

Public Comment # 50
BOS RCVD. 1-8-24

January 4, 2024

Ms. Amy Dutschke, Regional Director

Bureau of Indian Affairs

Pacific Regional Office

2800 Cottage Way, Room W-2820

Sacramento, CA 95825

EDC BOS RCVD
JAN 8 '24 AM 11:06

RE: Notice of Non-Gaming Land Acquisition Application (Case #40317 and 40447) Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs (Verona Tract)

Dear Ms. Dutschke:

We are homeowners on the private road perpendicular to Home Ct. and Shingle Springs Drive- the subject location of the Tribe's Fee-to-Trust Application #40317 for an "event center". We are strongly opposed to the Tribe's attempt to change the use of the North Buckeye Rancheros Owners Association (NBROA) parcels from residential estate use to economic development via Fee-to-Trust. We respectfully request denial of both of the Tribe's applications.

When we purchased our property years ago there was absolutely no view of the Tribe's Verona Tract land. The tribe was essentially an invisible neighbor to our NBROA community. The privacy, use and enjoyment of our property eroded tremendously since that time. This was initially due to the Tribe constructing multi-story monolithic commercial buildings- a casino, hotel, parking garage, among others. This economic development has destroyed the original character of the rural setting with the lighting, noise, smells, traffic and the associated crime that such an operation brings. This was an unreasonable change to the property that we purchased and has been a nuisance in our ability to use and enjoy our real property as acquired. We did not bargain for this change when we purchased our home. To add insult to injury the Tribe is now attempting to expand their commercial enterprise with an "event center" in plain view from our living room, bedrooms, and front yard- exacerbating the negative impacts already experienced.

It is unreasonable for the Tribe to be able to take advantage of the "Trust" conversion process, circumventing land use zoning laws of the State and/or County. The Tribe has demonstrated mistrust in the past, for example when it did a bait and switch with a 2006 Fee-to-Trust application to develop parcels for a health facility and resident homes but instead developed a gun range and motocross track.

Please support our request to keep these NBROA properties in fee, and out of the Trust and prevue of economic developers.

Thank you,

Deitchman Family

4741 Elen Ct., Shingle Springs, CA

CC:

El Dorado County Board of Supervisors

United States Senator, Alex Padilla

Congressman Tom McClintock, 5th District United States House of Representatives

Sara Drake, Deputy Attorney General State of California, Department of Justice

El Dorado County Tax Assessor/ Collector

El Dorado County Planning and Development

El Dorado County Irrigation District

El Dorado County Sheriff's Department

El Dorado County Fire Protection District

El Dorado County Chamber of Commerce, Lauren Brent-Bumb, CEO

Senior Advisor for Tribal Negotiations, Deputy Legal Affairs, Secretary Office of the Governor

Regina Cuellar, Chairwoman Shingle Springs Rancheria

Bureau of Indian Affairs Superintendent, Central California Agency

North Buckeye Rancheros Owners Association

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4741 ELBERT
SHINBLE SPRINGS CA 95162

SACRAMENTO CA 957

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EDC BUS RCVD
JAN 8 '24 PM 11:01

ELDORADO COUNTY BOS
350 Fair Lane, Building A
Placerville CA 95667

95667-410330



From: Nikki <ntcostello@sbcglobal.net>
Sent: Monday, January 8, 2024 2:04 PM
To: BOS-Clerk of the Board
Subject: Comment Letter Regarding Tribe Fee-to-Trust Application
Attachments: Fee to Trust Comment Letter Jan 8 2024.pdf

Hello,

Attached is a comment letter regarding the Shingle Springs Rancheria Band of Miwok Indians application to transfer 21 parcels of land into trust for the Tribe (Case #40317 and #40447).

Please distribute the letter to each of the Supervisors by 4:00pm today to meet the deadline for tomorrow's meeting.

Thank you.

Tim Costello

916-704-4715

Via Email: amy.dutschke@bia.gov
comments@bia.gov

January 8, 2024

Ms. Amy Dutschke
Regional Director, Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

**RE: Notice of Non-Gaming Land Acquisition Applications (Case #40317 & 40447)
Shingle Springs Rancheria Band of Miwok Indians, Shingle Springs (Verona Tract)**

Dear Ms. Dutschke:

I recently learned about the Shingle Springs Rancheria Band of Miwok Indians (Tribe) request to transfer 21 parcels of land near the Tribe's casino into trust for housing for Tribe members, and to accommodate an event center as part the Tribe's commercial operations. I live in Shingle Springs approximately two miles from the casino (just off of Ponderosa Road) and have interest in land use in our community. I have observed the Tribe place other parcels into trust on both sides of Highway 50 in the past.

I have concerns about the Tribe's intentions with these parcels and would prefer these parcels either remain in fee status, or some guarantee be provided that if it is put into trust the land use for the parcels is residential only and remains consistent with current zoning.

As you may be aware in the past the Tribe transferred parcels using the Fee-to-Trust process including property on the south side of Highway 50. In those cases the Tribe did not follow through with housing but instead operated a short-lived off-road vehicle venture which then was converted to an outdoor shooting range. The shooting range was located directly adjacent to residential properties and the El Dorado Trail (a public hiking, biking and horse riding trail). I could hear the gunfire from my residence. The shooting range was wholly incompatible with the adjacent residential land use and public trail. The Tribe then constructed their gasoline station on parcels put into Trust for Tribe housing.

Based on past experience I strongly request that, in the absence of some sort of guarantee that the parcels be used only for tribal housing as stated, that the parcels remain in fee status so that our local zoning and land use regulations are adhered to. The parcels in question are zoned for residential land use with 10- and 20-acre minimum parcels. Construction of an event center within that residential community is incompatible with existing land use and would represent a significant nuisance.

I also request that the event center be located adjacent to or close to the casino, on existing Tribe land, so that access to the event center is provided exclusively by the existing highway 50 on and off ramps used for the casino, and not Shingle Springs Drive. That would minimize the disruption to the residential neighborhood. The roads within that neighborhood are not designed to accommodate heavy loads of traffic that an event center would generate.

I note that the pattern of most of the 21 parcels in question extend north to and just beyond Green Valley Road, a locally important east-west road that is a winding 2-lane road. Acquisition of these parcels suggest a strategic process to create access to the event center and/or casino off of Green Valley Road, using Shingle Springs Drive (a private road within the gated residential community of 10-acre and 20-acre parcels) or perhaps constructing another access road off of Green Valley Road. As stated above that would destroy the rural atmosphere of the gated residential community and would likely drive out even more families.

In closing I have concerns about the Fee to Trust process as a whole. It appears to be a rubber stamp. I have reviewed portions of a December 15, 2012 article published by the Pepperdine Law Review (Volume 40 Issue 1 Article 6) titled *Extreme Rubber-Stamping: The Fee-to-Trust Process of the Indian Reorganization Act of 1934* by Kelsey J. Waples. The author argues that the process needs to be reformed and updated to reflect the present-day environment, including the need to expand the limited public notice requirements. The present-day public notice process does not require evaluation of comments submitted by residents but only from select state and local governments with local jurisdiction, and only then in regard to narrow subjects such as tax revenue and "jurisdictional conflict impacts". The author concludes that "...with a 100% acceptance rate, the process is merely an exercise in extreme rubber stamping" and that "...there is great need for comprehensive reform of the fee-to-trust process".

It would be beneficial to the Tribe's neighbors that, if the parcels are put into trust for the Tribe, some type of guarantee be provided to ensure the land is used for the stated purpose of housing Tribe members, and not switched to commercial or other land use. Additionally, it is imperative that access to the casino and event center be provided exclusively by the existing highway 50 on- and off-ramps, and not residential roads located within the surrounding residential community.

Thank you for your consideration of my comments.

Sincerely,

Tim Costello

timcostello3903@gmail.com

(916) 704-4715

cc: Clerk of the El Dorado County Board of Supervisors edc.cob@edcgov.us