

Title 4. Environment and Natural Resources – Chapter 403
WOODCUTTING ORDINANCE
Latiyantahli·thá Olihwá·ke
the matters concerning the wood cutters

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403.1. Purpose.

403.1-1. This Ordinance is designed to regulate woodcutting activities on all Tribal lands which are not governed by other lawful authority. This Ordinance shall supercede all other written or unwritten Tribal ordinances or practices relating to this activity. The Ordinance is designed to manage the Tribal wood resource for the benefit of the whole Tribe, and Oneida elders in particular, as determined by the Oneida Land Committee, Oneida Business Committee, and Oneida General Tribal Council. It is also designed to accommodate the long range goals of the Tribe relating to this valuable Tribal resource.

403.2. Definitions.

403.2-1.

- (a) Assignments-shall mean legal and formal assignment of Tribal Trust land.
- (b) Assistant Permit Holder-shall include all persons assisting permit holder.
- (c) Commercial Use-shall mean for profit activities.
- (d) Cord-(full or face)
- (e) Designated Woods-shall mean those woods determined by the Land Committee.
- (f) Designation of Woods:
 - (1) Firewood-wood suitable only for the purpose of using wood stoves.
 - (2) Lumber-saw logs
 - (3) Other-pulp wood
- (g) Elder-shall mean an enrolled Oneida Tribal member who has attained the age of 55.
- (h) Leases-shall mean legal and formal lease of Tribal Trust land.
- (i) Non-Personal Use-shall mean wood used for the benefit of others than immediate family or resale of wood for profit or otherwise.
- (j) Permit Holder-shall mean an Oneida Tribal member who has applied for and received a permit to cut wood pursuant to this Ordinance.
- (k) Tribal Woodlands-shall mean those lands held by the Tribe, whether in trust or not, which are not assigned or leased to individual Tribal members.
- (l) Woodcutting Coordinator-shall mean that person charged with the responsibility for processing permits and enforcing this Ordinance.
- (m) Woodcutting Permits-shall mean permits issued by the Tribe pursuant to this Ordinance.

403.5-3. Application.

- (a) Form- A form shall be developed which will provide information upon which an appropriately designated Tribal official can issue a wood cutting permit. Such form will

include:

- (1) Name of person or persons permitted to cut wood on Tribal lands.
- (2) The Tribal land upon which the designated wood may be cut.
- (3) The specific designation of wood to be cut.
- (4) How the wood is to be cut, stacked and measured.
- (5) That woodcutting is limited to personal consumption and that resale is prohibited.
- (6) Fees:
 - (A) (\$5.00) application fee
 - (B) per face cord charge (1/2 local market value), (cord for cord)
 - (C) donations will be accepted from elders who receive woods cut under this Ordinance.
- (7) Identification of Permit Holder.
- (8) Signature of authorizing Tribal Officer.
- (9) Exact time limits shall be on forms.

(b) Procedure

- (1) Applicants will be provided an approved form by which they may apply for a woodcutting permit.
- (2) Applications will be maintained in chronological order in a file located in the Land Office and maintained by the Land Officer or the person designated or delegated that responsibility.
- (3) Applications will be approved by the Land Officer upon the recommendation of the Tribal person designated or delegated such responsibility and upon receipt of the permit fees.
- (4) Permit fees and per face cord fees will be established by the Oneida Land Committee. Approved permit holders will be provided instructions which clearly and specifically designate the measurement, division, placement of woods cut and person responsible for verification.
- (5) Damage caused by permit holders will be their personal responsibility. The Oneida Tribe will not be responsible for personal injuries to permit holder or to any person injured by permit holder or his assistants.
- (6) Permit disputes will be resolved by the Oneida Land Committee who will:
 - (A) make a written factual determination, and
 - (B) make a dispositional decision
 - (C) if it cannot be resolved, a written record will be provided to the Oneida Business Committee with a recommendation from the Land Committee.
- (7) If designated woods are located on lands administered by the Oneida Housing Authority, the Oneida Housing Authority shall be given a copy of the authorizing permit before the wood is cut.
- (8) Permits are to be issued for a period not to exceed two (2) week periods and are renewable without additional fee by the Woodcutting Coordinator in increments of no longer than two (2) weeks.
- (9) The Woodcutting Coordinators will acknowledge receipt of the Tribal share on a form provided for this purpose. These forms shall be kept on a file by the Coordinator.

Permits shall be returned when wood is divided and kept on a file in the Land Office.

403.5-4. Tribal Policy. Since all woods on Oneida Tribal lands are a valuable resource that should be used for the benefit of the Oneida Tribe, it is hereby declared that cutting and removal of all woods on Tribal lands, whether in trust status or not, is to be done in accordance with provisions of this Ordinance. It is further a policy that the Oneida elderly have first priority if they have wood burning stoves or furnaces, in receiving the Tribe's share of all woods cut on Tribal lands. This policy shall be consistent with other related Tribal policies.

403.5-5. Enforcement.

(a) Unauthorized woodcutting

(1) Unauthorized woodcutting shall mean:

- (A) Tribal members who cut wood on Tribal lands without a permit as provided by the Ordinance.
- (B) Non-Oneida persons who cut wood on Tribal lands.
- (C) Permit holders who cut unmarked trees.

(2) The Oneida Tribe will prosecute unauthorized woodcutters in the appropriate County Circuit Court in a civil action to recover the value of all woods taken without Tribal Authority. This provision shall not be deemed to waive any of the sovereign rights of the Oneida Tribe of Wisconsin.

(b) Verification

(1) All notices, reports or complaints of unauthorized woodcutting shall be investigated by the Coordinator.

(2) The Coordinator shall factually verify:

- (A) Identity of unauthorized woodcutters if it can be ascertained peacefully.
- (B) Identity and description of vehicles, if any, and License numbers.
- (C) Location of unauthorized woodcutting.
- (D) Any other pertinent facts relating to the identity of woodcutters, those assisting in the unauthorized woodcutting, any vehicles used, and description of method of unauthorized woodcutting.

(c) Procedure

(1) This information shall immediately be relayed to the Oneida Land Office.

- (A) If the unauthorized woodcutting occurs on lands of the Oneida Housing Authority, they shall also be informed.

(2) The Land Committee shall consider the report of the Coordinator and make appropriate recommendations in writing to the Oneida Business Committee.

(d) Final Oneida Business Committee Resolution

(1) Upon consideration with the Tribal Attorney, the Oneida Business Committee shall take appropriate action to protect the interests of the Oneida Tribe.