

UNITED STATES DEPARTMENT OF THE INTERIOR  
OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS

DAVID V. DILLENBURG	)			
and THOMAS G. SLADEK,	)			
	)			
Appellants,	)	Docket Nos.	IBIA	15-005
	)			15-006
v.	)			15-007
	)			15-008
MIDWEST REGIONAL DIRECTOR,	)			
BUREAU OF INDIAN AFFAIRS,	)			
	)			
Appellee.	)			

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AFFIDAVIT OF DIANE M. WILSON

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Diane M. Wilson, being first duly sworn on oath, deposes and states as follows:

1) I am employed as the Property Manager for the Division of Land Management (“DOLM”) of the Oneida Tribe of Indians of Wisconsin (the “Tribe”). I have held this position for the past 15 years. As Property Manager for DOLM, I am familiar with the Tribe’s policies regarding housing for tribal members. I am also familiar with the various housing programs administered by departments of the Tribe, including those administered by DOLM, the Oneida Housing Authority (“OHA”), and the Oneida Elder Services Program (“Elder Services”).

2) DOLM manages residential, commercial and agricultural properties owned in fee by the Tribe (“fee properties”) and held in trust by the United States for the benefit of the Tribe (“trust properties”). DOLM leases residential properties to tribal members, and administers programs to assist tribal members in obtaining affordable housing on the Oneida Reservation. OHA manages residential fee and trust properties, and rents these properties to tribal members who meet income and other eligibility guidelines. Elder services manages an apartment complex located on trust land, and leases the apartments to tribal members aged 55 and older.

3) One of the Tribe’s goals is to provide affordable housing for tribal members on the Oneida Reservation. All enrolled tribal members can apply for tribal housing programs, and eligibility is determined based upon the criteria for each program. Individuals who wish to participate in tribal housing programs must file applications with OHA, which has been designated as the clearinghouse for applications. OHA determines which programs the applicants are eligible for, and refers the applicants to the appropriate programs. OHA, DOLM, and Elder Services each have long waiting lists of enrolled tribal members seeking tribal housing. Residential rental properties managed by OHA, DOLM and Elder Services are not advertised on the open market. OHA, DOLM and Elder Services all have long waiting lists of enrolled tribal members seeking tribal housing.

4) DOLM manages 66 residential rental properties which it leases to enrolled tribal members. These properties include both single family homes and multiplexes. Twenty-one are fee properties and forty-five are trust properties. As Property Manager for DOLM, I am responsible for selecting tenants and entering into leases with them. DOLM does not advertise these properties on the open market. Instead, as described above, individuals file applications with OHA, and OHA determines whether the applicants are eligible for OHA housing, DOLM housing, and/or elderly housing.

5) DOLM bases the rental rates for the residential properties it manages on the size of the rental unit and the amenities that come with the property. DOLM strives to charge consistent rates for similar properties. The fee or trust status of the properties has no bearing on the rental rates charged for the properties, and DOLM does not reduce the rental rate for a property if the property is taken into trust.

6) In addition to leasing residential properties to enrolled tribal members, DOLM administers other programs to provide affordable housing for enrolled tribal members on the Oneida Reservation, including the Direct Real Estate and Mortgage ("DREAM") Home loan program. Under the DREAM Home loan program, DOLM enters into long-term land leases with tribal members, and loans funds to the tribal members which they use to purchase the improvements on the land. The land lease is for a term of 25 years, with 25-year automatic renewal periods, and the lease rate is one dollar (\$1.00) per year. The interest rate for Dream Home loans is currently 3.5% for enrolled tribal members who are veterans and elders, and 4% for all other enrolled tribal members. Some of the properties in the DREAM Home loan program are fee properties, and some are trust properties. The lease rate and the interest rate do not vary depending on the fee or trust status of the properties.

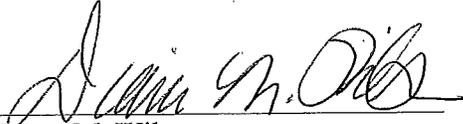
7) I am aware that David V. Dillenburg has appealed four decisions of the Midwest Regional Director, Bureau of Indian Affairs, to approve the trust acquisition for the Tribe of 11 properties referred to as Berglin, Beyer-Riley, Bourdelais, Frelich, Gruber, Brusky, Fietz, Lemmen, Sigfried, Smith, and Goral. I understand Mr. Dillenburg owns rental properties in the City of Green Bay, and believes he will be competitively disadvantaged if the Tribe's properties are taken into trust.

8) The Beyer-Riley property is a low-income rental unit managed by OHA, and the rental rate for the property is determined in accordance with the Native American Housing Assistance Self-Determination Act ("NAHASDA") and regulations promulgated by the United States Department of Housing and Urban Development under NAHASDA.

9) Goral is a single family home managed by DOLM and rented to enrolled tribal members. Frelich is an 8 unit multiplex managed by DOLM and rented to enrolled tribal members. DOLM establishes the rental rates for these properties as described in paragraph 5 above, and will not decrease the rental rates in the event the properties are taken into trust.

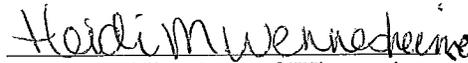
10) The Berglin, Bourdelais, Gruber, Brusky, Lemmen, Sigfried and Smith properties are single family homes which are part of DOLM's DREAM Home loan program. DOLM has

entered into long-term leases with enrolled tribal members for these properties, under the terms described in paragraph 6 above, and the tribal members own the improvements on the land. Neither the terms of the land leases nor the terms of the loans extended to the tribal members will change if the properties are taken into trust. The Fietz property is currently vacant, and is being prepared for use as a DREAM Home.

  
Diane M. Wilson

State of Wisconsin )  
  )ss  
County of Brown     )

Subscribed and sworn to before me  
this 12<sup>th</sup> day of March, 2015.

  
Notary Public, State of Wisconsin  
My commission expires: 6-20-17

