists in which the Tribe could devise new and different proposed uses for the property after it attains trust status." This comment turned out to be rather prescient.

Several years after the Department of the Interior accepted the parcels into trust, the Tribe proposed new and decidedly different uses for the parcels. Instead of a health clinic and tribal housing, the Tribe proposed to use the parcels for a public shooting range consisting of twenty nine lanes and a gas station/convenience store. The proposal for a shooting range in close proximity to residences in the surrounding community caused considerable public outcry. In response to the community concerns, the Tribe downsized the shooting range and limited the use to Tribal members and guests. However, the concerns regarding a shooting range being so close to residences still exists. Because the land was held in trust the County had no ability to impose conditions upon or to deny the use of the land as a shooting range. Additionally, the Tribe has conducted motocross events on the land that was once designated to be a Health Clinic causing concerns of the public regarding noise and particulate matter being created by the motocross activities again in close proximity to residences.

Ultimately, the County's interest is in ensuring, to the degree possible, that the use of the subject parcels remains as single family residential, for the use of tribal members. The County understands that there exists a need for tribal housing, and therefore also has an interest in securing a pathway to tribal housing. To that end, the County is seeking an understanding and agreement with the Shingle Springs Rancheria Band of Miwok Indians surrounding future land use decisions, such that should the identified parcels be identified for a use other than that which is currently proposed, a process would be followed by the parties, addressing the potential revised use. It is important to note that the Tribe has adopted local building and fire codes.

Should the use of the parcels in question change land use designations or result in new buildings being constructed that trigger permit or application needs, the impact to the County could be substantial. In such cases, the impact of acquisition would result in loss of discretionary application and mitigation fee revenues to the Community Development Agency, Planning Services Division, and application fees collected by other development services departments. Under all scenarios, the County would experience a decline in other direct and indirect economic activities that produce income to the County that fund vital public services. Acquisition would also impact the ability of the County to ensure that the future land use is compatible with surrounding land uses and is consistent with the intent of low density residential land use category policy statements. Increased or alternate development could also generate impacts to County services in excess of what would be expected with the number of proposed residences currently contemplated.

Due to previously expressed concerns, the County also has an interest in assurance and confirmation that the primary access to the subject parcels will be via existing tribal lands. The County would also seek assurances that proper access is provided into the future. The County also requests that the current allowed emergency access for nearby Grassy Run Homeowners' Association (GRHA) properties, via Rancheria land, continue to be allowed for emergency use should the Grassy Run roads become temporarily or permanently closed due to any reason beyond the control of Grassy Run homeowners. This use is currently provided for in a Judgment recorded on September 16, 2008, in settlement of litigation between the Shingle Springs Band of Indians and the GRHA.

Specifically stated, the impacts of the acquisition of said parcels will vary based upon potential alternative use of said parcels. While minor commercial use of the residential zoned parcels, and/or mixed use of the planned development parcels, would not specifically change the immediate financial impact to the County (i.e., due to removal of the parcels from the tax roll); all other land uses would vary significantly in their impacts to the County and the surrounding existing parcels. By way of example, development of the parcels to major commercial uses would generate significant impacts to adjacent residential parcels and to the road system.


In order to avoid future impacts, the County requests that subject parcels be developed as proposed but not acquired to include in tribal trust. If the parcels are accepted into trust, such acceptance could be conditioned upon the parcels being used for residential purposes only as depicted in the Environmental Assessment for a period of at least 20 years and if the use is to be changed the Tribe must comply with County land use regulations for the development of the parcels.

An additional request of El Dorado County is to require the payment of any and all fees related to development of the subject parcels to help defray the revenues lost by the County through removal of the parcels from within the County's jurisdiction.

Separately, we are including comments from the El Dorado County Air Quality Management District as an attachment to the County's letter.

We look forward to the Bureau of Indian Affairs response to our requests and comments concerning the proposed acquisitions.

Sincerely,



Ron Mikulaco, Chairman, Board of Supervisors

Attachments



**County of El Dorado
Air Quality Management District**

330 Fair Lane, Placerville Ca 95667
Tel. 530.621.7501 Fax 530.295.2774
www.edcgov.us/airqualitymanagement

Dave Johnston
Air Pollution Control Officer

#3

May 11, 2016

Bureau of Indian Affairs
Pacific Region Office
2800 Cottage Way
Sacramento, CA 95825

LATE DISTRIBUTION
DATE 5/24/16
BOS 5/24/16

**RE: Shingle Springs Rancheria Fee to Trust Project, APN 319-100-20 & -21
- AQMD Comments**

Dear Sirs:

The El Dorado County Air Quality Management District (AQMD) reviews new project proposals for consistency with District Rules, the Clean Air Act, the California Environmental Quality Act (CEQA), and applicable policies of the El Dorado County General Plan.

As mentioned in the *Environmental Assessment (EA)* (Shingle Springs Band of Miwok Indians, May 2016), the western portion of El Dorado County is in non-attainment of the state Ambient Air Quality Standards (AAQS) for Particulate Matter 10 micrometers (PM₁₀), and the federal AAQS for PM_{2.5} (2.5 micrometers) in size. Additionally, the western portion of the County is in non-attainment of both the 1-hour and 8-hour state AAQS for ozone, and in severe non-attainment of the 8-hour federal AAQS for ozone. The two ozone precursor pollutants most responsible for ozone resulting from this project are Volatile Organic Compounds (VOC, also known as Reactive Organic Gases or ROG) and Nitrogen Oxides (NO_x).

AQMD has reviewed the proposed 10 single family dwellings ranging from 1,236sf to 1,904+sf in a proposed 10-lot residential subdivision of 10.18 acres, and the associated EA, and respectfully suggests consideration of the following comments regarding potential air quality impacts.

Comments:

Page 3-7 indicates that AQMD maintains air quality monitoring stations throughout the region. The sites in El Dorado County are actually owned and maintained by the California Air Resources Board (CARB).

Page 3-13 states;

"The CEQ recommends that agencies consider 25,000 metric tons of carbon dioxide equivalent (MT CO₂E) emissions on an annual basis as a reference point below which a quantitative analysis of greenhouse gas is not recommended unless it is easily

accomplished based on available tools and data. When using this reference point, the CEQA notes "agencies should keep in mind that the reference point is for purposes of disclosure and not a substitute for an agency's determination of significance under NEPA." A project that emits less than 25,000 MT CO₂E would result in a less than significant impact."

This paragraph is contradictory stating that the 25,000 MTCO₂E reference point is "...for purposes of disclosure and not a substitute for an agency's determination of significance under NEPA," but then states "A project that emits less than 25,000 MTCO₂E would result in a less than significant impact."

Also in that paragraph, there appears to be an error in "...the CEQA notes..." which refers to the state California Environmental Quality Act. Suggest stating "... the CEQ notes..." which would refer to the previously mentioned Council of Environmental Quality.

AQMD is not concerned about the incremental greenhouse gas (GHG) emissions increase related to the project as it falls well below the Sacramento Regional GHG thresholds AQMD recommends to determine GHG emissions impact significance. As stated in Section 4.3 of the EA, using the California Emissions Estimator Model (CalEEMod), this project would result in 142.7 MTCO₂e construction GHG emissions and annual operational emissions of 160 MTCO₂e. This is well below the recommended project-specific GHG threshold of 1,100 MTCO₂e/yr, therefore, the impacts of GHG emissions from this project would be less than significant.

Using the CalEEMod results for criteria pollutants provided in the EA, the project's emissions of NO_x and ROG are not expected to exceed the construction and operational emissions thresholds of 82 lbs/day found in the AQMD's *Guide to Air Quality Assessment: Determining Significance of Air Quality Impacts under the California Environmental Quality Act, February 2002*. With implementation of the following recommended new development standard conditions, the proposed project's emissions impacts would be less than significant.

Future Development:

AQMD recommends consideration of the following standard conditions reasonably applicable to proposed project emissions:

1. Asbestos Dust: Current county records indicate this subject property is located within the Asbestos Review Area. Suggest an Asbestos Dust Mitigation Plan (ADMP) Application with appropriate fees be submitted to and approved by the AQMD prior to project construction if County grading permit thresholds are exceeded or if the project moves more than 20 cubic yards of soil. (Rules 223 and 223.2). Recommend the project adhere to the regulations and mitigation measures for fugitive dust emissions asbestos hazard mitigation. Mitigation measures for the control of fugitive dust should comply with the requirements of Rule 223 and 223.2.
2. Paving: Project construction will involve road development. Recommend adherence to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).

3. **Painting/Coating:** The project construction may involve the application of architectural coatings, which should adhere to AQMD Rule 215 Architectural Coatings.
4. **Open Burning:** Suggest that burning of wastes resulting from "Land Development Clearing" be permitted through the AQMD. Only dry vegetative waste materials originating from the property should be disposed of using an open outdoor fire (Rule 300 Open Burning).
5. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower should be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at ARB's website here: <http://www.arb.ca.gov/msprog/ordiesel/ordiesel.htm> An applicability flow chart can be found here: http://www.arb.ca.gov/msprog/ordiesel/faq/applicability_flow_chart.pdf Questions on applicability should be directed to ARB at 1-866-634-3735.
6. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater should be registered with the California Air Resources Board (CARB). A copy of the current portable equipment registration should be with said equipment. The applicant should provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, daily hours of operations of each piece of equipment.

In addition to these standard conditions, AQMD recommends the following conditions to maintain consistency with the County's General Plan.

APPLICABLE AIR QUALITY-RELATED GENERAL PLAN POLICIES AQMD RECOMMENDATIONS & CONDITIONS

El Dorado County's General Plan¹ contains two goals specifically addressing air quality: 1) Strive to achieve and maintain ambient air quality standards established by the U.S. Environmental Protection Agency and the California Air Resources Board, and 2) Minimize public exposure to toxic or hazardous air pollutants and air pollutants that create unpleasant odors. The General Plan establishes objectives and policies to guide land use development within the County to reach these goals. The General Plan policies AQMD believes are applicable to the proposed project are listed below:

OBJECTIVE 6.7.2: VEHICULAR EMISSIONS

Reduce motor vehicle air pollution by developing programs aimed at minimizing congestion and reducing the number of vehicle trips made in the County and encouraging the use of clean fuels.

Policy 6.7.2.5 Upon reviewing projects, the County shall support and encourage the use of, and facilities for, alternative-fuel vehicles to the extent feasible. The County shall develop

¹ El Dorado County General Plan: http://edcgov.us/Government/Planning/Adopted_General_Plan.aspx

language to be included in County contract procedures to give preference to contractors that utilize low-emission heavy-duty vehicles.

Recommended Action

Consistent with this General Plan policy and with the state's goal of 1.5 million zero-emissions vehicles on California roadways by 2025², AQMD encourages the applicant to consider the installation of Electric Vehicle Supply Equipment (EVSE) in the parking area to encourage the use of electric vehicles (EV). Resources for property owners concerning EVSE installation are available at: http://opr.ca.gov/s_zero-emissionvehicles.php and <http://www.pevcollaborative.org/policy-makers>.

Recommended Condition:

7. Electric Vehicle Charging – One & Two-Family Residential: Consistent with the Residential Mandatory Measures identified in the 2013 Cal Green Building Code §4.106.4.1, all one and two-family residential dwellings and townhomes should have, at a minimum, a listed raceway to accommodate a dedicated 208/240V branch circuit for future electric vehicle supply equipment (EVSE) for each dwelling unit. The raceway should not be less than 1 inch inside diameter, be securely fastened at the main panel, and terminate in close proximity to the proposed location of the charging end of the equipment. Raceways should be installed from the electrical service panel to the designated parking areas at the time of initial construction. The service panel should provide capacity to install a minimum 40A dedicated branch circuit. Please refer to Cal Green Building Stds Code §4.106.4 for specific requirements: http://www.iccsafe.org/wp-content/uploads/errata_central/5570S133.pdf

OBJECTIVE 6.7.4: PROJECT DESIGN AND MIXED USES

Encourage project design that protects air quality and minimizes direct and indirect emissions of air contaminants.

Policy 6.7.4.6 The County shall regulate wood-burning fireplaces and stoves in all new development. Environmental Protection Agency (EPA)-approved stoves and fireplaces burning natural gas or propane are allowed. The County shall discourage the use of non-certified wood heaters and fireplaces during periods of unhealthy air quality.

Recommended Condition:

8. Wood-burning devices: The installation of open hearth wood-burning fireplaces and all non-EPA certified wood-burning devices should be prohibited. All wood-burning stoves, inserts, and

² 2013 ZEV Action Plan: [https://www.opr.ca.gov/docs/Governor's_Office_ZEV_Action_Plan_\(02-13\).pdf](https://www.opr.ca.gov/docs/Governor's_Office_ZEV_Action_Plan_(02-13).pdf)

pellet stoves installed should be certified to the most current EPA standard. <http://www.epa.gov/residential-wood-heaters/final-new-source-performance-standards-residential-wood-heaters>. Please refer to EPA's "List of EPA Certified Wood Stoves", <http://www.epa.gov/burnwise/epa-certified-wood-stoves>. Fireplaces burning exclusively natural gas or propane (i.e., sealed units), or are purely electric are preferable.

OBJECTIVE 5.6.2: ENCOURAGE ENERGY-EFFICIENT DEVELOPMENT

Encourage development of energy-efficient buildings, subdivisions, development, and landscape designs.

Recommended Conditions:

9. Solar / Photovoltaic Equipment: All new residential homes should incorporate solar photovoltaic equipment, or at a minimum, be pre-wired for the installation of roof-mounted solar photovoltaic systems in order to reduce the impact on the electrical grid and reduce emissions from electricity generation and other forms of energy consumption.
10. Exterior Electrical Outlets: Electrical outlets should be provided along the front and rear exterior walls of residential homes to allow for the use of electric landscape maintenance tools.

AQMD Rules and Regulations are available at the following internet address: www.edcgov.us/airqualitymanagement.

AQMD thanks you for the opportunity to comment on this proposed project. If you have any questions regarding this letter, please contact our office at (530) 621-7501.

Respectfully,



Adam Baughman
Air Quality Engineer
Air Quality Management District

GRASSY RUN HOMEOWNERS' ASSOCIATION

5555 Grassy Run Court
Placerville, CA 95667

April 25, 2016

Hon. Amy Dutschke, Regional Director
Pacific Regional Office
Bureau of Indian Affairs
U. S. Department of the Interior
2800 Cottage Way
Sacramento, CA 95825

Re: Applications of Shingle Springs Rancheria Band of Miwok Indians
to have seven parcels of real property accepted into Trust
Application #1: 25 +/- acres
Application #2: 10.18 acres

Dear Ms. Dutschke:

I am the Chairman of the Legal Affairs Committee of the Grassy Run Homeowners' Association (GRHA). Grassy Run is a community located immediately adjacent to the Shingle Springs Rancheria, bordering it on its east and north boundaries. GRHA and I have learned of the referenced "land into trust" applications. On behalf of GRHA, and on my own behalf as a parcel owner and resident of Grassy Run, I respectfully submit the following comments for your consideration, and request that the matters discussed herein be included as requirements in such action as the Government (BIA) may take with regard to each and both of the two referenced applications.

1. Each and both of the referenced applications recites that the proposed use of the seven parcels of land (plus one easement) intended to be placed into trust status is for homes (either presently existing or to be constructed) for tribal housing. Neither GRHA nor I have any objection to those parcels being placed into trust for that specific use and purpose. But because four of those seven parcels border directly upon several occupied residential parcels within Grassy Run, one of which includes my own, GRHA and I request that any action and document placing the subject parcels into trust be limited to that specified use and purpose only, and that said parcels not be given trust status for any other type of use or purpose.

2. The 10.18 acre parcels application, #2, references a Judgment recorded on September 16, 2008 in the El Dorado County Official Records, a copy of which is included with the Tribe's application. That Judgment was entered by the United States District Court, Eastern District of California, pursuant to a

Stipulation for Entry of the same, in settlement of litigation between the Shingle Springs Band of Indians (the Tribe) and GRHA involving the use of the Grassy Run roads, that had been pending for some twelve (12) years. A copy of that Judgment is included in the application as the document relating to Parcel 2, Schedule B, Section II, Exception 9, Documents.

Among other things, the provisions of Paragraph 3(d) of the Judgment provide for the use of the Rancheria roads, on an emergency basis, in the event of the temporary or permanent closure for any reason beyond the control of Grassy Run of all of the Grassy Run roads providing access from Grassy Run to county or other public roads, during the period of time when such access is not available through the Grassy Run roads. GRHA and I request that compliance with the referenced Judgment, and particularly with the provisions of Paragraph 3(d) thereof, be included as a requirement in any document or other action granting trust status to the subject parcels, and that with such requirement the Secretary determine that elimination of said provisions to the extent that they affect title to the subject parcels is neither required nor permitted.

Paragraph 3(d) of the Judgment is a reflection of a similar right on behalf of the members of the Tribe and residents of the Rancheria as that set forth in Paragraph 3(c) of the Judgment. There is mutuality to this request.

3. By letter dated February 19, 2008, the Tribe's Chairman, Nicholas Fonseca, requested that your office approve an Agreement for Resolution of Litigation, which had been approved by the Tribal Council on February 9, 2008, pursuant to the Tribe's Resolution 2008-3. On May 6, 2008, your office issued a document entitled "Approval of Agreement for Resolution of Litigation." GRHA and I request that compliance with that Agreement be included as a requirement in any document or other action granting trust status to the subject parcels, and that with such requirement the Secretary determine that elimination of said provisions to the extent that they affect title to the subject parcels is neither required nor permitted. Copies of the Agreement, the described letter, and the described document, are attached hereto as Exhibits A, B and C, respectively.

4. In addition to responding to your office's Invitation for Comments on the subject applications, the requests set forth in paragraphs 2 and 3 above are also made pursuant to (a) the provisions of 81 F.R. 10477, amending and revising 25 C.F.R. §151.13, effective April 15, 2016, and (b) the provisions of the Pacific Region's Land Acquisition Requirements, and in particular Paragraph 9(b) thereof, requiring a Resolution from the Tribe acknowledging that the reference to the Judgment in the title exceptions presented to your office in Application #2 will remain on title and that such right will not interfere with the intended use of the subject property.

Further, GRHA and I also request that the Tribe be required to present to you a Resolution addressing, with particular reference to the the Judgment and the Agreement, the matters specified in Paragraphs 3(d) and 4 of the Pacific Region's Land Acquisition Requirements, and committing to compliance

therewith, and that a copy of such Resolution be transmitted to both GRHA and the undersigned at the addresses set forth below.

And further, GRHA and I also request that your office make a determination that the rights of GRHA and its members, including myself, under the Agreement and the Judgment are not adversely affected or impacted by any of the provisions of 25 C.F.R. Part 169.

In summary, GRHA's and my concern is that the transfer of legal title from the Tribe to the United States of America in Trust for the Tribe will not constitute a basis for any assertion, either by the Government or the Tribe, that such transfer enables the Tribe to avoid or evade the requirements of, and its obligations under, the Agreement, the Stipulation and the Judgment. It is our request that (i) the Tribe be required to execute, (ii) that the BIA issue, and (iii) that we obtain, written commitments so stating. And if that request cannot be granted or accomodated, then GRHA and I must respectfully but regretfully object to the Tribe's applications.

5. The Distribution List for each and both of the subject applications includes two non-governmental individuals (Chrysan Dosh and Carol Louis), neither of whom resides in locations immediately adjacent to the Rancheria, but does not include either GRHA or me. GRHA and I each separately request that each and both of us be included in any and all future distribution lists for matters pertaining to the subject applications, and for any and all other matters and actions by or involving the Tribe for which public distribution lists are established by BIA (including but not limited to notices issued pursuant to the National Environmental Policy Act of 1969), at the following addresses:

Grassy Run Homeowners' Association
5555 Grassy Run Road
Placerville, CA 95667

Richard W. Nichols
5361 Reservation Road
Placerville, CA 95667

Very truly yours,

For Grassy Run Homeowners Association

Richard W. Nichols, Legal Affairs Chairman

Richard W. Nichols, Individually

bcc: Hon. Michael Ranelli
Supervisor, District Four
El Dorado County

#3



Kim Dawson <kim.dawson@edcgov.us>

FW: Trust Application: Shingle Springs Bankd of Miwok Indians

1 message

Shawne Corley <shawne.corley@edcgov.us>

Mon, May 23, 2016 at 9:19 AM

To: Jim Mitrison <jim.mitrison@edcgov.us>, Kim Dawson <kim.dawson@edcgov.us>

LATE DISTRIBUTION

For public responses on fee to trust...

DATE 5/23/16
BOS 5/24/16

From: brenda.bailey@edcgov.us [mailto:brenda.bailey@edcgov.us] **On Behalf Of** The BOSFOUR

Sent: Monday, May 23, 2016 8:07 AM

To: Shawne Corley

Subject: Trust Application: Shingle Springs Bankd of Miwok Indians

----- Forwarded message -----

From: Ellen Katz <ek4575@att.net>

Date: Mon, May 23, 2016 at 5:43 AM

Subject: Trust Application: Shingle Springs Bankd of Miwok Indians

To: The BOSFIVE <bosfive@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Brian Veerkamp <bosthree@edcgov.us>, Ron Briggs <bosfour@edcgov.us>, "sone@edcgov.us" <sone@edcgov.us>

copies:

Board of Supervisors

Congressman Tom McClintock

Office of U.S. Senator Feinstein

Sara J. Drake, Deputy Attorney General

State of California

Department of Justice

P.O. Box 944255

Sacramento, CA 94244-2550

To: All of the Above Addressees

This is a request for the denial of the Shingle Springs Band of Miwok Indians' application to add more parcels into the Trust.

The application process for the Tribe needs extensive improvement so they cannot abuse their sovereignty. The

5/23/2016

Edcgov.us Mail - FW: Trust Application: Shingle Springs Bankd of Miwok Indians

Tribal Council is continuing to develop projects that ignore the local zoning laws and regulations. They agreed to be a good neighbor to the residents of Shingle Springs and El Dorado County, but continue to break the obligations of its State Compact.

The Tribal Council recently did a bait and switch when it stated in its 2006 Fee-to-Trust application that it would develop parcels for a *health facility* and *houses*, but instead have developed a gun range and motocross track. They have announced plans to build over 100,000 square feet of commercial development, including a gas station, all within a rural, residential neighborhood.

This is totally unacceptable to the rural lifestyle of this county and ignores the pleas of its neighbors to pare down it's plans and build more conducive to the surrounding countryside.

As a resident of El Dorado County I am submitting this letter by the **May 30, 2016** deadline that was extended to the County of El Dorado."

Sincerely,

Ellen V. Katz



Shingle Springs, CA 95682

Ms. Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Trust Application - Shingle Springs Band of Miwok Indians

"As a resident of El Dorado County I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado."

We are asking that you write letters to request that the Bureau of Indian Affairs deny the Tribe's application to put more parcels into Trust. Reasons for denial include:

- 1) The process is broken and needs improvement so that tribes cannot abuse their sovereignty;
- 2) The Tribal Council is developing projects that are adversarial to local zoning laws and regulations;
- 3) The Tribal Council continues to break its obligations of its State Compact to be a good neighbor in Shingle Springs and El Dorado County; and
- 4) The Tribal Council previously did a bait and switch when it stated in its 2006 Fee-to-Trust application that it would develop parcels for a health facility and houses, but instead have developed a gun range and motocross track - and has announced plans to build over 100,000 square feet of commercial development, including a gas station, all within a rural, residential neighborhood.

Sincerely:

John and Genienne Kelly


Shingle Springs, Ca 95682



Kim Dawson <kim.dawson@edcgov.us>

Public Comments - Fee to Trust item

1 message

Shawne Corley <shawne.corley@edcgov.us>

Fri, May 20, 2016 at 10:21 AM

To: Kim Dawson <kim.dawson@edcgov.us>, Jim Mitrisin <jim.mitrisin@edcgov.us>

Cc: Craig Schmollinger <craig.schmollinger@edcgov.us>

Good Morning, we are preparing the Fee to Trust item, and want to make sure that all public comments had been forwarded to the COB, and are going to be attached to the Legistar item. I am not sure if you already received these or not...

Thank you, Shawne

----- Forwarded message -----

From: The BOSFOUR <bosfour@edcgov.us>

To: Shawne Corley <shawne.corley@edcgov.us>

Cc:

Date: Mon, 9 May 2016 09:19:52 -0700

Subject: Fwd: Subject: Trust Application - Shingle Springs Band of Miwok Indians

----- Forwarded message -----

From: **Thelma White** <wytrose@pacbell.net>

Date: Mon, May 9, 2016 at 7:45 AM

Subject: Subject: Trust Application - Shingle Springs Band of Miwok Indians

To: "bosone@edcgov.us" <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSTHREE <bostthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>

Dear Supervisors:

As a resident of El Dorado County I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado.

The Shingle Springs Rancheria Band of Miwok Indians (Tribe) has submitted an application to the Bureau of Indian Affairs to place two parcels of recently purchased land into Trust. This Tribe has set a precedence of not using their Fee-To-Trust land as outlined in their application. As you know, their application to put the 75+ acres on Shingle Springs Drive into Trust stated that they wanted to build homes for their tribe members on that land. The homes were never built. Part of that land is now a gun range and an extensive motocross course, which substantially increases the noise and air pollution in the surrounding community. The Tribe's plan for that same acreage last year included a 29-lane OPEN gun range. There are ten homes, two primary schools, and a church with a large membership on Shingle Springs Drive. In addition, the proposed gun range would have been less than 200 feet from the two adjacent homes, right beside Highway 50, and it would have placed the

nearby rail/trail corridor and a neighbor's yard DIRECTLY in the line of gun fire!

The closure of the INDOOR gun range in Mangan Park, Sacramento, has been in the news a great deal lately due to the amount of lead poisoning (400+ percent above allowable healthy limits) that environmental consultants are now finding not only inside the building, but in the adjacent park areas. (Please refer to the copy of a news article attached). It boggles the mind to think what the percentage of lead dust contamination would have been with a 29-lane OUTDOOR gun range, yet the Shingle Springs Tribe planned to go ahead with their plan until it elicited an enormous cry of outrage from the public.

Since the Tribe is sovereign, they do not pay taxes, nor are they required to follow any laws other than Federal. El Dorado County needs tax dollars for necessary improvements that will benefit ALL County residents, but every piece of property that is removed from the tax roll takes a bite out of County revenues and, subsequently, a toll on the County's tax-paying residents who are not exempt from County, State, and Local laws, codes or regulations. So what about the rights of non-Native Americans who have worked hard and saved for many years to buy land in this County? It may be appropriate for Reservation land to have sovereign rights and benefits; however, land purchased by the Tribe should be subject to ALL State, County, and Local zoning and other ordinances and taxes like any other resident in the County.

The Tribe has stated on numerous occasions that they want to be good neighbors, but their actions prove otherwise. Now the Tribe plans to build a 12-pump gas station and a convenience store (that sells beer and wine) on Shingle Springs Drive directly across the street from their down-sized outdoor gun range and two homes. Their future plans for this same acreage include a fast food establishment, restaurant(s), shops, and a hotel—all across the street from existing homes! If they proceed with their plans, it will destroy the neighborhood and turn the street into a shopping plaza—for which the County will not receive any tax. Plus, the Tribe will have the ability to undercut the prices of local businesses and decimate their number of patrons.

What this Tribe has done (and plans to do in the future) with their Fee-To-Trust land severely devalues all neighboring property owner's investments. The Federal Government has instituted a program to aid financially-disabled home owners to keep their homes and their neighborhoods in tact, but the Tribe's track record with their Fee-To-Trust land is not conducive to that end and is, in fact, detrimental to established neighborhoods.

For the reason that the Shingle Springs Tribe has demonstrated they are unwilling to be good neighbors and that they lack consideration for the health and welfare of the surrounding community by subjecting others to dangerous activities and have effectively devalued neighboring properties by pursuing venues that are not conducive to County zoning, we ask that you do NOT approve their request to place additional (purchased) land into Trust.

Sincerely,

David, Thelma, and Matthew White
Joan Fasnacht
Beverly Weston
Mary Weston

----- Forwarded message -----

From: The BOSFOUR <bosfour@edcgov.us>
 To: Shawne Corley <shawne.corley@edcgov.us>
 Cc:
 Date: Mon, 9 May 2016 08:40:47 -0700
 Subject: Comments - Trust Application - Shingle Springs Band of Miwok Indians

----- Forwarded message -----

From: **Thelma White** <wytrose@pacbell.net>
 Date: Mon, May 9, 2016 at 7:45 AM
 Subject: Subject: Trust Application - Shingle Springs Band of Miwok Indians
 To: "bosone@edcgov.us" <bosone@edcgov.us>, The BOSTWO <bostwo@edcgov.us>, The BOSTHREE <bostthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>

Dear Supervisors:

As a resident of El Dorado County I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado.

The Shingle Springs Rancheria Band of Miwok Indians (Tribe) has submitted an application to the Bureau of Indian Affairs to place two parcels of recently purchased land into Trust. This Tribe has set a precedence of not using their Fee-To-Trust land as outlined in their application. As you know, their application to put the 75+ acres on Shingle Springs Drive into Trust stated that they wanted to build homes for their tribe members on that land. The homes were never built. Part of that land is now a gun range and an extensive motocross course, which substantially increases the noise and air pollution in the surrounding community. The Tribe's plan for that same acreage last year included a 29-lane OPEN gun range. There are ten homes, two primary schools, and a church with a large membership on Shingle Springs Drive. In addition, the proposed gun range would have been less than 200 feet from the two adjacent homes, right beside Highway 50, and it would have placed the nearby rail/trail corridor and a neighbor's yard DIRECTLY in the line of gun fire!

The closure of the INDOOR gun range in Mangan Park, Sacramento, has been in the news a great deal lately due to the amount of lead poisoning (400+ percent above allowable healthy limits) that environmental consultants are now finding not only inside the building, but in the adjacent park areas. (Please refer to the copy of a news article attached). It boggles the mind to think what the percentage of lead dust contamination would have been with a 29-lane OUTDOOR gun range, yet the Shingle Springs Tribe planned to go ahead with their plan until it elicited an enormous cry of outrage from the public.

Since the Tribe is sovereign, they do not pay taxes, nor are they required to follow any laws other than Federal. El Dorado County needs tax dollars for necessary improvements that will benefit ALL County residents, but every piece of property that is removed from the tax roll takes a bite out of County revenues and, subsequently, a toll on the County's tax-paying residents who are not exempt from County, State, and Local laws, codes or regulations. So what about the rights of non-Native Americans who have worked hard and saved for many years to buy land in this County? It may be appropriate for Reservation land to have sovereign rights and benefits; however, land purchased by the Tribe should be subject to ALL State, County, and Local zoning and other ordinances and taxes like any other resident

in the County.

The Tribe has stated on numerous occasions that they want to be good neighbors, but their actions prove otherwise. Now the Tribe plans to build a 12-pump gas station and a convenience store (that sells beer and wine) on Shingle Springs Drive directly across the street from their down-sized outdoor gun range and two homes. Their future plans for this same acreage include a fast food establishment, restaurant(s), shops, and a hotel—all across the street from existing homes! If they proceed with their plans, it will destroy the neighborhood and turn the street into a shopping plaza—for which the County will not receive any tax. Plus, the Tribe will have the ability to undercut the prices of local businesses and decimate their number of patrons.

What this Tribe has done (and plans to do in the future) with their Fee-To-Trust land severely devalues all neighboring property owner's investments. The Federal Government has instituted a program to aid financially-disabled home owners to keep their homes and their neighborhoods in tact, but the Tribe's track record with their Fee-To-Trust land is not conducive to that end and is, in fact, detrimental to established neighborhoods.

For the reason that the Shingle Springs Tribe has demonstrated they are unwilling to be good neighbors and that they lack consideration for the health and welfare of the surrounding community by subjecting others to dangerous activities and have effectively devalued neighboring properties by pursuing venues that are not conducive to County zoning, we ask that you do NOT approve their request to place additional (purchased) land into Trust.

Sincerely,

David, Thelma, and Matthew White
Joan Fasnacht
Beverly Weston
Mary Weston

----- Forwarded message -----

From: The BOSFOUR <bosfour@edcgov.us>
To: Shawne Corley <shawne.corley@edcgov.us>
Cc:
Date: Mon, 9 May 2016 08:46:10 -0700
Subject: Trust Application - Shingle Springs Band of Miwok Indians

----- Forwarded message -----

From: **Trish Gansberg** <tgansberg@yahoo.com>
Date: Sun, May 8, 2016 at 3:14 PM
Subject: Trust Application - Shingle Springs Band of Miwok Indians
To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Trust Application - Shingle Springs Band of Miwok Indians

URGENT! As a resident of El Dorado County I am submitting this letter by the May 30, 2016. Public Comment
BOS Rcvd 5-20-16

2016 deadline that was extended to the County of El Dorado.

Please deny the Miwok Indians from putting any more of our County land into their trust.

Reasons for denial include:

- 1) The process is broken and needs improvement so that tribes cannot abuse their sovereignty;
- 2) The Tribal Council is developing projects that are adversarial to local zoning laws and regulations;
- 3) The Tribal Council continues to break its obligations of its State Compact to be a good neighbor in Shingle Springs and El Dorado County; and
- 4) The Tribal Council previously did a bait and switch when it stated in its 2006 Fee-to-Trust application that it would develop parcels for a health facility and houses, but instead have developed a gun range and motocross track - and has announced plans to build over 100,000 square feet of commercial development, including a gas station, all within a rural, residential neighborhood.

Thank you,

Trish Gansberg
Resident of Shingle Springs
[REDACTED], Shingle Springs, Ca 95682

----- Forwarded message -----

From: The BOSFOUR <bosfour@edcgov.us>
To: Shawne Corley <shawne.corley@edcgov.us>
Cc:
Date: Mon, 9 May 2016 08:47:06 -0700
Subject: Trust Application - Shingle Springs Band of Miwok Indians

----- Forwarded message -----

From: **Steve and Candy Arendt** <scarendt@sbcglobal.net>
Date: Sat, May 7, 2016 at 7:09 AM
Subject: Trust Application - Shingle Springs Band of Miwok Indians
To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

May 6, 2016

To Whom It May Concern:

As a resident of El Dorado County, I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado. The reason for my letter is to **deny** the application of the Shingle Springs Miwok Tribe to add additional parcels into their trust.

The request for **denial** includes the following reasons;

- 1) The process is broken and needs improvement so that tribes cannot abuse their sovereignty;
- 2) The Tribal Council is developing projects that are adversarial to local zoning laws and regulations;
- 3) The Tribal Council continues to breaks its obligations of its State Compact to be a good neighbor to Shingle Springs and El Dorado County and:
- 4) The Tribal Council did a bait and switch when it stated in its 2006 Fee-To-Trust application that it would develop parcels for a health facility and houses, but instead have developed a gun range and motocross track and announced to build over a 100,000 square feet of commercial development including a gas station, all with a rural residential neighborhood.

For these above mentioned reasons, I am making this request for a denial of the application to add additional parcels to their trust.

Sincerely,

Steve and Candace Arendt


Shingle Springs, CA
95682

----- Forwarded message -----

From: The BOSFOUR <bosfour@edcgov.us>
To: Shawne Corley <shawne.corley@edcgov.us>
Cc:
Date: Mon, 9 May 2016 09:15:06 -0700
Subject: Fwd: Trust Application - Shingle Springs Band of Miwok Indians

----- Forwarded message -----

From: **Dave at SkylineVaquero** <daveskylinevaquero@gmail.com>
Date: Mon, May 9, 2016 at 9:13 AM
Subject: Trust Application - Shingle Springs Band of Miwok Indians
To: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

May 9, 2016

Ms. Amy Dutschke, Regional Director

Bureau of Indian Affairs

Pacific Regional Office

2800 Cottage Way

Sacramento, CA 95825

Trust Application - Shingle Springs Band of Miwok Indians

As a resident of El Dorado County I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado.

I am asking you to deny the Tribe's application to put more parcels into Trust. Reasons for denial include:

- 1) The process is broken and needs improvement so that tribes cannot abuse their sovereignty;
- 2) The Tribal Council is developing projects that are adversarial to local zoning laws and regulations;
- 3) The Tribal Council continues to break its obligations of its State Compact to be a good neighbor in Shingle Springs and El Dorado County; and
- 4) The Tribal Council previously did a bait and switch when it stated in its 2006 Fee-to-Trust application that it would develop parcels for a health facility and houses, but instead have developed a gun range and motocross track - and has announced plans to build over 100,000 square feet of commercial development, including a gas station, all within a rural, residential neighborhood.

Sincerely

Dave Hammond

[REDACTED]
Shingle Springs, CA 95682
[REDACTED]

Dave Hammond



----- Forwarded message -----

From: The BOSFOUR <bosfour@edcgov.us>
To: Shawne Corley <shawne.corley@edcgov.us>
Cc:
Date: Fri, 6 May 2016 14:21:43 -0700
Subject: Tribal Applications - Comment

----- Forwarded message -----

From: Kristie Michael <kmmichael1@hotmail.com>
Date: Fri, May 6, 2016 at 1:52 PM
Subject: Trust Application - Shingle Springs Band of Miwok Indians
To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear El Dorado County Board of Supervisors:

As a resident of El Dorado County I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado.

Please deny the Shingle Springs Band of Miwok Indian Tribe's application to put more parcels into Trust. Reasons for the denial include:

1. The process is broken and needs improvement so that tribes cannot abuse their sovereignty;
2. The Tribal Council is developing projects that are adversarial to local zoning laws and regulations;
3. The Tribal Council continues to break its obligations of its State Compact to be a good neighbor in Shingle Springs and El Dorado County; and
4. The Tribal Council previously did a bait and switch when it stated in its 2006 Fee-to-Trust application that it would develop parcels for health facility and houses, but instead have developed a gun range and motocross track - and has announced plans to build over 100,000 square feet of commercial development, including a gas station, all within a rural residential neighborhood.

In short, I feel the Shingle Springs Miwok Indians are being bad neighbors. ***Please***, for the sake of our families and community, deny their application to put more parcels into Trust.

Sincerely,
Kristie Michael
Shingle Springs, CA Homeowner

P.S. I have also sent simular letters to Congressman McClintock and Senator Feinstein

----- Forwarded message -----
From: The BOSFOUR <bosfour@edcgov.us>
To: Shawne Corley <shawne.corley@edcgov.us>
Cc: Michael Ranalli <michael.ranalli@edcgov.us>
Date: Fri, 6 May 2016 13:28:52 -0700
Subject: Tribal Applications - Public Comment
Shawne,

Public comment for staff review as part of the development of comments in response to the Notices of Application.

Thank you,
Brenda Bailey
Assistant to Supervisor Ranalli
(530) 621-6513

----- Forwarded message -----
From: **David Pava** <david@pava.com>
Date: Fri, May 6, 2016 at 1:24 PM
Subject: Copy of letter to Ms. Amy Dutschke, Regional Director Bureau of Indian Affairs Re: Trust Application - Shingle Springs Band of Miwok Indians
To: "To:" <bosone@edcgov.us>, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

David and Patricia Pava



Shingle Springs, CA 9582

Ms. Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

May 6, 2016

Re: Trust Application - Shingle Springs Band of Miwok Indians

Dear Ms. Dutschke,

I am asking that that the Bureau of Indian Affairs deny the Shingle Springs Band of Miwok Indians application to put more parcels into Trust. Reasons for denial include:

- The process is not working and needs improvement so that tribes cannot abuse their sovereignty;
- The Tribal Council is developing projects that are adversarial to local zoning laws and regulations;
- The Tribal Council continues to break its obligations of its State Compact to be a good neighbor in Shingle Springs and El Dorado County; and
- The Tribal Council previously did a bait and switch when it stated in its 2006 Fee-to-Trust application that it would develop parcels for a health facility and houses, but instead have developed a gun range and motocross track - and has announced plans to build over 100,000 square feet of commercial development, including a gas station, all within a rural, residential neighborhood that opposes such inappropriate development.

As a resident of El Dorado County I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado.

Sincerely,

David Pava

----- Forwarded message -----

From: The BOSFOUR <bosfour@edcgov.us>
To: Shawne Corley <shawne.corley@edcgov.us>
Cc: Michael Ranalli <michael.ranalli@edcgov.us>

Date: Fri, 6 May 2016 12:36:00 -0700
Subject: Tribe Fee to Trust Applications - Comments
Shawne,

Supervisor Ranalli received the attached comment letter today via email.

Forwarding to you for your review and to include with the final packet submitted to BIA.

Thank you,
Brenda Bailey
Assistant to Supervisor Ranalli
Board of Supervisors, District IV
County of El Dorado
(530) 621-6513

----- Forwarded message -----
From: **victoria roberts** <victoria.fast21@gmail.com>
Date: Fri, May 6, 2016 at 11:21 AM
Subject: Please accept this letter of objection
To: bosfour@edcgov.us

----- Forwarded message -----
From: Brenda Bailey <brenda.bailey@edcgov.us>
To: Shawne Corley <shawne.corley@edcgov.us>
Cc:
Date: Thu, 5 May 2016 17:13:14 -0700
Subject: Tribe Trust Applications - Public Comment
Shawne,

I have attached a comment letter submitted to our office today in response to the Notices of Application for the Tribal parcels.

I did speak with Verla Manda and she did confirm that the original letter was mailed to the BIA with the "cc" hand delivered to Supervisor Ranalli.

She said that they would support the County reviewing this letter as part of the process to develop our comments in response and to submit their letter with our comments.

Please let me know if you have any questions.

Thank you,

Brenda Bailey
Assistant to Supervisor Michael Ranalli
Board of Supervisors, District IV
County of El Dorado
(530) 621-6513

----- Forwarded message -----
From: Brenda Bailey <brenda.bailey@edcgov.us>
To: Shawne Corley <shawne.corley@edcgov.us>
Cc: Michael Ranalli <michael.ranalli@edcgov.us>, Karen Feathers <karen.feathers@edcgov.us>
Date: Tue, 3 May 2016 14:35:29 -0700
Subject: Public Comments - Tribal Fee to Trust Applications
Shawne,

Per direction provided by County Counsel, I have attached a PDF containing the public comments submitted to this office in response to the Tribe's Fee-to-Trust Applications.

Receipt of each comment was acknowledged with the following response:

Our office has received your email correspondence that provides comment to the two Applications seeking acceptance of title to real property "in trust" by the United States of America for the Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California.

I have provided your comments to Supervisor Ranalli for his review and will keep your comments on file for his continued reference.

Additionally, I will submit your comments to the Chief Administrative Office in order to include your comments as part of the County's review of the Applications and the development of the County's response to the Bureau of Indian Affairs.

Your email correspondence will be submitted to the Bureau of Indian Affairs along with the County's written comments.

Thank you for taking the time to include our office as part of the distribution of your comments on this matter.

Please do not hesitate to contact our office should you have any questions.

Brenda Bailey
Assistant to Supervisor Ranalli
Board of Supervisors, District IV
County of El Dorado
(530) 621-6513

The Bureau of Indian Affairs will accept these comments if they are attached to or included with the County's written comments in response to the Notices of Application.

The Supervisor's outreach to his constituents included each of the Notices for reference and information on options to provide comments. This included directly to the BIA, with mailing address or to the Supervisor.

To date, our office has received four comments. These comments are attached for staff to review as part of their efforts to develop the County's response and to submit to the BIA when the County submits its comments.

Please call me if you have any questions or direction for me.

Thank you,

Brenda Bailey
Assistant to Supervisor Michael Ranalli
Board of Supervisors, District IV
County of El Dorado
(530) 621-6513

----- Forwarded message -----

From: **Michael Ciccozzi** <michael.ciccozzi@edcgov.us>

Date: Mon, May 2, 2016 at 7:51 AM

Subject: Re: Public Comments - Tribal Fee to Trust Applications

To: Brenda Bailey <brenda.bailey@edcgov.us>

Cc: Shawne Corley <shawne.corley@edcgov.us>, Michael Ranalli <michael.ranalli@edcgov.us>

[REDACTED],

[REDACTED]

On Wed, Apr 27, 2016 at 10:35 AM, Brenda Bailey <brenda.bailey@edcgov.us> wrote:

Our office has received some comments from the public regarding the Notices of Application for the Tribe's Fee-to-Trust parcels.

Our office would like to submit these comments to the appropriate member of county staff to include as part of the development of the County's comments in response to the Notices of Application.

Who should receive this comments?

Thank you,

Brenda Bailey
Assistant to Supervisor Michael Ranalli
Board of Supervisors, District IV
County of El Dorado
(530) 621-6513

14 attachments

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 **noname.eml**
33K

 **Tribe Trust Applications-Manda Starr Spiteri Comment Ltr.pdf**
1136K

 **noname.eml**
1558K

 **Notices of Application - Public Comments.pdf**
1173K

 **noname.eml**

May 6, 2016

Michael Ranalli

Supervisor District IV

We are writing you to make known our opposition to the Shingle Springs Band of Miwok Indians requesting another acquisition of FEE lands into trust.

In 2002 they acquired additional land into Trust for the stated purpose of a medical clinic and much needed housing. They have since tried to open a commercial gun range and a moto cross track. In addition they are planning a mini mart, gas station and strip mall on this much needed land.

Now they are more much needed land for housing. How many times will we fall for this bait and switch?

Thank You

Victoria Roberts

Leo Roberts

Nathanial Roberts

Hailey Roberts

Nicholas Roberts

Richard and Verla Manda
James and Ellen Starr
Marie Spiteri
■■■■■■■■■■
Shingle Springs, CA 95682

May 4, 2016

United States Department of Interior
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

RE: Shingle Springs Band of Miwok Indians Application for Properties to be Taken "In Trust"

Dear Ms. Amy Dutschke and Other Concerned Parties:

We are property owners with land immediately in the vicinity of, or adjacent to, property purchased by the Shingle Springs Band of Miwok Indians (hereinafter referred to as Tribe). The BIA approved this property for placement "in Trust" with the Federal Government under the Tribes' guise of needing homes for their members and a need for a medical clinic as stated on their original application. This "bait and switch" tactic worked well for the Tribe; instead of following through with the declared purpose, the Tribe constructed a gun range and a motocross track on this land located right in the middle of a residential neighborhood. One has to ask, "Why would anyone do such a thing to their neighbors?" Perhaps they did not place it close to tribal homes as they did not want to listen to the noise themselves? Or, is it a means to affect a devalued sale of the neighbor's property and force the neighbor to move to escape the irritation and health hazards created by the Tribe?

And now the Tribe wants to build a six lane gas station, mini mart, car wash, fast food establishment, restaurant(s) and a hotel practically in our front yards, on property that was previously zoned by El Dorado County as Rural Residential Five Acre parcels (R-5); in other words, they want to turn our residential neighborhood into a thriving commercial village with a liquor license for beer and wine immediately across the street from their gun range, all of which is located within a half mile of two elementary schools and a church. Shooters can liquor up on one side of the road and walk across the street and shoot their guns (accurately????) Isn't it ironic that all of the above activities take precedence over homes for the Tribe's families.

Their actions have:

- 1) Devalued our properties
- 2) Placed the community and those traveling on U. S. Highway 50 in danger of stray bullets
- 3) Created health hazards for those with respiratory problems
- 4) Ruined the quiet, rural community in which we live to the extent that we are denied our right to a peaceful enjoyment of our own properties

We listen to high powered gun fire nearly every day and all day on most Saturdays from 9:00 am to 5:00 pm (exception: when it rains and the land is too muddy to traverse). Since the gun range is **not professionally supervised**, and gun fire is pointing in the direction of homes, U. S. Highway 50, and the railroad hiking/equestrian/railroad trail/track, lives are at risk. The noise we have experienced from the motocross track (at times with some eighty or more motorcycles in play simultaneously) is unbearable and the dust creates visibility problems for motorist on Highway 50 and difficulty breathing for those of us with respiratory problems. And the Tribes' statement that the motocross track was a one-time thing, is not true; they ride on the motocross on weekends and sometimes during the week. The soil in El Dorado County is like powder once disturbed and creates billows of dust in the surrounding areas.

The Tribe is once again requesting additional property (some 35 acres) to be placed "in trust" for the stated purpose of building tribal family homes. This land is very close to and has good visibility from U.S. Highway 50, it is also very close to the Casino, sounds better suited by their standards for more commercial enterprises that will devalue even more private, non-Indian property owners' homes. We beg you, please do not bring the grief we are experiencing to yet more families--we live with constant uncertainty about what will happen next. As government agents, please be loyal to all U. S. Citizens and deny the taking "in trust" additional properties for this Tribe until such time they:

- 1) Are held accountable to build only that which is stated on their original application to the BIA so as to not mislead local officials and neighboring property owners and to reapply (with a new comment period) should they change to a different use
- 2) Be good neighbors in the neighborhoods/communities in which they have already purchased property (the use of the land should be in keeping with the existing/established use of the neighborhood; do not permit the Tribe to force on others a new use or what is not wanted by the resident majority).

We do not need further divisions amongst the people of this Country. Your actions can help unite the people for the benefit of all. Thank you for considering our request.

Sincerely,



Richard Manda, [REDACTED], Shingle Springs, CA 95682

Verla Manda

Verla Manda, Sleepy Creek Lane, Shingle Springs, CA 95682

James Starr

James Starr, Shingle Springs Drive, Shingle Springs, CA 95682\

Ellen Starr *

Ellen Starr, Shingle Springs Drive, Shingle Springs, CA 95682

Marie Spiteri

Marie Spiteri, Shingle Springs Drive, Shingle Springs, CA 95682

cc: Michael Ranalli, El Dorado County Supervisor, District IV



The BOSFOUR <bosfour@edcgov.us>

Trust application comments

1 message

Melanie Kramer <melaniekramer2@aol.com>

Mon, Apr 25, 2016 at 3:30 PM

To: BOSFOUR@edcgov.us

Dear sir,

In my opinion when Native Americans either individually or as a group acquire land in a community they should have to follow the rules and regulation of that community. These rules and regulations are meant to protect the environment and citizens of that community. It is my understanding that if the land is put into a federal trust they are no longer constrained to do so. The Miwoks of Shingle Springs wasted water hosing down their parking lot when we were in the midst of a drought. They tried to put a gun range next to a busy freeway and within shooting distance of schools and churches.

Sent from my iPad



The BOSFOUR <bosfour@edcgov.us>

Trust Application Comments

Dave at SkylineVaquero <daveskylinevaquero@gmail.com>
To: BOSFOUR@edcgov.us

Wed, Apr 20, 2016 at 1:58 PM

To Whom It May Concern

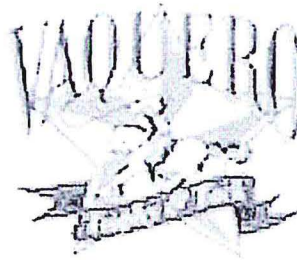
I am a home owner long time resident of Shingle Springs. I object to the Indian Tribe buying property to add on to their reservation when their motive is to develop said property into gas stations, mini marts, off road vehicle facilities, shooting ranges and commercial buildings that will not be paying their fair share of taxes or be subject to government and environmental regulations. It is absurd.

Dave Hammond

[REDACTED]

Shingle Springs, CA 95682

[REDACTED]





The BOSFOUR <bosfour@edcgov.us>

Red Hawk

1 message

Annette Goncalves <anngon@att.net>

Sun, May 1, 2016 at 9:02 AM

Reply-To: Annette Goncalves <anngon@att.net>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, The BOSFOUR <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "krasco@sierrainvestor.com" <krasco@sierrainvestor.com>

To further reduce our tax base by letting the Tribe put into trust 35 additional acres, I ask the Bureau Of Indian Affairs (BIA) how many free-bees does the Tribe need? As a neighbor of the shooting range, motor cross, etc., what is the guarantee that these 35 acres will be used for housing as they said before. The prior land they put into trust is NOW a shooting range, motor cross and proposed gas stations, mini-marts, etc.

Our taxes pay for roads, utilities, etc which we all use. It's time the Tribe starts paying their share for what they now get for free. This would include the Tribe living by the same laws we all live by.

Ask Tom McClintock what he thinks of the constant approval by the Bureau of Indian Affairs for what the Tribe wants. The standard answer he gives is, "I'll have to study the request".

Like he's never heard of the problem before!! He and our board of supervisors need to send the BIA their opinion on the matter.

The Goncalves Family



EDC COB <edc.cob@edcgov.us>

Trust Application - Shingle Springs Band of Miwok Indians

2 messages

Deana Visentin <caldixiechick48@gmail.com>

Fri, May 13, 2016 at 10:00 PM

To: bosone@edcgov.us, bostwo@edcgov.us, bosthree@edcgov.us, bosfour@edcgov.us, bosfive@edcgov.us, edc.cob@edcgov.us

Attached, please find a copy of the letter I'm sending to the BIA office in Sacramento in opposition to the current fee-to-trust application. Please add me to the list of land owners in El Dorado County opposed to this request before the federal government.

Thank you.

Deana Visentin

[Redacted]

Shingle Springs CA 95682

[Redacted]

[Redacted]

05131600.PDF
68K

EDC COB <edc.cob@edcgov.us>

Mon, May 16, 2016 at 7:44 AM

To: Shawne Corley <shawne.corley@edcgov.us>, Creighton Avila <creighton.avila@edcgov.us>

FYI

Office of the Clerk of the Board
El Dorado County
330 Fair Lane, Placerville, CA 95667
530-621-5390

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05131600.PDF
68K

Deana Visentin
45 [REDACTED]
Shingle Springs CA 95682
May 13, 2016

Ms. Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento CA 95825

RE: Trust Application – Shingle Springs Band of Miwok Indians

As a resident of El Dorado County, I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado

Ms. Dutschke,

I'm writing to request that the BIA deny the Miwok Tribe of Shingle Springs application to put more parcels into trust. This process is broken and needs to be changed to stop tribes from abusing their sovereignty to the detriment of neighboring property owners and the community as a whole.

The Miwok Tribe of Shingle Springs Tribal Council has amassed quite a track record of developing projects that are not compatible with the surrounding area, and are adversarial to local zoning laws. Property owners in my neighborhood who own parcels surrounding the tribe's casino have suffered loss of value to their land and deal with excessive noise, crime and trespass that weren't a problem before the casino was built. The tribe is not a good neighbor in any way, shape or form. The Tribal Council continues to break its obligations contained in their State Compact to be a good neighbor in Shingle Springs and El Dorado County. Mind you, this tribe is a transplant from the Sacramento area.

The Tribal Council previously did a bait and switch when it stated in its 2006 fee-to-trust application that it would be developing those parcels for a health facility and houses, with houses being an appropriate use of the land located in a rural residential area. Instead, they have developed an outdoor gun range, motocross track and have announced plans to build a 100,000+ sq ft commercial development that includes a gas station, convenience store and hotel, basically a strip mall. None of these uses are compatible in a residential area. Shingle Springs already has a bustling commercial district and the 2006 fee-to-trust land is not contiguous to the existing commercial area.

As a property owner in the area in question, I strongly support this land remaining fee land, subject to local zoning and planning rules. The Tribal Council has more than enough land taken into trust. They are not good neighbors and their behavior borders on abusive, holding surrounding property owners hostage to their unreasonable demands regarding land use, all without the obligation of paying taxes and conforming to county zoning and land use.

Thank you,


Deana Visentin



EDC COB <edc.cob@edcgov.us>

Trust Application- Shingle Springs Band of Miwok Indians

2 messages

Ellen Van Dyke <vandyke.5@sbcglobal.net>

Wed, May 11, 2016 at 5:41 PM

To: amy.dutschke@bia.gov

Cc: Brian Veerkamp <bosthree@edcgov.us>, Ron Mikulaco <bosone@edcgov.us>, Shiva Frentzen <bostwo@edcgov.us>, Sue Novasel <bosfive@edcgov.us>, Michael Ranalli <bosfour@edcgov.us>, Jim Mitrisin <edc.cob@edcgov.us>

Ms. Dutschke- please consider the attached comments in opposition to the proposed expansion of Trust land for the Shingle Springs Miwok in El Dorado County.

thank you -Ellen Van Dyke

cc: EDC Board of Supervisors, Congressman McClintock, Senator Feinstein

Tribe application for Fee to Trust_public comment_5.11.2016.pdf
180K

EDC COB <edc.cob@edcgov.us>

Thu, May 12, 2016 at 7:41 AM

To: Shawne Corley <shawne.corley@edcgov.us>, Creighton Avila <creighton.avila@edcgov.us>

FYI

Office of the Clerk of the Board
El Dorado County
330 Fair Lane, Placerville, CA 95667
530-621-5390

[Quoted text hidden]

Tribe application for Fee to Trust_public comment_5.11.2016.pdf
180K

May 11, 2016

Amy Dutschke, Regional Director
US Dept of Interior, Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Wy
Sacramento, CA 95825


RE: Trust Application- Shingle Springs Band of Miwok Indians

Dear Ms. Dutschke:

Please do NOT approve the subject Fee-to-Trust application. To gain sovereignty for additional land, as proposed, is a privilege that has not clearly been earned.

Being 'sovereign' should not mean one has the right to make neighbors fear for their safety, or destroy the quality of life of others. Yet this is exactly what has occurred utilizing bait-and-switch tactics, swapping anticipated beneficial land uses for severely incompatible ones on the existing trust land. Please do not reward bad behavior by approving this application to expand that sovereignty and its abuse. Require that respect and responsibility are demonstrated before handing over further free reign.

As a resident of El Dorado County I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado.

Ellen Van Dyke




EDC COB <edc.cob@edcgov.us>

Trust Application - Shingle Springs Band of Miwok Indians

2 messages

Jenny Monteiro <jennymonteiro@sbcglobal.net>

Tue, May 10, 2016 at 1:41 PM

Reply-To: Jenny Monteiro <jennymonteiro@sbcglobal.net>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Dear Supervisor Ranaili,
May 10, 2016

My husband and I have been residents of Shingle Springs for 12 years now. We moved here because the area we had lived in for 30 years became overcrowded. The traffic was a congestive nightmare and crime was also growing. We would like to see this area kept rural.

I am writing you requesting that the Bureau of Indian Affairs deny the Miwok Tribe's application to put more parcels into Trust. The Tribal Council is developing projects that are adversarial to our local zoning laws and regulations. They originally applied in 2006, to develop parcels for a health facility and houses, then switched it over to make a gun range and motocross track and have announced plans to build over 100,000 square feet of commercial development (including a gas station), this is within a residential neighborhood and a pedestrian trail. Our little country roads are not able to handle any more traffic than we already have. In most areas there just isn't space to widen them and there is nothing in their proposal about improving any infrastructures with the changes they are planning!

I believe the Tribal Council is abusing their "sovereignty rights" by not abiding by our zoning laws. If we have these laws in place for our common good, why should the Miwok Tribes be able to over ride our regulations and do as they please. This does not make sense and seems totally illegal! And by doing so, they are not being good neighbors.

Please think on this and please do what is best for the people that you serve. We live here in Shingle Springs and have to drive on these roads daily. It is already becoming congested trying to get to the Hwy., especially on Ponderosa road by the High School! Again, we ask you to deny the Tribe's application to put more parcels into Trust.

As a resident of El Dorado County, I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado.

Thank you,

Jenny & Raymond Monteiro

[REDACTED]
Shingle Springs, Ca 95682

EDC COB <edc.cob@edcgov.us>

Tue, May 10, 2016 at 1:57 PM

16-0419 Public Comment
BOS Rcvd 5-20-16



EDC COB <edc.cob@edcgov.us>

Trust Application - Shingle Springs Band of Miwok Indians

2 messages

Trish Gansberg <tgansberg@yahoo.com>

Sun, May 8, 2016 at 3:14 PM

Reply-To: Trish Gansberg <tgansberg@yahoo.com>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bostthree@edcgov.us" <bostthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

Trust Application - Shingle Springs Band of Miwok Indians

URGENT! As a resident of El Dorado County I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado.

Please deny the Miwok Indians from putting any more of our County land into their trust.

Reasons for denial include:

- 1) The process is broken and needs improvement so that tribes cannot abuse their sovereignty;
- 2) The Tribal Council is developing projects that are adversarial to local zoning laws and regulations;
- 3) The Tribal Council continues to break its obligations of its State Compact to be a good neighbor in Shingle Springs and El Dorado County; and
- 4) The Tribal Council previously did a bait and switch when it stated in its 2006 Fee-to-Trust application that it would develop parcels for a health facility and houses, but instead have developed a gun range and motocross track - and has announced plans to build over 100,000 square feet of commercial development, including a gas station, all within a rural, residential neighborhood.

Thank you,

Trish Gansberg
 Resident of Shingle Springs
 [REDACTED], Shingle Springs, Ca 95682

EDC COB <edc.cob@edcgov.us>

Tue, May 10, 2016 at 7:54 AM

To: Shawne Corley <shawne.corley@edcgov.us>, Creighton Avila <creighton.avila@edcgov.us>

FYI

Office of the Clerk of the Board
 El Dorado County

16-0419 Public Comment
 BOS Rcvd 5-20-16



EDC COB <edc.cob@edcgov.us>

Trust Application - Shingle Springs Band of Miwok Indians

2 messages

Steve and Candy Arendt <scarendt@sbcglobal.net>

Sat, May 7, 2016 at 7:09 AM

Reply-To: Steve and Candy Arendt <scarendt@sbcglobal.net>

To: "bosone@edcgov.us" <bosone@edcgov.us>, "bostwo@edcgov.us" <bostwo@edcgov.us>, "bosthree@edcgov.us" <bosthree@edcgov.us>, "bosfour@edcgov.us" <bosfour@edcgov.us>, "bosfive@edcgov.us" <bosfive@edcgov.us>, "edc.cob@edcgov.us" <edc.cob@edcgov.us>

May 6, 2016

To Whom It May Concern:

As a resident of El Dorado County, I am submitting this letter by the May 30, 2016 deadline that was extended to the County of El Dorado. The reason for my letter is to deny the application of the Shingle Springs Miwok Tribe to add additional parcels into their trust.

The request for denial includes the following reasons;

- 1) The process is broken and needs improvement so that tribes cannot abuse their sovereignty;
- 2) The Tribal Council is developing projects that are adversarial to local zoning laws and regulations;
- 3) The Tribal Council continues to breaks its obligations of its State Compact to be a good neighbor to Shingle Springs and El Dorado County and:
- 4) The Tribal Council did a bait and switch when it stated in its 2006 Fee-To-Trust application that it would develop parcels for a health facility and houses, but instead have developed a gun range and motocross track and announced to build over a 100,000 square feet of commercial development including a gas station, all with a rural residential neighborhood.

For these above mentioned reasons, I am making this request for a denial of the application to add additional parcels to their trust.

Sincerely,

Steve and Candace Arendt

██████████
Shingle Springs, CA
95682

EDC COB <edc.cob@edcgov.us>

Tue, May 10, 2016 at 7:54 AM

To: Shawne Corley <shawne.corley@edcgov.us>, Creighton Avila <creighton.avila@edcgov.us>

FYI

Office of the Clerk of the Board
El Dorado County
330 Fair Lane, Placerville, CA 95667
530-621-5390
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