



LEGISLATIVE OPERATING COMMITTEE MEETING AGENDA REVISED

Business Committee Conference Room - 2nd Floor Norbert Hill Center

September 17, 2025

9:00 a.m.

- I. Call to Order and Approval of the Agenda**
- II. Minutes to be Approved**
 - 1. September 3, 2025 LOC Meeting Minutes (pg. 2)
- III. Current Business**
 - 1. Higher Education Scholarship Law (pg. 5)
 - 2. Hunting, Fishing, and Trapping Law Amendments (pg. 20)
- IV. New Submissions**
 - 1. Oneida Food Service Law Amendments (pg. 55)
- V. Additions**
- VI. Administrative Updates**
- VII. Executive Session**
- VIII. Recess/Adjourn**



LEGISLATIVE OPERATING COMMITTEE MEETING MINUTES
Oneida Business Committee Conference Room-2nd Floor Norbert Hill Center
September 3, 2025
9:00 a.m.

Present: Jameson Wilson, Marlon Skenandore, Jonas Hill, Jennifer Webster

Excused: Kirby Metoxen

Others Present: Clorissa N. Leeman, Grace Elliott, Carolyn Salutz, Ethel Marie Cornelius, Brandon Yellowbird-Stevens

Others Present on Microsoft Teams: Janice Decorah, Melissa Alvarado, Ronald Van Schyndel, Bar Truttman, Sarah White, Lee Schuyler, Peggy Helm-Quest, Mistylee Herzog, Rae Skenandore, Tavia James Charles. Jason Martinez, Kaylynn Biely, Ralinda Ninham-Lamberies, Sidney White, Todd Vandenheuvel, Fawn Billie, Laura Laitinen-Warren, Fawn Cottrell, Thomas Reed, Rhiannon Metoxen, Diane Wilson, David Jordan, Melinda Danforth, Eric Boulanger, Lisa Liggins, Kelly Skenandore-Holtz

I. Call to Order and Approval of the Agenda

Jameson Wilson called the September 3, 2025, Legislative Operating Committee meeting to order at 9:00 a.m.

Motion by Jonas Hill to adopt the agenda; seconded by Jennifer Webster. Motion carried unanimously.

II. Minutes to be Approved

1. August 20, 2025 LOC Meeting Minutes

Motion by Jonas Hill to approve the August 20, 2025 LOC meeting minutes and forward to the Oneida Business Committee; seconded by Marlon Skenandore. Motion carried unanimously.

III. Current Business

1. Independent Contractor Law Amendments

Motion by Jonas Hill to approve the public meeting packet for the proposed amendments to the Independent Contractor law and schedule a public meeting to be held on October 15, 2025; seconded by Jennifer Webster. Motion carried unanimously.

2. Workplace Violence Law Amendments

Motion by Jennifer Webster to Approve the public meeting packet for the proposed



amendments to the Workplace Violence law and schedule a public meeting to be held on October 15, 2025; seconded by Jonas Hill. Motion carried unanimously.

3. Public Use of Tribal Land Law Amendments

Motion by Jonas Hill to approve the legislative analysis and the public meeting packet for the proposed amendments to the Public Use of Tribal Land law and schedule a public meeting to be held on October 15, 2025; seconded by Marlon Skenandore. Motion carried unanimously.

4. Sanctions and Penalties Law

Motion by Jennnifer Webster to approve the adoption packet for the proposed Sanctions and Penalties law and forward to the Oneida Business Committee for inclusion on an upcoming General Tribal Council meeting agenda for consideration; seconded by Jonas Hill. Motion carried unanimously.

5. Oneida Personnel Policies and Procedures Amendments

Motion by Jonas Hill to approve the memorandum entitled, Intent to Amend the Oneida Personnel Policies and Procedures, and forward to the Oneida Business Committee for inclusion on an upcoming General Tribal Council meeting agenda for consideration; seconded by Jennifer Webster. Motion carried unanimously.

6. Higher Education Scholarship Law

Motion by Jonas Hill to approve the draft of the Higher Education Grant Law and direct that a legislative analysis be completed; seconded by Jennifer Webster. Motion carried unanimously.

7. Real Property Law Amendments

Motion by Jennifer Webster to approve the draft amendments to the Real Property Law and direct that a legislative analysis be completed; seconded by Jonas Hill. Motion carried unanimously.

IV. New Submissions

1. Business Committee Employment Restriction Non-Compete Agreement and Policy

Motion by Jonas Hill to deny the request to add the Business Committee Employment Restriction Non-Compete Policy and Agreement to the Active Files List, noting the Code of Ethics is already on the Active Files List and directing this memorandum be shared with the Code of Ethics drafting attorney; seconded by Jennifer Webster. Motion carried unanimously.

V. Additions

VI. Administrative Updates

VII. Executive Session

VIII. Adjourn

Motion by Jennifer Webster to adjourn at 10:02 a.m.; seconded by Marlon Skenadore.
Motion carried unanimously.



Legislative Operating Committee
September 17, 2025

Higher Education Grant Law

Submission Date: 9/7/22	Public Meeting: N/A
LOC Sponsor: Jameson Wilson	Emergency Enacted: N/A

Summary: *This item was carried over from last term. At the August 24, 2022, Oneida Business Committee meeting the Oneida Business Committee adopted a motion to direct the Legislative Operating Committee to consider adding the Higher Education Policy to their Active Files List, and to consider adding rule making authority to said policy.*

9/7/22 LOC: Motion by Marie Summers to add the Trust Scholarship Fund Policy amendments to the Active Files List with David P. Jordan as the sponsor; seconded by Kirby Metoxen. Motion carried unanimously.

12/5/22: *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This meeting continued review of the Oneida Higher Education Student Handbook with discussion around parsing out criteria to include in a Law from information better suited to Rulemaking authority. Additionally, all Resolutions related to the Oneida Higher Education Scholarship were reviewed.

1/23/23: *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Laurie Laitinen-Warren, Grace Elliott. The purpose of this meeting was to review draft language for an Oneida Higher Education Scholarship Law.

1/26/23: *Work Meeting.* Present: David Jordan, Jennifer Webster, Kirby Metoxen, Daniel Guzman, Clorissa Leeman, Carolyn Salutz, Grace Elliott. The purpose of this meeting was to discuss the historical legislative attempts related to an Oneida Higher Education Scholarship Law and Rulemaking Authority.

1/27/23: *Work Meeting.* Present: Mitch Metoxen, Misty Herzog, Grace Elliott. The purpose of this meeting was to listen to feedback from Oneida Higher Education on the draft Oneida Higher Education Scholarship Law.

1/30/23: *Work Meeting.* Present: David Jordan, Jennifer Webster, Marie Cornelius, Clorissa Leeman, Grace Elliott, Peggy Van Gheem, Mitch Metoxen, Misty Herzog, Jackie Smith, Laura Laitinen-Warren, Mark Powless, Kristal Hill. The purpose of this meeting was to begin review of the draft Oneida Higher Education Scholarship Law, answer questions, and provide an overview of the Oneida Higher Education Scholarship process.

2/1/23 LOC: Motion by Marie Cornelius to accept the memorandum and revise the title on the Active Files List from Trust Scholarship Fund Policy Amendments to Higher Education Scholarship Law; seconded by Daniel Guzman King Motion carried unanimously.

- 3/30/23:** *Work Meeting.* Present: David Jordan, Marie Cornelius, Daniel Guzman, Mark Powless, Mistylee Herzog, Mitch Metoxen, Peggy Van Gheem, Clorissa Leeman, Jackie Smith. The purpose of this meeting was to continue review of the draft Oneida Higher Education Scholarship law and to discuss amendments initiated at the meeting prior.
- 5/3/23 LOC:** *Work Meeting.* David Jordan, Marie Cornelius, Daniel Guzman, Kirby Metoxen, Clorissa Leeman, Kristal Hill. The purpose of this meeting was to choose a name for the Oneida Nation Higher Education Student Handbook when items currently listed in it are compiled through the Rulemaking process.
- 10/4/23 LOC:** Motion by Jonas Hill to add the Higher Education Scholarship Law to the Active Files List with Jameson Wilson as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.
- 10/10/23:** *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Mark Powless, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This was an introductory meeting on the origins of the Oneida Higher Education Scholarship and its evolution.
- 11/1/23 LOC:** Motion by Jonas Hill to approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on December 6, 2023; seconded by Jennifer Webster. Motion carried unanimously.
- 11/14/23:** *Work Meeting.* Present: Jaqueline Smith, Mitchel Metoxen, Mistylee Herzog, Clorissa Santiago, Carolyn Salutz, Grace Elliott. This meeting was to begin discussions on distinguishing criteria that would be appropriate for a Law from criteria more appropriate for Rulemaking.
- 11/20/23:** *Work Meeting.* Present: Mitch Metoxen, Mistylee Herzog, Jacqueline Smith, Ann McCotter, Grace Elliott. The purpose of this meeting was to review historical documents which provide the foundation for the implementation of the Higher Education Scholarship, and to begin review of the draft Higher Education Scholarship law.
- 11/27/23:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to review the PowerPoint presentation for the December 6th community meeting.
- 12/1/23:** *Work Meeting.* Present: Mark Powless, Jacqueline Smith, Clorissa Leeman, Grace Elliott. The purpose of this meeting was to discuss rulemaking authority and the related processes.
- 12/4/23:** *Work Meeting.* Present: Mistylee Herzog, Jonas Hill, Jennifer Webster, Fawn Cottrell, Mitch Metoxen, Jacqueline Smith, Jameson Wilson, Fawn Billie, Kristal Hill, Ann McCotter, Clorissa Leeman, Marlon Skenandore, Grace Elliott. The purpose of this meeting was to share foundational information relative to the Oneida Higher Education Scholarship and its development over the past almost thirty (30) years.
- 12/6/23:** *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa N. Leeman, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Lori Webster, Leon Webster, Larry Barton, Nancy Barton, Daniel Leyo, John E. Powless III, Carol Silva, Jeanette Ninham, Raeann Skenandore, Giza Powless Buenrostro, Jackie Smith, Rocky Hill, Carole Liggins, Kaylee Schuyler, Trina Schuyler, Quincy Granquist, Dan Webster, Marie Cornelius, Barbara Salutz, Carol Elm, Majorie Stevens, Misty Herzog, Josh, Gerzetich, Ann McCotter, Mitchel Metoxen, Katsi Danforth, Nova Danforth, Bill Gollnick, Bonnie Pigman, Nadine Escamea, Alyssa Perkins,

Emma King, Dr. Rosa King, Margaret King, Garth Webster, Daniel Doyen, Mark W. Powless, Kanani Nunies, Ululan Ninies, Beverly DeCoteau, Lexi Sickles, Laura Manthe, Tina Jorgensen, Stephanie Miscavitch VanEvery, Mark A. Powless Sr., and others. The purpose of this meeting was to listen to questions, comments, and concerns from community members about the Higher Education Scholarship.

12/20/23: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Maureen Perkins, Fawn Cottrell, Lawrence Barton. The purpose of this meeting was to review comments from the December 6th, 2023 community meeting, and to better understand the financial foundation and implications of the Higher Education Scholarship.

1/11/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Jennifer Webster, Grace Elliott, Kristal Hill, via teams Fawn Cottrell, Fawn Billie, Maureen Perkins. The purpose of this meeting was to present the legislative history and research pertinent to the development of the Higher Education Scholarship law.

2/16/24: *Work Meeting.* Present: Jacqueline Smith, Ann McCotter, Mitchel Metoxen, Mistylee Herzog, Grace Elliott. The purpose of this meeting was to review the draft law addressing the details of the appeal and exception sections.

4/3/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Jennifer Webster, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Maureen Perkins. The purpose of this work meeting was to set a priority for this legislative item. The LOC decided this should be a medium priority.

5/6/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Jennifer Webster, Clorissa Leeman, Grace Elliott, Kristal Hill, Fawn Cottrell. The purpose of this meeting was to discuss next steps in gathering information related to the authority to adopt amendments to the Higher Education Scholarship Law.

7/30/24: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Mistylee Herzog, Jacqueline Smith, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Clorissa Leeman, Mark Powless, Grace Elliott. The purpose of this meeting was to strategize on how to resume work on developing the Higher Education law with new leadership in the Higher Education department.

9/10/24: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Mark Powless, Clorissa Leeman, Kristal Hill, Maureen Perkins, Fawn Cottrell, Grace Elliott. The purpose of this meeting was to revisit how the Higher Education law came to be on the Active Files List and to review both the distinctions and connections between the relevant resolutions and the preliminary allocation of terms included in the draft Law.

1/6/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Jenny Webster, Mark Powless, Jackie Smith, Misty Herzog, Clorissa Leeman, Carolyn Salutz, Fawn Billie, Fawn Cottrell, Grace Elliott. The purpose of this meeting was to review the draft Higher Education Rules.

1/31/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Marlon Skenandore, Misty Herzog, Jackie Smith, Mark Powless, Fawn Billie, Fawn Cottrell, Kristal Hill, Maureen Perkins, Grace Elliott. The purpose of this meeting was to organize criteria contained in the Resolutions creating the Higher Education Scholarship.

2/7/25: *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Kirby Metoxen, Marlon Skenandore, Mistylee Herzog, Jackie Smith, Mark Powless, Maureen Perkins, Grace

A good mind. A good heart. A strong fire.



Elliott. The purpose of this meeting was to clarify and evaluate criteria for the Higher Education Grant.

3/4/25: *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jackie Smith, Misty Lee Herzog, Grace Elliott, Kristal Hill, Fawn Billie. The purpose of this meeting was to review the probation and suspension sections of the Higher Education Handbook.

4/28/25: *Work Meeting.* Present: Jameson Wilson, Jonas Hill, Marlon Skenandore, Mark Powless, Jackie Smith, Misty Lee Herzog, Fawn Billie, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to begin review of the topics drafted as essential to the draft law and rule.

5/22/25: *Work Meeting.* Present: Misty Herzog, Mark Powless, Grace Elliott. The purpose of this meeting was to discuss the details of how Higher Ed determines the amount of funding to allocate to each applicant.

7/1/25: *Work Meeting.* Present: Misty Herzog, Mark Powless, Jameson Wilson, Marlon Skenandore, Fawn Cottrell, Kristal Hill, Grace Elliott. The purpose of this meeting was to discuss what unit of measurement is most accurate and efficient for determining the length of funding available to an applicant.

8/15/25: *Work Meeting.* Present: Misty Herzog, Mark Powless, Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Grace Elliott. The purpose of this meeting was to complete a read through of the draft law.

9/3/25 LOC: Motion by Jonas Hill to approve the draft Higer Education Grant Law; seconded by Jennifer Webster. Motion carried unanimously.

Next Steps:

- Accept the legislative analysis for the Higher Education Grant Law.



HIGHER EDUCATION GRANT LAW LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

Analysis by the Legislative Reference Office	
Intent of the Legislation	<ul style="list-style-type: none"> ▪ Clearly articulate the Nation’s purpose and policy concerning the Higher Education Grant. [9 O.C. 903.1]. ▪ Define key terms used within the law. [9 O.C. 903.3-1]. ▪ Delegate rulemaking authority to the Higher Education Office to: [9 O.C. 903.4-2]. <ul style="list-style-type: none"> ▪ Clearly describe the documents required to complete the Higher Education Student File. [9 O.C. 903.4-2(a)]. ▪ Address how funding periods are calculated. [9 O.C. 903.4-2(b)(1)]. ▪ Address funding cap amounts for the following tiers: [9 O.C. 903.4-2(b)(2)]. <ul style="list-style-type: none"> ▪ associate degree, vocational or certificate program. [9 O.C. 903.4-2(b)(2)(i)]. ▪ undergraduate degree. [9 O.C. 903.4-2(b)(2)(ii)]. ▪ graduate degree. [9 O.C. 903.4-2(b)(2)(iii)]. ▪ doctoral degree. [9 O.C. 903.4-2(b)(2)(iv)]. ▪ Clearly describe application requirements and process. [9 O.C. 903.4-2(c)]. ▪ Clearly describe the appeals process. [9 O.C. 903.4-2(d)]. ▪ Additional rules may be promulgated, provided they do not conflict with any provision of this law. [9 O.C. 903.4-2(e)]. ▪ Clearly describe funding eligibility requirements, as follows: [9 O.C. 903.5-1]. <ul style="list-style-type: none"> ▪ be an enrolled member of the Nation. [9 O.C. 903.5-1(a)]. ▪ be enrolled in an accredited postsecondary vocational program, college, or university. [9 O.C. 903.5-1(b)]. ▪ complete the Higher Education Student File with the Higher Education Office. [9 O.C. 903.5-1(c)]. ▪ comply with FAFSA standards. [9 O.C. 903.5-1(d)]. ▪ be pursuing a degree in a higher funding tier than any previously earned degree, unless they have remaining credits available under their current tier pursuant to 903.5-2. [9 O.C. 903.5-1(e)]. ▪ meet GPA requirements, as follows: [9 O.C. 903.5-1(f)].

	<ul style="list-style-type: none">▪ associate degree, vocational or certificate program must maintain a GPA of 2.0. [9 O.C. 903.5-1(f)(1)].▪ undergraduate students must maintain a GPA of 2.0. [9 O.C. 903.5-1(f)(2)].▪ graduate students must maintain a GPA of 3.0. [9 O.C. 903.5-1(f)(3)].▪ doctoral students must maintain a GPA of 3.0; except where: The school’s grading policy considers professional doctoral students (MDs and JDs) to be in good academic standing even with a GPA below 3.0. [9 O.C. 903.5-1(f)(4)(i)].▪ apprenticeship/certificate/license students must maintain academic progress and submit scheduled/monthly progress reports. [9 O.C. 903.5-1(f)(5)].▪ Explicitly state funding duration as determined by the maximum allowable credit allocation per tier, as follows: [9 O.C. 903.5-2].<ul style="list-style-type: none">▪ ninety (90) credits for an associate degree, vocational or certificate program. [9 O.C. 903.5-2(a)].▪ one hundred fifty (150) credits for an undergraduate degree. [9 O.C. 903.5-2(b)].▪ sixty (60) credits for a graduate degree. [9 O.C. 903.5-2(c)].▪ one hundred twenty (120) credits for a doctoral degree. [9 O.C. 903.5-2(d)].▪ Define “probation” and clearly describe when a student may be placed on probation. [9 O.C. 903.5-4].▪ Provide a clear explanation of how the grant award amount is calculated, as follows: [9 O.C. 903.6-2].<ul style="list-style-type: none">▪ The minimum award package shall consist of: [9 O.C. 903.6-2(b)].<ul style="list-style-type: none">▪ Full-time students shall receive funding for tuition, fees, books, and room and board up to the funding cap amount for their program. [9 O.C. 903.6-2(b)(1)].▪ Part-time students shall receive funding for tuition, fees, and books up to the funding cap amount for their program. [9 O.C. 903.6-2(b)(2)].▪ Students taking one (1) to five (5) credits shall receive funding for tuition, fees, and books up to the funding cap for their program. [9 O.C. 903.6-2(b)(3)].▪ If the student’s financial need, as determined by the financial needs analysis, exceeds the minimum award package, the student shall receive an award equal to their financial need, up to the maximum allowed by the funding tier cap. [9 O.C. 903.6-2(c)].
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	<ul style="list-style-type: none"> ▪ A full-time student's award may also cover transportation and personal/miscellaneous expenses. [9 O.C. 903.6-2(c)(1)]. ▪ A part-time student's award may also cover room and board, transportation and personal/miscellaneous expenses. [9 O.C. 903.6-2(c)(2)]. ▪ Clearly describe how the law may be enforced. [9 O.C. 903.7]. ▪ Clearly describe how a student may appeal a grant decision made by the Higher Education Office. [9 O.C. 903.8].
Purpose	The purpose of this Law is to implement the Higher Education Grant program; and set forth the funding requirements and procedural controls for awarding Higher Education grants. [9 O.C. 903.1-1].
Affected Entities	Education and Training, Oneida Higher Education Office.
Enforcement	The Higher Education Grant law requires the Higher Education Office to deny any student who violates this law or fails to comply with the Higher Education Student Rulebook. [9 O.C. 903.7].
Due Process	A student may appeal a grant decision made by the Higher Education Office within twenty (20) calendar days of receipt of the decision the student is appealing, but only to the extent that the student is able to demonstrate that the Higher Education Office failed to abide by the provisions of this law or the Higher Education Student Rulebook. [9 O.C. 903.8].
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement prepared in accordance with the Legislative Procedures Act has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. **Background.** This item was carried over from last term.
- B. **Request for Amendments.** At the August 24, 2022, Oneida Business Committee meeting the Oneida Business Committee adopted a motion to direct the Legislative Operating Committee to consider adding the Higher Education Policy to their Active Files List, and to consider adding rule making authority to said policy.

SECTION 3. CONSULTATION AND OUTREACH

- A. Representatives from the following departments or entities participated in the development of the amendments to this Law and legislative analysis:
- Oneida Higher Education;
 - Oneida Law Office;
 - Education and Training; and
 - General Manager
- B. The following laws of the Nation were reviewed in the drafting of this analysis:
- Administrative Rulemaking law

SECTION 4. PROCESS

- A. The development of this Law complies with the process set forth in the Legislative Procedures Act (LPA).
- On September 7, 2022, the former Legislative Operating Committee added this Law to its Active Files List, and then on October 4, 2023 the current Legislative Operating Committee added this Law to its Active Files List.
- A. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to this Law:
- December 5, 2022: work session with Education and Training, and Higher Education.
 - January 23, 2023: work session with Education and Training, and Higher Education.
 - January 26, 2023: LOC work session.
 - January 27, 2023: work session with Higher Education.
 - January 30, 2023: LOC work session with Education and Training, Higher Education, Oneida Law Office, and General Manger.
 - March 3, 2023: LOC work session with Education and Training, Higher Education, Oneida Law Office, and General Manger.
 - May 3, 2023: LOC work session.
 - October 10, 2023: work session with Education and Training, Higher Education, and General Manger.
 - November 11, 2023: work session with Education and Training, and Higher Education.
 - November 11, 2023: work session with Education and Training, and Higher Education
 - November 27, 2023: LOC work session.
 - December 1, 2023: work session with Education and Training, and General Manger.
 - December 4, 2023: LOC work session with Education and Training, and Higher Education.
 - December 6, 2023: LOC Community Meeting.
 - December 20, 2023: LOC work session with Oneida Treasurer.
 - January 11, 2024: LOC work session.
 - February 16, 2024: work session with Education and Training, and Higher Education.
 - April 3, 2024: LOC work session.
 - May 6, 2024: LOC work session.
 - July 30, 2024: LOC work session with Education and Training, Higher Education, and General Manger.
 - September 10, 2024: LOC work session with General Manger.
 - January 6, 2025: LOC work session with Education and Training, Higher Education, and General Manger.
 - January 31, 2025: LOC work session with Education and Training, Higher Education, and General Manger.
 - February 7, 2025: LOC work session with Education and Training, Higher Education, and General Manger.
 - March 4, 2025: LOC work session with Education and Training, and Higher Education.
 - April 28, 2025: LOC work session with Education and Training, Higher Education, and General Manger.
 - May 22, 2025: work session with Education and Training, Higher Education, and General Manger.

- July 1, 2025: LOC work session with Higher Education, and General Manger.
- August 15, 2025: LOC work session with Education and Training, Higher Education, and General Manger.

SECTION 5. CONTENTS OF THE LEGISLATION

- **Purpose and policy.** The proposed Law states that its purpose is to implement the Higher Education Grant program; and set forth the funding requirements and procedural controls for awarding Higher Education grants. [9 O.C. 903.1-1] The policy of the Nation to provide a fiscally responsible and consistent methodology for awarding Higher Education grants to enhance postsecondary educational opportunities for members of the Nation. [9 O.C. 903.1-2]
 - *Effect.* These statements clarify legislative intent, set expectations, align the Law with the Nation's strategic and ethical values, and help the reader to understand the rationale behind its enactment.
- **Definitions.** The proposed Law provides definitions that are essential for creating a shared understanding, ensuring precision and clarity, and establishing legal boundaries. [9 O.C. 903.3].
 - *Effect.* Definitions eliminate ambiguity by specifying exactly what a term means in the context of the Law, reducing the risk of misinterpretation and legal disputes.
- **Higher Education Office.** The proposed Law provides the Higher Education Office with clear guidance and defined boundaries for administering the Higher Education Grant. It delegates rulemaking authority under the Administrative Rulemaking Law, empowering the Office to promulgate rules consistent with the Law to address the practical and evolving implementation needs. [9 O.C. 903.4].
 - *Effect.* Clear direction enables the Higer Education Office to effectively implement and enforce the Higher Education Grant Law.
- **Higher Education Grant.** The proposed Law outlines the parameters of the Higher Education Grant, including eligibility requirements, duration of funding, a tiered funding system, and the methodology for calculating awards under various circumstances. [9 O.C. 903.5].
 - *Effect.* Clear eligibility criteria, along with well-defined funding limits and scope, establish compliance requirements while promoting fairness, transparency, and the efficient use of funds.
- **Eligibility requirements.** The proposed Law specifies that in order to be eligible to receive funding under the Higher Education Grant a student must: be an enrolled member of the Nation; be enrolled in an accredited postsecondary vocational program, college, or university; complete the Higher Education Student File with the Higher Education Office; comply with FAFSA standards; be pursuing a degree in a higher funding tier than any previously earned degree (unless they have remaining credits available under their current tier pursuant to 903.5-2.); and meet GPA requirements, as follows: (1) associate degree, vocational or certificate program must maintain a GPA of 2.0; (2) undergraduate students must maintain a GPA of 2.0; (3) graduate students must maintain a GPA of 3.0; (4) doctoral must maintain a GPA of 3.0; except where: The school's grading policy considers professional doctoral students (MDs and JDs) to be in good academic standing even with a GPA below 3.0.; and apprenticeship/certificate/license students must maintain academic progress and submit scheduled/monthly progress reports. [9 O.C. 903.5-1].
 - *Effect.* Students meeting the criteria listed are eligible to apply for a Higher Education Grant.
- **Duration of funding.** The proposed Law provides that the duration of funding available is determined by both the students assigned funding tier and the number of credits allocated to each tier. [9 O.C.

903.5-2]. The number of credits allocated per tier is based on two factors: the credits currently funded under the Higher Education Scholarship guidelines outlined in the Higher Education Student Handbook for full-time students attending for the maximum number of allowable years, and the typical credit requirements for the degree associated with each tier.

- *Effect.* Eligible students may receive Higher Education Funding for the full number of credits allowed under their current funding tier, even if they have already achieved the degree associated with that tier.
- **Funding calculation.** The proposed Law lays out the methodology for calculating grant awards. The amount of a student's grant award is based on the funding cap for each tier, as outlined in Section 903.6-1. [9 O.C. 903.6-2]. A student's financial need analysis dictates whether they receive a "minimum award package" or a "maximum award package". [9 O.C. 903.6-2(c)]. This analysis calculates both the cost of attendance (COA) and financial need, and the Higher Education Grant is awarded based on the greater of the two.

For full-time students, a minimum award package includes tuition, fees, books, and room and board, up to the funding cap for their program. [9 O.C. 903.6-2(b)(1)]. A maximum award package may also cover transportation and personal/miscellaneous expenses, up to the funding cap for their program. [9 O.C. 903.6-2(c)(1)].

For part-time students, a minimum award package includes tuition, fees, and books, up to the funding cap for their program. [9 O.C. 903.6-2(b)(2)]. A maximum award package may also cover room and board, transportation, and personal/miscellaneous expenses, up to the funding cap for their program. [9 O.C. 903.6-2(c)(2)].

Students taking one (1) to five (5) credits receive funding for tuition, fees, and books up to the funding cap for their program. [9 O.C. 903.6-2(b)(3)].

- *Effect.* This provision provides predictability and equity in funding; need-based flexibility; clear guidelines for students; and administrative efficiency and accountability. The tiered funding and award package system create a balanced, need-sensitive and goal oriented framework that supports students in achieving higher education while maintaining fiscal responsibility and academic accountability.
- **Enforcement.** The proposed Law authorizes the Higher Education Office to deny funding to any student who violates this law or fails to comply with the Higher Education Student Rulebook. [9 O.C. 903.6].
 - *Effect.* This provision ensures fiscal responsibility by holding students accountable for meeting the requirements associated with receiving Higher Education Grant funding.
- **Appeals.** The proposed Law defines an appeal as a request for review of a grant decision made by the Higher Education Office. To appeal, a student must demonstrate that the Higher Education Office failed to comply with this law or the Higher Education Student Rulebook. Appeals must be submitted within twenty (20) calendar days of receiving the decision being challenged. [9 O.C. 903.7].
 - *Effect.* This process provides students with a formal mechanism to challenge decisions they believe do not comply with the law or the Higher Education Student Rulebook, promoting fairness and due process through authorized review of a Higher Education Office Higher Education Grant determination.
- **Other Amendments.** Additional amendments and revisions were made to improve formatting, drafting style, and organization. These changes do not affect the substance of the Law.

SECTION 6. EXISTING LEGISLATION

A. **Other Related Laws of the Nation.** The following laws of the Nation are related to the proposed amendments to this Law:

- ***Administrative Rulemaking.*** The purpose of the Administrative Rulemaking law is to provide a process for the adoption of and amendments to the Nation’s administrative rules. [1 O.C. 106.1-1]. Its underlying policy is to ensure there exists an efficient, effective and democratic process for enacting and revising administrative rules, and that authorized agencies act in a responsible and consistent manner when enacting and revising administrative rules. [1 O.C. 106.1-2].
 - This Law delegates rulemaking authority to the Higher Education Office.
 - Any rules promulgated by the Higher Education Office are required to be developed in accordance with the process and procedures of the Administrative Rulemaking law.

SECTION 7. OTHER CONSIDERATIONS

- A. ***Fiscal Impact.*** Under the Legislative Procedures Act, a fiscal impact statement is required for all legislation except emergency legislation [1 O.C. 109.6-1]. Oneida Business Committee resolution BC-10-28-20-A titled, “*Further Interpretation of ‘Fiscal Impact Statement’ in the Legislative Procedures Act,*” provides further clarification on who the Legislative Operating Committee may direct complete a fiscal impact statement at various stages of the legislative process, as well as timeframes for completing the fiscal impact statement.
- ***Conclusion.*** The Legislative Operating Committee has not yet directed that a fiscal impact be completed.

Title 9. Education - Chapter 903

Kaya>takenh@sla

It is helpful they'll go on to school

People of the Standing Stone, the great place where they teach them the traditions, money
HIGHER EDUCATION GRANT LAW

903.1 Purpose and Policy
903.2 Adoption, Amendment, Repeal
903.3 Definitions
903.4 Higher Education Office
903.5 Eligibility Requirements

903.6 Higher Education Grant
903.7 Enforcement
903.8 Appeals

903.1. Purpose and Policy

903.1-1. *Purpose.* The purpose of this law is to implement the Higher Education Grant program; and set forth the funding requirements and procedural controls for awarding Higher Education grants.

903.1-2. *Policy.* It is the policy of the Nation to provide a fiscally responsible and consistent methodology for awarding Higher Education grants to enhance postsecondary educational opportunities for members of the Nation.

903.2. Adoption, Amendment, Repeal

903.2-1. This law was adopted by the Oneida Business Committee by resolution BC- - - .

903.2-2. This law may be amended or repealed by the Oneida Business Committee or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

903.2-3. Should a provision of this law or the application thereof to any person or circumstances be held invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

903.2-4. In the event of a conflict between this law and a provision of another law of the Nation, the provisions of this law shall control.

903.2-5. This law is adopted under the authority of the Constitution of the Oneida Nation.

903.3. Definitions

903.3-1. This section governs the definitions of words and phrases used within this law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) "Accredited program" means any educational institution accredited by a federally approved accrediting agency.

(b) "Appeal" means a request for review of a grant decision made by the Higher Education Office for which the requestor shall demonstrate that the entity has failed to abide by the provisions of this law or the Higher Education Student Rulebook.

(c) "Financial Needs Analysis" or "FNA" means the financial needs analysis form Oneida Higher Education sends directly to the school's financial aid office for completion. The school's financial aid office uses the appropriate FAFSA to complete our FNA.

(d) “Free Application for Federal Student Aid” or “FAFSA” means the application which determines eligibility for any financial resources such as state and federal funding.

(e) “Full-time student” means a student taking twelve (12) or more credits in an undergraduate or lower tier program, and nine (9) or more credits in a graduate level program.

(f) “Grade Point Average” or “GPA” means the measure of a student’s academic achievement arrived at by dividing the total grade points earned by the total number of credits funded by Oneida Higher Education Grant for the term measured.

(g) “Grant” means monetary funds awarded to a student through the Oneida Higher Education Grant Program.

(h) “Higher Education Student Rulebook” means the source of the rules and regulations for carrying out this law as further described in 903.4-1(b).

(i) “Member of the Oneida Nation” means an enrolled member of the Nation.

(j) “Nation” means the Oneida Nation.

(k) “Part-time student” means a student taking between six (6) and eleven (11) credits per term in an undergraduate or lower tier programs, and between six (6) and eight (8) credits for graduate or doctorate degree programs.

(l) “Postsecondary” means education following secondary school such as college, university, or vocational school.

(m) “Probation” means the term during which students must improve their GPA to meet the eligibility criteria for Higher Education Grant funding, pursuant to 903.5-1(f). A student placed on probation by the Higher Education Office shall continue to receive funding for one (1) term, during which they are required to regain eligibility.

(n) “Rule” means a set of requirements, enacted by the Oneida Higher Education Office in accordance with the Administrative Rulemaking law based on authority delegated in this law to implement, interpret and enforce this law.

(o) “Term” means a portion of an academic year during which an educational institution holds classes. Common terms such as a quarter, trimester, and semester are used to denote terms of specific durations.

903.4. Higher Education Office

903.4-1. The Higher Education Office shall award grants in accordance with the provisions of this law.

903.4-2. *Administrative Rulemaking.* The Oneida Higher Education Office shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to promulgate rules to govern the administration of the Higher Education Grant program and shall make such rules and regulations available in the Higher Education Student Rulebook. The rules promulgated by the Higher Education Office shall at a minimum address:

(a) The Higher Education Student File clearly describing the documents required to complete the Higher Education Student File.

(b) Funding

(1) how funding periods are calculated.

(2) cap amounts for the following tiers:

- (i) associate degree, vocational or certificate program.
 - (ii) undergraduate degree.
 - (iii) graduate degree.
 - (iv) doctoral degree.
 - (c) Clearly describe application requirements and process.
 - (d) Clearly describe the appeals process.
 - (e) Additional rules may be promulgated, provided they do not conflict with any provision of this law.
- 903.4-3. The Oneida Higher Education Office shall develop and maintain standard operating procedures for the Higher Education Office.

903.5. Eligibility Requirements

903.5-1. *Eligibility Requirements.* To be eligible for a Higher Education Grant award, a student shall:

- (a) be an enrolled member of the Nation.
- (b) be enrolled in an accredited postsecondary vocational program, college, or university.
- (c) complete the Higher Education Student File with the Higher Education Office.
- (d) comply with FAFSA standards.
- (e) be pursuing a degree in a higher funding tier than any previously earned degree, unless they have remaining credits available under their current tier pursuant to 903.5-2.
- (f) meet GPA requirements, as follows:
 - (1) associate degree, vocational or certificate program must maintain a GPA of 2.0
 - (2) undergraduate students must maintain a GPA of 2.0
 - (3) graduate students must maintain a GPA of 3.0
 - (4) doctoral must maintain a GPA of 3.0; except where:
 - (i) The school's grading policy considers professional doctoral students (MDs and JDs) to be in good academic standing even with a GPA below 3.0.
 - (5) apprenticeship/certificate/license students must maintain academic progress and submit scheduled/monthly progress reports.

903.5-2. *Length of Funding.* The following are the maximum credit allocations for grant funding:

- (a) ninety (90) credits for an associate degree, vocational or certificate program.
- (b) one hundred fifty (150) credits for an undergraduate degree.
- (c) sixty (60) credits for a graduate degree.
- (d) one hundred twenty (120) credits for a doctoral degree.

903.5-3. Students who have not used the maximum credit allocation under their highest degree earned tier may remain in that tier up to the credit limit.

903.5-4. *Probation.* Students may be placed on probation for failure to earn the required GPA if their GPA falls between:

- (a) 1.0-1.9 for associate degree, vocational, certificate program, and undergraduate students.
- (b) 2.0-2.9 for graduate students.

903.6. Higher Education Grant

903.6-1. *Tiered Funding System.* The Oneida Higher Education Office, in accordance with the Administrative Rule Making Procedure, shall establish maximum funding caps for the following funding tiers:

- (a) associate degree, vocational or certificate program.
- (b) undergraduate degree.
- (c) graduate degree.
- (d) doctoral degree.

903.6-2. *Award.* The amount of the grant awarded to a student is based upon:

- (a) The funding cap for each tier under Section 903.6-1.
- (b) The minimum award package shall consist of:
 - (1) Full-time students shall receive funding for tuition, fees, books, and room and board up to the funding cap amount for their program.
 - (2) Part-time students shall receive funding for tuition, fees, and books up to the funding cap amount for their program.
 - (3) Students taking one (1) to five (5) credits shall receive funding for tuition, fees, and books up to the funding cap for their program.
- (c) If the student's financial need, as determined by the financial needs analysis, exceeds the minimum award package, the student shall receive an award equal to their financial need, up to the maximum allowed by the funding tier cap.
 - (1) A full-time student's award may also cover transportation and personal/miscellaneous expenses.
 - (2) A part-time student's award may also cover room and board, transportation and personal/miscellaneous expenses.

903.7. Enforcement

903.7-1. *Accountability.* The Higher Education Office shall deny any student who violates this law or fails to comply with the Higher Education Student Rulebook.

903.8. Appeals

903.8-1. *Appeal Process and Requirements.* A student may appeal a grant decision made by the Higher Education Office within twenty (20) calendar days of receipt of the decision the student is appealing, but only to the extent that the student is able to demonstrate that the Higher Education Office failed to abide by the provisions of this law or the Higher Education Student Rulebook.

End.

Adopted- BC Resolution:



Legislative Operating Committee
September 17, 2025

Hunting, Fishing, and Trapping Law Amendments

Submission Date: 12/7/22	Public Meeting: 8/15/25
LOC Sponsor: Jonas Hill	Emergency Enacted: N/A

Summary: *This item was carried over from last term. On August 10, 2022, the OBC made a motion “to direct the General Manager to complete the assessment regarding the feasibility of the Environmental, Health, Safety, Land, & Agriculture Division taking on the roles of the Environmental Resources Board and for the assessment to be submitted at the second meeting Business Committee meeting in September”. In short, the GM concluded that although changes were necessary to those Oneida laws that delegated the authority and responsibility to the Environmental Resources Board (ERB), those responsibilities that were jointly executed by the ERB and Environmental, Health, Safety, and Land Division (EHSLA), could be assumed by EHSLA. Additionally, for those duties that delegated ERB the power and duty to carry out the intent and purposes of the law, including enforcement, those responsibilities could be delegated to EHSLA and/or the Land Commission.*

On September 28, 2022, the OBC made a motion to accept the Environmental, Health, Safety, Land, and Agriculture Environmental Resource Board assessment; to recommend the dissolution the Environment Resource Board; and to direct Chief Counsel to bring back a report in 45 days on actions that need to take place in order to complete the dissolution of the Environmental Resource Board including amendments to laws and addressing any background material. The Oneida Law Office provided this report to the Oneida Business Committee on November 29, 2022.

This item was then added to the Active Files List on December 7, 2022, in an effort to make amendments to address the dissolution of the Environmental Resources Board, and transition the Board’s responsibilities to the Environmental, Health, Safety, Land and Agriculture Division and/or the Oneida Land Commission.

12/7/22 LOC: Motion by Jennifer Webster to add the Hunting, Fishing, and Trapping law amendments to the Active Files List with Kirby Metoxen as the sponsor; seconded by Marie Cornelius. Kirby Metoxen abstained. Motion carried.

10/4/23 LOC: Motion by Jennifer Webster to add the Hunting, Fishing, and Trapping Law Amendments to the Active Files List with Jonas Hill as the sponsor; seconded by Marlon Skenandore. Motion carried unanimously.

1/3/24: *Work Meeting.* Present: Jameson Wilson, Marlon Skenandore, Jennifer Webster, Jonas Hill, Kirby Metoxen Clorissa Leeman, Grace Elliott, Kristal Hill, Maureen Perkins, Fawn Cottrell. The purpose of this work meeting was for Jonas Hill to provide an update on a meeting he had with EDSLAD Division Director regarding the division taking on the responsibilities of ERB.

- 4/3/24 LOC:** Motion by Jennifer Webster to approve the Legislative Operating Committee community meeting notice and schedule the community meeting to take place on June 5, 2024; seconded by Jonas Hill. Motion carried unanimously.
- 5/1/24 LOC:** Motion by Jennifer Webster to approve the revised LOC community meeting notice and reschedule the community meeting to take place on June 4, 2024.; seconded by Kirby Metoxen. Motion carried unanimously.
- 5/10/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Carolyn Salutz, Grace Elliott, Maureen Perkins, Fawn Cottrell, Kristal Hill. The purpose of this meeting was to discuss the fact that the June 4th community meeting and the fact that there is a budget meeting scheduled the same day and determine whether we want to continue with holding this community meeting. The LOC decided to proceed with the community meeting as scheduled.
- 5/30/24:** *Work Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Fawn Cottrell, Kristal Hill, Maureen Perkins. The purpose of this work meeting was to prepare for the June 4, 2024, LOC community meeting and come up with potential discussion questions.
- 6/4/24:** *Community Meeting.* Present: Jameson Wilson, Kirby Metoxen, Jennifer Webster, Jonas Hill, Clorissa Leeman, Grace Elliott, Fawn Cottrell, Fawn Billie, Kristal Hill, Maureen Perkins, Marena Bridges, Ike Jordan, Jurt Jordan, Carl Jordan, Bonnie Pigman, Margaret King, Denise Johnson, Jeff Jordan, Francis Cornelius, Duane Skenandore Jr., Sidney White, Louis Clark, Tsyoshaat Delgado, Kristin Skenandore, Shad Webster, Chris Jordan, Lois Strong, Xavier Horkman, Lisa Summers, and others. The Legislative Operating Committee held a community meeting in the NHC's cafeteria from 5:30 p.m. through 7:30 p.m. regarding the Hunting, Fishing, and Trapping law amendments and a new Guardianship law.
- 12/9/24:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Mark Powless, Eric McLester, Shad Webster, Terry Metoxen, Eric Boulanger, Joel Maxam, Ronald King Jr., Nicole Rommel, Maureen Perkins, Kristal Hill, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to read through the law and begin discussions on potential amendments to be made to the law.
- 1/14/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Eric McLester, Shad Webster, Terry Metoxen, Joel Maxam, Ronald King Jr., Kelly McAndrews, Maureen Perkins, Kristal Hill, Fawn Cottrell,. The purpose of this work meeting was to read through the proposed amendments to the law discussed during the last work meeting, and continue discussions on potential amendments to be made to the law.
- 2/3/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Kirby Metoxen, Jonas Hill, Clorissa Leeman, Kristal Hill, Maureen Perkins, Grace Elliott, Carolyn Salutz, Fawn Billie. The purpose of this work meeting was to select the topics for the March 5th LOC community meeting. The LOC decided the topics to be discussed should include: Elder Protection law, Indian Preference in Contracting law amendments, and Hunting, Fishing, and Trapping law amendments.
- 2/24/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Kirby Metoxen, Clorissa Leeman, Mark Powless, Eric McLester, Shad Webster, Terry Metoxen, Eric Boulanger, Joel Maxam, Ronald King Jr., Kristal Hill, Fawn Cottrell. The purpose of this work meeting was to continue reading through the proposed amendments to the law and continue discussions on potential amendments to be made to the law.
- 3/5/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Metoxen, Clorissa Leeman, Shad Webster, Nicole Rommel, Grace Elliott, Carolyn Salutz, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to review the PowerPoint presentation for the

March 19th LOC community meeting. Shad also went over some ideas for how the Department can better handle licensing in the future.

- 4/16/25:** *Work Meeting.* Present: Jameson Wilson, Jennifer Webster, Jonas Hill, Marlon Skenandore, Clorissa Leeman, Grace Elliott, Carolyn Salutz, Kristal Hill, Fawn Cottrell, Fawn Billie. The purpose of this work meeting was to review and finalize the draft of the proposed amendments to the Hunting, Fishing, and Trapping law.
- 5/1/25:** *Work Meeting.* Present: Clorissa Leeman, Shad Webster. The purpose of this work meeting was to collect some of Conservation's final comments on the proposed draft of amendments to the law.
- 5/7/25 LOC:** Motion by Jennifer Webster to approve the draft of proposed amendments to the Hunting, Fishing, and Trapping law and direct that a legislative analysis be completed; seconded by Marlon Skenandore. Motion carried unanimously.
- 5/21/25 LOC:** Motion by Jennifer Webster to approve the updated draft and legislative analysis; seconded by Jonas Hill. Motion carried unanimously.
- 6/18/25 LOC:** Motion by Jennifer Webster to approve the public meeting packet for the proposed amendments to the Hunting, Fishing, and Trapping law and schedule a public meeting to be held on July 30, 2025; seconded by Jonas Hill. Motion carried unanimously.
- 6/18/25:** *E-Poll Conducted.* The e-poll was titled, Rescheduled Hunting, Fishing, and Trapping Law Public Meeting. The requested action of the e-poll was to approve the updated public meeting packet for the proposed amendments to the Hunting, Fishing, and Trapping law and reschedule the public meeting to be held on August 15, 2025. This e-poll was unanimously approved by Jonas Hill, Jennifer Webster, Marlon Skenandore, Kirby Metoxen, and Jameson Wilson.
- 7/2/25 LOC:** Motion by Jennifer Webster to enter into the record the results of the June 18, 2025 e-poll entitled, Rescheduled Hunting, Fishing, and Trapping Law Public Meeting; seconded by Jonas Hill. Motion carried unanimously.
- 7/30/25:** *Public Meeting Held.* Present: Two (2) individuals provided oral comments during the public meeting.
- 8/13/25:** *Public Comment Period Closed.* No individuals provided written comments during the public comment period.

Next Steps:

- Accept the public comments and the public comment review memo and defer to a work meeting for further consideration.

TO: Legislative Operating Committee (LOC)
 FROM: Clorissa N. Leeman, Legislative Reference Office, Senior Staff Attorney
 DATE: September 17, 2025
 RE: Hunting, Fishing, and Trapping Law Amendments: Public Comment Review



On August 15, 2025, a public meeting was held regarding the proposed amendments to the Hunting, Fishing and Trapping law. Two individuals provided oral comments during the public meeting. The public comment period was then held open until August 22, 2025. No submissions of written comments were received during the public comment period. This memorandum is submitted as a review of the comments received during the public meeting. The public meeting draft and public meeting transcript are attached to this memorandum for review.

Comment 1 – Attendance Composition at a Ceremony or Feast:

406.6. Licenses and Permits

406.6-2. Ceremonial and/or Feast Permit. Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons.

(a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.

(b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:

- (1) The designee of the group/organization is a Tribal member;
- (2) The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and
- (3) The hunt takes place on the reservation.

(c) All persons participating in the ceremonial and/or feast hunt shall be:

- (1) Named hunters on the ceremonial and/or feast permit; and
- (2) Tribal members, descendants, or a spouse to a Tribal member.

(d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.

Sidney White (oral): Hi, how are you doing today? Sidney White, and I'd like to comment on the Hunting, Fishing and Trapping law amendments. Thank you for the opportunity, Councilman Hill, I guess like the first one that I have like a little bit of concern is, is eliminating the requirement that at least eighty-five percent (85%) of the group and organization members be tribal members. I kind of look at these being like our resources for our Tribal members and I'd like to ensure that these are being utilized for Tribal members. I'm not sure like what that percent is like eighty-five (85). I do think it should be like a significant portion of Tribal members that would benefit from a ceremonial or feast permit.

Response

The commenter expresses concern that the proposed amendments to the Law eliminate the requirement that at least eighty-five percent (85%) of the group and organization members be Tribal members for a ceremonial or feast permit, as he would like to see this benefit be utilized for Tribal members.

The current section 406.6-2 of the Law provides that Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons. Section 406.6-2(b)(1)-(4) then goes on to provide that a ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements: at least eighty-five percent (85%) of the group and/or organization members are Tribal members; the agent of the group/organization is a Tribal member; the occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and the hunt takes place on the reservation.

When the Legislative Operating Committee was developing the amendments to this Law, the type of group a ceremonial and/or feast permit was issued to was one topic that was discussed. The proposed amendments to the Law remove the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits, and instead solely requires that the designee of the group/organization is a Tribal member; the occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and the hunt takes place on the reservation. [4 O.C. 406.6-2(b)(1)-(3)]. The Legislative Operating Committee made the decision to remove this requirement based on the difficulty in actually enforcing the requirement. It is unlikely that an Oneida Police Department officer or warden would attend a ceremony or feast to check the enrollment status of those in attendance. The Legislative Operating Committee also discussed the fact that there may be instances where a ceremonial and/or feast permit is issued, such as for a funeral feast, in which it would be limiting for the purpose of the feast to put qualifications on the enrollment status of guests. The Legislative Operating feels that the other requirements in section 406.6-2(b) ensure that this permit has some connection back to the Nation and its culture and traditions. Additionally, those who are named hunters on the permit are required to be a Tribal member, descendants, or a spouse to a Tribal member. [4 O.C. 406.6-2(c)(2)].

The Legislative Operating Committee may determine whether or not to reconsider its decision to remove the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits. The Legislative Operating Committee may make one of the following decisions:

1. The proposed amendments to the Law which remove the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits should remain moving forward.
2. The proposed amendments to the Law should revert to the currently effective language and it should be required that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for ceremonial and/or feast permits.

LOC Consideration

Comment 2 – Named Hunters for Ceremonial or Feast Permits:

406.6. Licenses and Permits

406.6-2. Ceremonial and/or Feast Permit. Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons.

(a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.

(b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:

(1) The designee of the group/organization is a Tribal member;

(2) The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and

(3) The hunt takes place on the reservation.

(c) All persons participating in the ceremonial and/or feast hunt shall be:

(1) Named hunters on the ceremonial and/or feast permit; and

(2) Tribal members, descendants, or a spouse to a Tribal member.

(d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.

Sidney White (oral): Also do have some concerns about naming the hunters on the permit, if it's going to be just like a paper permit or if they'll be like some digital means to add people to the permit. We all know that when we go hunting and we might have ten (10) guys and maybe three (3) of them drop out. If we want to add another three (3), there should be like a digital mechanism to to add those to the permit.

Response

In his discussion of the ceremonial and/or feast permits, the commenter questioned whether there was a digital mechanism for changing the named hunters on an issued permit, especially in instances in which someone may not be able to participate last minute and a group would like to use a replacement hunter.

Currently, the Law does not address the manner in which permits are issued to individuals – whether that be paper permits or digital permits, or any revisions to those named hunters on permits occurs, if it does at all. The Conservation Department is delegated the authority to develop rules to address the application requirements for obtaining any of the Nation's licenses or permits. [4 O.C. 406.5-2(b)]. The Law does state that Tribal members may *apply* for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons. [4 O.C. 406.6-2]. All persons participating in the ceremonial and/or feast hunt are required to be named hunters on the ceremonial and/or feast permit, and the named hunters are required to be Tribal members,

descendants, or a spouse to a Tribal member. [4 O.C. 406.6-2(c)]. These provisions together would lead one to the presumption that an individual would need to obtain approval to be named on a ceremonial and/or feast hunt permit, and therefore a last minute switch of the named hunter on the permit is most likely not occurring. Furthermore, the designee of the group ceremonial and/or feast hunt is required to notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt, and the Oneida Police Department officer or warden has the discretion to monitor any portion, or the entirety, of the group ceremonial and/or feast hunt. [4 O.C. 406.6-2(d)].

It is recommended that the Legislative Operating Committee reach out to the Conservation Department to learn more about how handling or revising named hunters on a ceremonial and/or feast permit is currently handled, is allowed, in order to obtain more information so that the Legislative Operating Committee can make an informed decision as to whether this issue needs to be addressed in the Law.

LOC Consideration

Comment 3 – Data for Ceremonial and Feast Permits:

406.6. Licenses and Permits

406.6-2. Ceremonial and/or Feast Permit. Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons.

(a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.

(b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:

(1) The designee of the group/organization is a Tribal member;

(2) The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and

(3) The hunt takes place on the reservation.

(c) All persons participating in the ceremonial and/or feast hunt shall be:

(1) Named hunters on the ceremonial and/or feast permit; and

(2) Tribal members, descendants, or a spouse to a Tribal member.

(d) The designee of the group ceremonial and/or feast hunt shall notify an Oneida Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.

Sidney White (oral): I do have a couple more notes. I apologize cause I put them like further down into the document. The other, the other question or maybe like request would be when we're talking about ceremonial or feast permits is that we have you know some type of data to to identify

how often this has been utilized. In the the description it it identifies, you know, a funeral feast. You know, I know there's community members that aren't aware of the ceremonial or feast permit. I've, you know, talked with a couple of them that have, you know, like men's groups or maybe do sweat or recovery groups and and I hear the comments of like boy I'd like to have, you know, like a deer to, you know, slice and, you know, make it into a traditional soup and they don't hunt and they're not really aware. So I would like to see like some data presented to the community, like how often is ceremony or feast permits use and like what context are they used for. And then maybe just like a better job of like making that aware to the people that especially like the elders that are are working with some of these groups and and ceremonial, spiritual and recovery. I think that could be something that we could do a better job at.

Response

The commenter makes a request that data be shared regarding the frequency and context in which ceremony and/or feast permits are issued, and that generally better communication regarding the existence of the ceremonial and/or feast permit be shared with the community.

The Legislative Operating Committee does not have specific data in regard to the frequency or context in which permits are issued by the Conservation Department. It is recommended that the Legislative Operating Committee reach out to the Conservation Department and ask for more information regarding the ceremonial and/or feast permits for a greater understanding of this issue, and also share the request that better communication regarding these permits be shared with the community.

There are no recommended revisions to the Law based on this comment.

LOC Consideration

Comment 4 – Accidental Collision with Deer:

406.7. General Requirements

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin.

Sidney White (oral): I do have some concerns where it says 4 O.C. 406.7-3 when it talks about the state of Wisconsin being the ones that would tag a deer, I guess like my concern is, does that read as exclusively to the state of Wisconsin? So, if we do have, you know, a conservation warden or one of the Oneida Police officers, would they still be able to tag a deer? Again, I'm not the content expert on that, but I would like clarification on that.

Response

The commenter shares concerns regarding the provision of the Law which addresses the accidental collision between a vehicle and a deer, and asks why the tagging of a deer in this situation is handled by the State of Wisconsin and not an Oneida Police Department officer or warden.

Currently, section 406.7-3 of the Law that is in effect provides that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the Department or the Department's designee. The proposed amendments to the Law provide that any person who accidentally collides with and kills a deer while operating a vehicle on a roadway may retain possession of the said deer, provided that the person shall have the deer tagged by the State of Wisconsin. [4 O.C. 406.7-3]. The proposed amendments to the Law change the responsibility for who tags the deer from the Department or its designee to the State of Wisconsin based on the recommendations from the Oneida Police Department and Conservation Department. During work meetings on the development of these amendments the Oneida Police Department and the Conservation Department provided that they do not currently respond to requests to tag any deer that a vehicle has collided with, and instead that when this occurs they refer individuals who have collided with a deer to follow the process set forth by the State of Wisconsin.

There are no recommend revisions to the Law based on this comment.

LOC Consideration

Comments 5 through 6 – Hunting Party Size:

406.9. Hunting

406.9-2. General Hunting Restrictions. Persons may not, unless specifically authorized by a permit, if applicable, do any of the following:

(g) Hunt in a party of more than fifteen (15) persons;

Sidney White (oral): I do have some concerns with increasing the hunting party from the size of ten (10) to fifteen (15). My experience is once you start getting, you know, more than one (1) hunting party in a relatively, you know, close area, that one (1) or two (2) mile area, then that can potentially go from thirty (30) people to forty-five (45) people. That's kind of in my experience out in the field, and I think safety becomes like a concern, especially when you start adding, you know, children that are in there or younger hunters too.

Jerome Webster (oral): And same, I guess I'm same thing. Well, you got me going now. So, with the ten (10) to fifteen (15) people. He's like going back to Sids, yes, I totally understand what he's talking about, but I would say keep it at ten (10). Yes, and all of us got big families and whatever and we all like to hunt together and but like you said, we don't got the room. Unless we buy some more land, but yes, I would like to try to keep it at ten (10).

Response

Overall, both commenters express safety concerns regarding the expansion of the allowable hunting party size, and instead would like to see the hunting party size limitations remain as currently provided in the Law.

Section 406.9-2(g) of the currently effective Law provides that persons may not, unless specifically authorized by a permit, hunt in a party of more than ten (10) persons. The proposed amendments to the Law expand the allowable hunting size so that persons may not, unless specifically authorized by a permit, hunt in a party of more than fifteen (15) persons. [4 O.C. 406.9-2(g)]. The Legislative Operating Committee made the decision to expand the allowable hunting party size based on concerns regarding the ability of a hunting party size to be monitored and enforced, and that the increased hunting party size might better reflect what is actually occurring in hunting parties.

The Legislative Operating Committee may determine whether or not to reconsider its decision to expand the allowable hunting party size from ten (10) to fifteen (15) persons. The Legislative Operating Committee may make one of the following decisions:

1. The proposed amendments to the Law should remain as currently drafted and allow a hunting party size up to fifteen (15) persons.
2. The proposed amendments to the Law should revert to the currently effective language and the Law should provide that a hunting party cannot exceed ten (10) persons.

LOC Consideration

Comments 7 through 8 – Designated Hunters:

406.9. Hunting

406.9-4. *Designated Hunters.* A permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event that the permittee is physically or legally unable to take pursuant to their own permit, provided that, the designated hunter shall provide their name and contact information to the Department along with a signed statement from the original permittee naming the designated hunter. The designated hunter shall receive the Department's approval of the designation before using the permits of the original permittee.

- (a) To be eligible to be named a designated hunter, the named person shall:
 - (1) Possess a valid hunting license;
 - (2) Be eligible for the permits for which the person is named the designated hunter; and
 - (3) Meet any other requirements of the rules created pursuant to this law.
- (b) Designated hunters may hunt for an unlimited number of permittees.
- (c) Any wildlife taken by a designated hunter remains the property of the original

permittee; the designated hunter shall transfer any wildlife taken by designation to the original permittee's possession as soon as practicable following the taking.

Sidney White (oral): The other concern I have is on 406.9-4-(b) allowing designated hunters to hunt for an unlimited number of permittees instead of being limited to the number authorized by the rules. I could see that having like some issues as you know if somebody's you know, going hunting and you know, harvesting multiple deer for multiple people, I feel like that should be a privilege that should be reserved for Tribal members only. I also have concerns that if you're going to be harvesting an animal for, for another elder or or an elder is that that entire animal should go to the elder. It's been my experience is like where, you know, somebody harvest a deer for an elder and it's like, well, we'll just split it half. I think that's like a privilege and I think if somebody takes that on for hunting like the entire animal should you know, going to that that elder. which I think the Nation could potentially do stepping up like food sovereignty and having some type of processing to make sure that you know an elder gets like a finished, a finished product as far as like butchering.

Sidney White (oral): And then for designated hunters, there is a comment in there under M and it says line 272 which is legally unable to take their own permit. I I would like clarification that if there are tribal members that are felons, they cannot like firearm, use a firearm to hunt. Can they obtain a permit for the gun deer season and designate someone to hunt for them? I think that needs to be clarified because there has been like some discussion of tribal members that are felons that do bow hunt only getting. maybe like one (1) or two (2) tags. If we had like a elder that is a felon and you know can't have a firearm, are they still going to get a tag to be able to use for the gun deer season?

Apologize here, I just want to go through the rest of my notes just to make sure I have everything. I believe that wraps up like my comments on there and I I appreciate the opportunity to provide the oral testimony or oral feedback on these. Those are some of the things that I feel like are important and you know, just I think maybe being able to get like some of that information. Especially like the data aspect and then making sure that we maintain our sovereignty. I I would hate to see something going over to, you know, the State of Wisconsin only. I'm sure that's not like what's going to happen. I just want to make sure that that's how it reads and and in the law. Thank you.

Response

Overall, the commenter expresses some concerns and need for clarification regarding designated hunters. The commenter expresses concern that the proposed amendments to the Law allow designated hunters to hunt for an unlimited number of permittees, and expresses that the ability to harvest multiple deer for multiple people should be a benefit reserved for Tribal members. The commenter also expresses concern that it should be ensured that a deer harvested by a designated hunter be provided in totality to the original permittee. The commenter also questions whether a Tribal member who is a felon and cannot legally use their own weapon to hunt can obtain a designated hunter.

The Law addresses designated hunters and provides that a permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event that the permittee is physically or legally unable to take pursuant to their own permit, provided that, the designated hunter shall provide their name and contact information to the Conservation Department along with a signed statement from the original permittee naming the designated hunter. [4 O.C. 406.9-4]. It appears that the statement that a person could use a designated hunter if they are “legally unable to take pursuant to their own permit” would answer the commenter’s question regarding whether this applies to those individuals who may not be able to possess a firearm due to legal reasons – unless further restrictions by the Conservation Department through the rules exists. The Law then provides that the designated hunter shall receive the Department’s approval of the designation before using the permits of the original permittee. *Id.* To be eligible to be named a designated hunter, the named person shall possess a valid hunting license; be eligible for the permits for which the person is named the designated hunter; and meet any other requirements of the rules created pursuant to this law. [4 O.C. 406.9-4(a)]. Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter is required to transfer any wildlife taken by designation to the original permittee’s possession as soon as practicable following the taking. [4 O.C. 406.9-4(c)]. This provision of the Law addresses the commenter’s concerns that a designated hunter be required to provide the entire animal to the original permittee.

Section 406.9-4(b) of the currently effective Law provides that designated hunters may hunt for the number of permittees as authorized by the rules developed pursuant to this law – which currently provides in section 4-7(a)(7) of the Rule Handbook that designated deer hunters may only take antlerless deer and, regardless of the number of tags issued to the original permittee, may fill a maximum of two (2) deer carcass tags on behalf of the original permittee. The proposed amendments to the Law provide that designated hunters may hunt for an unlimited number of permittees. [4 O.C. 406.9-4(b)]. The Legislative Operating Committee decided to remove any limitation on the number of permittees a designated hunter may hunt for in an effort to ensure that the highest number of permittees end the season obtaining animals that can be used to feed a family - no matter whether or not that animal may have been harvested through the same designated hunter.

The Legislative Operating Committee may determine whether further restrictions on designated hunters should be explored.

LOC Consideration

Comments 9 through 10 – Youth Hunters:

406.9. Hunting

406.9-5. Age Restrictions.

- (a) Persons between the ages of ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate**

supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities.

(1) The parent, legal guardian, or responsible adult shall have a valid license and any required permits.

(2) Adults accompanying youth hunters pursuant to this section shall remain within voice and sight contact of the youth hunters at all times.

(b) Tribal members, descendants, non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.

(1) In order to be eligible to be a mentor, the person shall:

(A) Be at least eighteen (18) years old;

(B) Have a valid license and any required permits; and

(C) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor

(2) Mentors may mentor a maximum of two (2) youth hunters at the same time; and

(3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

Sidney White (oral): I do have like some questions or would like clarifications on the ten (10) to fourteen (14) year old. If we look at the State of Wisconsin, there is a mentor and mentee hunt for like ten (10) and eleven (11) year olds. Those don't require hunter safety. I would like clarification on this rule is if a ten (10) and eleven (11) year old can come and hunt without hunter safety and being within within arm reach. I do see that it mentioned like having all the licenses and permits. I guess like my my clarification going forward is can a ten (10) and eleven (11) year old get a mentee license and permit in the absence of completing hunter safety the similar to that the State of Wisconsin offers.

Jerome Webster (oral): Jerome Webster, I got. Yes, I agree with the just the restrictions for the younger ones, but even I would say we could even lower the age limit from below ten (10) long as you are the mentor or the responsible adult. But I just don't, like I said, I'm reading this from it says from the ages of ten (10) to fourteen (14). Don't we only got to be twelve (12) to they obtain a hunter safety? For the tribe? For the state, it is ten (10). But just reading that I'm agreement with that, allowing the younger we, like you said, we need our kids out there.

Response

The commenters both discuss how the amendments to the Law address age restrictions for youth hunters. One commenter requests clarification on whether a ten (10) and eleven (11) year old can get a mentee license and permit in the absence of completing hunter safety – while the other commenter suggests lowering the age restrictions even further as it would be beneficial for the Nation to have more youth hunters.

Section 406.9-5 of the currently effective Law addresses age restrictions through three (3) main age group designations by providing that:

- persons between the ages of twelve (12) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian or a responsible adult to which a parent or legal guardian has delegated his or her supervisory responsibilities.
- Tribal members, descendants, non-member Indians and dependents aged ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits.
- Tribal members, descendants, non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.

The proposed amendments to the Law look at combining the age groups of ten (10) or eleven (11) year olds and twelve (12) and fourteen (14) year olds, and provides the following:

- Persons between the ages of ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities
- Tribal members, descendants, non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt. [4 O.C. 406.9-5].

Therefore, all youth hunters ages ten (10) through fourteen (14) would be treated the same and required to obtain the required license and permits. *Id.* Adults accompanying youth hunters aged ten (10) through fourteen (14) are required to remain within voice and sight contact of the youth hunters at all times. [4 O.C. 406.9-5(a)(2)]. For those youth hunters younger than ten (10) years of age, they can accompany a hunter during a hunt without any licenses and permits, but they may not use a weapon and have to remain within an arm's grasp of their mentor at all times. [4 O.C. 406.9-5(b)(3)].

The Legislative Operating Committee may determine whether age restrictions under the Law need any reconsideration moving forward.

LOC Consideration

Comments 11 – Disabled Hunter Permits:

406.6. Licenses and Permits

406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability that results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner and location as required by the Department. A disabled hunter permit

authorizes a person to hunt from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the rules developed pursuant to this law.

Jerome Webster (oral): And, well, I thought, well, I'm going to the the requirement that medical verification for disabled hunters, which I am disabled hunter and I showed all my paperwork when I got when I had to get my permit. So yes, they should, you should have to show it something from your doctor showing that you are disabled or you have mobility issues. Grim up with that.

And I think that's I'm I'm good with everything else unless I figure out something else. Thank you.

Response

The commenter expresses support that an individual who seeks a disabled hunters permit should have to provide medical verification.

A disabled hunter permit authorizes a person to hunt from a stationary vehicle within fifty (50) feet on the center of a road. [4 O.C. 406.6-6]. Section 406.6-6 of the currently effective Law provides that the Conservation Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability. The proposed amendments to the Law goes a little bit further and provides that the Conservation Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability that results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. [4 O.C. 406.6-6]. The proposed amendment attempts to build a better connection between a disability that results in mobility issues and the need for a disability permit which allows for an individual to hunt from a stationary vehicle.

There are no recommended revisions based on this comment.

LOC Consideration



**LEGISLATIVE OPERATING COMMITTEE
PUBLIC MEETING**

Hunting, Fishing, and Trapping Law Amendments

Norbert Hill Center Business Committee Conference Room and Microsoft Teams

August 15, 2025

12:15 p.m.

Present: Jonas Hill, Carolyn Salutz, Grace Elliott, Jerome Webster, Sidney White

Jonas Hill: Good Afternoon, the time is 12:15 p.m. and today's date is Friday, August 15, 2025. I will now call to order the public meeting for the proposed Hunting, Fishing, and Trapping law amendments.

The Legislative Operating Committee is hosting this public meeting to gather feedback from the community regarding these legislative proposals. The public meeting is not a question and answer period. The LOC will review and consider all comments received during the public comment period. The LOC will respond to all comments received in a memorandum, which will be submitted in the meeting materials of a future LOC meeting.

All persons who wish to present oral testimony in person need to register on the sign in sheet. Individuals who wish to present oral testimony on Microsoft Teams, please raise your hand and you will be called on. If you leave an email address on the sign in sheet we can ensure you receive a copy of the public comment review memorandum.

Additionally, written comments may be submitted to the Nation's Secretary's Office or to the Legislative Reference Office in person, by U.S. mail, interoffice mail, e-mail or fax as provided on the public meeting notice. These comments must be received by close of business on Friday, August 22, 2025.

In attendance from the LOC is myself, Jonas Hill.

The LOC may impose a time limit for all speakers pursuant to section 109.8-3(c) of the Legislative Procedures Act. As the presiding LOC member, I am imposing a time limit of five (5) minutes per person. This time limit shall be applied equally to all persons.

We will now begin today's public meeting for the proposed Hunting, Fishing, and Trapping law amendments.

The purpose of the Hunting, Fishing, and Trapping law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, for both the environment and fellow sportsmen.

The proposed amendments to the Hunting, Fishing, and Trapping law will:

- Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law, except hearing authority, to the Conservation Department throughout the entire law;
- Require the Conservation Department draft rules that identify designated seasons and/or hunting hours for elder, disabled, and youth hunts;
- Eliminate the requirement that the Conservation Department draft rules establishing a process for retention, storage and disposal of items confiscated or turned over to the Department in accordance with this law;
- Require the Conservation Department draft rules that regulate the use of recovery and retrieval services and methods;
- Require the Conservation Department draft rules that regulate the care and husbandry of animals used to hunt or animals used for private game hunting;
- Eliminate the requirement that a rule booklet be provided to each person receiving a license permit;
- Recognize that wardens fall within the organization of the Oneida Police Department and not the Conservation Department, and therefore prescribe all responsibilities/duties of the wardens to the Oneida Police Department officers;
- Adds beaver to list of animals a landowner, lessee, or designee is allowed to hunt or trap on property they own or lease year round without a sportsman license;
- Eliminate the provision that allowed any licensee holding a fishing only sportsman license to name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license;
- Eliminate the requirement that at least eighty-five percent (85%) of the group and/or organization members be Tribal members for groups/organizations that seek a ceremonial and/or feast permit;
- Require that all persons participating in the ceremonial and/or feast hunt be tribal members, descendants, or a spouse of a tribal member in addition to the requirement that they be named hunters on the permit;
- Require that medical verification for a disabled hunter permit show that the physical disability results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle;
- Provide that any person who has had a license or permit denied may appeal the Department's decision by requesting a hearing before the Trial Court instead of ERB;
- Increase the allowable size of a hunting party from ten (10) to fifteen (15) persons;

- Allow designated hunters to hunt for an unlimited number of permittees, instead of being limited to the number authorized by the rules;
- Adjust the age restrictions for minors, now allowing all persons between the ages of ten (10) and fourteen (14) years old the ability to hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated their supervisory responsibilities; and
- Make other minor drafting revisions.

Those who wish to speak please raise your hand. Please state your name when making a comment, and which law you are commenting on. First up to speak is Sid White online.

Sidney White: Hi, how are you doing today? Sidney White, and I'd like to comment on the Hunting, Fishing and Trapping law amendments. Thank you for the opportunity, Councilman Hill, I guess like the first one that I have like a little bit of concern is, is eliminating the requirement that at least eight-five percent (85%) of the group and organization members be tribal members. I kind of look at these being like our resources for our Tribal members and I'd like to ensure that these are being utilized for Tribal members. I'm not sure like what that percent is like eighty-five (85). I do think it should be like a significant portion of Tribal members that would benefit from a ceremonial or feast permit.

Also do have some concerns about naming the hunters on the permit, if it's going to be just like a paper permit or if they'll be like some digital means to add people to the permit. We all know that when we go hunting and we might have ten (10) guys and maybe three (3) of them drop out. If we want to add another three (3), there should be like a digital mechanism to to add those to the permit.

I do have some concerns where it says 4 O.C. 406.7-3 when it talks about the state of Wisconsin being the ones that would tag a deer, I guess like my concern is, does that read as exclusively to the state of Wisconsin? So, if we do have, you know, a conservation warden or one of the Oneida Police officers, would they still be able to tag a deer? Again, I'm not the content expert on that, but I would like clarification on that.

I do have some concerns with increasing the hunting party from the size of ten (10) to fifteen (15). My experience is once you start getting, you know, more than one (1) hunting party in a relatively, you know, close area, that one (1) or two (2) mile area, then that can potentially go from thirty (30) people to forty-five (45) people. That's kind of in my experience out in the field, and I think safety becomes like a concern, especially when you start adding, you know, children that are in there or younger hunters too.

The other concern I have is on 406.9-4-(b) allowing designated hunters to hunt for an unlimited number of permittees instead of being limited to the number authorized by the rules. I could see

that having like some issues as you know if somebody's you know, going hunting and you know, harvesting multiple deer for multiple people, I feel like that should be a privilege that should be reserved for Tribal members only. I also have concerns that if you're going to be harvesting an animal for, for another elder or or an elder is that that entire animal should go to the elder. It's been my experience is like where, you know, somebody harvest a deer for an elder and it's like, well, we'll just split it half. I think that's like a privilege and I think if somebody takes that on for hunting like the entire animal should you know, going to that that elder. which I think the Nation could potentially do stepping up like food sovereignty and having some type of processing to make sure that you know an elder gets like a finished, a finished product as far as like butchering.

I do have like some questions or would like clarifications on the ten (10) to fourteen (14) year old. If we look at the State of Wisconsin, there is a mentor and mentee hunt for like ten (10) and eleven (11) year olds. Those don't require hunter safety. I would like clarification on this rule is if a ten (10) and eleven (11) year old can come and hunt without hunter safety and being within within arm reach. I do see that it mentioned like having all the licenses and permits. I guess like my my clarification going forward is can a ten (10) and eleven (11) year old get a mentee license and permit in the absence of completing hunter safety the similar to that the State of Wisconsin offers.

I do have a couple more notes. I apologize cause I put them like further down into the document.

The other, the other question or maybe like request would be when we're talking about ceremonial or feast permits is that we have you know some type of data to to identify how often this has been utilized. In the the description it it identifies, you know, a funeral feast. You know, I know there's community members that aren't aware of the ceremonial or feast permit. I've, you know, talked with a couple of them that have, you know, like men's groups or maybe do sweat or recovery groups and and I hear the comments of like boy I'd like to have, you know, like a deer to, you know, slice and, you know, make it into a traditional soup and they don't hunt and they're not really aware. So I would like to see like some data presented to the community, like how often is ceremony or feast permits use and like what context are they used for. And then maybe just like a better job of like making that aware to the people that especially like the elders that are are working with some of these groups and and ceremonial, spiritual and recovery. I think that could be something that we could do a better job at.

And then for designated hunters, there is a comment in there under M and it says line 272 which is legally unable to take their own permit. I I would like clarification that if there are tribal members that are felons, they cannot like firearm, use a firearm to hunt. Can they obtain a permit for the gun deer season and designate someone to hunt for them? I think that needs to be clarified because there has been like some discussion of tribal members that are felons that do bow hunt only getting. maybe like one (1) or two (2) tags. If we had like a elder that is a felon and you know can't have a firearm, are they still going to get a tag to be able to use for the gun deer season?

Apologize here, I just want to go through the rest of my notes just to make sure I have everything. I believe that wraps up like my comments on there and I I appreciate the opportunity to provide the oral testimony or oral feedback on these. Those are some of the things that I feel like are important and you know, just I think maybe being able to get like some of that information. Especially like the data aspect and then making sure that we maintain our sovereignty. I I would hate to see something going over to, you know, the State of Wisconsin only. I'm sure that's not like what's going to happen. I just want to make sure that that's how it reads and and in the law. Thank you.

Jonas Hill: Thank you, Doctor White. Anybody else want to submit a comment?

Jerome Webster: Jerome Webster, I got. Yes, I agree with the just the restrictions for the younger ones, but even I would say we could even lower the age limit from below ten (10) long as you are the mentor or the responsible adult. But I just don't, like I said, I'm reading this from it says from the ages of ten (10) to fourteen (14). Don't we only got to be twelve (12) to they obtain a hunter safety? For the tribe? For the state, it is ten (10). But just reading that I'm agreement with that, allowing the younger we, like you said, we need our kids out there.

And same, I guess I'm same thing. Well, you got me going now. So, with the ten (10) to fifteen (15) people. He's like going back to Sids, yes, I totally understand what he's talking about, but I would say keep it at ten (10). Yes, and all of us got big families and whatever and we all like to hunt together and but like you said, we don't got the room. Unless we buy some more land, but yes, I would like to try to keep it at ten (10).

And, well, I thought, well, I'm going to the the requirement that medical verification for disabled hunters, which I am disabled hunter and I showed all my paperwork when I got when I had to get my permit. So yes, they should, you should have to show it something from your doctor showing that you are disabled or you have mobility issues. Grim up with that.

And I think that's I'm I'm good with everything else unless I figure out something else. Thank you.

Jonas Hill: Alright, thank you, Jerome. I'm just gonna do one last call. One last call for comments.

All right. With there being no more speakers, the public meeting for the proposed Hunting, Fishing and Trapping law amendments is now closed at 12:33 PM. Written comments may be submitted until close of business on Friday, August 22, 2025. Thank you everybody, and have a great day.

-End of Meeting-

Title 4. Environment and Natural Resources – Chapter 406
HUNTING, FISHING AND TRAPPING
Lutolátha?, Latsywáaha? O?khále Atlistáya Tsi? Kayanláhsla
Our laws concerning hunting, fishing and trapping
HUNTING, FISHING, AND TRAPPING

406.1. Purpose and Policy
406.2. Adoption, Amendment, Repeal
406.3. Definitions
406.4. Jurisdiction
406.5. Administration and Supervision

406.6. Licenses and Permits
406.7. General Regulations
406.8. Wildlife Damage and Nuisance Control
406.9. Hunting
406.10. Enforcement and Penalties

406.1. Purpose and Policy

406.1-1. *Purpose.* The purpose of this law is to protect and conserve wildlife on the reservation and to promote respect among sportsmen, ~~respect for~~ both the environment and fellow sportsmen.

406.1-2. *Policy.* It is the policy of ~~this law~~ the Nation to provide:

- (a) An adequate and flexible system for the protection, management, supervision, conservation, and enhancement of all wildlife and natural resources on the reservation; and
- (b) An enforceable system of licensing and permitting which establishes clear rules pursuant to the Administrative Rulemaking law related to hunting, fishing, and trapping, and associated fines and penalties for violations of this law and the said rules.

406.2. Adoption, Amendment, Repeal

406.2-1. This law was adopted by the Oneida Business Committee by resolution BC-~~08~~-31-94-C, and amended by resolutions BC-~~04~~-24-96-A, BC-~~07~~-22-98-A, BC-09-13-00-D, BC-~~06~~-04-03-A, BC-~~06~~-30-04-I, BC-~~07~~-13-05-E, BC-~~08~~-29-07-F, BC-06-24-09-E, BC-08-26-10-I, BC-12-14-11-E, BC-05-22-13-A, BC-01-25-17-D-~~and~~, BC-07-26-17-F-~~, and BC-~~ - - - -.

406.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

406.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity shall not affect other provisions of this law which are considered to have legal force without the invalid portions.

406.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law shall control.

406.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

406.3. Definitions

406.3-1. This section shall govern the definitions of words and phrases used within this law. All words not defined herein shall be used in their ordinary and everyday sense.

(a) “Aircraft” means a conveyance that can travel through the air and that is supported either by its own lightness or by the action of the air against its surfaces. The term includes hovercraft and both manned aircraft such as airplanes and helicopters and unmanned aircraft such as drones.

(b) “Barrel ~~Length~~ length” means the length of a gun’s barrel as measured from the muzzle to the firing pin with the action closed, or from the muzzle to the breech face.

(c) ~~“ERB”~~ “Bodily harm” means physical pain or injury or any impairment of the Environmental Resources Board physical condition.

(d) “Daily ~~Bag Limit~~ bag limit” means the maximum number of a species of wildlife that

a person may take during a twenty-four (24) hour period measured from midnight to midnight.

(e) “Department” means the Oneida Conservation Department.

(f) “Dependent” means a person under the age of eighteen (18) who is the child or step-child of a Tribal member or who lives with a Tribal member for more than half of the year.

~~(g) “Designated Hunter”~~ (g) “Descendant” means a person who is registered with, and recognized by, the Oneida Trust Enrollment Department as being the descendant of an enrolled member of the Nation.

~~(h) “Designated hunter”~~ means the person named by a permittee as authorized to harvest wildlife on behalf of the permittee pursuant to the permit held by the permittee.

~~(hi)~~ “Elder” means any person fifty-five (55) years of age or older.

~~(ij)~~ “Endangered or ~~Threatened~~ threatened” means any species of wildlife within the reservation in danger of extinction or likely to become in danger of distinction as recognized by ~~ERB and~~ the Department and under federal law.

~~(jk)~~ “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law, ~~which is payable to ERB or the Department within the amount of time designated by the rules.~~

~~(kl)~~ “Fishing” means the taking, capturing, harvesting, or attempting to take, capture or harvest fish of any variety in any manner.

~~(m)~~ “(m) “Great bodily harm” means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

~~(n)~~ “Hunt” or “Hunting” means shooting, shooting at, pursuing, taking, attempting to take, catch, harvest or attempting to harvest any wildlife.

~~(no)~~ “License” means a written document issued by the Department granting authority to engage in specific activities covered under this law and the rules created pursuant to this law.

~~(np)~~ “Loaded” means any firearm containing a cartridge in the chamber or any firearm containing a cartridge or cartridges in the attached cylinder, magazine, or clip.

(1) Muzzleloading firearms may not be considered loaded if a percussion cap is not covering the percussion nipple or .209 primers are not in the receiver.

(2) Flint lock muzzleloading firearms may not be considered loaded if the flash pan is cleaned of powder.

~~(eq)~~ “Nation” means the Oneida Nation.

~~(pr)~~ “Non-Indian” means a person who is not a member of any federally recognized Indian tribe, band, or community.

~~(qs)~~ “Non-Member Indian” means a person who is a member of a federally recognized Indian tribe, band, or community other than this Nation.

~~(rt)~~ “Nuisance Animal” means any wildlife causing and one (1) or combination of the following:

(1) Damage to property;

(2) Damage to or endangered or threatened species of wildlife and/or plants;

(3) Depredation of crops and/or livestock; or

(4) Health and/or safety risks posed to persons.

~~(su)~~ “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law and may include, but is not limited to, the

confiscation of equipment and/or wildlife ~~with return of the same at the discretion of ERB~~, the imposition of a wildlife protection assessment (civil recovery value), revocation and/or ineligibility for licenses and/or permits for a specified period of time, and restitution.

(~~tv~~) “Permit” means a document, stamp or tag authorizing a specific activity which is issued by the Department to the holder of a license.

(~~uw~~) “Protected ~~Species~~species” means any species of wildlife that is not endangered or threatened, but for ~~which ERB~~the Department has established seasons, daily bag limits, or otherwise restricted the taking of.

(~~vx~~) “Reservation” means all the property within the exterior boundaries of the reservation of the Nation, as created pursuant to the 1838 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

(~~wy~~) “Rule” means a set of requirements, including citation fees and penalty schedules, enacted by ~~ERB and/or~~ the Department in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law.

(~~xz~~) “Take” or “Taking” means pursuing, shooting, hunting, fishing, netting (including placing or setting any net or other capturing device), capturing, harvesting, snaring or trapping any wildlife, or attempting any of the foregoing.

(~~yaa~~) “Transport” means to bring or move from one place to another by means of carrying, dragging, pushing, towing, or storing in or on a vehicle, aircraft or boat.

(~~zbb~~) “Trapping” means the taking of, or attempting to take, any wildlife by means of setting or operating any device or mechanism that is designed, built, or made to close upon, hold fast, snare or otherwise capture wildlife.

(~~aacc~~) “Tribal ~~Land~~land” means any land within the reservation that is held in fee or in trust and is owned by the Nation, a Tribal member, or a non-member Indian.

(~~bbdd~~) “Tribal ~~Member~~member” means an enrolled member of the Nation.

(~~eece~~) “Vehicle” means any self-propelled conveyance that derives power from a motor and is used to transport persons or objects over land, including but not limited to, an automobile, truck, sport utility vehicle, snowmobile, motorcycle, all-terrain vehicle, moped or similar conveyance.

(~~ddff~~) “Warden” means an officer of the Oneida Police Department whose duties include the protection of wildlife and natural resources.

(~~gg~~) “Wildlife” means any non-domesticated mammal, bird, fish, reptile, or amphibian, or any part or carcass of the same.⁺

406.4. Jurisdiction

406.4-1. This law applies to the following persons:

- (a) All Tribal members,
- (b) All non-member Indians,
- (c) All non-Indians who:
 - (1) apply for and receive a license and/or permit, and/or
 - (2) enter Tribal land,
- (d) All persons as otherwise permitted under federal law.

⁺For additional information, please reference the definition of “domestic animal” in the Nation’s Domestic Animal law; any animal that does not fall into the “domestic animal” classification is considered “wildlife” for the purpose of this law.

406.4-2. This law applies:

- (a) within the boundaries of the ~~reservation~~Reservation, and
- (b) on lands held in trust for the Nation outside the boundaries of the reservation.

406.4-3. *Jurisdiction.* The Nation has jurisdiction over the management and regulation of the Nation's natural resources. ~~However,~~ this law shall not negate the jurisdiction of the State of Wisconsin in certain instances involving non-member Indians and non-Indians. ~~Thus,~~ to hunt, fish, or trap on tribal land, non-member Indians and non-Indians shall adhere to the Nation's license, permit, and tag requirements and may also be subject to the requirements of the State of Wisconsin. ~~License and permit holders may not exercise any hunting, fishing, or tapping privileges within the Reservation boundaries using a State of Wisconsin license that would amount to greater privileges than those~~ ~~afford~~afforded pursuant to this Law and associated rules.

406.5. Administration and Supervision

406.5-1. ~~ERB and the~~The Department shall protect, manage, supervise, conserve, and enhance all wildlife within the reservation. ~~ERB and the~~The Department shall ~~jointly~~ establish and maintain the rules in accordance with the Administrative Rulemaking law that are required to implement this law. ~~The Department shall administer and enforce this law and the rules created pursuant to this law.~~

406.5-2. ~~-~~ Administrative Rulemaking Authority. In addition to any other duties delegated to ~~ERB and the~~ Department under this law, ~~jointly, ERB and the~~ Department ~~are~~is hereby ~~jointly~~ delegated ~~the~~ rulemaking authority in accordance with the Administrative Rulemaking law to:

- (a) Determine the types and number of licenses and permits that may be issued by the Department, including how many licenses and permits that may be issued to non-Indian hunters.
- (b) Establish a fee schedule and application requirements and deadlines for obtaining licenses and/or permits.
- (c) Establish or amend daily bag limits and possession limits based on the supply of wildlife, the needs of conservation, and the objective of achieving a fair allocation of the harvest. ~~Restrictions in such rules may include, but are not limited to, limits related to gender, species, size, age, and maturity.~~
- (d) Based on the monitoring and supervision of all wildlife, when necessary, declare any species in need of protection a protected species or an endangered or threatened species, and thereafter modify or revoke such declarations as may be appropriate.
- (e) Fix, shorten, extend, or close seasons and hunting hours on any wildlife. ~~Provided that ERB and the Department~~
 - (1) ~~The rules~~ shall ~~base the open season for the~~identify designated seasons and/or hunting of migratory birds on the Nation's agreement with the U.S. Fish hours for elder, disabled, and Wildlife Service youth hunts.
- (f) Establish and/or modify areas' territorial limits, including bodies of water or parts thereof, for any of the following, as may be necessary:
 - (1) the taking of wildlife;
 - (2) other specified areas, pursuant to the rules ~~jointly~~ developed by ~~ERB and the~~ Department.
- (g) Establish methods for checking persons into and out of areas specified under subsection (f) above.
- (h) Regulate the operation of boats upon reservation waters and the operation of vehicles and aircraft used while hunting, fishing, or trapping.

(i) Regulate and prescribe the means and methods by which wildlife may be taken, including, but not limited to, the use of:

- (1) bait;
- (2) decoys;
- (3) hunting dogs;
- (4) traps;
- (5) firearms;
- (6) ammunition;
- (7) laser sights; and
- (8) night vision.

(j) Regulate the transportation, registration, tagging, and storage of all wildlife within the reservation and the shipment or transportation of wildlife off the reservation.

(k) Prescribe safety and fire control measures and other rules as may be necessary for range, forest, or wildlife management, and/or for the safety and welfare of outdoor recreationists, landowners, lessees, occupants, and the Nation.

~~(l) Establish a process for retention, storage and disposal of items confiscated or turned over to the Department in accordance with this law and the rules established pursuant to this law.~~

~~(m)~~(l) Establish a citation schedule that sets the monetary fines and penalties for violations of this law and/or the rules established pursuant to this law.

~~(n)~~(m) Regulate use of recovery and retrieval services and methods.

~~(o)~~(n) Regulate the care and husbandry of animals used to hunt or animals used for private game hunting.

~~(p)~~(o) Create other rules as specifically directed throughout this law or as may be necessary to implement this law. ~~ERB shall provide notice of said rules on the Nation's website and ERB and/or the Department shall develop a rule booklet, which the Department shall provide to each person receiving a license or permit pursuant to this law.~~

406.5-3. Oneida Police Department Officers and Wardens. Oneida Police Department officers and/or wardens shall enforce this law and corresponding rules on the reservation, and, accordingly shall:

- (a) Observe persons engaged in hunting, fishing and/or trapping in order to ensure that the methods and equipment utilized are lawful.
- (b) Investigate reports of violations of wildlife and environmental laws, including, but not limited to, this law and corresponding rules.
- (c) Work to prevent persons from violating this law and/or the corresponding rules.
- (d) Issue warnings and/or citations, which may include fines and/or penalties, for violations of this law and/or the corresponding rules.

~~406.5-4. Oneida Police Department. Any Oneida Police Department officer, who observes a violation of this law and/or corresponding rules, shall report such violation to the Department and/or a Department warden. However, if immediate action is necessary to prevent imminent danger to life or serious damage to property, the Oneida Police Department officer may issue a warning or citation for the said violation(s) and/or prevent persons from committing the said violation(s).~~

406.6. Licenses and Permits

406.6-1. *Sportsman License.*

- (a) A sportsman license is required for all persons hunting, fishing, or trapping on Tribal

land, except:

(1) Fishing is permitted without a sportsman license for Tribal members, dependents, and non-member Indians whom are sixteen (16) years of age or younger.

(2) Landowners~~and~~, lessees, and guests~~designees~~ with the permission of the landowners or lessees, may hunt and trap the following species on the property they own or lease, year-round, without a sportsman license:

(A) coyote;

(B) fox;

(C) raccoon;

(D) woodchuck;

(E) rabbit;

(F) squirrel;

~~(F)~~(G) beaver; and

~~(G)~~(H) any nuisance animal that is not an endangered or threaten species and is also not a regulated or protected species.

~~(b)~~ Anyone born on or after January 1, 1973, shall successfully complete a ~~state~~-certified hunter safety course to be eligible for a sportsman license, except that:

(1) *Fishing Only Sportsman License*. A sportsman license may be issued which permits fishing only. ~~In such circumstances, successful completion of a state-~~certified hunter safety course is not required and the Department shall internally record such licenses as permitting fishing only.

(A) A person issued a “fishing only” sportsman license may not hunt or trap, or be eligible to hunt or trap, until the licensee provides the Department with proof of successful completion of a ~~state~~-certified hunter safety course.

~~(B) Any licensee holding a fishing only sportsman license may name a designated hunter to fill the hunting or trapping permits that regularly accompany a sportsman license based on the rules established pursuant to this Law. For the requirements related to naming a designated hunter, refer to section 406.9-4.~~

406.6-2. *Ceremonial and/or Feast Permit*. Tribal members may apply for a ceremonial and/or feast permit to group hunt wildlife outside of the regular applicable seasons.

(a) When the ceremonial and/or feast permit is for deer hunting, it may only be issued for antlerless deer.

(b) A ceremonial and/or feast permit may be issued to a group and/or organization meeting each of the following requirements:

~~(1) At least eighty five percent (85%) of the group and/or organization members are Tribal members;~~

~~(2)~~ The agent~~designee~~ of the group/organization is a Tribal member;

~~(3)~~ The occasion for the ceremonial and/or feast requiring the hunt out of season is recognized by the Oneida community; and

~~(4)~~ The hunt takes place on the reservation.

(c) All persons participating in the ceremonial and/or feast hunt shall be ~~named hunters on the ceremonial and/or feast permit;~~

(1) Named hunters on the ceremonial and/or feast permit; and

(2) Tribal members, descendants, or a spouse to a Tribal member.

(d) The agent~~designee~~ of the group ceremonial and/or feast hunt shall notify ~~the~~an Oneida

Police Department officer or warden of the time and place where the hunt will take place no later than twenty-four (24) hours prior to the hunt. ~~The Oneida Police Department officer or warden may monitor any portion, or the entirety, of the group ceremonial and/or feast hunt.~~

406.6-3. *Other Permits, Tags and Stamps.* In accordance with this law and corresponding rules, the Department may issue permits authorizing a person to engage in specific hunting, fishing and/or trapping activities, including nuisance animal removal permits pursuant to section 406.8-2.

406.6-4. ~~It is unlawful for any person to:~~

(a) Provide false information or fail to report relevant information as requested by the Department, when applying for a license or permit; or

(b) Aid another in fraudulently securing a license or permit.

406.6-5. Except as provided under sections 406.6-1(b)(1)(A), ~~406.9-4~~ and 406.9-6, licenses and/or permits are not transferable and may not be altered, defaced, or lent to or from another person, any may not be used by any person other than the person to whom the license and/or permit is issued.

406.6-6. *Disabled Hunter Permits.* The Department may issue a disabled hunter permit to any person who is physically disabled, upon a showing of medical verification of a physical disability that results in mobility issues that makes it necessary for the disabled hunter to hunt from a stationary vehicle. Disabled hunters shall display the disabled hunter permit sticker in a manner and location as required by the Department. ~~A disabled hunter permit authorizes a person to hunt from a stationary vehicle within fifty (50) feet on the center of a road as further detailed in the rules developed pursuant to this law.~~

406.6-7. *Denial of a License or Permit.*

(a) The Department may decline to issue a license and/or permit to an applicant if:

(1) The applicant has unpaid fines, civil assessments, other fees, and/or restitution owed because of a violation of this law and/or corresponding rules.

(2) At any time and for any reason, the Department determines that issuing the license and/or permit poses a risk to the health, safety, and/or welfare of the Nation, to natural resources on the reservation, or to any persons. ~~There is a rebuttable presumption that an applicant poses such a risk under the following circumstances:~~

(A) At the time of the request, the applicant's hunting, fishing, or trapping license, permit, or related privileges are suspended or revoked in any jurisdiction.

(B) Within three (3) years of the request, the applicant has repeatedly and/or egregiously done any one (1) or more of the following:

(i) violated this law and/or corresponding rules and/or the hunting, fishing, or trapping laws and regulations of other jurisdictions;

(ii) violated other laws or rules of the Nation while engaged in hunting, fishing, or trapping activities; or

(iii) demonstrated poor judgment, disregard for safety or unsportsmanlike behavior while hunting, fishing, or trapping; including while interacting with other sportsmen or with wardens, of this jurisdiction or any other.

(C) At any time, the applicant has been found guilty of imposing or threatening to impose great bodily harm on another. ~~For the purposes of this section, great bodily harm means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement,~~

~~or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.~~

(b) Any person who has had a license or permit denied in accordance with section 406.6-7(a) may appeal the Department's decision by requesting a hearing before ~~ERB~~the Trial Court pursuant to section 406.10-4.

406.7. General Requirements

406.7-1. Persons may not:

(a) Enter onto private lands and/or waters to take or retrieve wildlife, without permission from the landowner, lessee, or occupant.

(b) Leave, deposit, place or throw litter, debris, wildlife, or any other waste material, on the reservation's lands and waters.

(c) Cause damage to land or property belonging to another, including but not limited to, the Department's decoys placed for law enforcement purposes by Oneida Police Department officers or wardens or other law enforcement officers, and signs that give notice of a hunting and/or trespass restriction.

(d) Carelessly waste wildlife. ~~Persons~~ hunting, trapping, or fishing shall make every reasonable effort to retrieve all wildlife killed or crippled, provided that all persons shall comply with section 406.7-1(a).

(e) Knowingly disturb any den, nest, lodge, hut, dam, or house that wildlife may build to shelter themselves and their young.

(f) No person may take, pursue, injure, or harass small game while on or in its nest or den, or remove any eggs or young except as may be approved in advance by the ~~Environmental Resource Board~~Department for activities which may include, but are not limited to, normal agricultural or horticultural practices or wildlife research practices.

(g) Harvest wildlife with the aid of an explosive, poison, exploding point or tip, electrical device, or ~~stupefying~~stunning substance or agent.

(h) Take another person's wildlife or disturb another person's hunting, fishing, or trapping equipment without permission; or otherwise interfere with the lawful hunting, fishing, or trapping of another person.

(i) Stock or possess any live wildlife on the reservation without a permit.

(j) Introduce or release wildlife, fish eggs, or receptacles containing bait, on the reservation or into reservation waters without a permit.

(k) Use in a reckless manner any device typically used for the harvesting of wildlife, including but not limited to, firearms, bows, traps, and knives.

(l) Shoot firearms, or place or operate any traps, except live traps, within one hundred (100) yards of any building structure, unless the owner-occupant, lessee, or tenant has given permission.

(m) Use a gas-powered motorboat on the Nation's waters, except for the Department's use for law enforcement and conservation purposes.

(n) Hunt, trap, or possess any hunting, or trapping equipment while on Tribal land where hunting or trapping is expressly prohibited by the Nation's laws or rules.

(o) Sell or purchase wildlife that was harvested on the reservation, except as may be expressly allowed by this law and corresponding rules.

(1) Under no circumstances may trading, gifting, or sharing of wildlife for traditional or ceremonial purposes be considered a violation of this section.

(p) Refuse to obey an Oneida Police Department officer or warden's lawful order.

(q) Inflict or threaten to inflict bodily harm upon ~~an Oneida Police~~ Department ~~officer or~~ warden. ~~For the purposes of this law, “bodily harm” means physical pain or injury or any impairment of the physical condition.~~

406.7-2. *Possession, Registration, and Transportation of Carcasses.* No person may hunt, trap, possess, or transport any wildlife unless ~~he or she possesses~~ they possess the appropriate license and any required permit, including tags, for harvesting and/or possessing such wildlife.

406.7-3. Any person who accidentally collides with and kills a deer while operating a vehicle on a roadway, may retain possession of the said deer, provided that the person shall have the deer tagged by the ~~Department or the Department’s designee~~ State of Wisconsin.

406.7-4. *Carcass Tags.* Except as otherwise provided in this law and corresponding rules, any person hunting a species of wildlife which is required to be tagged, shall possess a valid carcass tag, and, upon harvest, shall immediately validate and attach the tag to the carcass in such manner as ~~ERB and~~ the Department shall ~~jointly~~ establish in its ~~the~~ rules. No person may possess or transport harvested wildlife that is not properly tagged in accordance with this law and corresponding rules.

~~406.7-5. *Health Advisory.* ERB and the Department shall ensure that all hunting and fishing rule booklets contain a warning stating that fish caught in Duck Creek, as well as ducks, geese and other wildlife may contain Polychlorinated Biphenyl (PCBs) which may pose risks of health defects, that such risks are greatest for women and children, and that detailed information about PCBs is available from the Department upon request.~~

406.8. Wildlife Damage and Nuisance Control

406.8-1. Landowners and lessees may remove wildlife considered a nuisance animal from land under their control and their associated structures, provided that landowners and lessees shall satisfy all requirements of this law and corresponding rules, including, but not limited to the permitted methods of taking and hunting hours. Further, live-captured nuisance animals may not be relocated to Tribal lands without express written authorization from the Department, and, similarly, may not be relocated to private property without express written authorization from the landowner.

406.8-2. *Nuisance Animal Removal Permit.* A nuisance animal removal permit is required to hunt, trap, or live-capture and relocate any endangered or threatened and protected species.

(a) In order to be eligible for a nuisance animal removal permit, the applicant shall demonstrate that:

(1) ~~He or she has~~ They have the authority to control hunting and trapping access to the lands subject to the nuisance or being damaged as well as any contiguous lands.

In circumstances where the contiguous lands are not owned or leased by the applicant, the applicant shall demonstrate authority to control hunting and trapping access to the contiguous lands by providing the Department with the property owner’s or lessor’s written consent;

(2) ~~He or she~~ They are either ~~is~~-employing or ~~agrees~~ agree to employ, reasonable alternative abatement methods to removal;

(3) The wildlife sought to be removed is a nuisance animal and reasonable alternative abatement methods either have been or are reasonably likely to be unsuccessful;

(4) ~~He or she has~~ They have complied with this law and corresponding rules and the conditions of any previously-issued nuisance animal removal permit, at a minimum, for the previous twelve (12) months from the date ~~he or she applies~~ they

apply for the permit;

(5) The nuisance animal removal permit applied for does not conflict with any provisions of the Nation's agreement with the United States Fish and Wildlife Service regarding the taking of birds classified as migratory under 50 CFR 10.13.

(b) Each permittee shall keep a record of all permit activities and shall provide the said permit record to the Department within ten (10) days of the permit's expiration. ~~At a minimum, the permittee shall include in the record any agentsdesignees assigned under section 406.8-4 and the total number of nuisance animals removed pursuant to the permit, provided that, the Department may name additional items required to be included in the record.~~ All permit records may be inspected by the Department at any time.

(c) The permittee shall return all unused permits, including carcass tags, to the Department within ten (10) days of the permit's expiration.

406.8-3. *Nuisance Animal Removal Permit Not Required.* A nuisance animal removal permit is not required if the nuisance animal would otherwise be exempt from the license and permit requirements under section 406.6-1(a)(2). Also, a nuisance animal removal permit is specifically not required in following circumstances:

~~(a) *Beaver.* A nuisance animal removal permit is not needed for a landowner, lessee, or an authorized agent to hunt or trap beaver(s) that are nuisance animals, or to remove a beaver dam. However, only the landowner and the Department may set traps on a beaver dam on Tribal land; this privilege may not be transferred to an agent.~~

~~(b)~~(a) *Emergencies.* Nuisance animals for which a nuisance animal removal permit is otherwise required, may be removed without the required permit if such removal is necessary to maintain a person's immediate health and safety.

(1) Persons taking a nuisance animal under emergency circumstances shall report the emergency taking to the Department on the required form available with the Department.

(2) The Department shall conduct an investigation into the validity of the alleged emergency circumstance. ~~If the investigation provides clear and convincing evidence that the taking was not in fact required due to a legitimate threat to a person's immediate health and safety, the Department shall classify the taking an unlawful taking without a permit and shall take the appropriate corrective measures.~~

406.8-4. ~~*Designated Agents.*~~*Nuisance Animal Removal Designees.* A landowner may utilize ~~an~~ agentas designee to remove a nuisance animal pursuant to the provisions of this law. ~~If the requirements of this law and corresponding rules are satisfied, the landowner's nuisance animal removal permit and associated carcass tags, if applicable, may be utilized by the landowner's assigned~~ agentdesignee.

(a) In order for ~~an~~ agentas designee to be assigned to remove a nuisance animal, the landowner shall ensure that the following conditions are met:

(1) The agentdesignee shall have a valid license for hunting or trapping that nuisance animal's species;

(2) The landowner shall grant written permission to the agentdesignee specifically identifying the following:

(A) The location of the nuisance animal where the removal activities are sought to occur;

(B) An authorized time period for the removal of the nuisance animal; and

(C) Any other information as may be required by the rules established pursuant to this law.

(b) The Department may limit the number of persons permitted to assist in a removal.

~~(e)(b)~~ The landowner or lessee permittee may ~~not~~ charge any assigned ~~agent~~designee any form of fee.

406.8-5. *Annual Migratory Bird Report.* Persons killing crows, cowbirds, grackles, and red-winged blackbirds shall provide an annual report to the U.S. Fish and Wildlife Service Region 3 Migratory Bird Permit Office by January 31st of each year for all such takings occurring within the previous January to December.

406.8-6. ~~Department~~Officer or *Warden's Access.* Any landowner or lessee pursuing the removal of a nuisance animal shall grant the Oneida Police Department officers or wardens free and unrestricted access to the premises on which the said removal is being conducted, is anticipated to be conducted, or has been conducted. ~~Further,~~ the landowner or lessee, and the landowner's ~~agent~~designee, if applicable, shall promptly furnish any information requested by a Oneida Police Department officer or warden relating to the said removal.

406.8-7. *Retaining Fur, Carcasses, and other Parts of Nuisance Animals.* The following applies to nuisance animals removed in accordance with this section:

(a) The permittee and each ~~agent~~designee assigned under section 406.8-4 may retain no more than one (1) deer removed pursuant to a nuisance animal removal permit. ~~The~~ Department shall distribute or dispose of any deer that are not so retained by offering them to Tribal members in the following order:

(1) Elders;

(2) Disabled persons; and

(3) Any other interested persons.

(b) In order to keep, either for oneself or for sale, the furs of a nuisance animal taken pursuant to a nuisance animal removal permit, the permittee shall be explicitly and separately authorized by the permit to retain the wildlife and to sell the wildlife.

(c) Furs from nuisance animals which did not require a nuisance animal removal permit in order to be removed, may be retained by a landowner, lessee, or assigned ~~agent~~designee without a permit. ~~Provided that~~ the landowner, lessee, or assigned ~~agent~~designee shall have a valid license and/or permit in order to commercialize in, sell, trade, ship, or transport any wildlife, except that any squirrels' parts retained may be sold during the closed season.

406.9. Hunting

406.9-1. *General Firearm and Archer Restrictions.* Persons may not:

(a) Hunt using any weapon other than a firearm, air rifle, bow, or crossbow that is authorized under this law and corresponding rules for the taking of a particular species.

(b) Discharge a firearm, air rifle, bow, or crossbow:

(1) Into reservation lakes, reservoirs, or any area designated for public use pursuant to the Public Use of Tribal Land law, except for the purpose of hunting migratory birds during established seasons, in accordance with the rules created pursuant to this law;

(2) Across any roadway; or

(3) Within one hundred (100) yards of any structure, unless the owner-occupant, lessee, or tenant has granted express permission.

(c) Transport any loaded firearm, air rifle, or cocked bow or crossbow in a vehicle.

406.9-2. *General Hunting Restrictions.* Persons may not, unless specifically authorized by a permit, if applicable, do any of the following:

(a) Hunt with the use of aircraft;

- (b) Hunt within fifty (50) feet of the center of a paved road;
- (c) Hunt from a vehicle;
- (d) Hunt while under the influence of alcohol or a controlled substance;
- (e) Hunt with the aid of artificial light, provided that it is permissible to use artificial light to find one's way and while hunting on foot, at the point of harvest of coyote, raccoon, fox, or any other authorized unprotected species;
- (f) Shine between the hours of 10:00 p.m. and sunrise during the months of September, October, November, and December; during all other months, shining is allowed at any hour;
- (g) Hunt in a party of more than ~~ten~~ fifteen (15) persons;
- (h) Hunt with, or possess while hunting:
 - (1) Any firearm for which the possession is unlawful under Wisconsin or Federal law;
 - (2) Slugs, except that a person may possess slugs during deer firearm season if ~~he or she~~ they also ~~possesses~~ possess the required associated permit;
 - (3) A handgun with a barrel length of less than five (5) inches;
 - (4) A concealed handgun without a valid permit from the State of Wisconsin; and/or
 - (5) Any of the following without a valid federal permit:
 - (A) A shotgun that has a barrel length of less than eighteen (18) inches or an overall length of less than twenty-six (26) inches;
 - (B) A rifle that has a barrel length of less than sixteen (16) inches or an overall length of less than twenty-six (26) inches;
 - (C) A fully-automatic firearm;
 - (D) Any mechanism designed to muffle, silence, or minimize the report of any firearm.

406.9-3. ~~Accidents~~ Injury Causing Incidents. Any person, who discharges a firearm, bow, or crossbow while hunting and injures another person, shall render or attempt to obtain necessary medical assistance, provide the injured person with ~~his or her~~ their name and contact information including address, and report the ~~accident~~ injury causing incident to either the Department or the Oneida Police Department as soon as possible.

406.9-4. *Designated Hunters*. A permittee may name a designated hunter to hunt, fish, or trap on behalf of the permittee in the event that the permittee is physically or legally unable to take pursuant to ~~his or her~~ their own permit, provided that, the designated hunter shall provide ~~his or her~~ their name and contact information to the Department along with a signed statement from the original permittee naming the designated hunter. ~~The designated hunter shall receive the Department's approval of the designation before using the permits of the original permittee.~~

- (a) To be eligible to be named a ~~Designated Hunter~~ designated hunter, the named person shall:
 - (1) Possess a valid hunting license;
 - (2) Be eligible for the permits for which the person is named the designated hunter; and
 - (3) Meet any other requirements of the rules created pursuant to this law.
- (b) Designated hunters may hunt for ~~the~~ an unlimited number of permittees ~~as authorized by the rules developed pursuant to this law.~~
- (c) Any wildlife taken by a designated hunter remains the property of the original permittee; the designated hunter shall transfer any wildlife taken by designation to the

original permittee's possession as soon as practicable following the taking.

406.9-5. *Age Restrictions.*

(a) Persons between the ages of ~~twelve (12)~~ten (10) and fourteen (14) years old may only hunt if they have obtained the required license and permits and are under the immediate supervision of a parent, legal guardian, or a responsible adult to which a parent or legal guardian has delegated ~~his or her~~their supervisory responsibilities.

(1) The parent, legal guardian, or responsible adult shall have a valid license and any required permits.

(2) Adults accompanying youth hunters pursuant to this section shall remain within voice and sight contact of the youth hunters at all times.

(b) Tribal members, descendants², ~~non-member Indians and dependents aged ten (10) or eleven (11) years old may hunt if they have a mentor present while hunting and have obtained any required licenses and permits.~~

~~(c) Tribal members, descendants², non-member Indians and dependents having less than ten (10) years of age may accompany a mentor while hunting, provided that youth under the age of ten (10) may not use a weapon during the hunt.~~

~~(d) The following limitations apply to youth hunters and their mentors hunting pursuant to this section:~~

~~(1) Only one (1) weapon may be possessed jointly between the mentor and his or her mentee(s);~~

(1) In order to be eligible to be a mentor, the person shall:

(A) Be at least eighteen (18) years old;

(B) Have a valid license and any required permits; and

(C) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor

(2) Mentors may mentor a maximum of two (2) youth hunters at the same time; and

(3) The mentor shall remain within an arm's grasp of each youth hunter at all times.

~~(e) In order to be eligible to be a mentor, the person shall:~~

~~(1) Be at least eighteen (18) years old;~~

~~(2) Have a valid license and any required permits; and~~

~~(3) Be the youth hunter's parent or legal guardian or have permission from the hunter's parent or legal guardian to be the hunter's mentor.~~

406.9-6. *Deer Hunting Parties.* A deer hunting party consists of a minimum of two (2) people and may be limited in size as provided in the rules developed pursuant to this law. ~~Any member of a deer hunting party may harvest deer on behalf of another member of the deer hunting party under the following circumstances:~~

(a) At the time and place of the harvest, the member of the hunting party who harvests the deer shall be in contact with the member of the hunting party on whose behalf the deer was harvested. For the purpose of this section, contact means visual or voice contact without the aid of any mechanical or electronic amplifying device other than a hearing aid. ~~Hand radios are permitted, however may not be used as an acceptable means of contact as required in this section.~~

(b) The member of the hunting party for whom the deer was harvested shall possess a valid,

²Requirements for descendancy are determined by the Oneida Trust Enrollment Committee.

³See footnote 2.

license and carcass tag for the deer.

(c) The member of the hunting party who harvests the deer shall ensure that a valid carcass tag is attached to the deer by a member of the hunting party prior to field dressing and moving the deer; the member of the hunting party that harvests the deer may not leave said deer unattended until it has been properly tagged.

406.10. Enforcement and Penalties

406.10-1. *Reporting Violations.* All persons shall report any violation(s) of this law and/or the corresponding rules to the Department or the Oneida Police Department. The department receiving information regarding violations shall keep the information confidential.

406.10-2. *Licenses/Permits Suspension, Revocation, and/or Ineligibility.* The Department may suspend, revoke, or deem a party ineligible for a license or permit as a penalty for committing any ~~one (1)~~ of the following acts or any combination thereof:

(a) Has committed an act causing any of ~~his or hers~~their hunting, fishing, or trapping licenses, permits or privileges to be suspended or revoked by any other jurisdiction, whether it be tribal, state, or federal, where, for the purposes of this section, a person's right to possess firearms is considered a hunting privilege;

(b) Provides false information, or assists other in providing false information, when applying for a license or permit;

(c) Fails to timely pay a fine or abide by a penalty assessed against ~~him or her~~them as a consequence for violating the provisions of this law and/or the corresponding rules; and/or

(d) Violates this law and/or the corresponding rules and the violation is one for which the citation schedule identifies suspension, revocation, or ineligibility of a license or permit as an available penalty.

~~406.10-3. *Warning and Citations.* Department wardens may issue verbal and/or written warnings and/or citations to any person found to be in violation of this law and/or the corresponding rules. The Department shall ensure that all warning and citations identify the relevant violation and, if applicable, the fine and/or penalties imposed as a consequence of the violation.~~

~~406.10-4~~406.10-3. *Appeal of License and/or Permit Decision.* Any person wishing to contest a decision of the Department related to a license and/or permit may appeal such action by filing a complaint with the Judiciary Trial Court naming the Department.

~~406.10-5. *Contested Action Hearings.* All citations, orders and declarations issued pursuant to this law shall include a pre-hearing date with the Judiciary Trial Court which shall be set for the next scheduled monthly prehearing date that is at least thirty (30) days after the citation was issued. Persons wishing to contest a citation shall appear at the prehearing, at which time the Judiciary Trial Court shall accept pleas which either contest or admit committing the act for which the citation was issued. The Judiciary shall schedule a hearing as expeditiously as possible, provided that it shall be scheduled within ninety (90) days of the date of the prehearing, for all persons entering a plea contesting the fact that they committed the act for which a citation was issued. In addition to scheduling requested hearings, the Judiciary may also make conditional orders at the prehearing which are effective until the matter is resolved.~~4. *Issuance of a Citation.* An individual who violates a provision of this law or the corresponding rules may be subject to the issuance of a citation by a warden or an Oneida Police Department officer.

~~(a) *Community Service.* Community service may be substituted~~ A citation ~~for fines at a violation of this law, the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10.00) of the fine.~~

~~(b) *Allocation of Citation Revenue.* All~~ corresponding rules, or any orders issued pursuant

to this law may include fines and other penalties ~~issued by citations are payable to ERB or its designee, the proceeds of which ERB shall contribute to the Nation's general fund.~~
(e) ~~Appealing the Decision of the Judiciary~~, as well as conditional orders made by the Trial Court. ~~Any person wishing to contest the determination of the Judiciary Trial Court may appeal the applicable determination to the Judiciary's Court of Appeals~~
(b) A citation for a violation of this law shall be processed in accordance with the Rules of Appellate Procedure.
(d) ~~Pursuing Payment of a Citation.~~ ERB may pursue payment from parties who have failed to make the required payments through the garnishment process procedure contained in the Garnishment law and/or by attaching a Tribal member's per capita payment pursuant to the Per Capita law. Nation's laws and policies governing citations.

End.

Adopted - BC-08-31-94-C
Adopted - BC-04-24-96-A
Adopted - BC-07-22-98-A
Amended - BC-09-13-00-D
Amended - BC-06-04-03-A
Amended - BC-06-30-04-I
Amended - BC-07-13-05-E
Amended - BC-08-29-07-F
Amended - BC-06-24-09-E
Amended - BC-08-26-10-I
Emergency Amended - BC-06-22-11-H (Expired)
Amended - BC-12-14-11-E
Amended - BC-05-22-13-A
Amended - BC-01-25-17-D
Amended - BC-07-26-17-F
Amended - BC- - - -



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



AGENDA REQUEST FORM

- 1) Request Date: 9/7/25
- 2) Contact Person(s): Mick Escamea
 Dept: _____
 Phone Number: (920) 412-4345 Email: mickescamea@gmail.com
- 3) Agenda Title: Oneida Food Service Law Amendments
- 4) Detailed description of the item and the reason/justification it is being brought before the LOC:
See attached memorandum.

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

- | | |
|----------|----------|
| 1) _____ | 3) _____ |
| 2) _____ | 4) _____ |

- 5) Please list any laws, policies or resolutions that might be affected:

- 6) Please list all other departments or person(s) you have brought your concern to:

- 7) Do you consider this request urgent? ☐ Yes ☐ No
 If yes, please indicate why:

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

Signature of Requester:

Please send this form and all supporting materials to:

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

AGENDA REQUEST FORM

TO: Jonas Hill, Councilman

Att: LOC

FROM: Mick Escamea, owner of KoonDawgs ChiliDawgs LLC

SUBJECT: Food Ordinance Complaint

1.Request Date: 09/07/2025

2.Contact person: Mick Escamea, owner of KoonDawgs ChiliDawgs LLC

920-412-4345 mickescamea@gmail.com

AGENDA TITLE: “Koondawgs LLC business affected negatively by Oneida Nation Food Code Ordinance”.....

Compliant Description:

My complaint originates from the creation of the Oneida Food Code Ordinance Title 3 Health and Public Safety-Chapter 305. This ordinance was created for the need to protect the community from foodborne illnesses and harmful pathogens. The Oneida Food Code Ordinance originated from the 2005-06 adaption of the “Food Handlers Safety Regulation” who at the time was overseen by Jennifer A. Falck, R.S. Tribal Sanitarian. During this time there was no Oneida Food Heath Codes or ordinances as I requested in 1995 and 2005. I have been preparing and selling handmade original food such as burritos, Indian Tacos, Chilidawgs, and breakfast sandwiches since 1987 to all Oneida departments, special functions, and gatherings. My food sales/art sales reached out to many different tribal nations, Wisconsin, Minnesota, Michigan, Hawaii, Puerto Rico, and Canada. I have never had a complaint, ticket, or violation pertaining to my food, art, or business. I explained to the Tribal Sanitarian that I refused to take their recommended food safety course in 2006 because I have already established myself in the food industry for 20 documented years. I took the course because it was free at the time. I informed Jennifer Falck that the true reason behind this food code and safety course was to regulate us Oneida food artist/vendors out of business or cause financial loss due to unnecessary over regulations.

That is exactly what happened. I informed her that if my business suffers loss of revenue due to the implementation of this food code she may be subpoena to testify under oath. I informed her that I was creating local economic opportunities of generating revenue locally and regionally. I informed her that my food is too unique and original not to be classified as culturally related mobile culinary food born out of Oneida Nation. My business is the oldest continuously operated traditional Oneida cottage food. Yes, Koondawgs Chilidawgs LLC stands as the oldest Oneida owned food business still in operation and still serving them “Flyin Hibachi HotDawgs” nationwide.

Supporting Materials:

1. I have all certifications pertaining to food sales, licensing, insurance,
2. Koondawgs financials show that the actions of joint departments caused my business to suffer revenue losses, venues, and reputation damages. (this should be interesting to note considering the tribe has sovereign-immunity from being sued.....unless they choose to be sued).
3. W2 tax statements, financial review, profit/loss, and other business financials
4. Personal testimony of other food venders/culinary artist that have experienced business targeted discriminatory actions, regulations, policies that have effected personal business.

305.2. ADAPTION, AMMENDMENT, REPEAL

305.2-3

This law may be amended or repealed by the Oneida Business Committee and/or Oneida General Tribal Council pursuant to the procedures set out in the Legislation Procedures Act.

The Oneida Nation Legal Governmental Dept., Land Management, Oneida Police Dept., and Little Bear zoning came together to formulate the “New Food Venders Code/Mobile food business licensing” in 2019. This act was a calculated joint venture to cripple local mobile food (Oneida businesses). If this information may appear to be incorrect I am glad to provide factual times, places, dates, departments, and individuals that were notified prior to this law enacted that it was detrimental to our businesses. There was no need for this ordinance to contain all of provisions that currently includes.

Usually, a law is created out of need. My business never received complaints or violations. I personally don't think the GTC was properly notified of Oneida food ordinance law during 2018-20 because of covid.

Interested Parties/Departments

Jennifer Falck, R.S. Oneida Tribal Sanitarian

Vanessa Miller Food and Agriculture Area Manager

Bill Van Den Heuvel, Oneida zoning Little Bear

Brittany Nicholes, Little Bear/health food inspector

Jack Denny

Urgent:

This situation with over regulation of food preparation, permits, licensing, insurance, taxation under protest has been carefully documented and I do have department memos, letters, audio/video, and names of parties/departments. It is unfortunate that there is no availability for future growth of small Oneida tribal member food businesses. It would seem that we would support any Oneida independent tribal business that has operated consistently for longer than 20 years. The parties named above will claim that "for the safety of the public we had to create a mobile food law. Our future economics depend on realistic plans. I explained to all of the parties mentioned above that these actions have caused financial strain on my business, my reputation, and my family must suffer financially. It would appear that my business is not the only business to have sustained financial losses. Every food vender I spoke to had a horrible experience with the "Food Police" and inspectors disrespectfully treating us like lower class food peddler people with no local support. It is easy to say we need this law/ordinance/rule in effect to protect the public. That is the same old story Hobart fed Oneida Nation Applefest and succeeded in regulating the Oneida Applefest out of business. The same story that Outagamie, Brown Co, Wisconsin, and Federal Government have been feeding our Indigenous People and non-indigenous friends.

We Oneidas were never offered the opportunity to add our input on the Oneida food ordinance, and we were just told afterwards this is the way it is. Oneida Nation food code copying Brown Co/Outagamie co, and Wisconsin's food codes/mobile food cart/cottage

foods are discriminatory, unethical. Biased, and feasibly unproductive to our future economy and possible violation to our Oneida Constitution.

Mick Escamea, Oneida Nation member#11020

Koondawgs Chilidawgs LLC, owner

BFA Fine Arts graduate

MPS B.A.D.-graduate

Nakashima of Japan, Intern-certificate

Oneida Nation food handlers safe-serve certification 2006-present

September 2025

September 2025

Su	Mo	Tu	We	Th	Fr	Sa
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October 2025

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MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Sep 1 8:00am Labor Day	2 9:00am Law/Legislative Update Meeting (Microsoft Teams) 10:00am Oneida Personnel Policies and Procedures 1:30pm UCC/Secured Transactions (Microsoft	3 8:30am LOC Prep Meeting (Microsoft Teams) 9:00am Legislative Operating Committee 1:30pm LOC Work Session (Microsoft 5:00pm Election Law Amendments	4	5 10:00am Conflict of Interest amendments - work meeting (Microsoft Teams Meeting; BC_Conf_Room) - Carolyn A. Salutz
8 3:00pm Renewable Energy Law Work Meeting (Microsoft Teams) - Clorissa N. Leeman	9	10	11 10:30am Code of Ethics (Microsoft Teams Meeting) - Grace L. Elliott 12:00pm LOC @ Oneida Farmers Market (Oneida Farmers Market) - Clorissa N.	12 10:00am Boards, Committees, Commissions amendments - work 1:30pm Recycling and Solid Waste Disposal amendments - work meeting with LOC
15 9:30am Domestic Animals Law Amendments (Microsoft Teams Meeting) - Clorissa N. Leeman	16	17 8:30am LOC Prep Meeting (Microsoft Teams) 9:00am Legislative Operating Committee 1:30pm LOC Work Session (Microsoft 5:30pm LOC Community Meeting: Budget and	18	19
22 3:00pm UCC/Secured Transactions (Microsoft Teams Meeting) - Grace L. Elliott	23 5:00pm Election Law Amendments Work Meeting (Microsoft Teams Meeting; 5:00pm Election Law Amendments Work Meeting (Microsoft Teams Meeting;	24	25 12:00pm LOC @ Oneida Farmers Market (Oneida Farmers Market) - Clorissa N. Leeman	26
29 8:30am Oneida Personnel Policies and Procedures Amendments Work 11:00am Budget and Finances Law Work Meeting (Microsoft Teams Meeting) -	30 10:00am Law/Legislative Update Meeting (Microsoft Teams Meeting) - Clorissa N. 3:00pm Research Review Law (Microsoft Teams Meeting) - Grace L. Elliott	Oct 1	2	3