



Dick Jacques

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## Fee-to-trust question

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Kirkland, Matthew <matthew.kirkland@bia.gov>

Mon, Dec 16, 2013 at 1:13 PM

To:

Cc: Alberta Joseph <alberta\_joseph@ios.doi.gov>, Edward Simermeyer <Sequoyah\_Simermeyer@ios.doi.gov>, Ryan Graves <ryan.graves@bia.gov>

Mr. Jacques

I've been asked to respond to a question you presented to Alberta Joseph on December 9th.

*"If a tribe acquires/purchases a piece of land within the city limits of a city (not tribal ground), can they later petition/request that the land be designated as tribal ground and therefore under the laws of the tribe rather than the city?"*

The answer to your question will not be as precise as the question itself but I'll do the best I can in responding to the scenario described in your e-mail. A tribe may acquire or purchase land within the jurisdiction of a city as any other party might purchase land. The land would be described as "fee" land and therefore subject to the same oversight by the city as any other land base under the city's jurisdiction. A tribe may also later request that the land be brought into "Trust" status, which you describe as "tribal ground". Bringing fee property into trust status is a lengthy administrative process with no guarantee that the fee land will become trust land because the federal action is discretionary. There are too many variables to be able to answer the question as it is presented. However, in the scenario you describe, lets assume the property does go into trust status. In that case the scope of the legal jurisdiction depends on the state and locality in which the land is located. There are a complex body of laws, as well as agreements between tribes, states and local governments regarding jurisdiction, therefore the question presented in the scenario described can't be answered without knowing the specifics of the case. That said, in my experience, when trust land is also located within the boundaries of a city, tribe's generally have an agreement with the city, county and sometimes state government regarding jurisdiction.

If you have any further questions I would encourage you to contact the local BIA Realty Department in the State where the land is located.

### Matthew C. Kirkland

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My name is Gerald Mercer and I live at \_\_\_\_\_ in Stratford, Ca.

For the past few weeks the council has considered selling the Lemoore Golf Course and you have listened to arguments both for and against this proposal.

If a young person has a desire to play soccer, Lemoore boasts a very fine soccer complex. If a young person has a desire to play baseball, Lemoore also has a very good baseball facility available. If a young person has a desire to play golf, the facility they rely on is the Lemoore golf course. Without this facility available to them the community could lose a viable and healthy youth sports program. I believe the council should know more about these programs.

Although Rich has others, I would like to tell you about the youth golf programs that I am most familiar with and that have been created under the direction of Rich Rhoads at the Lemoore Golf Course and how they are compared against other programs throughout the state. This year the youth golf programs available in Lemoore have been recognized as the best in Northern California. I would like to repeat that, not the best in the area, not the best in Kings County, not the best in the Valley, but the best junior golf programs in Northern California! This kind of recognition does not come without a conscious and dedicated effort by the management and staff of the golf course.

Two years ago I was asked if I could help in their effort. I have been happy to do so. Rich said he needed help with his junior golf travel team, his busy schedule did not allow him to travel with the team during their League play. I have been happy to fill in for him. I am retired and have the time, the ability and the desire to help. I have found that working with the juniors a rewarding experience.

Two of his youth golf programs that I am most familiar with are called the linksters and the travel team. They both start the first Saturday in March and run through October. These programs have become so successful he has had to divide them into three one hour sessions. The junior linksters, these are kids who are just starting out, most of them holding a club for the first time in their lives, begin their instruction on Saturday mornings at 10 AM and lasts for one hour, the advanced linksters who are generally second year linksters start at 11 AM, and also receive instruction for one hour, and then there is the Travel Team.

The Travel Team junior golfers are both boys and girls that have shown a desire to play at an advanced level and some them are presently playing on high school teams. They practice three days a week, on Saturdays, Sundays and Thursdays. Saturdays they practice for one hour starting at noon. On most Saturdays, over a three hour period, sixty to seventy youngsters' ages 5 through 17, are taught the fundamentals of golf.

The travel team league was founded sixteen years ago by Steve Maske of Exeter and has generally been comprised of seven courses throughout the valley. Each course hosts a tournament. Each team has ten players that compete for a perpetual trophy. It's our golfers' version of the Milk Can Game, but competing against six teams at once at seven different venues. We were fortunate to win in 2012 and held the trophy for the first time, which we displayed proudly for a year in our trophy case.

Successful programs like these do not happen overnight. It takes years to build a reputation in the community. It takes years to create a trust with the parents that they can depend on your commitment to their children. I fear that with a new management group these youth programs will disappear.

The golf course is more than just a city owned piece of property. Some of our youth have chosen to make golf their sport. Do not take this opportunity away from them. We have had golf scholarships awarded to our graduates through our youth programs, and this course is the only facility available to them.

I have read the response from the Tachi-Yokut Tribe on the questions and answer page with regard to the youth golf programs and the relationship with the college and High schools. They state they would honor and promote these programs.

That has not been my personal experience. Last year and again this year my commitment to the travel team as their coach sent me out into the community to try and raise funds to help the kids travel. Our travel team does not have a non-profit designation and those avenues of revenue are closed to us. We needed help to purchase uniforms. We needed funds to pay for green fees and range balls. Fortunately, after many disappointments, I found a few in the community who said yes, they would help. Brian, at Gary Burrows Chevron, Tony, at Stratford Auto, Brad and Cliff at DVD Walnuts in Laton and Rodney at Evangelos Seed and farm Store in Lemoore, I can't thank them enough for their support.

Both years, I approached the Tachi-Yokut Tribe for their help, and their response was a disappointing "We are not interested in sponsoring a youth golf program". That response makes me wonder, and it should also make you wonder, what is their true commitment to these programs? You say that the decision is about dollars and cents. The Travel Team alone budgets over \$3,500.00 a year for practice and playing privileges at the golf course. I submit to you it is more about a good sense decision. Good youth programs bring dollars to the golf course. Can we afford to lose the most successful youth golf programs in Northern California?

For over 80 years the Lemoore golf course has survived. When it has, at last, started generating enough income to support itself, we are led to believe that we are on the brink of a financial disaster.

I would like to remind those parents that have children in Lemoore youth sports programs that the golf course was not for sale. Yet here we are, talking about selling the golf course. The soccer complex also is not for sale, the baseball facility is not for sale. Or are they, if someone made an offer. It seems we have a council who would like to improve their general fund. This is a very nice building we are holding these meetings in, I wonder what its' worth. Why, by just selling off a few more City owned recreational assets we wouldn't need a recreation department. Think how good your general fund would look then.

Sometimes good people make bad decisions for the right reasons the wrong way.

Thank you for your consideration. I felt that the youngest members of the community were not being heard. I believe our junior golfers will suffer the most if the council approves the sale.

Gerald Mercer