

# ***MEDIA RELEASE***

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Village of



## **Village of Hobart Files Brief Opposing Department of Interior Fee-Land-Into-Trust Decisions**

The Village of Hobart announced today that it has filed its Opening Brief with the Interior Board of Indian Appeals (IBIA) in Washington, D.C., in a challenge to decisions of the Department of Interior to remove certain taxable lands and place them into federal trust for the exclusive use of the Oneida Tribe of Indians of Wisconsin. The IBIA is a federal administrative law court.

During August and September of 2008 the Oneida Tribe submitted 144 currently taxed parcels (approximately 2,800 acres) under Section 465 of the Indian Reorganization Act of 1934, for removal from the property tax base of the Village. The Oneida Tribe has over 1,580 acres of lands within the municipality designated federal "trust," exempt from property taxation and local regulatory authority. If the tribe succeeds with applications submitted, over 20% of Hobart's land could be removed from the municipality's tax base and regulatory authority.

The Village filed numerous objections to these actions; however, the Department of Interior has proceeded to issue four Notices of Decision (NOD's) approving the placement into federal trust of 203 acres thus far. Hobart appeals the determinations of the Department of Interior based upon, but not limited to the following arguments:

1. A 2009 U.S. Supreme Court ruling (*Carcieri v. Salazar*, No. 07-526, February 24, 2009) renders the Oneida Tribe ineligible to have land taken from the state tax base and placed into federal trust, as the tribe was not under federal jurisdiction on June 18, 1934;
2. Section 465 of the Indian Reorganization Act of June 18, 1934 that provides for the placement of land into federal trust for an Indian tribe is unconstitutional if the result of that placement is removal of the land from state and local jurisdiction, including taxation.
3. The Department of Interior and Regional Office of the Bureau of Indian Affairs has committed chronic and continual violations of the Administrative Procedures Act in a series of failures to follow its own policies and regulations as set forth in 25 CFR Sec. 151.10 and 151.11;
4. The *Midwest Fee-to-Trust Consortium* funded by the Oneidas and three other tribes since 2005 and operating within the Regional BIA Office to fast-track these tribe's trust applications creates a conflict of interest, results in fundamental bias and precludes objective decision-making.

Attorney Frank W. Kowalkowski in Green Bay represents the Village of Hobart. "Frank has combined case law, legal acumen, scholarly research and contextual history to substantiate the actual facts and sequence of events between 1890 and 1937, supportive of the Village's position," said, Rich Heidel, Village President. "We are very pleased and fortunate for his services to Hobart."

The Village's brief is posted on the Village website: [www.hobart-wi.org](http://www.hobart-wi.org)

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