Oneida Nation
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BC Resolution # 10-28-26-D
Confirming the Automatic Repeal of the Tribal Environmental Quality Review Law

WHEREAS, the Oneida Nation is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States of America; and

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Nation; and

WHEREAS, the Oneida Business Committee has been delegated the authority of Article IV, Section 1, of the Oneida Tribal Constitution by the Oneida General Tribal Council; and

WHEREAS, the Oneida Business Committee permanently adopted the Tribal Environmental Quality Review law, Chapter 606, through resolution BC-12-21-05-D; and

WHEREAS, section 606.2-3 limited the applicability of Chapter 606 to the Nation's Sullivan County lands identified in the Nation's Land Claim Settlement Agreement with the State of New York; and

WHEREAS, section 606.3-1 defined the "Sullivan County lands" as lands identified in the Land Claim Settlement with the State of New York that were to be held in trust by the United States for the benefit of the Nation for Class III gaming and related purposes; and

WHEREAS, section 606.2-6 expressly provided that "[s]hould the Land Claim Settlement with the State of New York fail to culminate this law shall be automatically repealed"; and

WHEREAS, although the Nation and the State of New York entered into a proposed land claim settlement in 2004 that contemplated lands and gaming rights in Sullivan County, the settlement remained subject to additional state and federal action and was not implemented; and

WHEREAS, the governmental approvals and actions necessary to complete the contemplated settlement and establish the Sullivan County lands described in Chapter 606 were not obtained, no such lands were taken into trust for the Nation under the contemplated settlement, and the settlement therefore failed to culminate; and

WHEREAS, the failure of the settlement to culminate satisfied the condition set forth in section 606.2-6 and caused Chapter 606 to be automatically repealed by operation of its own terms; and

WHEREAS, the continued publication of Chapter 606 may create uncertainty regarding its legal status, and the Oneida Business Committee finds it appropriate to formally confirm the automatic repeal and direct that the Nation's legal records accurately reflect that status; and

NOW THEREFORE BE IT RESOLVED, the Oneida Business Committee hereby confirms that the Land Claim Settlement with the State of New York referenced in Chapter 606 failed to culminate and that, pursuant to section 606.2-6, the Tribal Environmental Quality Review law was automatically repealed by operation of its own terms; and

BE IT FURTHER RESOLVED, this resolution is declaratory and confirms the legal effect of section 606.2-6; it does not repeal Chapter 606 as of the date of this resolution, revive Chapter 606, or create any implication that Chapter 606 remained in force after the settlement failed to culminate; and

BE IT FINALLY RESOLVED, the Legislative Reference Office is directed to remove Chapter 606 from the active body of the Oneida Code and to take the administrative actions reasonably necessary to implement this resolution and ensure that public and internal legal records accurately identify Chapter 606 as repealed.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum; 8 members were present at a meeting duly called, noticed and held on the 28th day of October, 2026; that the forgoing resolution was duly adopted at such meeting by a vote of 7 members for, 0 members against, and 0 members not voting*; and that said resolution has not been rescinded or amended in any way.

Lisa Liggins, Secretary
Oneida Business Committee

*According to the By-Laws, Article I, Section 1, the Chair votes "only in the case of a tie."