

Oneida Land Office
P.O. Box 158 Oneida, WI 54155
(414)869-2214 ext. 43

Oneida Land Committee
Semi Annual Report

To

General Tribal Council

January 14, 1978

Land Committee
Chairman - Stanley Webster Jr.
Vice Chairman - Benjamin Vieau
Sec./Treas - Ernie Stevens
Members - Loretta Metoxen
- Lois Powless
- Mark Powless
- Wayne Cornelius

Staff
Coordinator - Christine Doxtator
Sec/Recp - Brenda Kindness

Semi Annual Report

The Land Committee and Executive Committee are the only two standing committees of the Oneida Nation which are authorized and established by the Oneida Constitution and By-Laws on May 1, 1938. The Executive Committee became a legal entity immediately, but the Land Committee was not officially formed until February 28, 1941. Since then only one amendment was added to the original land ordinance. Forty-five years have passed since the land ordinance was adopted. The population was very sparse and all matters concerning land were handled very easily then. But today all matters surrounding land have become very complicated, along with a tremendous growth in population. This means we are operating from an obsolete land ordinance. The revision of this ordinance is one of our priorities for 1978.

On March 7, 1977, the Business Committee appointed a Land Committee consisting of 3 members. The 3 members (Stanley Webster Jr., Loretta Metoxen, Paul Skenandore) immediately recommended expanding the Land Committee membership from 3 to 7 members. On April 25, 1977 this recommendation was accepted. Since this time the Land Committee has met twenty-five times. Some of our accomplishments over the last 10 months are listed in this report.

On April 16, 1977, the General Tribal Council while in special session adopted a resolution to establish an Oneida Land Office at the Sacred Heart Center, and be provided with a staff. The Oneida Land Office is now located in Room #21, at the Sacred Heart Center.

On May 9, 1977, we held a special meeting with the Business Committee to establish what some of the Land Committee's specific functions are. Two primary areas were decided upon at that time.

1. Land Committee: Responsible for the internal land planning of the Oneida Tribe as outlined in the ordinances and resolutions.

This entails all lands located within the exterior boundaries of the original 65,430 acres, purchased from the Menominees in 1838.

2. Litigation Committee: Responsible for the external negotiations and law suits concerning land.

This was before the Business Committee established a legal office. The two law clerks, Jerry Hill and John Powless Jr., have since assumed the responsibility of litigation on behalf of the Oneidas.

On June 6, 1977, the Land Committee was given authority to negotiate the airport land. The Brown County Highway Commission is currently drafting a 7-point proposal, which they will present to the Land Committee, early February.

On September 1, 1977, the Land Committee further defined our responsibilities for internal land planning and the development of a land use plan to include the following areas:

Revise and review the land lease ordinance, in regards to agricultural, business, residential, and trailer homes. The current leases may be outdated or we do not have a lease agreement drawn up. Also ordinances should be drawn up so as to provide the Oneida Tribe with the proper tools to assume jurisdiction over all tribal lands. Areas where the Land Committee needs to have ordinances drawn up are, trespassing, forestry, water rights, mineral rights, hunting and fishing rights, zoning, levying of taxes, condemnation procedures, platting, vacating, and how to handle tribally owned buildings; in addition, a land acquisition, and land consolidation plan should be drawn up and adopted so that the Oneida Tribe can begin to develop their own source of economic support. The Land Committee sees this kind of planning as being very important to the Oneida people's survival as a sovereign entity.

On October 27, 1977, the Land Committee adopted a management plan, which is attached, explaining the specific duties and responsibilities of the Business Committee, Land Committee, Land Office Coordinator, and the authority by which each area relates to one another.

Although our responsibility is for internal land planning and the development of a land use program, the Land Committee, does not have the pleasure of working closely with the Community planners currently employed by the Oneida Tribe. However, the Land Committee, because of their responsibility of internal land planning and the administration of tribal lands, did request that the planners be located in the Oneida Land Office. On December 5, 1977 the request was denied. The problem that continues to exist is that the Land Committee is not aware of any land use plans that may exist, or being planned in isolation from the Land Committee's efforts. So again the Land Committee is requesting that the Community Planners be located in the Oneida Land Office.

(See attached recommendations)

Coordinator's Semi Annual Report
for 1977

In March of 1977, I was requested to work on the Tribal land situation. Plans for a Land Office were underway. I started gathering and researching leases, assignment and past Business Committee minutes to be kept at the Land Office. All requests for land were directed to me for follow-up.

The Land Office was established in room 21 at the Sacred Heart Seminary on May 23, 1977. A secretary and myself have maintained a filing system for all Tribal land transactions and have handled the day to day functions. Since that time office procedures have been maintained, along with a Land Committee office management plan which has also been accepted by the Business Committee.

A motion was made and seconded, and approved on April 25, 1977 to expand the Land Committee from 3 to 7 persons. All land requests are channeled through this committee for discussion and/or approval at their regular monthly meetings, which are held every third Friday, of each month. Minutes are submitted to the Business Committee for final approval. Since April, the Land Committee has held twenty-five meetings, regarding proposed leases, applications, ordinances, assignments, negotiations of land exchange, land development and/or land use.

One of the projects were worked on when the Land Office was set up was to contact the Bureau of Indian Affairs Office in Ashland for leases that were backed-up to 2 sometimes 3 years. Since then, an attempt has been made to speed up the process of lease documents. At this time, we estimate that it takes approximately 3½ to 4 months, from the time a lease is received for a parcel of land, (if there are no mistakes).

Gregg Miller, Realty Specialist travels from Bowler to assist the Land Office in proper land descriptions, and draws up leases for tribal land transactions.

On October 17th and 18th, I toured the Bureau of Indian Affairs Office in Ashland and met with the Realty Officers. They were helpful in assisting me with many missing files and applications. I was invited to go through their lease files and many questions were answered concerning land.

On August 6, 1977 the Land Committee met with the Brown County Highway Commission to start negotiations for the Tribally owned land across from the airport; (Levi and John Doxtator Allotment). A seconded meeting was held on November 11, 1977, and it was agreed that Brown County will submit a written proposal to the tribe as to their intentions. The proposal is expected sometime in February 1978, and further negotiations will be conducted after this is received.

An archeological study was coordinated between the Great Lakes Archaeological Research Center and myself on September 11, 1977, for 2 sites of Tribal land leased to the Oneida Housing Authority. The final report indicated no past human occupation or utilization.

The Title Search Project is also located in the Land Office. Presently there are 5 title searchers under the supervision of Joe Stevens. All land within the original 65,430 acres is in the process of being researched. A filing system is maintained on all lands that are researched.

I have just completed an 18 week appraisal class at the Northeast Wisconsin Technical Institute, Green Bay. My understanding of the value of the land has improved somewhat since the course. I hope to persue further information regarding real estate in the near future.

Christine Doxtator
Land Office Coordinator

Recommendations (to be acted on individually):

- 1) That the Oneida General Tribal Council request the law firm of Aaron, Aaron Schimberg and Hess to withdraw from litigation interest of the Oneida Nation/Oneida Tribe of Indians of Wisconsin, Inc. in Docket 301, without prejudice, and proceed to litigate the remainder of land disputes in New York of the Oneida Nation/Oneida Tribe of Indians of Wisconsin, Inc. in Federal District Court.
- 2) That the Native American Rights Fund be instructed to complete a feasibility report to file an action on the remaining 136,000 acres of the original New York Oneida Reservation.
- 3) That the United States and it's three branches be instructed that, lacking positive cooperation and good faith by the Executive Branch and the State of New York, the Oneida Nation of Wisconsin intends to use whatever means necessary to establish Oneida Nation title on all Oneida lands in New York and Wisconsin.
- 4) That all the above points be ratified by the Oneida General Tribal Council this date, January 14, 1978, drawn up by resolution, and forwarded to the Secretary of Interior, the United States Attorney General, and all other appropriate parties.
- 5) That a separate account be established in the Oneida Tribal Central Accounting Office of funds received from all land lease fees, application fees, stumpage fees and all other land income for land acquisition and operation of the Oneida Tribal Land Office.
- 6) That the Oneida General Tribal Council direct the Oneida law clerks to concentrate all of their efforts to litigate all land cases on behalf of the Oneida Nation/Oneida Tribe of Indians of Wisconsin, Inc., using whatever resources are available until the next regular OGTC semi-annual meeting in July, at which time their efforts will be evaluated.
- 7) That the OGTC take action to retain a licensed attorney to serve as the Oneida Nation's/Tribe's advisor/representative in all other legal matters.

Process to be utilized:

- A) Names of qualified attorneys to be submitted to the Oneida Legal Department by Oneida Tribal members
- B) Legal Department to establish interview schedule of nominees
- C) Law Clerks will interview candidates and make a final determination on the selection of an attorney
- D) That the retainer fee be no more than \$5000.00 per year from administration funds
- E) That such attorney be retained prior to the close of business on February 28, 1978.



Oneida Tribe of Indians of Wisconsin, Inc.



UGWA BEROLUW TATENE
Because of the help of this Onondaga Chief in cementing a friendship between the six nations and the Colony of Pennsylvania, a new nation, the United States was made possible.

Onondaga bringing several hundred bags of corn to Washington's starving army at Valley Forge, after the colonists had consistently refused to aid them.

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LEASE PROCEDURES FOR RESIDENTIAL PURPOSES

An attempt has been made to shorten the process of lease documents. Many things take place before final approval. A few time lapses cannot be helped, however, the following procedures only pertain to a home site lease, since we deal with these the most. An agricultural or business lease may have a longer time period, but the procedures are basically the same. An estimation of 3½ to 4 months was made before the final document is in the hands of the lessee; providing there are no alterations during this process.

Following are sixteen procedures all tribal members should be aware of before a lease is in their possession:

1. Fill out application at the Land Office.
2. Coordinator researches parcel on application for proper description, availability, if it percs and requests an appraisal (if needed) time period approximately, 2 weeks.
3. Applicant is notified to appear at a regular Land Committee meeting.
4. Application is reviewed by the Land Committee and if approved, is submitted to the Business Committee, supported by minutes; approximately, 2 weeks.
5. Business Committee also reviews the Land Committee minutes and recommendations, if accepted, documentation is made in minutes. (The time period for this takes 2 weeks, because the Business Committee minutes cannot be sent to the Bureau of Indian Affairs until they're approved).
6. Application is sent to Bowler, Wisconsin, along with the Business Committee minutes; where the Bureau of Indian Affairs, Realty Specialist processes a lease for the Tribe; approximately, 3 weeks.
7. 4 copies of the proposed lease is returned to the Land Office, within 3 weeks depending on the realty specialists work schedule.

ONEIDA TRIBAL LAND OFFICE



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Lease Procedures for Residential Purposes (cont.)

8. Applicants are then notified to come to the Land Office to study their lease and sign all copies.
9. Proposed lease copies are then submitted to the Land Committee, at a regular meeting for review and approval, about 2 weeks.
10. Copies then go to the next scheduled Business Committee meeting, with supported Land Committee minutes.
11. Business Committee documentation is made in minutes to accept the proposed lease, and a resolution to adopt it, again a waiting period, of 2 weeks or 3 is necessary to receive approved minutes. Tribal Chairman, and the secretary's signature is needed also.
12. Land Office takes the proposed lease which is forwarded to Ashland, Bureau of Indian Affairs, for signature of the superintendent, with lease fee.
13. Within 2 or 3 days, lease copies are sent to Bureau of Indian Affairs, Minneapolis Area Office, for final approval and signature, of the area director; effective date is then put on lease.
14. Leases are then sent back to Ashland.
15. Ashland then forwards 1 copy to Oneida Land Office and retains one for their files.
16. Lessee receives copy through mail at which time he has 2 years from approved date on lease to establish residence.

ONEIDA TRIBAL LAND OFFICE

ONEIDA LAND COMMITTEE
OFFICE MANAGEMENT

GOAL STATEMENT: To Develop a Land Use Plan For Lands That are Within the Boundaries of the Oneida Reservation

Categories	Business Committee Final Authority	Land Committee	Land Office Director
<p>Functions</p> <p>Policy and Planning</p>	<p>Hire/Fire Personnel Grievances</p> <p>Decide Policy and Plan (Review and approve Land Committee Policies and plans).</p>	<p>Draft overall land use plan which includes <u>ordinances</u>, procedures for acquiring land, land appraisals, soil testing, surveying, procedures for leasing land.</p> <p>Develop land negotiating strategies.</p> <p>Procedures for enforcing Land use policies.</p>	<p>Draft plan for office management, to contain procedures for maintaining office files, land desc., leases, maps, surveys, appraisals, soil tests, and all activities within the land office.</p> <p>Draft initial contract or proposal for Land Office funding</p> <p>Review/Approve reports of all activities in the Land Office</p>
<p>Supervising and Coordinating</p>	<p>Appoints Land Committee members</p> <p>Safeguard/control Land Committee funds through Central Accounting Office</p>	<p>Interview and recommend for hiring/firing-final reviews of Personnel Grievances in Land Office</p> <p>Supervise the Land Committee Director</p> <p>Review/Approve Land Committee Director's Reports</p>	<p>Responsible for Coordinating all activities in the Land Office.</p> <p>In charge of all Land Office personnel, Develops and maintains good office procedures</p>

Functions	Business Committee Final Authority	Land Committee	Land Office Director
Implementing Action	<p>Sign off on Land Committee funding</p> <p>Review/Approve all Land Committee activities</p>	<p>Review/Approve all budget plans and changes.</p> <p>Approve all equipment purchases over \$100.00</p> <p>Review/Approve out-of-town travel for the Director</p> <p>Review/Approve all leases acquisition plans, land exchange, land sale, revocation of lease and assignments</p>	<p>Coordinating Training of office personnel for upgrading their skill.</p> <p>Responsible for all office equipment and supplies</p> <p>Responsible for written communications.</p> <p>Coordinates information to the Land Committee members.</p> <p>Responsible for proper administration of the Land Committee budget</p> <p>Draft initial contract or proposal for Land office funding</p> <p>Follow-up on all Land Committee actions.</p> <p>Accept all Land applications, leases and assignments, and follow them through all procedural steps.</p> <p>Delegate job responsibilities to Land Office Personnel.</p> <p>Review/Approve out-of-town travel for Land Office personnel.</p>