

Oneida Nation

Post Office Box 365

Phone: (920)869-2214



Oneida, WI 54155

BC Meeting Materials May 24, 2017

Open Session

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the following 230 pages are the Open Session meeting materials presented at a meeting duly called, noticed and held on the 24th day of May, 2017.

A handwritten signature in blue ink that reads "Lisa Summers". The signature is written in a cursive style and is positioned above a horizontal line.

Lisa Summers, Tribal Secretary
Oneida Business Committee



Oneida Business Committee

Executive Session
8:30 a.m. Tuesday, May 23, 2017
Executive Conference Room, 2nd floor, Norbert Hill Center

Regular Meeting
8:30 a.m. Wednesday, May 24, 2017
BC Conference Room, 2nd floor, Norbert Hill Center

Agenda

To get a copy of the agenda, go to: oneida-nsn.gov/government/business-committee/agendas-packets/

I. CALL TO ORDER AND ROLL CALL

II. OPENING

A. Special Recognition – June Wommack – Retirement from Oneida Nation with over 25 years of service *pp. 8-9*

Requestors: Joan Christnot, Director/Head Start; Tina Torrez, Education Manager/Head Start
 Sponsor: Jennifer Webster, Councilwoman

B. Special Recognition – Kevin Shoenebeck – Promotion to “Kyoshi” in the art of Danzan Ryu Kodokan Ju Jitsu *pp. 10-12*

Requestors: Ryan Waterstreet, Assistant Director/Oneida Family Fitness Center; Susan House, Area Manager/Parks & Recreation
 Sponsor: George Skenandore, Division Director/Governmental Services

III. ADOPT THE AGENDA

pp. 1-7

IV. OATHS OF OFFICE

A. Oneida Public Safety Pension Board – Nathan Ness, Joel Maxam, Ronald King Jr., and Jack Mehojah *pp. 13-14*

B. Oneida Nation Veterans Affairs Committee – Carol Silva and Benjamin Skenandore *pp. 15-16*

V. MINUTES

A. Approve May 10, 2017, regular meeting minutes *pp. 17-33*

Sponsor: Lisa Summers, Tribal Secretary

VI. RESOLUTIONS

- A. Adopt resolution entitled Legal Resource Center Emergency Adoption** pp. 34-48
 Sponsor: Brandon Stevens, Councilman/Legislative Operating Committee Chair

VII. STANDING COMMITTEES**A. Legislative Operating Committee**

Chair: Brandon Stevens, Councilman

1. **Accept May 3, 2017, Legislative Operating Committee meeting minutes** pp. 49-53
2. **Approve Per Capita Rule No. 1: Distribution Rule Certification; and Hunting, Fishing, & Trapping Rule Handbook Certification** pp. 54-149

B. Finance Committee

Chair: Trish King, Tribal Treasurer

1. **Approve May 16, 2017, Finance Committee meeting minutes** pp. 150-156

C. Quality of Life Committee

Chair: Fawn Billie, Councilwoman

1. **Accept April 20, 2017, Quality of Life Committee meeting minutes** pp. 157-159

VIII. NEW BUSINESS *(Please Note: Scheduled times are approximate and subject to change)*

- A. Approve three (3) requests regarding doctoral dissertation – Jennifer J. Jordan, Ph.D., CHES, HHS – “Communicating Periodontal Disease Risk to American Indian Patients with Diabetes”** *(This item is scheduled to begin at 10:00 a.m.)* pp. 160-169
 Sponsor: Jo Anne House, Chief Counsel
- B. Approve EZ-Baccarat Rules of Play** pp. 170-184
 Chair: Mark A. Powless Sr., Oneida Gaming Commission
 Liaison: Brandon Stevens, Councilman
- C. Approve limited waiver of sovereign immunity – WI. Dept. of Veterans Affairs – Access and Data Sharing agreement – contract # 2017-0464** pp. 185-196
 Requestor: Kerry R. Metoxen, Manager/Oneida Nation Veterans Dept.
 Liaison: Jennifer Webster, Councilwoman
- D. Approve request for status update regarding community concern # 2016-CC-21 – Tysunhehkwa operations** pp. 197-199
 Requestor: Nancy Barton
 Sponsor: Tina Danforth, Tribal Chairwoman
- E. Review community concern # 2017-CC-08 – Tribal phone company** pp. 200-204
 Requestor: Brad Graham
 Sponsor: Tina Danforth, Tribal Chairwoman

IX. TRAVEL**A. TRAVEL REPORTS**

1. **Accept travel report – Secretary Lisa Summers, Councilman Tehassi Hill, and Councilwoman Jennifer Webster – OTIE Welcome and Orientation – Milwaukee, WI – April 20-21, 2017** pp. 205-206

B. TRAVEL REQUESTS

1. **Enter E-Poll results into the record in accordance with BC SOP Conducting Electronic Voting:**
Sponsor: Lisa Summers, Tribal Secretary
 - a. **Approved travel request – Councilman Tehassi Hill – American Indian/Alaska Native Public Witness Hearing – Washington D.C. – May 15-17, 2017** pp. 207-211
Requestor: Tehassi Hill, Councilman
 - b. **Approved travel request – Chairwoman Tina Danforth – Great Lakes Restoration Initiative (GLRI) tribal forum – Ashland, WI – May 23-24, 2017** pp. 212-218
Requestor: Tina Danforth, Tribal Chairwoman

X. GENERAL TRIBAL COUNCIL *(To obtain a copy of Members Only materials, visit the BC Support Office, 2nd floor, Norbert Hill Center and present Tribal I.D. card or go to <https://goo.gl/uLp2jE>)***A. Petitioner Sherrole Benton: Request to change pre-employment drug testing for marijuana**

1. **Accept financial analysis** pp. 219-229
Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM MAY 10, 2017: Motion by Fawn Billie to defer the financial analysis to the May 24, 2017 regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM APRIL 26, 2017: Motion by Jennifer Webster to defer the financial analysis to May 10, 2017, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

EXCERPT FROM APRIL 12, 2017: (1) Motion by David Jordan to accept the legal analysis, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Lisa Summers to defer the financial analysis to the April 26, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM MARCH 22, 2017: (1) Motion by David Jordan to accept the legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Tehassi Hill to defer the legal analysis to the April 12, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously. (3) Motion by David Jordan to defer the financial analysis to the April 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 8, 2017: (1) Motion by Brandon Stevens to accept the progress report regarding legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Jennifer Webster to accept the progress report regarding the legal analysis, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Jennifer Webster to accept the progress report regarding the financial analysis, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JANUARY 11, 2017: (1) Motion by Lisa Summers to accept the verified petition from Sherrole Benton regarding a request to change pre-employment drug testing for

marijuana use; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; and to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days, seconded by Fawn Billie. Motion carried unanimously.

XI. EXECUTIVE SESSION (*Please Note: Scheduled times are approximate and subject to change*)

A. REPORTS

1. **Accept Gaming General Manager report** – Louise Cornelius, Gaming General Manger pp. 230-358
 - a. **Gaming Strategy for FY 2018 budget** (*This item is scheduled to begin at 8:30 a.m.*) pp. 359-391

EXCERPT FROM MAY 10, 2017: Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.
2. **Accept Intergovernmental Affairs & Communications report** – Nathan King, Director pp. 392-410
3. **Accept Chief Counsel report** – Jo Anne House, Chief Counsel p. 411
 - a. **Review legal opinion regarding complaint # 2017-CC-05 and determine next steps** pp. 412-419

B. STANDING ITEMS

1. **Land Claims Strategy** (*No Requested Action*)
2. **Oneida Golf Enterprise – Ladies Professional Golf Association** pp. 420-428
Sponsor: Trish King, Tribal Treasurer (*This item is scheduled to begin at 1:30 p.m.*)

C. AUDIT COMMITTEE (*No Requested Action*)

D. TABLED BUSINESS

1. **Approve recommendation regarding Oneida Trust Enrollment memorandum dated April 25, 2017** pp. 429-433
Sponsor: Jo Anne House, Chief Counsel

EXCERPT FROM MAY 10, 2017: (1) Motion by Trish King to accept the Oneida Trust Enrollment Committee decision from their memorandum dated April 25, 2017, as information; to support recommendation #1 regarding the funding source identified in the decision on enrollment; and to authorize the use of income from the Language Revitalization Fund for the purpose of making the Minors Trust Account referred to in the decision on enrollment whole, seconded by Tehassi Hill. Motion not voted on; item tabled. (2) Motion by David Jordan to table this item until the next meeting and make sure we have Trust Enrollment Committee representation when we untable it. Motion failed due to lack of support. (3) Motion by Fawn Billie to table this item for two (2) weeks, seconded by David Jordan. Motion carried with two opposed.

E. UNFINISHED BUSINESS

1. **Accept status update regarding wage adjustment procedures; and direct sub-team to bring draft policy to June 28, 2017, regular Business Committee meeting** pp. 434-435
Sponsors: Melinda J. Danforth, Tribal Vice-Chairwoman; Lisa Summers, Tribal Secretary; Trish King, Tribal Treasurer; Geraldine Danforth, Area Manager/Human Resources

EXCERPT FROM APRIL 12, 2017: (1) Motion by Lisa Summers to assign the Human Resources Area Manager and a Oneida Business Committee sub-team consisting of the Offices of Secretary Lisa Summers, Vice-Chairwoman Melinda J. Danforth, and Treasurer Trish King to work together to bring forward a revised policy which achieves preservation of managerial decision-making and checks-and-balances relating to budget requirements for any type of wage adjustment, raises, bonuses, etc., seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Lisa Summers for the Oneida Business Committee sub-team and Human Resources to bring back a status update to the May 24, 2017, regular Business Committee meeting agenda in executive session, seconded by Jennifer Webster. Motion carried unanimously.

2. **Review Language House proposal and determine next steps** pp. 436-445
Sponsors: Tehassi Hill, Councilman; Jennifer Webster, Councilwoman; Brandon Stevens, Councilman *(This item is scheduled to begin at 10:30 a.m.)*

EXCERPT FROM MAY 10, 2017: Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.
EXCERPT FROM MARCH 22, 2017: Motion by Lisa Summers to approve the concept to move forward; to assign the team members of Councilmembers Tehassi Hill, Jennifer Webster, and Brandon Stevens to complete the follow-up; and that the final proposal be brought back for final approval at the May 10, 2017, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously.

3. **Approve final report regarding Tsyunhehkwa** pp. 446-552
Sponsor: Joanie Buckley, Division Director/Internal Services

EXCERPT FROM MAY 10, 2017: Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.
EXCERPT FROM APRIL 26, 2017: Motion by Fawn Billie to defer the final recommendations regarding Tsyunhehkwa to the May 10, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.
EXCERPT FROM MARCH 22, 2017: Motion by Tehassi Hill to accept the Tsyunhehkwa report; and to request the Internal Services Division Director to bring back final recommendations for the April 26, 2017, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

4. **Defer applicable documents and policies from Law Office regarding community concern # 2017-CC-05 to May 24, 2017, regular Business Committee meeting** pp. 553-554
Sponsor: Jo Anne House, Chief Counsel

EXCERPT FROM MAY 10, 2017: Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04

- to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.*
EXCERPT FROM APRIL 26, 2017: Motion by Tehassi Hill to forward this item to the Law Office for a legal review of all applicable documents and policies to be brought back at the next Business Committee meeting or as soon as possible, seconded by Fawn Billie. Motion carried unanimously.
- 5. Review applications and appoint appropriate applicants to Oneida ESC Group LLC. Board of Managers** pp. 555-601
 Sponsor: Lisa Summers, Tribal Secretary
- EXCERPT FROM MAY 10, 2017:* Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.
EXCERPT FROM APRIL 26, 2017: Motion by Fawn Billie to defer this item to the next Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.
- 6. Direct Housing Authority Executive Director to provide update on process to exceed FY 2016 IHP acquisition/rehabilitation limit** pp. 602-605
 Sponsor: Lisa Summers, Tribal Secretary *(This item is scheduled to begin at 11:30 a.m.)*
- EXCERPT FROM MAY 10, 2017:* Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.
EXCERPT FROM APRIL 26, 2017: Motion by Tehassi Hill to defer this item to the May 10, 2017, Business Committee meeting, seconded by Fawn Billie. Motion carried with one abstention.
- 7. Approve reorganization proposal and consolidation plan** pp. 606-616
 Sponsor: Joanie Buckley, Division Director/Internal Services
- EXCERPT FROM MAY 10, 2017:* Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.
- 8. Review community concern # 2017-CC-07** pp. 617-678
 Sponsor: Tina Danforth, Tribal Chairwoman
- EXCERPT FROM MAY 10, 2017:* Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.
- 9. Review complaint # 2017-DR08-05 (This item is scheduled to begin at 3:30 p.m.)** pp. 679-732
 Sponsor: Tina Danforth, Tribal Chairwoman
- EXCERPT FROM MAY 10, 2017:* Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously.

F. NEW BUSINESS

1. **Approve limited waiver of sovereign immunity – Wonderlic Inc. – contract # 2017-0155** pp. 733-755
Sponsor: Ravinder Vir, Medical Director/Comprehensive Health
2. **Approve Development Division re-organizational structure** (*This item is scheduled to begin at 2:30 p.m.*) pp. 756-767
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman
3. **Determine next steps regarding additional duties compensation for Direct Report – 01** pp. 768-779
Sponsor: Fawn Billie, Councilwoman
4. **Approve three (3) actions regarding Judge of the Court of Appeals resignation** pp. 780-784
Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman
5. **Review OBC liaison concerns regarding Oneida Total Integrated Enterprises LLC.** p. 785
Sponsor: Jennifer Webster, Councilwoman
6. **Enter E-Poll results in to the record in accordance with OBC SOP Conducting Electronic Voting:**
Sponsor: Lisa Summers, Tribal Secretary
 - a. **Failed request to reconsider the changed offer and continue with due diligence with 3rd party review, per the 4/26/17 OBC action regarding Aimbridge proposal** pp. 786-796
Requestor: Trish King, Tribal Treasurer

XII. ADJOURN

Posted on the Oneida Nation's official website, www.oneida-nsn.gov, at 2:15 p.m., Friday, May 19, 2017, pursuant to the Open Records and Open Meetings Law, section 7.17-1.

The meeting packet of the open session materials for this meeting is available by going to the Oneida Nation's official website at: <https://oneida-nsn.gov/government/business-committee/agendas-packets/>

For information about this meeting, please call the Business Committee Support Office at (920) 869-4364 or (800) 236-2214.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Recognize June Wommack for her retirement from Head Start and years of service.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Joan Christnot, Director/Head Start
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Tina Torrez, Education Manager/Head Start
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

June has been with Head Start over 25 years and is retiring after this school year. We would like to recognize her for her hard work and dedication to our program

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

[Empty text box]

Agenda Header: Announcement/Recognition

Accept as Information only

Action - please describe:

We would like to recognize Kevin Shoenebeck on Receiving an award that only two people in the United States posses. This award is after Teaching Martial arts for 26 plus years and is well deserved. The official name of this Title of "Kyoshi" in the art of Danzan Ryu Kodenkan Ju Jitu. Kevin has been teaching this for the Tribe now 22 years and has inspired many students and been a real asset for the Oneida Community. Please see the attachment. Thank you

3. Supporting Materials

Report Resolution Contract

Other:

1. Attachment

3. [Empty text box]

2. [Empty text box]

4. [Empty text box]

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: GEORGE SKENANDURE, GSD DIRECTOR

Primary Requestor/Submitter: Ryan Waterstreet, (Assistant Director Fitness Center)
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Susan House, Area Manager Parks and Recreation
Name, Title / Dept.

Additional Requestor: George Skenandure GSD Director
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

We would like to recognize Kevin Shoenebeck on Receiving an award that only two people in the United States posses. This award is after Teaching Martial arts for 26 plus years and is well deserved. The official name of this Title of "Kyoshi" in the art of Danzan Ryu Kodenkan Ju Jitu. Kevin has been teaching this form of Martial Art to the Tribe now 22 years and has inspired many students and been a real asset for the Oneida Community.

Kevin also teaches Eskrima, Tae Kwon Do, & Tai Chi to the Oneida Community at the Oneida Family Fitness Center. He is also decorated in all these forms of Martial Arts as well.

Special Recognition should be awarded for this lifetime commitment of teaching. Kevin has taught from our youth all the way to our elder as well as self-defense classes to our women.

Thank You

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

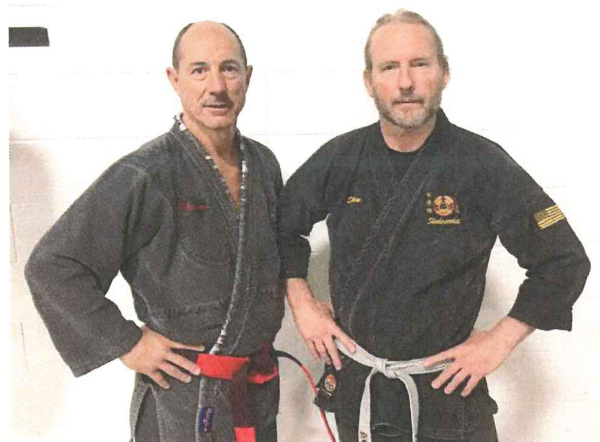
MASTER KEVIN SCHOENEBECK

A special congratulations too Kevin Schoenebeck, Martial Arts Master Instructor at Oneida Family Fitness, who was just promoted to the title of “Kyoshi” in the art of Danzan Ryu Kodenkan Ju Jitsu on Saturday, April 29, 2017. This title is only given out to a select few who have dedicated a lifetime commitment of promoting/teaching of the Danzan Ryu Kodenkan system.

The workshop that Kevin hosted and attended was held by Shihan Russ Rhodes from California and lasted four days. Shihan also a much decorated Martial Art Master surprised Kevin on Saturday with a special announcement in front of all his students on Saturday during the workshop.

The term Ju Jitsu means “gentle practice”. Kodenkan means “school of ancient tradition” both of these terms including the Danzan Ryu Kodenkan self-defense system was formally practiced by the Samurai or Warrior class.

Master Schoenebeck has been teaching and studying Ju Jitsu for 22 years. He teaches Danzan Ryu at the Oneida Family Fitness Center. Other martial arts he teaches are Tae Kwon Do, Eskrima, and Tai Chi. Kevin’s dedication to Martial Arts goes without question. Congratulations to his success and his lifetime commitment of teaching.



Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer the Oath of Office to Nathan Ness, Joel Maxam, Ronald King, Jr. and Jack Mehojah to serve a two year term on the Oneida Public Safety Pension Board.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter:
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Administer the Oath of Office to the following individuals for a two year term to the the Oneida Public Safety Pension Board:

Nathan Ness
Joel Maxam
Ronald King, Jr.
Jack Mehojah

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Administer Oath of Office to Carol Silva and Benjamin Skenandore to the Oneida Nation Veterans Affairs Committee.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Kathleen M. Metoxen, Executive Tribal Clerk
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The posting was in the March 2, 2017 issue of the Kalihwisaks for (2) vacancies on the Oneida Nation Veterans Affairs Committee for a 3 year term with the deadline of April 3, 2017. There were (6) applicants for the (2) vacancies on the Oneida Nation Veterans Affairs Committee. The appointment was made on the May 10, 2017 BC Agenda.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 10 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve May 10, 2017, regular meeting minutes

3. Supporting Materials

Report Resolution Contract

Other:

| | |
|---|-------------------------|
| 1. <input type="text" value="May 10, 2017, regular meeting minutes"/> | 3. <input type="text"/> |
| 2. <input type="text"/> | 4. <input type="text"/> |

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Submitted by: Heather Heuer, Info. Mgmt. Spec./BC Support Office
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

DRAFT**Oneida Business Committee****Executive Session****8:30 a.m. Tuesday, May 9, 2017****Executive Conference Room, 2nd floor, Norbert Hill Center****Regular Meeting****8:30 a.m. Wednesday, May 10, 2017****BC Conference Room, 2nd floor, Norbert Hill Center****Minutes – DRAFT****EXECUTIVE SESSION**

Present: Vice-Chairwoman Melinda J. Danforth (excused at 10:15 a.m.), Treasurer Trish King (excused at 3:42 p.m.), Council members: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens (excused at 3:43), Jennifer Webster;

Not Present: Secretary Lisa Summers;

Arrived at: Chairwoman Tina Danforth at 2:00 p.m.;

Others present: James Bittorf, Lisa Liggins, Larry Barton, Michele Doxtator, Nathan King, Janice L. Jourdan, Tim Ninham, Lonnie Metoxen, Floyd Schuman, Keith Danforth, Brandy John, Alvira Close, Jodi Skenandore, Michelle M. Braaten, Joanie Buckley, Michelle Danforth;

REGULAR MEETING

Present: Chairwoman Tina Danforth, Treasurer Trish King, Secretary Lisa Summers (excused at 2:10 p.m.), Council members: David Jordan, Brandon Stevens;

Not Present: Vice-Chairwoman Melinda J. Danforth, Councilwoman Jennifer Webster;

Arrived at: Councilwoman Fawn Billie at 10:04 a.m., Councilman Tehassi Hill at 10:07 a.m.;

Others present: Jo Anne House, Brad Graham, Bill Graham, Tammy Skenandore, Mike Debraska, Geraldine Danforth, Heather Heuer, Jessica Wallenfang, Don Miller, Lora Skenandore, Brian Doxtator, Florence Petri, Pat Lassila, Trina Villegas, Jen Falck, Cheryl Stevens, Dale Wheelock, RaLinda Ninham-Lamberies, Arthur Cornelius, Carmelita Escamea, Albert Manders, Cathy Metoxen, Ed Delgado, Danelle Wilson, George Skenandore, Joanie Buckley, Michelle Gordon, Lisa Liggins, Chris Johnson, RC Metoxen, Julie Barton, Wes Martin Jr., Pat Pelky, Matt Denny, Barb Kolitsch, Victrietta Hensley, Josh Cottrell, Nic Reynolds, Dawn Walschinski, Richard Elm-Hill, Marianne Close, David Cluckey, Michele Doxtator, Bill Vervoort, Michelle Danforth, Kerry Metoxen, Carol Elm, Lois Strong, Arlie Doxtator Sr., Dale Webster, Mandy Schneider, Nicole Rommel, Priscilla Belisle, Wayne D. Metoxen, Iris Metoxen, Larry Barton, Paul Witek, Susan White, Wendy Alvarez;

I. CALL TO ORDER AND ROLL CALL by Chairwoman Tina Danforth at 8:00 a.m.

For the record:

Vice-Chairwoman Melinda J. Danforth and Councilwoman Jennifer Webster are on approved travel attending the WI. Dept. of Health state/tribal consultation in Hayward, WI. Councilwoman Fawn Billie and Councilman Tehassi Hill will be arriving late from attending the Greater Green Bay Economic Development strategic roll-out event at the Radisson Hotel & Conference Center.

DRAFT**II. OPENING** by Tribal Member and ONCOA Vice-Chairman Arlie Doxtator Sr.**A. Special Recognition – Florence Petri – Retirement from Oneida Nation with 31 years of service**

Sponsor: Geraldine Danforth, Area Manager/Human Resources

Special Recognition by Councilman David Jordan and members of the Oneida Nation Commission on Aging (ONCOA) of Florence Petri for her retirement from the Oneida Nation after 31 years of service.

B. Special Recognition – Larry Barton – Native American Finance Officers Association (NAFOA) (1:39:32)

Sponsor: Tina Danforth, Tribal Chairwoman

Special Recognition by Chairwoman Tina Danforth on behalf of NAFOA of Larry Barton, Chief Financial Officer, for his contributions to the “Financial Reporting and Information Guide for Tribal Governments and Enterprises” book a.k.a. “The Orange Book”. Larry Barton acknowledged the Finance Department staff and gave thanks: RaLinda Ninham-Lamberies, Terry Cornelius, Rae Skenandore, and Denise Vigue.

III. ADOPT THE AGENDA (00:07:26)

Motion by Brandon Stevens to adopt the agenda with the following changes: [Revise title of item VII.A.01. to read “Accept April 19, 2017, Legislative Operating Committee meeting minutes; move from Executive Session to Open Session – New Business item XIII.E.03. Approve revised OBC Standard Operating Procedure entitled Political Appointees; move from Executive Session to Open Session – New Business item XIII.E.05. Review request from Oneida Personnel Commission and determine appropriate steps; and add-on a “NAFOA presentation by Chairwoman Danforth” to after Oaths of Office], seconded by David Jordan. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

IV. OATHS OF OFFICE (00:10:07) administered by Secretary Lisa Summers**A. Oneida Nation Veterans Affairs Committee – Arthur Cornelius****B. Oneida Child Protective Board – Carmelita Escamea****C. Environmental Resources Board – Albert Manders and Isaiah Skenandore (Not Present)**

Motion by Brandon Stevens to defer the NAFOA presentation until after 9:00 a.m. or until after Larry Barton arrives, seconded by David Jordan. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

V. MINUTES**A. Approve April 19, 2017, special meeting minutes (00:13:37)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by David Jordan to approve the April 19, 2017, special meeting minutes, seconded by Lisa Summers. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

DRAFT**B. Approve April 26, 2017, regular meeting minutes (00:14:10)**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Lisa Summers to approve the April 26, 2017, regular meeting minutes, seconded by Trish King. Motion carried with one abstention:

Ayes: Trish King, Brandon Stevens, Lisa Summers
 Abstained: David Jordan
 Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

C. Approve April 27, 2017, FY '17 2nd quarter reports meeting minutes (00:16:56)

Sponsor: Lisa Summers, Tribal Secretary

Motion by Trish King to approve the April 27, 2017, FY '17 2nd quarter reports meeting minutes, seconded by Brandon Stevens. Motion carried with one abstention:

Ayes: Trish King, Brandon Stevens, Lisa Summers
 Abstained: David Jordan
 Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

VI. RESOLUTIONS**A. Adopt resolution entitled 2017 Intertribal Buffalo Council, Buffalo Herd Development Grant**

Sponsor: Larry Barton, Chief Financial Officer (00:26:52)

Motion by Lisa Summers to adopt resolution # 05-10-17-A 2017 Intertribal Buffalo Council, Buffalo Herd Development Grant with the following changes: [Revise "Oneida Tribe of Indians of Wisconsin" to "Oneida Nation" in line 26; and revise the alternate to be "RaLinda Ninham-Lamberies, Assistant Chief Financial Officer" in line 34], seconded by David Jordan. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
 Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

B. Adopt resolution entitled FY 2017 Indian Community Development Block Grant

Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority (00:29:35)

Motion by Lisa Summers to adopt resolution # 05-10-17-B FY 2017 Indian Community Development Block Grant, seconded by Trish King. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
 Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

C. Adopt resolution entitled Tribal Action Plan (00:33:48)

Sponsor: Fawn Billie, Councilwoman

Motion by Lisa Summers to adopt resolution # 05-10-17-C Tribal Action Plan, seconded by David Jordan. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
 Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

DRAFT**D. Enter E-Poll results into the record in accordance with OBC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

1. Adoption of resolution entitled Hunting, Fishing and Trapping Amendments and Rules Extension (00:45:33)

Requestor: Jo Anne House, Chief Counsel

Motion by Lisa Summers to enter the E-Poll results into the record for the adoption of resolution # 04-25-17-A Hunting, Fishing and Trapping Amendments and Rules Extension, seconded by David Jordan.

Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

VII. STANDING COMMITTEES**A. Legislative Operating Committee**

Chair: Brandon Stevens, Councilman

1. Accept April 19, 2017, Legislative Operating Committee meeting minutes (00:46:16)

Motion by Lisa Summers to accept the April 19, 2017, Legislative Operating Committee meeting minutes, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

B. Finance Committee

Chair: Trish King, Tribal Treasurer

1. Approve May 1, 2017, Finance Committee meeting minutes (1:08:37)

Motion by Trish King to approve the May 1, 2017, Finance Committee meeting minutes, seconded by David Jordan. Motion carried with three abstentions:

Ayes: David Jordan, Trish King, Brandon Stevens
Abstained: Fawn Billie, Tehassi Hill, Lisa Summers
Not Present: Melinda J. Danforth, Jennifer Webster

Councilwoman Fawn Billie arrives at 10:04 a.m.

Secretary Lisa Summers departs at 10:05 a.m.

Councilman Tehassi Hill arrives at 10:07 a.m.

Secretary Lisa Summers returns at 10:09 a.m.

Amendment to the main motion by Lisa Summers to defer the topic of Finance Committee agenda item VII.03. to a Business Committee Officer's meeting for further conversation; as well as a chronology of events to be included, seconded by David Jordan. Motion carried unanimously¹:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

Councilman David Jordan departs at 10:12 a.m.

Councilman David Jordan returns at 10:23 a.m.

¹ Amendment to the main motion was made and passed before the arrival of Councilmembers Fawn Billie, and Tehassi Hill and before the main motion was voted on.

DRAFT**C. Quality of Life Committee**

Chair: Fawn Billie, Councilwoman

1. Accept March 9, 2017, Quality of Life Committee meeting minutes (1:44:42)

Motion by Trish King to accept the March 9, 2017, Quality of Life Committee meeting minutes, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

Motion by Lisa Summers to take a five (5) minute recess at 10:30 a.m., seconded by David Jordan.

Motion carried unanimously: **(1:55:15)**

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

Meeting called to order by Chairwoman Tina Danforth at 10:34 a.m.

Vice-Chairwoman Melinda J. Danforth, Treasurer Trish King, and Councilwoman Jennifer Webster not present.

VIII. APPOINTMENTS**A. Approve recommendation to appoint Carol Silva and Benjamin Skenandore to Oneida Nation Veterans Affairs Committee (1:55:40)**

Sponsor: Tina Danforth, Tribal Chairwoman

EXCERPT FROM APRIL 26, 2017: Motion by Brandon Stevens to defer the recommendations to the Oneida Nation Veterans Affairs Committee back to the Tribal Chair's office to confirm her recommendations, seconded by Tehassi Hill. Motion carried unanimously.

Motion by Lisa Summers to approve the recommendation to appoint Carol Silva and Benjamin Skenandore to Oneida Nation Veterans Affairs Committee, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers

Not Present: Melinda J. Danforth, Trish King, Jennifer Webster

Treasurer Trish King arrives at 10:36 a.m.

B. Approve up to seven (7) appointments to Oneida Youth Leadership Institute (OYLI) BoardSponsor: Joanie Buckley, Division Director/Internal Services **(1:56:20)**

Motion by Lisa Summers to approve the appointments of Jennifer Hill-Kelly, Elijah Metoxen, Melissa Metoxen, Margaret Ellis, Jeff House, Margaret King Francour, and Richard Elm-Hill to the Oneida Youth Leadership Institute (OYLI) Board, noting the first three (3) will have one (1) year terms and the remaining four (4) will have two (2) year terms, seconded by Fawn Billie. Motion carried with two abstentions:

Ayes: Fawn Billie, David Jordan, Trish King, Lisa Summers

Abstained: Tehassi Hill, Brandon Stevens

Not Present: Melinda J. Danforth, Jennifer Webster

For the record: Chairwoman Tina Danforth stated I feel that it's always necessary to be diligent in preventing any conflict of interest especially regarding financial matters of the tribe and that it should be duly noted.

DRAFT

For the record: Secretary Lisa Summers stated the conversation around the conflict of interest, the questions were asked and answered appropriately so that there's clarity around what the process is going to be moving forward.

IX. NEW BUSINESS**A. Approve three (3) requests regarding CIP project # 07-002 Social Services Building Remodel (2:21:39)**

Sponsor: Troy Parr, Assistant Division Director/Development-Development

Motion by Lisa Summers to approve the CIP project # 07-002 Social Services Building Remodel – Phase V; and to approve activation of the funding, seconded by David Jordan. Motion withdrawn.

Motion by Lisa Summers to approve the procedural except to forgo Phase II of the CIP process of routing the CIP Package to various reviewing entities, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

Motion by Lisa Summers to approve the CIP Concept Paper for project # 07-002 Social Services Building Remodel – Phase V; and to approve activation of the approved FY 2017 CIP budget for CIP # 07-002 Social Services Building Remodel – Phase V, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

B. Approve two (2) requests regarding CIP project # 16-005 Casinos Exterior Enhancements

Sponsor: Louise Cornelius, Gaming General Manager (2:30:54)

Motion by Lisa Summers to approve the activation of CIP project # 16-005 Casinos Exterior Enhancements; and to approve the activation of the \$500,000 from the approved FY 2017 CIP budget for CIP # 16-005 Casinos Exterior Enhancements, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

C. Re-post vacancy to Oneida Nation Arts Board (2:34:27)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Fawn Billie to re-post the vacancy to the Oneida Nation Arts Board, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens,
Lisa Summers

Not Present: Melinda J. Danforth, Jennifer Webster

Secretary Lisa Summers departs at 11:13 a.m.

Councilman Brandon Stevens departs at 11:17 a.m.

Secretary Lisa Summers returns at 11:18 a.m.

DRAFT**D. Support memorandum regarding Fiscal Year 2018 Budget Directives (2:34:46)**

Sponsor: Trish King, Tribal Treasurer

Motion by Lisa Summers to support the memorandum provided by Trish King dated May 2, 2017, regarding Fiscal Year 2018 Budget Directives, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Lisa Summers
Not Present: Melinda J. Danforth, Brandon Stevens, Jennifer Webster

Councilman David Jordan departs at 11:57 a.m.

E. Approve request to have the Oneida Election Board report screening results for all elected positions to GTC prior to elections (2:42:00)

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Lisa Summers to accept the request as information; and to defer the requestor back to the Oneida Election Board if they have any additional questions, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

Motion by Brandon Stevens to recess at 12:09 p.m. until 1:30 p.m., seconded by Tehassi Hill. Motion withdrawn.

F. Make determination regarding June 14, 2017, regular Business Committee meeting

Sponsor: Lisa Summers, Tribal Secretary (3:32:44)

Motion by Brandon Stevens to recommend option #1 to hold Executive Session discussion on June 13, 2017, and hold the regular meeting on June 14, 2017, adjourning at 12:00 p.m. (noon), seconded by Lisa Summers. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

G. Approve revised OBC Standard Operating Procedure entitled Political Appointees

Sponsor: Melinda J. Danforth, Tribal Vice-Chairwoman (3:35:11)

Motion by Lisa Summers to approve the OBC SOP entitled Hiring and Negotiating Political Appointments, with the revision date of April 27, 2017, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

H. Review request from Oneida Personnel Commission and determine appropriate steps

Sponsor: Lisa Summers, Tribal Secretary (3:37:41)

Motion by Lisa Summers to approve the request for sixty (60) days instead of ninety (90) so that we have a little bit more time on our end to get everything ready, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

DRAFT**X. TRAVEL****A. TRAVEL REPORTS****1. Accept travel report – Secretary Lisa Summers – 2017 Crimes Against Children in Indian Country conference – Carlton, MN – April 24-27, 2017 (3:42:03)**

Motion by Fawn Billie to accept the travel report – Secretary Lisa Summers – 2017 Crimes Against Children in Indian Country conference – Carlton, MN – April 24-27, 2017, seconded by Trish King.
Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Abstained: Lisa Summers
Not Present: Melinda J. Danforth, Jennifer Webster

B. TRAVEL REQUESTS**1. Approve travel request in accordance with Travel & Expense Policy – six (6) Oneida Child Support staff members – National Tribal Child Support Association conference – Niagara Falls, NY – July 9-13, 2017 (3:42:36)**

Sponsor: George Skenandore, Division Director/Governmental Services

Motion by Lisa Summers to approve the travel request in accordance with the Travel & Expense Policy – six (6) Oneida Child Support staff members – National Tribal Child Support Association conference – Niagara Falls, NY – July 9-13, 2017, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

2. Approve travel request in accordance with Travel & Expense Policy – eight (8) Division of Land Management employees – 2017 Bureau of Indian Affairs (BIA) National Realty training – Albuquerque, NM – June 5-9, 2017 (3:44:20)

Sponsor: Jennifer Webster, Councilwoman

Motion by Lisa Summers to approve the travel request in accordance with the Travel & Expense Policy – four (4) Division of Land Management employees – 2017 Bureau of Indian Affairs (BIA) National Realty training – Albuquerque, NM – June 5-9, 2017, seconded by Brandon Stevens. Motion carried with one abstention:

Ayes: Fawn Billie, Trish King, Brandon Stevens, Lisa Summers
Abstained: Tehassi Hill
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

3. Approve travel request – Councilman Brandon Stevens – 2017 Haskell Board of Regents spring meeting – Lawrence, KS – May 17-19, 2017 (3:46:14)

Motion by Lisa Summers to approve the travel request – Councilman Brandon Stevens – 2017 Haskell Board of Regents spring meeting – Lawrence, KS – May 17-19, 2017, seconded by Fawn Billie. Motion carried with one abstention:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Lisa Summers
Abstained: Brandon Stevens
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

Motion by Lisa Summers to defer OBC resolution # 04-22-15-F to Councilman Brandon Stevens' Office to bring back a recommendation on an alternate, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

DRAFT**C. E-POLLS****1. Enter E-Poll results into the record in accordance with OBC SOP Conducting Electronic Voting:**

Sponsor: Lisa Summers, Tribal Secretary

a. Approved travel request – Vice-Chairwoman Melinda J. Danforth – National Indian Health Board (NIHB) & Medicare, Medicaid, and Health Reform Policy Committee (MMPC) retreat – Portland, OR – May 15-17, 2017 (3:48:37)

Requestor: Melinda J. Danforth, Tribal Vice-Chairwoman

Motion by Fawn Billie to enter the E-Poll results into the record for the approved travel request – Vice-Chairwoman Melinda J. Danforth – National Indian Health Board (NIHB) & Medicare, Medicaid, and Health Reform Policy Committee (MMPC) retreat – Portland, OR – May 15-17, 2017, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

b. Approved travel request – Councilwoman Jennifer Webster – National Indian Health Board (NIHB) & Medicare, Medicaid, and Health Reform Policy Committee (MMPC) retreat – Portland, OR – May 15-17, 2017 (3:49:16)

Requestor: Jennifer Webster, Councilwoman

Motion by Tehassi Hill to enter the E-Poll results into the record for the approved travel request – Councilwoman Jennifer Webster – National Indian Health Board (NIHB) & Medicare, Medicaid, and Health Reform Policy Committee (MMPC) retreat – Portland, OR – May 15-17, 2017, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

Motion by Tehassi Hill to recess at 12:29 p.m. until 1:30 p.m., seconded by Brandon Stevens. Motion carried unanimously: **(3:50:02)**

Ayes: Fawn Billie, Tehassi Hill, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, David Jordan, Jennifer Webster

Meeting called to order by Chairwoman Tina Danforth at 1:39 p.m.

Vice-Chairwoman Melinda J. Danforth, Councilman Brandon Stevens, and Councilwoman Jennifer Webster not present.

XI. OPERATIONAL REPORTS

Councilman Brandon Stevens arrives at 1:42 p.m.

A. Accept Environmental Health & Safety Division FY '17 2nd quarter report (3:40:25)

Sponsor: Patrick Pelky, Division Director/Environmental Health & Safety

Motion by Brandon Stevens to accept the Environmental Health & Safety Division FY '17 2nd quarter report, seconded by Trish King. Motion carried unanimously:

Treasurer Trish King departs at 1:57 p.m. before voting occurs.

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, Trish King, Jennifer Webster

DRAFT

Treasurer Trish King returns at 2:00 p.m.

Secretary Lisa Summers departs at 2:13 p.m.

B. Accept Division of Land Management FY '17 2nd quarter report (4:07:38)

Sponsor: Patrick Pelky, Division Director/Land Management

Motion by David Jordan to accept the Division of Land Management FY '17 2nd quarter report, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

C. Accept Oneida Housing Authority FY '17 2nd quarter report (4:28:52)

Sponsor: Dale Wheelock, Executive Director/Oneida Housing Authority

Motion by David Jordan to accept the Oneida Housing Authority FY '17 2nd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

D. Accept Human Resources Department FY '17 2nd quarter report (4:43:23)

Sponsor: Geraldine Danforth, Area Manager/Human Resources

Motion by David Jordan to accept the Human Resources Department FY '17 2nd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

E. Accept Internal Services Division FY '17 2nd quarter report (5:10:56)

Sponsor: Joanie Buckley, Division Director/Internal Services

Motion by David Jordan to accept the Internal Services Division FY '17 2nd quarter report, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

F. Accept Retail Enterprises FY '17 2nd quarter report (5:57:20)

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by David Jordan to accept the Retail Enterprises FY '17 2nd quarter report, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

DRAFT**XII. GENERAL TRIBAL COUNCIL** *(To obtain a copy of Members Only materials, visit the BC Support Office, 2nd floor, Norbert Hill Center and present Tribal I.D. card or go to <https://goo.gl/uLp2jE>)***A. Petitioner Edward Delgado: Oneida panel of educators and retention of kindergarten students****1. Accept response memo regarding financial analysis (6:13:08)**

Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM JANUARY 25, 2017: Motion by Lisa Summers to accept the legal analysis as information which was a handout dated January 23, 2017, from Chief Counsel, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM JANUARY 11, 2017: (1) Motion by Trish King to accept the legislative analysis progress report from December 14, 2016, seconded by Lisa Summers. Motion carried unanimously. (2) Motion by Lisa Summers to accept the legislative analysis, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Lisa Summers to accept the legal analysis progress report from December 14, 2016, as information, seconded by Fawn Billie. Motion carried unanimously. (4) Motion by Lisa Summers to accept the verbal update regarding the legal analysis for January 13, 2017, noting that the complete analysis will be provided at the January 25, 2017, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously. (5) Motion by Lisa Summers to accept the financial analysis progress report from December 14, 2016, seconded by Brandon Stevens. Motion carried unanimously. (6) Motion by Lisa Summers to accept the update regarding the financial analysis, seconded by Fawn Billie. Motion carried unanimously.

EXCERPT FROM DECEMBER 28, 2016: Meeting cancelled.

EXCERPT FROM DECEMBER 14, 2016: Motion by Jennifer Webster to adjourn at 11:59 a.m.; and to defer the remaining agenda items to the December 28, 2016, regular Business Committee meeting, with item "VIII.A. Review concern # 2016-CC-21 regarding Tsyunhehkwa operations" to be addressed first on that agenda, seconded by Melinda J. Danforth. Motion carried unanimously.

EXCERPT FROM OCTOBER 26, 2016: (1) Motion by Lisa Summers to accept the verified petition submitted by Edward Delgado regarding Oneida panel of educators and retention of kindergarten students; and to request appropriate analyses, seconded by Fawn Billie. Motion carried unanimously. (2) Motion by Lisa Summers to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Lisa Summers to direct the Law, Finance, and Legislative Reference Offices to submit their analyses within sixty (60) days; and that a progress report be submitted within forty-five (45) days, seconded by David Jordan. Motion carried unanimously.

Motion by Tehassi Hill to accept the financial impact memo, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

B. Petitioner Sherrole Benton: Request to change pre-employment drug testing for marijuana**1. Accept financial analysis (6:14:52) (Not Submitted)**

Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM APRIL 26, 2017: Motion by Jennifer Webster to defer the financial analysis to May 10, 2017, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

DRAFT

EXCERPT FROM APRIL 12, 2017: (1) Motion by David Jordan to accept the legal analysis, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Lisa Summers to defer the financial analysis to the April 26, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM MARCH 22, 2017: (1) Motion by David Jordan to accept the legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Tehassi Hill to defer the legal analysis to the April 12, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously. (3) Motion by David Jordan to defer the financial analysis to the April 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 8, 2017: (1) Motion by Brandon Stevens to accept the progress report regarding legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Jennifer Webster to accept the progress report regarding the legal analysis, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Jennifer Webster to accept the progress report regarding the financial analysis, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JANUARY 11, 2017: (1) Motion by Lisa Summers to accept the verified petition from Sherrole Benton regarding a request to change pre-employment drug testing for marijuana use; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; and to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days, seconded by Fawn Billie. Motion carried unanimously.

Motion by Fawn Billie to defer the financial analysis to the May 24, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously:

Ayes: David Jordan, Trish King, Brandon Stevens, Lisa Summers
Not Present: Melinda J. Danforth, Fawn Billie, Tehassi Hill, Jennifer Webster

XIII. EXECUTIVE SESSION**A. REPORTS****1. Accept Retail Enterprises FY '17 2nd quarter report (6:15:50)**

Sponsor: Michele Doxtator, Area Manager/Retail Profits

Motion by Trish King to accept the Retail Enterprises FY '17 2nd quarter report, seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

a. Accept update regarding strategic land purchase (6:16:25)

EXCERPT FROM APRIL 26, 2017: Motion by Fawn Billie to defer the update regarding strategic land purchase to May 10, 2017, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JANUARY 25, 2017: Motion by Lisa Summers to accept the update; and to request a follow-up report be brought back in approximately sixty (60) days for the April 26, 2017, regular Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

Motion by Tehassi Hill to accept the update regarding strategic land purchase, seconded by Trish King. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

DRAFT**2. Accept Chief Counsel report – Jo Anne House, Chief Counsel (6:17:14)**

Motion by Trish King to approve the contract addendum – Karma Group Inc. – contract # 2015-0472, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

Motion by Trish King to accept recommendation (1)(c) and recommendation (2) in the Chief Counsel report dated May 9, 2017, in regards to the New York trademark issue, seconded by David Jordan. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

Councilman David Jordan departs at 4:11 p.m.

Councilman David Jordan returns at 4:16 p.m.

Motion by Trish King to accept the Oneida Trust Enrollment Committee decision from their memorandum dated April 25, 2017, as information; to support recommendation #1 regarding the funding source identified in the decision on enrollment; and to authorize the use of income from the Language Revitalization Fund for the purpose of making the Minors Trust Account referred to in the decision on enrollment whole, seconded by Tehassi Hill. Motion not voted on; item tabled.

Motion by David Jordan to table this item until the next meeting and make sure we have Trust Enrollment Committee representation when we untable it. Motion failed due to lack of support.

Motion by Fawn Billie to table this item for two (2) weeks, seconded by David Jordan. Motion carried with two opposed:

Ayes: Fawn Billie, Tehassi Hill, David Jordan
Opposed: Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

Motion by Trish King to accept the Chief Counsel report, seconded by Tehassi Hill. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously: **(6:37:03)**

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

B. STANDING ITEMS**1. Land Claims Strategy (No Requested Action)****C. AUDIT COMMITTEE (No Requested Action)**

DRAFT**D. UNFINISHED BUSINESS****1. Review Language House proposal and determine next steps**

Sponsors: Tehassi Hill, Councilman; Jennifer Webster, Councilwoman; Brandon Stevens, Councilman

EXCERPT FROM MARCH 22, 2017: Motion by Lisa Summers to approve the concept to move forward; to assign the team members of Councilmembers Tehassi Hill, Jennifer Webster, and Brandon Stevens to complete the follow-up; and that the final proposal be brought back for final approval at the May 10, 2017, regular Business Committee meeting, seconded by Trish King. Motion carried unanimously.

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

2. Approve final report regarding Tsyunhehkwa

Sponsor: Joanie Buckley, Division Director/Internal Services

EXCERPT FROM APRIL 26, 2017: Motion by Fawn Billie to defer the final recommendations regarding Tsyunhehkwa to the May 10, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 22, 2017: Motion by Tehassi Hill to accept the Tsyunhehkwa report; and to request the Internal Services Division Director to bring back final recommendations for the April 26, 2017, regular Business Committee meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

3. Defer applicable documents and policies from Law Office regarding community concern # 2017-CC-05 to May 24, 2017, regular Business Committee meeting

Sponsor: Jo Anne House, Chief Counsel

EXCERPT FROM APRIL 26, 2017: Motion by Tehassi Hill to forward this item to the Law Office for a legal review of all applicable documents and policies to be brought back at the next Business Committee meeting or as soon as possible, seconded by Fawn Billie. Motion carried unanimously.

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

DRAFT**4. Review applications and appoint appropriate applicants to Oneida ESC Group LLC. Board of Managers**

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM APRIL 26, 2017: Motion by Fawn Billie to defer this item to the next Business Committee meeting, seconded by Jennifer Webster. Motion carried unanimously.

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
 Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

5. Direct Housing Authority Executive Director to provide update on process to exceed FY 2016 IHP acquisition/rehabilitation limit

Sponsor: Lisa Summers, Tribal Secretary

EXCERPT FROM APRIL 26, 2017: Motion by Tehassi Hill to defer this item to the May 10, 2017, Business Committee meeting, seconded by Fawn Billie. Motion carried with one abstention.

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
 Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

E. NEW BUSINESS**1. Approve reorganization proposal and consolidation plan**

Sponsor: Joanie Buckley, Division Director/Internal Services

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
 Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

2. Approve Gaming Strategy for FY 2018 budget

Sponsor: Louise Cornelius, Gaming General Manager

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
 Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

~~3. Approve revised OBC Standard Operating Procedure entitled Political Appointees~~~~Sponsor: Melinda J. Danforth, Tribal Vice Chairwoman~~*Moved to Open Session – New Business as item IX.G.*

DRAFT**4. Affirm or provide alternative direction regarding Aimbridge proposal**

Sponsor: Lisa Summers, Tribal Secretary

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

~~5. Review request from Oneida Personnel Commission and determine appropriate steps~~~~Sponsor: Lisa Summers, Tribal Secretary~~*Moved to Open Session – New Business as item IX.H.***6. Review community concern # 2017-CC-07**

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

7. Review complaint # 2017-DR08-05

Sponsor: Tina Danforth, Tribal Chairwoman

Motion by Trish King to defer the remainder of the agenda to the May 24, 2017, regular Business Committee meeting with the exception of item XIII.E.04 to be processed via E-Poll because there is a deadline to that, seconded by Brandon Stevens. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

XIV. ADJOURN

Motion by Brandon Stevens to adjourn at 4:30 p.m., seconded by Fawn Billie. Motion carried unanimously:

Ayes: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens
Not Present: Melinda J. Danforth, Lisa Summers, Jennifer Webster

Minutes prepared by Heather Heuer, Information Management Specialist
Minutes approved as presented on _____.

Lisa Summers, Secretary
ONEIDA BUSINESS COMMITTEE

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Adopt Resolution Legal Resource Emergency Law

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, Director, LRO
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, LRO
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Attached is a Resolution that adopts the Legal Resource Center law on an emergency basis. On November 14, 2016, the General Tribal Council (GTC) directed the OBC to establish a legal office consisting of advocates and an advising attorney for GTC. These advocates and attorney are to be elected at the 2017 General Election, to represent employees employed by the Oneida Nation and Tribal enrolled members that have any type of litigation at the Oneida Judiciary, and to retain legal counsel specifically for GTC to advise during duly called GTC meetings.

This Law is being adopted on an emergency basis because the advocates that will provide legal advice and representation to Tribal members and employees are on the ballot for the July 8, 2017 general election. In accordance with the Legislative Procedures Act, emergency legislation does not require a public meeting or fiscal impact statement. If adopted, the law will become effective immediately and will remain in effect for six months, unless extended for up to an additional six months or the law is permanently adopted.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



TO: Oneida Business Committee
FROM: Brandon Stevens, LOC Chairperson *BS*
DATE: May 16, 2017
RE: Legal Resource Center Emergency Law

Please find the following attached backup documentation for your consideration of the Legal Resource Center Emergency Law:

1. Resolution: Legal Resource Center Emergency Law
2. Statement of Effect: Legal Resource Center Emergency Law
3. Legal Resource Center Emergency Law: Legislative Analysis
4. Legal Resource Center Emergency Law (Clean)

Overview

The attached Resolution will adopt an emergency law that creates the Legal Resource Center. The Legal Resource Center was approved by General Tribal Council motion on November 14, 2016. The emergency law is required as the advocates that will provide legal advice and representation to Tribal members and employees in cases brought forth in the Judiciary are on the ballot for the July 8, 2017 general election and legislation is necessary to provide structure to the Legal Resource Center to benefit the general welfare of the Oneida Nation by informing the advocates of the general provisions and duties associated with the Legal Resource Center.

Emergency laws do not require a public meeting or fiscal impact statement. If adopted, the law will become effective immediately and will remain in effect for six (6) months, unless extended or permanently adopted [*See* section 109.9-5 of the Legislative Procedures Act].

Requested Action

Approve the Resolution: Legal Resource Center Emergency Law.

BC Resolution # _____
Legal Resource Center Emergency Law

1
2
3
4 **WHEREAS**, the Oneida Nation is a federally recognized Indian government and a treaty tribe
5 recognized by the laws of the United States of America; and
6

7 **WHEREAS**, the Oneida General Tribal Council is the governing body of the Oneida Nation;
8 and
9

10 **WHEREAS**, the Oneida Business Committee has been delegated the authority of Article IV,
11 Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal
12 Council; and
13

14 **WHEREAS**, on November 14, 2016, the Oneida General Tribal Council approved a motion
15 directing the Oneida Business Committee to establish a legal office consisting of
16 advocates and an advising attorney to represent Tribal members and employees in
17 any type of litigation at the Oneida Judiciary and to advise the Oneida General
18 Tribal Council during duly called General Tribal Council meetings; and
19

20 **WHEREAS**, the Legislative Procedures Act authorizes the Oneida Business Committee to
21 enact legislation on an emergency basis, to be in effect for a period of six (6)
22 months, renewable for an additional six (6) months; and
23

24 **WHEREAS**, adopting an emergency law to create the Legal Resource Center is necessary in
25 order to preserve the public health, safety, or general welfare of the reservation
26 population as two (2) advocates are on the ballot for the July 8, 2017 general
27 election and legislation is necessary to provide structure to the Legal Resource
28 Center; and
29

30 **WHEREAS**, observance of the adoption requirements under the Legislative Procedures Act for
31 passage of laws and policies would be contrary to public interest.
32

33 **NOW THEREFORE BE IT RESOLVED**, that the Legal Resource Center law is hereby
34 adopted on an emergency basis for six (6) months and shall take effect immediately.
35

36 **BE IT FURTHER RESOLVED**, that the Oneida Business Committee is hereby directed to
37 implement a Transition Plan to include the following:

38 (1) *Elections*. The elections for the Legal Resource Center shall be held during the 2017
39 general election. The election process shall follow the Nation's Election law and
40 during the first Legal Resource Center election, the Advocates shall be elected as
41 follows:

- 42 a. The candidate for Advocate with the highest number of votes shall be elected
43 to a term of four (4) years.
44 b. The candidate for Advocate with the next highest number of votes shall be
45 elected to a term of three (3) years.

46 c. In the event of any tie vote, the provisions of the Nation’s Election law for
47 resolving a tie vote shall determine the outcome.

48 (2) *Legal Resource Center Opening.* The Legal Resource Center shall be open to Tribal
49 members and employees beginning on February 1, 2018.

50
51 **BE IT FURTHER RESOLVED**, that the Oneida Business Committee is authorized to make
52 such modifications and additions to the above Transition Plan as it deems necessary to
53 implement the Legal Resource Center in accordance with the proposed timelines, and shall
54 subsequently file a report at the annual or semi-annual meeting of the Oneida General Tribal
55 Council that occurs after the modifications or additions are made.

56
57
58



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



Statement of Effect
Legal Resource Center Emergency Law

Summary

This Resolution adopts an emergency law that creates the Legal Resource Center.

Submitted by: Robert J. Collins II, Staff Attorney, Oneida Law Office.

Analysis by the Legislative Reference Office

This Resolution adopts an emergency law that creates the Legal Resource Center. The Legal Resource Center was approved by General Tribal Council (GTC) motion on November 14, 2016 and establishes a department that will provide legal advice and representation to Tribal members and employees in cases brought forth in the Judiciary and to represent GTC at GTC meetings.

The Legislative Procedures Act (LPA) allows the Oneida Business Committee (OBC) to take emergency action to amend a law where it is "necessary for the immediate preservation of the public health, safety, or general welfare of the reservation population" and when enactment or amendment of legislation is required sooner than would be possible under the LPA. [See section 109.9-5 of the LPA]. Through this Resolution, the OBC will provide structure to the Legal Resource Center which will guide the two (2) advocates that are on the ballot for the July 8, 2017 general election by informing the advocates of the general provisions and duties associated with the Legal Resource Center.

Conclusion

Adoption of this Resolution would not conflict with any of the Nation's laws.



Legal Resource Center Legislative Analysis

SECTION 1. BACKGROUND

| REQUESTER: GTC Directive | SPONSOR: Brandon Stevens | DRAFTER: Robert J. Collins | ANALYST: Maureen Perkins |
|--------------------------------|--|-------------------------------|-----------------------------|
| Intent of Law | To govern the Legal Resource Center (LRC) including the establishment, restrictions, prohibitions, filling vacancies, establishing qualifications, election and duties of attorneys and advocates, and detail the discipline and removal process. | | |
| Purpose | The purpose of this law is to establish a Legal Resource Center to provide legal advice and representation to both Tribal members and employees in cases before the Judiciary and to represent the Oneida General Tribal Council at General Tribal Council meetings [see 811.1-1]. | | |
| Affected Entities | Judiciary, Employees of the Nation, Tribal members, Supervising Attorney, Advocates, Oneida General Tribal Council (GTC), Oneida Business Committee (OBC) | | |
| Affected Legislation | Removal Law, Professional Conduct for Attorneys and Advocates (in development), Judiciary Rules of Admission | | |
| Enforcement/Due Process | Supervising Attorneys and Advocates are subject to disciplinary actions pursuant to the Professional Conduct for Attorneys and Advocates law and any other laws that govern discipline and/or removal of elected positions [see 811.7-1]. Supervising Attorneys and Advocates are subject to the Removal Law if they have their admission to practice before the Judiciary revoked or no longer qualifies for the position [see 811.7-2]. | | |
| Public Meeting | This draft is presented for adoption on an emergency basis; meaning no public meeting is required until the law is submitted for permanent adoption. | | |

SECTION 2. LEGISLATIVE DEVELOPMENT

- 1
- 2 **A.** The proposed legislation was developed in response to a directive from the GTC. The draft is
- 3 presented as emergency legislation because there is not enough time to follow the regular legislative
- 4 process to have the legislation in place by the July 8, 2017 General Election.
- 5 **B.** An alternative to this legislation was considered. Early on, there was discussion about setting the
- 6 office up as a Tribal corporate entity similar to a legal aid entity; however, based on the motion and
- 7 the timelines it was decided that the office would be created via legislation similar to that of the
- 8 Judiciary.
- 9 **C.** The benefits to this legislation include the development of the framework as a governing document to
- 10 implement the Legal Resource Center to fulfill the GTC directive to elect Advocates and a
- 11 Supervising Attorney to represent Tribal members and employees before the Judiciary and to
- 12 represent the GTC at GTC meetings.
- 13

SECTION 3. CONSULTATION

- 14
- 15 **A.** The Oneida Business Committee and the Oneida Judiciary were consulted about the contents of the
- 16 legislation.

17 B. The laws and rules pertaining to the Judiciary were consulted in the drafting of this legislation.
18

19 SECTION 4. PROCESS

20 A. This law has been introduced as emergency legislation in order to have a governing document in place
21 when the Legal Resource Center Advocates are elected at the general election on July 8, 2017. This is
22 the correct legislative process in light of the fact that there isn't time to have this law in place by the
23 election through the regular legislative process.

24 B. This law was directed by the GTC on 11/14/2016 and added to the Active Files List as an emergency
25 on 4/5/17.
26

27 SECTION 5. CONTENTS OF THE LEGISLATION

28 A. This legislation establishes general provisions related to the Legal Resource Center *[see 811.4]*.

- 29 • Established the Legal Resource Center which will provide legal advice and representation to
30 Tribal members and employees in cases brought before the Judiciary and to represent the GTC at
31 GTC meetings *[see 811.4-1]*.
- 32 • Restrictions are provided which limit the actions of the Legal Resource Center *[see 811.4-2]*.
- 33 • The Supervising Attorney or Advocates elected by the GTC may not be elected or appointed to
34 serve on any of the Nation's boards, committees or commissions or be otherwise employed,
35 elected or appointed by the Nation *[see 811.4-3]*.
- 36 • Vacancies of the Supervising Attorney or Advocate positions may be appointed by the OBC until
37 the next general election at which time the successor will be elected to a four (4) year term *[see*
38 *811.4-4]*.
- 39 • If there is no Supervising Attorney in office (there are no candidates on the July general election
40 ballot for the Supervising Attorney position), then the Advocates shall assume duties related to:
41 ○ *[see 811.4-5]*.

42 B. The Supervising Attorney is detailed in section 811.5 including:

- 43 • Qualifications *[see 811.5-1]*:
 - 44 ○ There shall be at least one full-time elected Supervising Attorney with qualifications
45 detailed in this section.
- 46 • The elected term is four (4) years *[see 811.5-2]*.
- 47 • Duties are detailed in section 811.5-3 and include:
 - 48 ○ providing legal services
 - 49 ○ maintaining ethical standards
 - 50 ○ setting up the Legal Resource Center including drafting any rules or standard operating
51 procedures (SOP's)
 - 52 ○ supervising Advocates and staff
 - 53 ○ representing the Legal Resource Center at functions and meetings
 - 54 ○ managing the Legal Resource Center including budging and reporting
 - 55 ○ advising the GTC at GTC meetings
 - 56 ○ providing training to Tribal members regarding the Oneida Code of Laws and the
57 Judiciary's processes and procedures
 - 58 ○ any other duties prescribed by the Nation's laws and the Legal Resources Center's
59 SOP's.

60 C. The Advocates are detailed in section 811.6 including:

61 • Qualifications *[see 811.6-1]*:

62 ○ There shall be at least two (2) full time Advocates elected by the Nation's membership
63 with qualifications detailed in this section.

64 ■ Admission to practice before the Judiciary includes standards that appear in
65 section 811.6-1 and passing a background check, receiving a pardon or
66 forgiveness from the Nation if the background check includes a conviction of any
67 offense involving fraud or misrepresentation or any felony *[see Judiciary Rules*
68 *of Admission Rule 1-2(A)]*.

69 • The elected term is four (4) years *[see 811.6-2]*.

70 • Duties are detailed in section 811.6-3 and include:

71 ○ providing legal services

72 ○ representing the LRC at functions as appropriate

73 ○ maintaining ethical standards

74 ○ attending continuous training

75 ○ maintaining informed regarding applicable laws

76 ○ other duties as assigned by the Supervising Attorney or the laws and rules of the Nation
77 and the LRC's SOPs.

78 ○ The Advocates are responsible for a portion of the Supervising Attorney's duties if this
79 position is vacant *[see 811.4-5]*.

80 D. Discipline and Removal *[see 811.7]*.

81 • Supervising Attorneys and Advocates are subject to disciplinary actions according to the
82 Professional Conduct for Attorneys and Advocates law (under development) and the Removal
83 Law.

84 E. Administrative Rulemaking Authority

85 • The Supervising Attorney shall promulgate rules establishing how clients apply for the Legal
86 Resource Center's services *[see 811.5-3(l)]*. The Advocates shall assume this duty if no
87 Supervising Attorney is in office *[see 811.4-5]*.

88 F. The proposed legislation is written clearly and simply.

89

90 SECTION 6. INTENT

91 A. The purpose of this law is to provide the foundation for the LRC in order to guide the development of
92 the office.

93 B. This legislation clearly applies to the elected positions of the LRC including the Supervising Attorney
94 and the Advocates.

95

96 SECTION 7. EFFECT ON EXISTING LEGISLATION

97 A. This law does not impact or conflict with any existing laws of the Nation. The Supervising Attorney
98 and Advocates shall act in accordance with all existing laws and rules of the Nation that establish
99 guidelines for attorneys and advocates including:

100 • The Rules of Civil Procedure *[see Chapter 803]*

101 ○ Establishes the role and responsibilities of attorneys and advocates in the civil
102 proceedings

- 103 • The Rules of Appellate Procedure *[see chapter 805]*
104 ○ Establishes the role and responsibilities of attorneys and advocates in the appellate
105 proceedings
106 • Oneida Judiciary Rules of Evidence *[see Chapter 804]*
107 ○ Establishes the attorney-client and advocate-client relationship
108 • Divorce, Annulment, Legal Separation *[see Chapter 702]*
109 ○ Establishes the role and responsibilities of an attorney or advocate representing a party in
110 divorce, annulment, or legal separation proceedings.
111 • Professional Conduct for Attorneys and Advocates law (under development)
112 ○ Governs the conduct of attorneys and advocates admitted to practice law before the
113 Judiciary.
114 • Judiciary Rules of Admission *[See Judiciary Website]*
115 ○ Establishes minimum requirements for admission to practice before the Judiciary and to
116 regulate those admitted to practice.
117 **B.** Although it is not a conflict; this law establishes Advocates as elected by the membership, whereas the
118 laws above do not consider advocates to be elected positions; rather non-attorneys admitted by the
119 Judiciary to practice law as a representative or advisor to a party *[see Rules of Civil Procedure,*
120 *803.3(a)]*.
121

122 SECTION 8. EFFECTS ON EXISTING RIGHTS, PRIVILEGES, OR 123 OBLIGATIONS

- 124 **A.** This legislation does not impact existing rights, privileges, benefits or obligations.
125 **B.** Due process is addressed through the Professional Conduct for Attorneys and Advocates law (in
126 development) regarding disciplinary action and the Removal Law regarding Supervising Attorneys or
127 Advocates who have their admission to practice before the Judiciary revoked or no longer qualifies to
128 serve as a Supervising Attorney or Advocate *[see 811.7]*.
129 **C.** The Judiciary Rules of Admission details the revocation process should an attorney or advocate violate
130 any of the rules of admission and no long qualify to practice before the Judiciary *[see Judiciary Rules*
131 *of Admission on the Judiciary website]*.
132 **D.** The Supervising Attorney and the Advocates are elected to four year terms. The first election for the
133 Advocates will be for staggered terms with the Advocate with the highest votes getting a term of four
134 (4) and the next highest votes with a term of three (3) years *[see adopting Resolution]*.
135 **E.** This legislation will not affect any existing legislation or any processes currently in place.
136

137 SECTION 9. ENFORCEMENT

- 138 **A.** The Professional Conduct for Attorneys and Advocates law (currently in development) will establish:
139 • the requirement of competent representation of clients
140 • the scope of representation, promptness of representation
141 • the required nature communication with clients
142 • any legal fees
143 • the confidential nature of representation
144 • address any conflicts of interest

- 145 • duties to former clients
 - 146 • restrictions for former judges, mediators, or peacemakers
 - 147 • representing clients with diminished capacity
 - 148 • declining or terminating representation
 - 149 • duties to perspective clients
 - 150 • the role as advisor
 - 151 • candor and impartiality toward the Judiciary
 - 152 • fairness to opposing party and counsel
 - 153 • counsel as witness
 - 154 • admittance to practice and disciplinary matters
 - 155 • misconduct
 - 156 • civil actions for negligence or violation of duty
 - 157 • disciplinary actions
- 158 **B.** The GTC will enforce this law in accordance with the Removal Law which governs the removal of
159 elected officials [*see Removal Law, 104.4-1*].
160

161 SECTION 10. ACCOUNTABILITY

- 162 **A.** The Supervising Attorney and the Advocates are elected positions who are accountable directly to the
163 GTC.
- 164 **B.** The Legal Resource Center will report to GTC on an Annual and Semi-Annual schedule.
- 165 **C.** These reports are available to Tribal members at GTC meetings, on the Members Only website, or
166 through the Secretary's Office.

167 SECTION 11. OTHER CONSIDERATIONS

- 169 **A.** Section 109.9-5 of the Legislative Procedures Act authorizes the OBC to temporarily enact an
170 emergency law where legislation is necessary for the immediate preservation of the public health,
171 safety or general welfare of the reservation population and the enactment or amendment of legislation
172 is required sooner than would be possible by utilizing the standard legislative process [*see Legislative*
173 *Procedures Act, 109.9-5(b)*]. In this situation, there would not be time to implement the law through
174 the standard legislative process prior to the Nation's general election on July 8, 2017.
175 If adopted on an emergency basis, this law will become effective immediately, and will remain in
176 effect for up to six months, with the possibility of a one-time extension of up to an additional six
177 months [*see Legislative Procedures Act, 109.9-5(b)*].
- 178 **B.** There are no candidates for the Supervising Attorney position. In this case the elected Advocates will
179 be responsible for the implementation of this law and establishing the Legal Resource Center [*see*
180 *811.4-5*].
- 181 **C.** The adopting resolution for this legislation includes a transition plan which includes staggered terms
182 for the Advocate positions as noted above, and an official opening date for the Legal Resource Center
183 of February 1, 2018 to allow the elected Advocates time to create the rules and SOP's necessary to
184 run the LRC [*see adopting resolution*].

185
186

Title 8. Judiciary – Chapter 811
LEGAL RESOURCE CENTER

811.1. Purpose and Policy

811.2. Adoption, Amendment, Repeal

811.3. Definitions

811.4. General Provisions

811.5. Supervising Attorney

811.6. Advocates

811.7. Discipline and Removal

1 **811.1. Purpose and Policy**

2 811.1-1. *Purpose.* The purpose of this law is to establish a Legal Resource Center to provide
3 legal advice and representation to both Tribal members and employees in cases before the
4 Judiciary and to represent the Oneida General Tribal Council at General Tribal Council
5 meetings.

6 811.1-2. *Policy.* It is the policy of the Nation to provide legal assistance to its members and
7 employees in an effort to protect individual rights.

8
9 **811.2. Adoption, Amendment, Repeal**

10 811.2-1. This law was adopted by the Oneida Business Committee by resolution BC-__-__-__-
11 __.

12 811.2-2. This law may be amended or repealed by the Oneida Business Committee and/or
13 Oneida General Tribal Council pursuant to the procedures set out in the Legislative Procedures
14 Act.

15 811.2-3. Should a provision of this law or the application thereof to any person or circumstances
16 be held as invalid, such invalidity shall not affect other provisions of this law which are
17 considered to have legal force without the invalid portions.

18 811.2-4. In the event of a conflict between a provision of this law and a provision of another
19 law, the provisions of this law shall control.

20 811.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

21
22 **811.3. Definitions**

23 811.3-1. This section shall govern the definitions of words and phrases used within this law. All
24 words not defined herein shall be used in their ordinary and everyday sense.

25 (a) “Advocate” means a person elected by the membership who is a non-attorney admitted to
26 practice law before the Judiciary and presented to the Court as the representative or
27 advisor to a party.

28 (b) “Employee” means any individual hired by the Nation and on the Nation’s payroll
29 and encompasses all forms of employment, including but not limited to: full-time,
30 part-time, at-will, elected/appointed officials, political appointees, and contracted
31 persons.

32 (c) “Judiciary” means the judicial system responsible for applying the laws of the Oneida
33 Nation. The three branches, as identified in resolutions BC-05-08-13-A and GTC 01-07-
34 13-B are the Family Court, Trial Court, and Appellate Court.

35 (d) “Nation” means the Oneida Nation.

36 (e) “Rule” means a set of requirements enacted by an authorized agency in accordance with
37 the Administrative Rulemaking law based on authority delegated in this law in order to
38 implement, interpret, and/or enforce this law.

39 (f) “Supervising Attorney” means a person elected by the membership who is trained and
40 licensed to represent another person in Court, to prepare documents, and to give advice or
41 counsel on matters of law.

42 (g) “Tribal member” means an individual who is an enrolled member of the Nation.
43

44 **811.4. General Provisions**

45 811.4-1. *Establishment.* There is hereby established a Legal Resource Center, which shall
46 provide legal advice and representation to Tribal members and employees in cases brought forth
47 in the Judiciary and to represent the Oneida General Tribal Council at General Tribal Council
48 meetings.

49 811.4-2. *Restrictions.* The Legal Resource Center shall not:

50 (a) Accept a case that is determined to be frivolous or without legal merit. Whenever the
51 Supervising Attorney or Advocate makes such a determination in a case where a notice of
52 representation has been filed or an appearance has been made, he or she shall motion the
53 court for withdrawal;

54 (b) Accept a case when there is a conflict of interest pursuant to the Professional Conduct
55 for Attorneys and Advocates law;

56 (c) Appear in any case before the Judiciary prior to the client applying for the services of
57 the Legal Resource Center; or

58 (d) Appear in any case before the Judiciary where the Supervising Attorney or Advocate
59 does not meet the qualifications established by law.

60 811.4-3. *Prohibitions.* While serving a term of office, no Supervising Attorney or Advocate
61 may:

62 (a) Be elected or appointed to serve on any of the Nation’s boards, committees or
63 commissions; or

64 (b) Be otherwise employed, elected, or appointed by the Nation.

65 811.4-4. *Vacancies.* If a Supervising Attorney or Advocate dies, resigns, is removed from
66 office, becomes incapacitated for a period in excess of one hundred eighty (180) consecutive
67 days, is declared incompetent by a court of competent jurisdiction, or there are no candidates for
68 the position in the election, the position shall be declared vacant by the Oneida Business
69 Committee and the Oneida Business Committee may appoint a successor to fill the position until
70 the next general election at which time a successor will be elected to a four (4) year term.

71 811.4-5. *Assumption of Duties.* If there is no Supervising Attorney in office, then the Advocates
72 shall share the duties promulgated by sections 811.5-3(b), (d), (e), (f), (g), (h), (l), (m), and (o).
73

74 **811.5. Supervising Attorney**

75 811.5-1. *Qualifications.* There shall be at least one (1) full-time Supervising Attorney of the
76 Legal Resource Center. This position shall be an elected position and shall have the following
77 qualifications:

78 (a) is an enrolled Tribal member and is at least twenty-one (21) years of age on the date
79 of the election;

80 (b) have a juris doctor (J.D.) degree from an accredited law school;

81 (c) have at least two (2) years of previous experience practicing law and/or equivalent
82 combination of education and experience;

83 (d) be licensed to practice law in the State of Wisconsin and in good standing; and

84 (e) be admitted to practice before the Judiciary.

85 811.5-2. *Election.* The Supervising Attorney shall be elected by the Nation's membership to a
86 term of four (4) years.

87 811.5-3. *Duties.* The Supervising Attorney shall have the duty of administering the Legal
88 Resource Center, which shall include the following:

89 (a) provide legal services;

90 (b) oversee the assignment of cases to the Advocates;

91 (c) supervise the Advocates;

92 (d) supervise any administrative personnel;

93 (e) establish standards concerning the training and continued education for the
94 Advocates;

95 (f) manage the operation, activities, policies, and procedures of the Legal Resource
96 Center;

97 (g) submit an annual budget for consideration by the Oneida General Tribal Council;

98 (h) provide annual and semi-annual reports to the Oneida General Tribal Council;

99 (i) represent the Legal Resource Center at functions and meetings where appropriate;

100 (j) maintain the integrity of the legal process by acting ethically and honestly both in
101 private and in public and maintaining the strictest of confidentiality;

102 (k) remain informed about changes to Tribal, state and federal laws, and state and federal
103 court and administrative hearing body decisions that may impact Indian country;

104 (l) develop standard operating procedures to ensure confidentiality and accommodate the
105 handling of potential conflicts of interest by the Legal Resource Center (e.g. should the
106 Legal Resource Center represent both parties to an action, written informed consent shall

107 be obtained by both parties prior to the commencement of representation). The
108 procedures shall not conflict with existing law, including the Professional Conduct for
109 Attorneys and Advocates law;

110 (m) promulgate rules establishing how clients apply for the Legal Resource Center's
111 services;

112 (n) advise the Oneida General Tribal Council during General Tribal Council meetings;

113 (o) provide bi-annual training starting in FY 2018 that is open to all Tribal members and
114 includes, but is not limited to, training on the Oneida Code of Laws and the Judiciary's
115 processes and procedures; and

116 (p) other duties as prescribed by the Nation's laws and the Legal Resource Center's
117 standard operating procedures.

118

119 **811.6. Advocates**

120 811.6-1. *Qualifications.* There shall be at least two (2) full-time Advocates in the Legal
121 Resource Center. The Advocates shall be elected by the Nation's membership and have the
122 following qualifications:

123 (a) is an enrolled Tribal member and is at least twenty-one (21) years of age on the date
124 of the election;

125 (b) have one (1) of the following from an accredited institution:

126 (1) a juris doctor degree;

127 (2) a doctor of philosophy degree;

128 (3) a master's degree; or

129 (4) a bachelor's degree or associate's degree in one of the following fields of
130 study, provided that a degree in a similar field of study shall also apply:

131 (A) Criminal Justice

- 132 (B) Education
133 (C) Political Science (including Government, Politics or Public Policy)
134 (D) Human Rights
135 (E) Journalism
136 (F) Legal Studies
137 (G) Native American Studies
138 (H) Psychology
139 (I) Sociology
140 (J) Public Administration
141 (K) History
142 (L) Business Administration
143 (M) Economics or Finance
144 (N) Philosophy
145 (O) Judicial Studies
146 (P) Paralegal Studies
147 (Q) Family Law

148 (c) have at least two (2) years of experience in litigation, negotiation, or advocacy and/or
149 equivalent combination of education and experience; and

150 (d) be admitted to practice before the Judiciary.

151 811.6-2. *Election.* Advocates shall be elected by the Nation's membership to a term of four (4)
152 years.

153 811.6-3. *Duties.* Advocates shall represent clients in accordance with the Professional Conduct
154 for Attorneys and Advocates law. In addition to all other duties imposed by this law and other
155 laws or rules of the Nation, advocates shall:

156 (a) provide legal services;

157 (b) complete assignments given by the Supervising Attorney or pursuant to section
158 811.4-5;

159 (c) represent the Legal Resource Center at functions and meetings where appropriate;

160 (d) maintain the integrity of the legal process by acting ethically and honestly both in
161 private and in public and maintaining the strictest of confidentiality;

162 (e) attend training and continued education;

163 (f) remain informed about changes to Tribal, state and federal laws, and state and federal
164 court and administrative hearing body decisions that may impact Indian country; and

165 (g) other duties as established by the Supervising Attorney or pursuant to section 811.4-5,
166 the Nation's laws and rules, and the Legal Resource Center's standard operating
167 procedures.

168

169 **811.7. Discipline and Removal**

170 811.7-1. Supervising Attorneys and Advocates shall be subject to disciplinary actions pursuant
171 to the Professional Conduct for Attorneys and Advocates law and any other laws that govern
172 discipline and/or removal of elected positions.

173 811.7-2. Supervising Attorneys and Advocates shall at all times be subject to removal. When a
174 Supervising Attorney or Advocate has their admission to practice before the Judiciary revoked or
175 no longer qualifies to serve as a Supervising Attorney or Advocate, removal proceedings shall be
176 commenced in accordance with the Removal Law.

177 *End.*

178 Adopted – BC-_____

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve the LOC Meeting Minutes for May 3, 2017

3. Supporting Materials

Report Resolution Contract

Other:

| | |
|---|-------------------------|
| 1. <input type="text" value="LOC Meeting Minutes for May 3, 2017"/> | 3. <input type="text"/> |
| 2. <input type="text"/> | 4. <input type="text"/> |

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, LRO
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

The purpose of this memo is to request the OBC to consider accepting the attached May 3, 2017 LOC meeting minutes. In accordance with the LOC Bylaws, all minutes shall be submitted to the Tribal Secretary's Office within 30 calendar days after approval by the LOC [See LOC Bylaws, 4-2 (a)].

Action Requested:

Accept the LOC meeting minutes of May 3, 2017.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf OR print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
 Business Committee Conference Room-2nd Floor Norbert Hill Center
 May 3, 2017 9:00 a.m.

Present: Brandon Stevens, Jennifer Webster, Fawn Billie, Tehassi Hill.

Excused: David P. Jordan.

Others Present: Jennifer Falck, Candice Skenandore, Clorissa Santiago, Maureen Perkins, Tani Thurner, Rae Skenandore, Krystal John, Bonnie Pigman, Laura Manthe, Gene Schubert.

I. Call to Order and Approval of the Agenda

Tehassi Hill called the May 3, 2017 Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jennifer Webster to adopt the agenda, seconded by Fawn Billie. Motion carried unanimously.

II. Minutes to be approved

1. April 19, 2017 LOC Meeting Minutes

Motion by Jennifer Webster to approve the April 19, 2017 LOC meeting minutes; seconded by Fawn Billie. Motion carried unanimously.

III. Current Business

1. Domestic Animals (Oneida Tribal Regulation of) Amendments (01:03-10:03)

Motion by Fawn Billie to direct the Legislative Reference Office to update the legislative analysis and then conduct an e-poll to approve the public meeting packet, and hold a public meeting on June 5, 2017; seconded by Jennifer Webster. Motion carried unanimously.

Motion by Fawn Billie to forward to the Finance Department for a fiscal analysis to be completed by June 2, 2017; seconded by Tehassi Hill. Motion carried unanimously.

2. Landlord-Tenant Permanent Amendments (10:05-11:16)

Motion by Tehassi Hill to approve the public meeting packet and forward the Landlord-Tenant permanent amendments to a public meeting to be held on June 5, 2017 and to forward to the Finance Department for a fiscal analysis due back to the Legislative Reference Office on June 2, 2017; seconded by Fawn Billie. Motion carried unanimously.

3. Conflict of Interest Permanent Amendments (11:17-14:25)

Motion by Tehassi Hill to approve the public meeting packet and forward the Conflict of Interest permanent amendments to a public meeting to be held on June 5, 2017 and to forward to the Finance Department for a fiscal analysis due back to the Legislative Reference Office on June 2, 2017; seconded by Jennifer Webster. Motion carried unanimously.

4. **Vehicle Driver Certification and Fleet Management (14:30-15:38)**

Motion by Fawn Billie to approve the public meeting packet and forward the Vehicle Driver and Fleet Management law to a public meeting to be held on June 5, 2017; seconded by Tehassi Hill. Motion carried unanimously.

Motion by Tehassi Hill to forward to the Finance Department for a fiscal analysis due back to the Legislative Reference Office on June 2, 2017; seconded by Fawn Billie. Motion carried unanimously.

5. **General Tribal Council Meetings Law (15:42-20:54)**

Motion by Jennifer Webster to approve the draft and forward the General Tribal Council Meetings law for a legislative analysis due back to the Legislative Operating Committee by May 17, 2017; seconded by Tehassi Hill. Motion carried unanimously.

Motion by Jennifer Webster to have Brandon Stevens put the General Tribal Council Meetings law on the May 15, 2017 Oneida Business Committee work meeting agenda; seconded by Fawn Billie. Motion carried unanimously.

6. **Administrative Rulemaking Law Amendments (20:55-23:02)**

Motion by Tehassi Hill to approve the draft Administrative Rulemaking law amendments and send for legislative analysis due back to the Legislative Operating Committee by May 17, 2017; seconded by Fawn Billie. Motion carried unanimously.

7. **Audit Law Amendments (23:04-32:14)**

Motion by Jennifer Webster to approve the public meeting packet and forward the Audit law amendments to a public meeting to be held on June 5, 2017 and to forward to the Finance Department for a fiscal analysis due back to the Legislative Reference Office on June 2, 2017; seconded by Tehassi Hill. Motion carried unanimously.

IV. New Submissions

V. Additions

VI. Administrative Updates

1. **Conflict of Interest Emergency Amendments E-Poll Results (32:18-32:53)**

Motion by Tehassi Hill to accept the e-poll results of April 25, 2017 into the record; seconded by Fawn Billie. Motion carried unanimously.

Note: During discussion on this matter the Legislative Reference Office Director, Jen Falck, informed the Legislative Operating Committee that the record of the e-poll results will be updated in the LOC packet due to include David P. Jordan's full response to the e-poll.

2. **Children's Code E-Poll Results (32:55-33:11)**

Motion by Fawn Billie to accept the e-poll results of April 20, 2017 into the record; seconded by Tehassi Hill. Motion carried unanimously.

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn the May 3, 2017 Legislative Operating Committee meeting at 9:33 a.m.; seconded by Fawn Billie. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Review the following Rules per the Administrative Rulemaking Law:

Per Capita Rule No. 1: Distribution Rule Certification
Hunting, Fishing, & Trapping Rule Handbook Certification

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Jennifer Falck, LRO Director
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Candice E. Skenandore, Legislative Analyst, LRO
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Attached are the Per Capita Rule No. 1: Distribution Certification Packet and the Hunting, Fishing & Trapping Rule Handbook Certification for consideration.

On May 17, 2017, the Legislative Operating Committee certified the identified rules. According to the Administrative Rulemaking Law, the Oneida Business Committee will review the rules and if there are concerns, work with the Authorized Agency to address them.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Santiago, Legislative Reference Office Staff Attorney
 DATE: May 17, 2017
 RE: Certification of Per Capita Law Rule No. 1 – Distributions Rule

The Legislative Reference Office has reviewed the certification packet provided by the Oneida Trust Enrollment Committee for the Per Capita law Rule No. 1 – Distributions Rule (“the Rule”).

If certified by the Legislative Operating Committee, the Rule Handbook would become effective on May 17, 2017.

Administrative Record

The certification packet contains all documentation required by the Administrative Rulemaking law for a complete administrative record.

The certification packet contains:

- A memorandum containing the Rule’s procedural timeline;
- Updated draft of the Rule;
- Summary Report;
- Memorandum containing the public comments that were received and the Oneida Trust Enrollment Committee’s response to each comment;
- Public Meeting Sign In Sheet;
- Copy of Public Meeting Notice as it appeared in the Kalihwisaks;
- Draft of the Rule considered at the public meeting;
- The redacted April 4, 2017 Rescheduled Regular Oneida Trust Enrollment Committee meeting minutes approving the first draft of the Rule; and
- The redacted April 24, 2017 regular Oneida Trust Enrollment Committee meeting minutes approving the public comments and revision to the Rule.

Procedural Requirements

The certification packet illustrates that the promulgation of the rule complies with the procedural requirements contained in the Administrative Rulemaking law.

In accordance with the Administrative Rulemaking law:

- A public meeting notice for the Rule Handbook was published in the Kalihwisaks on April 6, 2017;
- A public meeting for the Rule Handbook was held on April 21, 2017;

- The public comment period was held open until April 28, 2017;
- The Oneida Trust Enrollment Committee considered and responded to the public comments received in a memorandum dated April 21, 2017; and
- The Oneida Trust Enrollment Committee approved the Rule on April 24, 2017.

Rulemaking Authority

The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

Conclusion

Promulgation of the Per Capita law Rule No. 1 – Distributions Rule complies with all requirements of the Administrative Rulemaking law.



Oneida Nation
Oneida Business Committee
Legislative Operating Committee
PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



AGENDA REQUEST FORM

- 1) Request Date: May 1, 2017
- 2) Contact Person(s): Rob Collins
Dept: Law Office
Phone Number: 920-869-4327 Email: rcollins@oneidanation.org
- 3) Agenda Title: LOC Certification of Distributions Rule
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
The Per Capita law delegates administrative rulemaking authority to the Oneida Trust Enrollment Committee as authorized by the Administrative Rulemaking law. Pursuant to to section 106.7-1 of the Administrative Rulemaking law, the Committee is submitting the Distributions Rule to be certified by the LOC.


List any supporting materials included and submitted with the Agenda Request Form

- 1) Proposed Rule
- 2) _____
- 3) Complete Record of Rule
- 4) _____

- 5) Please list any laws, policies or resolutions that might be affected:
Per Capita law
- 6) Please list all other departments or person(s) you have brought your concern to:
This rule has been discussed with the Division of Land Management (Probate Division)
- 7) Do you consider this request urgent? Yes No
If yes, please indicate why:
Pursuant to BC Resolution 02-22-17-D, the rule must be in effect by June 25, 2017.

I, the undersigned, have reviewed the attached materials, and understand that they are subject to action by the Legislative Operating Committee.

Signature of Requester:



Please send this form and all supporting materials to:

LOC@oneidanation.org
or
Legislative Operating Committee (LOC)
P.O. Box 365
Oneida, WI 54155
Phone 920-869-4376

Trust Enrollment Department

PO Box 365, Oneida WI 54155
 (920) 869-6200 * 1-800-571-9902
 Fax: (920) 869-2995
Enrollments@oneidanation.org
<https://oneida-nsn.gov/resources/enrollments/>

**MEMORANDUM**

To: Legislative Operating Committee

From: Susan White, Trust Enrollment Department Director

Date: May 1, 2017

Subject: Distributions Rule – Request for LOC Certification

Susan White/B.S.

Background

On February 22, 2017, the Oneida Business Committee adopted amendments to the Per Capita law. Part of those amendments designated the Oneida Trust Enrollment Committee as the authorized agency to promulgate rules pursuant to the Administrative Rulemaking law. The Oneida Trust Enrollment Committee is proposing a “Distributions Rule” to the Per Capita law that:

1. Determines the valuation dates for the minors trust payment funds;
2. Addresses prior adult per capita payment distributions;
3. Determines when a guardian qualifies for distribution from an established trust; and
4. Addresses a decedent’s trust account balance distribution.

Below is the timeline indicating the proper steps the Oneida Trust Enrollment Committee has taken in order to adopt this rule. Furthermore, attached to this memo is all supporting documents required for LOC Certification which will be listed at the end of this memorandum.

The Oneida Trust Enrollment Committee has followed the Administrative Rulemaking process and respectfully requests the Legislative Operating Committee to certify the proposed Distribution Rule.

Timeline

- February 22, 2017: BC Resolution 02-22-17-D adopts amendments to Per Capita law designating the Oneida Trust Enrollment Committee as the authorized agency for promulgating certain rules.
- March 10, 2017: Attorney Robert Collins requests Division of Land Management to review the proposed Distributions Rule for any financial impact since the rule references the probate process.
- March 23, 2017: Legislative Reference Office sends Trust Enrollment Department a Statement of Effect.
- March 29, 2017: Financial Analysis finalized.
- April 4, 2017: Oneida Trust Enrollment Committee reviews proposed Distribution Rule at their regular monthly meeting.

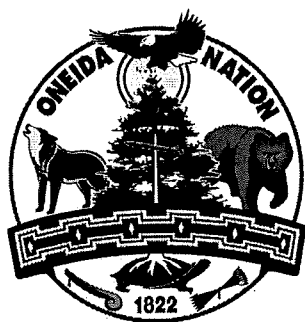
- April 6, 2017: Oneida Register and *Kalihwisaks* published Public Meeting notice of Distribution Rule to be held on April 21, 2017. Notification of Public Meeting also posted on Trust Enrollment Department's Facebook page
- April 21, 2017: Public Meeting held for Distributions Rule.
- April 24, 2017: Distribution Rule revised based off of recommendation at the public meeting and was submitted to Oneida Trust Enrollment Committee for review at their regular monthly Meeting.
- April 28, 2017: Close of public comment period. There were no additional public comments submitted; therefore, there was no need for further Oneida Trust Enrollment Committee action.

Attachments

Included with this memo, please find the following:

- Updated draft of the rule.
- Summary Report.
- Statement of Effect.
- Financial Analysis.
- Memorandum containing the public comments that were received and the Committee's response to each comment.
- Public meeting notice.
- Public meeting sign-in sheet.
- Draft of the rule considered at the public meeting.
- The redacted April 4, 2017 Rescheduled Regular OTEC Meeting Minutes approving the first draft of the Distributions Rule.
- The redacted April 24, 2017 Regular OTEC Meeting Minutes approving the public comments and revision to the Distributions Rule.

I am requesting that the effective date of the rule be the date the Legislative Operating Committee certifies the rule pursuant to section 106.7-2(a) of the Administrative Rulemaking law. YawΛ?kó.



Title 1. Government and Finances – Chapter 123 PER CAPITA Rule #1 –Distributions Rule

- 1.1 Purpose and Delegation
- 1.2 Adoption and Authority
- 1.3 Definitions
- 1.4 Valuation
- 1.5 Distribution of Prior Adult Per Capita Payments
- 1.6 Distribution to a Guardian from a Trust Account
- 1.7 Distribution of a Decedent's Trust Account
- 1.8 Per Capita Actions

1.1. Purpose and Delegation

1.1-1. *Purpose.* The purpose of this rule is to create processes by which the Trust Enrollment Department, with the approval of the Trust Enrollment Committee, determines the valuation dates for the minors trust payment funds, addresses prior adult per capita payment distributions, determines when a guardian qualifies for distribution from an established trust, and addresses a decedent's trust account balance distribution.

1.1-2. *Delegation.* The Per Capita law delegated the Trust Enrollment Committee rulemaking authority pursuant to the Administrative Rulemaking law.

1.2. Adoption and Authority

1.2-1. This rule was adopted by the Trust Enrollment Committee in accordance with the procedures of the Administrative Rulemaking law.

1.2-2. This rule may be amended or repealed pursuant to the procedures set out in the Administrative Rulemaking law.

1.2-3. Should a provision of this rule or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this rule which are considered to have legal force without the invalid portions.

1.2-4. In the event of a conflict between a provision of this rule and a provision of another rule, internal policy, procedure, or other regulation; the provisions of this rule control.

1.2-5. This rule supersedes all prior rules, regulations, internal policies, or other requirements relating to the Per Capita law.

1.3. Definitions

1.3-1. This section governs the definitions of words and phrases used within this rule. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Approved Letter of Authority" means a certified copy of court documentation evidencing appointment of a legal guardian of estate for a legally incompetent adult such as Letters of Guardianship or other court orders.

(b) "Death Certificate" means a document, which for the purpose of this rule shall be either an original or certified copy, documenting the death of an individual.

(c) "Department" means the Oneida Trust Enrollment Department.

(d) "Guardian" means a person appointed by a court of competent jurisdiction to manage the financial affairs of a Tribal member who a court has determined to be incompetent.

34 (e) "Interested Party" means a person(s) who may potentially be considered a beneficiary
35 of a deceased Tribal member's remaining trust fund account.

36 (f) "Legally Incompetent Adult" means a Tribal member who is at least eighteen (18)
37 years of age and has been declared incompetent by a court of competent jurisdiction
38 pursuant to applicable law(s).

39 (g) "Judiciary" means the Nation's judicial system, which includes the Family Court,
40 Trial Court, and/or Appellate Court.

41 (h) "Nation" means the Oneida Nation.

42 (i) "Personal Representative" means a person to whom authority to administer a
43 decedent's estate has been granted by the Division of Land Management, the Judiciary,
44 or another court of competent jurisdiction.

45 (j) "Tribal Member" means an individual who is an enrolled member of the Nation.

46 (k) "Trust Account" means an account(s) established by the Trust Enrollment
47 Committee for the purpose of maintaining per capita funds for persons pursuant to the
48 Nation's revenue allocation plan, which includes, but is not limited to, minor
49 beneficiaries and legally incompetent adults.

50 (l) "Trust Enrollment Committee" or "Committee" means that body designated by the
51 General Tribal Council to manage the trust funds for the Nation on behalf of Tribal
52 members, and which is also responsible for the Nation's enrollment records.

53 54 **1.4. Valuation**

55 1.4-1. The valuation of the minors trust portfolios shall be determined at least quarterly
56 by the Committee.

57 1.4-2. The Committee may delegate valuation reporting responsibilities to duly selected
58 vendors and may share data determined by the Committee to be critical to the
59 completion of the valuation report with the vendor.

60 61 **1.5. Distribution of Prior Adult Per Capita Payments**

62 1.5-1. The Nation shall distribute all properly submitted and eligible requests for a prior
63 unclaimed adult per capita payment pursuant to section 123.5-2(e) of the Per Capita law
64 during the next distribution date as approved by the Committee or established by law.

65 1.5-2. The Nation shall distribute all properly submitted and eligible requests to reissue
66 a prior distribution for which a Tribal member claimed, but did not redeem, within a
67 reasonable amount of time. Upon notice from the Oneida Accounting Department of a
68 rejected direct deposit, the Nation may reissue the check without further action from the
69 Tribal member.

70 71 **1.6. Distribution to a Guardian from a Trust Account**

72 1.6-1. Tribal members who have been declared legally incompetent and whose guardian
73 has provided the Department with an Approved Letter of Authority, shall have their per
74 capita shares placed into a trust account pursuant to the Per Capita law.

75 1.6-2. The guardian may file a petition with the Department to request distributions
76 from a legally incompetent adult's trust account for that individual's health, welfare,
77 and/or educational expenses.

78 (a) The petition may include a request for regular distributions necessary for the
79 care of the legally incompetent adult.

80 (b) Regular distributions may be authorized on a monthly, quarterly, semi-annual,
81 or other schedule.

82 1.6-3. The petition filed by the guardian of a legally incompetent adult, which shall be
83 made available upon request by the Department, shall contain, at a minimum, the
84 following information:

85 (a) Name, address, date of birth, and social security number of the legally
86 incompetent adult individual.

87 (b) An explanation for the request for a disbursement from the trust account (i.e.
88 proposed use of the funds).

89 (c) The amount of money requested and any instructions for making the
90 disbursement (e.g. to whom the money will be paid).

91 (d) If the petition requests a regular distribution it should state the justification
92 that funds need to be disbursed on a regular basis and should state the requested
93 method and frequency of payment.

94 1.6-4. The Trust Enrollment Department Director or his/her designee shall either grant or
95 deny the request within ten (10) business days of the date the petition was filed. If the
96 request is denied, the Department shall send a written copy of the decision to the
97 guardian by first class mail.

98 1.6-5. A guardian that is dissatisfied with the Trust Enrollment Department Director's
99 decision may appeal to the Judiciary's Court of Appeals in accordance with any
100 applicable rules and procedures.

101

102 **1.7. Distribution of a Decedent's Trust Account**

103 1.7-1. Upon receipt of an obituary or death certificate to validate a Tribal member's
104 death:

105 (a) The Department will change the membership record to deceased.

106 (b) The Department will perform a search of the trust account records to identify if the
107 deceased has a trust account with a remaining balance. The findings of the search shall
108 be documented on the member record.

109 (1) If the deceased Tribal member is found to have a trust account with a
110 remaining balance, a documented accounting of the funds shall be recorded and the
111 Department will continue processing in accordance with section 1.7-2 of this rule.

112 (2) If the deceased Tribal member is found to have a trust account with no
113 remaining balance or no trust account, a documented accounting shall be
114 maintained for the record with no further action under this rule.

115 1.7-2. Any notices pursuant to this section of the rule shall be sent to the last known address on
116 file by first class mail.

117 (a) When there is a beneficiary designated, refer to section 123.5-3(b)(1) of the Per
118 Capita law.

119 (b) Within thirty (30) calendar days of receiving an obituary or death certificate of a
120 Tribal member with a trust account balance for which no beneficiary has been named,
121 the Department shall send notice to any known potentially interested party(s) with
122 information about how trust account balances may be claimed. The Department shall
123 copy the Division of Land Management's Probate Department on all notices sent to
124 potentially interested parties.

125 (1) If the deceased Tribal member is eighteen (18) years of age or older,
126 interested parties that shall receive notice include:

- 127 (A) spouse (widow or widower);
128 (B) adult children or the legal guardian/custodian of minor children
129 (natural or legally adopted);
130 (C) grandchild or grandchildren;
131 (D) parent(s); and
132 (E) brother(s) and/or sister(s).
- 133 (2) If the deceased Tribal member is younger than eighteen (18) years of age,
134 interested parties that shall receive notice include:
135 (A) spouse (widow or widower);
136 (B) legal guardian/custodian of minor children (natural or legally
137 adopted);
138 (C) parent(s) or legal guardian/custodian;
139 (D) brother(s) and/or sister(s); and
140 (E) grandparent(s).

141 1.7-3. The Department shall process trust account disbursement under the following
142 circumstances:

- 143 (a) The decedent designated a trust account beneficiary which is on file with the
144 Department and the Department has received the following within one (1) year from the
145 date of the Department's notice pursuant to section 123.5-3(b)(1) of the Per Capita law:
146 (1) A complete and notarized Release for Deceased Trust Account form.
147 (b) The decedent did not designate a trust account beneficiary and the Department has
148 received the following from an interested party or personal representative within one (1)
149 year from the date of the Department's notice pursuant to section 1.7-2(b) of this rule:
150 (1) An original domiciliary letter or other legal document allowing an interested
151 party or personal representative to sign on behalf of an estate or receive the
152 money. The Department shall photocopy the document for recordkeeping
153 purposes; and
154 (2) A complete and notarized Release for Deceased Trust Account form.

155 1.7-4. The Department shall liquidate any remaining trust account balance when the following
156 has occurred:

- 157 (a) When the designated beneficiaries fail to comply with section 1.7-3(a) of this rule
158 within one (1) year from the date of the Department's notice, the Department shall
159 liquidate the trust account and deposit the funds in accordance with the Per Capita law.
160 (b) When an interested party or personal representative fails to submit the items in
161 section 1.7-3(b) of this rule within one (1) year from the date of the Department's notice,
162 the Department shall liquidate the trust account and deposit the funds in accordance with
163 the Per Capita law.
164 (1) The Department may grant an extension to an interested party or personal
165 representative upon a showing of good cause submitted prior to the expiration of
166 the one (1) year time limit.
167

168 **1.8 Per Capita Actions**

169 1.8-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions
170 taken pursuant to this rule.

171 1.8-2. No administrative hearing body, including a board, committee or commission, is
172 authorized to hear a complaint regarding actions taken pursuant to this rule.

173 1.8-3. In regards to taking actions authorized under this law, complaints filed with the Oneida
174 Judiciary shall name the Trust Enrollment Department.

175
176 *End.*

177
178 _____
Original effective date:

17
18
19
20
21
22
23
24
25

Summary Report for Distributions Rule

Original effective date: N/A

Amendment effective date: N/A

Name of Rule: Distributions Rule

Name of law being interpreted: Per Capita law

Rule Number: 1

Other Laws or Rules that may be affected: Real Property law (In regard to the probate process)

Brief Summary of the proposed rule: The purpose of this rule is to create processes by which the Trust Enrollment Department, with the approval of the Trust Enrollment Committee, determines the valuation dates for the minors trust payment funds, addresses prior adult per capita payment distributions, determines when a guardian qualifies for distribution from an established trust, and addresses a decedent's trust account balance distribution.

Statement of Effect: Obtained after requesting from the Legislative Reference Office.

Financial Analysis: See Attached.

Note: In addition- the agency must send a written request to each entity which may be affected by the rule- asking that they provide information about how the rule would financially affect them. The agency must include each entity's response in the financial analysis. If the agency does not receive a response within 10 business days after the request is made, the financial analysis can note which entities did not provide a response.



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
 Oneida-nsn.gov



Statement of Effect

Per Capita Rule No.1 – Distributions Rule

Summary

Per Capita Rule No. 1 – Distributions Rule creates a process by which the Trust Enrollment Department, with the approval of the Trust Enrollment Committee, can do the following:

- Determine the valuation dates for the minors trust payment funds;
- Address prior adult per capita payment distributions;
- Determine when a guardian qualifies for distribution from an established trust; and
- Address a decedent's trust account balance distribution.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

The Per Capita law (“the Law”) delegates administrative rulemaking authority to the Trust Enrollment Committee as authorized by the Administrative Rulemaking law.

The Law states that the Trust Enrollment Committee is responsible for the protection and preservation of per capita payment fund for beneficiaries, and that as part of the responsibility, the Trust Enrollment Committee shall complete and issue any necessary reports to the beneficiaries. The Law delegates rulemaking authority to the Trust Enrollment Committee to develop rules, which establish valuation dates and frequency of reports and identify data critical to the completion of the reports. [see *Per Capita law section 123.6-1(a)(1)*]. The Law also allows the Trust Enrollment Department to delegate such reporting responsibilities to duly selected vendors. Per Capita Rule No. 1 – Distributions Rule (“the Rule”) discusses the frequency of the valuation of minors trust portfolios and the delegation of valuation reporting responsibility to duly selected vendors. [see *Per Capita Rule No. 1 section 1.4*].

The Law grants the Trust Enrollment Committee rulemaking authority to establish rules regarding distribution timelines that the Trust Enrollment Department must follow when processing prior per capita payments requested by eligible adults. [see *Per Capita law section 123.5-2(e)(1)(a)*]. The Rule provides for how all properly submitted and eligible requests for a prior adult per capita payment will be distributed. [see *Per Capita Rule No. 1 section 1.5*].

The Law grants the Trust Enrollment Committee rulemaking authority to develop rule for determining when a guardian qualifies for distribution from an established trust account. [see *Per Capita law section 123.6-2(a)*]. The Rule provides for the distribution to a guardian from a trust account. [see *Per Capita Rule No. 1 section 1.6*].

The Law grants the Trust Enrollment Committee rulemaking authority to establish rules defining potentially interested parties in the event there is no signed beneficiary designation form on

record, as well as notice provisions that put those potentially interested parties that the Nation has a probate process and the potential consequences of failure to comply with the probate process. [see *Per Capita law section 123.5-3(b)(2)*]. The Rule provides for distribution of a decedent's trust account. [see *Per Capita Rule No. 1 section 1.7*].

Conclusion

There are no legal bars to adopting Per Capita Rule No. 1 – Distributions Rule.

Financial Analysis for Distributions Rule (Trust Enrollment Department)

| Type of Cost | Description/Comment | Dollar Amount |
|---|---|----------------------|
| Start Up Costs | Would be absorbed within the current budget. | \$0 |
| Personnel | Existing staff would incur additional duties. | \$0 |
| Office | No office changes, but staff would implement required forms. | \$0 |
| Documentation Costs | Mailing costs to correspond with designated beneficiaries and interested parties. | \$0 |
| Estimate of time necessary for an individual or agency to comply with the rule after implementation | One week. | \$0 |
| Other, please explain | N/A | \$0 |
| Total Cost (Annual) | | \$0 |

The Division of Land Management did not identify any costs associated with this rule as it pertains to the probate process.

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel

Patricia M. Stevens Garvey
Kelly M. McAndrews
Michelle L. Gordon
Krystal L. John
Robert J. Collins, II

TO: Legislative Operating Committee (LOC)
FROM: Robert J. Collins II, Oneida Law Office *RJC*
DATE: April 21, 2017
RE: Distributions Rule: Public Meeting Comment Review

On April 21, 2017, a public meeting was held regarding the proposed Distributions Rule. This memorandum is submitted as a review of the oral and written comments that were presented at the public meeting and submitted within the public comment period.

Comment 1.

*Jo Anne House
James R. Bittorf*
Rob Collins – Oral Comment: I’m making two comments regarding the proposed rule based on conversations that I have had with Oneida entities. Comment number one pertains to Rule number 1.5. There was some discussion with me regarding rejected direct deposits and whether or not tribal members should have to fill out a separate form in order to get those distributions re-issued. I’m proposing that rule 1.5 be expanded to address the situation where there’s a rejected direct deposit. The second comment that I have pertains to rule 1.7-4(b). This comment came about after having discussions with the probate division. There was some concern regarding probate matters that occur in jurisdictions outside the Oneida Judiciary and that if matters are contested, it could take longer than one year for the applicable paperwork to be issued by the court. I’m suggesting we look at giving the Trust Enrollment Department the discretion to grant extensions if requested by an individual prior to the expiration of the one year period.

Oneida Trust Enrollment Committee Response: To avoid having Tribal members fill out separate paperwork whenever a direct deposit is rejected, Rule 1.5 was amended so that the reissued check could be distributed without further action from the Tribal member.

Rule 1.7-4(b) was also revised to allow for an interested party or personal representative to request an extension to the one (1) year time limit by submitting a request to the Trust Enrollment Department. Giving the Trust Enrollment Department the discretion to grant an extension could prevent the liquidation of any remaining trust account balance in a case where the probate process has begun but has been delayed for a variety of reasons (e.g. court calendar, contested issues, etc.).

*Jo Anne House
James R. Bittorf
Patricia M. Stevens Garvey
Kelly M. McAndrews
Michelle L. Gordon
Krystal L. John
Robert J. Collins, II*

Public Meeting Sign In Sheet

Per Capita Law - Distributions Rule

April 21, 2017

| | Name | Phone or Email |
|---|-----------------|----------------|
| 1 | Brent Truttmann | 920-915-1999 |
| 2 | Susan White | X 3935 |
| 3 | Rob Collins | 4663 |
| 4 | P.D. | 3931 |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| | | |

www.kalihwisaks.com

Local

April 6, 2017 • A'hsā Niwāsa Wisk 35

Letters

**Thank you
Dreamcatcher Fund**

Dear Dreamcatcher Fund,

Thank you for your generous contribution to my sport. I truly appreciate it!

*Sincerely,
Riley Aguirre*

**E-mail your
letters to:
dwalschi@
oneidation.
org**

Letters Policy

Letters must be limited to 250 words. All letters are subject to editing and must have your signature, address and phone number for confirmation. Confirmation of letters will be needed before publication. Kalihwisaks has the right to refuse publication of submitted letters.

Effective January 1, 2001 per Kalihwisaks Policies & Procedures, Section I (c)(4), "Individuals will not be allowed to submit more than eight (8) letters per year regardless of top-

ics." For more information on Kalihwisaks Policies & Procedures, please contact (920) 496-5636

Guest articles and editorials that appear in the Kalihwisaks are not necessarily the views or opinions of the Kalihwisaks staff or the Oneida Nation of Wisconsin.

Although we require a signed submission for letters, you can e-mail us now – and send the hard copy through the mail – to ensure we get your submission by the deadline.



Forklift Driver Safety Course



Would you like to become certified in forklift driving?
There is still time to sign up for a one-day safety course being held at NWTC!

Date: Friday, April 28, 2017

Time: 4:00 PM—11:59 PM

Where: NWTC

To register, please contact:

Oneida Workforce Development Department

909 Packerland Drive (920) 490-3610

Green Bay, WI



Workforce Development
Footprints to Opportunities



NOTICE OF

PUBLIC MEETING

TO BE HELD

April 21, 2017 at 10:00 a.m.

IN THE

Business Committee Conference Room

In accordance with the Administrative Rulemaking Law, the Trust Enrollment Committee is hosting this Public Meeting to gather feedback from the community regarding the following rule(s).

TOPIC: Distributions Rule

This is a proposal to adopt a rule which would create a process by which the Trust Enrollment Department, with the approval of the Trust Enrollment Committee:

- ♦ Determines the valuation dates for per capita payment funds;
- ♦ Distributes prior adult per capita payments;
- ♦ Determines when a guardian qualifies for distribution from an established trust; and
- ♦ Addresses a decedent's trust account balance.

To obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD OPEN UNTIL APRIL 28, 2017.

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Trust Enrollment Committee by U.S. mail, interoffice mail, e-mail or fax.

Oneida Trust Enrollment Committee

PO Box 365

Oneida, WI 54155

Enrollments@oneidation.org

Telephone: (920) 869-6200

Fax: (920) 869-2995

Draft #1 – For Public Meeting
03/10/2017



Title 1. Government and Finances – Chapter 123 PER CAPITA Rule #1 –Distributions Rule

- 1.1 Purpose and Delegation
- 1.2 Adoption and Authority
- 1.3 Definitions
- 1.4 Valuation
- 1.5 Distribution of Prior Adult Per Capita Payments
- 1.6 Distribution to a Guardian from a Trust Account
- 1.7 Distribution of a Decedent's Trust Account
- 1.8 Per Capita Actions

1 1.1. Purpose and Delegation

2 1.1-1. *Purpose.* The purpose of this rule is to create processes by which the Trust
3 Enrollment Department, with the approval of the Trust Enrollment Committee, determines the
4 valuation dates for the minors trust payment funds, addresses prior adult per capita payment
5 distributions, determines when a guardian qualifies for distribution from an established trust,
6 and addresses a decedent's trust account balance distribution.

7 1.1-2. *Delegation.* The Per Capita law delegated the Trust Enrollment Committee
8 rulemaking authority pursuant to the Administrative Rulemaking law.

9 1.2. Adoption and Authority

10 1.2-1. This rule was adopted by the Trust Enrollment Committee in accordance with the
11 procedures of the Administrative Rulemaking law.

12 1.2-2. This rule may be amended or repealed pursuant to the procedures set out in the
13 Administrative Rulemaking law.

14 1.2-3. Should a provision of this rule or the application thereof to any person or
15 circumstances be held as invalid, such invalidity shall not affect other provisions of this rule
16 which are considered to have legal force without the invalid portions.

17 1.2-4. In the event of a conflict between a provision of this rule and a provision of another
18 rule, internal policy, procedure, or other regulation; the provisions of this rule control.

19 1.2-5. This rule supersedes all prior rules, regulations, internal policies, or other requirements
20 relating to the Per Capita law.

21 22 23 1.3. Definitions

24 1.3-1. This section governs the definitions of words and phrases used within this rule.
25 All words not defined herein are to be used in their ordinary and everyday sense.

26 (a) "Approved Letter of Authority" means a certified copy of court documentation
27 evidencing appointment of a legal guardian of estate for a legally incompetent adult such
28 as Letters of Guardianship or other court orders.

29 (b) "Death Certificate" means a document, which for the purpose of this rule shall be
30 either an original or certified copy, documenting the death of an individual.

31 (c) "Department" means the Oneida Trust Enrollment Department.

32 (d) "Guardian" means a person appointed by a court of competent jurisdiction to manage
33 the financial affairs of a Tribal member who a court has determined to be incompetent.

Draft #1 – For Public Meeting
03/10/2017

- 34 (e) “Interested Party” means a person(s) who may potentially be considered a beneficiary
35 of a deceased Tribal member’s remaining trust fund account.
36 (f) “Legally Incompetent Adult” means a Tribal member who is at least eighteen (18)
37 years of age and has been declared incompetent by a court of competent jurisdiction
38 pursuant to applicable law(s).
39 (g) “Judiciary” means the Nation’s judicial system, which includes the Family Court,
40 Trial Court, and/or Appellate Court.
41 (h) “Nation” means the Oneida Nation.
42 (i) “Personal Representative” means a person to whom authority to administer a
43 decedent’s estate has been granted by the Division of Land Management, the Judiciary,
44 or another court of competent jurisdiction.
45 (j) “Tribal Member” means an individual who is an enrolled member of the Nation.
46 (k) “Trust Account” means an account(s) established by the Trust Enrollment
47 Committee for the purpose of maintaining per capita funds for persons pursuant to the
48 Nation’s revenue allocation plan, which includes, but is not limited to, minor
49 beneficiaries and legally incompetent adults.
50 (l) “Trust Enrollment Committee” or “Committee” means that body designated by the
51 General Tribal Council to manage the trust funds for the Nation on behalf of Tribal
52 members, and which is also responsible for the Nation’s enrollment records.
53

54 1.4. Valuation

55 1.4-1. The valuation of the minors trust portfolios shall be determined at least quarterly
56 by the Committee.

57 1.4-2. The Committee may delegate valuation reporting responsibilities to duly selected
58 vendors and may share data determined by the Committee to be critical to the
59 completion of the valuation report with the vendor.
60

61 1.5. Distribution of Prior Adult Per Capita Payments

62 1.5-1. The Nation shall distribute all properly submitted and eligible requests for a prior
63 adult per capita payment pursuant to section 123.5-2(e) of the Per Capita law during the
64 next distribution date as approved by the Committee or established by law.
65

66 1.6. Distribution to a Guardian from a Trust Account

67 1.6-1. Tribal members who have been declared legally incompetent and whose guardian
68 has provided the Department with an Approved Letter of Authority, shall have their per
69 capita shares placed into a trust account pursuant to the Per Capita law.

70 1.6-2. The guardian may file a petition with the Department to request distributions
71 from a legally incompetent adult’s trust account for that individual’s health, welfare,
72 and/or educational expenses.

73 (a) The petition may include a request for regular distributions necessary for the
74 care of the legally incompetent adult.

75 (b) Regular distributions may be authorized on a monthly, quarterly, semi-annual,
76 or other schedule.

77 1.6-3. The petition filed by the guardian of a legally incompetent adult, which shall be
78 made available upon request by the Department, shall contain, at a minimum, the
79 following information:

Draft #1 – For Public Meeting
03/10/2017

- 80 (a) Name, address, date of birth, and social security number of the legally
81 incompetent adult individual.
82 (b) An explanation for the request for a disbursement from the trust account (i.e.
83 proposed use of the funds).
84 (c) The amount of money requested and any instructions for making the
85 disbursement (e.g. to whom the money will be paid).
86 (d) If the petition requests a regular distribution it should state the justification
87 that funds need to be disbursed on a regular basis and should state the requested
88 method and frequency of payment.

89 1.6-4. The Trust Enrollment Department Director or his/her designee shall either grant or
90 deny the request within ten (10) business days of the date the petition was filed. If the
91 request is denied, the Department shall send a written copy of the decision to the
92 guardian by first class mail.

93 1.6-5. A guardian that is dissatisfied with the Trust Enrollment Department Director's
94 decision may appeal to the Judiciary's Court of Appeals in accordance with any
95 applicable rules and procedures.
96

97 **1.7. Distribution of a Decedent's Trust Account**

98 1.7-1. Upon receipt of an obituary or death certificate to validate a Tribal member's
99 death:

- 100 (a) The Department will change the membership record to deceased.
101 (b) The Department will perform a search of the trust account records to identify if the
102 deceased has a trust account with a remaining balance. The findings of the search shall
103 be documented on the member record.

104 (1) If the deceased Tribal member is found to have a trust account with a
105 remaining balance, a documented accounting of the funds shall be recorded and the
106 Department will continue processing in accordance with section 1.7-2 of this rule.

107 (2) If the deceased Tribal member is found to have a trust account with no
108 remaining balance or no trust account, a documented accounting shall be
109 maintained for the record with no further action under this rule.

110 1.7-2. Any notices pursuant to this section of the rule shall be sent to the last known address on
111 file by first class mail.

112 (a) When there is a beneficiary designated, refer to section 123.5-3(b)(1) of the Per
113 Capita law.

114 (b) Within thirty (30) calendar days of receiving an obituary or death certificate of a
115 Tribal member with a trust account balance for which no beneficiary has been named,
116 the Department shall send notice to any known potentially interested party(s) with
117 information about how trust account balances may be claimed. The Department shall
118 copy the Division of Land Management's Probate Department on all notices sent to
119 potentially interested parties.

120 (1) If the deceased Tribal member is eighteen (18) years of age or older,
121 interested parties that shall receive notice include:

- 122 (A) spouse (widow or widower);
123 (B) adult children or the legal guardian/custodian of minor children
124 (natural or legally adopted);
125 (C) grandchild or grandchildren;
126 (D) parent(s); and

Draft #1 – For Public Meeting
03/10/2017

- 127 (E) brother(s) and/or sister(s).
 128 (2) If the deceased Tribal member is younger than eighteen (18) years of age,
 129 interested parties that shall receive notice include:
 130 (A) spouse (widow or widower);
 131 (B) legal guardian/custodian of minor children (natural or legally
 132 adopted);
 133 (C) parent(s) or legal guardian/custodian;
 134 (D) brother(s) and/or sister(s); and
 135 (E) grandparent(s).

136 1.7-3. The Department shall process trust account disbursement under the following
 137 circumstances:

138 (a) The decedent designated a trust account beneficiary which is on file with the
 139 Department and the Department has received the following within one (1) year from the
 140 date of the Department's notice pursuant to section 123.5-3(b)(1) of the Per Capita law:

141 (1) A complete and notarized Release for Deceased Trust Account form.

142 (b) The decedent did not designate a trust account beneficiary and the Department has
 143 received the following from an interested party or personal representative within one (1)
 144 year from the date of the Department's notice pursuant to section 1.7-2(b) of this rule:

145 (1) An original domiciliary letter or other legal document allowing an interested
 146 party or personal representative to sign on behalf of an estate or receive the
 147 money. The Department shall photocopy the document for recordkeeping
 148 purposes; and

149 (2) A complete and notarized Release for Deceased Trust Account form.

150 1.7-4. The Department shall liquidate any remaining trust account balance when the following
 151 has occurred:

152 (a) When the designated beneficiaries fail to comply with section 1.7-3(a) of this rule
 153 within one (1) year from the date of the Department's notice, the Department shall
 154 liquidate the trust account and deposit the funds in accordance with the Per Capita law.

155 (b) When an interested party or personal representative fails to submit the items in
 156 section 1.7-3(b) of this rule within one (1) year from the date of the Department's notice,
 157 the Department shall liquidate the trust account and deposit the funds in accordance with
 158 the Per Capita law.

159

160 **1.8 Per Capita Actions**

161 1.8-1. The Oneida Judiciary is granted jurisdiction to hear complaints filed regarding actions
 162 taken pursuant to this rule.

163 1.8-2. No administrative hearing body, including a board, committee or commission, is
 164 authorized to hear a complaint regarding actions taken pursuant to this rule.

165 1.8-3. In regards to taking actions authorized under this law, complaints filed with the Oneida
 166 Judiciary shall name the Trust Enrollment Department.

167

168 *End.*

169

170 _____
 Original effective date:

Rescheduled Regular Trust Enrollment Minutes
4 April 2017
Page 2 of 5

[REDACTED]

[REDACTED]

[REDACTED]

B. [REDACTED]

[REDACTED]

C. Per Capita Law Distributions Rule – Robert Collins

3-30-17 No update. Regular meeting rescheduled due to lack of OTEC quorum.

4-4-17 Status Update

Norbert Hill Jr. motioned to approve the 1st draft of the Distributions Rule. Seconded Elaine Skenandore-Cornelius. Motion carried unanimously.

[REDACTED]

Regular Trust Enrollment Committee Minutes
24 April 2017
Page 2 of 4

[REDACTED]

B.

[REDACTED]

C. Per Capita Law Distributions Rule – Robert Collins

3-30-17 No update. Regular meeting rescheduled due to lack of OTEC quorum. 4-4-17 Motion to approve 1st draft of Distribution Rule
24-4-17 Status Update

Loretta Metoxen motioned to approve the public comments and revisions to the Distributions Rule on the condition that no public comments are submitted by close of business April 28, 2017. Seconded Dylan Benton. Motion carried unanimously.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Oneida Nation
 Oneida Business Committee
 Legislative Operating Committee
 PO Box 365 • Oneida, WI 54155-0365
Oneida-nsn.gov



TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Santiago, Legislative Reference Office Staff Attorney
 DATE: May 17, 2017
 RE: Certification of Hunting, Fishing and Trapping Law Rule Handbook

The Legislative Reference Office has reviewed the certification packet provided by the Environmental Resource Board and the Oneida Conservation Department for the Hunting, Fishing and Trapping law Rule Handbook (“the Rule Handbook”).

If certified by the Legislative Operating Committee, the Rule Handbook would become effective on May 25, 2017.

Administrative Record

The certification packet contains all documentation required by the Administrative Rulemaking law for a complete administrative record.

The certification packet contains:

- A memorandum containing the Rule’s procedural timeline;
- Final draft of the Rule Handbook;
- Memorandum from Minnie Garvey, Chairwoman of the Environmental Resource Board approving the Rule Handbook and stating that the Environmental Resource Board approved the Rule Handbook at their April 6, 2017 meeting;
- Memorandum from Shad L. Webster, Natural Resources Director of the Oneida Conservation Department approving the Rule Handbook;
- Summary Report;
- Public Meeting Notice;
- Draft of the Rule Handbook considered at the public meeting;
- Copy of Public Meeting Notice as it appeared in the Kalihwisaks;
- Public Meeting Sign In Sheet;
- Public Meeting Transcript;
- Memorandum containing the public comments that were received and a response to each comment; and
- Redline draft of Rule Handbook illustrating changes made after the public meeting.

Procedural Requirements

The certification packet illustrates that the promulgation of the rule complies with the procedural requirements contained in the Administrative Rulemaking law.

In accordance with the Administrative Rulemaking law:

- A public meeting notice for the Rule Handbook was published in the Kalihwisaks on April 6, 2017;
- A public meeting for the Rule Handbook was held on April 21, 2017;
- The public comment period was held open until April 28, 2017;
- There was one community member in attendance at the public meeting, and no written comments received during the public meeting or the public meeting comment period;
- Public comments were considered and responded to in a memorandum dated May 3, 2017; and
- The Environmental Resource Board and the Oneida Conservation Department approved the Rule Handbook.

Rulemaking Authority

The Rule did not exceed the rulemaking authority granted under the law for which the Rule is being promulgated.

Conclusion

Promulgation of the Hunting, Fishing and Trapping Rule Handbook complies with all requirements of the Administrative Rulemaking law.

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel

Patricia M. Stevens Garvey
Kelly M. McAndrews
Michelle L. Gordon
Krystal L. John
Robert J. Collins, II

Law Office



MEMORANDUM

TO: Legislative Operating Committee

FROM: Krystal L. John, Staff Attorney

DATE: May 3, 2017

SUBJECT: Request for Certification of Procedural Compliance – Hunting, Fishing and Trapping Rule Handbook

The Environmental Resource Board and the Oneida Conservation Department are exercising their rulemaking authority delegated to them in the Hunting, Fishing and Trapping law.

The contents of this Rule Handbook were mostly contained in the prior draft of the Hunting, Fishing and Trapping law; this Rule Handbook is newly drafted and is not a revision of a prior rule.

In accordance with the Administrative Rulemaking law, a public meeting was held for this Rule Handbook on April 21, 2017 for which the comment period expired on April 28, 2017. There was only one (1) community member in attendance and no written comments were submitted during the comment period. The chart below provides a timeline outlining compliance with the Administrative Rulemaking process.

| Rulemaking Timeline | |
|--|-----------------------|
| Required Action | Date Completed |
| Public Meeting notice for the rule is posted in the Kalihwisaks (see page 36) and on the Oneida Register | April 6, 2017 |
| Public Meeting held | April 21, 2017 |
| Public Comment Period closed | April 28, 2017 |

The following attachments are included for your review:

1. Hunting, Fishing and Trapping Rule Handbook
2. Environmental Resource Board Approval
3. Oneida Conservation Department Approval
4. Summary Report
5. Public Meeting Packet
6. Copy of the Public Meeting Notice Published in the Kalihwisaks – Page 36 of the April 6, 2017 issue

Page 2

7. Sign in sheet from the April 21, 2017 Public Meeting
8. Public Meeting transcription from the April 21, 2017 Public Meeting
9. Public Meeting response memorandum
10. Redline draft of the final rule comparing it to the rule that received public comment.

In accordance with resolution BC-04-25-17-A, the effective date of the Hunting, Fishing and Trapping rule handbook shall be the same as for the Hunting, Fishing and Trapping law amendments, May 25, 2017.



Title 4. Environment and Natural Resources – Chapter 406

HUNTING, FISHING and TRAPPING

Rule # 1-13 – Hunting, Fishing and Trapping Handbook

- I. Purpose, Authority, Adoption, Amendment and Repeal
- II. Definitions
- III. General Requirements
- IV. Available Permits
- V. Tree Stands
- VI. Blinds
- VII. Baiting
- VIII. Endangered, Threatened and Protected Species
- IX. Possession, Registration and Transportation of Carcasses
- X. Fishing
- XI. General Regulations
- XII. Health Advisory
- XIII. Enforcement

4

I. Purpose, Authority, Adoption, Amendment and Repeal

1-1. Purpose. The purpose for these rules is to further detail the information related to harvests, limits, seasons, licenses, and other details to further support the Hunting, Fishing and Trapping law.

1-2. Authority. The Hunting, Fishing and Trapping law delegated the Environmental Resource Board and Conservation Department joint rulemaking authority pursuant to the Administrative Rulemaking law.

1-3. These rules were jointly adopted by the Environmental Resource Board and Conservation Department in accordance with the procedures of the Administrative Rulemaking law.

1-4. These rules may be amended or repealed by the joint approval of the Environmental Resource Board and Conservation Department pursuant to the procedures set out in the Administrative Rulemaking law. For the purpose of future amendments to these rules, each article is a separate rule and may be amended as such.

1-5. Should a provision of these rules or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of these rules which are considered to have legal force without the invalid portions.

1-6. In the event of a conflict between a provision of these rules and a provision of another rule, internal policy, procedure, or other regulation, the provisions of these rules control.

1-7. These rules supersede all prior rules, regulations, internal policies or other requirements relating to the Hunting, Fishing and Trapping law.

1-8. This article I applies to each subsequent rule listed herein.

26

II. Definitions

2-1. This article governs the definitions of words and phrases used within this Handbook. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Antlered Deer” means a deer which has either two (2) antlers with two (2) or more points on each antler or one (1) antler with four (4) or more points where each point must

31

- 32 measure one (1) inch in length from the main beam and, at a minimum, one (1) antler
33 must be three (3) or more inches in length.
- 34 (b) “Baited Area” means an area within a one hundred (100) yard radius from any
35 placed bait material, provided that once bait material is placed, the area remains a baited
36 area for a period of ten (10) calendar days from the date the bait material is either fully
37 consumed or removed.
- 38 (c) “Furbearer” means wildlife taken primarily for the sale of the said wildlife’s pelt and
39 includes, but is not limited to, mink, muskrat, beaver, weasel, fox, coyote, bobcat, badger
40 and raccoon.
- 41 (d) “Game Fish” means all species belonging to the trout, pike, catfish, bullhead,
42 sunfish (including blue gill and crappie), bass, and perch families of fish.
- 43 (e) “Harass” means to shoot at, disturb, worry, rally, concentrate, harry, chase, drive,
44 herd, or torment wildlife.
- 45 (f) “Open Water” means any water beyond a natural growth of vegetation rooted to
46 the bottom and extending above the water surface of such height as to offer whole or
47 partial concealment of the hunter.
- 48 (g) “Permanent Tree Stand” means any manufactured or constructed platform
49 fastened by nails, screws, or other means deemed permanently fixed, for the purpose of
50 allowing a person to view, observe, or hunt wild animals.
- 51 (h) “Possession Limit” means the maximum number of a particular wildlife species
52 that may be in the possession of a person who has hunted, fished, or trapped two (2) days
53 or more.
- 54 (i) “Raptor” means all hawks, owls, eagles, falcons, and osprey.
- 55 (j) “Rifle” means a weapon designed or redesigned, made or remade, and intended
56 to be fired from the shoulder and designed or redesigned and made or remade to use the
57 energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle
58 bore for each single pull of the trigger, and includes any such weapon which may be
59 readily restored to fire a fixed cartridge.
- 60 (k) “Semi-permanent Tree Stand” means any manufactured or constructed platform
61 fastened, strapped, chained, or otherwise attached to a tree, for the purpose of allowing a
62 person to view, observe or hunt wild animals.
- 63 (l) “Shotgun” means a weapon designed or redesigned, made or remade, and
64 intended to be fired from the shoulder and designed or redesigned and made or remade to
65 use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore
66 either a number of projectiles (bird shot) or a single projectile for each pull of the trigger
67 and includes any such weapon which may be readily restored to fire a fixed shotgun
68 shell.
- 69 (m) “Sight Exposed Bait” means any bones, meat or viscera of an animal, bird, or
70 fish with or without skin, hide or feathers which can be seen from above the bait.
- 71 (n) “Size Limit” means the specific minimum length and/or maximum length in
72 inches of a species of fish that may be possessed legally.
- 73 (o) “Small Game” includes, but is not limited to the following: geese, brants, dabbling
74 ducks, diving ducks, tree ducks, sea ducks, and mergansers; commonly known as rails,
75 coots, mud hens, and gallinule; commonly known as snipe and woodcock; commonly

76 known as grouse, pheasants, partridges, and quail; cottontail rabbit, and gray and fox
77 squirrel.

78 (p) “Specified Area” means areas where the taking of fish and wildlife is restricted
79 to the specifications set forth by the law, rule or Environmental Resource Board
80 resolutions.

81 (q) “Unprotected Species” means species which can be hunted year round without
82 limit and includes: opossum, skunk, weasel, mice, and all other animals not mentioned in
83 the Hunting, Fishing and Trapping law and these rules.

84 (r) “Waterfowl” means any wild species of geese, brants, or ducks.

85 (s) “Wet Set” or “Water Set” means a trap which is staked in such a manner as to
86 permit the trap or trapped animal to reach water at any point.

87

88 **III. General Requirements**

89 3-1. *License and Permit on Person.* All persons shall have in his/her possession, while hunting,
90 fishing or trapping within the exterior boundaries of the reservation, a valid Oneida sportsman
91 license issued by the Department allowing him/her to hunt, fish, or trap on the reservation and, if
92 the action also requires a permit, the applicable permit also.

93 3-2. *Limit on Non-Tribal Member Licenses.* The Department may not issue more than thirty-
94 five (35) Oneida sportsman licenses to Non-Tribal Members in any calendar year. In addition, in
95 order for a non-Tribal member to apply for an Oneida sportsman license, the non-Tribal member
96 shall consent in writing to forfeit any deer hunting privileges granted by a state issued hunting
97 license/permit in regard to all land within the Reservation boundaries, regardless of ownership
98 status.

99 3-3. *License Application Deadlines and Expirations.* Tribal members, descendants, affiliates of
100 other tribes and Tribal member’s spouses and/or dependents may apply for a sportsman license at
101 any time; the application deadline for a non-member sportsman license is the third (3rd) Monday
102 of August. Sportsman licenses expire each year on August 31st.

103 3-4. *License and Permit Availability and Schedule.* Oneida sportsman licenses and permits may
104 be obtained from the Conservation Department, which is located at N8047 County Road U.

105 (a) *Permit Availability.* Nuisance permits, sustenance permits, ceremonial permits and
106 dog training permits are only available to Tribal members and Tribal members shall
107 apply for each of these permits separately from the Oneida sportsman license. Turkey
108 permits are available to all persons eligible for an Oneida sportsman license that is not
109 limited to fishing, provided that licensees shall apply for turkey permits separately from
110 the Oneida sportsman license.

111 (b) *License and Permit Schedule.* The license and permit schedule is included in these
112 rules as Attachment A.

113 3-5. *Denial of a License or Permit.* An application for a sportsman license or permit may be
114 denied according to section 406.6-7 of the Hunting, Fishing and Trapping law.

115 3-6. Applicants born on or after January 1, 1973 shall present a hunter’s education certification
116 prior to issuance of any sportsman license.

117

118 **IV. Available Permits**

119 4-1. *Comprehensive List of Available Permits.* Subject to the requirements provided in the
120 Hunting, Fishing, Trapping law and these rules, the Department may issue the following permits,

121 provided that in order to be eligible for a permit, a full sportsman license is required; a fishing
122 only sportsman license is not sufficient:

- 123 (a) Tribal Member Ceremonial/Feast Permit;
- 124 (b) Disabled Permit;
- 125 (c) Nuisance Permit;
- 126 (d) Sustenance Permit;
- 127 (e) Deer Gun Permit;
- 128 (f) Deer Gun Hunter's Choice Permit;
- 129 (g) Deer Bow Permit;
- 130 (h) Small Game Permit;
- 131 (i) Turkey Permit;
- 132 (j) Waterfowl Permit;
- 133 (k) Furbearer Permit;
- 134 (l) Dog Hunting Permit; and
- 135 (m) Found Carcass Permit.

136 4-2. *Responsibility to Set Seasons and Limits.* The Environmental Resource Board, with input
137 from the Conservation Department, shall establish, annually by written Environmental Resource
138 Board resolution, by no later than the end of March each calendar year, the following and, in
139 doing so shall consider the supply of wildlife, the needs of conservation, and the objective of
140 achieving a fair allocation of the harvest:

- 141 (a) Any bag limits applicable to various permits.
- 142 (b) Any possession limits applicable to various permits.
- 143 (c) Season opening and closing dates for each permit, provided that:
 - 144 (1) Bow deer season may not open before September 1st and may not close any
145 later than January 31st.
 - 146 (2) Muzzleloading deer season shall open the calendar day following the close of
147 the deer gun season and may not close any later than the first Sunday in January.
 - 148 (3) The season for small game may not begin before September 1st or close later
149 than March 31st.
 - 150 (4) The season for waterfowl may not begin before September 1st or close later
151 than December 31st.
 - 152 (5) The seasons for furbearers may not begin before October 1st or close later than
153 April 1st.
- 154 (d) Any hunting hour restrictions that may apply to a season, provided that if setting
155 hunting hours, such hours may not permit hunting prior to thirty (30) minutes before
156 sunrise or extend beyond fifteen (15) minutes after sunset.
- 157 (e) The number of carcass tags that may be issued pursuant to each applicable permit,
158 which may include limitations based on age, sex, size, species or other factors established
159 by the Environmental Resource Board. Daily bag and possession limits pursuant to a
160 small game permit may not exceed a harvest of ten (10) wildlife of each species per day.

- 161 (f) Fish minimum lengths and slot sizes for designated fish species.
- 162 (g) Which areas are designated as available for hunting and trapping as indicated on the
- 163 Oneida Nation Hunting Map. If the Nation acquires additional properties eligible for
- 164 hunting and trapping after the initial annual Oneida Nation Hunting Map has been
- 165 approved, the Environmental Resource Board may adopt a revised Oneida Nation
- 166 Hunting Map by written resolution. Upon the setting of such designated areas, the
- 167 Department shall mark all properties not open for hunting and trapping.
- 168 (h) Any designated protected waters in which fishing is not permitted.
- 169 4-3. *Tribal Member Ceremonial/Feast Permit.* In addition to the requirement in section
- 170 406.6-2 of the Hunting, Fishing and Trapping law, the following requirements also apply:
- 171 (a) A ceremonial/feast permit may not be effective for a period longer than ten (10)
- 172 calendar days and may only be issued between the third (3rd) Saturday of September and
- 173 the last day of December for any calendar year .
- 174 (b) The Department shall indicate on each permit how much wildlife may be taken
- 175 pursuant to the permit and which areas are open for the ceremonial/feast hunt.
- 176 (c) Permittees shall register any deer harvested pursuant to a ceremonial/feast permit
- 177 within twenty-four (24) hours of the harvest.
- 178 (d) A ceremonial/feast permit issued for harvested deer may only be issued for antlerless
- 179 deer; it is unlawful to harvest an antlered deer under a ceremonial/feast permit.
- 180 4-4. *Disabled Permit.* In addition to the requirements and limitations regarding disabled
- 181 permits included in section 406.6-6 of the Hunting, Fishing and Trapping law, a disabled hunter
- 182 permit also requires:
- 183 (a) The vehicle is located off of the hard surface of the roadway and is not in violation of
- 184 any applicable prohibition or restriction that applies to parking, stopping or standing of
- 185 the vehicle.
- 186 (b) The holder of the permit is not as a designated hunter.
- 187 (c) The holder of the permit has obtained permission from any person who is the owner
- 188 or lessee of private property across or on to which the holder of the permit intends to
- 189 discharge a weapon.
- 190 (d) The vehicle bears disabled plates or displays a sign that is at least 11 inches square on
- 191 which is conspicuously written “disabled hunter”.
- 192 (e) The holder of the permit discharges the weapon away from and not across or parallel
- 193 to the roadway.
- 194 4-5. *Nuisance Animal Removal Permit.* For each nuisance animal removal permit, based on
- 195 the circumstances and extent of the nuisance, the Department shall provide the amount of
- 196 wildlife that the permittee may take pursuant to the permit and may limit the amount based on
- 197 age, sex, size, species or other relevant factors established by the Department; the Department
- 198 may also the prescribed manner of taking required by the permit. In addition to the requirements
- 199 in section 406.8 of the Hunting, Fishing and Trapping law, the following also apply:

200 (a) *Assistance by the Department.* The Department may assist the permittee in taking
201 and/or trapping a nuisance animal if:

202 (1) Extraordinary damage is occurring, where the determination of extraordinary
203 damage is in the Department's best discretion.

204 (2) The permittee has demonstrated an inability to harvest an adequate number of
205 the nuisance animals and damage to the permittee's property in the current
206 calendar exceeds, or is likely to exceed, \$5,000.00.

207 (b) *Conditions to Nuisance Deer Removal Permits.* The following conditions apply to
208 nuisance deer removal permits:

209 (1) Permittees and permittees' agents may hunt deer only during the period from
210 thirty (30) minutes before sunrise to fifteen (15) minutes after sunset during the
211 closed deer gun season. During the deer gun season permittees and permittees'
212 agents shall comply with any restrictions regarding shooting hours.

213 (2) No deer may be harvested pursuant to a nuisance deer removal permit within
214 the twenty-four (24) hour period prior to the opening of gun deer season.

215 (3) The weapon restrictions provided in article 4-7(a)(1) and (2) apply to nuisance
216 deer removal permits.

217 (4) If the permittee and/or the permittee's agent does not fulfill fifty percent
218 (50%) or more of the nuisance deer removal permit's quota in the initial thirty
219 (30) calendar days for which the permit is effective, the Department may
220 withdraw the permit.

221 (5) Unless specifically exempt by the Department in the permit, only deer without
222 antlers or with antlers less than three (3) inches in length may be harvested
223 pursuant to a nuisance deer removal permit.

224 (c) *Conditions to Nuisance Canadian Geese Removal Permits.* The following conditions
225 apply to nuisance Canadian geese removal permits:

226 (1) Permittees and/or permittees' agents may retain any Canadian goose carcasses
227 harvested pursuant to a nuisance Canadian geese removal permit, provided that
228 permittees' agents may only retain carcasses declined by the original permittee.

229 (2) The weapon restrictions provided in article 4-10(a) apply to nuisance
230 Canadian geese removal permits.

231 (3) If during open goose season, the Department may not issue an applicant a
232 nuisance Canadian geese removal permit until all of the applicant's goose carcass
233 tags under the goose permit have been filled.

234 4-6. *Sustenance Permits.* The Department may issue sustenance permits to Tribal Members
235 who are in need of nourishment which allows the permittee to harvest one (1) additional
236 antlerless deer throughout the course of the open deer bow, gun or muzzleloader seasons. Only
237 one (1) sustenance permit may be issued per household. Permittees may designate a hunter to
238 hunt on the permittee's behalf in accordance with section 406.9-4 of the Hunting, Fishing and
239 Trapping law. Permittees shall register any deer harvested pursuant to a sustenance permit within

240 twenty-four (24) hours of the harvest. The weapon restrictions provided in article 4-7(a)(1), (2)
241 and (3) below apply to sustenance permits.

242 4-7. *Deer Permits.* This article applies to deer gun, deer bow and deer hunter's choice permits.

243 (a) *Restrictions on Deer Permits.*

244 (1) *Firearms Restrictions.* No person may hunt deer with:

245 (A) A rifle, with a shot gun smaller than twenty (20) gauge or larger than
246 ten (10) gauge, or with a muzzleloader smaller than .40 caliber.

247 (B) Any handgun which is loaded with caliber chambered for
248 commercially manufactured center fire cartridge which produce a muzzle
249 velocity of nine hundred fifty (950) feet per second and no more than two
250 thousand two hundred (2,200) feet per second and has a barrel length of
251 five (5) inches measured from the muzzle to the firing pin with the action
252 closed. Hunters using handguns for deer hunting may possess other
253 firearms legal for the zone in which they are hunting deer.

254 (2) *Deer Archery Season Regulations.*

255 (A) No person may hunt deer with a bow having a pull strength less than
256 thirty-five (35) pounds or using an arrow that does not have a broadhead.

257 (B) No person may hunt deer with a crossbow, unless the crossbow:

258 (i) Is fired from the shoulder;

259 (ii) Has a minimum draw weight of one hundred (100) pounds;

260 (iii) Has stock of not less than thirty (30) inches in length;

261 (iv) Is used with arrows or bolts of not less than fourteen (14)
262 inches in length with a broadhead; and

263 (v) Has a working safety.

264 (C) No person may possess a deer harvested with a firearm during an
265 archery only deer hunting season.

266 (D) No person hunting deer under the authority of an archery deer permit
267 may have a firearm in his/her possession unless participating in
268 muzzleloading season or using a ceremonial/feast permit.

269 (E) Group hunting is not permitted during deer archery hunting seasons.

270 (3) *Archery Hunting During Deer Gun Season.* A person may hunt deer with
271 archery equipment during deer gun season and shall tag any such harvested deer
272 with either a deer gun or deer bow tag, provided that the blaze orange
273 requirements in this article apply.

274 (4) *Blaze Orange Required.* During the gun deer season and muzzleloading
275 season, no person shall hunt any wildlife, except waterfowl, unless at least fifty
276 percent (50%) of the person's outer clothing above the waist is colored
277 blaze/hunter orange.

278 (5) *Hunting Deer with Dogs Prohibited.* No person may hunt deer with the aid of
279 a dog(s).

280 (6) *Removal and Retention of Carcass Tags.* Permittees that harvest deer shall
281 ensure that deer carcass tags remain attached to the deer until the carcass is
282 butchered or processed for consumption and, once the carcass tag is removed
283 from the deer, shall retain the carcass tag until all of the meat from the subject

284 carcass has been consumed. A person who receives meat from another as a gift is
285 not required to possess the carcass tag, provided that the permittee gifting the
286 meat shall provide the receiver with the carcass tag number pursuant to which the
287 meat was harvested.

288 (7) *Designated Hunters.* Designated deer hunters may only take antlerless deer
289 and, regardless of the number of tags issued to the original permittee, may fill a
290 maximum of two (2) deer carcass tags on behalf of the original permittee.

291 (8) *Registration.*

292 (A) Permittees shall register deer harvested by a firearm during the gun
293 deer season no later than 4:00 p.m. the day after the close of the gun deer
294 season.

295 (B) Permittees shall register all deer harvested by a bow and arrow, cross
296 bow or muzzleloader no later than 4:00 p.m. on the third (3rd) day after the
297 deer was harvested.

298 (b) *Deer Hunter's Choice Permits.* Deer hunter's choice permits may be issued to Tribal
299 Member elders and first time graduates of a hunter safety program. A deer hunters
300 choice permit allows the permittee to harvest an additional antlerless deer during the gun
301 season and, if the tag has not been filled, extending into the deer muzzleloading season.
302 Permittees may designate a hunter to hunt on the permittee's behalf in accordance with
303 section 406.9-4 of the Hunting, Fishing and Trapping law.

304 4-8. *Small Game Permit.* No person may take, pursue, injure, or harass small game while on
305 or in its nest or den, or remove any eggs or young except as may be approved in advance by the
306 Environmental Resource Board for activities which may include, but are not limited to, normal
307 agricultural or horticultural practices or wildlife research practices.

308 (a) *Permissible Methods.* The hunting of small game birds is restricted to the use of an
309 air rifle, shotgun or bow and arrow. The hunting of small game mammals is restricted to
310 the use of an air rifle, shotgun, rifle, or bow and arrow.

311 (1) *Firearm Restrictions.* No person may hunt small game:

312 (A) With a shotgun larger than ten (10) gauge.

313 (B) With a rifle or handgun larger than .22 caliber, including both rim fire
314 and center-fire cartridges.

315 (C) Rifles or handguns may not be used for hunting birds.

316 (D) With a handgun with a barrel less than five and a half (5) inches in
317 length as measured from the muzzle to the firing pin with action closed.

318 (E) While possessing shot shells larger than two (2) shot or while
319 possessing slugs, except that during deer gun season, a person having both
320 an Oneida sportsman license and a deer gun hunting permit may possess
321 slugs while hunting small game.

322 (E) With any type of shell, cartridge or altered projectile or device which
323 is not considered a factory load, copy or style.

324 (2) *Bow and Arrow Restrictions.* No person may hunt small game:

325 (A) With a bow having a pull or draw strength less than thirty-five (35)
326 pounds.

327 (B) With arrows less than twenty-four (24) inches in length or without at
328 least three (3) untrimmed feathers or five (5) trimmed feathers.

329 (b) *Use of Dogs.* Dogs may be used while hunting small game.

330 4-9. *Turkey Permit.* An issued turkey permit authorizes the permittee to hunt turkey during
331 both the spring and fall seasons; a separate permit is not required for each season. Hunting dogs
332 may be used during the fall turkey season. Designated hunters named pursuant to a turkey permit
333 and based on the requirements of the Hunting, Fishing and Trapping law in section 406.9-4 may
334 fill a maximum of two (2) turkey tags for the original permittee, regardless of the number of tags
335 issued to the original permittee.

336 4-10. *Waterfowl Permit.* An issued waterfowl permit authorizes the permittee to hunt
337 waterfowl during the set season, but does not authorize permittees to possess live waterfowl;
338 permittees shall kill all waterfowl immediately once possession is gained.

339 (a) *Permissible Methods.* No person may take waterfowl with a trap, net and/or
340 fishhook.

341 (1) *Firearms Restrictions.* No person may hunt waterfowl:

342 (A) With a shotgun larger than ten (10) gauge; duck plugs are not required.

343 (B) With a rifle of any type.

344 (C) With a shotgun with a barrel length less than eighteen (18) inches.

345 (D) With a handgun of any type.

346 (E) While in possession of lead shot.

347 (2) *Bow and Arrow Restrictions.* No person may hunt waterfowl:

348 (A) With a bow having a pull or draw strength less than thirty-five (35)
349 pounds.

350 (B) With arrows less than twenty-four (24) inches in length or without at
351 least three (3) untrimmed feathers or five (5) trimmed feathers.

352 (3) *Migratory Bird Calls.* No person may use electronic calls of any type to hunt
353 waterfowl.

354 (4) *Hazing.* No person may drive, rally or chase waterfowl with any motorized
355 conveyance in order to force the waterfowl into hunters' range.

356 (5) *Live Decoys.* No person may hunt waterfowl with the aid of live decoys. All
357 live, tame or captive waterfowl shall be removed for a period of ten (10)
358 consecutive days prior to hunting and confined within an enclosure which
359 substantially reduces the audibility of the waterfowls' calls and completely
360 conceals the captive waterfowl from the sight of any non-captive waterfowl.

361 (6) *Decoys.* No person hunting waterfowl may place decoys beyond two hundred
362 (200) feet from the cover or blind in which the person is located. No person
363 hunting waterfowl may:

364 (A) Place decoys in the water prior to one (1) hour before opening of
365 waterfowl hunting time.

366 (B) Leave decoys in the water more than twenty (20) minutes after the
367 close of waterfowl hunting time.

368 (b) *Blind Restrictions.* No person hunting waterfowl may establish a waterfowl hunting
369 blind, including the bed of any navigable lake, reservoir, pond or stream, prior to seven
370 (7) days before the waterfowl hunting season or leave it established beyond seven (7)
371 days after the close of the waterfowl hunting season.

372 (c) *Open Water Hunting.* Unless pursuing a crippled waterfowl, waterfowl may not be
373 hunting from a moving watercraft. If a motorized watercraft is used to pursue a crippled

374 waterfowl into open water, the motor must be shut off and all forward movement of the
375 boat must cease before loading and shooting at the crippled waterfowl.

376 4-11. *Furbearer Permit.* A furbearer permit authorizes Tribal members to operate an
377 unlimited number of traps or snares in any combination and authorizes spouses or dependents of
378 Tribal members or persons affiliated with another tribe to operate a maximum of one hundred
379 and fifty (150) traps or snares in any combination.

380 (a) *Permissible Methods.* No person may:

381 (1) Trap with any leg hold dry set trap larger than a number four (4).

382 (2) Trap with any leg hold wet set trap larger than a number five (5).

383 (3) Trap within twenty-five (25) feet of any sight-exposed bait.

384 (4) Set any trap or snare unless a metal tag is attached, stamped, or engraved
385 legibly upon the trap or snare which has the owner's enrollment number and/or
386 the name, address, and phone number.

387 (5) Take mink or muskrat by means other than trapping or snaring.

388 (6) Use any traps to take any wildlife not specified as furbearers.

389 (7) Possess any trap for the purpose of trapping furbearers other than a leg hold
390 trap, live trap, conibear trap, snare or colony trap.

391 (8) *Firearm Restrictions.* No person may hunt small game:

392 (A) With a shotgun larger than ten (10) gauge.

393 (B) With a rifle or handgun larger than .22 caliber, including both rim fire
394 and center-fire cartridges, provided that a permittee may use up to a .223
395 caliber for fox and coyote hunting.

396 (C) With a handgun with a barrel less than five and a half (5) inches in
397 length as measured from the muzzle to the firing pin with action closed.

398 (D) While possessing shot shells larger than two (2) shot or while
399 possessing slugs, except that:

400 (i) During deer gun season, a person having both an Oneida
401 sportsman license and a deer gun hunting permit may possess slugs
402 while hunting furbearer; and

403 (ii) A buckshot may be used for hunting fox and coyote.

404 (E) With any type of shell, cartridge or altered projectile or device which
405 is not considered a factory load, copy or style.

406 (9) *Bow and Arrow Restrictions.* No person may hunt small game:

407 (A) With a bow having a pull or draw strength less than thirty-five (35)
408 pounds.

409 (B) With arrows less than twenty-four (24) inches in length or without at
410 least three (3) untrimmed feathers or five (5) trimmed feathers.

411 (b) *Set and Placement Restrictions.* No person trapping furbearers may:

412 (1) Operate trap sets which permit the trapped animal to reach water, except
413 during the operation of a wet set or colony trap during applicable furbearer
414 seasons.

415 (2) Set any trap on any perch more than three (3) feet above the ground.

416 (c) *Trap Tending.* Permittees shall check all dry set traps at least once every twenty-four
417 (24) hours and shall and remove any wildlife trapped therein. Permittees shall check all
418 wet set traps at least once every four (4) calendar days and shall remove any wildlife
419 trapped therein.

420 (d) *Use of Dogs*. Dogs may be used while hunting raccoon, coyote and fox.
421 (e) *Permission to Hunt from a Motor Vehicle*. Permittees may request permission to hunt
422 furbearers from a motor vehicle; absent permission from the Department it is not
423 permissible to hunt, kill or harass furbearers from any type of motor vehicle.

424 4-12. *Dog Training Permit*. The Department may issue dog training permits to persons who
425 wish to possess and release small game birds for dog training purposes. The permit shall contain
426 requirements such as the location where the birds will be released and, if applicable, the
427 maximum number of birds that may be released.

428 (a) Prior to being released, the permittee shall mark and identify all birds to be released
429 by fixing a leg band to the bird's leg which identifies the dog training permit number.

430 (b) The following small game birds may be released pursuant to a dog training permit:

- 431 (1) Pheasant;
432 (2) Grey partridge;
433 (3) Red Legged Partridge;
434 (4) Bob White Quail;
435 (5) Chukar Partridge; and
436 (6) Pharo Pigeons.

437 (c) The approval of the Environmental Resource Board is required, prior to release,
438 should a permittee wish to release a small game bird that is not included in the list of
439 authorized small game birds provided in article 4-12(b).

440 4-13. *Found Carcass Permit*. A found carcass permit is available to Tribal members only for
441 any wildlife found injured and/or killed by any non-hunting related cause. To obtain a Found
442 Carcass Permit, the requestor shall contact the Department and provide the location of the found
443 carcass. After inspecting the condition of the wildlife, the Department shall either issue the
444 requestor a Found Carcass Permit or deny the permit and take the carcass into possession.

445

446 V. Tree Stands

447 5-1. *Permanent Tree Stands Prohibited on the Nation's Lands*. Permanent tree stands may
448 not be erected on land owned by the Nation.

449 5-2. *Semi-Permanent Tree Stands*. Semi-permanent tree stands may be put, but not sooner than
450 two (2) weeks before the archery season opens and shall be removed no later than April 1st.

451 5-3. *Tree Stand Owner Information*. All tree stands must be stamped with the owner's
452 enrollment number and/or name, address and phone number for identification.

453 VI. Blinds

454 6-1. If a blind is constructed with manufactured materials, such blind requires identification
455 either with a tag affixed to the blind or engraved directly into the blind which contains the
456 owner's enrollment number and/or name, address and phone number for identification.

457 6-2. During the gun deer season and muzzleloading season, no person shall occupy a blind
458 unless there is three hundred sixty (360) degrees of visible blaze orange on the blind.

459

460 VII. Baiting

461 7-1. Persons may not:

462 (a) Use bait material, which includes, but is not limited to, liquid or scent, for attracting
463 wildlife:

- 464 (1) which contains or, at the time of use, is contained within: honey, bones, fish,
 465 meat, solid animal fat, parts of animal carcasses, metal, paper, plastic, glass, wood
 466 (other than hollow stumps, or other non-degradable materials;
 467 (2) in excess of ten (10) gallons of bait material in a baited area, provided that,
 468 salt and salt blocks are excluded from this restriction.
- 469 (b) Hunt waterfowl with the aid of bait other than grain crops left in the field due to
 470 normal agricultural practices.
- 471 (c) Hunt over bait materials, regardless of whether or not the bait materials were
 472 intentionally placed as bait, which do not comply with the requirements of these rules.
 473

474 **VIII. Endangered, Threatened and Protected Species**

- 475 8-1. Absent a nuisance permit, no person may take or kill any endangered, threatened or
 476 otherwise protected species or damage or tamper with the nests or eggs of an endangered,
 477 threatened or otherwise protected species on the reservation.
- 478 8-2. A federal permit issued by the United States Fish and Wildlife Service is required in
 479 order for any Tribal member possess an eagle or any part thereof. Tribal members may request
 480 application forms directly from the United States Fish and Wildlife Service, the Department shall
 481 also have copies of the application forms available.
 482

483 **IX. Possession, Registration and Transportation of Carcasses**

- 484 9-1. *Attachment of Carcass Tags.* For wildlife subject to permit that includes carcass tags,
 485 upon taking of the wildlife, the permittee shall immediately attach the carcass tag as follows:

| Wildlife Species | Required Method of Carcass Tag Attachment |
|------------------|---|
| Deer | Attach to antler, ear or hind leg |
| Goose | Attach to featherless portion of the leg |
| Turkey | Attach to featherless portion of the leg |

- 486 9-2. *Wildlife Registration.* Except for deer during deer gun hunting season or where shorter
 487 timeframes are provided in these rules, a permittee taking wildlife pursuant to a permit which
 488 requires a carcass tag shall register the said wildlife with the Department within three (3)
 489 calendar days of the taking. Permittee may register wildlife at the Department or any other
 490 registration area designated by the Department. Deer harvested during deer gun hunting season
 491 shall be registered by 4 pm the day after close of the firearm season. Deer registration tag should
 492 be retained with meat until consumed.
- 493 9-3. *Wildlife Transportation.* Wildlife may not be transported by persons that do not possess
 494 the required Oneida sportsman license and any applicable permits. A person may only transport
 495 his or her own lawfully possessed wildlife.
- 496 (a) *Birds.* Permittees shall ensure that, at a minimum, the fully feathered head or one (1)
 497 fully feathered wing remains attached to each bird that is transported from the field until
 498 the bird reaches the permittees residence or processing location.
- 499 (b) *Fish.* While in transportation, all fish must be able to be readily counted. Fish may
 500 be dressed, but permittees shall ensure that the body of each fish remains intact while the
 501 fish is transported from the water until the fish reaches the permittee's residence or
 502 processing location.
- 503 (c) *Found Carcasses.* Persons finding wildlife carcasses may not transport said carcasses
 504 until such person has applied for and received a Found Carcass Permit from the

505 Department. Permittees shall abide by any requirements of the Found Carcass Permit,
506 including those related to carcass tags and transportation of the carcass.

507 (d) *Registration Required Prior to Transportation.* Wildlife subject to registration
508 requirements may not be transported off of the reservation until all registration
509 requirements have been satisfied.

510 (e) *Accompaniment of Wildlife Pending Registration.* Permittees shall accompany all
511 wildlife harvested subject to registration requirements at all times until all registration
512 requirements have been satisfied. No person may knowingly accept for and transport
513 another's wildlife without the valid license and permit holder present. This provision
514 does not apply to authorized enforcement persons who, in the course of their duties, may
515 be required transport seized wildlife.

516

517 **X. Fishing**

518 10-1. *Seasons.* The fishing season shall be continuous (year-round) unless specific seasons
519 are established in accordance with article 4-2 of these rules. Further, fishing hours are not
520 limited.

521 10-2. *Possession and Bag Limits.* Persons fishing shall comply with any possession, size and
522 bag limits applicable to fish as established in accordance with article 4-2 of these rules.

523 10-3. *Fishing Restricted to Authorized Methods.* No person may take or kill fish by any
524 method other than rods, lines and bare hooks, baited fish hooks, nets, spears, use of hands, and
525 bows/arrows, except that bows/arrows may not be used on rough fish. For the purpose of this
526 section, rough fish means carp, all sucker species and sheep head.

527 10-4. *Firearm Restriction.* No firearms may be used while fishing.

528 10-5. *Trespass.* No person may fish on private waters without permission from the owner or
529 occupant. No person may fish on Tribal, state, or federal refuge waters or protected waters.

530 10-6. *Trading of Fish.* All fish caught or taken by any means may be traded, provided that
531 persons shall comply with possession and bag limits at all times, regardless of trading.

532 10-7. *Ice Fishing.* Ice fishing holes may not be larger than ten inches (10") in diameter. While
533 ice fishing, a person may not use more than four (4) fishing lines at one (1) time.

534 10-8. *Attending Lines* – Lines may not be left unattended.

535

536 **XI. General Regulations**

537 11-1. Persons may not:

538 (a) Hunt with a handgun if under the age of eighteen (18) unless under the immediate
539 supervision of a parent or responsible adult.

540 (b) Transport, deliver, receive, or offer to deliver or receive for transporting any wildlife
541 or part thereof at any time other than during the open season and three (3) calendar days
542 after.

543 (c) Exceed daily bag or possession limits, or possess wildlife above or below the size
544 limits established in accordance with article 4-2 of these rules.

545 (d) Possess any live wildlife unless authorized by the Department.

546 (e) Hunt species for which hunting seasons are not established, hunt wildlife during the
547 closed season, or hunt wildlife in a refuge/closed area.

548 (f) Hunt any species more than fifteen (15) minutes after sunset or more than thirty (30)
549 minutes before sunrise during the gun deer season. Except during the gun deer hunting

550 season, coyote, fox, raccoon and unprotected species may be hunted without hunting hour
551 restrictions.

552 (g) Leave, deposit, place or throw on the waters, ice, shores of water or upon Tribal land,
553 any empty receptacles containing bait, fish offal, fish carcasses, and/or fish parts.

554 (h) Catch, kill or take frogs and turtles except by the following authorized methods: hand,
555 dip net, hook and line, or spear.

556 (i) Shine while in possession of a firearm, bow or crossbow.

557 (j) Hunt in a party of more than ten (10) persons.

558

559 **XII. Health Advisory**

560 **12-1. Fish caught in Duck Creek, ducks, geese, and other wildlife may contain PCB's.**
561 **Women and children are most at risk for health defects. Detailed information is available**
562 **from the Oneida Conservation Department.**

563

564 **XIII. Enforcement**

565 13.1. *Fine and Penalty Schedule.* Violation of the Hunting, Fishing and Trapping law and/or
566 rules may result in the fines/penalties as provided in the Fine and Penalty Schedule, which is
567 incorporated into these rules as Attachment B.

568 13.2. *Animal Assessments.* In the event the Board finds a violation of the Hunting, Fishing and
569 Trapping law and/or rules, in addition to imposing a fine or penalty, it may also impose a
570 wildlife protection assessment (civil recovery value) as provided in the Animal Assessment
571 Schedule, which is incorporated into these rules as Attachment C.

572

| ATTACHMENT A - LICENSE AND PERMIT SCHEDULE | | |
|--|--|------------------------|
| License or Permit Name | Application Deadline** | Application Fee |
| Oneida Sportsmans License | | |
| Adult Tribal Member | Not Applicable | \$10 |
| Elder/Disabled Tribal Member | Not Applicable | No Charge |
| Youth Tribal Member | Not Applicable | \$10 |
| Spouse or Dependent of a Tribal Member | Not Applicable | \$15 |
| Elder Spouse or Elder Dependent of a Tribal Member | Not Applicable | \$8 |
| Adult Descendant/Other Tribal Affiliation | Not Applicable | \$25 |
| Elder Descendant/Other Tribal Affiliation | Not Applicable | \$13 |
| Youth Descendant/Other Tribal Affiliation | Not Applicable | \$15 |
| Adult Non-Tribal Member/Descendant/Other Tribal Affiliation | 3rd Monday of August* | \$500 |
| Elder Non-Tribal Member/Descendant/Other Tribal Affiliation | 3rd Monday of August* | \$250 |
| Youth Non-Tribal Member/Descendant/Other Tribal Affiliation | 3rd Monday of August* | \$100 |
| Tribal Member Ceremonial/Feast Permit | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| Disabled Permit | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| Nuisance Permit | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| Sustenance Permit | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| Deer Gun Permit | | |
| Included in the issuance of Oneida Sportsman License | Prior to the Opening Date of the Season* | No Charge |
| Deer Gun Hunter's Choice Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Deer Bow Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Goose Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Small Game Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Turkey Permits | | |
| Adult Tribal Member | Not Applicable | \$5 |
| Elder/Disabled Tribal Member | Not Applicable | No charge |
| Youth Tribal Member | Not Applicable | No charge |
| Spouse or Dependent of a Tribal Member | Not Applicable | \$10 |
| Elder Spouse or Elder Dependent of a Tribal Member | Not Applicable | \$5 |
| Adult Descendant/Other Tribal Affiliation | Not Applicable | \$10 |
| Elder Descendant/Other Tribal Affiliation | Not Applicable | \$5 |
| Youth Descendant/Other Tribal Affiliation | Not Applicable | \$5 |
| Adult Non-Tribal Member/Descendant/Other Tribal Affiliation | Not Applicable | \$25 |
| Elder Non-Tribal Member/Descendant/Other Tribal Affiliation | Not Applicable | \$10 |
| Youth Non-Tribal Member/Descendant/Other Tribal Affiliation | Not Applicable | \$10 |
| Furbearer Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Dog Training Permits | | |
| Adult Tribal Member | Not Applicable | \$20 |
| Elder/Disabled Tribal Member | Not Applicable | \$10 |
| Found Carcass Permits | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| * It is in the Department's full discretion whether to issue licenses and/or permits that do not comply with the required application deadlines, provided that the Department shall assess a \$10.00 late fee against all late applications, regardless of whether the license/permit is issued. | | |
| ** In all instances where an application deadline is not applicable, the license/permit may applied for up until any applicable established seasons have closed. | | |

| ATTACHMENT B - FINE AND PENALTY SCHEDULE | | | | | |
|---|---------------------------------|---------------|----------------------|-------------|----------------------|
| Violation | Reference | Fine | | Other | |
| | | 1st Violation | Subsequent Violation | Must Appear | Restitution Possible |
| Hunting an antlered deer under a Ceremonial and/or Feast Permit | Law §406.6-2(a); Rule 4-3(d) | \$ 150 | \$ 300 | Y | Y |
| Unnamed person hunting in a Ceremonial and/or Feast Permit | Law §406.6-2(c) | \$ 150 | \$ 300 | N | N |
| Failure to notify the Department or provide at less than twenty-four (24) hour notice of the location of the Ceremonial/ Feast hunt | Law §406.6-2(d) | \$ 150 | \$ 300 | N | N |
| Provide false information to Department when applying for a license or permit | Law §406.6-4(a) | \$ 300 | \$ 600 | Y | N |
| Fail to provide relevant information to Department when applying for a license or permit | Law §406.6-4(a) | \$ 300 | \$ 600 | Y | N |
| Aid another in fraudulently securing a license or permit. | Law §406.6-4(b) | \$ 150 | \$ 300 | N | N |
| Altering or defacing a permit | Law §406.6-5 | \$ 300 | \$ 600 | Y | N |
| Possession of an altered or defaced permit | Law §406.6-5 | \$ 300 | \$ 600 | Y | N |
| Lend or borrow an Oneida sportsman license and/or permit | Law §406.6-5 | \$ 300 | \$ 600 | Y | N |
| Failure to display disabled hunter permit sticker when or where required | Law §406.6-6 | \$ 600 | \$ 1,200 | Y | N |
| Enter onto private lands and/or waters to take or retrieve wildlife without permission | Law §406.7-1(a) | \$ 150 | \$ 300 | N | N |
| Litter or leave any other waste onto the reservation's lands/waters | Law §406.7-1(b) | \$ 300 | \$ 600 | Y | Y |
| Oneida Tribal Members Only | Law §406.7-1(c) | \$ 300 | \$ 600 | Y | Y |
| Cause damage to the land or property of the Nation or Department | Law §406.7-1(c) | \$ 600 | \$ 1,200 | Y | Y |
| Carelessly waste wildlife. | Law §406.7-1(d) | \$ 300 | \$ 600 | Y | Y |
| Knowingly disturb any den, nest, lodge, hut, dam or house that wildlife builds | Law §406.7-1(e) | \$ 150 | \$ 300 | Y | Y |
| Take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young | Law §406.7-1(f) | \$ 150 | \$ 300 | Y | Y |
| Harvest wildlife with the aid of an explosive, poison, exploding tip or point, electrifying device or stupefying substance or agent | Law §406.7-1(g) | \$ 750 | \$ 1,500 | Y | Y |
| Take another person's wildlife without consent | Law §406.7-1(h) | \$ 300 | \$ 1,500 | Y | Y |
| Disturb (or take) another's hunting, fishing, or trapping equipment | Law §406.7-1(h) | \$ 750 | \$ 1,500 | Y | Y |
| Interfere with the lawful hunting, fishing or trapping of another | Law §406.7-1(h) | \$ 300 | \$ 600 | N | N |
| Stock or possess live wildlife without a permit | Law §406.7-1(i) | \$ 300 | \$ 600 | Y | Y |
| Introduce or release wildlife, fish eggs, or receptacles containing bait without a permit | Law §406.7-1(j) | \$ 300 | \$ 600 | Y | Y |
| Reckless use of any device (or weapon) typically used for harvesting wildlife | Law §406.7-1(k) | \$ 750 | \$ 1,500 | Y | Y |
| Shoot firearms within 100 yards of any building structure | Law §406.7-1(l) | \$ 750 | \$ 1,500 | Y | Y |
| Place or operate non-live traps within 100 yards of any building structure | Law §406.7-1(l) | \$ 300 | \$ 600 | Y | Y |

| ATTACHMENT B - FINE AND PENALTY SCHEDULE | | | | | |
|---|-------------------------------------|---------------|----------------------|-------------|----------------------|
| Violation | Reference | Fine | | Other | |
| | | 1st Violation | Subsequent Violation | Must Appear | Restitution Possible |
| Sell or purchase wildlife that was harvested on the reservation | Law §406.7-1(o) | \$ 300 | \$ 1,500 | Y | Y |
| Refusal to obey a Warden's lawful order | Law §406.7-1(p) | \$ 600 | \$ 1,200 | Y | N |
| Inflict or threaten to inflict bodily harm upon a Warden | Law §406.7-1(q) | \$ 1,500 | \$ 3,000 | Y | Y |
| Failure to possess a license/permit/tag/permission to hunt, trap, or transport such wildlife | Law §406.7-2 | \$ 150 | \$ 300 | N | N |
| Driver taking untagged deer killed in collision with driver's vehicle | Law §406.7-3 | \$ 150 | \$ 300 | Y | N |
| Failure to possess/attach carcass tag where required | Law §406.7-4 | \$ 300 | \$ 600 | N | N |
| Failure to obtain nuisance animal removal permit | Law §406.8-1 | \$ 150 | \$ 300 | N | N |
| Relocate nuisance animal to Tribal lands without authorization from Department | Law §406.8-1 | \$ 150 | \$ 300 | N | N |
| Relocate nuisance animal to private property without authorization from landowner | Law §406.8-1 | \$ 150 | \$ 300 | N | N |
| Failure to obtain nuisance animal permit for certain nuisance endangered/threatened/protected species subject to permit | Law §406.8-2 | \$ 150 | \$ 300 | N | N |
| Failure to keep/provide a record of nuisance animal permit activity | Law §406.8-2(b) | \$ 150 | \$ 300 | N | N |
| Failure to return unused nuisance animal permits and carcass tags | Law §406.8-2(c) | \$ 150 | \$ 300 | N | N |
| Failure to report taking a nuisance animal under emergency circumstances | Law §406.8-3(b)(1); Law §406.8-4 | \$ 150 | \$ 300 | N | N |
| Landowner failure to satisfy requirements allowing agent assignment | Law §406.8-4(a) | \$ 150 | \$ 300 | N | N |
| Failure to follow Department removal limitations | Law §406.8-4(b) | \$ 150 | \$ 300 | N | N |
| Landowner or lessee charging any fee | Law §406.8-4(c) | \$ 150 | \$ 300 | N | N |
| Landowner or lessee refusal to allow warden access to premises where removal is conducted | Law §406.8-6 | \$ 150 | \$ 300 | N | N |
| Landowner or lessee refusal to provide warden information regarding removal | Law §406.8-6 | \$ 150 | \$ 300 | N | N |
| Retain more than one (1) deer pursuant to a nuisance animal permit | Law §406.8-7(a) | \$ 300 | \$ 600 | Y | Y |
| Failure to obtain permit to retain nuisance or sell nuisance wildlife | Law §406.8-7(b) | \$ 300 | \$ 600 | Y | Y |
| Failure to obtain license/permit to commercialize in, sell, trade, ship or transport any wildlife | Law §406.8-7(c) | \$ 500 | \$ 1,000 | Y | Y |
| Hunt using any weapon other than an authorized firearm, air rifle, bow or crossbow | Law §406.9-1(a) | \$ 600 | \$ 1,200 | Y | N |
| Discharge a firearm/air rifle/bow/ crossbow into reservation lakes, reservoirs, or any area designated for public use | Law §406.9-1(b)(1) | \$ 750 | \$ 1,500 | Y | N |
| Discharge a firearm/air rifle/bow/crossbow across a roadway. | Law §406.9-1(b)(2) | \$ 300 | \$ 600 | N | N |
| Discharge a firearm/air rifle/bow/ crossbow within one hundred (100) yards of any structure | Law §406.9-1(b)(3) | \$ 300 | \$ 600 | N | N |

| ATTACHMENT B - FINE AND PENALTY SCHEDULE | | | | | |
|--|---------------------------------|---------------|----------------------|-------------|----------------------|
| Violation | Reference | Fine | | Other | |
| | | 1st Violation | Subsequent Violation | Must Appear | Restitution Possible |
| Transport any loaded firearm/air rifle/cocked bow/crossbow in a vehicle | Law §406.9-1(c) | \$ 300 | \$ 600 | N | N |
| Hunting with the use of aircraft | Law §406.9-2(a) | \$ 500 | \$ 1,000 | N | N |
| Hunt within fifty (50) feet of the center of a paved road | Law §406.9-2(b) | \$ 300 | \$ 600 | N | N |
| Unlawfully hunting/shooting from a vehicle | Law §406.9-2(c) | \$ 750 | \$ 1,000 | N | N |
| Hunt while under the influence of alcohol or controlled substance | Law §406.9-2(d) | \$ 750 | \$ 1,500 | N | N |
| Hunt with the aid of artificial light | Law §406.9-2(e) | \$ 300 | \$ 600 | N | N |
| Shining during prohibited times | Law §406.9-2(f) | \$ 300 | \$ 1,500 | N | N |
| Hunt in a party of more than ten (10) persons | Law §406.9-2(g) | \$ 300 | \$ 600 | N | N |
| Hunt with, or possess while hunting any firearm for which the possession is unlawful | Law §406.9-2(h)(1) | \$ 600 | \$ 1,200 | Y | N |
| Hunt with, or possess while hunting slugs (except for during deer firearm season) | Law §406.9-2(h)(2) | \$ 300 | \$ 600 | N | N |
| Hunt with, or possess while hunting a handgun unlawful barrel length | Law §406.9-2(h)(3) | \$ 300 | \$ 600 | N | N |
| Hunt with, or possess while hunting a concealed handgun without a valid permit | Law §406.9-2(h)(4) | \$ 300 | \$ 600 | N | N |
| Hunt with, or possess while hunting a unlawful shotgun/unlawful shotgun barrel length | Law §406.9-2(h)(5)(A) | \$ 300 | \$ 600 | N | N |
| Hunt with, or possess while hunting a rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches without a valid federal permit. | Law §406.9-2(h)(5)(B) | \$ 300 | \$ 600 | N | N |
| Hunt with, or possess while hunting a fully-automatic firearm | Law §406.9-2(h)(5)(C) | \$ 300 | \$ 600 | N | N |
| Hunt with, or possess while hunting muffler/silencer | Law §406.9-2(h)(5)(D) | \$ 300 | \$ 600 | N | N |
| Failure to report/render aid for hunting accident | Law §406.9-3 | \$ 1,500 | \$ 3,000 | Y | Y |
| Failure of designated hunter to deliver harvested wildlife to permittee | Law §406.9-4(c) | \$ 300 | \$ 600 | Y | Y |
| Knowingly allowing a person aged fourteen (14) or younger to hunt without being accompanied by an required adult,/mentor (cite adult/mentor; minor without licene may be cited under Rule 3-1) | Law §406.9-5(a), (b) or (c) | \$ 500 | \$ 1,000 | Y | N |
| Minor hunting without being properly accompanied by adult/mentor (cite adult/mentor) | Law §406.9-5(a) or (b) | \$ 300 | \$ 600 | Y | N |
| Failure of adult accompanying a youth hunter to remain withing voice/sight contact | Law §406.9-5(a) | \$ 300 | \$ 600 | Y | N |
| Minor under ten (10) years old in possession of a weapon | Law §406.9-5(c) | \$ 300 | \$ 600 | Y | N |
| Failure to follow the youth mentor requirements when acting as a mentor | Law §406.9-5(d) or (e) | \$ 300 | \$ 600 | Y | N |
| Failure to maintain required contact with the member of the hunting party for whom a deer was harvested | Law §406.9-6(a) | \$ 300 | \$ 600 | N | N |
| Failure to tag deer before field dressing/moving/ leaving unattended | Law §406.9-6(c) | \$ 150 | \$ 300 | N | N |
| Hunting, fishing or trapping within the exterior boundaries of the reservation, without a valid Oneida sportsman license/permit in possession | Rule 3-1 | \$ 750 | \$ 1,500 | Y | N |

| ATTACHMENT B - FINE AND PENALTY SCHEDULE | | | | | |
|--|--------------------------------|---------------|----------------------|-------------|----------------------|
| Violation | Reference | Fine | | Other | |
| | | 1st Violation | Subsequent Violation | Must Appear | Restitution Possible |
| Possess Oneida Sportsmans license and hunt with state license within the Reservation | Rule 3-2 | \$ 300 | \$ 600 | Y | Y |
| Violate Ceremonial and/or Fest Permit requirement | Rule 4-3(b); Law 406.6-2(a) | \$ 150 | \$ 300 | N | N |
| Violate Disabled Permit requirement | Rule 4-4 | \$ 150 | \$ 300 | N | N |
| Violate Nuisance Animal Removal permit | Rule 4-5 | \$ 150 | \$ 300 | N | N |
| Violate condition of Nuisance Deer Removal Permit | Rule 4-5(b) | \$ 150 | \$ 300 | N | N |
| Violate condition of Nuisance Canadian Geese Removal Permit | Rule 4-5(c) | \$ 150 | \$ 300 | N | N |
| Violate condition of Sustenance Permit | Rule 4-6 | \$ 150 | \$ 300 | N | N |
| Violate Deer Permit firearm restriction | Rule 4-7(a)(1) | \$ 300 | \$ 600 | N | N |
| Violate deer archery regulations | Rule 4-7(a)(2) | \$ 300 | \$ 600 | N | N |
| Harvest deer with a firearm during an archery season | Rule 4-7(a)(2)(C) | \$ 750 | \$ 1,500 | Y | N |
| Possess firearm while hunting deer during archery season | Rule 4-7(a)(2)(D) | \$ 300 | \$ 600 | N | N |
| Violate blaze orange requirement | Rule 4-7(a)(4) | \$ 300 | \$ 600 | N | N |
| Huting deer with the aid of a dog | Rule 4-7(a)(5) | \$ 150 | \$ 300 | N | N |
| Failure to attach/retain carcass tag/information | Rule 4-7(a)(6) | \$ 75 | \$ 150 | N | N |
| Designated hunter exceeding deer allowance | Rule 4-7(a)(7) | \$ 300 | \$ 600 | N | N |
| Failure to comply with deer registration requirement- deer harvested by firearm | Rule 4-7(a)(8)(a) | \$ 75 | \$ 150 | N | N |
| Failure to comply with deer registration requirement- harvested by bow and arrow/ cross bow/muzzleloader | Rule 4-7(a)(8)(b) | \$ 75 | \$ 150 | N | N |
| Take/pursue/Injure/Harass small game in nest/den or remove eggs/young | Rule 4-8 | \$ 300 | \$ 600 | Y | N |
| Hunt small game birds with anything other than an air rifle/shotgun/bow and arrow | Rule 4-8(a) | \$ 75 | \$ 150 | N | N |
| Violate small game firearm restriction | Rule 4-8(a)(1) | \$ 300 | \$ 600 | N | N |
| Violate small game bow and arrow restriction | Rule 4-8(a)(2) | \$ 300 | \$ 600 | N | N |
| Hunt turkey out of season | Rule 4-9 | \$ 150 | \$ 300 | N | N |
| Hunt turkey without a permit | Rule 4-9 | \$ 150 | \$ 300 | N | N |
| Possess live waterfowl | Rule 4-10 | \$ 150 | \$ 300 | N | N |
| Take waterfowl with a trap, net and/or fishhook | Rule 4-10(a) | \$ 150 | \$ 300 | N | N |
| Violate waterfowl firearm restriction | Rule 4-10(a)(1) | \$ 150 | \$ 300 | N | N |
| Violate waterfowl bow and arrow restrictions | Rule 4-10(a)(2) | \$ 150 | \$ 300 | N | N |
| Use electronic call to hunt waterfowl | Rule 4-10(a)(3) | \$ 150 | \$ 300 | N | N |
| Drive/rally/chase waterfowl with motorized conveyance | Rule 4-10(a)(4) | \$ 150 | \$ 300 | N | N |
| Place decoy in water more than one (1) hour before opening of hunt | Rule 4-10(a)6(A) | \$ 75 | \$ 150 | N | N |
| Leave decoys in water more than twenty (20) minutes after close of hunt | Rule 4-10(a)6(B) | \$ 75 | \$ 150 | N | N |
| Establish waterfowl hunting blind seven (7) days prior to or after the season | Rule 4-10(b) | \$ 75 | \$ 150 | N | N |

| ATTACHMENT B - FINE AND PENALTY SCHEDULE | | | | | |
|---|--------------------|---------------|----------------------|-------------|----------------------|
| Violation | Reference | Fine | | Other | |
| | | 1st Violation | Subsequent Violation | Must Appear | Restitution Possible |
| Hunt waterfowl in open water | Rule 4-10(c) | \$ 75 | \$ 150 | N | N |
| Hunt waterfowl from moving motorboat | Rule 4-10(c) | \$ 75 | \$ 150 | N | N |
| Exceed trap/snare limit | Rule 4-11 | \$ 75 | \$ 150 | N | N |
| Trap with prohibited trap/snare | Rule 4-11(a) | \$ 150 | \$ 300 | N | N |
| Trap with any leg hold dry set trap larger than a number four (4) | Rule 4-11(a)(1) | \$ 150 | \$ 300 | N | N |
| Trap with any leg hold dry set trap larger than a number five (5) | Rule 4-11(a)(2) | \$ 150 | \$ 300 | N | N |
| Trap within twenty-five (25) feet of sight-exposed bait | Rule 4-11(a)(3) | \$ 150 | \$ 300 | N | N |
| Violate trap/snare marking requirement | Rule 4-11(a)(4) | \$ 150 | \$ 300 | N | N |
| Take mink or muskrat by means other than trapping/snaring | Rule 4-11(a)(5) | \$ 150 | \$ 300 | N | N |
| Use trap to take wildlife not specified as furbearers | Rule 4-11(a)(6) | \$ 150 | \$ 300 | N | N |
| Possess unauthorized trap/snare | Rule 4-11(a)(7) | \$ 150 | \$ 300 | N | N |
| Violate small game firearm restriction | Rule 4-11(a)(8) | \$ 150 | \$ 300 | N | N |
| Violate small game bow and arrow restriction | Rule 4-11(a)(9)(A) | \$ 150 | \$ 300 | N | N |
| Violate set and placement restriction when furbearer trapping | Rule 4-11(b) | \$ 150 | \$ 300 | N | N |
| Fail to tend trap as required | Rule 4-11(c) | \$ 150 | \$ 300 | N | N |
| Illegal use of dog to hunt | Rule 4-11(d) | \$ 150 | \$ 300 | N | N |
| Hunting from a motor vehicle without permission | Rule 4-11(e) | \$ 150 | \$ 300 | N | N |
| Violate Dog Training Permit requirement | Rule 4-12 | \$ 150 | \$ 300 | N | N |
| Erect permanent tree stand on land owned by the Nation | Rule 5-1 | \$ 150 | \$ 300 | N | N |
| Failure to mark tree stand as required | Rule 5-3 | \$ 150 | \$ 300 | N | N |
| Failure to mark blind as required | Rule 6-1 | \$ 150 | \$ 300 | N | N |
| Failure to have 360 degrees of visible blaze orange on the blind when occupied during the deer gun/muzzleloading season | Rule 6-2 | \$ 150 | \$ 300 | N | N |
| Hunting with/over prohibited bait material | Rule 7-1(a) | \$ 150 | \$ 300 | N | N |
| Take/Kill endangered/threatened/protected species | Rule 8-1 | \$ 600 | \$ 1,200 | N | N |
| Damage/Tamper with nest/egg of endangered/threatened/protected species | Rule 8-1 | \$ 600 | \$ 1,200 | N | N |
| Failure to tag carcass as required | Rule 9-1 | \$ 150 | \$ 300 | N | N |
| Violate wildlife registration requirement | Rule 9-2 | \$ 150 | \$ 300 | N | N |
| Violate wildlife transportation requirement | Rule 9-3 | \$ 150 | \$ 300 | N | N |
| Leaving fishing line unattended | Rule 10-8 | \$ 75 | \$ 150 | N | N |
| Fish during closed season | Rule 10-1 | \$ 75 | \$ 150 | N | N |
| Discharge of a firearm into water | Rule 10-4 | \$ 150 | \$ 300 | N | N |
| Using ice fishing hole larger than ten inches (10") | Rule 10-7 | \$ 150 | \$ 300 | N | N |
| Minor hunting with a handgun without required adult supervision | Rule 11-1(a) | \$ 600 | \$ 1,200 | Y | N |
| Responsible adult knowingly allowing minor to hunt without supervision | Rule 11-1(a) | \$ 600 | \$ 1,200 | Y | N |

| ATTACHMENT B - FINE AND PENALTY SCHEDULE | | | | | |
|--|---------------|--|----------------------|--|----------------------|
| Violation | Reference | Fine | | Other | |
| | | 1st Violation | Subsequent Violation | Must Appear | Restitution Possible |
| Exceed bag/possession limit/size limit | Rule 11-1(c) | \$ 300 | \$ 600 | Y | Y |
| Possess live wildlife without required authorization | Rule 11-1(d) | \$ 300 | \$ 600 | N | N |
| Hunt species for which hunting season not established | Rule 11-1(e) | \$ 600 | \$ 1,200 | Y | Y |
| Hunt wildlife in a refuge | Rule 11-1(e) | \$ 600 | \$ 1,200 | Y | Y |
| Fish/trap/hunt small game/furbearers/waterfowl during closed season | Rule 11-1(e) | \$ 300 | \$ 600 | N | N |
| Hunt deer during closed season | Rule 11-1(e) | \$ 1,500 | \$ 3,000 | Y | Y |
| Hunt before or after hours | Rule 11-1(f) | \$ 300 | \$ 600 | N | N |
| Leave or deposit trash or fish parts on lands/shores of Oneida Tribal waters, and waters | Rule 11-1(g) | \$ 150 | \$ 300 | N | N |
| Empty receptacles containing bait into reservation waters | Rule 11-1(g) | \$ 150 | \$ 300 | N | N |
| Shoot frogs and turtles with a firearm/bow/crossbow | Rule 11-1(h) | \$ 300 | \$ 600 | Y | Y |
| Shining while in possession of a firearm/bow/crossbow | Rule 11-1(i) | \$ 300 | \$ 600 | N | N |
| Hunting party larger than ten (10) people (fine for each member within the group) | Rule 11-1(j) | \$ 150 | \$ 300 | N | N |
| Damaging property/agricultural crops/restoration areas | Rule 11-1(j) | \$ 600 | \$ 1,200 | Y | Y |
| Penalties | Reference | 1st Violation | | Subsequent Violation | |
| Any named violation contined in this attachment may subject the violator to license and/or permit suspension, revokation and/or future ineligibility | Law §406.10-2 | For a period not to exceed one (1) year. | | For a period not to exceed two (2) years with a reinstatement fee of \$75. | |
| For each named potential violation contained in this attachment, it is in the Oneida Conservation Wardens and/or the Oneida Police Officers full discretion to confiscate any equipment and/or wildlife with the return of the same at the discretion of ERB | Law §406.10-3 | N/A | | N/A | |
| For each named potential violation contained in this attachment, it is in the Environmental Resource Board's full discretion to order restitution. Restitution may be appropriate for damages, injury, or in other circumstances. | | N/A | | N/A | |

| ATTACHMENT C - WILDLIFE ASSESSMENT SCHEDULE | |
|---|-------------------------|
| Wildlife | Civil Assessment |
| Any Endangered or Threatened Species | \$ 900 |
| Moose, Fisher, or Sandhill Crane | \$ 300 |
| Bear, Cougar or Timberwolf | \$ 400 |
| Wild Turkey or Wild Swan | \$ 200 |
| Coyote, Raccoon or Mink | \$ 60 |
| Deer | \$ 400 |
| Ruffed Grouse, Spruce Hen, Wild Duck, Coot, or Wild Goose | \$ 50 |
| Pheasant, Hungarian Partridge, Quail, Rail, Wilson's Snipe, Woodcock or Shorebirds, or Songbird | \$ 50 |
| Muskrat, Rabbit or Squirrel | \$ 20 |
| Muskellunge or Lake Sturgeon | \$ 60 |
| Largemouth or Smallmouth Bass | \$ 40 |
| Brook, Rainbow, Brown or Steelhead Trout | \$ 40 |
| Oneida Tribal Members Only | \$ 20 |
| All Other Wildlife | \$ 20 |

Oneida Tribe of Indians of Wisconsin

Post Office Box 365



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

Phone: (920) 869-2214



Oneida, WI 54155



UGWA DEMOLUM YATEHE
Because of the help of this Oneida Chief in cementing a friendship between the six nations and the colony of Pennsylvania, a new nation, the United States was made possible.

MARLENE GARVEY
RICHARD BAIRD
TED HAWK

AL MANDERS
TOM OUDENHOVEN
GERALD JORDAN

MEGAN WHITE
NICOLE STEEBER
SHAWN SKENANDORE

To: Legislative Operating Committee
From: Minnie Garvey, Chairwoman, Environmental Resource Board (ERB)
Re: Statement of Approval for Hunting, Fishing, Trapping Regulations

As Chairwoman of the Environmental Resource Board, I am approving the final draft of the Hunting, Fishing, and Trapping Regulations. This approval follows the Public Meeting that was held April 21, 2017 at the Norbert Hill Center. The ERB approved the basic draft at their April 6, 2017 meeting and have seen no significant changes to the proposal since that time.

Regards,

Minnie Garvey
Chair-woman, ERB

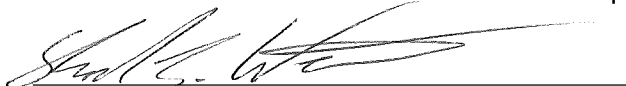
Environmental Health & Safety Division



A good mind. A good heart. A strong fire.

To: Legislative Operating Committee
From: Shad L. Webster, Natural Resources Director
Date: May 2, 2017
Re: Hunting, Fishing, & Trapping Law Amendments

As the Natural Resources Director of the Oneida Conservation Department (OCD), I am approving the rule handbook. This approval is in direct response to the Oneida Business Committee adopting the Hunting, Fishing, & Trapping Law pursuant to the established resolution BC-01-25-17D and effective on April 25, 2017.


Shad L. Webster, Natural Resources Director 5/2/17
Date

Summary Report for Hunting, Fishing and Trapping Rules

Original effective date: N/A

Amendment effective date: N/A

Name of Rule: Hunting, Fishing and Trapping Handbook

Name of law being interpreted: Hunting, Fishing and Trapping

Rule Number: 1-13

Other Laws or Rules that may be affected: N/A

Brief Summary of the proposed rule: Details on regulations of Hunting, Fishing, and Trapping that are no longer in the Hunting, Fishing, and Trapping Law. Address issues of seasons, bag limits, permits, harvests, and licenses for hunting on Oneida Nation. Approve rules which are jointly adopted by the Environmental Resource Board and Conservation Department. Ensure safe hunting, proper natural resources management, and protection of species. Define assessments for unlawful harvesting and other violations of the Hunting, Fishing, and Trapping Law.

Statement of Effect: See Attached.

Financial Analysis: See Attached.



Statement of Effect

Hunting, Fishing and Trapping Rule Handbook

Summary

The Hunting, Fishing and Trapping Rule Handbook details information related to harvests, limits, seasons, licenses and other details which further support the Hunting, Fishing and Trapping law.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

The Hunting, Fishing and Trapping law (“the Law”) delegates joint rulemaking authority to the Environmental Resource Board and the Conservation Department pursuant to the Administrative Rulemaking law. [see *Hunting, Fishing and Trapping law section 406.5-1*]. The Law describes the areas in which the Environmental Resource Board and the Conservation Department are delegated rulemaking authority. [see *Hunting, Fishing and Trapping law section 406.5-2(a) through 406.5-2(n), 406.7-4, 406.7-5*].

The Hunting, Fishing and Trapping Rule Handbook (“the Rule Handbook”) contains rules one (1) through thirteen (13) for the Law, as well as attached license and permit schedule, fine and penalty schedule, and animal assessment schedule. The Rule Handbook addresses information related to harvests, limits, seasons, licenses and other details which further support the Hunting, Fishing and Trapping law.

Conclusion

There are no legal bars to adopting the Hunting, Fishing and Trapping Rule Handbook.

Financial Analysis for Hunting, Fishing, and Trapping Handbook

| Type of Cost | Description/Comment | Dollar Amount |
|---|---|----------------------|
| Start Up Costs | N/A | \$0 |
| Personnel | Regular job duties | \$0 |
| Office | Regular job duties | \$0 |
| Documentation Costs | N/A | \$0 |
| Estimate of time necessary for an individual or agency to comply with the rule after implementation | Ongoing, but negligible as considered part of regular job duties. | \$0 |
| Other, please explain | N/A | \$0 |
| Total Annual Cost | | \$0 |

NOTICE OF
PUBLIC MEETING

TO BE HELD

Friday, April 21 at 12:15 pm

IN THE

OBC Conference Room

2nd Floor Norbert Hill Center

N7210 Seminary Road, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Environmental Resource Board and the Conservation Department are hosting this Public Meeting to gather feedback from the community regarding the following rule(s).

**TOPIC: Hunting, Fishing and
Trapping Rule Handbook**

This is a proposal to adopt rules which would:

- ◆ List the detailed and specific regulations of Hunting, Fishing, and Trapping that are no longer in the Hunting, Fishing, and Trapping Law.
- ◆ Address issues of seasons, bag limits, permits, harvests, and licenses for hunting on Oneida Nation.
- ◆ Approve rules which are jointly adopted by the Environmental Resource Board and Conservation Department.
- ◆ Ensure safe hunting, proper natural resources management, and protection of species.
- ◆ Define assessments for unlawful harvesting and other violations of the Hunting, Fishing, and Trapping Law.

To obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings.

**PUBLIC COMMENT PERIOD
OPEN UNTIL April 28, 2017**

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Environmental Resource Board by U.S. mail, interoffice mail, e-mail or fax.

**Environmental Resource Board
3759 W. Mason St., Suite 6
schuber@oneidanation.org
920-496-5362**

2017 04 21 - For Public Meeting



Title 4. Environment and Natural Resources – Chapter 406

HUNTING, FISHING and TRAPPING

Rule # 1-13 – Hunting, Fishing and Trapping Handbook

- I. Purpose, Authority, Adoption, Amendment and Repeal
- II. Definitions
- III. General Requirements
- IV. Available Permits
- V. Tree Stands
- VI. Blinds
- VII. Baiting
- VIII. Endangered, Threatened and Protected Species
- IX. Possession, Registration and Transportation of Carcasses
- X. Fishing
- XI. General Regulations
- XII. Health Advisory
- XIII. Enforcement

4

I. Purpose, Authority, Adoption, Amendment and Repeal

5 1-1. Purpose. The purpose for these rules is to further detail the information related to
6 harvests, limits, seasons, licenses, and other details to further support the Hunting, Fishing and
7 Trapping law.
8

9 1-2. Authority. The Hunting, Fishing and Trapping law delegated the Environmental
10 Resource Board and Conservation Department joint rulemaking authority pursuant to the
11 Administrative Rulemaking law.

12 1-3. These rules were jointly adopted by the Environmental Resource Board and Conservation
13 Department in accordance with the procedures of the Administrative Rulemaking law.

14 1-4. These rules may be amended or repealed by the joint approval of the Environmental
15 Resource Board and Conservation Department pursuant to the procedures set out in the
16 Administrative Rulemaking law. For the purpose of future amendments to these rules, each
17 article is a separate rule and may be amended as such.

18 1-5. Should a provision of these rules or the application thereof to any person or
19 circumstances be held as invalid, such invalidity shall not affect other provisions of these rules
20 which are considered to have legal force without the invalid portions.

21 1-6. In the event of a conflict between a provision of these rules and a provision of another
22 rule, internal policy, procedure, or other regulation, the provisions of these rules control.

23 1-7. These rules supersede all prior rules, regulations, internal policies or other requirements
24 relating to the Hunting, Fishing and Trapping law.

25 1-8. This article I applies to each subsequent rule listed herein.
26

II. Definitions

27 2-1. This article governs the definitions of words and phrases used within this Handbook. All
28 words not defined herein are to be used in their ordinary and everyday sense.
29

30 (a) “Antlered Deer” means a deer which has either two (2) antlers with two (2) or more
31 points on each antler or one (1) antler with four (4) or more points where each point must

2017 04 21 - For Public Meeting

- 32 measure one (1) inch in length from the main beam and, at a minimum, one (1) antler
33 must be three (3) or more inches in length.
- 34 (b) "Baited Area" means an area within a one hundred (100) yard radius from any
35 placed bait material, provided that once bait material is placed, the area remains a baited
36 area for a period of ten (10) calendar days from the date the bait material is either fully
37 consumed or removed.
- 38 (c) "Furbearer" means wildlife taken primarily for the sale of the said wildlife's pelt and
39 includes, but is not limited to, mink, muskrat, beaver, weasel, fox, coyote, bobcat, badger
40 and raccoon.
- 41 (d) "Game Fish" means all species belonging to the trout, pike, catfish, bullhead,
42 sunfish (including blue gill and crappie), bass, and perch families of fish.
- 43 (e) "Harass" means to shoot at, disturb, worry, rally, concentrate, harry, chase, drive,
44 herd, or torment wildlife.
- 45 (f) "Open Water" means any water beyond a natural growth of vegetation rooted to
46 the bottom and extending above the water surface of such height as to offer whole or
47 partial concealment of the hunter.
- 48 (g) "Permanent Tree Stand" means any manufactured or constructed platform
49 fastened by nails, screws, or other means deemed permanently fixed, for the purpose of
50 allowing a person to view, observe, or hunt wild animals.
- 51 (h) "Possession Limit" means the maximum number of a particular wildlife species
52 that may be in the possession of a person who has hunted, fished, or trapped two (2) days
53 or more.
- 54 (i) "Raptor" means all hawks, owls, eagles, falcons, and osprey.
- 55 (j) "Rifle" means a weapon designed or redesigned, made or remade, and intended
56 to be fired from the shoulder and designed or redesigned and made or remade to use the
57 energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle
58 bore for each single pull of the trigger, and includes any such weapon which may be
59 readily restored to fire a fixed cartridge.
- 60 (k) "Semi-permanent Tree Stand" means any manufactured or constructed platform
61 fastened, strapped, chained, or otherwise attached to a tree, for the purpose of allowing a
62 person to view, observe or hunt wild animals.
- 63 (l) "Shotgun" means a weapon designed or redesigned, made or remade, and
64 intended to be fired from the shoulder and designed or redesigned and made or remade to
65 use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore
66 either a number of projectiles (bird shot) or a single projectile for each pull of the trigger
67 and includes any such weapon which may be readily restored to fire a fixed shotgun
68 shell.
- 69 (m) "Sight Exposed Bait" means any bones, meat or viscera of an animal, bird, or
70 fish with or without skin, hide or feathers which can be seen from above the bait.
- 71 (n) "Size Limit" means the specific minimum length and/or maximum length in
72 inches of a species of fish that may be possessed legally.
- 73 (o) "Small Game" includes, but is not limited to the following: geese, brants, dabbling
74 ducks, diving ducks, tree ducks, sea ducks, and mergansers; commonly known as rails,
75 coots, mud hens, and gallinule; commonly known as snipe and woodcock; commonly

2017 04 21 - For Public Meeting

76 known as grouse, pheasants, partridges, and quail; cottontail rabbit, and gray and fox
77 squirrel.

78 (p) "Specified Area" means areas where the taking of fish and wildlife is restricted
79 to the specifications set forth by the law, rule or Environmental Resource Board
80 resolutions.

81 (q) "Unprotected Species" means species which can be hunted year round without
82 limit and includes: opossum, skunk, weasel, mice, and all other animals not mentioned in
83 the Hunting, Fishing and Trapping law and these rules.

84 (r) "Waterfowl" means any wild species of geese, brants, or ducks.

85 (s) "Wet Set" or "Water Set" means a trap which is staked in such a manner as to
86 permit the trap or trapped animal to reach water at any point.

87

88 **III. General Requirements**

89 3-1. *License and Permit on Person.* All persons shall have in his/her possession, while hunting,
90 fishing or trapping within the exterior boundaries of the reservation, a valid Oneida sportsman
91 license issued by the Department allowing him/her to hunt, fish, or trap on the reservation and, if
92 the action also requires a permit, the applicable permit also.

93 3-2. *Limit on Non-Tribal Member Licenses.* The Department may not issue more than thirty-
94 five (35) Oneida sportsman licenses to Non-Tribal Members in any calendar year.

95 3-3. *License Application Deadlines and Expirations.* Tribal members, descendants, affiliates of
96 other tribes and Tribal member's spouses and/or dependents may apply for a sportsman license at
97 any time; the application deadline for a non-member sportsman license is the third (3rd) Monday
98 of August. Sportsman licenses expire each year on August 31st.

99 3-4. *License and Permit Availability and Schedule.* Oneida sportsman licenses and permits may
100 be obtained from the Conservation Department, which is located at N8047 County Road U.

101 (a) *Permit Availability.* Nuisance permits, sustenance permits, ceremonial permits and
102 dog training permits are only available to Tribal members and Tribal members shall
103 apply for each of these permits separately from the Oneida sportsman license. Turkey
104 permits are available to all persons eligible for an Oneida sportsman license that is not
105 limited to fishing, provided that licensees shall apply for turkey permits separately from
106 the Oneida sportsman license.

107 (b) *License and Permit Schedule.* The license and permit schedule is included in these
108 rules as Attachment A.

109 3-5. *Denial of a License or Permit.* An application for a sportsman license or permit may be
110 denied according to section 406.6-7 of the Hunting, Fishing and Trapping law.

111 3-6. Applicants born on or after January 1, 1973 shall present a hunter's education certification
112 prior to issuance of any sportsman license.

113

114 **IV. Available Permits**

115 4-1. *Comprehensive List of Available Permits.* Subject to the requirements provided in the
116 Hunting, Fishing, Trapping law and these rules, the Department may issue the following permits,
117 provided that in order to be eligible for a permit, a full sportsman license is required; a fishing
118 only sportsman license is not sufficient:

119 (a) Tribal Member Ceremonial/Feast Permit;

120 (b) Disabled Permit;

2017 04 21 - For Public Meeting

- 121 (c) Nuisance Permit;
- 122 (d) Sustenance Permit;
- 123 (e) Deer Gun Permit;
- 124 (f) Deer Gun Hunter's Choice Permit;
- 125 (g) Deer Bow Permit;
- 126 (h) Small Game Permit;
- 127 (i) Turkey Permit;
- 128 (j) Waterfowl Permit;
- 129 (k) Furbearer Permit;
- 130 (l) Dog Hunting Permit; and
- 131 (m) Found Carcass Permit.

132 4-2. *Responsibility to Set Seasons and Limits.* The Environmental Resource Board, with input
133 from the Conservation Department, shall establish, annually by written Environmental Resource
134 Board resolution, by no later than the end of March each calendar year, the following and, in
135 doing so shall consider the supply of wildlife, the needs of conservation, and the objective of
136 achieving a fair allocation of the harvest:

- 137 (a) Any bag limits applicable to various permits.
- 138 (b) Any possession limits applicable to various permits.
- 139 (c) Season opening and closing dates for each permit, provided that:
 - 140 (1) Bow deer season may not open before September 1st and may not close any
 - 141 later than January 31st.
 - 142 (2) Muzzleloading deer season shall open the calendar day following the close of
 - 143 the deer gun season and may not close any later than the first Sunday in January.
 - 144 (3) The season for small game may not begin before September 1st or close later
 - 145 than March 31st.
 - 146 (4) The season for waterfowl may not begin before September 1st or close later
 - 147 than December 31st.
 - 148 (5) The seasons for furbearers may not begin before October 1st or close later than
 - 149 April 1st.
- 150 (d) Any hunting hour restrictions that may apply to a season, provided that if setting
- 151 hunting hours, such hours may not permit hunting prior to thirty (30) minutes before
- 152 sunrise or extend beyond fifteen (15) minutes after sunset.
- 153 (e) The number of carcass tags that may be issued pursuant to each applicable permit,
- 154 which may include limitations based on age, sex, size, species or other factors established
- 155 by the Environmental Resource Board. Daily bag and possession limits pursuant to a
- 156 small game permit may not exceed a harvest of ten (10) wildlife of each species per day.
- 157 (f) Fish minimum lengths and slot sizes for designated fish species.
- 158 (g) Which areas are designated as available for hunting and trapping as indicated on the
- 159 Oneida Nation Hunting Map. If the Nation acquires additional properties eligible for
- 160 hunting and trapping after the initial annual Oneida Nation Hunting Map has been

2017 04 21 - For Public Meeting

161 approved, the Environmental Resource Board may adopt a revised Oneida Nation
162 Hunting Map by written resolution. Upon the setting of such designated areas, the
163 Department shall mark all properties not open for hunting and trapping.

164 (h) Any designated protected waters in which fishing is not permitted.

165 4-3. *Tribal Member Ceremonial/Feast Permit.* In addition to the requirement in section
166 406.6-2 of the Hunting, Fishing and Trapping law, the following requirements also apply:

167 (a) A ceremonial/feast permit may not be effective for a period longer than ten (10)
168 calendar days and may only be issued between the third (3rd) Saturday of September and
169 the last day of December for any calendar year .

170 (b) The Department shall indicate on each permit how much wildlife may be taken
171 pursuant to the permit and which areas are open for the ceremonial/feast hunt.

172 (c) Permittees shall register any deer harvested pursuant to a ceremonial/feast permit
173 within twenty-four (24) hours of the harvest.

174 (d) A ceremonial/feast permit issued for harvested deer may only be issued for antlerless
175 deer; it is unlawful to harvest an antlered deer under a ceremonial/feast permit.

176 4-4. *Disabled Permit.* In addition to the requirements and limitations regarding disabled
177 permits included in section 406.6-6 of the Hunting, Fishing and Trapping law, a disabled hunter
178 permit also requires:

179 (a) That when hunting from the roadway, the roadway is part of a county highway, a
180 town highway or any other highway that is not part of a street or of a state trunk or
181 federal highway.

182 (b) The vehicle is located off of the roadway and is not in violation of any applicable
183 prohibition or restriction that applies to parking, stopping or standing of the vehicle.

184 (c) The holder of the permit is not as a designated hunter.

185 (d) The holder of the permit has obtained permission from any person who is the owner
186 or lessee of private property across or on to which the holder of the permit intends to
187 discharge a weapon.

188 (e) The vehicle bears disabled plates or displays a sign that is at least 11 inches square on
189 which is conspicuously written "disabled hunter".

190 (f) The holder of the permit discharges the weapon away from and not across or parallel
191 to the roadway.

192 4-5. *Nuisance Animal Removal Permit.* For each nuisance animal removal permit, based on
193 the circumstances and extent of the nuisance, the Department shall provide the amount of
194 wildlife that the permittee may take pursuant to the permit and may limit the amount based on
195 age, sex, size, species or other relevant factors established by the Department; the Department
196 may also establish the prescribed manner of taking required by the permit. In addition to the
197 requirements in section 406.8 of the Hunting, Fishing and Trapping law, the following also
198 apply:

199 (a) *Assistance by the Department.* The Department may assist the permittee in taking
200 and/or trapping a nuisance animal if:

2017 04 21 - For Public Meeting

201 (1) Extraordinary damage is occurring, where the determination of extraordinary
202 damage is in the Department's best discretion.

203 (2) The permittee has demonstrated an inability to harvest an adequate number of
204 the nuisance animals and damage to the permittee's property in the current
205 calendar exceeds, or is likely to exceed, \$5,000.00.

206 (b) *Conditions to Nuisance Deer Removal Permits.* The following conditions apply to
207 nuisance deer removal permits:

208 (1) Permittees and permittees' agents may hunt deer only during the period from
209 thirty (30) minutes before sunrise to fifteen (15) minutes after sunset during the
210 closed deer gun season. During the deer gun season permittees and permittees'
211 agents shall comply with any restrictions regarding shooting hours.

212 (2) No deer may be harvested pursuant to a nuisance deer removal permit within
213 the twenty-four (24) hour period prior to the opening of gun deer season.

214 (3) The weapon restrictions provided in article 4-7(a)(1) and (2) apply to nuisance
215 deer removal permits.

216 (4) If the permittee and/or the permittee's agent does not fulfill fifty percent
217 (50%) or more of the nuisance deer removal permit's quota in the initial thirty
218 (30) calendar days for which the permit is effective, the Department may
219 withdraw the permit.

220 (5) Unless specifically exempt by the Department in the permit, only deer without
221 antlers or with antlers less than three (3) inches in length may be harvested
222 pursuant to a nuisance deer removal permit.

223 (c) *Conditions to Nuisance Canadian Geese Removal Permits.* The following conditions
224 apply to nuisance Canadian geese removal permits:

225 (1) Permittees and/or permittees' agents may retain any Canadian goose carcasses
226 harvested pursuant to a nuisance Canadian geese removal permit, provided that
227 permittees' agents may only retain carcasses declined by the original permittee.

228 (2) The weapon restrictions provided in article 4-10(a) apply to nuisance
229 Canadian geese removal permits.

230 (3) If during open goose season, the Department may not issue an applicant a
231 nuisance Canadian geese removal permit until all of the applicant's goose carcass
232 tags under the goose permit have been filled.

233 4-6. *Sustenance Permits.* The Department may issue sustenance permits to Tribal Members
234 who are in need of nourishment which allows the permittee to harvest one (1) additional
235 antlerless deer throughout the course of the open deer bow, gun or muzzleloader seasons. Only
236 one (1) sustenance permit may be issued per household. Permittees may designate a hunter to
237 hunt on the permittee's behalf in accordance with section 406.9-4 of the Hunting, Fishing and
238 Trapping law. Permittees shall register any deer harvested pursuant to a sustenance permit within
239 twenty-four (24) hours of the harvest. The weapon restrictions provided in article 4-7(a)(1), (2)
240 and (3) below apply to sustenance permits.

2017 04 21 - For Public Meeting

- 241 4-7. *Deer Permits.* This article applies to deer gun, deer bow and deer hunter's choice permits.
242 (a) *Restrictions on Deer Permits.*
- 243 (1) *Firearms Restrictions.* No person may hunt deer with:
244 (A) A rifle, with a shot gun smaller than twenty (20) gauge or larger than
245 ten (10) gauge, or with a muzzleloader smaller than .40 caliber.
246 (B) Any handgun which is loaded with caliber chambered for
247 commercially manufactured center fire cartridge which produce a muzzle
248 velocity of nine hundred fifty (950) feet per second and no more than two
249 thousand two hundred (2,200) feet per second and has a barrel length of
250 five (5) inches measured from the muzzle to the firing pin with the action
251 closed. Hunters using handguns for deer hunting may possess other
252 firearms legal for the zone in which they are hunting deer.
- 253 (2) *Deer Archery Season Regulations.*
254 (A) No person may hunt deer with a bow having a pull strength less than
255 thirty-five (35) pounds or using an arrow that does not have a broadhead.
256 (B) No person may hunt deer with a crossbow, unless the crossbow:
257 (i) Is fired from the shoulder;
258 (ii) Has a minimum draw weight of one hundred (100) pounds;
259 (iii) Has stock of not less than thirty (30) inches in length;
260 (iv) Is used with arrows or bolts of not less than fourteen (14)
261 inches in length with a broadhead; and
262 (v) Has a working safety.
263 (C) No person may possess a deer harvested with a firearm during an
264 archery only deer hunting season.
265 (D) No person hunting deer under the authority of an archery deer permit
266 may have a firearm in his/her possession unless participating in
267 muzzleloading season or using a ceremonial/feast permit.
268 (E) Group hunting is not permitted during deer archery hunting seasons.
- 269 (3) *Archery Hunting During Deer Gun Season.* A person may hunt deer with
270 archery equipment during deer gun season and shall tag any such harvested deer
271 with either a deer gun or deer bow tag, provided that the blaze orange
272 requirements in this article apply.
- 273 (4) *Blaze Orange Required.* During the gun deer season and muzzleloading
274 season, no person shall hunt any wildlife, except waterfowl, unless at least fifty
275 percent (50%) of the person's outer clothing above the waist is colored
276 blaze/hunter orange.
- 277 (5) *Hunting Deer with Dogs Prohibited.* No person may hunt deer with the aid of
278 a dog(s).
- 279 (6) *Removal and Retention of Carcass Tags.* Permittees that harvest deer shall
280 ensure that deer carcass tags remain attached to the deer until the carcass is
281 butchered or processed for consumption and, once the carcass tag is removed
282 from the deer, shall retain the carcass tag until all of the meat from the subject
283 carcass has been consumed. A person who receives meat from another as a gift is
284 not required to possess the carcass tag, provided that the permittee gifting the

2017 04 21 - For Public Meeting

285 meat shall provide the receiver with the carcass tag number pursuant to which the
286 meat was harvested.

287 (7) *Designated Hunters.* Designated deer hunters may only take antlerless deer
288 and, regardless of the number of tags issued to the original permittee, may fill a
289 maximum of two (2) deer carcass tags on behalf of the original permittee.

290 (8) *Registration.*

291 (A) Permittees shall register deer harvested by a firearm during the gun
292 deer season no later than 4:00 p.m. the day after the close of the gun deer
293 season.

294 (B) Permittees shall register all deer harvested by a bow and arrow, cross
295 bow or muzzleloader no later than 4:00 p.m. on the third (3rd) day after the
296 deer was harvested.

297 (b) *Deer Hunter's Choice Permits.* Deer hunter's choice permits may be issued to Tribal
298 Member elders and first time graduates of a hunter safety program. A deer hunters
299 choice permit allows the permittee to harvest an additional antlerless deer during the gun
300 season and, if the tag has not been filled, extending into the deer muzzleloading season.
301 Permittees may designate a hunter to hunt on the permittee's behalf in accordance with
302 section 406.9-4 of the Hunting, Fishing and Trapping law.

303 4-8. *Small Game Permit.* No person may take, pursue, injure, or harass small game while on
304 or in its nest or den, or remove any eggs or young except as may be approved in advance by the
305 Environmental Resource Board for activities which may include, but are not limited to, normal
306 agricultural or horticultural practices or wildlife research practices.

307 (a) *Permissible Methods.* The hunting of small game birds is restricted to the use of an
308 air rifle, shotgun or bow and arrow. The hunting of small game mammals is restricted to
309 the use of an air rifle, shotgun, rifle, or bow and arrow.

310 (1) *Firearm Restrictions.* No person may hunt small game:

311 (A) With a shotgun larger than ten (10) gauge.

312 (B) With a rifle or handgun larger than .22 caliber, including both rim fire
313 and center-fire cartridges.

314 (C) Rifles or handguns may not be used for hunting birds.

315 (D) With a handgun with a barrel less than five and a half (5) inches in
316 length as measured from the muzzle to the firing pin with action closed.

317 (E) While possessing shot shells larger than two (2) shot or while
318 possessing slugs, except that during deer gun season, a person having both
319 an Oneida sportsman license and a deer gun hunting permit may possess
320 slugs while hunting small game.

321 (E) With any type of shell, cartridge or altered projectile or device which
322 is not considered a factory load, copy or style.

323 (2) *Bow and Arrow Restrictions.* No person may hunt small game:

324 (A) With a bow having a pull or draw strength less than thirty-five (35)
325 pounds.

326 (B) With arrows less than twenty-four (24) inches in length or without at
327 least three (3) untrimmed feathers or five (5) trimmed feathers.

328 (b) *Use of Dogs.* Dogs may be used while hunting small game.

2017 04 21 - For Public Meeting

329 4-9. *Turkey Permit.* An issued turkey permit authorizes the permittee to hunt turkey during
330 both the spring and fall seasons; a separate permit is not required for each season. Hunting dogs
331 may be used during the fall turkey season. Designated hunters named pursuant to a turkey permit
332 and based on the requirements of the Hunting, Fishing and Trapping law in section 406.9-4 may
333 fill a maximum of two (2) turkey tags for the original permittee, regardless of the number of tags
334 issued to the original permittee.

335 4-10. *Waterfowl Permit.* An issued waterfowl permit authorizes the permittee to hunt
336 waterfowl during the set season, but does not authorize permittees to possess live waterfowl;
337 permittees shall kill all waterfowl immediately once possession is gained.

338 (a) *Permissible Methods.* No person may take waterfowl with a trap, net and/or
339 fishhook.

340 (1) *Firearms Restrictions.* No person may hunt waterfowl:

341 (A) With a shotgun larger than ten (10) gauge; duck plugs are not required.

342 (B) With a rifle of any type.

343 (C) With a shotgun with a barrel length less than eighteen (18) inches.

344 (D) With a handgun of any type.

345 (E) While in possession of lead shot.

346 (2) *Bow and Arrow Restrictions.* No person may hunt waterfowl:

347 (A) With a bow having a pull or draw strength less than thirty-five (35)
348 pounds.

349 (B) With arrows less than twenty-four (24) inches in length or without at
350 least three (3) untrimmed feathers or five (5) trimmed feathers.

351 (3) *Migratory Bird Calls.* No person may use electronic calls of any type to hunt
352 waterfowl.

353 (4) *Hazing.* No person may drive, rally or chase waterfowl with any motorized
354 conveyance in order to force the waterfowl into hunters' range.

355 (5) *Live Decoys.* No person may hunt waterfowl with the aid of live decoys. All
356 live, tame or captive waterfowl shall be removed for a period of ten (10)
357 consecutive days prior to hunting and confined within an enclosure which
358 substantially reduces the audibility of the waterfowls' calls and completely
359 conceals the captive waterfowl from the sight of any non-captive waterfowl.

360 (6) *Decoys.* No person hunting waterfowl may place decoys beyond two hundred
361 (200) feet from the cover or blind in which the person is located. No person
362 hunting waterfowl may:

363 (A) Place decoys in the water prior to one (1) hour before opening of
364 waterfowl hunting time.

365 (B) Leave decoys in the water more than twenty (20) minutes after the
366 close of waterfowl hunting time.

367 (b) *Blind Restrictions.* No person hunting waterfowl may establish a waterfowl hunting
368 blind, including the bed of any navigable lake, reservoir, pond or stream, prior to seven
369 (7) days before the waterfowl hunting season or leave it established beyond seven (7)
370 days after the close of the waterfowl hunting season.

371 (c) *Open Water Hunting.* Unless pursuing a crippled waterfowl, waterfowl may not be
372 hunting from a moving watercraft. If a motorized watercraft is used to pursue a crippled
373 waterfowl into open water, the motor must be shut off and all forward movement of the
374 boat must cease before loading and shooting at the crippled waterfowl.

2017 04 21 - For Public Meeting

375 4-11. *Furbearer Permit.* A furbearer permit authorizes Tribal members to operate an
376 unlimited number of traps or snares in any combination and authorizes spouses or dependents of
377 Tribal members or persons affiliated with another tribe to operate a maximum of one hundred
378 and fifty (150) traps or snares in any combination.

379 (a) *Permissible Methods.* No person may:

380 (1) Trap with any leg hold dry set trap larger than a number four (4).

381 (2) Trap with any leg hold wet set trap larger than a number five (5).

382 (3) Trap within twenty-five (25) feet of any sight-exposed bait.

383 (4) Set any trap or snare unless a metal tag is attached, stamped, or engraved
384 legibly upon the trap or snare which has the owner's enrollment number and/or
385 the name, address, and phone number.

386 (5) Take mink or muskrat by means other than trapping or snaring.

387 (6) Use any traps to take any wildlife not specified as furbearers.

388 (7) Possess any trap for the purpose of trapping furbearers other than a leg hold
389 trap, live trap, conibear trap, snare or colony trap.

390 (8) *Firearm Restrictions.* No person may hunt small game:

391 (A) With a shotgun larger than ten (10) gauge.

392 (B) With a rifle or handgun larger than .22 caliber, including both rim fire
393 and center-fire cartridges, provided that a permittee may use up to a .223
394 caliber for fox and coyote hunting.

395 (C) With a handgun with a barrel less than five and a half (5) inches in
396 length as measured from the muzzle to the firing pin with action closed.

397 (D) While possessing shot shells larger than two (2) shot or while
398 possessing slugs, except that:

399 (i) During deer gun season, a person having both an Oneida
400 sportsman license and a deer gun hunting permit may possess slugs
401 while hunting furbearer; and

402 (ii) A buckshot may be used for hunting fox and coyote.

403 (E) With any type of shell, cartridge or altered projectile or device which
404 is not considered a factory load, copy or style.

405 (9) *Bow and Arrow Restrictions.* No person may hunt small game:

406 (A) With a bow having a pull or draw strength less than thirty-five (35)
407 pounds.

408 (B) With arrows less than twenty-four (24) inches in length or without at
409 least three (3) untrimmed feathers or five (5) trimmed feathers.

410 (b) *Set and Placement Restrictions.* No person trapping furbearers may:

411 (1) Operate trap sets which permit the trapped animal to reach water, except
412 during the operation of a wet set or colony trap during applicable furbearer
413 seasons.

414 (2) Set any trap on any perch more than three (3) feet above the ground.

415 (c) *Trap Tending.* Permittees shall check all dry set traps at least once every twenty-four
416 (24) hours and shall and remove any wildlife trapped therein. Permittees shall check all
417 wet set traps at least once every four (4) calendar days and shall remove any wildlife
418 trapped therein.

419 (d) *Use of Dogs.* Dogs may be used while hunting raccoon, coyote and fox.

2017 04 21 - For Public Meeting

420 (e) *Permission to Hunt from a Motor Vehicle*. Permittees may request permission to hunt
421 furbearers from a motor vehicle; absent permission from the Department it is not
422 permissible to hunt, kill or harass furbearers from any type of motor vehicle.

423 4-12. *Dog Training Permit*. The Department may issue dog training permits to persons who
424 wish to possess and release small game birds for dog training purposes. The permit shall contain
425 requirements such as the location where the birds will be released and, if applicable, the
426 maximum number of birds that may be released.

427 (a) Prior to being released, the permittee shall mark and identify all birds to be released
428 by fixing a leg band to the bird's leg which identifies the dog training permit number.

429 (b) The following small game birds may be released pursuant to a dog training permit:

430 (1) Pheasant;

431 (2) Grey partridge;

432 (3) Red Legged Partridge;

433 (4) Bob White Quail;

434 (5) Chukar Partridge; and

435 (6) Pharo Pigeons.

436 (c) The approval of the Environmental Resource Board is required, prior to release,
437 should a permittee wish to release a small game bird that is not included in the list of
438 authorized small game birds provided in article 4-12(b).

439 4-13. *Found Carcass Permit*. A found carcass permit is available for any wildlife found
440 injured and/or killed by any non-hunting related cause. To obtain a Found Carcass Permit, the
441 requestor shall contact the Department and provide the location of the found carcass. After
442 inspecting the condition of the wildlife, the Department shall either issue the requestor a Found
443 Carcass Permit or deny the permit and take the carcass into possession.

444

445 **V. Tree Stands**

446 5-1. *Permanent Tree Stands Prohibited on the Nation's Lands*. Permanent tree stands may
447 not be erected on land owned by the Nation.

448 5-2. *Semi-Permanent Tree Stands*. Semi-permanent tree stands may be put, but not sooner than
449 two (2) weeks before the archery season opens and shall be removed no later than April 1st.

450 5-3. *Tree Stand Owner Information*. All tree stands must be stamped with the owner's
451 enrollment number and/or name, address and phone number for identification.

452 **VI. Blinds**

453 6-1. If a blind is constructed with manufactured materials, such blind requires identification
454 either with a tag affixed to the blind or engraved directly into the blind which contains the
455 owner's enrollment number and/or name, address and phone number for identification.

456 6-2. During the gun deer season and muzzleloading season, no person shall occupy a blind
457 unless there is three hundred sixty (360) degrees of visible blaze orange on the blind.

458

459 **VII. Baiting**

460 7-1. Persons may not:

461 (a) Use bait material, which includes, but is not limited to, liquid or scent, for attracting
462 wildlife:

463 (1) which contains or, at the time of use, is contained within: honey, bones, fish,
464 meat, solid animal fat, parts of animal carcasses, metal, paper, plastic, glass, wood
465 (other than hollow stumps, or other non-degradable materials);

2017 04 21 - For Public Meeting

466 (2) in excess of ten (10) gallons of bait material in a baited area, provided that,
467 salt and salt blocks are excluded from this restriction.

468 (b) Hunt waterfowl with the aid of bait other than grain crops left in the field due to
469 normal agricultural practices.

470 (c) Hunt over bait materials, regardless of whether or not the bait materials were
471 intentionally placed as bait, which do not comply with the requirements of these rules.

472

473 **VIII. Endangered, Threatened and Protected Species**

474 8-1. Absent a nuisance permit, no person may take or kill any endangered, threatened or
475 otherwise protected species or damage or tamper with the nests or eggs of an endangered,
476 threatened or otherwise protected species on the reservation.

477 8-2. A federal permit issued by the United States Fish and Wildlife Service is required in
478 order for any Tribal member possess an eagle or any part thereof. Tribal members may request
479 application forms directly from the United States Fish and Wildlife Service, the Department shall
480 also have copies of the application forms available.

481

482 **IX. Possession, Registration and Transportation of Carcasses**

483 9-1. *Attachment of Carcass Tags.* For wildlife subject to permit that includes carcass tags,
484 upon taking of the wildlife, the permittee shall immediately attach the carcass tag as follows:

| Wildlife Species | Required Method of Carcass Tag Attachment |
|------------------|---|
| Deer | Attach to antler, ear or hind leg |
| Goose | Attach to featherless portion of the leg |
| Turkey | Attach to featherless portion of the leg |

485 9-2. *Wildlife Registration.* Except for deer during deer gun hunting season or where shorter
486 timeframes are provided in these rules, a permittee taking wildlife pursuant to a permit which
487 requires a carcass tag shall register the said wildlife with the Department within three (3)
488 calendar days of the taking. Permittee may register wildlife at the Department or any other
489 registration area designated by the Department. Deer harvested during deer gun hunting season
490 shall be registered by 4 pm the day after close of the firearm season. Deer registration tag should
491 be retained with meat until consumed.

492 9-3. *Wildlife Transportation.* Wildlife may not be transported by persons that do not possess
493 the required Oneida sportsman license and any applicable permits. A person may only transport
494 his or her own lawfully possessed wildlife.

495 (a) *Birds.* Permittees shall ensure that, at a minimum, the fully feathered head or one (1)
496 fully feathered wing remains attached to each bird that is transported from the field until
497 the bird reaches the permittees residence or processing location.

498 (b) *Fish.* While in transportation, all fish must be able to be readily counted. Fish may
499 be dressed, but permittees shall ensure that the body of each fish remains intact while the
500 fish is transported from the water until the fish reaches the permittee's residence or
501 processing location.

502 (c) *Found Carcasses.* Persons finding wildlife carcasses may not transport said carcasses
503 until such person has applied for and received a Found Carcass Permit from the
504 Department or designee. Permittees shall abide by any requirements of the Found
505 Carcass Permit, including those related to carcass tags and transportation of the carcass.

2017 04 21 - For Public Meeting

506 (d) *Registration Required Prior to Transportation.* Wildlife subject to registration
507 requirements may not be transported off of the reservation until all registration
508 requirements have been satisfied.

509 (e) *Accompaniment of Wildlife Pending Registration.* Permittees shall accompany all
510 wildlife harvested subject to registration requirements at all times until all registration
511 requirements have been satisfied. No person may knowingly accept for and transport
512 another's wildlife without the valid license and permit holder present. This provision
513 does not apply to authorized enforcement persons who, in the course of their duties, may
514 be required transport seized wildlife.

515

516 **X. Fishing**

517 10-1. *Seasons.* The fishing season shall be continuous (year-round) unless specific seasons
518 are established in accordance with article 4-2 of these rules. Further, fishing hours are not
519 limited.

520 10-2. *Possession and Bag Limits.* Persons fishing shall comply with any possession, size and
521 bag limits applicable to fish as established in accordance with article 4-2 of these rules.

522 10-3. *Fishing Restricted to Authorized Methods.* No person may take or kill fish by any
523 method other than rods, lines and bare hooks, baited fish hooks, nets, spears, use of hands, and
524 bows/arrows, except that bows/arrows may not be used on rough fish. For the purpose of this
525 section, rough fish means carp, all sucker species and sheep head.

526 10-4. *Firearm Restriction.* No firearms may be used while fishing.

527 10-5. *Trespass.* No person may fish on private waters without permission from the owner or
528 occupant. No person may fish on Tribal, state, or federal refuge waters or protected waters.

529 10-6. *Trading of Fish.* All fish caught or taken by any means may be traded, provided that
530 persons shall comply with possession and bag limits at all times, regardless of trading.

531 10-7. *Ice Fishing.* Ice fishing holes may not be larger than ten inches (10") in diameter. While
532 ice fishing, a person may not use more than four (4) fishing lines at one (1) time.

533 10-8. *Attending Lines* – Lines may not be left unattended.

534

535 **XI. General Regulations**

536 11-1. Persons may not:

537 (a) Hunt with a handgun if under the age of eighteen (18) unless under the immediate
538 supervision of a parent or responsible adult.

539 (b) Transport, deliver, receive, or offer to deliver or receive for transporting any wildlife
540 or part thereof at any time other than during the open season and three (3) calendar days
541 after.

542 (c) Exceed daily bag or possession limits, or possess wildlife above or below the size
543 limits established in accordance with article 4-2 of these rules.

544 (d) Possess any live wildlife unless authorized by the Department.

545 (e) Hunt species for which hunting seasons are not established, hunt wildlife during the
546 closed season, or hunt wildlife in a refuge/closed area.

547 (f) Hunt any species more than fifteen (15) minutes after sunset or more than thirty (30)
548 minutes before sunrise during the gun deer season. Except during the gun deer hunting
549 season, coyote, fox, raccoon and unprotected species may be hunted without hunting hour
550 restrictions.

2017 04 21 - For Public Meeting

- 551 (g) Leave, deposit, place or throw on the waters, ice, shores of water or upon Tribal land,
552 any empty receptacles containing bait, fish offal, fish carcasses, and/or fish parts.
553 (h) Catch, kill or take frogs and turtles except by the following authorized methods: hand,
554 dip net, hook and line, or spear.
555 (i) Shine while in possession of a firearm, bow or crossbow.
556 (j) Hunt in a party of more than ten (10) persons.
557 (k) Possess any firearm unlawfully.

558
559

560 **XII. Health Advisory**

561 **12-1. Fish caught in Duck Creek, ducks, geese, and other wildlife may contain PCB's.**
562 **Women and children are most at risk for health defects. Detailed information is available**
563 **from the Oneida Conservation Department.**

564

565 **XIII. Enforcement**

566 13.1. *Fine and Penalty Schedule.* Violation of the Hunting, Fishing and Trapping law and/or
567 rules may result in the fines/penalties as provided in the Fine and Penalty Schedule, which is
568 incorporated into these rules as Attachment B.

569 13.2. *Animal Assessments.* In the event the Board finds a violation of the Hunting, Fishing and
570 Trapping law and/or rules, in addition to imposing a fine or penalty, it may also impose a
571 wildlife protection assessment (civil recovery value) as provided in the Animal Assessment
572 Schedule, which is incorporated into these rules as Attachment C.

573

| ATTACHMENT A - LICENSE AND PERMIT SCHEDULE | | |
|--|--|------------------------|
| License or Permit Name | Application Deadline** | Application Fee |
| Oneida Sportsmans License | | |
| Adult Tribal Member | Not Applicable | \$10.00 |
| Elder/Disabled Tribal Member | Not Applicable | No Charge |
| Youth Tribal Member | Not Applicable | \$10.00 |
| Spouse or Dependent of a Tribal Member | Not Applicable | \$15.00 |
| Elder Spouse or Elder Dependent of a Tribal Member | Not Applicable | \$7.50 |
| Adult Descendant/Other Tribal Affiliation | Not Applicable | \$25.00 |
| Elder Descendant/Other Tribal Affiliation | Not Applicable | \$12.50 |
| Youth Descendant/Other Tribal Affiliation | Not Applicable | \$15.00 |
| Adult Non-Tribal Member/Descendant/Other Tribal Affiliation | 3rd Monday of August* | \$500.00 |
| Elder Non-Tribal Member/Descendant/Other Tribal Affiliation | 3rd Monday of August* | \$250.00 |
| Youth Non-Tribal Member/Descendant/Other Tribal Affiliation | 3rd Monday of August* | \$100.00 |
| Tribal Member Ceremonial/Feast Permit | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| Disabled Permit | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| Nuisance Permit | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| Sustenance Permit | | |
| Oneida Tribal Members Only | Not Applicable | No Charge |
| Deer Gun Permit | | |
| Included in the issuance of Oneida Sportsman License | Prior to the Opening Date of the Season* | No Charge |
| Deer Gun Hunter's Choice Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Deer Bow Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Goose Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Small Game Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Turkey Permits | | |
| Adult Tribal Member | Not Applicable | \$5.00 |
| Elder/Disabled Tribal Member | Not Applicable | No charge |
| Youth Tribal Member | Not Applicable | No charge |
| Spouse or Dependent of a Tribal Member | Not Applicable | \$10.00 |
| Elder Spouse or Elder Dependent of a Tribal Member | Not Applicable | \$5.00 |
| Adult Descendant/Other Tribal Affiliation | Not Applicable | \$10.00 |
| Elder Descendant/Other Tribal Affiliation | Not Applicable | \$5.00 |
| Youth Descendant/Other Tribal Affiliation | Not Applicable | \$5.00 |
| Adult Non-Tribal Member/Descendant/Other Tribal Affiliation | Not Applicable | \$25.00 |
| Elder Non-Tribal Member/Descendant/Other Tribal Affiliation | Not Applicable | \$10.00 |
| Youth Non-Tribal Member/Descendant/Other Tribal Affiliation | Not Applicable | \$10.00 |
| Furbearer Permit | | |
| Included in the issuance of Oneida Sportsman License | Not Applicable | No Charge |
| Dog Training Permits | | |
| Adult Tribal Member | Not Applicable | \$20.00 |
| Elder/Disabled Tribal Member | Not Applicable | \$10.00 |
| * It is in the Department's full discretion whether to issue licenses and/or permits that do not comply with the required application deadlines, provided that the Department shall assess a \$10.00 late fee against all late applications, regardless of whether the license/permit is issued. | | |
| ** In all instances where an application deadline is not applicable, the license/permit may applied for up until any applicable established seasons have closed. | | |

| ATTACHMENT C - WILDLIFE ASSESSMENT SCHEDULE | |
|---|-------------------------|
| Wildlife | Civil Assessment |
| Any Endangered or Threatened Species | \$ 900 |
| Moose, Fisher, or Sandhill Crane | \$ 300 |
| Bear, Cougar or Timberwolf | \$ 400 |
| Wild Turkey or Wild Swan | \$ 200 |
| Coyote, Raccoon or Mink | \$ 60 |
| Deer | \$ 400 |
| Ruffed Grouse, Spruce Hen, Wild Duck, Coot, or Wild Goose | \$ 50 |
| Pheasant, Hungarian Partridge, Quail, Rail, Wilson's Snipe, Woodcock or Shorebirds, or Songbird | \$ 50 |
| Muskrat, Rabbit or Squirrel | \$ 20 |
| Muskellunge or Lake Sturgeon | \$ 60 |
| Largemouth or Smallmouth Bass | \$ 40 |
| Brook, Rainbow, Brown or Steelhead Trout | \$ 40 |
| Walleye, Northern Pike or any other game fish | \$ 20 |
| All Other Wildlife | \$ 20 |

Summary Report for Hunting, Fishing and Trapping Rules

Original effective date: N/A

Amendment effective date: N/A

Name of Rule: Hunting, Fishing and Trapping Handbook

Name of law being interpreted: Hunting, Fishing and Trapping

Rule Number: 1-13

Other Laws or Rules that may be affected: N/A

Brief Summary of the proposed rule: Details on regulations of Hunting, Fishing, and Trapping that are no longer in the Hunting, Fishing, and Trapping Law. Address issues of seasons, bag limits, permits, harvests, and licenses for hunting on Oneida Nation. Approve rules which are jointly adopted by the Environmental Resource Board and Conservation Department. Ensure safe hunting, proper natural resources management, and protection of species. Define assessments for unlawful harvesting and other violations of the Hunting, Fishing, and Trapping Law.

Statement of Effect: See Attached.

Financial Analysis: See Attached.



Statement of Effect

Hunting, Fishing and Trapping Rule Handbook

Summary

The Hunting, Fishing and Trapping Rule Handbook details information related to harvests, limits, seasons, licenses and other details which further support the Hunting, Fishing and Trapping law.

Submitted by: Clorissa N. Santiago, Staff Attorney, Legislative Reference Office

Analysis by the Legislative Reference Office

The Hunting, Fishing and Trapping law (“the Law”) delegates joint rulemaking authority to the Environmental Resource Board and the Conservation Department pursuant to the Administrative Rulemaking law. [see *Hunting, Fishing and Trapping law section 406.5-1*]. The Law describes the areas in which the Environmental Resource Board and the Conservation Department are delegated rulemaking authority. [see *Hunting, Fishing and Trapping law section 406.5-2(a) through 406.5-2(n), 406.7-4, 406.7-5*].

The Hunting, Fishing and Trapping Rule Handbook (“the Rule Handbook”) contains rules one (1) through thirteen (13) for the Law, as well as attached license and permit schedule, fine and penalty schedule, and animal assessment schedule. The Rule Handbook addresses information related to harvests, limits, seasons, licenses and other details which further support the Hunting, Fishing and Trapping law.

Conclusion

There are no legal bars to adopting the Hunting, Fishing and Trapping Rule Handbook.

Financial Analysis for Hunting, Fishing, and Trapping Handbook

| Type of Cost | Description/Comment | Dollar Amount |
|---|---|----------------------|
| Start Up Costs | N/A | \$0 |
| Personnel | Regular job duties | \$0 |
| Office | Regular job duties | \$0 |
| Documentation Costs | N/A | \$0 |
| Estimate of time necessary for an individual or agency to comply with the rule after implementation | Ongoing, but negligible as considered part of regular job duties. | \$0 |
| Other, please explain | N/A | \$0 |
| Total Annual Cost | | \$0 |

NOTICE OF
PUBLIC MEETING

TO BE HELD
Friday, April 21 at 12:15 pm
IN THE
OBC Conference Room
2nd Floor Norbert Hill Center
N7210 Seminary Road, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, the Environmental Resource Board and the Conservation Department are hosting this Public Meeting to gather feedback from the community regarding the following rule(s).

TOPIC: Hunting, Fishing and Trapping Rule Handbook

This is a proposal to adopt rules which would:

- ◆ List the detailed and specific regulations of Hunting, Fishing, and Trapping that are no longer in the Hunting, Fishing, and Trapping Law.
- ◆ Address issues of seasons, bag limits, permits, harvests, and licenses for hunting on Oneida Nation.
- ◆ Approve rules which are jointly adopted by the Environmental Resource Board and Conservation Department.
- ◆ Ensure safe hunting, proper natural resources management, and protection of species.
- ◆ Define assessments for unlawful harvesting and other violations of the Hunting, Fishing, and Trapping Law.

To obtain copies of the Public Meeting documents for this proposal, please visit www.oneida-nsn.gov/Register/PublicMeetings.

PUBLIC COMMENT PERIOD
OPEN UNTIL April 28, 2017

During the Public Comment Period, all interested persons may submit written comments and/or a transcript of any testimony/spoken comments made during the Public Meeting. These may be submitted to the Environmental Resource Board by U.S. mail, interoffice mail, e-mail or fax.

Environmental Resource Board
3759 W. Mason St., Suite 6
schuber@oneidanation.org
920-496-5362

DENTAL HEALTH POSTER CONTEST

Kindergarten—Third grade

The month of February was Dental Health Month. The Oneida Dental Clinic teamed up the Oneida Nation Elementary School to hold a Dental Health Poster contest. Students learned about dental health in Art Class and created their own unique poster to educate others on how to keep their teeth healthy. Three students from each class were chosen to win an electric toothbrush.

The winners are:

Kindergarten A: Lowahsyate Christjohn, Clay Young, Alyssa Perkins

Kindergarten B: Isabella Sotelo, Nihzonie Montoya, Andres Rodriguez

Kindergarten C: Charlize King, Javeon Espinoza, Davis Brunette

1A: Sir David Smith, Asha Burgois, Emmit Madrid

1B: Jovanna Espinoza, Andrew Sitting Bear, Anthony Skenandore

1C: LaDainan Danforth, Tekwabjikekwe Denn, Lilly Starr

2A: Fabian Torres-Valesquez, Grace Gauthier, Shaylea Huff

2B: Bella Hill, Irie Crumble, Aracelli Rodriguez, Jackson Newton

2C: Jose Frausto, Franchesca Marivilla , Delianna Gonzales



Kindergarten A Winners



Nihzonie Montoya, KB



Kindergarten C Winners



First grade B Winners



First grade C Winners



Irie Crumble, 2B



Winners from 2C



Third grade winners from 3A.

OLIPP

(Oneida Life Insurance Plan Plus)

is a \$15,000 term life insurance policy available to ALL enrolled tribal members and intended to pay your funeral/final expenses. It is strongly recommended that all enrolled members over the age of 18, who have not completed their **“Oneida Beneficiary Designation form”** to complete and submit their form to the Oneida Enrollment Department.

For more information, call:

(920) 869-6212



HUNTING, FISHING and TRAPPING HANDBOOK PUBLIC MEETING
 Business Committee Conference Room-2nd Floor Norbert Hill Center
 Host by: The Environmental Resource Board and the Conservation Department
April 21, 2017 at 12:15p.m.

PUBLIC MEETING SIGN IN SHEET

| | Name: (Print clearly) | Email Address / Phone # | Department/Roll # | Oral Testimony (Y) or (N) |
|-----|------------------------|-------------------------|-------------------|---------------------------|
| 1. | <i>Joseph Karandak</i> | | 8419 | Y |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |
| 8. | | | | |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. | | | | |

Environmental Resource Board and Oneida Conservation Department
Public Meeting Transcript
Hunting, Fishing and Trapping Rule Handbook
Business Committee Conference Room – 2nd Floor Norbert Hill Center
April 21, 2017 at 12:15 P.M.

Gene Shubert - “Greetings. The time is 12:15 pm and the date is April 21st. I will now call the public meeting for Hunting, Fishing, Trapping Handbook to order. The ERB and Conservation Dept is hosting this meeting to gather feedback from the community regarding this Legislative Proposal. All persons who wish to present oral testimony need to register on the sign-in sheet. Written comments may be submitted in-person or by U.S, mail, interoffice mail, email or fax as provided on the public meeting notice. These comments must be received by the close of business day on April 28th. In attendance from ERB is Gene Schubert. We will begin today’s meeting for the Hunting, Fishing, Trapping Handbook.

This is a proposal to adopt rules which would:

- List the detailed and specific regulations of Hunting, Fishing, and Trapping that are no longer in the Hunting, Fishing, and Trapping Law.
- Address issues of seasons, bag limits, permits, harvests, and licenses for hunting on Oneida Nation.
- Approve rules which are jointly adopted by the Environmental Resource Board and Conservation Department.
- Ensure safe hunting, proper natural resources management, and protection of species.
- Define assessments for unlawful harvesting and other violations of the Hunting, Fishing, and Trapping Law.

Shoney would you like to come up for your statements?

Shoney Skenandore (#8419) - Hello. This is kind of awkward... I had questions... something I’ve noticed over the past 5 years is the increase of popularity of coyote hunting, and that is what my concern is about. Are there seasons for coyote hunting? I notice a lot of road hunting. I don’t know what the rules are regarding that. I also don’t know if the hunters I see are always tribal members. What are the laws regarding trespassing on tribal land, not necessarily by the people but by the dogs. What are the dogs allowed to go into tribal land and scare out the coyotes and push them into other lands and then they’re shot. A big concern of mine is I don’t know how you consider this hunting if you just have the gentlemen sitting in trucks and the dogs scare out coyotes and then they hop out and they shoot ‘em. That doesn’t seem like hunting to me. I don’t know if there are bag limits. I had a conversation with an Oneida gentlemen about coyote hunting. He was a coyote hunter and I asked him what the purpose was, what do you use the coyote fur. He says he uses it to make gloves or whatever, but he also made the comment

“kill them all”, which is very disturbing to me that this would be coming from an Oneida gentlemen, and if that is an attitude towards a species, that concerns me, and that’s why I’m here.

So that’s why... I saw the meeting notice in the Kali, and it addresses the issues of the seasons, the bag limits, the permits, harvests. I’ve become more concerned, like I said, within the last 5 years its really increased in popularity. I have more fear for myself, and for my family and children, of the hunters and the dogs then the coyotes themselves. It would have been nice if someone else was here to maybe answer some of my questions instead of just me standing up here and the mic, it’s really kind of shitty... but it is what it is. Maybe some of these comments will be heard, maybe they won’t be, maybe there’s rules and regulations already in place for this, but um, like I said, where I live, it seems to be a free-for-all out there come winter when the snow falls especially there’s these trucks are just parked on the road and waiting for their dogs to come out, I mean it doesn’t really seem fair when they got dogs running in the woods and they all got radios within their trucks and they just communicate back-n-forth to each other. I don’t know, that don’t seem like hunting to me, and I’m not against the harvest, or coyote hunting in general, but there’s a responsible way to do it. If it’s just a free for all and they can go kill them all if they want, um... that’s why I’m here. Thanks for the time.

Gene Shubert - With there being no more speakers registered the public meeting for the Hunting, Fishing, Trapping Handbook is now closed at 12:21 pm. Written comments may be submitted until close of business on Friday, April 28th.”

Jo Anne House, PhD | Chief Counsel
James R. Bittorf | Deputy Chief Counsel

Patricia M. Stevens Garvey
Kelly M. McAndrews
Michelle L. Gordon
Krystal L. John
Robert J. Collins, II

Law Office



MEMORANDUM

TO: Legislative Operating Committee

FROM: Krystal L. John, Staff Attorney

DATE: May 3, 2017

SUBJECT: Hunting, Fishing and Trapping Public Meeting Comment Review

On April 21, 2017, a public meeting was held regarding the proposed Hunting, Fishing and Trapping Rule Handbook. This memorandum is submitted as a review of the oral comments presented during the public meeting – no written comments were submitted during the comment period.

Comment 1 – Hunting Coyotes

Shoney Skenandore (#8419) - Hello. This is kind of awkward... I had questions... something I've noticed over the past 5 years is the increase of popularity of coyote hunting, and that is what my concern is about. Are there seasons for coyote hunting? I notice a lot of road hunting. I don't know what the rules are regarding that. I also don't know if the hunters I see are always tribal members. What are the laws regarding trespassing on tribal land, not necessarily by the people but by the dogs. What are the dogs allowed to go into tribal land and scare out the coyotes and push them into other lands and then they're shot. A big concern of mine is I don't know how you consider this hunting if you just have the gentlemen sitting in trucks and the dogs scare out coyotes and then they hop out and they shoot 'em. That doesn't seem like hunting to me. I don't know if there are bag limits. I had a conversation with an Oneida gentlemen about coyote hunting. He was a coyote hunter and I asked him what the purpose was, what do you use the coyote fur. He says he uses it to make gloves or whatever, but he also made the comment "kill them all", which is very disturbing to me that this would be coming from an Oneida gentlemen, and if that is an attitude towards a species, that concerns me, and that's why I'm here. So that's why... I saw the meeting notice in the Kali, and it addresses the issues of the seasons, the bag limits, the permits, harvests. I've become more concerned, like I said, within the last 5 years its really increased in popularity. I have more fear for myself, and for my family and children, of the hunters and the dogs then the coyotes themselves. It would have been nice if someone else was here to maybe answer some of my questions instead of just me standing up here and the mic, it's really kind of shitty... but it is what it is. Maybe some of these comments will be heard, maybe they won't be, maybe there's rules and regulations already in place for this, but um, like I said, where I live, it seems to be a free-for-all out there come winter when the

Page 2

snow falls especially there's these trucks are just parked on the road and waiting for their dogs to come out, I mean it doesn't really seem fair when they got dogs running in the woods and they all got radios within their trucks and they just communicate back-n-forth to each other. I don't know, that don't seem like hunting to me, and I'm not against the harvest, or coyote hunting in general, but there's a responsible way to do it. If it's just a free for all and they can go kill them all if they want, um... that's why I'm here. Thanks for the time.

Response – Coyote hunting is discussed in the Hunting, Fishing and Trapping law, which has already been adopted with amendments and was not a topic included in the Hunting, Fishing and Trapping Rule Handbook, which was the topic of this public meeting. That being said, Eugene Shubert and I stayed after the public meeting to respond to Mr. Skenandore's concerns as they related to coyote hunting. Our verbal response indicated the following:

- Coyote hunting is covered in the Hunting, Fishing and Trapping law in section 406.6-1(a)(2). Specifically, that section provides that there are no set seasons for coyote hunting and that landowners and lessees and guests with permission of the landowners or lessees, may hunt and trap coyote on the property they own or lease year-round without a sportsman's license.
- There is no limit on the number of coyotes that are taken as the Environmental Resource Board and the Conservation Department have not seen any unwanted impacts to the population based on unlimited hunting privileges.
- Both the Nation's Hunting, Fishing and Trapping law and rules and the state's relevant laws and regulations provide limited circumstances under which hunting from a vehicle is permitted for disabled persons. If Mr. Skenandore witnesses hunting from a vehicle in the future which is cause for concern, he is encouraged to notify an Oneida Conversation Warden, an Oneida Police Officer and/or a state warden.
- General hunting restrictions indicating what types of weapons may be used and when hunting with the aid of dog is permitted remain applicable to coyote hunting.



Title 4. Environment and Natural Resources – Chapter 406

HUNTING, FISHING and TRAPPING

Rule # 1-13 – Hunting, Fishing and Trapping Handbook

- I. Purpose, Authority, Adoption, Amendment and Repeal
- II. Definitions
- III. General Requirements
- IV. Available Permits
- V. Tree Stands
- VI. Blinds
- VII. Baiting
- VIII. Endangered, Threatened and Protected Species
- IX. Possession, Registration and Transportation of Carcasses
- X. Fishing
- XI. General Regulations
- XII. Health Advisory
- XIII. Enforcement

4

I. Purpose, Authority, Adoption, Amendment and Repeal

1-1. Purpose. The purpose for these rules is to further detail the information related to harvests, limits, seasons, licenses, and other details to further support the Hunting, Fishing and Trapping law.

1-2. Authority. The Hunting, Fishing and Trapping law delegated the Environmental Resource Board and Conservation Department joint rulemaking authority pursuant to the Administrative Rulemaking law.

1-3. These rules were jointly adopted by the Environmental Resource Board and Conservation Department in accordance with the procedures of the Administrative Rulemaking law.

1-4. These rules may be amended or repealed by the joint approval of the Environmental Resource Board and Conservation Department pursuant to the procedures set out in the Administrative Rulemaking law. For the purpose of future amendments to these rules, each article is a separate rule and may be amended as such.

1-5. Should a provision of these rules or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of these rules which are considered to have legal force without the invalid portions.

1-6. In the event of a conflict between a provision of these rules and a provision of another rule, internal policy, procedure, or other regulation, the provisions of these rules control.

1-7. These rules supersede all prior rules, regulations, internal policies or other requirements relating to the Hunting, Fishing and Trapping law.

1-8. This article I applies to each subsequent rule listed herein.

26

II. Definitions

2-1. This article governs the definitions of words and phrases used within this Handbook. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Antlered Deer” means a deer which has either two (2) antlers with two (2) or more points on each antler or one (1) antler with four (4) or more points where each point must

31

- 32 measure one (1) inch in length from the main beam and, at a minimum, one (1) antler
33 must be three (3) or more inches in length.
- 34 (b) “Baited Area” means an area within a one hundred (100) yard radius from any
35 placed bait material, provided that once bait material is placed, the area remains a baited
36 area for a period of ten (10) calendar days from the date the bait material is either fully
37 consumed or removed.
- 38 (c) “Furbearer” means wildlife taken primarily for the sale of the said wildlife’s pelt and
39 includes, but is not limited to, mink, muskrat, beaver, weasel, fox, coyote, bobcat, badger
40 and raccoon.
- 41 (d) “Game Fish” means all species belonging to the trout, pike, catfish, bullhead,
42 sunfish (including blue gill and crappie), bass, and perch families of fish.
- 43 (e) “Harass” means to shoot at, disturb, worry, rally, concentrate, harry, chase, drive,
44 herd, or torment wildlife.
- 45 (f) “Open Water” means any water beyond a natural growth of vegetation rooted to
46 the bottom and extending above the water surface of such height as to offer whole or
47 partial concealment of the hunter.
- 48 (g) “Permanent Tree Stand” means any manufactured or constructed platform
49 fastened by nails, screws, or other means deemed permanently fixed, for the purpose of
50 allowing a person to view, observe, or hunt wild animals.
- 51 (h) “Possession Limit” means the maximum number of a particular wildlife species
52 that may be in the possession of a person who has hunted, fished, or trapped two (2) days
53 or more.
- 54 (i) “Raptor” means all hawks, owls, eagles, falcons, and osprey.
- 55 (j) “Rifle” means a weapon designed or redesigned, made or remade, and intended
56 to be fired from the shoulder and designed or redesigned and made or remade to use the
57 energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle
58 bore for each single pull of the trigger, and includes any such weapon which may be
59 readily restored to fire a fixed cartridge.
- 60 (k) “Semi-permanent Tree Stand” means any manufactured or constructed platform
61 fastened, strapped, chained, or otherwise attached to a tree, for the purpose of allowing a
62 person to view, observe or hunt wild animals.
- 63 (l) “Shotgun” means a weapon designed or redesigned, made or remade, and
64 intended to be fired from the shoulder and designed or redesigned and made or remade to
65 use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore
66 either a number of projectiles (bird shot) or a single projectile for each pull of the trigger
67 and includes any such weapon which may be readily restored to fire a fixed shotgun
68 shell.
- 69 (m) “Sight Exposed Bait” means any bones, meat or viscera of an animal, bird, or
70 fish with or without skin, hide or feathers which can be seen from above the bait.
- 71 (n) “Size Limit” means the specific minimum length and/or maximum length in
72 inches of a species of fish that may be possessed legally.
- 73 (o) “Small Game” includes, but is not limited to the following: geese, brants, dabbling
74 ducks, diving ducks, tree ducks, sea ducks, and mergansers; commonly known as rails,
75 coots, mud hens, and gallinule; commonly known as snipe and woodcock; commonly

76 known as grouse, pheasants, partridges, and quail; cottontail rabbit, and gray and fox
77 squirrel.

78 (p) “Specified Area” means areas where the taking of fish and wildlife is restricted
79 to the specifications set forth by the law, rule or Environmental Resource Board
80 resolutions.

81 (q) “Unprotected Species” means species which can be hunted year round without
82 limit and includes: opossum, skunk, weasel, mice, and all other animals not mentioned in
83 the Hunting, Fishing and Trapping law and these rules.

84 (r) “Waterfowl” means any wild species of geese, brants, or ducks.

85 (s) “Wet Set” or “Water Set” means a trap which is staked in such a manner as to
86 permit the trap or trapped animal to reach water at any point.

87

88 **III. General Requirements**

89 3-1. *License and Permit on Person.* All persons shall have in his/her possession, while hunting,
90 fishing or trapping within the exterior boundaries of the reservation, a valid Oneida sportsman
91 license issued by the Department allowing him/her to hunt, fish, or trap on the reservation and, if
92 the action also requires a permit, the applicable permit also.

93 3-2. *Limit on Non-Tribal Member Licenses.* The Department may not issue more than thirty-
94 five (35) Oneida sportsman licenses to Non-Tribal Members in any calendar year. In addition, in
95 order for a non-Tribal member to apply for an Oneida sportsman license, the non-Tribal member
96 shall consent in writing to forfeit any deer hunting privileges granted by a state issued hunting
97 license/permit in regard to all land within the Reservation boundaries, regardless of ownership
98 status.

99 3-3. *License Application Deadlines and Expirations.* Tribal members, descendants, affiliates of
100 other tribes and Tribal member’s spouses and/or dependents may apply for a sportsman license at
101 any time; the application deadline for a non-member sportsman license is the third (3rd) Monday
102 of August. Sportsman licenses expire each year on August 31st.

103 3-4. *License and Permit Availability and Schedule.* Oneida sportsman licenses and permits may
104 be obtained from the Conservation Department, which is located at N8047 County Road U.

105 (a) *Permit Availability.* Nuisance permits, sustenance permits, ceremonial permits and
106 dog training permits are only available to Tribal members and Tribal members shall
107 apply for each of these permits separately from the Oneida sportsman license. Turkey
108 permits are available to all persons eligible for an Oneida sportsman license that is not
109 limited to fishing, provided that licensees shall apply for turkey permits separately from
110 the Oneida sportsman license.

111 (b) *License and Permit Schedule.* The license and permit schedule is included in these
112 rules as Attachment A.

113 3-5. *Denial of a License or Permit.* An application for a sportsman license or permit may be
114 denied according to section 406.6-7 of the Hunting, Fishing and Trapping law.

115 3-6. Applicants born on or after January 1, 1973 shall present a hunter’s education certification
116 prior to issuance of any sportsman license.

117

118 **IV. Available Permits**

119 4-1. *Comprehensive List of Available Permits.* Subject to the requirements provided in the
120 Hunting, Fishing, Trapping law and these rules, the Department may issue the following permits,

121 provided that in order to be eligible for a permit, a full sportsman license is required; a fishing
122 only sportsman license is not sufficient:

- 123 (a) Tribal Member Ceremonial/Feast Permit;
- 124 (b) Disabled Permit;
- 125 (c) Nuisance Permit;
- 126 (d) Sustenance Permit;
- 127 (e) Deer Gun Permit;
- 128 (f) Deer Gun Hunter's Choice Permit;
- 129 (g) Deer Bow Permit;
- 130 (h) Small Game Permit;
- 131 (i) Turkey Permit;
- 132 (j) Waterfowl Permit;
- 133 (k) Furbearer Permit;
- 134 (l) Dog Hunting Permit; and
- 135 (m) Found Carcass Permit.

136 4-2. *Responsibility to Set Seasons and Limits.* The Environmental Resource Board, with input
137 from the Conservation Department, shall establish, annually by written Environmental Resource
138 Board resolution, by no later than the end of March each calendar year, the following and, in
139 doing so shall consider the supply of wildlife, the needs of conservation, and the objective of
140 achieving a fair allocation of the harvest:

- 141 (a) Any bag limits applicable to various permits.
- 142 (b) Any possession limits applicable to various permits.
- 143 (c) Season opening and closing dates for each permit, provided that:
 - 144 (1) Bow deer season may not open before September 1st and may not close any
145 later than January 31st.
 - 146 (2) Muzzleloading deer season shall open the calendar day following the close of
147 the deer gun season and may not close any later than the first Sunday in January.
 - 148 (3) The season for small game may not begin before September 1st or close later
149 than March 31st.
 - 150 (4) The season for waterfowl may not begin before September 1st or close later
151 than December 31st.
 - 152 (5) The seasons for furbearers may not begin before October 1st or close later than
153 April 1st.
- 154 (d) Any hunting hour restrictions that may apply to a season, provided that if setting
155 hunting hours, such hours may not permit hunting prior to thirty (30) minutes before
156 sunrise or extend beyond fifteen (15) minutes after sunset.
- 157 (e) The number of carcass tags that may be issued pursuant to each applicable permit,
158 which may include limitations based on age, sex, size, species or other factors established
159 by the Environmental Resource Board. Daily bag and possession limits pursuant to a
160 small game permit may not exceed a harvest of ten (10) wildlife of each species per day.

- 161 (f) Fish minimum lengths and slot sizes for designated fish species.
- 162 (g) Which areas are designated as available for hunting and trapping as indicated on the
163 Oneida Nation Hunting Map. If the Nation acquires additional properties eligible for
164 hunting and trapping after the initial annual Oneida Nation Hunting Map has been
165 approved, the Environmental Resource Board may adopt a revised Oneida Nation
166 Hunting Map by written resolution. Upon the setting of such designated areas, the
167 Department shall mark all properties not open for hunting and trapping.
- 168 (h) Any designated protected waters in which fishing is not permitted.
- 169 4-3. *Tribal Member Ceremonial/Feast Permit.* In addition to the requirement in section
170 406.6-2 of the Hunting, Fishing and Trapping law, the following requirements also apply:
- 171 (a) A ceremonial/feast permit may not be effective for a period longer than ten (10)
172 calendar days and may only be issued between the third (3rd) Saturday of September and
173 the last day of December for any calendar year .
- 174 (b) The Department shall indicate on each permit how much wildlife may be taken
175 pursuant to the permit and which areas are open for the ceremonial/feast hunt.
- 176 (c) Permittees shall register any deer harvested pursuant to a ceremonial/feast permit
177 within twenty-four (24) hours of the harvest.
- 178 (d) A ceremonial/feast permit issued for harvested deer may only be issued for antlerless
179 deer; it is unlawful to harvest an antlered deer under a ceremonial/feast permit.
- 180 4-4. *Disabled Permit.* In addition to the requirements and limitations regarding disabled
181 permits included in section 406.6-6 of the Hunting, Fishing and Trapping law, a disabled hunter
182 permit also requires:
- 183 ~~(a) That when hunting from the roadway, the roadway is part of a county highway, a~~
184 ~~town highway or any other highway that is not part of a street or of a state trunk or~~
185 ~~federal highway.~~
- 186 ~~(b)~~(a) The vehicle is located off of the hard surface of the roadway and is not in
187 violation of any applicable prohibition or restriction that applies to parking, stopping or
188 standing of the vehicle.
- 189 ~~(c)~~(b) The holder of the permit is not as a designated hunter.
- 190 ~~(d)~~(c) The holder of the permit has obtained permission from any person who is the
191 owner or lessee of private property across or on to which the holder of the permit intends
192 to discharge a weapon.
- 193 ~~(e)~~(d) The vehicle bears disabled plates or displays a sign that is at least 11 inches
194 square on which is conspicuously written “disabled hunter”.
- 195 ~~(f)~~(e) The holder of the permit discharges the weapon away from and not across or
196 parallel to the roadway.
- 197 4-5. *Nuisance Animal Removal Permit.* For each nuisance animal removal permit, based on
198 the circumstances and extent of the nuisance, the Department shall provide the amount of
199 wildlife that the permittee may take pursuant to the permit and may limit the amount based on
200 age, sex, size, species or other relevant factors established by the Department; the Department

201 may also the prescribed manner of taking required by the permit. In addition to the requirements
202 in section 406.8 of the Hunting, Fishing and Trapping law, the following also apply:

203 (a) *Assistance by the Department.* The Department may assist the permittee in taking
204 and/or trapping a nuisance animal if:

205 (1) Extraordinary damage is occurring, where the determination of extraordinary
206 damage is in the Department's best discretion.

207 (2) The permittee has demonstrated an inability to harvest an adequate number of
208 the nuisance animals and damage to the permittee's property in the current
209 calendar exceeds, or is likely to exceed, \$5,000.00.

210 (b) *Conditions to Nuisance Deer Removal Permits.* The following conditions apply to
211 nuisance deer removal permits:

212 (1) Permittees and permittees' agents may hunt deer only during the period from
213 thirty (30) minutes before sunrise to fifteen (15) minutes after sunset during the
214 closed deer gun season. During the deer gun season permittees and permittees'
215 agents shall comply with any restrictions regarding shooting hours.

216 (2) No deer may be harvested pursuant to a nuisance deer removal permit within
217 the twenty-four (24) hour period prior to the opening of gun deer season.

218 (3) The weapon restrictions provided in article 4-7(a)(1) and (2) apply to nuisance
219 deer removal permits.

220 (4) If the permittee and/or the permittee's agent does not fulfill fifty percent
221 (50%) or more of the nuisance deer removal permit's quota in the initial thirty
222 (30) calendar days for which the permit is effective, the Department may
223 withdraw the permit.

224 (5) Unless specifically exempt by the Department in the permit, only deer without
225 antlers or with antlers less than three (3) inches in length may be harvested
226 pursuant to a nuisance deer removal permit.

227 (c) *Conditions to Nuisance Canadian Geese Removal Permits.* The following conditions
228 apply to nuisance Canadian geese removal permits:

229 (1) Permittees and/or permittees' agents may retain any Canadian goose carcasses
230 harvested pursuant to a nuisance Canadian geese removal permit, provided that
231 permittees' agents may only retain carcasses declined by the original permittee.

232 (2) The weapon restrictions provided in article 4-10(a) apply to nuisance
233 Canadian geese removal permits.

234 (3) If during open goose season, the Department may not issue an applicant a
235 nuisance Canadian geese removal permit until all of the applicant's goose carcass
236 tags under the goose permit have been filled.

237 4-6. *Sustenance Permits.* The Department may issue sustenance permits to Tribal Members
238 who are in need of nourishment which allows the permittee to harvest one (1) additional
239 antlerless deer throughout the course of the open deer bow, gun or muzzleloader seasons. Only
240 one (1) sustenance permit may be issued per household. Permittees may designate a hunter to

241 hunt on the permittee's behalf in accordance with section 406.9-4 of the Hunting, Fishing and
242 Trapping law. Permittees shall register any deer harvested pursuant to a sustenance permit within
243 twenty-four (24) hours of the harvest. The weapon restrictions provided in article 4-7(a)(1), (2)
244 and (3) below apply to sustenance permits.

245 4-7. *Deer Permits.* This article applies to deer gun, deer bow and deer hunter's choice permits.

246 (a) *Restrictions on Deer Permits.*

247 (1) *Firearms Restrictions.* No person may hunt deer with:

248 (A) A rifle, with a shot gun smaller than twenty (20) gauge or larger than
249 ten (10) gauge, or with a muzzleloader smaller than .40 caliber.

250 (B) Any handgun which is loaded with caliber chambered for
251 commercially manufactured center fire cartridge which produce a muzzle
252 velocity of nine hundred fifty (950) feet per second and no more than two
253 thousand two hundred (2,200) feet per second and has a barrel length of
254 five (5) inches measured from the muzzle to the firing pin with the action
255 closed. Hunters using handguns for deer hunting may possess other
256 firearms legal for the zone in which they are hunting deer.

257 (2) *Deer Archery Season Regulations.*

258 (A) No person may hunt deer with a bow having a pull strength less than
259 thirty-five (35) pounds or using an arrow that does not have a broadhead.

260 (B) No person may hunt deer with a crossbow, unless the crossbow:

261 (i) Is fired from the shoulder;

262 (ii) Has a minimum draw weight of one hundred (100) pounds;

263 (iii) Has stock of not less than thirty (30) inches in length;

264 (iv) Is used with arrows or bolts of not less than fourteen (14)
265 inches in length with a broadhead; and

266 (v) Has a working safety.

267 (C) No person may possess a deer harvested with a firearm during an
268 archery only deer hunting season.

269 (D) No person hunting deer under the authority of an archery deer permit
270 may have a firearm in his/her possession unless participating in
271 muzzleloading season or using a ceremonial/feast permit.

272 (E) Group hunting is not permitted during deer archery hunting seasons.

273 (3) *Archery Hunting During Deer Gun Season.* A person may hunt deer with
274 archery equipment during deer gun season and shall tag any such harvested deer
275 with either a deer gun or deer bow tag, provided that the blaze orange
276 requirements in this article apply.

277 (4) *Blaze Orange Required.* During the gun deer season and muzzleloading
278 season, no person shall hunt any wildlife, except waterfowl, unless at least fifty
279 percent (50%) of the person's outer clothing above the waist is colored
280 blaze/hunter orange.

281 (5) *Hunting Deer with Dogs Prohibited.* No person may hunt deer with the aid of
282 a dog(s).

283 (6) *Removal and Retention of Carcass Tags.* Permittees that harvest deer shall
284 ensure that deer carcass tags remain attached to the deer until the carcass is

285 butchered or processed for consumption and, once the carcass tag is removed
286 from the deer, shall retain the carcass tag until all of the meat from the subject
287 carcass has been consumed. A person who receives meat from another as a gift is
288 not required to possess the carcass tag, provided that the permittee gifting the
289 meat shall provide the receiver with the carcass tag number pursuant to which the
290 meat was harvested.

291 (7) *Designated Hunters.* Designated deer hunters may only take antlerless deer
292 and, regardless of the number of tags issued to the original permittee, may fill a
293 maximum of two (2) deer carcass tags on behalf of the original permittee.

294 (8) *Registration.*

295 (A) Permittees shall register deer harvested by a firearm during the gun
296 deer season no later than 4:00 p.m. the day after the close of the gun deer
297 season.

298 (B) Permittees shall register all deer harvested by a bow and arrow, cross
299 bow or muzzleloader no later than 4:00 p.m. on the third (3rd) day after the
300 deer was harvested.

301 (b) *Deer Hunter's Choice Permits.* Deer hunter's choice permits may be issued to Tribal
302 Member elders and first time graduates of a hunter safety program. A deer hunters
303 choice permit allows the permittee to harvest an additional antlerless deer during the gun
304 season and, if the tag has not been filled, extending into the deer muzzleloading season.
305 Permittees may designate a hunter to hunt on the permittee's behalf in accordance with
306 section 406.9-4 of the Hunting, Fishing and Trapping law.

307 4-8. *Small Game Permit.* No person may take, pursue, injure, or harass small game while on
308 or in its nest or den, or remove any eggs or young except as may be approved in advance by the
309 Environmental Resource Board for activities which may include, but are not limited to, normal
310 agricultural or horticultural practices or wildlife research practices.

311 (a) *Permissible Methods.* The hunting of small game birds is restricted to the use of an
312 air rifle, shotgun or bow and arrow. The hunting of small game mammals is restricted to
313 the use of an air rifle, shotgun, rifle, or bow and arrow.

314 (1) *Firearm Restrictions.* No person may hunt small game:

315 (A) With a shotgun larger than ten (10) gauge.

316 (B) With a rifle or handgun larger than .22 caliber, including both rim fire
317 and center-fire cartridges.

318 (C) Rifles or handguns may not be used for hunting birds.

319 (D) With a handgun with a barrel less than five and a half (5) inches in
320 length as measured from the muzzle to the firing pin with action closed.

321 (E) While possessing shot shells larger than two (2) shot or while
322 possessing slugs, except that during deer gun season, a person having both
323 an Oneida sportsman license and a deer gun hunting permit may possess
324 slugs while hunting small game.

325 (E) With any type of shell, cartridge or altered projectile or device which
326 is not considered a factory load, copy or style.

327 (2) *Bow and Arrow Restrictions.* No person may hunt small game:

328 (A) With a bow having a pull or draw strength less than thirty-five (35)
329 pounds.

330 (B) With arrows less than twenty-four (24) inches in length or without at
331 least three (3) untrimmed feathers or five (5) trimmed feathers.

332 (b) *Use of Dogs.* Dogs may be used while hunting small game.

333 4-9. *Turkey Permit.* An issued turkey permit authorizes the permittee to hunt turkey during
334 both the spring and fall seasons; a separate permit is not required for each season. Hunting dogs
335 may be used during the fall turkey season. Designated hunters named pursuant to a turkey permit
336 and based on the requirements of the Hunting, Fishing and Trapping law in section 406.9-4 may
337 fill a maximum of two (2) turkey tags for the original permittee, regardless of the number of tags
338 issued to the original permittee.

339 4-10. *Waterfowl Permit.* An issued waterfowl permit authorizes the permittee to hunt
340 waterfowl during the set season, but does not authorize permittees to possess live waterfowl;
341 permittees shall kill all waterfowl immediately once possession is gained.

342 (a) *Permissible Methods.* No person may take waterfowl with a trap, net and/or
343 fishhook.

344 (1) *Firearms Restrictions.* No person may hunt waterfowl:

345 (A) With a shotgun larger than ten (10) gauge; duck plugs are not required.

346 (B) With a rifle of any type.

347 (C) With a shotgun with a barrel length less than eighteen (18) inches.

348 (D) With a handgun of any type.

349 (E) While in possession of lead shot.

350 (2) *Bow and Arrow Restrictions.* No person may hunt waterfowl:

351 (A) With a bow having a pull or draw strength less than thirty-five (35)
352 pounds.

353 (B) With arrows less than twenty-four (24) inches in length or without at
354 least three (3) untrimmed feathers or five (5) trimmed feathers.

355 (3) *Migratory Bird Calls.* No person may use electronic calls of any type to hunt
356 waterfowl.

357 (4) *Hazing.* No person may drive, rally or chase waterfowl with any motorized
358 conveyance in order to force the waterfowl into hunters' range.

359 (5) *Live Decoys.* No person may hunt waterfowl with the aid of live decoys. All
360 live, tame or captive waterfowl shall be removed for a period of ten (10)
361 consecutive days prior to hunting and confined within an enclosure which
362 substantially reduces the audibility of the waterfowls' calls and completely
363 conceals the captive waterfowl from the sight of any non-captive waterfowl.

364 (6) *Decoys.* No person hunting waterfowl may place decoys beyond two hundred
365 (200) feet from the cover or blind in which the person is located. No person
366 hunting waterfowl may:

367 (A) Place decoys in the water prior to one (1) hour before opening of
368 waterfowl hunting time.

369 (B) Leave decoys in the water more than twenty (20) minutes after the
370 close of waterfowl hunting time.

371 (b) *Blind Restrictions.* No person hunting waterfowl may establish a waterfowl hunting
372 blind, including the bed of any navigable lake, reservoir, pond or stream, prior to seven

373 (7) days before the waterfowl hunting season or leave it established beyond seven (7)
374 days after the close of the waterfowl hunting season.

375 (c) *Open Water Hunting*. Unless pursuing a crippled waterfowl, waterfowl may not be
376 hunting from a moving watercraft. If a motorized watercraft is used to pursue a crippled
377 waterfowl into open water, the motor must be shut off and all forward movement of the
378 boat must cease before loading and shooting at the crippled waterfowl.

379 4-11. *Furbearer Permit*. A furbearer permit authorizes Tribal members to operate an
380 unlimited number of traps or snares in any combination and authorizes spouses or dependents of
381 Tribal members or persons affiliated with another tribe to operate a maximum of one hundred
382 and fifty (150) traps or snares in any combination.

383 (a) *Permissible Methods*. No person may:

384 (1) Trap with any leg hold dry set trap larger than a number four (4).

385 (2) Trap with any leg hold wet set trap larger than a number five (5).

386 (3) Trap within twenty-five (25) feet of any sight-exposed bait.

387 (4) Set any trap or snare unless a metal tag is attached, stamped, or engraved
388 legibly upon the trap or snare which has the owner's enrollment number and/or
389 the name, address, and phone number.

390 (5) Take mink or muskrat by means other than trapping or snaring.

391 (6) Use any traps to take any wildlife not specified as furbearers.

392 (7) Possess any trap for the purpose of trapping furbearers other than a leg hold
393 trap, live trap, conibear trap, snare or colony trap.

394 (8) *Firearm Restrictions*. No person may hunt small game:

395 (A) With a shotgun larger than ten (10) gauge.

396 (B) With a rifle or handgun larger than .22 caliber, including both rim fire
397 and center-fire cartridges, provided that a permittee may use up to a .223
398 caliber for fox and coyote hunting.

399 (C) With a handgun with a barrel less than five and a half (5) inches in
400 length as measured from the muzzle to the firing pin with action closed.

401 (D) While possessing shot shells larger than two (2) shot or while
402 possessing slugs, except that:

403 (i) During deer gun season, a person having both an Oneida
404 sportsman license and a deer gun hunting permit may possess slugs
405 while hunting furbearer; and

406 (ii) A buckshot may be used for hunting fox and coyote.

407 (E) With any type of shell, cartridge or altered projectile or device which
408 is not considered a factory load, copy or style.

409 (9) *Bow and Arrow Restrictions*. No person may hunt small game:

410 (A) With a bow having a pull or draw strength less than thirty-five (35)
411 pounds.

412 (B) With arrows less than twenty-four (24) inches in length or without at
413 least three (3) untrimmed feathers or five (5) trimmed feathers.

414 (b) *Set and Placement Restrictions*. No person trapping furbearers may:

415 (1) Operate trap sets which permit the trapped animal to reach water, except
416 during the operation of a wet set or colony trap during applicable furbearer
417 seasons.

418 (2) Set any trap on any perch more than three (3) feet above the ground.

419 (c) *Trap Tending*. Permittees shall check all dry set traps at least once every twenty-four
420 (24) hours and shall and remove any wildlife trapped therein. Permittees shall check all
421 wet set traps at least once every four (4) calendar days and shall remove any wildlife
422 trapped therein.

423 (d) *Use of Dogs*. Dogs may be used while hunting raccoon, coyote and fox.

424 (e) *Permission to Hunt from a Motor Vehicle*. Permittees may request permission to hunt
425 furbearers from a motor vehicle; absent permission from the Department it is not
426 permissible to hunt, kill or harass furbearers from any type of motor vehicle.

427 4-12. *Dog Training Permit*. The Department may issue dog training permits to persons who
428 wish to possess and release small game birds for dog training purposes. The permit shall contain
429 requirements such as the location where the birds will be released and, if applicable, the
430 maximum number of birds that may be released.

431 (a) Prior to being released, the permittee shall mark and identify all birds to be released
432 by fixing a leg band to the bird's leg which identifies the dog training permit number.

433 (b) The following small game birds may be released pursuant to a dog training permit:

434 (1) Pheasant;

435 (2) Grey partridge;

436 (3) Red Legged Partridge;

437 (4) Bob White Quail;

438 (5) Chukar Partridge; and

439 (6) Pharo Pigeons.

440 (c) The approval of the Environmental Resource Board is required, prior to release,
441 should a permittee wish to release a small game bird that is not included in the list of
442 authorized small game birds provided in article 4-12(b).

443 | 4-13. *Found Carcass Permit*. A found carcass permit is available to Tribal members only for
444 any wildlife found injured and/or killed by any non-hunting related cause. To obtain a Found
445 Carcass Permit, the requestor shall contact the Department and provide the location of the found
446 carcass. After inspecting the condition of the wildlife, the Department shall either issue the
447 requestor a Found Carcass Permit or deny the permit and take the carcass into possession.

448

449 **V. Tree Stands**

450 5-1. *Permanent Tree Stands Prohibited on the Nation's Lands*. Permanent tree stands may
451 not be erected on land owned by the Nation.

452 5-2. *Semi-Permanent Tree Stands*. Semi-permanent tree stands may be put, but not sooner than
453 two (2) weeks before the archery season opens and shall be removed no later than April 1st.

454 5-3. *Tree Stand Owner Information*. All tree stands must be stamped with the owner's
455 enrollment number and/or name, address and phone number for identification.

456 **VI. Blinds**

457 6-1. If a blind is constructed with manufactured materials, such blind requires identification
458 either with a tag affixed to the blind or engraved directly into the blind which contains the
459 owner's enrollment number and/or name, address and phone number for identification.

460 6-2. During the gun deer season and muzzleloading season, no person shall occupy a blind
461 unless there is three hundred sixty (360) degrees of visible blaze orange on the blind.

462

463 **VII. Baiting**

464 7-1. Persons may not:

- 465 (a) Use bait material, which includes, but is not limited to, liquid or scent, for attracting
466 wildlife:
- 467 (1) which contains or, at the time of use, is contained within: honey, bones, fish,
468 meat, solid animal fat, parts of animal carcasses, metal, paper, plastic, glass, wood
469 (other than hollow stumps, or other non-degradable materials);
470 (2) in excess of ten (10) gallons of bait material in a baited area, provided that,
471 salt and salt blocks are excluded from this restriction.
- 472 (b) Hunt waterfowl with the aid of bait other than grain crops left in the field due to
473 normal agricultural practices.
- 474 (c) Hunt over bait materials, regardless of whether or not the bait materials were
475 intentionally placed as bait, which do not comply with the requirements of these rules.
476

477 **VIII. Endangered, Threatened and Protected Species**

- 478 8-1. Absent a nuisance permit, no person may take or kill any endangered, threatened or
479 otherwise protected species or damage or tamper with the nests or eggs of an endangered,
480 threatened or otherwise protected species on the reservation.
- 481 8-2. A federal permit issued by the United States Fish and Wildlife Service is required in
482 order for any Tribal member possess an eagle or any part thereof. Tribal members may request
483 application forms directly from the United States Fish and Wildlife Service, the Department shall
484 also have copies of the application forms available.
485

486 **IX. Possession, Registration and Transportation of Carcasses**

- 487 9-1. *Attachment of Carcass Tags.* For wildlife subject to permit that includes carcass tags,
488 upon taking of the wildlife, the permittee shall immediately attach the carcass tag as follows:

| Wildlife Species | Required Method of Carcass Tag Attachment |
|------------------|---|
| Deer | Attach to antler, ear or hind leg |
| Goose | Attach to featherless portion of the leg |
| Turkey | Attach to featherless portion of the leg |

- 489 9-2. *Wildlife Registration.* Except for deer during deer gun hunting season or where shorter
490 timeframes are provided in these rules, a permittee taking wildlife pursuant to a permit which
491 requires a carcass tag shall register the said wildlife with the Department within three (3)
492 calendar days of the taking. Permittee may register wildlife at the Department or any other
493 registration area designated by the Department. Deer harvested during deer gun hunting season
494 shall be registered by 4 pm the day after close of the firearm season. Deer registration tag should
495 be retained with meat until consumed.

- 496 9-3. *Wildlife Transportation.* Wildlife may not be transported by persons that do not possess
497 the required Oneida sportsman license and any applicable permits. A person may only transport
498 his or her own lawfully possessed wildlife.

- 499 (a) *Birds.* Permittees shall ensure that, at a minimum, the fully feathered head or one (1)
500 fully feathered wing remains attached to each bird that is transported from the field until
501 the bird reaches the permittees residence or processing location.

- 502 (b) *Fish.* While in transportation, all fish must be able to be readily counted. Fish may
503 be dressed, but permittees shall ensure that the body of each fish remains intact while the
504 fish is transported from the water until the fish reaches the permittee's residence or
505 processing location.

506 (c) *Found Carcasses*. Persons finding wildlife carcasses may not transport said carcasses
507 until such person has applied for and received a Found Carcass Permit from the
508 Department. Permittees shall abide by any requirements of the Found Carcass Permit,
509 including those related to carcass tags and transportation of the carcass.

510 (d) *Registration Required Prior to Transportation*. Wildlife subject to registration
511 requirements may not be transported off of the reservation until all registration
512 requirements have been satisfied.

513 (e) *Accompaniment of Wildlife Pending Registration*. Permittees shall accompany all
514 wildlife harvested subject to registration requirements at all times until all registration
515 requirements have been satisfied. No person may knowingly accept for and transport
516 another's wildlife without the valid license and permit holder present. This provision
517 does not apply to authorized enforcement persons who, in the course of their duties, may
518 be required transport seized wildlife.

519

520 **X. Fishing**

521 10-1. *Seasons*. The fishing season shall be continuous (year-round) unless specific seasons
522 are established in accordance with article 4-2 of these rules. Further, fishing hours are not
523 limited.

524 10-2. *Possession and Bag Limits*. Persons fishing shall comply with any possession, size and
525 bag limits applicable to fish as established in accordance with article 4-2 of these rules.

526 10-3. *Fishing Restricted to Authorized Methods*. No person may take or kill fish by any
527 method other than rods, lines and bare hooks, baited fish hooks, nets, spears, use of hands, and
528 bows/arrows, except that bows/arrows may not be used on rough fish. For the purpose of this
529 section, rough fish means carp, all sucker species and sheep head.

530 10-4. *Firearm Restriction*. No firearms may be used while fishing.

531 10-5. *Trespass*. No person may fish on private waters without permission from the owner or
532 occupant. No person may fish on Tribal, state, or federal refuge waters or protected waters.

533 10-6. *Trading of Fish*. All fish caught or taken by any means may be traded, provided that
534 persons shall comply with possession and bag limits at all times, regardless of trading.

535 10-7. *Ice Fishing*. Ice fishing holes may not be larger than ten inches (10") in diameter. While
536 ice fishing, a person may not use more than four (4) fishing lines at one (1) time.

537 10-8. *Attending Lines* – Lines may not be left unattended.

538

539 **XI. General Regulations**

540 11-1. Persons may not:

541 (a) Hunt with a handgun if under the age of eighteen (18) unless under the immediate
542 supervision of a parent or responsible adult.

543 (b) Transport, deliver, receive, or offer to deliver or receive for transporting any wildlife
544 or part thereof at any time other than during the open season and three (3) calendar days
545 after.

546 (c) Exceed daily bag or possession limits, or possess wildlife above or below the size
547 limits established in accordance with article 4-2 of these rules.

548 (d) Possess any live wildlife unless authorized by the Department.

549 (e) Hunt species for which hunting seasons are not established, hunt wildlife during the
550 closed season, or hunt wildlife in a refuge/closed area.

- 551 (f) Hunt any species more than fifteen (15) minutes after sunset or more than thirty (30)
552 minutes before sunrise during the gun deer season. Except during the gun deer hunting
553 season, coyote, fox, raccoon and unprotected species may be hunted without hunting hour
554 restrictions.
- 555 (g) Leave, deposit, place or throw on the waters, ice, shores of water or upon Tribal land,
556 any empty receptacles containing bait, fish offal, fish carcasses, and/or fish parts.
- 557 (h) Catch, kill or take frogs and turtles except by the following authorized methods: hand,
558 dip net, hook and line, or spear.
- 559 (i) Shine while in possession of a firearm, bow or crossbow.
- 560 (j) Hunt in a party of more than ten (10) persons.
- 561

562 **XII. Health Advisory**

563 **12-1. Fish caught in Duck Creek, ducks, geese, and other wildlife may contain PCB's.**
564 **Women and children are most at risk for health defects. Detailed information is available**
565 **from the Oneida Conservation Department.**

566

567 **XIII. Enforcement**

568 13.1. *Fine and Penalty Schedule.* Violation of the Hunting, Fishing and Trapping law and/or
569 rules may result in the fines/penalties as provided in the Fine and Penalty Schedule, which is
570 incorporated into these rules as Attachment B.

571 13.2. *Animal Assessments.* In the event the Board finds a violation of the Hunting, Fishing and
572 Trapping law and/or rules, in addition to imposing a fine or penalty, it may also impose a
573 wildlife protection assessment (civil recovery value) as provided in the Animal Assessment
574 Schedule, which is incorporated into these rules as Attachment C.

575

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Denise Vigue, Executive Assistant /Finance Administration
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Oneida Business Committee approval is required to approve all Finance Committee meeting actions as the FC is a standing committee of the OBC.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

ONEIDA NATION

P.O. Box 365



Oneida, WI 54115

MEMORANDUM

TO: Finance Committee
CC: Business Committee
FR: Denise Vigue, Executive Assistant
DT: May 16, 2017
RE: **E-Poll Results of: FC Meeting Minutes of MAY 16, 2017**

An E-Poll vote of the Finance Committee was conducted to approve the May 16, 2017 Finance Committee meeting minutes. The results of the completed E-Poll are as follows:

E-POLL RESULTS:

There was a Majority 5 YES votes from Jennifer Webster, Larry Barton, Chad Fuss, David Jordan and Wesley Martin, Jr. to approve the May 16, 2017 Finance Committee Meeting Minutes.

The minutes will be placed on the next BC agenda of May 24, 2017 for approval and the next Finance Committee agenda of June 5, 2017 to ratify this E-Poll action.

Yaw^ko

* Per the Finance Committee By-Laws Article III-Meetings, 3-4 Quorum. Four (4) members of the Finance Committee shall constitute a quorum & 3-6 Voting. (d) The Finance Committee shall act by a majority of vote of the quorum present at any meeting.



ONEIDA FINANCE COMMITTEE

FC WORK MEETING

May 16, 2017 – 9:00 A.M.
BC Executive Conference Room

REGULAR MEETING

May 16, 2017 – 10:00 A.M.
BC Executive Conference Room

REGULAR MEETING MINUTES

FC Work Meeting:

| | |
|------------------------------------|--|
| Patricia King, Treasurer/FC Chair | Larry Barton, CFO/FC Vice-Chair |
| David Jordan, BC Council Member | Jennifer Webster, BC Council Member |
| Chad Fuss, Gaming AGM/FC Alternate | Wesley Martin, Jr., Community Elder Member |

Excused: and Patrick Stensloff, Purchasing Director

Others Present: RaLinda Ninham Lamberies and Denise Vigue, taking notes

FC Regular Meeting:

| | |
|-------------------------------------|--|
| Patricia King, Treasurer/FC Chair | Larry Barton, CFO/FC Vice-Chair |
| Jennifer Webster, BC Council Member | David Jordan, BC Council Member |
| Chad Fuss, Gaming AGM/FC Alternate | Wesley Martin, Jr., Community Elder Member |

Excused: Patrick Stensloff, Purchasing Director

Others Present: Tim Zellmer, Chad Cornelius, Tim Skenandore, Paul Witek and Denise Vigue, taking minutes

I. Call to Order: The FC regular meeting was called to order by the FC Chair at 10:00 A.M.

II. Approval of Agenda: MAY 16, 2017:

Motion by Wesley Martin, Jr. to approve the Finance Committee agenda for May 16, 2017 with 3 ADD On's under: VII. New Business #6 CIP/CapEx Contingency Plan; X. Other #1. Community Fund Product Request from ONHS and #2. Reschedule or Cancel FC meeting of 7/3/17. Seconded by Chad Fuss. Motion carried unanimously.

III. Approval of Minutes: MAY 1, 2017 (approved via FC E-Poll on 5/2/17):

Motion by Larry Barton to ratify the FC E-Poll action of May 2, 2017 approving the Finance Committee meeting minutes of May 1, 2017. Seconded by Chad Fuss. Motion carried unanimously.

IV. Tabled Business: None

V. Capital Expenditures:

1. Great Lakes Roofing Corp
Tim Skenandore, Gaming Facilities Dept.

Tim was present to explain this request for roof replacement: locations IMAC and West Mason Street Casino, current roofs are 20 years old; six vendors' submitted bids, two received; this is a budgeted item; new roofs will have a 20 year warranty and will also be part of the new solar project.

Motion by Jennifer Webster to approve the Great Lakes Roofing Corp contract for roof replacements in the amount of \$413,250. Seconded by Wesley Martin, Jr. Motion carried unanimously.

VI. Donations:1. National Indian Education Association

Request by: Jolene Bowman, NIEA President Elect

The FC donated \$1,000 in FY16, discussion about benefit for Oneida people.

Motion by Wesley Martin, Jr. to approve from the Finance Committee Donation Line \$1,000 to go towards sponsorship at the fall conference of the National Indian Education Association. Seconded by Larry Barton. Motion carried unanimously.

2. Oneida Sobriety Group

Request by: Marilyn King, OSG Chair

Motion by Larry Barton to approve from the Finance Committee Donation Line \$1,500 to go towards sobriety events sponsored by the Oneida Sobriety Group. Seconded by Jennifer Webster. Wesley Martin, Jr. abstained. Motion carried.

VII. New Business:1. CTW Corporation – Change Orders #5 & #6

Paul Witek, Engineering Dept.

Paul was present to discuss the next three requests: change order #5 is inspection of the Ridgeland well; #6 is for visual scoping and testing of the community production wells; projects are fully funded through Indian Health Services who received a grant from the EPA; when projects are completed the Nation will get reimbursed for costs.

Motion by Jennifer Webster to approve Change Orders #5 & #6 for work by CTW Corporation in the amount of \$52,194. Seconded by Larry Barton. Motion carried unanimously.

2. Advance Construction Inc.

Paul Witek, Engineering Dept.

The legal review was not completed when packets sent out, Paul provided to FC as a handout; 15 vendors were sent bid request only one bid completed and sent in; this is for the cemetery improvements project.

Motion by Jennifer Webster to approve the Advance Construction Inc. contract in the amount of \$237,290. Seconded by Wesley Martin, Jr. Motion carried unanimously.

3. OTIE Contract – Oakwood Ct. Reconstruction

Paul Witek, Engineering Dept.

This is for the home in site two that had extensive fire damage, need to tear down building and rebuild, the slab foundation is still intact; had an Oneida vendor that opted to sub-contract under OTIE rather than bid directly. There was extensive discussion as to the total costs being substantially high for such a project; as a HUD home need to get their approval on sole source.

Motion by Larry Barton to approve the OTIE contract for reconstruction work at Oakwood Court in the amount of \$254,955., contingent upon the FC receiving the written notification from HUD that it is okay to use sole source. Seconded by David Jordan. Motion carried unanimously.

4. Specialized Medical Services- PO Increase

David Larson, OCHC/AJRCCC

Tim Zellmer was present to make this Purchase Order increase request: AJRCCC is seeking to move underspent funds from their personnel line to increase this PO from \$45,000 to \$100,000; increase is due to hiring of new person who needed additional specialized training that SMS provides; nursing home regulations and processes are very complex and they need someone on task to keep in compliance; new hire is so far doing an outstanding job; moving into future AJRCCC Finance staff will have more direct input into budget so they won't have to keep coming to the FC for increases.

Motion by Larry Barton to approve the Purchase Order increase for Specialized Medical Services in the amount of \$55,000. Seconded by David Jordan. Motion carried unanimously.

5. Oneida Golf Enterprise Corp.
Brenda Mendolla-Buckley, Gaming Marketing Dept.

Chad Cornelius present to discuss this item: bringing to FC agenda as an FYI only, three-year contract, amount each year is \$18,000; this year casino will be doing a golf sponsorship with various advertising, tickets, and parking passes as part of sponsorship.

Motion by Larry Barton to approve as FYI the Oneida Golf Enterprise Corp agreement. Seconded by David Jordan. Motion carried unanimously.

6. ADD ON: CIP/CapEx Contingency Plan
Version 5/1/17 as amended by the FC on 5/16/17

Review and amendments were done at the work meeting today, the Treasurer will complete final edits based on discussion and forward as there was no other input on changes.

Motion by Wesley Martin to approve the amended CIP/CapEx Contingency Plan. Seconded by Jennifer Webster. Motion carried unanimously.

VIII. Executive Session: No requests

IX. Follow Up:

1. Green Bay Packer Merchandise-SOP's for distribution
Michelle Doxtator, Jt. Marketing

Michelle on vacation until next week, forwarded notice to other member of Jt. Marketing with no response.

Motion by Larry Barton to defer this item to the next Finance Committee agenda. Seconded by Jennifer Webster. Motion carried unanimously.

X. Other:

1. ADD ON: CF Request-ONHS Graduation
Dionne Jacobs, ONHS

Motion by Jennifer Webster to approve from the Community Fund 15 Cases of Coca-Cola product to be used as refreshments at the Oneida Nation High School Graduation/Reception. Seconded by David Jordan. Motion carried unanimously.

2. ADD ON: Reschedule or Cancel 7/3/17 FC Meeting
Patricia King, Treasure /FC Chair

During the first week of July the LPGA Tournament is taking place along with the Oneida Powwow. Alternative dates are 6/29 or 6/30, 7/5 or cancel this meeting; there was a discussion of the August 14th meeting, as that is the month for new BC transition, may want to reschedule; notice should be sent for requestors to get their requests in early.

FC agreed to change the 7/3/17 FC regularly scheduled meeting to Thursday, June 29, 2017 to start at 9:00 A.M.

Larry Barton excused at 10:35 A.M.

XI. FYI and /or Thank You:

1. FYI: Bally (2) Johnny Cash Ring of Fire Slot Games – No Purchase
David Emerson, Gaming Slots Department

Motion by Wesley Martin, Jr. to accept the Bally games items #1 & #2 as FYI. Seconded by David Jordan. Motion carried unanimously.

- 2. **FYI:** Bally – 3 Blade Slot Games, The Simpsons – No Purchase
David Emerson, Gaming Slots Department

- See action taken in FYI #1.

- XII. Adjourn:** Motion by Jennifer Webster to adjourn. Seconded by Chad Fuss. Motion carried unanimously. The regular Finance Committee meeting ended at 10:43 A.M.

Minutes taken & transcribed by:
Denise Vigue, Executive Assistant to the CFO
& Finance Committee Contact/Recording Secretary

Finance Committee- E-Poll Minutes Approval Date: May 16, 2017

Oneida Business Committee's FC Minutes Approval Date: _____

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to accept the April 20, 2017 Quality of Life minutes.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Cathy Bachhuber, Executive Assistant
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.



Quality of Life Committee Meeting Minutes for April 20, 2017

Present: Fawn Billie, Committee Chairwoman; Trish King, Treasurer; and Brandon Stevens, Councilmember

Others present: Eric Boulanger, Latsiklanunha Hill, Mandy Schneider, Priscilla Belisle, Dr. Ravinder Vir, Tina Jorgenson, Ron Melchert, Brandon Cooper, Cathy Bachhuber

I. Call to Order and Roll Call

Meeting called to order by QOL Chairwoman Fawn Billie at 2:44 p.m.

II. Approval of the agenda

Motion by Trish King to approve the agenda with two additions, seconded by Brandon Stevens. Motion carried unanimously.

III. Approval of Meeting Minutes

A. March 9, 2017 Quality of Life meeting minutes

Motion by Trish King to approve the March 9, 2017 Quality of Life meeting minutes, seconded by Brandon Stevens. Motion carried unanimously.

IV. Unfinished Business

A. Case Management for Tribal Members with Disabilities/Handicaps – Universal Form Update – Fawn Billie

Excerpt from January 12, 2017 Quality of Life Meeting: Motion by Tehassi Hill to have the QOL Chair request an update from the Governmental Services Director and the Organization Development Specialist for the next QOL meeting, seconded by Trish King. Motion carried unanimously.

Excerpt from December 8, 2016 Quality of Life Meeting: Motion by Tehassi Hill to have the QOL Chair send a memo [for the next BC work meeting; to the OBC and Tracey Cordova with an update from the QOL. Motion carried unanimously.

Excerpt from June 9, 2016 Quality of Life Meeting: Motion by Tehassi Hill to accept the verbal report and come back in 30 days for approval of a universal form, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from May 12, 2016 Quality of Life Meeting: Motion by Tehassi Hill to have the QOL Chair meet with the Law office to draft an universal request form to provide to Social Services for case management and to bring back within 30 days, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from May 12, 2016 Quality of Life Meeting: Motion by Tehassi Hill to request GSD to formulate a referral consent form for the BC and send to the QOL Chair to be placed on the next BC agenda for adoption, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from April 14, 2016 Quality of Life Meeting: Motion by Tehassi Hill to accept the Vice Chair's recommendation and invite Mallory Patten to the next QOL meeting, seconded by Brandon Stevens. Motion carried unanimously.

Excerpt from March 9, 2017 Quality of Life Meeting: Motion by Tehassi Hill to direct the Governmental Services Division Director to provide an update on the services provided and



services needed for intake, disability, and/or handicap for the April Quality of Life meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Tehassi Hill to add the Community Health Assessment (CHA) to the May Quality of Life agenda, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Trish King to defer to next month's QOL meeting and invite the GSD Director, seconded by Brandon Stevens. Motion carried unanimously.

Note: Agenda item will be renamed "Case Management Strategy"

B. Tribal Action Plan – Mandy Schneider

Excerpt from March 9, 2017 Quality of Life Meeting: Motion by Tehassi Hill to have the Tribal Action Plan (TAP) team bring back a status and needs report to the April 13th Quality of Life meeting, seconded by Brandon Stevens. Motion carried unanimously.

Motion by Trish King to support the TAP Resolution moving forward for BC adoption, seconded by Brandon Stevens. Motion carried unanimously.

Note: Language in 1st paragraph on 2nd page of resolution will be clarified.

V. New Business

VI. Reports

VII. Additions

A. Wellness Committee Communication / Webpage Update – Tina Jorgenson

Motion by Trish King to accept the Wellness Communication / Webpage and Exercise at Work updates as FYI, seconded by Brandon Stevens. Motion carried unanimously.

B. Exercise At Work Update – Tina Jorgenson

Motion by Trish King to accept the Wellness Communication / Webpage and Exercise at Work updates as FYI, seconded by Brandon Stevens. Motion carried unanimously.

VIII. Adjourn

Motion by Brandon Stevens to adjourn at 3:47 p.m., seconded by Trish King. Motion carried unanimously.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 5 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

1. Motion to accept presentation as information.
2. Motion to forward presentation and contact information to Dr. Vir and Debra Danforth at the Oneida Community Health Center for their information.
3. Motion to grant Dr. Jordan permission to publish the results of this study.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Jennifer Jordan, Tribal Member
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Please see attached memo to Business Committee.

I am seeking the following motions:

1. Motion to accept presentation as information.
2. Motion to forward presentation and contact information to Dr. Vir and Debra Danforth at the Oneida Community Health Center for their information.
3. Motion to grant Dr. Jordan permission to publish the results of this study.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Memorandum

To: Oneida Business Committee

From: Jennifer J. Jordan, Ph.D., CHES, HHS



Date: 5/15/2017

Re: Request to Present Research Results at Oneida Business Committee Open Session

The purpose of this correspondence is to request time on the Oneida Business Committee open session agenda of May 24, 2017 to present the results of my doctoral dissertation to members of the Oneida Business Committee. On November 12, 2014, my study proposal was presented to and approved by the Oneida Business Committee. I have since graduated from Walden University with my Ph.D. in Public Health and on February 20, 2017, I presented the study results to the Oneida Comprehensive Health Division Management Team. My presentation, which will be 15 minutes in length, describes the purpose of the study, how I collected the data, data analysis, key findings, and study recommendations which are as follows:

1. Expand on the scope of the study to include interviewing other staff and providers within the clinic such as the dental assistants, community health nurses, dieticians, podiatry, and optical staff.
2. Secure the point of view of the American Indian patients with type 2 diabetes in regard to:
 - a. health literacy level
 - b. how knowledgeable they feel their provider is about diabetes and periodontal disease
 - c. the amount of time the provider spends with the patient
 - d. how well the patient perceives the providers communication efforts
 - e. how the patient would like health information to be delivered, by whom, and when.
3. Review how all the health care providers in the clinic learn about the link between diabetes and periodontal disease and determine if additional training or education is needed.

In conclusion, I am seeking the following from the Oneida Business Committee:

1. Motion to accept presentation as information.
2. Motion to forward presentation and contact information to Dr. Vir and Debra Danforth at the Oneida Community Health Center for their information.
3. Motion to grant Dr. Jordan permission to publish the results of this study.

Communicating Periodontal Disease Risk to American Indian Patients with Diabetes.



Jennifer J. Jordan, Ph.D., CHES, HHS

Background

- Study idea emerged from speaking with a dentist about problems seen within the dental clinic;
- A review of current literature solidified justification to conduct the study.

2

Problem Statement

Unknown:

-If health care providers were discussing periodontal disease risks with their American Indian patients with type 2 diabetes.

-If health care providers were prioritizing complication associated with diabetes.

3

Literature Review

- Utilized peer-reviewed references from 1991-2015; little information on the topic of study on diabetes, American Indians, and communication to this population about periodontal disease;

4

Research Questions

There were six research questions that I investigated during this study:

1. How much do health care providers know about periodontal disease and its relationship to diabetes and how do they obtain and then maintain that knowledge?
2. How and by whom are conversations on the topic of periodontal disease and its relationship to diabetes initiated when patients with diabetes are seen at clinic visits? Are conversations about periodontal disease and diabetes initiated by the health care providers (physician, nurse, dentist, dental hygienist) or by the patient?
3. How does the patient's level of health literacy play a role in conversations between health care providers and patients?

5

Research Questions, cont.

4. What modalities (i.e. spoken word, providing brochures, etc.) are health care providers using to communicate information about the risks of periodontal disease to their American Indian patients with type 2 diabetes?
5. How does the amount of time allotted for a patient's health care visit affect a health care provider's ability to have a conversation with the patient about the relationship between periodontal disease and diabetes?
6. What importance do health care providers place on periodontal disease as compared to other diabetes-related conditions in regards to severity of risk to the patient with diabetes?

6

Theoretical Framework

- The model of communication competence, as described by Spitzberg and Cupach (1984) and Spitzberg (2013).
- This model is composed of three components:
 - Knowledge
 - Skill
 - Motivation

7

Methodology

- A descriptive phenomenological approach was utilized for this study;
- Semi-structured interviews using a combination of questions from a published data collection; instrument and researcher developed questions;
- All interview questions were asked in person by me;
- Population = the health care providers at an American Indian community clinic based on a reservation in northeastern Wisconsin.

8

Participants

- Eight healthcare providers
 - three medical and five dental;
- All current clinic employees
- Employed by the clinic for at least one year.

9

Data Collection

- An expert panel review of health care providers was conducted prior to study commencement;
- These providers were not used in the formal interviews.
- Contacted clinic management;
- Health care providers interested in participating contacted me by phone, email, or in passing at the facility;
- A second recruitment letter distributed as saturation was not achieved.

10

Data Collection, cont.

- Interviews took place either in providers clinical office setting or at a local restaurant;
- Interviews on average lasted 30-45 minutes;

11

Data Analysis

- Analysis of interviews and coding of themes was conducted by me utilizing Colaizzi's Strategy and NVivo qualitative software package.

12

Themes and Key Findings

- 1. Knowledge – How health care providers at this facility were knowledgeable about the link between diabetes and periodontal disease risk and were able to describe how they learned about the link.
- 2. Patient Engagement- Health care providers expressed that they were unable to engage patients in the subject of periodontal disease risk due to lack of time to spend with the patient.

13

Themes and Key Findings

- 3. Periodontal Risk Communication – Specific to health care provider communication with their patients about periodontal disease risk.
- 4. Communication of Information - Each health care provider shared a different perspective as to who at the clinic should be having conversations with patients about the link between diabetes and periodontal disease risk.

14

Themes and Key Findings

- 5. Patient Level Factors – Relates to how health care providers felt about their patient's health literacy level and how this affected patient and provider conversations.

15

Interpretation of the Findings

1. Knowledge
 - Gained through higher education, on the job learning, reading scholarly journals, web resources, and conversations with other providers.
 - Health care providers in their field more than 10 years learned about the link between diabetes and periodontal disease while on the job.
 - Health care provider lack of concern about the topic contributing to no discussion.

These findings are similar to what was found in the literature.

16

Interpretation of the Findings, cont.

- Providers in their field 10 years and less learned of link between diabetes and periodontal disease in school.

This finding is new and was not found in the literature.

17

Interpretation of the Findings, cont.

2. Patient Engagement

- The amount of time allotted to spend with a patient was a practice limitation.
- Patient education limited due to time allotment
- Patient education conducted by others in facility
- Patients not being responsible for own self-care and presenting for appointments

These findings are similar to what was found in the literature.

18

Interpretation of the Findings, cont.

3. Periodontal Risk Communication

- Medical providers discussing more medical issues with patients
- Dental providers discussing medical and dental issues with patients

These findings are similar to what was found in the literature.

19

Interpretation of the Findings, cont.

4. Communication of Information

- Providers are knowledgeable about periodontal disease-diabetes link.
 - This may suggest that since providers are housed in one facility that the link is well known.
- Reliance on other health care providers to educate patients.

These findings are similar to what was found in the literature.

20

Interpretation of the Findings, cont.

5. Patient Level Factors

- A patient's health literacy can be linked to several influential factors including:
 - the patient and provider relationship
 - the level of access to and utilization of health care services
 - the health literacy level of the patient
 - a patient's concept of self-care.

These findings are similar to what was found in the literature.

21

Limitations

Four Study Limitations:

1. Researcher perceived expectations
 - ask interview questions uniformly
 - follow interview guide
 - maintain neutrality
2. Health care provider bias
 - no identifying factors
 - reminder to answer honestly

22

Limitations, cont.

3. I am an enrolled tribal member, and an employee of the tribe.

- study conducted by me as a student
- interviews confidential
- no impact between departments

4. Not achieving goal of 10-12 interviews.

- may have limited study results

23

Study Recommendations

1. Expand on the scope of the study to include interviewing other staff and providers within the clinic such as the dental assistants, community health nurses, dieticians, podiatry, and optical staff.

24

Study Recommendations, cont.

2. Secure the point of view of the American Indian patients with type 2 diabetes in regard to:
- health literacy level
 - how knowledgeable they feel their provider is about diabetes and periodontal disease
 - the amount of time the provider spends with the patient
 - how well the patient perceives the providers communication efforts
 - how the patient would like health information to be delivered, by whom, and when.

25

Study Recommendations, cont.

3. Review how all the health care providers in the clinic learn about the link between diabetes and periodontal disease and determine if additional training or education is needed.

26

Conclusion

The American Indian community clinic in this study was unique as multiple aspects of health care-medical, dental, optical, pharmacy, community health, etc. are under one roof. There are multiple opportunities for collaboration between specialties to increase the quality of life of the patient and to decrease the disparity of diabetes and periodontal disease risk within the American Indian population.

27

**Yaw^ko
(Thank You)**



28

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Motion to review and adopt EZ-Baccarat Rules of Play

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor: Mark A. Powless Sr., OGC Chairman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Tamara VanSchyndel, Executive Director
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

These new Rules of Play are being submitted in accordance with the ONGO (21.6-14.(c. & d.)) which require the OBC to review and adopt

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

*EZ Baccarat 04/25/17***APPROVED***By Tamara VanSchyndel at 4:09 pm, Apr 26, 2017***EZ BACCARAT****A. Definitions**

1. “Banker’s Hand” means the second and fourth cards dealt and placed face down on the deal.
2. “Dragon 7” means a wager won when the Banker’s Hand wins with a total of 7 consisting of three cards.
3. “Panda 8” means a wager won when the Player’s Hand wins with a total of 8 consisting of three cards.
4. “Player’s Hand” means the first and the third cards dealt and placed face down on the deal.
5. “Point Count” means the total of the value cards in a hand.
6. “Tie Bet” means a wager that the Player’s Hand and the Banker’s Hand will total the same point count.
7. “Tie Hand” means the Player’s Hand and the Banker’s Hand have the same Point Count.
8. “Washing” or “Chemmy Shuffle” means mixing cards face down on the table with a circular motion of the hands.

B. Equipment

1. EZ Baccarat shall be played at a table having on one side up to 14 numbered sets of wagering areas for the players and on the opposite side a place for the dealer. Each EZ Baccarat table shall have a drop box attached to it.
2. The layout cloth covering the table shall be marked so that the wagering areas are designated:
 - a. for wagers on the Banker's Hand by the word “Banker;”
 - b. for wagers on the Player's Hand by the word “Player;”
 - c. for wagers on a Tie Bet by the word “Tie;”
 - d. for wagers on a Dragon 7 by the Dragon 7 symbol.
 - e. for wagers on a Panda 8 by the Panda 8 symbol.
3. EZ Baccarat shall be played with at least six (6) decks of cards and two additional cutting cards. The cutting cards shall be opaque and in a solid color readily distinguishable from the color of the backs and edges of the playing cards.

EZ Baccarat 04/25/17

4. All cards used to game at EZ Baccarat shall be of backs of the same color and design and shall be dealt from a dealing shoe specifically designed for such purpose.
5. In lieu of the dealing and shuffling requirements set forth in Section E (Shuffle and Cut of Cards) a casino may utilize a dealing shoe or other device designed to automatically reshuffle the cards.
6. If an automated card shuffling device is utilized, EZ Baccarat shall be played with at least twelve 12 decks of cards in accordance with the following requirements:
 - a. The cards shall be separated into two batches, with an equal number of decks included in each batch. Each batch shall consist of half of the total decks in use;
 - b. The backs of the cards in each batch shall be of the same color and design, but of a different color than the cards included in the other batch;
 - c. One batch of cards shall be shuffled and stored in the automated card shuffling device while the other batch is being dealt or used to play the game;
 - d. Both batches of cards shall be continuously alternated in and out of play, with each batch being used for every other dealing shoe; and
 - e. The cards from only one batch shall be placed in the discard rack at any given time.
 - f. If an automated dealing shoe is used, a cover and cut card are not required.
7. A casino may utilize an automated scoring system to track previous winning hands.
 - a. This may include a device the dealer enters in each winning hand.
 - b. This may include a monitor at the table displaying previously won hands.

C. Object of the Game

1. The object of the game is for the player to choose which side, the Player or the Banker, will have a Point Count closest to nine (9) when all cards have been drawn.

D. Opening the Table for Gaming

1. After receiving the six (6) or more decks of cards at the table, the floor person and dealer assigned to the table shall inspect the cards .
2. Following the inspection,, the cards shall be spread out face upwards on the table for visual inspection by the first player or players at the table.

EZ Baccarat 04/25/17

The cards shall be spread out horizontally by deck according to suit and in sequence.

3. After the player or players are afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table, mixed thoroughly by a "washing" or "chemmy shuffle" of the cards, and stacked.
4. If an automated shuffling device is utilized, all the decks in one batch of cards shall be spread for inspection on the table separate from the decks in the other batch of cards. After the player, or players, are afforded an opportunity to visually inspect the cards, each batch of cards shall separately be turned face downward on the table and stacked.

E. Shuffle and Cut of the Cards

1. Immediately prior to the commencement of play and after each shoe of cards is completed, the dealer shall shuffle the cards so that they are randomly intermixed.
2. After shuffling or lacing the cards and, where applicable, reshuffling them, the dealer shall offer the stack of cards, with backs facing away from the dealer, to the players to be cut. If no player accepts the cut, the dealer shall cut the cards.
3. The cards shall be cut by placing the cutting card in the stack at least ten (10) cards in from either end.
4. Once the cutting card has been inserted into the stack, the dealer shall take all cards in front of the cutting card and place them to the back of the stack. The dealer shall then insert one cutting card in a position at least fourteen (14) cards in from the back of the stack, and the second cutting card at the end of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.
 - a. Prior to commencement of play, the dealer shall remove the first card from the shoe and place it face up. An additional amount of cards equal to the first card drawn shall be placed in the discard rack (*Ace=1 card, 2=2 cards, 3=3 cards, 4=4 cards, 5=5 cards, 6=6 cards, 7=7 cards, 8=8 cards, 9=9 cards, 10=10 cards, Jack=10 cards, Queen=10 cards and King=10 cards*).
5. After the cards have been cut and before any cards have been dealt, the Floor Person may require the cards to be recut if he or she determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game. If a recut is required, the cards shall be recut, at the casino's option, by the player who last cut the cards, the next

EZ Baccarat 04/25/17

person entitled to cut the cards, or Dealer as determined by subsection (2) above.

6. If there is no gaming activity at an EZ Baccarat table, which is open for gaming, the cards shall be removed from the dealing shoe and the discard rack, and spread out on the table either face up or face down. If the cards are spread face down, they shall be turned face up once a player arrives at the table. After the first player is afforded an opportunity to visually inspect the cards, the cards shall be turned face downward on the table.
 - a. If there is no automated shuffling device in use, the cards shall be mixed thoroughly by a washing or chemmy shuffle of the cards, stacked, then shuffled and cut in accordance with this section.
 - b. If an automated shuffling device is in use, the cards shall be stacked and placed into the automated shuffling device to be shuffled. The batch of cards already in the shuffler shall then be removed. Unless a player so requests, the batch of cards removed from the shuffler need not be spread for inspection and reshuffled prior to being dealt, if:
 - i. The automated card shuffling device stores a single batch of shuffled cards inside the shuffler in a secure manner; and
 - ii. The shuffled cards have been secured, released and prepared for play in accordance with approved procedures.

F. Value of Cards and Point Count of Hands

1. The "Value" of the cards in each deck shall be as follows:
 - a. Any card from 2 to 9 shall have its face value;
 - b. Any Ten, Jack, Queen or King shall have a value of zero; and
 - c. Any Ace shall have a value of one.
2. The "Point Count" of a hand shall be a single digit number from 0 to 9 inclusive and shall be determined by totaling the value of the cards in the hand. If the total of the cards in a hand is a two-digit number, the left digit of such number shall be discarded having no value and the right digit shall constitute the Point Count of the hand. Examples of this rule are as follows:
 - a. A hand composed of an Ace, a 2 and a 4 has a Point Count of 7; and
 - b. A hand composed of an Ace, a 2 and a 9 has a total of 12 but only a Point Count of 2 since the digit 1 in the number 12 is discarded.

*EZ Baccarat 04/25/17***G. Wagers**

1. The following wagers shall be permitted to be made by a player at the game of EZ Baccarat:
 - a. A wager on the "Banker's Hand" which shall:
 - i. Win if the "Banker's Hand" has a Point Count higher than that of the "Player's Hand;"
 - ii. Lose if the "Banker's Hand" has a Point Count lower than that of the "Player's Hand;"
 - iii. Push if the "Banker's Hand" has a three card total of seven (7) and beats the "Player's Hand."
 - iv. Push if the Point Count of the "Banker's Hand" and the "Player's Hand" are equal.
 - b. A wager on the "Player's Hand" which shall:
 - i. Win if the "Player's Hand" has a Point Count higher than that of the "Banker's Hand;"
 - ii. Lose if the "Player's Hand" has a Point Count lower than that of the "Banker's Hand;" and
 - iii. Push if the Point Count of the "Banker's Hand" and the "Player's Hand" are equal.
 - c. A "Tie Bet" which shall only win if the Point Counts of the "Banker's Hand" and the "Player's Hand" are equal.
 - d. A "Dragon 7 Bet," which shall only win when the "Banker's Hand," has a three card total of seven (7) and beats the "Player's Hand."
 - e. A "Panda 8 Bet," which shall only win when the "Player's Hand," has a three card total of eight (8) and beats the "Banker's Hand."
 - f. Any optional wagers authorized by Gaming Management and documented in a standard operating procedure approved by the Oneida Gaming Commission.
2. All wagers at EZ Baccarat shall be made by placing gaming chips, tokens, or, if applicable, a match play coupon on the appropriate areas of the EZ Baccarat layout except that verbal wagers accompanied by cash may be accepted provided they are confirmed by the dealer and the floor person assigned to the table, and such cash is expeditiously converted into gaming chips or tokens in accordance with applicable procedures for accepting cash and coupons at gaming tables.

EZ Baccarat 04/25/17

3. No wager at EZ Baccarat shall be made, increased or withdrawn after the dealer has indicated "No More Bets."
4. Once the first card of any hand has been removed from the shoe by the dealer, no player shall handle, remove or alter any wagers that have been made until a decision has been rendered and implemented with respect to that wager.
5. Gaming Management may authorize optional wagers to be offered if said wagers are documented and approved in a standard operating procedure approved by the Oneida Gaming Commission.

H. The Play.

1. There shall be two hands dealt in the game of EZ Baccarat one of which shall be denominated the "Player's Hand" and the other denominated the "Banker's Hand."
2. At the commencement of each round of play, the dealer calling the game shall indicate "No More Bets."
3. The dealer shall deal an initial four cards from the shoe. The first and third cards dealt shall constitute the first and second cards of the "Player's Hand." The second and fourth cards dealt shall constitute the first and second cards of the "Banker's Hand." The casino may deal the initial four cards in accordance with one of the following options. The Table Games Director must give appropriate written notice to the casino as to which option the dealers will utilize.
 - a. The dealer shall remove cards from the shoe with his or her left hand, turn them face up and then place them on the appropriate area of the layout with his or her right hand. The first and third cards dealt shall be placed on the area designated for the "Player's Hand" and the second and fourth cards dealt shall be placed on the area designated for the "Banker's Hand;"
 - b. The first and third cards dealt shall be placed face down on the area designated for the "Player's Hand" and the second and fourth cards dealt shall be placed face down in the designated area for the "Banker's hand" until the "Player's Hand" is called as provided for in Section H (The Play), at which time the second and fourth cards shall be turned face up and placed on the area designated for the "Banker's Hand;" or

EZ Baccarat 04/25/17

- c. The first and third cards dealt shall be placed face down on the area designated for the "Player's Hand" and the second and fourth cards dealt shall be placed face down on the area designated for the "Banker's Hand." After all four cards have been dealt; the dealer shall place the "Banker's Hand" underneath the right corner of the dealing shoe until the "Player's Hand" is called, as provided for in Section H (The Play).
 - i. The dealer shall then hand the two cards of the "Player's Hand," face down, to the player with the highest wager on the "Player's Hand." After viewing the "Player's Hand," the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the "Player's Hand" and announce the Point Count of the "Player's Hand" in accordance with Section H (The Play).
 - ii. The dealer shall then hand the two cards of the "Banker's Hand," face down, to the player with the highest wager on the "Banker's Hand." After viewing the "Banker's Hand," the player shall return the two cards, face up, to the dealer, who shall place the cards face up on the area designated for the "Banker's Hand" and announce the Point Count of the "Banker's Hand" in accordance with Section H (The Play).
 - iii. Any third card required to be dealt to the "Player's Hand" pursuant to Section I (Rules for Determining Whether Third Card Shall be Dealt) shall be placed face down on the area designated for the "Player's Hand." The dealer shall then hand the card, face down, to the player who was handed and returned the "Player's Hand." After viewing the card, the player shall return the card face up to the dealer, who shall place the card face up on the area designated for the "Player's Hand."
 - iv. Any third card required to be dealt to the "Banker's Hand" pursuant to Section I (Rules for Determining Whether Third Card Shall be Dealt) shall be placed face down on the area designated for the "Banker's Hand." The dealer shall then hand the card, face down, to the player who was handed and returned the "Banker's Hand." After viewing the card, the player shall return the card face up to the dealer, who shall place the card face up on the area designated for the "Banker's Hand."
 - v. If two or more players offer to wager an equally high amount on the "Player's Hand," the player making such wager who is closest to the dealer moving counterclockwise around the table shall be handed the "Player's Hand" and any third card required to be dealt. If two or more players offer to wager an equally high amount

EZ Baccarat 04/25/17

on the "Banker's Hand," the player making such wager who is closest to the dealer moving counterclockwise around the table shall be handed the "Banker's Hand" and any third card required to be dealt pursuant to Section I (Rules for Determining Whether Third Card Shall be Dealt).

4. After the dealer positions the cards in accordance with Subsection (3) (a) or Subsection (3) (b) above, the dealer shall announce the Point Count of the "Player's Hand" and then the "Banker's Hand." If the dealer positions the cards in accordance with Subsection (3) (c) above, the Point Counts of the "Player's Hand" and "Banker's Hand" shall be announced as provided therein.
5. Following the announcement of the Point Counts of each hand, the dealer shall determine whether to deal a third card to each hand which instructions shall be in conformity with the requirements of Section I (Rules for Determining Whether Third Card Should Be Dealt).
6. If the dealer positions the cards in accordance with Subsection (3) (a) or Subsection (3) (b) above, any third card required to be dealt shall first be dealt face upwards to the "Player's Hand" and then to the "Banker's Hand" by the dealer. If the dealer positions the cards in accordance with Subsection (3) (c) above, any third cards required to be dealt shall be dealt as provided therein.
7. In no event shall more than one additional card be dealt to either hand.
8. Whenever the cutting card appears during play, the cutting card will be removed and the hand will be completed. Upon completion of that hand, the dealer calling the game shall indicate "Last Hand." At the completion of the last hand, no more cards will be dealt until the reshuffle occurs.

I. Rules for Determining Whether Third Card Shall Be Dealt

1. If the Point Count of either the "Player's Hand" or the "Banker's Hand" after the initial two cards are dealt to each is an 8 or 9 (which shall be called a "natural"), no more cards shall be dealt to either hand.
2. If the Point Count of the "Banker's Hand" on the first two cards is 0 to 7 inclusive, the "Player's Hand" shall draw (that is, take a third card) or stay (that is, not take a third card) in accordance with the requirements of Table 1 below.

EZ Baccarat 04/25/17

TABLE 1

| | |
|--------------------------------------|---|
| Player Having 0 to 5 6 to 9 | Third Card Determination Draws Stays |
|--------------------------------------|---|

3. The "Banker's Hand" shall draw (that is, take a third card) or stay (that is, not take a third card) in accordance with the requirements of Table 2 below.

TABLE 2

| | | Third Card Drawn by Player's Hand | | | | | | | | | | |
|---------------------------------------|---|-----------------------------------|---------------------|---|---|---|---|---|---|---|---|---|
| | | If No Third | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | 0 | | | | | | | | | | | |
| | 1 | | BANKER'S HAND DRAWS | | | | | | | | | |
| | 2 | | | | | | | | | | | |
| POINT COUNT OF BANKER'S HAND | 3 | D | D | D | D | D | D | D | D | D | S | D |
| | 4 | D | S | S | D | D | D | D | D | D | S | S |
| | 5 | D | S | S | S | S | D | D | D | D | S | S |
| | 6 | S | S | S | S | S | S | S | D | D | S | S |
| | 7 | | | | | | | | | | | |
| | 8 | | BANKER'S HAND STAYS | | | | | | | | | |
| | 9 | | | | | | | | | | | |

4. The first vertical column in Table 2 labeled "Point Count of Banker's Hand" shall refer to the Point Count of the "Banker's Hand" after the first two cards have been dealt to it.
5. The first horizontal column at the top of Table 2 labeled "Third Card Drawn by Player's Hand" shall refer to the value of the third card drawn by the "Player's Hand" as distinguished from the Point Count of the "Player's Hand."
6. The letter "D" used in Table 2 shall mean that the "Banker's Hand" must draw a third card and the letter "S" used in Table 2 shall mean that the "Banker's Hand" must stay (that is, not draw a third card).
7. The method of using Table 2 shall be to find the Point Count of the "Banker's Hand" in the first vertical column and trace that horizontally across the table until it intersects the third card drawn by the "Player's Hand." The box at which such intersection takes place will show whether the "Banker's Hand" shall draw a third card or stay. For example, if the

EZ Baccarat 04/25/17

Point Count of the "Banker's Hand" after two cards is 5 and the value of the third card drawn by the "Player's Hand" is 4, the table shows that the "Banker's Hand" shall draw a third card.

J. Announcement of Result of Round and Payment and Collection of Wagers

1. After each hand has received all the cards to which it is entitled pursuant to Section H (The Play) and Section I (Rules for Determining Whether Third Card Should Be Dealt), the dealer shall announce the final Point Count of each hand indicating which wager(s) won the round. If two hands have equal Point Counts, the dealer shall indicate "Tie Hand."
2. After the result of the round is announced, the dealer responsible for the wagers on the table shall first collect each losing wager starting with the losing wager furthest to the right and working counter clockwise. The dealer shall, pay each winning wager as follows:
 - a. Starting with the winning wager furthest to the right and working counter clockwise, the dealer shall pay each winning wager.
3. At the conclusion of a round of play, all cards on the layout shall be picked up by the dealer and placed in the discard rack, in order and in such a way that they can be readily arranged to indicate the "Player's Hand" and the "Banker's Hand" in case of question or dispute.
4. No player or spectator shall handle, remove or alter any cards used to game at EZ Baccarat and no dealer or other casino employee or casino key employee shall permit a player or spectator to engage in such activity.

K. Payout Odds

1. A winning wager made on the "Player's Hand" shall be paid off by a casino at odds of 1 to 1.
2. A winning wager made on "Tie" shall be paid off by a casino at odds of 8 to 1.
3. A winning wager made on the "Banker's Hand" shall be paid off by a casino at odds of 1 to 1
4. A winning wager made on the "Dragon 7," shall be paid off by a casino at odds of 40 to 1.
5. A winning wager made on the "Panda 8," shall be paid off by a casino at odds of 25 to 1.

*EZ Baccarat 04/25/17***L. Irregularities**

1. A third card dealt to the "Player's Hand," when no third card is authorized by these rules, shall become the third card of the "Banker's Hand" if the "Banker's Hand" is obliged to draw by the table in Section I (Rules for Determining if Third Card Should Be Dealt). If, in such circumstances, the "Banker's Hand" is required to stay, the card dealt in error shall become the first card of the next hand unless it has been disclosed. In such case, the disclosed card and an additional number of cards equal to the amount on this card shall be drawn face down from the shoe and placed in the discard rack.
2. A card drawn in error from the shoe, if not disclosed, shall be used as the first card of the next hand of play. If the card has been disclosed, a "burn card" procedure as described in (1) above shall be implemented.
3. Any card(s) found face upwards in the shoe shall not be used in the game and shall be placed in the discard rack, along with an additional amount of cards drawn face down, which agrees with the number on the card(s) found face upwards in the shoe.
4. If there are insufficient cards remaining in the shoe to complete a round of play, that round shall be void and a new round shall commence after the entire set of cards are reshuffled and placed in the shoe.
5. If an automated shuffling device/dealing shoe is being used and the device jams, stops shuffling during a shuffle, or fails to complete a shuffle cycle, the cards shall be reshuffled.
6. If an automated shuffling device/dealing shoe is being used and the device jams, stops dealing cards, or fails to deal all cards during a Round of Play, the Round of Play shall be void and the cards reshuffled.
7. If the automated shuffling device/dealing shoe reveals that an incorrect number of cards are present, the deck shall be removed from the table and all hands void.

M. Minimum and Maximum Wagers

Oneida Gaming Management shall determine the minimum and maximum wagers. The amounts of the minimum and maximum wagers shall be conspicuously posted on a sign at each table.



Memo

To: Oneida Gaming Commission

From: Louise Cornelius, Gaming General Manager

Date: May 8, 2017

Re: Gaming Management Support of EZ-Baccarat Rules of Play

A handwritten signature in black ink, appearing to be "LC", located to the right of the "From:" line.

The Management of Oneida Casino submits this memorandum in support and approval of the Rules of play submitted by Gaming Compliance for the Table Game "EZ-Baccarat". This game will provide the Guest at Oneida Casino with another option to Game and Oneida Casino another opportunity to generate revenue.

Oneida Casino expects to be the first casino in Wisconsin to offer EZ-Baccarat and this action supports our Vision of being "Wisconsin's first choice for Casino Entertainment".

BC_Agenda_Requests

From: Melissa M. Alvarado
Sent: Monday, May 01, 2017 1:13 PM
To: Shannon C. Davis
Cc: GamingCommission_Compliance; Reynold T. Danforth; Melissa M. Alvarado
Subject: NOTIFICATION: EZ Baccarat Rules of Play
Attachments: EZ Baccarat _ April 20 Final Version.pdf

DATE: 05/01/17
FROM: Mark Powless Sr.
SUBJECT: EZ Baccarat Rules of Play

Good Afternoon,

The Gaming Commission has reviewed the following item(s) and is approved. This will be placed on the next Regular OGC Meeting agenda for retro approval.

1. EZ Baccarat Rules of Play

If you have any further questions please feel free to contact the Executive Director, Tamara Van Schyndel or OGC Chair Mark Powless Sr. via email tvanschy@oneidanation.org or mpowles5@oneidanation.org or at 497-5850.

Thank you.

Melissa Alvarado

Administrative Assistant
Oneida Gaming Commission
920-497-5850
Toll Free: 1-800-497-5897
malvarad@oneidanation.org



A good mind. A good heart. A strong fire.

“Every great dream begins with a dreamer. Always remember, you have within you the strength, the patience, and the passion to reach for the stars and change the world.”

-Harriet Tubman

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 12 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

See highlighted Oneida Law Office review in regards to Waiver of Sovereign Immunity.

3. Supporting Materials

Report Resolution Contract

Other:

1. Oneida Law Office Review

3. Prior VBATS Agreement

2. WDVA/CVSO/TVSO VBATS Agreement

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison: Councilwoman Jennifer Webster

Primary Requestor/Submitter: Kerry R. Metoxen, Manager, Oneida Nation Veteran Dept.
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

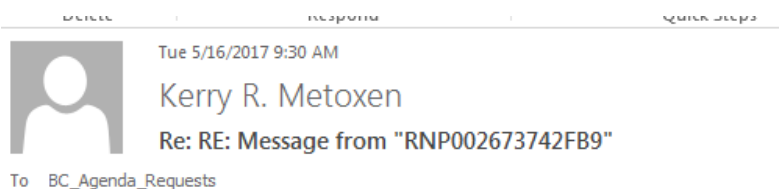
Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

Oneida Veteran Dept. would like to continue with access to WDVA Records in Madison.

Agreement helps with the Oneida Veteran Dept. being able to verify veteran service in determining eligibility to both Federal and State Veteran Benefits. Access grants the ability to look into WDVA records and get copies of veterans discharge paperwork otherwise known as a DD-214.



- #1 The State set the requirements.
- #2 Bids are not required.
- #3. No
- #4 No other vendor will give access to State records.

Sent from my LG phone powered by Cellcom 4G LTE

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

ONEIDA LAW OFFICE**CONFIDENTIAL: ATTORNEY/CLIENT WORK PRODUCT**

TO: Kerry R. Metoxen
Veterans Services

Use this number on future correspondence:

FROM: Jo Anne House, Chief Counsel

2017-0464

DATE: April 27, 2017

RE: Wisconsin Department of Veterans Affairs-Access
and Data Sharing Agreement

| |
|--|
| <u>Purchasing Department Use</u> <input type="checkbox"/> Contract Approved <input checked="" type="checkbox"/> Contract Not Approved <i>(see attached explanation)</i> |
|--|

If you have any questions or comments regarding this review, please call 869-4327.

The attached agreement, contract, policy and/or guaranty has been reviewed by the Oneida Law Office for legal content only. Please note the following:

- ✓ *Please note that all contracts should now be in the name of "Oneida Nation." From the Intranet, please download updated contract forms by navigating to Finance>Purchasing> Contract Documents.*
- ✓ The document is in appropriate legal form. *(Execution is a management decision.)*
- ✓ Requires Business Committee approval prior to execution, pursuant to section V regarding a limited waiver of sovereign immunity (governing law) and requires the BC approval in section VI.

NOTE: This likely requires some Standard Operating Procedures be in place regarding e-mails and security breaches. You may want to follow-up with Joanie Buckley, Internal Services Division Director to have someone from MIS assigned to make sure everything is in place.

If this contract is submitted to the Oneida Business Committee for approval of a limited waiver of sovereign immunity, the following information should be submitted along with the agenda review request and contract.

1. Was there an attempt to negotiate with the vendor regarding the waiver of sovereign immunity?
2. Were three bids obtained? If not, why not?
3. Was any other vendor willing to remove sovereign immunity issues?
4. What is the cost of going to another vendor?



Wisconsin Department of Veterans Affairs

Scott Walker, Governor | Daniel J. Zimmerman, Secretary

April 18, 2017

WDVA Bulletin No. 1053

TO: County Veterans Service Officers
Tribal Veterans Service Officers

SUBJECT: WDVA/CVSO/TVSO VBATS Access and Data Sharing Agreement

In the pursuit of enhancing the Wisconsin Department of Veterans Affairs' (WDVA) valued partnerships with the Wisconsin County Veterans Service Officers (CVSOs) and the Tribal Veterans Service Officers (TVSOs), we are pleased to announce the attached Veterans Benefits Application Tracking System (VBATS) Access and Data Sharing Agreement (Agreement) for each CVSO and TVSO office. The Agreement recognizes that CVSOs and TVSOs are professional veterans advocates and constitute a critical partner with WDVA. WDVA and the Wisconsin County Veterans Service Officer Association of Wisconsin (CVSOA-WI), with input from the Wisconsin Counties Association (WCA), have all worked in partnership towards this final version of the Agreement.

The purpose of this Agreement is two-fold: (1) to allow Wisconsin CVSOs and TVSOs access to the WDVA VBATS database without restriction and remove the requirement for release forms signed by the veteran, dependents, survivors, or duly authorized representatives (excluding current and former WDVA staff); and (2) to protect the confidentiality, integrity, and availability of information created, processed, stored, aggregated, and transmitted by the Disclosing Party.

The development of this Agreement is first the result of WDVA's renewed commitment to our partnership and the need to cooperate and provide the greatest possible access to CVSOs and TVSOs. The privacy and security aspect of this agreement stems from an investigation in 2015 by the Federal Office of Inspector General (OIG) regarding unauthorized disclosure of confidential veteran information at the claims office. WDVA reported to OIG that all necessary steps would be taken to protect the privacy of veteran information maintained in our Department and shared with outside agency.

CVSOs and TVSOs access under this Agreement will allow the following:

1. Statewide access to VBATS records.
2. Ability to "add," "edit," and "upload documents" in VBATS without WDVA verification.
3. View VBATS Veteran records without a Request for Release of Records (Form 1042), except for WDVA former/current employee VBATS record.
4. Elimination of the annual requirement to submit a VBATS Account Authorization Request Form to maintain access to VBATS. Note: An initial WDVA Form 2419 will still be required for Officers who have not submitted one to date; and, additionally, for new employees of an office when there is a change in staff. If there is a current WDVA Form 2419 on file for the Officer,

the office does not need to provide a new form with the signed VBATS Access and Data Sharing Agreement.

5. Access to Recently Separated Veterans contact information/report in VBATS.
6. Access to the Department of Defense Personnel Records Retrieval System (DPRIS) for DD214 information (with DoD approval).
7. Access to reports on a statewide basis.
8. Ensured mutual safeguards and security of the confidentiality of Veteran Personal Records.

CVSOs and TVSOs will have until **Friday, June 30, 2017** to return a signed copy of this Agreement to James Bond at the e-mail address or mailing address below.

Only one Agreement is required from each CVSO or TVSO office.

Due to system design and limitations, there are only two options to VBATS access: (1) unrestricted access as outlined above or; (2) no access. If a CVSO or TVSO office is unable to return a signed Agreement within the time limit, access to VBATS will be terminated at that time. However, upon receipt of a signed Agreement, that CVSO or TVSO office will be granted access. This process will allow WDVA to comply with the OIG report.

Again, we are pleased to announce this Agreement and appreciate the hard work of the CVSOA-WI and WCA in working with us to make this happen. If you have any questions, please contact James Bond at (608) 2778 or james.bond@dva.wisconsin.gov.

WDVA/CVSO/TVSO VBATS Access and Data Sharing Agreement

THIS AGREEMENT for Release of Confidential Veterans' information, made this ____ day of May (month), 2017 (year), between state of Wisconsin, Department of Veterans Affairs, (hereinafter "WDVA" or "Disclosing Party"), and Oneida Nation Veterans Dept.__(hereinafter "Receiving Party").

Background

1. WDVA is a state agency created under the provisions of Chapter 45, Wisconsin Statutes, whose mission is to give health, educational, and economic assistance to Veterans and their dependents who are residents of this state; and
2. WDVA is the recipient of United States Department of Defense service records and other information provided by the U.S. Department of Veterans Affairs (hereinafter referred to as "VA") which are considered to be confidential pursuant to Title 38 United States Code and Wis. Stat. § 45.04(3); and
3. The Receiving Party is a Wisconsin County or Tribal Veterans Service Office authorized to receive confidential information pursuant to Wis. Stat. § 45.04, and the Wisconsin Administrative Code, § VA 1.10; and
4. The Receiving Party has demonstrated the need to receive Veterans' confidential information in order for Receiving Party to continue to provide information and services related to Veterans' benefits; and
5. The intent of this Agreement is twofold: (1) to allow the Receiving Party access to the WDVA Veterans Benefit Application Tracking System (VBATS) database without restriction and remove the requirement for release forms signed by the Veteran, dependents, survivors, or duly authorized representatives (excepting current and former WDVA staff); and (2) to protect the confidentiality, integrity, and availability of information created, processed, stored, aggregated, and transmitted by the Disclosing Party; and
6. The Disclosing Party and Receiving Party wish to discuss and exchange information related to benefits for Veterans and their dependents, which the parties hereto and applicable regulatory bodies as part of their joint missions and partnership in serving Veterans, consider highly confidential, while at the same time ensuring full compliance with applicable state and privacy laws; and
7. Receiving Party's access under this Memorandum and other benefits include:
 - A. Statewide access to VBATS records.
 - B. Ability to "add," "edit," and "upload documents" in VBATS without WDVA verification.
 - C. View VBATS Veteran records without a Request for Release of Records (Form 1042), except for WDVA former/current employee VBATS records.
 - D. Elimination of the annual requirement to submit a VBATS Account Authorization Request Form to maintain access to VBATS.
 - E. Access to Recently Separated Veterans contact information/report in VBATS.
 - F. Access to the Department of Defense Personnel Records Retrieval System (DPRIS) for DD214 information (with DoD approval).
 - G. Access to the following reports on a statewide basis:
 1. Death Report by County or Cemetery Report;
 2. Grave Registration Activity Report;
 3. County Benefits Report; and
 4. Museum Veteran Search.

Therefore the parties hereto, intending to be legally bound in consideration of the mutual covenants and Agreements set forth herein, hereby agree as follows:

I. Definitions.

- A. **"Veteran"** shall mean an individual that meets the definitions contained in Wis. Stat. §§ 45.001, 45.01(12), 45.02, 45.43(1), 45.51 (2)(a)1, and 45.51(2)(a)2, 45.61(2).
- B. **"Confidential, Sensitive and/or Protected Information (collectively hereinafter referred to as 'PI')"** shall include all forms of personally or individually identifiable information, personally identifiable health information, sensitive information, information whose improper use or disclosure could adversely affect the ability of an agency

to accomplish its mission, proprietary information, and records about individuals requiring protection, and all information related to the Veteran provided by Disclosing Party to Receiving Party as further defined by VA DIRECTIVES 6509, Provision 5 and VA Handbook 6500, and successor directives and handbooks pertaining to these definitions published by the U.S. Department of Veterans Affairs. PI shall also mean all information provided by Disclosing Party with respect to the Veteran regardless of whether it is written, oral, contained on various storage media, or human or machine-readable documents.

- C. **"Data Breach"** shall mean the loss, theft, or any other unauthorized access, other than that incidental to the scope of employment, to data containing PI in electronic or printed form which results in the compromise of the confidentiality or integrity of the data.
- D. **"Maintain"** shall mean to collect, create, use, process, store, disseminate, transmit, or dispose of PI.

II. Legal Obligation to Safeguard Veteran Data. Each party is individually responsible for determining which laws apply to their respective organizations, and for ensuring compliance. A non-exhaustive list of current laws which apply to the type of data provided by WDVA under this Agreement; including the following:

A. Provisions of law directly related to VA Claims:

1. 38 U.S.C. § 5701 Confidential Nature of Claims (USDVA claims confidentiality):
 - a. Provides for the confidentiality of all VA patient claimant information, with special protection for their names and home addresses.
 - b. Provides for the same for information about their dependents.
 - c. Prohibits disclosure of these names and addresses except as authorized by the statute.
 - d. Does not apply to employee information.
2. VHA Handbook 1605.1, Privacy and Release of Information, establishes guidance on privacy use and disclosure of PI. This handbook (link below) provides guidance as to the legal obligations relative to federal law, applicable to the Claims Staff: http://www1.va.gov/vhapublications/ViewPublication.asp?pub_ID=1423.

B. Veterans' personal data may also be protected by the following provisions of law. All parties must follow appropriate procedures to safeguard the privacy of Veterans' personal data..

1. **State Law:**

- a. Wis. Stats. § 19.80(3)(a);
- b. Wis. Stats. § 45.04;
- c. Wis. Stats. § 106.01;
- d. Wis. Stats. § 134.97;
- e. Wis. Admin. Code § 296.01; and
- f. Wis. Admin. Code § VA 1.10.

2. **Federal Law and Guidance:**

- a. 38 CFR § 1.500;
- b. 38 U.S.C. § 7332;
- c. 38 CFR. §§ 14.626-14.637;
- d. 38 C.F.R. §§ 75.111-119;
- e. 38 U.S.C. § 5721 et seq.;
- f. 38 U.S.C. § 3672;
- g. Privacy Act of 1974, 5 U.S.C. § 552a;
- h. To the extent Receiving Party is subject to the Health Insurance Portability and Accountability Act (HIPAA) of 1996, Public Law 104-191 and its implementing regulations at 45 C.F.R. parts 160 and 164; and HIPAA/HITECH Act Omnibus Final Rule, 78 Fed. Reg. 5566 (Jan. 25, 2013) and section 13402 of the Health Information Technology for Economic and Clinical Health (HITECH) Act (codified at 42 U.S.C. § 17932) Breach Notification Rule at 45 C.F.R. §§ 164.400-414 as independently determined in

- consultation with corporation counsel, Office of Management and Budget (OMB) Memorandum 07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information;
- i. VA Directive and Handbook 0710, Personnel Suitability and Security Program;
 - j. VA Directive 6500, Manage Information Security Risk: VA Information Security Program;
 - k. VA Handbook 6500, Risk Management Framework for VA Information Systems, Tier 3: VA Information Security Program;
 - l. VA Handbook 6500.2, Management of Breaches Involving Sensitive Personal Information;
 - m. VA Directive 6502, VA Enterprise Privacy Program;
 - n. VA Handbook 6502.1, Privacy Violation Tracking System (PVTs), the Formal Event Reporting and Evaluation Tool (FERET) guidebook;
 - o. VHA Directive 1605, VHA Privacy Program;
 - p. VHA Handbook 1605.1, Privacy and Release of Information;
 - q. VHA Handbook 1605.02, Minimum Necessary Standard for Protected Health Information; and
 - r. Memorandum from Office of General Counsel (02) to Under Secretary for Health (10), "Request for Advisory Opinion – Department Information Ownership," dated December 31, 2007.

III. Use of PI.

A. The parties agree:

1. **Privacy Right.** The privacy of PI shall be protected in all functions, services, and facilities.
2. **VBATS Account Authorization.**
 - a. To gain access and to login to the VBATS, the Receiving Party must submit a VBATS Account Authorization Request (WDVA Form 2419) to WDVA for each county employee seeking access to ensure that access is authorized to utilize the VBATS for WDVA programs and benefits. Completed forms can be emailed to WDVA at eligibility@dva.wisconsin.gov. The WDVA Form 2419 must be received and approved by WDVA before VBATS access or login is granted to the Receiving Party.
 - b. The corporation counsel of Receiving Party shall notify WDVA upon his or her notice that an authorized user will terminate employment via email to eligibility@dva.wisconsin.gov. This is to ensure privacy and security by disabling user access to only authorized employees of Receiving Party.
 - c. Access to VBATS records of former or current WDVA employees requires a signed Confidential Release of Information Form (WDVA 1045) from said employee granting access on file at WDVA.
3. **Annual Review.** Each party shall annually review applicable privacy and security safeguards that are in place to protect PI. PI shall be maintained in a manner that will ensure legal compliance with federal and state statute, laws, rules and guidelines as determined appropriate by each party in consultation with each party's respective legal counsel.
4. **PI will be kept confidential.** In accordance with 5 U.S.C. 552a, 38 U.S.C. §§ 5701, 5705, and 7332, and other applicable federal privacy laws and regulations, as appropriate, parties shall ensure that all PI that is maintained in any medium, is kept confidential, except when disclosure is permitted or compelled under law.
5. **PI will be properly controlled.** All PI in the custody and control of each party shall be used and disclosed only as permitted or required by law.
6. **Contractor-controlled PI will be properly maintained.** Parties shall ensure that all contracts in which any data containing WDVA-owned PI or Veteran PI that is maintained by contractors will contain the appropriate clauses as may be required by law.
7. **Data will be protected.** The physical input and output products of WDVA information and systems that contain PI, such as disks, paper, flash drives or any other data storage devices, shall be protected against misuse and unauthorized access, unauthorized disruption, unauthorized disclosure, or unauthorized modification or destruction. No technology utilized to collect, use, or disclose PI shall erode privacy protections afforded by applicable state or federal law or WDVA policy.

8. **PI will be kept secure.** Security plans shall be continually developed and security controls implemented on all networks and filing systems that maintain PI in any form. These controls shall be implemented, as required by applicable law or policy, to, among other things, protect the security and privacy of all operating or filing systems used to access or store PHI, application software used to access or store PHI, and data in WDVA information systems. The purpose of these plans is to prevent the accidental or malicious disclosure, alteration or destruction of PI, and to provide assurances to the user of the quality, integrity, and confidentiality of such information maintained by the parties. Technologies used to maintain this information should allow for continuous auditing of compliance with this Agreement.
 - a. **Privacy and data breaches shall be reported.** Parties shall report all breaches by their personnel, contractors, and authorized users involving PI in a timely and complete manner, as required by applicable law to the WDVA Privacy Officer within (five) 5 business days of discovery. The party at fault shall resolve all such breaches with privacy implications in a timely fashion in accordance with applicable law and policy. For further guidance, see VA Handbook 6502.1, Privacy Violation Tracking System (PVTs), the Formal Event Reporting and Evaluation Tool (FERET) guidebook, and VA Handbook 6500.2, Management of Breaches Involving Sensitive Personal Information.
 - b. **A data breach process shall be sustained.** Each Party shall maintain a process for the tracking and reporting of suspected or actual breaches involving PI in compliance with the references above.
9. **Training.** The WDVA Privacy/Security Officer shall be available to provide privacy awareness training to Receiving Party on reasonable notice and accommodation of schedules.

B. Rules for Electronic Communications:

1. Parties acknowledge email messages sent by or to their offices may be read by someone other than the person to whom they are sent and may have to be disclosed to outside parties or in court in connection with a lawsuit. Accordingly, each party must take care to ensure that their messages are courteous, professional, and that the tone and words they use would not cause embarrassment to themselves or their organization if the message were made public.
 - a. Any email sent outside each party's network or information system should be considered non-secure.
 - b. Email is subject to applicable privacy, security, and records retention laws and guidelines for the information that particular message contains. As such, email records must be appropriately secured and retained.
2. Each party is responsible for the content of all text, audio or images that they place or send on the state's email, or Internet systems.
3. No party may email PI unless using approved methods.
4. All emails between parties that contain or transmit PI must be encrypted before transmission.

C. Internal Security Controls with Communications to CVSOs/TVSOs:

1. **Release of Veteran-Claimant Information.** In alignment with USDVA procedures, the WDVA Bureau of Claims will only release PI to those CVSO/TVSO and CVSO/TVSO staff who are officially "accredited" for USDVA purposes. If a CVSO office does not have an accredited representative, the WDVA Claims Officer will not discuss or provide any information specific to a pending claim unless authorized by the claimant during that specific communication. If the claimant is present in the CVSO/TVSO office at the initiation of such contact, the WDVA Claims Officer can speak directly to the claimant (after proper verification of identity using established USDVA protocol) to gain such authorization.
2. **Fax Messages.** The parties will accept fax messages; however, neither party shall fax PI to unauthorized third parties without the written consent of the Veteran or the Veteran's duly appointed representative.
3. **Encrypted Messages Other than VA.** Parties to this Agreement when communicating with the WDVA Claims office must register for an email account through VA.Gov and utilize VA.Gov access and Personal

Identification Verification Cards (PIV Cards) to ensure data security to accomplish any communication of PI with the WDVA Claims Office.

- 4. **Release of Veteran-PI by WDVA.** The WDVA Divisions of Veteran Benefits, Services and Homes, will only release information by U.S. Mail, telephone or encrypted emails.

IV. Non-Assignable. This Agreement shall be non-assignable.

V. Governing Law. This Agreement and all questions relating to its validity, interpretation, performance and enforcement (including, without limitation, provisions concerning limitations of actions), shall be governed by and construed in accordance with the laws of the state of Wisconsin.

VI. Binding Nature of Agreement and Term. This Agreement shall be binding upon and inure to the benefit of the parties and their respective successors and assigns, with a term of five (5) years from the date of the last signature below. In the event of substantial changes in the applicable law(s), parties may amend this Agreement or enter into a new Agreement to ensure compliance. In the event of a WDVA transition to a replacement of the VBATS tracking system, this Agreement shall continue to be binding and in effect for the replacement system(s) until such time as a new Agreement or amendment hereto shall be drafted between the parties. Receiving party represents that he or she has authority to bind the County or Tribal Authority to this Agreement, and that the Executive head of the County or Tribal entity of the Receiving Party has approved this Agreement for execution.

VII. Umbrella Provision. This Agreement constitutes an umbrella agreement to the recipient's office, so long as any person accessing data who is accredited by the United States Department of Veterans Affairs, possesses a PIV Card, and is authorized by the Receiving Party to do so.

VIII. Entire Agreement. This Agreement sets forth all of the covenants, promises, Agreements, conditions and understandings between the parties and there are no covenants, promises, Agreements or conditions, either oral or written, between them other than herein set forth. No subsequent alteration, amendment, change or addition to this Agreement shall be binding upon either party unless reduced in writing and signed by them.

IN WITNESS OF THEIR AGREEMENT, the parties have set their hands to it below effective the day and year first written above.

**DISCLOSING PARTY
WDVA SECRETARY**

Signature: _____

Print Name: Daniel J. Zimmerman

Date: _____

**RECEIVING PARTY
COUNTY/TRIBAL VETERAN SERVICE OFFICER**

Signature: _____

Print Name: Kerry R. Metoxen

County/Tribe: Oneida Nation

Date: _____

**APPROVED IN FORM BY TRIBAL PRESIDENT/
CHAIRPERSON OR DESIGNATED TRIBAL COUNCIL
OFFICIAL**

Signature: _____

Print Name: _____

Date: _____



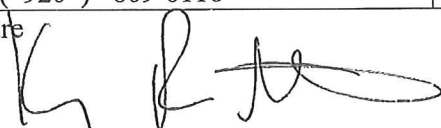
Wisconsin Department of Veterans Affairs


Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

VBATS ACCOUNT AUTHORIZATION — COUNTY / TRIBAL VETERAN SERVICE OFFICES


| |
|--|
| COUNTY / TRIBAL VETERAN SERVICE OFFICE AND OFFICE ADDRESS |
| Oneida Nation Veteran Dept. PO Box 365 Oneida, WI. 54155 |
| DATE |

This is the permanent record used by the WDVA to verify the position of County / Tribal Veteran Service Office personnel authorized to utilize the Veterans Benefit Application Tracking System (VBATS). WDVA will use this form to grant or remove future VBATS access. County / Tribal officials will use it to annually verify authorized users with WDVA and/or to notify WDVA of changes, additions, or removals of personnel. Check and fill in the Replacement name to remove an account.

| | |
|---|---|
| APPLICANT #1 | Name <u>Kerry R. Metoxen</u> |
| Phone (920) 869-6116 | Title <u>Manager, Oneida Nation Veteran Dept.</u> |
| Signature  | <input type="checkbox"/> Addition <input type="checkbox"/> Replacement for: <input checked="" type="checkbox"/> Annual Renewal Date <u>1/5/17</u> Email <u>kmetoxe3@oneidanation.org</u> |

| | |
|--|--|
| APPLICANT #2 | Name <u>Carolyn Miller</u> |
| Phone (920) 869-6117 | Title <u>Veteran Benefit Specialist</u> |
| Signature  | <input type="checkbox"/> Addition <input type="checkbox"/> Replacement for: <input checked="" type="checkbox"/> Annual Renewal Date <u>1/5/17</u> Email <u>cmiller@oneidanation.org</u> |

| | |
|---------------------|---|
| APPLICANT #3 | Name _____ |
| Phone () _____ | Title _____ |
| Signature _____ | <input type="checkbox"/> Addition <input type="checkbox"/> Replacement for: <input type="checkbox"/> Annual Renewal Date _____ Email _____ |

| | | |
|---|---|--|
| COUNTY EXECUTIVE, ADMINISTRATOR, OR ADMINISTRATIVE COORDINATOR | I certify on behalf of my county / tribe that these signatures are valid and that these individuals are authorized to access and utilize the VBATS for WDVA programs and benefits. I understand that criminal and/or civil penalties and/or civil damages may apply if I, or the signatories above obtain unauthorized access to, or make an unauthorized disclosure or inspection of records obtained from the VBATS database, and agree to indemnify and hold harmless the WDVA for all costs and damages, including reasonable attorney's fees for all such violations occurring after the date of the signing of this document. | |
| <u>JOANIE BUCKLEY</u> <u>DIVISION DIRECTOR</u> <u>INTERNAL SERVICES</u> | Name _____ | |
| Phone <u>(920) 496-7425</u> | Title _____ | |
| Signature  | <input checked="" type="checkbox"/> Addition <input type="checkbox"/> Replacement for: <input checked="" type="checkbox"/> Annual Renewal Date <u>1/4/2017</u> Email <u>JBUCKLEY@ONEIDANATION.ORG</u> | |

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Joanie Buckley to report the plan of what is going to happen with Tsyunhehkwa along with the planting of crops. The plan was not discussed with the requestor since February 2017 by either the BC or Joanie Buckley. This request is the same as reference to #2016-CC-21.

3. Supporting Materials

Report Resolution Contract

Other:

1. 3.

2. 4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Nancy Barton
Your Name, Title / Dept. or Tribal Member

Additional Requestor: _____
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

I would like to know the plan of what is going to happen with Tsyunhehkwa along with the planting of crops. That plan was not discussed with the requestor since February 2017 by either the BC or Joanie Buckley.

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

INTERNAL SERVICES DIVISION
ADMINISTRATION

TO: Oneida Business Committee
FROM: Joanie Buckley
RE: N. Barton concern on Tsyunhehwa
DATE: February 3, 2017

This memo is to address the concern brought forward by Nancy Barton to the Business Committee and her comments made during the BC meeting on January 11, 2017. While her comments during that meeting span various topics and subject matters, this memo focusses specifically on the Tsyunhehkwá operation (the organic farm and the cannery). It relates the repositioning work toward alignment with the Agricultural Strategy that was approved by the Business Committee on July 8, 2015 as a framework for developing an Integrated Food System for Oneida. Lastly, her recommendation to place Tsyunhehkwá under the large farm is addressed.

Over the last eight years there has been a *national food movement* to promote local food production, farm to plate youth education, farmers markets, organic production, and new production approaches such as aquaculture, roof top gardens, community coops, and sustainable practices. This is reflected in the various initiatives by United States Department of Agriculture (USDA) for grant funding to begin projects related to food hubs, food deserts, beginning farmers and ranchers, trainings for entrepreneurs in agriculture, and food assessment studies.

Forward thinking communities seek to ensure:

- **Food Security** (*the supply of food and individuals' access to it*),
- **Food Sustainability** (*an ecological network that enhances community's environmental, economic, and social well-being*) and/or
- **Food Sovereignty** (*controlling the mechanisms and policies of food production and distribution*).

Many of the concerns brought forward by Ms. Barton are included in the framework for the Oneida Agricultural Strategy that sets forth a plan to build a healthy food system through active community engagement and sustainable practices.

Strategy #1: Build a community mindset for healthy food – *the engagement of the community in being a part of the process to build and to balance the demand and supply for healthy foods. Both play an integral role in this development. Our people should eat the food that we produce; we should produce food by our people.*

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 10 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

BC to review letter and memo and make recommendation in correcting the phone concerns from Brad Graham.

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Brad Graham, Tribal Member
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Submitted by Lora Skenandore, Assistant to Chairwoman
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

See the attached letter & memo which has the information required.

1) Save a copy of this form for your records.

2) Print this form as a *.pdf *OR* print and scan this form in as *.pdf.

3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Dear Madam Chair.

This is the second complaint I am filing against the Phone Company the Nation uses for its Land Lines.

All calls from Norbert Hill come up from the Health Center. Calls from the OPC Office come up from Employee Services and HRD calls show up from Employee Services also.

I have talked to the employees and they have told me this is not the first time this has happen.

The calls coming from Norbert Hill have been showing up from the Health Center for over a year now, the calls showing up from Employee Services started May 1, 2017.

As a Commissioner of the OPC and as a Official of the Nation. I expect better phone service. I should not have to be asking who is calling and not having to play who called me when a message is left on my voice mail.

We are paying this Phone Company for a service and we should be getting what we pay for.

I am requesting this to be placed on the OBG Agenda, to be discussed and that there be action taken to correct this problem.

Sincerely

Bradley W. Graham 5-3-17

From: MIS Customer Service Center
Sent: Wednesday, April 19, 2017 8:19 AM
To: AtoZ
Subject: REMINDER - Phone System Availability on Saturday 4/22/2017

MIS Customers,

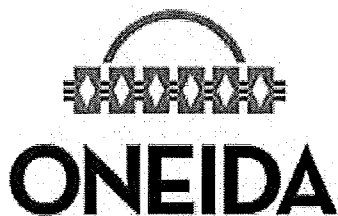
MIS is working with our vendor Morgan Birge to upgrade and merge Oneida's two Core Phone Systems' physical servers into a single virtualized server. These systems control most of Oneida business locations' phones. This activity is scheduled for **Saturday April 22nd at 5am**. A 30-60 minute phone system outage will occur and will affect every location while this upgrade is completed.

During this time frame only, all departments and business units will not be able to receive inbound or make outbound calls. Please make other arrangements as needed for emergency 911 calling.

If you experience an MIS related issue during this time only, MIS Customer Service Center will be unreachable by phone (869-4357), therefore, you may report an incident via e-mail to customer_service_center@oneidanation.org or alternatively if you have an emergency MIS issue to report, please feel free to contact MIS at 606-0491, **during this time only**.

Thank-you for your attention to this matter,

Customer Service Center
MIS Department



A good mind. A good heart. A strong fire.

Customer_Service_Center@oneidanation.org

office 920.869.4357
fax 920.496.7494
909 Packerland Drive
Green Bay, WI 54303
oneida-nsn.gov

MIS Mission Statement

To support the achievement of the Oneida Nation's Goals through the effective and efficient application and support of technology and business processes.

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Approve travel report – Secretary Summers, Councilman Hill, and Councilwoman Webster – OTIE Welcome and Orientation – Milwaukee, WI – April 20-21, 2017

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution

Budgeted - Grant Funded

Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Lisa Liggins, Executive Assistant II
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Jennifer Webster, Council Member
Name, Title / Dept.

Additional Requestor: Tehassi Hill, Council Member
Name, Title / Dept.

BUSINESS COMMITTEE TRAVEL REPORT



Travel Report for: Lisa Summers
Jennifer Webster Tehassi Hill

Travel Event: OTIE Welcome and Orientation

Travel Location: Milwaukee, WI

Departure Date: 04/20/2017 **Return Date:** 04/21/2017

Projected Cost: About \$238.72/traveller **Actual Cost:** About \$202.82/traveller

Date Travel was Approved by OBC: 04/11/2017

Narrative/Background:

Oneida Total Integrated Enterprises LLC (OTIE) held a Board of Managers Welcome & Orientation in April. The Oneida Business Committee (OBC) was invited to attend. Three (3) OBC members confirmed attendance and received approval to attend.

- Welcome was held Milwaukee, WI, on Thursday, April 20, 2017.
- Orientation was held on Friday, April 21, 2017.

Item(s) Requiring Attention:

An overview presentation was provided to the new Board of Managers which outlined their roles and responsibilities. The OBC members in attendance noted that this presentation could be amended to include the OBC roles and responsibilities as shareholders; the amended presentation could be utilized for OBC Transition. Also, the presentation, as amended, could be used as a template for all other coporations to provide information for OBC Transition. Secretary Summers' office is already in contact with Jeff House to get this completed for OBC Transition.

Requested Action:

Approve travel report - Secretary Summers, Councilman Hill, and Councilwoman Webster - OTIE Welcome and Orientation - Milwaukee, WI - April 20-21, 2017

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Enter E-Poll results into the record for approved travel request – Councilman Tehassi Hill – American Indian/ Alaska Native Public Witness Hearing – Washington D.C. – May 15-17, 2017

3. Supporting Materials

Report Resolution Contract

Other:

| | |
|--|-------------------------|
| 1. <input type="text" value="E-mails with request and results"/> | 3. <input type="text"/> |
| 2. <input type="text" value="Agenda request form for E-Poll with backup"/> | 4. <input type="text"/> |

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Requestor: Tehassi Hill, Councilman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Submitted by: Heather Heuer, Info. Mgmt. Spec./BC Support Office
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

BACKGROUND

On Friday, May 5, 2017 at 10:25 a.m., the following E-Poll was conducted:

Summary:

Councilman Tehassi Hill respectfully requests approval to travel to Washington, DC, May 15-17, 2017, to attend the American Indian/Alaska Native Public Witness Hearing to testify. This hearing is being held by the House Appropriations Subcommittee on Interior, Environment, and Related Agencies.

E-poll Justification: The E-Poll is needed today as Councilman Hill must make travel arrangements.

Requested Action:

Approve travel request – Councilman Tehassi Hill – American Indian/Alaska Native Public Witness Hearing – Washington D.C. – May 15-17, 2017

Deadline for response:

Responses are due no later than 10:20 p.m., Friday, May 5, 2017.

As of the deadline, below are the results:

Support: Melinda J. Danforth, Fawn Billie, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

REQUESTED ACTION

Enter E-Poll results into the record for approved travel request – Councilman Tehassi Hill – American Indian/Alaska Native Public Witness Hearing – Washington D.C. – May 15-17, 2017

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

BC_Agenda_Requests

From: TribalSecretary
Sent: Monday, May 08, 2017 8:16 AM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill
Cc: Debbie J. Melchert; Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore; BC_Agenda_Requests
Subject: E-POLL RESULTS: Approve travel request - TH - AI/AN Public Witness Hearing - D.C. - 5/15-17/17
Attachments: BC Travel Request Form - Washington DC 05-15-17.pdf
Categories: Next Meeting

E-POLL RESULTS

The E-Poll request for Councilman Tehassi Hill to attend the American Indian/Alaska Native Public Witness Hearing in Washington, D.C. from May 15-17, 2017, **has been approved**. As of the deadline, below are the results:

Support: Melinda J. Danforth, Fawn Billie, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Heather Heuer

Information Management Specialist
 Business Committee Support Office (BCSO)

CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.

From: TribalSecretary
Sent: Friday, May 05, 2017 10:25 AM
To: TribalSecretary <TribalSecretary@oneidanation.org>; Brandon L. Yellowbird-Stevens <BSTEVENS@oneidanation.org>; Cristina S. Danforth <tdanfort@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Lisa M. Summers <LSUMMER2@oneidanation.org>; Melinda J. Danforth <MDANFORJ@ONEIDANATION.org>; Patricia M. King <TKING@ONEIDANATION.org>; Ronald W. Hill <RHILL7@oneidanation.org>
Cc: Debbie J. Melchert <DMELCHER@oneidanation.org>; Brian A. Doxtator <BDOXTAT2@oneidanation.org>; Cathy L. Bachhuber <CBACHHUB@oneidanation.org>; Danelle A. Wilson <DWILSON1@ONEIDANATION.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Lora L. Skenandore <LSKENAN3@oneidanation.org>; Michael T. Debraska <mdebrask@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Tammy M. Skenandore <tskenan9@oneidanation.org>
Subject: E-POLL REQUEST: Approve travel request - TH - AI/AN Public Witness Hearing - D.C. - 5/15-17/17
Importance: High

E-POLL REQUEST

Summary:

Councilman Tehassi Hill respectfully requests approval to travel to Washington, DC, May 15-17, 2017, to attend the American Indian/Alaska Native Public Witness Hearing to testify. This hearing is being held by the House Appropriations Subcommittee on Interior, Environment, and Related Agencies.

E-poll Justification: The E-Poll is needed today as Councilman Hill must make travel arrangements.

Requested Action:

Approve travel request – Councilman Tehassi Hill – American Indian/Alaska Native Public Witness Hearing – Washington D.C. – May 15-17, 2017

Deadline for response:

Responses are due no later than **10:20 p.m., TODAY, Friday, May 5, 2017.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with “support” or “oppose”.

Heather Heuer

Information Management Specialist
Business Committee Support Office (BCSO)

CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: 05 / 24 / 17 e-poll requested

2. General Information:

Event Name: American Indian/Alaska Native Public Witness Hearing

Event Location: Washington, DC

Attendee(s):

Departure Date:

Attendee(s):

Return Date:

Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
 Unbudgeted
 Grant Funded or Reimbursed

Cost Estimate: _____

4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Oniyote?a-ka Principles Creating a Positive Organizational Culture
 Committing to Building a Responsible Nation Implementing Good Governance Processes

Describe the purpose of Travel and how it relates to the Strategic Direction(s) and/or your liaison area:

On May 16 and May 17, the House Appropriations Subcommittee on Interior, Environment, and Related Agencies will be holding an American Indian/Alaska Native public witness hearing. The Oneida Business Committee agreed that an elected official should attend to testify at this hearing. Councilman Tehassi Hill will attend to testify on behalf of the Oneida Nation.

5. Submission

Sponsor:

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

Oneida Business Committee Agenda Request

1. Meeting Date Requested: 05 / 24 / 17

2. General Information:

Session: Open Executive - See instructions for the applicable laws, then choose one:

Agenda Header:

Accept as Information only

Action - please describe:

Enter E-Poll results into the record for approved travel request - Chairwoman Tina Danforth - Great Lakes Restoration Initiative (GLRI) tribal forum - Ashland, WI - May 23-24, 2017

3. Supporting Materials

Report Resolution Contract

Other:

1.

3.

2.

4.

Business Committee signature required

4. Budget Information

Budgeted - Tribal Contribution Budgeted - Grant Funded Unbudgeted

5. Submission

Authorized Sponsor / Liaison:

Primary Requestor/Submitter: Requestor: Tina Danforth, Tribal Chairwoman
Your Name, Title / Dept. or Tribal Member

Additional Requestor: Submitted by: Heather Heuer, Info. Mgmt. Spec./BC Support Office
Name, Title / Dept.

Additional Requestor: _____
Name, Title / Dept.

Oneida Business Committee Agenda Request

6. Cover Memo:

Describe the purpose, background/history, and action requested:

BACKGROUND

On Thursday, May 4, 2017 at 11:00 a.m., the following E-Poll was conducted:

Summary:

Chairwoman Tina Danforth respectfully requests approval to attend the Great Lakes Restoration Initiative (GLRI) tribal forum in Ashland, WI from May 23-24, 2017. The forum relates to implementing good governance processes and will benefit our Nation in enhancing the incorporation of tribal priorities.

E-Poll Justification: The E-Poll is needed today as the deadline to RSVP to the event is tomorrow, May 5, 2017.

Requested Action:

Approve travel request – Great Lakes Restoration Initiative (GLRI) tribal forum – Ashland, WI – May 23-24, 2017.

Deadline for response:

Responses are due no later than 11:00 p.m., Thursday, May 4, 2017.

As of the deadline, below are the results:

Support: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

REQUESTED ACTION

Enter E-Poll results into the record for approved travel request - Chairwoman Tina Danforth - Great Lakes Restoration Initiative (GLRI) tribal forum - Ashland, WI - May 23-24, 2017

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org

BC_Agenda_Requests

From: TribalSecretary
Sent: Friday, May 05, 2017 10:20 AM
To: TribalSecretary; Brandon L. Yellowbird-Stevens; Cristina S. Danforth; David P. Jordan; Fawn J. Billie; Jennifer A. Webster; Lisa M. Summers; Melinda J. Danforth; Patricia M. King; Ronald W. Hill
Cc: Brian A. Doxtator; Cathy L. Bachhuber; Danelle A. Wilson; Jessica L. Wallenfang; Leyne C. Orosco; Lisa A. Liggins; Lora L. Skenandore; Michael T. Debraska; Rhiannon R. Metoxen; Tammy M. Skenandore; BC_Agenda_Requests; Debbie J. Melchert
Subject: E-POLL RESULTS: Approve travel request - TD - GLRI tribal forum - Ashland, WI - 5/23-24/17
Attachments: 20170505094634508.pdf
Categories: Next Meeting

E-POLL RESULTS

The E-Poll request to approve Chairwoman Tina Danforth to attend the Great Lakes Restoration Initiative (GLRI) tribal forum in Ashland, WI from May 23-24, 2017, **has been approved**. As of the deadline, below are the results:

Support: Fawn Billie, Tehassi Hill, David Jordan, Trish King, Brandon Stevens, Lisa Summers, Jennifer Webster

Heather Heuer

Information Management Specialist
 Business Committee Support Office (BCSO)

CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.

From: TribalSecretary
Sent: Thursday, May 04, 2017 11:00 AM
To: TribalSecretary <TribalSecretary@oneidanation.org>; Brandon L. Yellowbird-Stevens <BSTEVENS@oneidanation.org>; Cristina S. Danforth <tdanfort@oneidanation.org>; David P. Jordan <djordan1@oneidanation.org>; Fawn J. Billie <fbillie@oneidanation.org>; Jennifer A. Webster <JWEBSTE1@oneidanation.org>; Lisa M. Summers <LSUMMER2@oneidanation.org>; Melinda J. Danforth <MDANFORJ@ONEIDANATION.org>; Patricia M. King <TKING@ONEIDANATION.org>; Ronald W. Hill <RHILL7@oneidanation.org>
Cc: Brian A. Doxtator <BDOXTAT2@oneidanation.org>; Cathy L. Bachhuber <CBACHHUB@oneidanation.org>; Danelle A. Wilson <DWILSON1@ONEIDANATION.org>; Jessica L. Wallenfang <JWALLENF@oneidanation.org>; Leyne C. Orosco <lorosco@oneidanation.org>; Lisa A. Liggins <lliggins@oneidanation.org>; Lora L. Skenandore <LSKENAN3@oneidanation.org>; Michael T. Debraska <mdebrask@oneidanation.org>; Rhiannon R. Metoxen <rmetoxe2@oneidanation.org>; Tammy M. Skenandore <tskenan9@oneidanation.org>
Subject: E-POLL REQUEST: Approve travel request - TD - GLRI tribal forum - Ashland, WI - 5/23-24/17
Importance: High

E-POLL REQUEST

Summary:

Chairwoman Tina Danforth respectfully requests approval to attend the Great Lakes Restoration Initiative (GLRI) tribal forum in Ashland, WI from May 23-24, 2017. The forum relates to implementing good governance processes and will benefit our Nation in enhancing the incorporation of tribal priorities.

E-Poll Justification: The E-Poll is needed today as the deadline to RSVP to the event is tomorrow, May 5, 2017.

Requested Action:

Approve travel request – Great Lakes Restoration Initiative (GLRI) tribal forum – Ashland, WI – May 23-24, 2017.

Deadline for response:

Responses are due no later than **11:00 p.m., TODAY, Thursday, May 4, 2017.**

Voting:

1. Use the voting button above, if available; OR
2. Reply with “support” or “oppose”.

Heather Heuer

Information Management Specialist
Business Committee Support Office (BCSO)

CONFIDENTIALITY NOTICE: This message and any included attachments are intended only for the addressee. This message may contain privileged, confidential, or proprietary information. Unauthorized forwarding, printing, copying, distribution, or use of such information is strictly prohibited and may be unlawful. If you have received this message in error, please inform us promptly by reply e-mail, then delete the e-mail and destroy any printed copy.

Oneida Business Committee Travel Request

1. OBC Meeting Date Requested: ___ / ___ / ___ e-poll requested

2. General Information:

Event Name: GREAT LAKES RESTORATION INITIATIVE TRIBAL FORUM

Event Location: Ashland, WI Attendee(s): Cristina Danforth

Departure Date: May 23, 2017 Attendee(s):

Return Date: May 24, 2017 Attendee(s):

3. Budget Information:

- Funds available in individual travel budget(s)
- Unbudgeted
- Grant Funded or Reimbursed

Cost Estimate: \$186.50

4. Justification:

- Liaison Appointment Responsibilities

To which Strategic Direction(s) does this travel relate?

- Advancing Onoyote?a-ka Principles
- Creating a Positive Organizational Culture
- Committing to Building a Responsible Nation
- Implementing Good Governance Processes

Describe the purpose of Travel and how it relates to the Strategic Direction(s) and/or your liaison area:

Request approval of invite to attend the Great Lakes Restoration Initiative Forum (GLRI) on May 24, 2017 in Ashland, WI. The forum relates to the implementing of good governance processes and will benefit our Nation in enhancing the incorporation of tribal priorities.

E-Poll is needed today as the deadline for RSVP is tomorrow (5/5/17).

Letter/Invitation is attached.

5. Submission

Sponsor: Cristina Danforth, Tribal Chairwoman

- 1) Save a copy of this form for your records.
- 2) Print this form as a *.pdf OR print and scan this form in as *.pdf.
- 3) E-mail this form and all supporting materials in a **SINGLE** *.pdf file to: BC_Agenda_Requests@oneidanation.org



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

TO
PP
file

APR 21 2017

Cristina Danforth, Chairperson
Oneida Nation of Wisconsin
P.O. Box 365
Oneida, WI 54155-0365

| | |
|--|----------------------------|
| RECEIVED BY BUSINESS COMMITTEE SUPPORT OFFICE APR 24 2017 ONEIDA NATION INITIALS <i>K</i> | REPLY TO THE ATTENTION OF: |
|--|----------------------------|

Dear Chairperson Danforth,

As the new Director of the Great Lakes National Program Office, I would like to reaffirm the EPA's and its federal partner's commitment to improving communications and relationships with our Great Lakes Tribal partners.

Working with the Bureau of Indian Affairs (BIA), I have set up a forum to discuss Tribal priorities within the Great Lakes Restoration Initiative and ways to enhance communication with our Tribal partners. This forum is our chance to initiate ongoing tribal engagement and dialogue, and to consult as appropriate, to meaningfully inform Great Lakes Restoration Initiative planning, budgeting, funding, and decision-making processes.

The forum will be hosted by BIA and held on May 24, 2017 in Ashland, Wisconsin and I hope you are able to attend. We have also invited separately tribal natural resource directors, environmental program managers, and tribal staff involved in GLRI projects or programs. Attached is the agenda including all the logistical information related to the forum.

For planning purposes, we would appreciate an RSVP by May 5, 2017. If you prefer to RSVP via email, please send your RSVP or any other questions you may have to Nick Green, of my staff, at Green.Nicholas@epa.gov.

We look forward to this opportunity to enhance the EPA's and its federal partner's commitment to improving communications and relationships with our Great Lakes Tribal partners.

Sincerely,

Tinka G. Hyde, Director
Great Lake National Program Office

Great Lakes Restoration Initiative Tribal Forum
May 24, 2017
10:00 AM – 3:00 PM Central
Bureau of Indian Affairs
721 Lakeshore Drive W
Ashland, WI 54806
Call-in #: (877) 940-5911 / Call-in Code: 89708411

Objectives:

- Initiate ongoing tribal engagement and dialogue to inform Great Lakes Restoration Initiative (GLRI) processes.
- Increase the understanding of the challenges and opportunities for Tribes with regard to varying funding mechanisms and inter-agency coordination pursuant to the GLRI.
- Identify ways to enhance the incorporation of tribal priorities and tribal engagement for the purposes of informing GLRI budget and planning processes including the development of Action Plan III.

Agenda:

| | | |
|----------------------------|--|----------------------------|
| 10:00-10:10 | Welcome | <i>Tinka Hyde (EPA)</i> |
| 10:10-10:30 | Introductions | <i>All Participants</i> |
| 10:30-11:00 | Overview of GLRI Funding and FY19 Budget | <i>Wendy Carney (EPA)</i> |
| 11:00-12:00 | Open Discussion | <i>All Participants</i> |
| -----LUNCH 12:00-1:00----- | | |
| 1:00-1:30 | Incorporating Tribal Priorities into GLRI Planning | <i>Jessica Koski (BIA)</i> |
| 1:30-2:00 | Open Discussion | <i>All Participants</i> |
| 2:00-2:50 | Tribal Engagement and Inter-Agency Coordination Moving Forward | <i>Open discussion</i> |
| 2:50-3:00 | Wrap Up/Action Items | <i>Tinka Hyde</i> |

Special Instructions:

Directions: Two blocks east of the main BIA Great Lakes Agency building (916 Lakeshore Drive W). Located on the lake side across from McDonald's.

Parking: Available at the meeting location (721 Lakeshore Drive W), the main BIA Great Lakes Agency building (916 Lakeshore Drive W).

X. GENERAL TRIBAL COUNCIL

A. Petitioner Sherrole Benton: Request to change pre-employment drug testing for marijuana

1. Accept financial analysis

Sponsor: Larry Barton, Chief Financial Officer

EXCERPT FROM MAY 10, 2017: Motion by Fawn Billie to defer the financial analysis to the May 24, 2017 regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM APRIL 26, 2017: Motion by Jennifer Webster to defer the financial analysis to May 10, 2017, regular Business Committee meeting, seconded by Fawn Billie. Motion carried unanimously.

EXCERPT FROM APRIL 12, 2017: (1) Motion by David Jordan to accept the legal analysis, seconded by Jennifer Webster. Motion carried unanimously. (2) Motion by Lisa Summers to defer the financial analysis to the April 26, 2017, regular Business Committee meeting, seconded by David Jordan. Motion carried unanimously.

EXCERPT FROM MARCH 22, 2017: (1) Motion by David Jordan to accept the legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Tehassi Hill to defer the legal analysis to the April 12, 2017, regular Business Committee meeting, seconded by Lisa Summers. Motion carried unanimously. (3) Motion by David Jordan to defer the financial analysis to the April 12, 2017, regular Business Committee meeting, seconded by Tehassi Hill. Motion carried unanimously.

EXCERPT FROM MARCH 8, 2017: (1) Motion by Brandon Stevens to accept the progress report regarding legislative analysis, seconded by Tehassi Hill. Motion carried unanimously. (2) Motion by Jennifer Webster to accept the progress report regarding the legal analysis, seconded by Fawn Billie. Motion carried unanimously. (3) Motion by Jennifer Webster to accept the progress report regarding the financial analysis, seconded by Brandon Stevens. Motion carried unanimously.

EXCERPT FROM JANUARY 11, 2017: (1) Motion by Lisa Summers to accept the verified petition from Sherrole Benton regarding a request to change pre-employment drug testing for marijuana use; to send the verified petition to the Law, Finance, Legislative Reference, and Direct Report Offices for the legal, financial, legislative, and administrative analyses to be completed; and to direct the Law, Finance, and Legislative Reference Offices to submit their analyses to the Tribal Secretary's Office within sixty (60) days, and that a progress report be submitted in forty-five (45) days, seconded by Fawn Billie. Motion carried unanimously.

This agenda item contains information for Tribal Members only. Please visit the Business Committee Support Office on the second floor of the Norbert Hill Center with Tribal I.D. to obtain full packet materials. Materials may also be obtained after logging into the Tribal Members only portal at <https://oneida-nsn.gov/members-only/gtc-portal/bc-meeting-materials-for-members-only/>

For any questions, please call the Business Committee Support Office at (920)869-4364 or send an email to TribalSecretary@oneidanation.org. Thank you.

Business Committee Meeting
8:30 a.m. Wednesday, May 24, 2017
Thank you for printing clearly

CAROL SILVA _____

Bonnie P. gman _____

pale wheelock OHA _____

Barb Erickson _____

Jamie Bettery _____

Vickie Corydus _____

Geraldine Danforth _____

Heather Hoxer _____
