

NOTICE OF
PUBLIC MEETING

TO BE HELD
September 10, 2025, at 9:30-Noon

IN THE
Eagle Room – Employees Services Building
1940 West Mason Street
Green Bay, WI, 54304

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 Rule

This is a proposal to revise a rule by:

- ◆ Replacing the current Chapter 602 Rule No. 2 format to expand on the information provided in the Leasing Law regarding requirements for leasing land for agricultural purposes;
- ◆ Updating agricultural leasing requirements will help to improve future soil health, enhance the environment to protect the air, soil, and water and encourage the best regenerative agricultural practices available;
- ◆ Providing processes for Tribal members and Tribal/Departments/Departments to access the Nations land for Agricultural purposes;

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

**PUBLIC COMMENT PERIOD
OPEN UNTIL September 17, 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

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: August 29, 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 Land Not Published [*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;
- Seven Generations Rebate Program [*Rule 2.8*];
 - Purpose of the Seven Generations 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.



Title 6. Property and Land – Chapter 602 LEASING LAW

Rule # 2 – Agricultural Leasing

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2.1. Purpose and Policy

2.1-1. Purpose. The purpose of the Agricultural Leasing Rule is 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. The Land Office has a stated purpose to be Caretakers of the Land and that responsibility includes setting protective measures for future generations.

2.1-2. Policy. The policy behind the Agricultural Leasing program is 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.

2.2. Adoption and Authority

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

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 This rule may be amended or repealed by the Land Commission pursuant to the procedures set out in the Administrative Rulemaking law.

2.2-3. Should a provision of this rule or the application of this rule 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.

2.2-4. 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 controls.

2.2-5. This rule supersedes all prior rules, regulations, internal policies or other requirements

relating to the Leasing Law. The Oneida Nation does not recognize the authority of the Outagamie County Drainage Board.

2.3. Definitions

2.3-1. 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) Manure means an organic matter derived from the solid animal wastes, used to improve the soil quality and increase the yield of healthy crops. It includes bed pack manure, raw or green manure, or liquid manure. For the purposes of this rule, bed pack manure shall be treated the same as raw or green manure.

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

(a)(c) Restricted Use Chemicals means products that ~~uses~~ may be used or applied only by a certified applicator and may include a list of specific products that are not allowed in excess of set limits.

~~(b)(a) Prohibited Use Chemicals means chemical products that are prohibited for use on Oneida Nation lands.~~

~~(c)(d) Crop-share or Share-cropping~~Subleasing means an arrangement between ~~a~~the lessee and another party that allows the other party to farm or use the land for ~~either~~ a fee or ~~return~~ a waiver of ~~crop~~ a fee. This also includes an arrangement that trades services in exchange for use of the land.

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

~~(e) Seven Generation Agriculture means practices that:~~

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

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

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

2.4. Approving and Advertising the Agricultural Leasing Catalog

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

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

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

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

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

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

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

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

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

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

(1) The address/location of each leased site;

(2) How many grazing and/or tillable acres are available on each leased site;

(3) Whether the leased sites include any waterways or highly erodible lands;

(4) The date bids will be accepted;

(5) Instructions for submitting bids or a link to the instructions if available online;

(6) The bid opening and selection dates; and

(7) The point of contact at Land Management for additional information.

2.5. Application and Selection:

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

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

(1) *Best Practices Rebate Enlistment.* On the application form, the applicant selects which additional best agricultural practices the applicant is willing to

perform if awarded the lease and for which the Nation will issue a rebate in accordance with section 2.8 below.

(2) *Experience and Capacity Testament.* The applicant must include a signed statement that includes their years of farming experience, including explanation of any Seven Generation Agriculture knowledge the applicant has. The applicant must demonstrate that the applicant has the facility, access to equipment and capacity to ~~self~~-perform the farming activities on the requested leased site.

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

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

2.6. Tribal Member Requests for ~~Agricultural~~ Land Not Published in the Catalog

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

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

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

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

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

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

2.7. Agricultural Lease Documents and Rates

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

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

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

~~(c) (e)~~ *Manure*. All agricultural leases shall prohibit ~~raw or liquid~~ manure from being spread on frozen ground. Further, unless part of an approved grazing plan. Lease documents shall further note that the lessee is responsible for any movement of manure offsite and is responsible to clear off any affected roadways of mud or manure as needed and include the following requirements related to the spreading of manure:

a. Limits for application of manure will be the following:

i. No Manure application from Nov. 15 until February 28;

ii. For liquid manure:

1. March 1 until April 15 no more than 10,000 gallons per acre;

2. April 15 until Nov. 15 no more than 12,000 gallons per acre.

b. Pumping Liquid Manure. Pumping of liquid manure hoses shall comply with the following:

i. A pump operator shall be stationed at the pump at all times the pump is in operation in case of the need for immediate shutdown;

~~ii.~~ Hoses may not be run across or directly adjacent to waterways, through culverts, or under bridges on land owned by the Nation. Any that have flowing water. Specifically, liquid manure hoses must be maintained outside the fifty-foot (50 ft) buffer for all defined waterways and fifty (50) feet from any roadway or ditch. Spreading of manure must be part of an approved Nutrient Management Plan and only be applied to recommended levels. Lessee must give the Nation at least a 48-hour notice prior to manure application;

iii. All hoses must be bolted together at all connections; and

iv. Lines for tanker trucks must be one way only when hauling and staging manure on any town or county road.

c. Nutrient Management Plan Required. Spreading of manure must be part of an approved Nutrient Management Plan and only be applied within the limits prescribed in the plan and subsection (a) hereof.

d. Weather Conditions. No spreading of manure 24 hours prior to a forecasted rain event that is fifty percent (50%) or more likely to occur.

e. Notice to Nation Required. Lessee or designee must give the Nation at least a 48-hours of written notice prior to manure application.

(d) *Nutrient Management Plan.* The agricultural lease shall require all lessees to provide an approved Nutrient Management Plan to the Ag Leasing Specialist and Resource Conservationist annually. The lease shall also encourage Lessees to enroll with the Farm Service Agency (FSA) and/or Natural Resources Conservation Services (NRCS). The Nutrient Management Plan shall require a plan for each field farmed individually, or groups of fields with the same crop and similar rotation. Further, the Nutrient Management Plan shall require the lessee to use seed lubricants designed to reduce the amount of fungicide and insecticide dust released during planting.

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

(f) *Implementing Best Practices.* ~~The lease shall require the lessee to farm the premises utilizing Seven Generation Agriculture practices. The lease shall require the lessee to make agricultural improvements to the leased land as deemed necessary for soil health and drainage.~~ The lessee shall agree to implement, where possible, the best management practices recommended by the Nation and to cooperate with NRCS soil and water conservation programs. ~~The lease shall require the lessee to use seed lubricants designed to reduce the amount of fungicide and insecticide dust released during planting. Further, the lease shall~~ The lease shall document any payment negotiations for such improvements. Further, the Leasing Specialist shall ensure the lease includes the Nation's Seven Generation Agricultural Practices explanation and rebate program information.

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

- (1) Erecting permanent structures;
- (2) ~~Plowing up~~ Conversion of pasture; acreage to any other purpose;
- (3) Crop sharing or ~~share cropping arrangements~~ subleasing arrangements wherein crop sharing or subleasing means an arrangement between a lessee and third party that allows the third party to farm all or a portion of the leased land for a return of crop or a fee;
- (4) ~~Sub-leasing arrangements;~~
- (5) ~~Using~~ Improper use of any restricted use chemical ~~applications~~ and/or use of any prohibited use chemicals, provided that restricted and prohibited use chemicals shall be defined by the ELA Division with the most current list noticed on the Division's website; and/or
- (6) Applying municipal, commercial, or industrial sludge ~~material~~ materials to the land.

~~(h)~~ (h) Cooperative Farming Agreements. The Nation fully encourages farmers to engage in cooperative farming. While crop sharing and/or subleasing arrangements are expressly prohibited, cooperative farming agreements can be distinguished from such agreement

because under a cooperative farming agreement, the lessee is not releasing any control over the land for a third party's use. Pursuant to a cooperative farming agreement, both farmers must have the skills to self-perform portions of the work on their respective fields and will share the work and/or equipment needed to tend to crop. While payment may be made from a portion of the lessee's harvested crop, there is no shift in control and responsibility for the land from the lessee to a third party.

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

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

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

2.7-2. *Agricultural Lease Rates.* The Oneida Land Commission shall set agricultural lease rates on an annual basis to occur no later than March 1st. Agricultural leases and options to extend shall be executed with lease costs matching the agricultural lease rates in effect at the time of signature of the agreement.

2.8. Best PracticesSeven Generations Rebate Program

2.8-1. *Best PracticesSeven Generations Rebate Program.* The purpose of the Nation's Best PracticesSeven Generations Rebate Program is to incentivize farmers cultivating the Nation's land to implement best practices that provide the best protections for the soil and water-, what Oneida calls Seven Generation Agricultural practices. To incentivize use of Seven Generation AgricultureAgricultural practices, the Nation ~~shall~~may provide rebates to agricultural lessees who sign-up to ~~perform agricultural best practicesengage~~ Seven Generation Agricultural Practices.

2.8-2. *Incorporating the Rebate Program into the Lease.* The lease application shall include the current list of ~~best~~Seven Generation Agricultural practices eligible for Oneida rebates ~~along with the amount of the rebates~~ and the lessee shall indicate which rebates the lessee is pursuing. The application shall further define any required verification required to be submitted to receive the rebate and a rebate distribution schedule with pricing information. The Leasing Specialist shall incorporate the selected rebates into the lease document through an exhibit, which shall include current information detailing what the lessee must do, including what submittals and inspections are required, prior to receiving each selected rebate.

~~2.8-3. *Best Practices Eligible for Rebates:*~~

2.8-3. *Seven Generations Agricultural Practices.* Are practices that the Oneida people have employed for time immemorial to care for our soil and water health and improve our biodiversity. Specific practices that embody Seven Generation Agricultural practices include the following:

(a) ~~Enrolling~~Promoting Oneida's food sovereignty by:

(1) Growing food for direct community consumption; and/or

(2) Other approved practices.

(b) Engage a good farming community by enrolling in approved agricultural programs (i.e. FSA, NRCS, NEW Water);

~~(b)~~-(c) Improve Soil Structure by:

(1) Planting ~~Cover~~cover crop where the (rebate ismust be for ~~the~~ total acreage

- planted into cover crop~~;~~;
- ~~(1) Cover crop seed mix must include 3 or more seed species with at least one overwintering species and be approved by Resource Conservationist or their designee and they must measure cover crop establishment after planting.~~
- ~~(e) — Planting food for human consumption with no GMO on 10% or more of the leased land;~~
- ~~(d) — (2) Using of livestock to repair soil health (i.e. rotational grazing/chickens);~~
- ~~(e) — Interseeding into a crop if seed mix and planting time prior to seeding is approved by the Resource Conservationist or their designee.~~
- ~~(f)(3) Applying liquid manure through low disturbance injection if there is no surface application and no tillage pre and post LDML. Resource Conservationist or their designee must verify after manure application;~~
- ~~(g) — Planting alfalfa with grass, or adding alfalfa to grass where the Resource Conservationist or their designee must measure crop establishment after planting.~~
- ~~—(h)(4) Planting into residue from thirty percent (30%) to fully green following crop harvest or spring termination where the Resource Conservationist or their designee must measure residue and verify in spring after planting;~~
- ~~(5) Interseeding into a crop if seed mix and planting time prior to seeding is approved by the Resource Conservationist or their designee; and/or~~
- ~~(6) Other approved practices.~~
- ~~(d) Increase Diversity of organisms within the soil biome by:~~
- ~~(1) Planting food for human consumption with no GMO on 10% or more of the leased land;~~
- ~~(2) Planting cover crop with a diverse seed mixture; and/or~~
- ~~(3) Other approved practices.~~
- ~~(e) Benefit water quality by reducing runoff by:~~
- ~~(1) Planting alfalfa with grass or adding alfalfa to grass where the Resource Conservationist or their designee must measure crop establishment after planting;~~
- ~~and/or~~
- ~~(2) Other approved practices.~~
- ~~(f) Prepare the next generation of farmers by:~~
- ~~(1) Hiring youth workers;~~
- ~~(2) Mentoring farmers within the community; and/or~~
- ~~(3) Other approved practices.~~
- ~~(g) Advocate for and teach Seven Generation Agricultural Practices by teaching approved courses through approved agricultural programs and/or other approved activities.~~

2.9. Conservation Plans and Other Required Submittals.

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

2.10. Agricultural Lease Transfer or Assignment.

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

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

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

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

2.11. Agricultural Leasing Actions

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

2.11-2. No administrative hearing body, including a board, committee, or commission, is authorized to hear a complaint regarding actions taken pursuant to this rule.

Original effective date: ASAP

Exhibit A

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

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

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

DRAFT



Title 6. Property and Land – Chapter 602 LEASING LAW

Rule # 2 – Agricultural Leasing

- 2.1 Purpose and Authority
- 2.2 Adoption, Amendment and Repeal
- 2.3 Definitions
- 2.4 Approving and Advertising the Agricultural Leasing Catalog
- 2.5 Application and Selection
- 2.6 Tribal Member Requests for Land Not Published
- 2.7 Agricultural Lease Documents and Rates
- 2.8 Seven Generations Rebate Program
- 2.9 Conservation Plans and Other Required Submittals
- 2.10 Agricultural Lease Transfer or Assignment
- 2.11 Agricultural Leasing Actions

2.1. Purpose and Policy

2.1-1. Purpose. The purpose of the Agricultural Leasing Rule is 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. The Land Office has a stated purpose to be Caretakers of the Land and that responsibility includes setting protective measures for future generations.

2.1-2. Policy. The policy behind the Agricultural Leasing program is 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.

2.2. Adoption and Authority

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

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

2.2-3. Should a provision of this rule or the application of this rule 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.

2.2-4. 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 provision of this rule controls.

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

2.3. Definitions

2.3-1. 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) *Manure* means an organic matter derived from the solid animal wastes, used to improve the soil quality and increase the yield of healthy crops. It includes bed pack manure, raw or green manure, or liquid manure. For the purposes of this rule, bed pack manure shall be treated the same as raw or green manure.

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

(c) *Restricted Use Chemicals* means products that may be used or applied only by a certified applicator and may include a list of specific products that are not allowed in excess of set limits.

(d) *Subleasing* means an arrangement between the lessee and another party that allows the other party to farm or use the land for a fee or a waiver of a fee. This also includes an arrangement that trades services in exchange for use of the land.

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

2.4. Approving and Advertising the Agricultural Leasing Catalog

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

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

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

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

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

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

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

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

(2) *Online.* Land Management shall advertise all land available for

agricultural leasing on the social media accounts of the Nation and Land Management and the Land Management website to the extent such accounts exist, for a minimum of 30 days prior to accepting bids.

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

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

2.5. Application and Selection

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

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

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

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

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

2.6. Tribal Member Requests for Land Not Published

141 2.6-1. A Tribal member may bring forth requests to lease for agricultural purposes specific
142 parcels not currently published in the agricultural catalog, for example, a vacant parcel of land
143 near their residence.

144 2.6-2. Upon receipt of any request from a tribal member for a lease of land not advertised as part
145 of the Nation's agricultural leasing catalog, the leasing specialist shall prepare a recommendation
146 for Land Commission's consideration.

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

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

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

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

167 2.7. Agricultural Lease Documents and Rates

168 2.7-1. *Lease Documents*. The lease documents used by Land Management shall be prepared by
169 the Oneida Law Office and approved by the Oneida Land Commission provided that, in addition
170 to the requirements of the Leasing law, all agricultural leases shall include the following
171 requirements:
172

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

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

184 (c) *Manure*. All agricultural leases shall prohibit manure from being spread on frozen
185 ground, unless part of an approved grazing plan. Lease documents shall further note that
186 the lessee is responsible for any movement of manure offsite and is responsible to clear off

any affected roadways of mud or manure as needed and include the following requirements related to the spreading of manure:

- a. Limits for application of manure will be the following:
 - i. No Manure application from Nov. 15 until February 28;
 - ii. For liquid manure:
 1. March 1 until April 15 no more than 10,000 gallons per acre;
 2. April 15 until Nov. 15 no more than 12,000 gallons per acre.
- b. *Pumping Liquid Manure*. Pumping of liquid manure shall comply with the following:
 - i. A pump operator shall be stationed at the pump at all time the pump is in operation in case of the need for immediate shutdown;
 - ii. Hoses may not be run across or directly adjacent to waterways, through culverts, or under bridges that have flowing water. Specifically, liquid manure hoses must be maintained outside the fifty-foot (50 ft) buffer for all defined waterways;
 - iii. All hoses must be bolted together at all connections; and
 - iv. Lines for tanker trucks must be one way only when hauling and staging manure on any town or county road.
- c. *Nutrient Management Plan Required*. Spreading of manure must be part of an approved Nutrient Management Plan and only be applied within the limits prescribed in the plan and subsection (a) hereof.
- d. *Weather Conditions*. No spreading of manure 24 hours prior to a forecasted rain event that is fifty percent (50%) or more likely to occur.
- e. *Notice to Nation Required*. Lessee or designee must give the Nation at least a 48-hours of written notice prior to manure application.

(d) *Nutrient Management Plan*. The agricultural lease shall require all lessees to provide an approved Nutrient Management Plan to the Ag Leasing Specialist and Resource Conservationist annually. The lease shall also encourage Lessees to enroll with the Farm Service Agency (FSA) and/or Natural Resources Conservation Services (NRCS). The Nutrient Management Plan shall require a plan for each field farmed individually, or groups of fields with the same crop and similar rotation. Further, the Nutrient Management Plan shall require the lessee to use seed lubricants designed to reduce the amount of fungicide and insecticide dust released during planting.

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

(f) *Implementing Best Practices*. The lessee shall agree to implement, where possible, the best management practices recommended by the Nation and to cooperate with NRCS soil and water conservation programs. The lease shall document any payment negotiations for such improvements. Further, the Leasing Specialist shall ensure the lease includes the Nation's Seven Generation Agricultural Practices explanation and rebate program information.

(g) *Restricted Activities*. The lease shall provide that, unless otherwise agreed to by the

parties in writing, the following activities may not occur on leased premises and may subject the lessee to a 5-day lease termination in accordance with the Eviction and Termination law:

- (1) Erecting permanent structures;
- (2) Conversion of pasture acreage to any other purpose;
- (3) Crop sharing or subleasing arrangements wherein crop sharing or subleasing means an arrangement between a lessee and third party that allows the third party to farm all or a portion of the leased land for a return of crop or a fee;
- (5) Improper use of any restricted use chemical and/or use of any prohibited use chemicals, provided that restricted and prohibited use chemicals shall be defined by the ELA Division with the most current list noticed on the Division's website; and/or
- (6) Applying municipal, commercial, or industrial sludge materials to the land.

(h) *Cooperative Farming Agreements.* The Nation fully encourages farmers to engage in cooperative farming. While crop sharing and/or subleasing arrangements are expressly prohibited, cooperative farming agreements can be distinguished from such agreement because under a cooperative farming agreement, the lessee is not releasing any control over the land for a third party's use. Pursuant to a cooperative farming agreement, both farmers must have the skills to self-perform portions of the work on their respective fields and will share the work and/or equipment needed to tend to crop. While payment may be made from a portion of the lessee's harvested crop, there is no shift in control and responsibility for the land from the lessee to a third party.

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

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

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

2.7-2. *Agricultural Lease Rates.* The Oneida Land Commission shall set agricultural lease rates on an annual basis to occur no later than March 1st. Agricultural leases and options to extend shall be executed with lease costs matching the agricultural lease rates in effect at the time of signature of the agreement.

2.8. Seven Generations Rebate Program

2.8-1. *Seven Generations Rebate Program.* The purpose of the Nation's Seven Generations Rebate Program is to incentivize farmers cultivating the Nation's land to implement best practices that provide the best protections for the soil and water, what Oneida calls Seven Generation Agricultural practices. To incentivize use of Seven Generation Agricultural practices, the Nation may provide rebates to agricultural lessees who sign-up to engage Seven Generation Agricultural Practices.

2.8-2. *Incorporating the Rebate Program into the Lease.* The lease application shall include the current list of Seven Generation Agricultural practices eligible for Oneida rebates and the lessee shall indicate which rebates the lessee is pursuing. The application shall further define any required

279 verification required to be submitted to receive the rebate and a rebate distribution schedule with
280 pricing information. The Leasing Specialist shall incorporate the selected rebates into the lease
281 document through an exhibit, which shall include current information detailing what the lessee
282 must do, including what submittals and inspections are required, prior to receiving each selected
283 rebate.

284 2.8-3. *Seven Generations Agricultural Practices*. Are practices that the Oneida people have
285 employed for time immemorial to care for our soil and water health and improve our biodiversity.
286 Specific practices that embody Seven Generation Agricultural practices include the following:

- 287 (a) Promoting Oneida's food sovereignty by:
 - 288 (1) Growing food for direct community consumption; and/or
 - 289 (2) Other approved practices.
- 290 (b) Engage a good farming community by enrolling in approved agricultural programs
291 (i.e. FSA, NRCS, NEW Water);
- 292 (c) Improve Soil Structure by:
 - 293 (1) Planting cover crop (rebate must be for total acreage planted into cover crop);
 - 294 (2) Using of livestock to repair soil health (i.e. rotational grazing/chickens);
 - 295 (3) Applying liquid manure through low disturbance injection if there is no surface
 - 296 application and no tillage pre and post LDMI. Resource Conservationist or their
 - 297 designee must verify after manure application;
 - 298 (4) Planting into residue from thirty percent (30%) to fully green following crop
 - 299 harvest or spring termination where the Resource Conservationist or their designee
 - 300 must measure residue and verify in spring after planting;
 - 301 (5) Interseeding into a crop if seed mix and planting time prior to seeding is
 - 302 approved by the Resource Conservationist or their designee; and/or
 - 303 (6) Other approved practices.
- 304 (d) Increase Diversity of organisms within the soil biome by:
 - 305 (1) Planting food for human consumption with no GMO on 10% or more of the
 - 306 leased land;
 - 307 (2) Planting cover crop with a diverse seed mixture; and/or
 - 308 (3) Other approved practices.
- 309 (e) Benefit water quality by reducing runoff by:
 - 310 (1) Planting alfalfa with grass or adding alfalfa to grass where the Resource
 - 311 Conservationist or their designee must measure crop establishment after planting;
 - 312 and/or
 - 313 (2) Other approved practices.
- 314 (f) Prepare the next generation of farmers by:
 - 315 (1) Hiring youth workers;
 - 316 (2) Mentoring farmers within the community; and/or
 - 317 (3) Other approved practices.
- 318 (g) Advocate for and teach Seven Generation Agricultural Practices by teaching approved
319 courses through approved agricultural programs and/or other approved activities.

321 **2.9. Conservation Plans and Other Required Submittals**

322 2.9-1. All lessees shall submit Conservation Plan or Management Nutrient Plan prepared by a
323 certified agronomist on an annual basis which includes a map of all tillable acres and all
324 chemical inputs planned for the acreage. The EHL Division shall ensure all required submittals are

complete. A failure to complete a submittal amounts to a lease violation and may be treated as such in accordance with the Eviction and Termination law.

2.10. Agricultural Lease Transfer or Assignment

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

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

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

2.11. Agricultural Leasing Actions

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

2.11-2. No administrative hearing body, including a board, committee, or commission, is authorized to hear a complaint regarding actions taken pursuant to this rule.

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