

ONEIDA NATION PUBLIC MEETING NOTICE

WEDNESDAY, OCTOBER 15, 2025, 12:15 pm

Norbert Hill Center-Business Committee Conference Room
N7210 Seminary Rd., Oneida, Wisconsin

Find Public Meeting Materials at
[Oneida-nsn.gov/government/register/public-meetings](https://oneida-nsn.gov/government/register/public-meetings)



Send Public Comments to

LOC@oneidanation.org

Ask Questions here

LOC@oneidanation.org

920-869-4417

PUBLIC USE OF TRIBAL LAND LAW AMENDMENTS

The purpose of the Public Use of Tribal Land law is to prevent improper access, use, and trespass to Tribal lands.

The Public Use of Tribal Land law amendments will:

- ♦ Eliminate the Environmental Resource Board (ERB) from the law and delegate all responsibilities of ERB provided in the law to Land Management.
- ♦ Delegate administrative rulemaking authority to Land Management for the development of rules regarding the Land Access Map and other topics.
- ♦ Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land.
- ♦ Provide that Land Management is responsible for issuing land use licenses and easements.
- ♦ And make other drafting changes to the law.

Individuals may attend the public meeting for the proposed Public Use of Tribal Land law amendments in person at the Norbert Hill Center, or virtually through Microsoft Teams. If you wish to attend the public meeting through Microsoft Teams please contact LOC@oneidanation.org.

PUBLIC COMMENT PERIOD CLOSES WEDNESDAY, OCTOBER 22, 2025

During the public comment period, anyone may submit written comments, questions or input. Comments may be submitted to the Oneida Nation Secretary's Office or the Legislative Reference Office in person, by U.S. mail, interoffice mail, or e-mail.

For more information on the proposed Public Use of Tribal Land law amendments please review the public meeting packet at oneida-nsn.gov/government/register/public-meetings.





PUBLIC USE OF TRIBAL LAND LAW AMENDMENTS LEGISLATIVE ANALYSIS

SECTION 1. EXECUTIVE SUMMARY

<i>Analysis by the Legislative Reference Office</i>	
Intent of the Proposed Amendments	<ul style="list-style-type: none">▪ Add definitions for the following terms: Land Management [6 O.C. 609.3-1(c)], land use license [6 O.C. 609.3-1(d)], rule [6 O.C. 609.3-1(c)], Trial Court [6 O.C. 609.3-1(j)], and Tribal member [6 O.C. 609.3-1(k)], and eliminate the definition for trespass;▪ Eliminate the Environmental Resource Board from the Law and delegate all their former responsibilities and duties to Land Management. [6 O.C. 609.4, 609.7];▪ Delegate administrative rulemaking authority to Land Management to develop rules to:<ul style="list-style-type: none">▪ Develop, approve, and maintain the Land Access Map;▪ Allocate and assign land uses for all Tribal lands;▪ Issue land use licenses;▪ Issue easements;▪ Develop a fine and penalty schedule for violations of this Law and its corresponding rules; and▪ Develop any other rules needed to implement or enforce this Law. [6 O.C. 609.4-2];▪ Require that Land Management consult with the Land Assessment Team on the development of all administrative rules. [6 O.C. 609.4-3];▪ Require that the Land Access Map be made digitally available on the Nation's website. [6 O.C. 609.5-4];▪ Provide that Land Management is responsible for allocating and assigning land uses to all Tribal land. [6 O.C. 609.6-1];▪ Provide that Land Management is responsible for issuing land use licenses. [6 O.C. 609.6-3];▪ Provide that Land Management is responsible for issuing easements. [6 O.C. 609.6-4];▪ Remove the provisions on amending the Land Access Map, as the administrative rulemaking process shall now be followed.;▪ Remove the provisions of the Law regarding trespass.;▪ Remove much of the provisions regarding citations, and simply providing that 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 in accordance with the Nation’s laws and policies governing citations. [6 O.C. 609.7-2]; <ul style="list-style-type: none">▪ Make other minor drafting changes throughout the Law.
Purpose	The purpose of this law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1].
Affected Entities	Land Management, Oneida Police Department
Public Meeting	A public meeting has not yet been held.
Fiscal Impact	A fiscal impact statement has not yet been requested.

SECTION 2. LEGISLATIVE DEVELOPMENT

- A. Background.** The Public Use of Tribal Land law (“the Law”) was originally adopted by the Oneida Business Committee in 2014 through resolution BC-05-15-14-C, and then was amended through resolutions BC-12-10-14-A, BC-01-13-16-C, and BC-07-26-17-D. The purpose of the Law is to prevent improper access, use, and trespass to Tribal lands. [6 O.C. 609.1-1]. It is the policy of the Nation to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land. [6 O.C. 609.1-2].
- B. Request for Amendments.** On August 10, 2022, the Oneida Business Committee adopted 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 General Manager 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 Oneida Land Commission. On September 28, 2022, the Oneida Business Committee adopted 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 forty-five (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.

SECTION 3. CONSULTATION AND OUTREACH

- A.** Representatives from the following departments or entities participated in the development of the amendments to the Law and this legislative analysis:
- Oneida Police Department;
 - Land Management;
 - Oneida Law Office; and

- Environmental, Land, and Agriculture Division.
- B. The following laws were reviewed in the drafting of this analysis:
 - Legislative Procedures Act;
 - Administrative Rulemaking law;
 - Real Property law;
 - Public Peace law; and
 - Citations Law.

SECTION 4. PROCESS

- A. The development of the proposed amendments to the Law complies with the process set forth in the Legislative Procedures Act (LPA).
 - On October 4, 2023, the Legislative Operating Committee added the Public Use of Tribal Land law amendments to its Active Files List.
 - On August 20, 2025, the Legislative Operating Committee approved the draft of amendments to the Public Use of Tribal Land law.
- B. At the time this legislative analysis was developed the following work meetings had been held regarding the development of the amendments to the Law this legislative term:
 - January 3, 2024: LOC work session.
 - April 29, 2025: LOC work session with Oneida Law Office, Oneida Police Department, Land Management, and the Environmental, Land, and Agriculture Division.
 - May 20, 2025: LOC work session with Oneida Law Office, Oneida Police Department, and Land Management.
 - August 11, 2025: LOC work session with Oneida Law Office, Oneida Police Department, and Land Management.

SECTION 5. CONTENTS OF THE LEGISLATION

- A. **Definitions.** The proposed amendments to the Law add definitions for the following terms: Land Management [6 O.C. 609.3-1(c)], land use license [6 O.C. 609.3-1(d)], rule [6 O.C. 609.3-1(c)], Trial Court [6 O.C. 609.3-1(j)], and Tribal member [6 O.C. 609.3-1(k)]. The definition for trespass was eliminated from the Law, as the term is no longer used in the Law.
 - *Effect.* Updating the definitions to include new terms that are used in the Law, and eliminate terms that are no longer used in the Law provides greater clarification for those who read the Law.
- B. **Elimination of the Environmental Resource Board.** The current Law provides that the Environmental Resource Board has the duty and power to carry out the intent and purposes of this law and enforce the provisions of this law. [current 6 O.C. 609.4-1]. Throughout the Law the Environmental Resource Board is then given a variety of different responsibilities and authorities, particularly in regard to the development and maintenance of the Land Access Map. The proposed amendments to the Law remove all mentions of the Environmental Resource Board from the Law, and instead delegates all responsibilities of the Environmental Resource Board provided in the law to Land Management. [6 O.C. 609.4-1].
 - *Effect.* The removal of the Environmental Resource Board through the proposed amendments to the Law aligns with the September 28, 2022, Oneida Business Committee directive to dissolve the Environment Resource Board. The Environmental Resource Board has to be eliminated from all

laws of the Nation, and their responsibilities delegated to another entity before the board can be officially dissolved.

C. ***Delegation of Administrative Rulemaking.*** The proposed amendments to the Law delegate rulemaking authority in accordance with the Administrative Rulemaking law to Land Management to develop rules to address: the development, approval, and maintenance of the Land Access Map; the allocation and assignment of land uses for all Tribal land; issuance of land use licenses; issuance of easements; a fine and penalty schedule for violations of this law and its corresponding rules; and any other rule needed to implement or interpret the provisions of this law. [6 O.C. 609.4-2].

- *Effect.* The Administrative Rulemaking law provides that only authorized agencies may promulgate rules once they are granted rulemaking authority by a law of the Nation. [1 O.C. 106.4-1]. This proposed amendments to the Law delegates Land Management rulemaking authority in accordance with the Administrative Rulemaking law. This delegation of rulemaking authority will allow Land Management to develop rules to best address their responsibilities provided through this Law.

D. ***Consultation with the Land Assessment Team.*** The proposed amendments to the Law include a new provision which requires that Land Management consult with the Land Assessment Team on the development of all administrative rules. [6 O.C. 609.4-3]. The Land Assessment Team is comprised of the following professionals employed by the Nation: Land Management Senior Management; Planning and Development Area Manager; Environmental Specialist; Tribal Historical Preservation Officer; GLIS Specialist; Zoning Administrator; and other subject matter experts based on the characteristics of the parcel to include: if there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager. [6 O.C. 609.4-3(a)]. Section 609.5-3 of the current Law does require the Environmental Resource Board to develop the Land Access Map in coordination with the Oneida Environmental Health and Safety Division, the Oneida Division of Land Management, Geographic Land Information Systems and other such designated agencies of the Nation.

- *Effect.* The requirement that Land Management consults with the Land Assessment Team on the development of administrative rules ensures that Land Management is collecting input from some of the Nation's subject matter experts on land. This is similar to current collaboration requirements for the development of the Land Access Map included in the Law.

E. ***Accessibility of Land Access Map.*** The proposed amendments to the Law include a new provision which requires that Land Management ensures that the Land Access Map is made digitally available on the Nation's website. [6 O.C. 609.5-4].

- *Effect.* This proposed amendment ensures that people have access to the Land Access Map and the information contained in the map regarding the different designations of Tribal land so that they can best comply with the restrictions on the different designations of the Tribal lands.

F. ***Assigning Land Uses.*** The proposed amendments to the Law include a new provision that now provides that Land Management is responsible for allocating and assigning land uses to all Tribal land. [6 O.C. 609.6-1]. The Law goes on to provide that the purpose of assigning land uses is to set consistent practices and expectations for Land Management's reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community. *Id.* Land Management is also delegated administrative rulemaking authority to develop rules to address the allocation and assignment of land uses for all Tribal land. [6 O.C. 609.4-2(b)].

- *Effect.* Currently, it is the Real Property law that addresses the assignments of land uses. The Real Property law provides that the Oneida Land Commission is responsible for allocating and assigning land uses to all Tribal land, except those uses governed by the Public Use of Tribal Land law, based on the Land Use Technical Unit rules which the Oneida Planning Department shall develop in collaboration with affected Oneida divisions and departments and the Oneida Land Commission. [6 O.C. 601.12-2(e)]. The Land Use Technical Unit rules have currently been replaced with Real Property Law Rule No. 1 - Land Assessments for the Nation's Decisionmakers to Build an Autonomous Community (LANDBAC). It has been determined that the allocation and assignments of land uses fits better under the Public Use of Tribal Land law instead of the Real Property law. The Real Property law is currently being amended to remove these provisions so they can be addressed in this Law instead.

G. Land Use Licenses. The proposed amendments to the Law include a new provision that provides that Land Management is responsible for creating a process for accepting, reviewing, and approving or denying land use license application requests. [6 O.C. 609.6-3]. Land Management is also delegated administrative rulemaking authority to develop rules to address the issuance of land use licenses. [6 O.C. 609.4-2(c)]. Land use licenses were previously not addressed by this Law.

- *Effect.* Currently, it is the Real Property law that addresses the issuance of land use licenses. The Real Property law provides that the Oneida Land Commission is responsible for approving or denying all land use licenses. [6 O.C. 601.12-2(b)]. The Real Property law provides that Land Management is responsible for forwarding requests for land use licenses to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission. [6 O.C. 601.12-3(a)]. Real Property Law Rule No. 2 – Land Use Licenses creates processes for accepting, reviewing, and approving or denying land use license application requests where the Oneida Land Commission is the decision maker and the Land Management staff are the application processors. It has been determined that addressing land use licenses fits better under the Public Use of Tribal Land law instead of the Real Property law. The Real Property law is currently being amended to remove these provisions so they can be addressed in this Law instead.

H. Easements. The proposed amendments to the Law include a new provision that provides that Land Management is responsible for creating a process for accepting, reviewing, and approving or denying easement application requests. [6 O.C. 609.6-4]. Land Management is also delegated administrative rulemaking authority to develop rules to address the issuance of easements. [6 O.C. 609.4-2(d)]. Easements were previously not addressed by this Law.

- *Effect.* Currently, it is the Real Property law that addresses the issuance of easements. The Real Property law provides that the Oneida Land Commission is responsible for approving or denying all easements. [6 O.C. 601.12-2(b)]. The Real Property law provides that Land Management is responsible for forwarding requests for easements to the Oneida Land Commission based on the easement and land use license rules jointly developed by Land Management and the Oneida Land Commission. [6 O.C. 601.12-3(a)]. Land Management and the Oneida Land Commission are delegated joint administrative rulemaking authority to develop rules regarding requests for easements for landlocked properties. [6 O.C. 601.7-3(e)]. Real Property Law Rule No. 3 - Easements provides procedures for granting easements over, under and across Tribal lands in order to best protect the interests of the Oneida Nation. It has been determined that addressing easements fits better under the Public Use of Tribal Land law instead of the Real Property law. The Real

Property law is currently being amended to remove these provisions so they can be addressed in this Law instead.

I. *Amending the Land Access Map.* Currently, section 609.5-5 of the Law includes provisions on amending the Land Access Map and addresses who may request amendments to the Land Access Map as well as holding a public hearing to consider potential amendments to the Land Access Map. The proposed amendments to the Law remove the provisions on amending the Land Access Map.

- *Effect.* Provisions regarding the amendment of the Land Access Map were removed from the Law because the Land Access Map is now required by the proposed amendments to be an administrative rule. [6 O.C. 609.4-2(a)]. Therefore, the administrative rulemaking process provided for in the Administrative Rulemaking law is now required to be followed if Land Management wants to amend the Land Access Map. [1 O.C. 106].

J. *Trespass.* Currently, section 609.6 of the Law addresses trespass by providing for what constitutes trespass and how to post that permission by the landowner or occupant for such person to enter such land does not exist. The proposed amendments to the law remove the provisions of the Law regarding trespass.

- *Effect.* Provisions regarding trespass were removed from the Law in the proposed amendments in an effort to avoid duplicative provisions in law due to the fact that trespass is addressed through the Nation's Public Peace law. [3 O.C. 309.5-3]. It was determined that the information on how to post that permission for a person to enter land does not exist currently provided for in section 609.6-1(a)-(b) of the Law would be better suited in the Real Property law so that it can apply to land not just owned by the Nation, but also land owned by individuals. The Real Property law is currently being amended so that the posting for trespass provisions can be addressed in the Real Property law instead of this Law.

K. *Citations.* Section 609.7 of the current Law contains a lot of provisions regarding the citation process, including information on the issuance of citations and enforcement of this law, hearings and appeals of citations, penalties for citations, allocation of citation revenue and pursuing the payment of citations. The proposed amendments to the Law remove much of the provisions regarding citations and simply provide that 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 in accordance with the Nation's laws and policies governing citations. [6 O.C. 609.7-2].

- *Effect.* The proposed amendments remove bulk of the language regarding citations, because since this Law was last amended a Citations law which provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation was adopted. [8 O.C. 807.1-1]. Referencing the Citations law instead of including specific provisions within this Law ensures that all citations of the Nation are handled in a consistent manner.

L. *Other Amendments.* Overall, a variety of other amendments and revisions were made to the Law to address formatting, drafting style, and organization that did 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 Law.*** The Administrative Rulemaking law provides an efficient, effective, and democratic process for enacting and revising administrative rules, to ensure that

authorized agencies act in a responsible and consistent manner when enacting and revising administrative rules. [1 O.C. 106.1-2].

- The Public Use of Tribal Land law delegates rulemaking authority to Land Management to promulgate rules to govern a variety of topics related to the public use of Tribal land. [6 O.C. 609.4-2].
- Any rules promulgated by Land Management under the Public Use of Tribal Land law will be required to be developed in accordance with the process and procedures of the Administrative Rulemaking law.
- **Legislative Procedures Act.** The Legislative Procedures Act provides a standard process for the development and adoption of laws of the Nation which includes taking into account comments from members of the Nation and input from agencies within the organization of the Nation. [1 O.C. 109.1-1, 109.1-2].
- The development of amendments to the Public Use of Tribal Land law complies with the process and procedures of the Legislative Procedures Act.
- **Citations Law.** The Citations law provides a process that governs all citations that fall under the jurisdiction of the Oneida Nation. [8 O.C. 807.1-1]. It is the policy of the Nation to provide a consistent process for handling citations of the Nation in order to ensure equal and fair treatment to all persons who come before the Judiciary to have their citations resolved. [8 O.C. 807.1-2].
- The Public Use of Tribal Land law provides that 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 in accordance with the Nation's laws and policies governing citations. [4 O.C. 406.10-4].
- Any citations issues under the Public Use of Tribal Land law must comply with the process for handling citations as provided for in the Citations law.
- **Real Property Law.** The Real Property law provides regulations and procedures for the transfer, control and management of the territory within the Reservation and all Tribal land; to integrates these regulations and procedures with the real property laws and practices of other federal and state sovereigns which may hold jurisdiction within the Reservation; and to establishes licensing and certification requirements for the Nation's employees dealing with real property transactions. [6 O.C. 601.1-1]. It is the policy of the Nation to set out the responsibilities and expectations for persons purchasing and/or managing real property on behalf of the Nation and/or within the Reservation and to provide real property holder's rights and responsibilities. [6 O.C. 601.1-2].
- The Real Property law and its corresponding rules currently address assigning land uses, land use licenses, and easements. [6 O.C. 601.7-3(a), 601.12-2(b), 601.12-2(e), 601.12-3(a)].
- The Real Property law is being amended to remove the provisions regarding assigning land uses, land use licenses, and easement, as the proposed amendments to the Public Use of Tribal Land law will now address these topics. [6 O.C. 609.4-2(b)-(d), 609.6-1, 609.6-3, 609.6-4].
- The provisions of the current Public Use of Tribal law regarding postings for trespass will be removed from the Law, and instead placed into the Real Property 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

252 *Act,*” provides further clarification on who the Legislative Operating Committee may direct complete
253 a fiscal impact statement at various stages of the legislative process, as well as timeframes for
254 completing the fiscal impact statement.

- 255 ▪ *Conclusion.* The Legislative Operating Committee has not yet requested that a fiscal impact
256 statement be developed.

257

Title 6. Property and Land – Chapter 609
PUBLIC USE OF TRIBAL LAND

Tsi? yuhwatsya'té tewatenhotúkwa? Ukwéhuwé'ne
That of the earth one opens it up Oneida Nation

~~609.1. Purpose and Policy~~
~~609.2. Adoption, Amendment, Repeal~~
~~609.3. Definitions~~
~~609.4. Environmental Resource Board~~
~~609.5. Land Access Map~~
~~609.6. Trespass~~
~~609.7. Violations and Appeals~~

PUBLIC USE OF TRIBAL LAND

~~609.1. Purpose and Policy~~
~~609.2. Adoption, Amendment, Repeal~~
~~609.3. Definitions~~
~~609.4. Responsibilities of Land Management~~

~~609.5. Land Access Map for Tribal Lands~~
~~609.6. Assignment and Use of Tribal Land~~
~~609.7. Enforcement~~

609.1. Purpose and Policy

609.1-1. *Purpose.* The purpose of this law is to prevent improper access, use, and trespass to Tribal lands.

609.1-2. *Policy.* It is the policy of the Nation

609.2. Adoption, Amendment, Repeal

609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A, BC-01-13-16-C and BC-07-26-17-D, and BC- - - - .

609.2-2. 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.

609.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

609.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law controls.

609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal trespass under applicable law.

609.3. Definitions

609.3-1. 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) "Designation" means the term used to describe the type of access granted to certain Tribal lands.

(b) "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.

~~(e)~~ (c) "Land Management" means the entity within the Nation responsible for entering into and administering agricultural and commercial leases on behalf of the Nation.

processing trust transactions and land acquisition transactions, and for fulfilling other responsibilities as identified within this law.

(d) “Land Use License” means an agreement entered into by the Nation providing a tribal member the right to have gatherings within the reservation boundaries of groups larger than seventy-five (75) people and/or an agreement between the Nation and any third-party granting said party the right to occupy and/or utilize a specified piece of land for a specific purpose and a specific duration.

(d) “Lease” means any lease or agreement, including business site leases, entered into by the Nation and any person to allow the use of Tribal lands.

~~(d-e)~~ “Nation” means the Oneida Nation.

~~(e-f)~~ “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of business organization.

~~(f-g)~~ “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, the imposition of a wildlife protection assessment (civil recovery value), and restitution.~~

~~(g-h)~~ “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the ~~18609~~ 1809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

~~(h)~~ “Trespass” means the unauthorized use or entry on Tribal lands, including unauthorized uses under any law, rule, permit or lease of the Nation.

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

(j) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A

(k) “Tribal member” means an enrolled member of the Nation.

(l) “Tribal Land” means all of the Nation’s trust lands, and any land or interest in land held by the Nation in fee or in any other form on the Reservation.

609.4. — ~~Environmental Resource Board~~ Responsibilities of Land Management

609.4-1. ~~The Environmental Resource Board has~~ Land Management shall be delegated the duty and power to carry out the intent and purposes of this law ~~and enforce the provisions of this law. The Environmental Resource Board, or designated staff, shall:~~

609.4-2. *Administrative Rulemaking.* Land Management shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop rules which address:

(a) ~~Develop, approve~~ The development, approval, and ~~maintain~~ maintenance of the Land Access Map;

(b) ~~Hold public hearings on proposed amendments to the Land Access Map.~~

~~(c) Determine which~~ The allocation and assignment of land uses for all Tribal land ~~will be posted and ensure the appropriate signs are posted;~~

(c) Issuance of land use licenses;

(d) ~~Implement and~~ Issuance of easements;

(e) A fine and penalty schedule for violations of this law and its corresponding rules; and

(f) Any other rule needed to implement or interpret the provisions of this law.
~~(e) As it deems appropriate, prescribe permissible and/or prohibited uses for Tribal land that it designates as Oneida Community Access, Oneida Tribal Member Access or Open Access, provided that such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance. Upon establishment of permissible and/or prohibited uses, the Environmental Resource Board shall notify the Oneida Business Committee of the permissible and/or prohibited uses and shall post notice of such uses on the affected Tribal Land.~~

609.4-3. Consultation. Land Management shall consult with the Land Assessment Team on the development of all administrative rules.

(a) Land Assessment Team. The Land Assessment Team shall be comprised of the following professionals employed by the Nation:

- (1) Land Management Senior Management;
- (2) Planning and Development Area Manager;
- (3) Environmental Specialist;
- (4) Tribal Historical Preservation Officer;
- (5) GLIS Specialist;
- (6) Zoning Administrator;
- (7) Other subject matter experts based on the characteristics of the parcel to include:

(A) If there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager.

609.5. Land Access Map for Tribal Lands

609.5-1. *Designation of Tribal Lands.* A Land Access Map ~~must~~shall be created which designates Tribal land as one (1) of the following:

~~(a) Limited Access: Lands designated as “Limited Access” are open to all persons who are granted land access permission by the Nation through a permit or lease for specified purposes. The Environmental Resource Board.~~

(1) Land Management may choose to designate a portion of land as Limited Access in order to manage, preserve, and protect that land for environmental, cultural, or other significance.

(2) Lands designated as Limited Access shall be open to all persons who are granted land access permission by the Nation for specified purposes.

~~(b) Oneida Community Access:~~

(1) Land Management may choose to designate land as Oneida Community Access in order to manage, preserve, and protect access to locations that have cultural or environmental significance.

(2) Lands designated as “Oneida Community Access” ~~are~~shall be open to:

(A) Tribal members, ~~and their~~;

(B) spouses and descendants; ~~of Tribal members~~;

(C) members of other federally recognized Indian tribes, bands or communities;

(D) authorized employees of the Nation; and

(E) persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.

~~(1) A Conservation Warden or Oneida Police Officer may require a person to provide proof of eligibility to use Oneida Community Access lands.~~

~~(2) The Environmental Resource Board may choose to designate land as Oneida Community Access in order to manage, preserve and protect access to locations that have cultural or environmental significance.~~

~~(c) Oneida Tribal Member Access: Lands designated as “Oneida Tribal Member Access” are open to Tribal members only. The Environmental Resource Board.~~

~~(1) Land Management~~ may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural, and/or environmental significance of the land.

~~(d) Open:2)~~ Lands designated as “~~Open~~Oneida Tribal Member Access” are generally open to ~~all persons for the land’s designated use and enjoyment. The Environmental Resource Board~~Tribal members only.

(d) Open.

(1) Land Management may designate land as Open Access where such designation is deemed beneficial to the Nation and where such designation does not pose significant risk of damage to the Nation’s policies and/or the land’s cultural or environmental preservation.

(2) Lands designated as Open Access are generally open to all persons for the land’s designated use and enjoyment.

609.5-2. General Land Designation. Unless otherwise designated, Tribal land is designated as limited access.

609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

- (a) Employees of the Nation who are performing their job duties;
- (b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Nation;
- (c) Emergency personnel who are providing, or attempting to provide, services; and
- (d) Those persons who have been granted access to the land by ~~the Environmental Resource Board~~Land Management.

~~609.5-3. Development~~609.5-4. Accessibility of the Land Access Map. The Environmental Resource BoardLand Management shall ~~develop~~ensure that the Land Access Map is made digitally available on the Nation’s website.

609.6 in coordination. Assignment and Use of Tribal Land

609.6-1. Assignment of Land Uses. Land Management shall be responsible for allocating and assigning land uses to all Tribal land. The purpose of assigning land uses is to set consistent practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community.

609.6-2. Permissible and Prohibited Uses for Tribal Land. As it deems appropriate, Land Management may prescribe permissible and/or prohibited uses for Tribal land;

- (a) Such permissible and/or prohibited uses may not contradict with the Oneida Environmental HealthZoning and Safety Division, the Oneida DivisionShoreland Protection Ordinance.

(b) Upon establishment of permissible and/or prohibited uses, Land Management, Geographic Land Information Systems and other shall post notice of such designated agencies of the Nation. The Environmental Resource Board shall adopt the initial Land Access Map uses on the affected Tribal Land.

~~609.5-4. General~~ (1) Any postings of land shall be done in accordance with the requirements of the Real Property law.

609.6-3. Land Designation. ~~Unless otherwise designated, Tribal land is designated as limited access.~~

~~609.5-5. Amending the Use License.~~ Land Access Map. The Environmental Resource Board may, from time to time, in the manner hereafter set forth, amend the Land Access Map, provided that due consideration must be made Management shall be responsible for the intent creating a process for accepting, reviewing, and purposes of the designation.

(a) ~~Amendments may be proposed by any person by filing an~~ approving or denying land use license application with the Environmental Resource Board in such format and accompanied by such information as required by the Board. requests.

(b) ~~Public Hearing. The Environmental Resource Board~~ 609.6-4. Easements. Land Management shall be responsible for creating a public hearing on each process for accepting, reviewing, and approving or denying easement application requests.

609.7. Enforcement

609.7-1. An Oneida Police Department officer or warden may require a person to amend the Land Access Map provide proof of eligibility to use any designated Tribal lands.

(1) ~~The Environmental Resource Board shall set a date for the public hearing and meet the notice requirements of the public hearing as soon as possible after the filing of the application is complete.~~

(A) ~~Notice. Not less than ten (10) business days and not more than thirty (30) business days prior to the public hearing, notice, including the time, place and purpose of the public hearing, must be:~~

(i) ~~published in the Nation's newspaper; and~~

(ii) ~~mailed to all owners of land located within twelve hundred (1,200) feet of the outer boundaries of the land that is the subject of the public hearing.~~

(B) ~~Any person who cannot attend the public hearing may be represented by an agent, advocate or attorney at the public hearing.~~

(C) ~~In addition to accepting oral comments at the public meeting, the Environmental Resource Board shall also accept written comments, which must be submitted within five (5) business days of the date of the public meeting.~~

(D) ~~The Environmental Resource Board shall issue a decision or recommendation regarding amendments to the Land Access Map within seven (7) business days after the public hearing is held.~~

(2) ~~The Environmental Resource Board together with the Environmental Health and Safety Division shall, after holding a public hearing and reviewing any comments received, make written findings of fact and determine whether to amend the Land Access Map.~~

(3) ~~The Environmental Resource Board shall make findings based upon the evidence presented to it with respect to the following matters:~~

(A) Existing uses of the land and buildings within the general area of the land in question.

(B) Suitability of the land in question to the uses permitted under the existing Land Access Map.

(4) The Environmental Resource Board may not amend the Land Access Map unless it finds that adopting such amendment is in the Nation's best interest and is not solely for the interest of the applicant.

(e) The Environmental Resource Board may grant or deny any application to amend the Land Access Map; however, amendments must require a two-thirds (2/3) vote of the Environmental Resource Board if a written protest against any amendment is presented to the Environmental Resource Board and is signed by:

(1) the lessees, assignees and owners of at least twenty percent (20%) of the acres of land included in such amendment; or

(2) the lessees, assignees and owners of at least twenty percent (20%) of the land immediately adjacent to the land included in such amendment, extending in a radius of twelve hundred (1,200) feet of the outer boundaries of the land.

609.6. — Trespass 609.7-2. Issuance of a Citation. An individual who violates a provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer or warden.

(a) A citation for a

609.6 1. — A person trespasses if the person enters or otherwise occupies Tribal land and:

(a) Refuses to leave land to which the person has no reasonable claim or right of possession when requested to do so.

(b) Enters upon such land after being noticed by the landowner or occupant that permission for the person to enter such land does not exist, or has been expressly denied or revoked. A person has been noticed that permission by the landowner or occupant for such person to enter such land does not exist if he or she has been notified publicly, by publication of the Land Access Map on the Nation's website and/or in the Nation's newspaper, or if the land is posted. Land is considered to be posted if one (1) of the following requirements is met:

(1) A sign at least eleven inches (11") square is placed in at least two (2) conspicuous places for every forty (40) acres of land to be protected. The sign shall provide an appropriate notice and the name of the person giving the notice, followed by the word "owner" if the person is the holder of legal title to the land or by the word "occupant" if the person is a lawful occupant of the land, but not the holder of legal title.

(2) Markings at least one foot (1') long and, in a contrasting color, the phrase "private land" and the name of the owner, are made in at least two (2) conspicuous places for every forty (40) acres of land.

(c) Does any of the following without proper authorization through a lease, permit or as otherwise required under applicable law:⁺

(1) Destroys land, waters, livestock, poultry, buildings, equipment, or any property without consent or permission.

⁺Current Tribal laws that authorize conduct described in 609.6-1(c): Protection and Management of Archeological and Historical Resources; Oneida Tribal Regulation of Domestic Animals Ordinance; Tribal Environmental Response Law; Wood Cutting Ordinance; Recycling and Solid Waste Disposal; Hunting, Fishing and Trapping Law; All Terrain Vehicle Law; Zoning and Shoreland Protection Law.

- (2) ~~Cuts or destroys any wood, timber, plant, vegetation, or crop standing on the land, or carries away any wood, timber, plant, vegetation or crop on the land.~~
- (3) ~~Engages in any act, or attempted act of hunting, trapping or fishing.~~
- (4) ~~Digs, takes, or carries away earth, soil, minerals, cultural resources, or any other property.~~
- (5) ~~Erects, puts up, fastens, prints, or paints upon another's property, notices, advertisements, signs or other writing designed to communicate to the general public.~~
- (6) ~~Parks or drives any vehicle on the land.~~
- (7) ~~Permits or allows livestock or any domesticated animal to enter upon or remain upon the land.~~
- (8) ~~Uses or possesses leased or sub-leased lands beyond the possessory rights granted by such lease or sub-lease.~~
- (9) ~~Dumps, deposits, places, throws, burns, emits or leaves rubbish, refuse, debris, substances, or other objects upon a highway, road, air, waters or any land.~~

609.7. — Violations, Enforcement and Appeals

~~609.7 1. — Citations. Citations for the violation of this law and/or any orders issued pursuant to this law may include fines, and other penalties and, as well as conditional and other orders in accordance with the citation schedule applicable to this law. A separate offense shall be deemed committed on each day during or on which made by the Trial Court.~~

~~(b) A citation for a violation occurs or continues. The issuance of a citation or fine under any other law relating to the same or any other matter does not preclude the issuance of a citation under this law of this law shall be processed in accordance with the procedure contained in the Nation's laws and policies governing citations.~~

~~(a) Any order issued pursuant to this law that is not complied with may be physically enforced by Oneida Police Officers or Oneida Conservation Wardens at the Owner's expense.~~

~~(b) The Oneida Police Department, by means of Oneida Police Officers and Oneida Conservation Wardens, is authorized to take any appropriate action to prevent or remove a violation of this Law.~~

~~609.7 2. — Hearing and Appeals of Contested Actions. 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.~~

~~(a) Community Service. Community service may be substituted for monetary fines at the Judiciary's discretion, provided that, if so substituted, the Judiciary shall use the rate of one (1) hour per ten dollars (\$10) of the fine.~~

~~(b) Allocation of Citation Revenue. All citations shall be paid to the Environmental Resource Board or its designee, the proceeds of which shall be contributed to General Fund.~~

~~(c) *Appealing the Decision of the Judiciary Trial Court.* Any person wishing to contest the determination of the Judiciary Trial Court may appeal to the Judiciary Court of Appeals in accordance with the Rules of Appellate Procedure.~~

~~(d) *Pursuing Payment of a Citation.* The Environmental Resource Board may pursue payment from parties who have failed to make the required payments through the garnishment process contained in the Garnishment law and/or by attaching the judgment to Tribal member's per capita payment pursuant to the Per Capita law.~~

End.

Adopted – BC-05-15-14-C
Emergency Amended – BC-07-23-14-C
Amended – BC-12-10-14-A
Emergency Amended – BC 07-08-15-C
Amended – BC-01-13-16-C
Amended – BC-07-26-17-D
Amended – BC- - - -

Title 6. Property and Land – Chapter 609
Tsi' yuhwatsya'té tewatenhotúkwa' Ukwéhuwé'ne
That of the earth one opens it up Oneida Nation

PUBLIC USE OF TRIBAL LAND

609.1.	Purpose and Policy	609.5.	Land Access Map for Tribal Lands
609.2.	Adoption, Amendment, Repeal	609.6.	Assignment and Use of Tribal Land
609.3.	Definitions	609.7.	Enforcement
609.4.	Responsibilities of Land Management		

609.1. Purpose and Policy

609.1-1. *Purpose.* The purpose of this law is to prevent improper access, use, and trespass to Tribal lands.

609.1-2. *Policy.* It is the policy of the Nation to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land.

609.2. Adoption, Amendment, Repeal

609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by BC-12-10-14-A, BC-01-13-16-C, BC-07-26-17-D and BC-__-__-__.

609.2-2. 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.

609.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

609.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law controls.

609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal trespass under applicable law.

609.3. Definitions

609.3-1. 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) “Designation” means the term used to describe the type of access granted to certain Tribal lands.

(b) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law.

(c) “Land Management” means the entity within the Nation responsible for entering into and administering agricultural and commercial leases on behalf of the Nation, processing trust transactions and land acquisition transactions, and for fulfilling other responsibilities as identified within this law.

(d) “Land Use License” means an agreement entered into by the Nation providing a tribal member the right to have gatherings within the reservation boundaries of groups larger than

seventy-five (75) people and/or an agreement between the Nation and any third-party granting said party the right to occupy and/or utilize a specified piece of land for a specific purpose and a specific duration.

(d) “Lease” means any lease or agreement, including business site leases, entered into by the Nation and any person to allow the use of Tribal lands.

(e) “Nation” means the Oneida Nation.

(f) “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of organization.

(g) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law.

(h) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.

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

(j) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A

(k) “Tribal member” means an enrolled member of the Nation.

(l) “Tribal Land” means all of the Nation’s trust lands, and any land or interest in land held by the Nation in fee or in any other form on the Reservation.

609.4. Responsibilities of Land Management

609.4-1. Land Management shall be delegated the duty and power to carry out the intent and purposes of this law.

609.4-2. *Administrative Rulemaking.* Land Management shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop rules which address:

- (a) The development, approval, and maintenance of the Land Access Map;
- (b) The allocation and assignment of land uses for all Tribal land;
- (c) Issuance of land use licenses;
- (d) Issuance of easements;
- (e) A fine and penalty schedule for violations of this law and its corresponding rules; and
- (f) Any other rule needed to implement or interpret the provisions of this law.

609.4-3. *Consultation.* Land Management shall consult with the Land Assessment Team on the development of all administrative rules.

(a) *Land Assessment Team.* The Land Assessment Team shall be comprised of the following professionals employed by the Nation:

- (1) Land Management Senior Management;
- (2) Planning and Development Area Manager;
- (3) Environmental Specialist;
- (4) Tribal Historical Preservation Officer;
- (5) GLIS Specialist;
- (6) Zoning Administrator;
- (7) Other subject matter experts based on the characteristics of the parcel to

include:

- (A) If there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager.

609.5. Land Access Map for Tribal Lands

609.5-1. *Designation of Tribal Lands.* A Land Access Map shall be created which designates Tribal land as one (1) of the following:

(a) *Limited Access.*

(1) Land Management may choose to designate a portion of land as Limited Access in order to manage, preserve, and protect that land for environmental, cultural, or other significance.

(2) Lands designated as Limited Access shall be open to all persons who are granted land access permission by the Nation for specified purposes.

(b) *Oneida Community Access.*

(1) Land Management may choose to designate land as Oneida Community Access in order to manage, preserve, and protect access to locations that have cultural or environmental significance.

(2) Lands designated as “Oneida Community Access” shall be open to:

- (A) Tribal members;
- (B) spouses and descendants of Tribal members;
- (C) members of other federally recognized Indian tribes, bands or communities;
- (D) authorized employees of the Nation; and
- (E) persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.

(c) *Oneida Tribal Member Access.*

(1) Land Management may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural, and/or environmental significance of the land.

(2) Lands designated as Oneida Tribal Member Access are open to Tribal members only.

(d) *Open.*

(1) Land Management may designate land as Open Access where such designation is deemed beneficial to the Nation and where such designation does not pose significant risk of damage to the Nation’s policies and/or the land’s cultural or environmental preservation.

(2) Lands designated as Open Access are generally open to all persons for the land’s designated use and enjoyment.

609.5-2. *General Land Designation.* Unless otherwise designated, Tribal land is designated as limited access.

609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

- (a) Employees of the Nation who are performing their job duties;
- (b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Nation;
- (c) Emergency personnel who are providing, or attempting to provide, services; and

(d) Those persons who have been granted access to the land by Land Management.
609.5-4. *Accessibility of Land Access Map*. Land Management shall ensure that the Land Access Map is made digitally available on the Nation’s website.

609.6. Assignment and Use of Tribal Land

609.6-1. *Assignment of Land Uses*. Land Management shall be responsible for allocating and assigning land uses to all Tribal land. The purpose of assigning land uses is to set consistent practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community.

609.6-2. *Permissible and Prohibited Uses for Tribal Land*. As it deems appropriate, Land Management may prescribe permissible and/or prohibited uses for Tribal land;

(a) Such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance.

(b) Upon establishment of permissible and/or prohibited uses, Land Management shall post notice of such uses on the affected Tribal Land.

(1) Any postings of land shall be done in accordance with the requirements of the Real Property law.

609.6-3. *Land Use License*. Land Management shall be responsible for creating a process for accepting, reviewing, and approving or denying land use license application requests.

609.6-4. *Easements*. Land Management shall be responsible for creating a process for accepting, reviewing, and approving or denying easement application requests.

609.7. Enforcement

609.7-1. An Oneida Police Department officer or warden may require a person to provide proof of eligibility to use any designated Tribal lands.

609.7-2. *Issuance of a Citation*. An individual who violates a provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer or warden.

(a) A citation for a violation of this law or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.

(b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation’s laws and policies governing citations.

End.

Adopted – BC-05-15-14-C
Emergency Amended – BC-07-23-14-C
Amended – BC-12-10-14-A
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Amended – BC-01-13-16-C
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Amended – BC-__-__-__-__