

NOTICE OF  
**PUBLIC MEETING**

TO BE HELD

**April 9, 2025, at 11:00 AM**

IN THE

Little Bear Development Center Conference Room  
N7332 Water Circle Place, Oneida, WI 54155

In accordance with the Administrative Rulemaking Law, Land Management and the Oneida Land Commission is hosting this Public Meeting to gather feedback from the community regarding the following rule.

## **TOPIC: Agricultural Leasing Rule**

**This is a proposal to revise a rule through:**

- ◆ A full review and revision of existing agricultural leasing regulations created to make agricultural lands available to tribal members and third parties for leasing that implements the following new provisions:
  - A clear and concise requirement for an absolute tribal member preference in agricultural lease selection;
  - Easily identified pricing models that follow market trends;
  - New limitations on chemical use on tribal lands aimed at improving future soil health while protecting the Reservation's air, soil, and water health; and
  - Financial incentives to encourage lessees to use the best regenerative agricultural practices available

To obtain copies of the Public Meeting documents for this proposal, please visit [www.oneida-nsn.gov/Register/PublicMeetings](http://www.oneida-nsn.gov/Register/PublicMeetings).

## **PUBLIC COMMENT PERIOD OPEN UNTIL April 16, 2025**

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 Oneida Land Management by U.S. mail, interoffice mail, e-mail or fax.

**Oneida Land Management  
PO Box 365, Oneida, WI 54155  
shunting@oneidanation.org  
Phone: 920-869-6610**



## Title 6. Property and Land – Chapter 602 LEASING LAW

### Rule # 2 – Agricultural Leasing

#### 2.1. Purpose and Policy

#### 2.2. Adoption and Authority

#### 2.3. Definitions

#### 2.4. Approving and Advertising the Agricultural Leasing Catalog

#### 8 2.5. Application and Selection.

9

#### 10 2.1. Purpose and Policy

11 2.1-1. **Purpose.** The purpose of the Agricultural Leasing Rule is to expand upon the information  
12 provided in the Leasing Law regarding the specific requirements for leasing land for agricultural  
13 purposes in a way that improves future soil health, enhances environmental policy to protect the  
14 air, soil, and water, and encourages the best regenerative agricultural practices available. The Land  
15 Office has a stated purpose to be Caretakers of the Land and that responsibility includes setting  
16 protective measures for future generations.

17 2.1-2. **Policy.** The policy behind the Agricultural Leasing program is to provide Tribal members  
18 and Tribal Programs/Departments, with preferential access to Tribal land for agricultural uses and  
19 make surplus agricultural lands available for agricultural leasing by non-Tribal members, using  
20 consistent and fair processes that ensure long-term health and productivity from high standards of  
21 stewardship.

#### 22 2.2. Adoption and Authority

23 2.2-1. This rule was jointly adopted by Land Management and the Oneida Land Commission in  
24 accordance with the Administrative Rulemaking law.

25 2.2-2. This rule may be amended or repealed by the Land Commission pursuant to the procedures  
26 set out in the Administrative Rulemaking law.

27 2.2-3. Should a provision of this rule or the application of this rule to any person or circumstances  
28 be held as invalid, such invalidity shall not affect other provisions of this rule which are considered  
29 to have legal force without the invalid portions.

30 2.2-4. In the event of a conflict between a provision of this rule and a provision of another rule,  
31 internal policy, procedure, or other regulation; the provisions of this rule controls.

32 2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements  
33 relating to the Leasing Law. The Oneida Nation does not recognize the authority of the Outagamie  
34 County Drainage Board.

#### 35 2.3. Definitions

36 2.3-1. This section governs the definitions of words and phrases used within this rule. All words  
37 not defined herein are to be used in their ordinary and everyday sense.

38 (a) *Restricted Use Chemicals* means products that uses or applied e only by a  
39 certified applicator and may include a list of specific products that are not allowed in  
40 excess of set limits.

41 (b) *Prohibited Use Chemicals* means chemical products that are prohibited for use on  
42 Oneida Nation lands.

43 (c) *Crop-share or Share-cropping* means an arrangement between a lessee and another  
44  
45

46 party that allows the other party to farm or use the land for either a fee or return of crop.

47 (d) *Waterway* means a natural or artificial channel within or adjacent to agricultural  
48 land which acts to drain water from the land which includes, but is not limited to, grassed  
49 waterways, streams, wetlands, lakes, and ditches including road ditches.

50 (e) *Seven Generation Agriculture* means practices that:

51 (1) Improves soil structure, reduce erosion, and increase organic matter utilizing a  
52 continuous cover and conservation farming methods

53 (2) Increases diversity of organisms within the soil biome by eliminating pesticide  
54 use and manage the land for soil health

55 (3) Benefits water quality with proper nutrient management, eliminating pesticide  
56 use, and decreasing run off and erosion.  
57

## 58 **2.4. Approving and Advertising the Agricultural Leasing Catalog**

59 2.4-1. **Assessing Available Lands.** At least once annually, Land Management shall prepare a  
60 list of lands available for agricultural leasing and shall present to the Land Commission for  
61 approval to add to the agricultural leasing catalog for advertising. In addition, Land Management  
62 may assess land as it becomes available, either through acquisition or lease expirations, and  
63 present to the Land Commission for approval to add to the agricultural leasing catalog for  
64 advertising.

65 2.4-2. **Right of First Refusal to Internal Entities.** Before land in the agricultural catalog is  
66 placed for publishing and advertising for the general public, the Oneida Nation Farm,  
67 Tsyunhehkwa Farm, and the Oneida Orchard will be given first right of refusal.

68 (a) If none of the Nation's named agricultural departments exercise their right of first  
69 refusal within thirty (30) calendar days, the land shall be noticed as available for internal  
70 assignment to all Oneida Nation internal entities for a minimum period of thirty (30)  
71 calendar days, provided that Land Management shall provide specific notice to internal  
72 entities that have agricultural, forestry, or natural resources interests as evidenced by  
73 existing internal entity building and/or land assignments.

74 (b) In the event multiple internal parties seek internal assignments for the same  
75 parcel, the General Manager shall determine which internal entity shall receive the parcel  
76 pursuant to an internal building and land assignment.

77 2.4-3. **Long-Term Management Plans.** Land Management shall develop long-term  
78 management plans for each parcel that shall be incorporated into agricultural lease documents  
79 and internal building and land assignments. The long term management plans for each parcel  
80 will address the natural characteristics of the land, outline pertinent ecological principles, and set  
81 out environmentally responsible farming practices, that the lessee must implement throughout  
82 the property to be incorporated into the applicable lease documents.

83 2.4-4. **Advertising.** Except as provided in section 2.4-2., Land Management shall not enter any  
84 agricultural leases without having first advertised the subject parcels as provided in this section.

85 (a) *When and Where to Advertise.* Following approval of the agricultural leasing  
86 catalog and after the time period expires for all internal parties to request use of the land,  
87 Land Management shall publish notice of agricultural leasing lands available as follows:

88 (1) *In Print.* Land Management shall advertise the annual agricultural catalog  
89 available for leasing in the May edition of the Kahliwisaks. Print notice is  
90 required only once annually and land may be added to catalog and advertised  
91 online as they become available given that the Kahliwisaks has limited publishing  
92 dates that could delay agricultural leasing; and

93 (2) *Online.* Land Management shall advertise all land available for  
94 agricultural leasing on the social media accounts of the Nation and Land  
95 Management and the Land Management website to the extent such accounts exist,  
96 for a minimum of 30 days prior to accepting bids.

97 (b) *Notice Contents.* Each notice shall include, at a minimum, the following  
98 information:

- 99 (1) The address/location of each leased site;
- 100 (2) How many grazing and/or tillable acres are available on each leased site;
- 101 (3) Whether the leased sites include any waterways or highly erodible lands;
- 102 (4) The date bids will be accepted;
- 103 (5) Instructions for submitting bids or a link to the instructions if available  
104 online;
- 105 (6) The bid opening and selection dates; and
- 106 (7) The point of contact at Land Management for additional information.

## 107 108 **2.5. Application and Selection.**

109 2.5-1. **Application.** To submit a bid for an agricultural lease, applicants shall submit their sealed  
110 bid, to Land Management located at 470 Airport Drive, Oneida, WI 54155, before close of business  
111 on the final date for bid acceptance. When submitting the bid, applicants shall include a complete  
112 application, as made available on Land Management's website and at the Land Management  
113 Office, along with any required supporting documents. Bids submitted with incomplete  
114 applications or without required supporting documents will not be considered by Land  
115 Management.

116 (a) *Supporting Documents.* At a minimum, the agricultural application shall require  
117 submittal of the following documents:

- 118 (1) *Best Practices Rebate Enlistment.* On the application form, the applicant  
119 selects which additional best agricultural practices the applicant is willing to  
120 perform if awarded the lease and for which the Nation will issue a rebate in  
121 accordance with section 2.8 below.
- 122 (2) *Experience and Capacity Testament.* The applicant must include a signed  
123 statement that includes their years of farming experience, including explanation of  
124 any Seven Generation Agriculture knowledge the applicant has. The applicant  
125 must demonstrate that the applicant has the facility, access to equipment and  
126 capacity to self-perform the farming activities on the requested leased site.

127 2.5-2. **Selection.** In the event multiple bids are received for the same parcel, Land Management  
128 shall perform a lottery of the eligible applicants to select the winning applicant.

129 (a) *Absolute Tribal Member Preference.* When selecting bidders to award an  
130 agricultural lease following the advertising and bid process, Land Management shall apply  
131 an absolute Tribal member preference. In practice, that means that any time a tribal  
132 member applies for a lease and meets the minimum application and eligibility  
133 requirements, the tribal member will be awarded the lease regardless of anything in other  
134 applications that might make them more competitive. If multiple tribal members are  
135 eligible and submit complete applications, then Land Management shall perform a lottery  
136 of only the eligible tribal member applicants to select the winning applicant.

## 137 138 **2.6. Tribal Member Requests for Agricultural Land Not Published in the Catalog**

139 2.6-1. A Tribal member may bring forth requests for specific parcels not currently published in  
140 the agricultural catalog, for example, a vacant parcel of land near their residence.

141 2.6-2. Upon receipt of any request from a tribal member for a lease of land not advertised as part  
142 of the Nation's agricultural leasing catalog, the leasing specialist shall prepare a recommendation  
143 for Land Commission's consideration.

144 (a) At a minimum, the recommendation must consider:

- 145 (1) Any current/proposed use by the Nation;
- 146 (2) Current zoning of the requested parcel;
- 147 (3) Contracts/liabilities involving the parcel;
- 148 (4) The proposed lease duration;
- 149 (5) The amount of tillable or usable acres available at the parcel; and
- 150 (6) Whether a LANDBAC evaluation has been completed on the parcel and  
151 the related findings.

152 (b) Recommendations to approve the lease request shall be forwarded to the Land  
153 Commission and the applicant for deliberation. Recommendations to deny the lease  
154 request shall be forwarded to the Division Director for review. If the Division Director  
155 agrees with the denial, a denial statement shall be issued to the applicant with notice as to  
156 whether the decision may be appealed to the Oneida Land Commission. Only  
157 discretionary decisions may be appealed to the Land Commission where a discretionary  
158 decision is one in which the requested land:

- 159 (1) Has been approved for agricultural use through the LANDBAC process;
- 160 (2) Is not subject to any contracts or outstanding liabilities that would  
161 interfere with the requested use of the parcel; and
- 162 (3) Has not been reserved for a future internal use pursuant to the LANDBAC  
163 process that would conflict with the requested use.

164

## 165 **2.7. Agricultural Lease Documents and Rates**

166 2.7-1. **Lease Documents.** The lease documents used by Land Management shall be prepared by  
167 the Oneida Law Office and approved by the Oneida Land Commission provided that, in addition  
168 to the requirements of the Leasing law, all agricultural leases shall include the following  
169 requirements:

170 (a) *Buffers.* In the event there is a waterway on the leased premises, the lessee shall  
171 maintain a waterway buffer wherein the setback for all waterway buffers must be a  
172 minimum of fifty (50) feet on either side of a defined waterway. Lessee will abide by the  
173 established setbacks and will not encroach on posted buffer areas. In the lease, the Nation  
174 shall allow the lessee to harvest any grass cut or mowed across buffer area and shall not  
175 include the buffer within the tillable acres of the lease.

176 (b) *Highly Erodible Lands(HEL).* In the event the leased area contains land identified  
177 as highly erodible, the lessee shall ensure there is a Conservation Plan that is approved by  
178 Natural Resources Conservation Services (NRCS) and noticed to the Nation that  
179 substantially reduces soil loss before farming the land. These areas will be identified in  
180 the lease.

181 (c) *Manure.* All agricultural leases shall prohibit raw or liquid manure from being  
182 spread on frozen ground. Further, liquid manure hoses shall not be run across or directly  
183 adjacent to waterways, through culverts, or under bridges on land owned by the Nation.  
184 Any liquid manure hoses must be maintained outside the fifty-foot (50 ft) buffer for all

185 defined waterways and fifty (50) feet from any roadway or ditch. Spreading of manure  
186 must be part of an approved Nutrient Management Plan and only be applied to  
187 recommended levels. Lessee must give the Nation at least a 48-hour notice prior to manure  
188 application.

189 (d) *Nutrient Management Plan.* The agricultural lease shall require all lessees to  
190 provide an approved Nutrient Management Plan to the Ag Leasing Specialist and Resource  
191 Conservationist annually. The lease shall also encourage Lessees to enroll with the Farm  
192 Service Agency (FSA) and/or Natural Resources Conservation Services (NRCS). The  
193 Nutrient Management Plan shall require a plan for each field farmed individually, or groups  
194 of fields with the same crop and similar rotation.

195 (e) *Land Management Plan.* The lease shall incorporate the Long-Term Management  
196 Plan for the applicable parcel and shall require the parties to cooperate to implement the  
197 plan and amend it from time to time as needed, with the help of mutually agreeable land  
198 use consultants, where appropriate. The lease shall require that both the Nation and the  
199 lessee agree in writing to any changes in the Long-Term Management Plan before such  
200 changes take effect.

201 (f) *Implementing Best Practices.* The lease shall require the lessee to farm the premises  
202 utilizing Seven Generation Agriculture practices. The lease shall require the lessee to make  
203 agricultural improvements to the leased land as deemed necessary for soil health and  
204 drainage. The lessee shall agree to implement, where possible, the best management  
205 practices recommended the Nation and to cooperate with NRCS soil and water  
206 conservation programs. The lease shall require the lessee to use seed lubricants designed  
207 to reduce the amount of fungicide and insecticide dust released during planting. Further,  
208 the lease shall document any payment negotiations for such improvements.

209 (g) *Restricted Activities.* The lease shall provide that, unless otherwise agreed to by the  
210 parties in writing, the following activities may not occur on leased premises and may  
211 subject the lessee to a 5-day lease termination in accordance with the Eviction and  
212 Termination law:

- 213 (1) Erecting permanent structures;
- 214 (2) Plowing up pasture;
- 215 (3) Crop sharing or share-cropping arrangements;
- 216 (4) Sub-leasing arrangements;
- 217 (5) Using any restricted use chemical applications, provided that restricted use  
218 chemicals shall be defined by the ELA Division with the most current list  
219 noticed on the Division's website; and/or
- 220 (6) Applying municipal, commercial, or industrial sludge material.

221 (h) *Recording Keeping.* The lease shall require the lessee to maintain records of all  
222 herbicides, pesticides, insecticide, seed treatments, and nutrients utilized on leased land  
223 and shall require to lessee to make said submit such records to the Nation on an annual  
224 basis.

225 (i) *Easements and Other Restrictions.* The lease shall require lessee to comply with  
226 terms and conditions of any current and/or future Agricultural Conservation Restrictions  
227 or other easements placed on any or all portions of the leased premises, provided that any  
228 such restrictions shall not unduly restrict normal agricultural activities.

229 (j) *Lease Term.* Agricultural lease terms shall not exceed five (5) years.

230 2.7-2. *Agricultural Lease Rates.* The Oneida Land Commission shall set agricultural lease rates

231 on an annual basis to occur no later than March 1<sup>st</sup>. Agricultural leases and options to extend shall  
232 be executed with lease costs matching the agricultural lease rates in effect at the time of signature  
233 of the agreement.  
234

## 235 **2.8. Best Practices Rebate Program**

236 2.8-1. *Best Practices Rebate Program.* The purpose of the Nation's Best Practices Rebate  
237 Program is to incentivize farmers cultivating the Nation's land to implement best practices that  
238 provide the best protections for the soil and water. To incentivize use of Seven Generation  
239 Agriculture practices, the Nation shall provide rebates to agricultural lessees who sign-up to  
240 perform agricultural best practices.

241 2.8-2. *Incorporating the Rebate Program into the Lease.* The lease application shall include the  
242 current list of best practices eligible for Oneida rebates along with the amount of the rebates and  
243 the lessee shall indicate which rebates the lessee is pursuing. The Leasing Specialist shall  
244 incorporate the selected rebates into the lease document through an exhibit, which shall include  
245 current information detailing what the lessee must do, including what submittals and inspections  
246 are required, prior to receiving each selected rebate.

247 2.8-3. *Best Practices Eligible for Rebates.*

- 248 (a) Enrolling in approved agricultural programs (i.e. FSA, NRCS, NEW Water);
- 249 (b) Planting Cover crop where the rebate is for the total acreage planted into cover  
250 crop;
  - 251 (1) Cover crop seed mix must include 3 or more seed species with at least one  
252 overwintering species and be approved by Resource Conservationist or their  
253 designee and they must measure cover crop establishment after planting.
- 254 (c) Planting food for human consumption with no GMO on 10% or more of the leased  
255 land;
- 256 (d) Using of livestock to repair soil health (i.e. rotational grazing/chickens);
- 257 (e) Interseeding into a crop if seed mix and planting time prior to seeding is approved  
258 by the Resource Conservationist or their designee.
- 259 (f) Applying liquid manure through low disturbance injection if there is no surface  
260 application and no tillage pre and post LDMI. Resource Conservationist or their designee  
261 must verify after manure application.
- 262 (g) Planting alfalfa with grass, or adding alfalfa to grass where the Resource  
263 Conservationist or their designee must measure crop establishment after planting.
- 264 (h) Planting into residue from thirty percent (30%) to fully green following crop  
265 harvest or spring termination where the Resource Conservationist or their designee must  
266 measure residue and verify in spring after planting.

## 267 **2.9. Conservation Plans and Other Required Submittals.**

269 2.9-1. All lessees shall submit Conservation Plan or Management Nutrient Plan prepared by a  
270 certified agronomist on an annual basis which shall includes a map of all tillable acres and all  
271 chemical inputs planned for the acreage. The EHL Division shall ensure all required submittals are  
272 complete. A failure to complete a submittal amount a lease violation and may be treated as such  
273 in accordance with the Eviction and Termination law.  
274

## 275 **2.10. Agricultural Lease Transfer or Assignment.**

276 2.10-1. *Transfer and Assignment.* Any documents used to transfer or assigned the lease shall be  
277 approved by Land Management and the Oneida Law Office in advance of execution. Sub-leasing,

278 transfer or assignment of any agricultural lease must be approved by the Oneida Land Commission.

279 (a) Transfer must be voluntary, approved in writing by all parties, or court ordered by  
280 a court of competent jurisdiction;

281 (b) If the agricultural lease is transferred by sublease, the original lessee shall at all  
282 times remain responsible for ensuring compliance with the terms of the agricultural lease  
283 and any and all enforcement actions taken by Land Management and/or the Nation shall  
284 be taken against the original lessee. Any dispute as to who is responsible for the non-  
285 compliance constitutes a private dispute between the sublease parties and shall exclude  
286 Land Management and the Nation as a party to the dispute.  
287

288 **2.11. Agricultural Leasing Actions**

289 2.11-1. The Oneida Judiciary is granted jurisdiction to hear legal complaints filed regarding  
290 actions taken pursuant to this rule.

291 2.11-2. No administrative hearing body, including a board, committee, or commission, is  
292 authorized to hear a complaint regarding actions taken pursuant to this rule.  
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295 Original effective date:  
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306 **Exhibit A**

307 **Land Management Plan.** The Nation shall develop a Land Management Plan, attached as  
308 Exhibit A, for each leased parcel which will address the natural characteristics of the land,  
309 outline pertinent ecological principles, and set out environmentally responsible farming practices  
310 that the lessee must implement throughout the Premises to be incorporated into the applicable  
311 lease documents.

312 Plan to include the following property address, detailed description of the natural  
313 characteristics of the land noting any areas of caution for; wetlands, highly erodible soils,  
314 proximity to waterways, etc. Note and outline pertinent ecological principles that need to be part



315 of any lease. Plan needs to set out environmentally responsible farming practices that the lessee  
316 must implement throughout the property to be incorporated into the applicable lease documents.  
317  
318

DRAFT

**Summary Report for:**

Land Management

**Original Effective Date:** 05/16/2018

**Amendment Effective Date:** 01/27/2025

**Name of Rule:** Agricultural Rule

**Name Law being Interpreted:** Real Property Law

**Rule #:** 2

**Other Laws or Rules that may be affected:** N/A

**Brief Summary of the proposed rule:** A full review and revision of existing agricultural leasing regulations created to make agricultural lands available to tribal members and third parties for leasing that implements the following new provisions:

- A clear and concise requirement for an absolute tribal member preference in agricultural lease selection;
- Easily identified pricing models that follow market trends;
- New limitations on chemical use on tribal lands aimed at improving future soil health while protecting the Reservation's air, soil, and water health; and
- Financial incentives to encourage lessees to use the best regenerative agricultural practices available

**Statement of Effect:**

**Financial Analysis:**

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.

**Financial Analysis for:**

Agricultural Rule

<u>Type of Cost</u>	<u>Description/Comment</u>	<u>Dollar Amount</u>
Start Up Costs	N/A	\$0.00
Personnel	N/A	\$80,000.00
Office	N/A	\$0.00
Documentation Costs	N/A	\$0.00
Estimate of time necessary for an individual or agency to comply with the rule after implementation	6 months	
Other, please explain	N/A	N/A
Total		\$80,000.00



## Statement of Effect

### *Amendments to Leasing Law Rule No.2 - Agricultural Leasing*

#### *Summary*

The amendments to the Leasing Law Rule No. 2 – Agricultural Leasing make complete revisions to the existing agricultural leasing regulations to make agricultural lands available to members of the Nation and third parties.

*Submitted by: Clorissa N. Leeman, Senior Staff Attorney, Legislative Reference Office*

*Date: March 26, 2025*

#### *Analysis by the Legislative Reference Office*

The Leasing law (“the Law”) was adopted by the Oneida Business Committee by resolution BC-05-13-15-C and amended by resolution BC-10-26-16-C. The Law was approved by the Secretary of Interior and published on the Federal Register on April 19, 2018. The purpose of the Law is to set forth the Nation’s authority to issue, review, approve and enforce leases, in addition to meeting the requirements of the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) by establishing a process under which the Nation will be able to approve leases on tribal land without additional approval of the Secretary of the Interior. [6 O.C. 602.1-1]. It is the policy of the Nation to set out the expectations and responsibilities of the lessor and lessees of tribal land and to ensure the leasing of tribal land results in minimal risk to the Nation. [6 O.C. 602.1-2].

The Law delegates administrative rulemaking authority to Land Management and the Oneida Land Commission as authorized by the Administrative Rulemaking law. The Law requires parties interested in obtaining an agricultural lease document to submit an application to Land Management pursuant to the rules which Land Management and the Oneida Land Commission shall jointly develop. [6 O.C. 602.5-1]. Land Management is delegated the responsibility to develop, while the Oneida Land Commission is delegated the responsibility to approve, the format and requirements set out in the lease document applications for different types of leases, as well as additional procedures and processes to be followed when offering and awarding lease documents. [6 O.C. 602.5-1(a)].

The Law provides that agricultural leases are valued based on the bidding process required as part of the lease award process included in the rules, which Land Management and the Oneida Land Commission shall jointly develop. [6 O.C. 602.7-5].

The Law also allows for Land Management and the Oneida Land Commission to jointly develop rules requiring administrative fees for costs associated with issuing a lease document or conducting any other administrative transaction. [6 O.C. 602.10-5].

In regard to enforcement, Land Management is delegated all powers necessary and proper to enforce the lease terms, the Law and any rules developed pursuant to the Law, including, but not limited to, the power to enter the premises, assess penalties, assess late payments and cancel leases. [6 O.C. 602.11-1].

The Leasing Law Rule No. 2 - Agricultural Leases (“the Rule”) was originally made effective on May 16, 2018, for the purpose of codifying the existing standard operating procedure concerning agriculture leases and granting the Oneida Nation’s agriculture leases in a manner that is in the best interest of the Nation. The Rule provided:

- Procedures [Rule 2.4];
  - Determination to Advertise Land;
  - Establishing Fair Market Value;
  - Assembling the Application;
  - Verification of Compliance;
  - Public Notice and Posting;
  - Receipt of Applications;
  - Opening the Sealed Bids;
  - Ranking the Applications;
  - Applicant Qualifications;
  - Ranking of Applications;
  - Preliminary Plans;
  - Drafting the Lease;
  - Renewing Leases;
  - Consolidating Existing Leases; and
  - Record Retention.

Amendments to the Rule are being brought forward to essentially redraft the entire contents of the rule. The purpose of the amended rule is now to expand upon the information provided in the Leasing law regarding the specific requirements for leasing land for agricultural purposes in a way that improves future soil health, enhances environmental policy to protect the air, soil, and water, and encourages the best regenerative agricultural practices available. [Rule 2.1-1]. It is the policy of the Rule to provide Tribal members and Tribal Programs/Departments with preferential access to Tribal land for agricultural uses and make surplus agricultural lands available for agricultural leasing by non-Tribal members, using consistent and fair processes that ensure long-term health and productivity from high standards of stewardship. [Rule 2.1-2].

The amendments to the Rule were jointly developed by the Comprehensive Housing Division and the Oneida Land Commission. The amendments to the Rule provide for the following:

- Approving and Advertising the Agricultural Leasing Catalog [Rule 2.4];
  - Assessing Available Lands;
  - Right of First Refusal to Internal Entities;
  - Long-Term Management Plans;
  - Advertising;
- Application and Selection [Rule 2.5];
  - Application;
  - Selection;

- Tribal Member Requests for Agricultural Land Not Published in the Catalog [*Rule 2.6*];
  - Request for Parcels not Published in the Catalog;
  - Recommendation by Leasing Specialist;
- Agricultural Lease Documents and Rates [*Rule 2.7*];
  - Lease Documents;
  - Agricultural Lease Rates;
- Best Practices Rebate Program [*Rule 2.8*];
  - Purpose of the Best Practices Rebate Program;
  - Incorporating the Rebate Program into the Lease;
  - Eligibility;
- Conservation Plans and Other Required Submittals [*Rule 2.9*];
- Agricultural Lease Transfer or Assignment [*Rule 2.10*]; and
- Agricultural Leasing Actions [*Rule 2.11*].

The provisions of the Rule do not exceed the rulemaking authority granted under the law, as required by the Administrative Rulemaking law. [*1 O.C. 106.4-1*].

### ***Conclusion***

There are no legal bars to adopting the amendments to the Leasing Law Rule No. 2 - Agricultural Leases.