

# Oneida Tribe of Indians of Wisconsin

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COPY



UGWA DEMOLUM YATEHE  
Because of the help of this  
Oneida Chief in cementing  
a friendship between the  
six nations and the Colony  
of Pennsylvania, a new na-  
tion, the United States, was  
made possible.

Oneidas bringing several  
hundred bags of corn to  
Washington's starving army  
at Valley Forge after the  
colonists had consistently  
refused to aid them.

## ONEIDA LAND ACQUISITION PLAN OF 1987

### I. PURPOSE:

The purpose of this Land Acquisition Plan is to provide for the implementation of a rational method of acquiring tribal lands by identifying the best possible prospects for acquisition; to assure that the land priorities of the General Tribal Council are observed; and to administer the purchase and development of those parcels for the beneficial use of the Oneida Tribe and its members.

Lands acquired by the Tribe shall be secured through a system which is operated consistent with tribal policies, laws, regulations and procedures. The selection of lands for purchase shall be based on land classification and strategic purchase priorities which are consistent with the current needs of the Tribe.

The lands selected for purchase should also be chosen to reflect the project priorities of the Tribe and should be acquired in a manner which assures that a maximum cost-benefit or alternatively, a substantial social-benefit, is realized by the Tribe and its members.

### II POLICIES OF THE TRIBE:

The acquisition of tribal lands shall be consistent with the land policies of the Oneida Tribe as determined by the Oneida General Tribal Council and/or the Oneida Business Committee. The current land policy statement of the Oneida Tribe is stated as follows:

#### ADOPTION OF THE ONEIDA TRIBAL LAND POLICY

WHEREAS, the Oneida Nation of Wisconsin is a federally recognized Indian government and a Treaty Tribe recognized by the laws of the United States; and,

WHEREAS, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin; and,

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

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- WHEREAS, the Oneida Nation of Wisconsin considers the perpetuation, control, protection, acquisition, and development of its tribal lands to be of paramount importance to the Tribe and its members; and,
- WHEREAS, the Oneida Tribe must increasingly depend on its own resources, its land and its people to provide for the economy and benefit of its present and future generations; and,
- WHEREAS, it is clear that the Oneida Tribe and its membership desire to be the principal beneficiaries of the development and tribally owned lands and their related resources; and,
- WHEREAS, the Oneida Tribe is in need of an adequate land base to support the needs of the Tribe and its membership; and,
- WHEREAS, from time to time, it shall become necessary to provide for policies, laws, regulations and procedures for the administration of lands under the ownership and jurisdiction of the Oneida Tribe and its members.

NOW, THEREFORE BE IT RESOLVED: That for the purpose of maintaining control and sovereignty over tribal lands, promoting their maximum beneficial use; and to insure that land resources shall be made available for the present and future use of the Tribe and its members; the Tribe hereby establishes the following as the ONEIDA TRIBAL LAND POLICY:

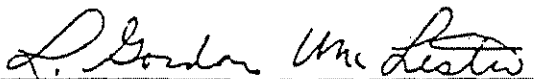
- A. The Oneida Nation of Wisconsin, shall, in all cases, assert its inherent right to sovereignty over tribal lands, promoting policies and laws that reserve unto the Tribe, exclusive authority to reserve or otherwise set aside, tribal lands for various purposes and further, the Oneida Business Committee has been delegated the authority to administer the laws, regulations and procedures related to the implementation of these policies; and,
- B. The Oneida Tribe shall treat land acquisition as the first priority. Such acquisitions shall be for tribal use as well as for the benefit of individual members in residential, commercial, agricultural, forestry, conservation, and public uses. Periodic reviews shall be undertaken to determine the existing status of tribal lands, their classification, their use, and the value in order to maximize benefits to the Tribe and its members; and,
- C. The Oneida Business Committee shall establish laws, regulations, and procedures that may, from time to time, be necessary for the implementation of these policies, in a manner best calculated to protect the environment; maximize income and employment benefits; and generally promote and enhance the Oneida general welfare. These laws, regulations, and procedures shall meet or exceed those of the federal government, state government, or those of the surrounding municipalities; and

- D. The Oneida Tribe shall perpetually assert and protect its sovereign right to zone or otherwise classify land under its jurisdiction. The Oneida Business Committee, and the Oneida Land Committee, and the tribal administration shall be guided by the principle that the Tribe reserves unto itself, the right to determine the use of lands owned by the Tribe, the right to tax, the right to zone and any other sovereign right traditionally reserved by an Indian Tribe; and,
- E. The Oneida Tribe shall promote and adopt such laws that may be necessary to protect and conserve the environment and rural nature of the reservation. The environment includes land, water, and air quality. All planning and development processes shall be guided by policies, regulations, and procedures which not only protect, but enhance the quality of life on the Oneida Reservation; and
- F. It shall be the policy of the Oneida Tribe to encourage the participation and private initiative of its members. All Oneida lands not withdrawn for public use or development may be made available for the use of individual members in accordance with the laws, regulations, and procedures which protect and enhance the quality of life on the Oneida Reservation; and,
- G. It shall be the policy of the Oneida Tribe, to acquire, classify and reserve Oneida Public Lands for the purposes of providing conservation areas and for recreational, fishing, hunting and forestry lands for the use of the Tribe and its membership. These lands shall include a sustained yield forest, which in generations to come, shall be a source of perpetual income, employment and enjoyment for the Tribe and its members; and,

BE IT FINALLY RESOLVED: That the aforesaid policy is hereby adopted and shall govern the administration of Tribal lands by the Oneida Business Committee, the Oneida Land Committee and the Oneida Land Office, and that this policy shall supersede all previous policies, written or unwritten.

C E R T I F I C A T I O N

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of nine (9) members of whom 7 members, constituting a quorum, were present at a meeting duly called, noticed, and held on the 31<sup>st</sup> day of JUNE, 1987; that the foregoing resolution was duly adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members abstaining: And that said resolution has not been rescinded or amended in any way.

  
L. Gordon McLester, Tribal Secretary  
Oneida Business Committee

III LAND ACQUISITION GOALS AND OBJECTIVES OF THE TRIBE:

The land acquisition goals and objectives of the Oneida Tribe are listed as follows:

GOAL 1: THAT the Oneida Nation, for its members, shall place a first priority on the pursuit of the stabilization and acquisition of the original Wisconsin land base, as established by the treaty of 1838, through the assertion and reaffirmation of the ownership of the Oneida Reservation, and including the accelerated purchase of land whenever it becomes available.

OBJECTIVE 1: The first priority of the Oneida Nation is that all available income generated by right-of-ways, taxes, leases, etc., be used for land acquisition and consolidation.

OBJECTIVE 2: The Tribe shall reserve a substantial portion of new tribal income, including profits from enterprises and investments, for the acquisition and development of tribal lands including the consolidation of the Tribe's land base.

OBJECTIVE 3: The Tribe shall utilize all available options and programs to acquire and consolidate its land base.

GOAL 2: THAT the Oneida Nation shall develop and control its land and natural resources according to policies that will minimize negative impacts on the environment and emphasize the perpetuation and enhancement of the reservation's rural characteristics.

OBJECTIVE 1: The Tribe shall designate the entire Duck Creek Valley as a conservancy area and for the sole future use of agriculture, forestry, outdoor recreation, hunting, fishing, and minimal use for single family or cluster dwellings.

OBJECTIVE 2: The Tribe shall designate a portion of the north/northwest part of the reservation for conservation purposes, including outdoor recreation, hunting, and fishing.

OBJECTIVE 3: The Tribe shall limit the density of single and multiple family dwellings on all portions of the reservation except for the urbanized section northeast of the Village of Oneida or within existing Oneida Settlements.

OBJECTIVE 4: The Tribe shall continue to increase its forestry holdings and shall, with the assistance of the Bureau of Indian Affairs, develop and implement a plan for a sustained yield Oneida National Forest in order to provide a perpetual source of income for the Tribe.

OBJECTIVE 5: The Tribe shall define and set aside buffer zones or green belts to protect the reservation and the tribal headquarters from further urban encroachment.

OBJECTIVE 6: The Tribe shall develop long range plans for the eventual use of portions of the reservation for agriculture--including tribal enterprises, cooperatives, associations and through the encouragement of individual tribal member participation; such plans shall be supported by feasibility and market studies.

OBJECTIVE 7: The Tribe shall promote and assist efforts to vertically integrate the reservation agricultural sector whenever possible, to include the production and processing of meats, fruits, and vegetables not only for profit; but also to promote lower prices, increase quality and provide better services to tribal members.

GOAL 3: THAT the Oneida Nation shall place a high priority on the development of single family and multiple family dwellings for tribal members wishing to live on the Oneida Reservation.

OBJECTIVE 1: The Tribe shall increase the Tribal Loan Credit Program to assist in financing the purchase of existing homes and the construction of new homes on the reservation. The program should be expanded later to include the purchase of businesses and farms, as more funds become available.

OBJECTIVE 2: The Tribe shall accelerate programs including guarantees and direct loans, which permit tribal members to purchase their own homes or construct new homes.

OBJECTIVE 3: The Tribe shall provide for the development of programs which are guaranteed to assist members of the Tribe who are unable to purchase their own home because of low income, extreme youth, elderly status, or because of sickness or infirmity.

OBJECTIVE 4: The Tribe shall provide support to develop apartments, single family and multi-family dwellings for tribal members presently living on or near the reservation, and who wish to reside in an urban setting.

OBJECTIVE 5: The Tribe shall provide support to develop land acquisition programs and construction assistance for those tribal members who wish to relocate to the Oneida Reservation from other areas of the country.

OBJECTIVE 6: The Tribe shall develop a plan and methods by which Oneidas may construct homes on the reservation; such methods to include enterprises and tribal member owned construction companies.

GOAL 5: THAT the Oneida Nation of Wisconsin shall place a priority on land administration within its governmental system and a plan shall be developed to automate the land records immediately, thereby assuring the accuracy and integrity of the system.

OBJECTIVE 1: The Tribe shall develop a plan for the creation and implementation of an Office of Land Administration which includes a BIA delegated title plant and a register of deeds office.

OBJECTIVE 2: The tribe shall develop a plan for the development and implementation of a fully automated land management system.

#### IV LAND USE PRIORITIES:

The Oneida Tribe shall utilize a system of land use priorities consistent with current needs and future goals and objectives as stated by the Oneida Nation Comprehensive Plan. The Tribe shall, from time to time, consider and re-evaluate these priorities based on current needs and project planning. The land use priorities are stated as follows:

- 1) RESIDENTIAL
- 2) COMMERCIAL
- 3) FORESTRY
- 4) AGRICULTURE
- 5) CONSERVANCY

#### V. STRATEGIC & TARGETED SITES:

The goals, objectives, and priorities of the Tribe shall be reflected in the tribal land acquisitions. Additionally, certain parcels and areas of the reservation should be considered strategic and be given maximum consideration for purchase. These strategic and targeted sites shall be defined, from time to time, by the Tribe and be specifically recognized. They are generally described as follows:

1. Properties lying adjacent to, and in the path of highways, right-of-ways, sewer and water lines, and other paths of urban expansion.
2. Commercial zones, delegated for future commercial expansion, both for the Tribe and its rural reservation settlements; and in urban areas of the reservation as defined by the Tribe in a master plan.
3. A "Green Belt" area shall be declared by the Tribe, which protects the reservation's rural areas, the tribal headquarters, and Oneida settlements from further urban expansion. The establishment of this area will also reserve property for the future use of the Oneida Tribe. The "Green Belt" is described as follows:

- All property on a line from the southern border of the reservation traveling northeast on County Trunk "E" and lying within an area, one mile east of that highway; and all property lying within the boundaries formed by the land lying southeast of County Trunk "J" from the Village of Oneida to County Trunk "FF", and all property lying on a line west of County Trunk "GG" back to County Trunk "E".
- All property within one (1) mile of the center of the Village of Oneida.
- All property lying within one mile of the center of the intersection, formed by County Trunk "E" and "EE", near the Oneida Health Complex.

VI LAND SELECTION RATIONALE:

Before considering the acquisition of any parcels, tribal staff, departments and committees of the Tribe shall make an evaluation to determine whether or not a proposed land acquisition and its accompanying project has either a favorable cost-benefit ratio or represents a favorable social-benefit. The acquisition of additional lands shall be guided by a rationale which shall control the considerations. The recommended rationale is stated as follows:

1. Determine the purpose and intent of the proposed land acquisition and any accompanying project; and be assured that the proposed acquisition falls within the stated goals and objectives of the Tribe.
2. Evaluate the potential land classification, highest beneficial use, and priority of the acquisition in order to evaluate its chances.
3. Evaluate the proposed management of the project.
4. Estimate the cost of the proposed acquisition, including any accompanying project, taking into account, land cost, capital improvement cost, equipment cost, start-up requirements, and the continuing operating cost.
5. Evaluate the feasibility of the acquisition and the project to determine the possibility of success.
6. Evaluate potential tribal benefits of the project compared to cost. Benefits to the Tribe shall be evaluated by profits/income or social results.
7. Estimate the direct tribal income to be achieved by the development, including potential lease income.

VII. MEASURING GOALS FOR LAND ACQUISITION & SELECTION:

The Tribe hereby establishes a system for evaluating prospective land purchases through measureable criteria. These criteria shall be consistent with the general land acquisition goals and objectives of the Tribe. These goals and objectives are based on specific portions of the Tribal Policies. The criteria is summarized as follows:

1. That all land should be acquired through consideration and planning for the highest and best possible use for the future.
2. That certain land should be acquired for their strategic value in order to establish buffer zones to protect the reservation from urban encroachment and reserve these lands for the future use of the Tribe.
9. To acquire lands for forestry and conservancy use in order to minimize negative environmental impacts on the reservation, while protecting the water quality and supply; while promoting the development of forests, fish and wildlife.

VIII A SYSTEM FOR LAND PURCHASES

A. The Land Acquisition Checklist

A decision making checklist shall be used to provide the Land Office and the Oneida Land Committee with a working checklist to make sure that all the essential information, documents and appropriate descriptions are included for the final review and approval by the Oneida Land Committee and the Oneida Business Committee.

The checklist drives the entire system and contributes all the necessary information and process required including establishment of priority, land information, building specifications and appropriate legal documents.

This checklist shall also be used as a control copy by the Oneida Land Office Director who functions as the principle staff person in charge of supervising the various tasks included on the list. The checklist also informs all appropriate participating parties and staff, in advance, of the exact sequence and priority of tasks required and each one is checked and dated upon completion by the Land Office Director.

The first part of the checklist contains essential information required for the preliminary evaluation of the proposed acquisition so that the staff and Land Committee can decide whether or not to proceed with the process. Once this is completed by the appropriate staff member, the Oneida Land Office has enough information to proceed. The information included in the preliminary and introductory information is summarized as follows:



- The location of the property and the present owner
- The legal description of the property as supplied by the owner
- The proposed price as quoted by the owner
- A general description of the land, its capital improvements, and the equipment included in the proposed sale as provided by the owner
- The classification by the Tribe of the primary, secondary and projected uses of the land
- The preliminary proposed terms

Once the preliminary information is outlined in the beginning of the form, the rest of the necessary data and documents shall be listed in the order in which they are to be accomplished. The first item included on the list is a description of the project. This format is used to provide the reviewing staff and committees with an overview of the project and includes the information necessary to define the rationale for the purchase of the property being considered.

The acquisition checklist is composed of reports, documents, specifications and other information necessary to the accomplishment of the land acquisition. This information is included in the following classifications:

1. Land and building data, specifications and conditions including inspection reports.
2. Property descriptions including legal descriptions, maps, soil conditions, and survey information and verification of ownership, including plat information and land surveys.
3. Price information including building, equipment and land costs including owners assessment of the value of the property, and the final purchase price.
4. Final reviews, recommendations, and approvals from the legal department, the Oneida Land Committee and the Oneida Business Committee.

When the entire process for approval has been completed, the accompanying documents are consolidated under the land acquisition checklist which also includes the project description report.

The entire documentation, once completed becomes a part of the permanent file of the Land Office and in the event that the acquisition either is completed or suspended, the land record of that particular property becomes a permanent part of the Tribe's land file.

The recommended forms, the "Land Acquisition Checklist" and the "Project Description" format are enclosed as appendices A & B.

ONEIDA LAND COMMITTEE  
PROJECT DESCRIPTION FORMAT

Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Staff: \_\_\_\_\_

The purpose of this format is to provide the Oneida Land Committee with a description of the project and should accompany all applications for purchase of land, particularly when the purchase is intended as a development project. Tribal departments, Tribal organizations and individual members should provide a clear and concise statement using this format. The project description statement should accompany all applications for the purchase or lease undertaking or enterprise. It does not apply to applications for homesite or agricultural leases.

1. Project Overview: Describe the proposed project briefly, and include the priority ranking.
2. Purpose of Project: The project should have a clear purpose and the applicant should include any related objectives.
3. Project Management Description: Describe how the management of the project will be accomplished and include organizational charts if necessary.
4. Estimated Project Budget:
  - a. Land Cost
  - b. Building & Equipment Cost
  - c. Start-up Cost
  - d. Operating Cost
5. Preliminary Feasibility Statement: This statement should generally describe the feasibility of the project, taking into account, the required budgets and projected income.
6. Statement of Tribal Benefits/Impact: This statement should summarize the cash, social or other benefits to the Tribe and its membership which will be realized from the project.
7. Estimated Lease, Rental, Sale or Other Income to Tribe: This statement should identify sources of income to the Tribe which will result from the establishment of the project.