

STOCKBRIDGE VALLEY CENTRAL SCHOOL  
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November 1, 2005

Franklin Keel  
Director United States Department of the Interior  
Bureau of Indian Affairs  
Eastern Regional Office  
545 Marriott Drive, Suite 700  
Nashville, TN 37214

Dear Mr. Keel,

I am writing on behalf of the Stockbridge Valley Central School District (SVCS) Board of Education in response to your request to provide comment on the Oneida Indian Nation (OIN) Land into Trust application. Thank you for this opportunity to express our concerns as you assess the impact of the removal of OIN properties from the tax rolls. For the record, the OIN owns 4,386.77 acres in our district.

To be clear, the SVCS BOE opposes the Trust Action and respectfully requests that it be denied. Under Federal Law as a public school district we are obligated to provide a Free and Appropriate Public Education (FAPE) to all students. The Land Trust Issue as well as other past issues related to the Oneida Indian Nation (OIN) is counterproductive to our mission and Federal obligation of providing education to our students. From the districts perception, approval of the application would create the patchwork sovereignty problems detailed at some length in the recent Supreme Court decision.

Further it is our understanding that the purpose of the trust is to enable Tribes to create commercial enterprises sufficient to make the Tribe self supporting and prosperous and to make certain their residential needs are met. In Stockbridge, the OIN has never made any effort to develop the property for these hypothetical needs. Contrary to the statute they have allowed the property to degenerate into a hazardous state.

The Stockbridge Valley Central School District (SVCS) as part of group 2 identified in the Oneida Land Trust Application is located in Munnsville, NY, a small community of 2,100 residents in Madison County. Geographically we are located in the center of New York State approximately 25 miles east of Syracuse and 25 miles west of Utica. The school district services the townships of Augusta, Eaton, Lincoln, City of Oneida, Village of Munnsville, and Towns of Smithfield, Stockbridge, and Vernon. SVCS has since the

mid 1970's educated youth living on the OIN reservation and in the adjacent White Pines Housing Development. Currently, 10% of our students are Native American.

Stockbridge Valley CSD is housed in a modern, new schoolhouse built in 1998; the district educates approximately 575 students in grades Pre-K -12. Twenty percent of our students are identified as Special Education students.

As a small rural poor district, SVCS is literally the center of the community. For example, the Fryer Public Library is housed in the district and the building is also used by various community groups for everything from youth sports leagues, meetings, community fairs, and craft shows.

Financially dependent upon state funds, with a State Aid rate of 82%, SVCS confronts many of the same financial and social issues facing similar rural schools as well as several others unique to our district as detailed below. As student enrollment continues to decrease, so does the property tax base. In real terms, in the 2005-06 school budget a 1% tax increase only yielded \$18,000 in additional revenue for the district. An important fact when the Oneida Indian Nation currently owns 25% of the land contained within the boundaries of the Stockbridge Valley Central School District. This land is "a claimed tax-exempt", depriving the district of much needed revenue. The majority of the land is vacant residential and agricultural properties, with the rest being occupied residential and agricultural properties. Once purchased, the vast majority of the properties since 1999 remain unimproved as evidenced by the enclosed pictures of several properties currently owned by the OIN in our district.

Although the OIN owns significant patchwork acreage in the SVCS School District and has for many years, it is true that with the exception of the occasional isolated residential dwelling, at no time has the Nation sought to develop its property within the district for either commercial or residential purposes to benefit the Tribe. All of their commercial or residential development has taken place outside of our district. When the OIN sought to provide residential housing for its members, they chose to locate that development within the boundaries of the City of Oneida, not within the SVCS District. As well, the established reservation is located within the municipal boundaries of the City of Oneida. To our knowledge the commercial ventures of the OIN are primarily situated in the Town of Verona with no commercial development of any sort in Stockbridge. As will be shown, the scattered properties they own within our district have been allowed to deteriorate to the point where many of them are rotting and collapsing under their own weight. Indeed, the Nation would seem to have been content to ignore and neglect their holdings within our district until they made the application for Trust status and only recently began tearing down what have become community eyesores. Although at least one collapsing structure has been knocked down, the destroyed material remains in a heap on the property.

The enclosed pictures are telling and demonstrate how the properties have been allowed to decay. To wit, porches are falling off homes, roofs have caved in, windows are broken and boarded up and lands are overgrown with brush.

<u>Picture Number</u>	<u>Description</u>
A1A – A8A	Former Roher Farm on Pratts Road.
A9A – A21A	Former Trew Farm – Trew Hill Road & Morris Road.
A22A – A34A	Former Brummer Farm – East Hill Road.
B3A – B10A	Former Greene Farm – Middle Road
B11A – B14A & B21A-23A	Former Frost Farm – Middle Road
B15A – B20A	Former Curtin Farm – Rt. 46.

One of the stated purposes of the Land into Trust process is to set aside appropriate parcels for commercial use for the benefit of the Tribe or to satisfy a residential need. Given the quantity of property held outside of our district and the elaborate commercial and residential development that has occurred over the years, coupled with the fact that the land in our district has been ignored and neglected, it is plain to see that such beneficial use of the property in Stockbridge is neither required or necessary to benefit the Tribe.

For these main reasons and the reasons listed below, and to answer your specific questions outlined in your letter. Consider also that:

In terms of real estate value and tax revenue, the district is negatively impacted twice. First, on the lost tax revenue on the initial property purchased by the OIN - forever. Second, as mentioned earlier, once the lands are purchased they generally remain unimproved, creating an eyesore and becoming a deterrent to the potential sale of surrounding properties. Combined together, these factors create uncertainty and instability in the real estate market while discouraging growth in our district. Of course, all of this is exacerbated if the OIN continues to purchase local lands and the tax base continues to shrink.

SVCS never asked to be brought into this legal and political quagmire. Instead, the BOE and administration has been forced to act as responsibly as possible in order to protect our children and community. The on-going legal battle against tax certiorari continues to drain the fiscal and human resources of the district, at great cost, diminishing our ability to educate our students. Consultation with lawyers, phone calls, faxes, other legal action or response to handle this issue comes at a great expense to the district. From April to

October 2005 the district has spent \$3,575 in legal fees associated with this issue. The latest legal bill is for several thousands of dollars.

Financially, it is money taken directly away from students, which could be better used on various resources for them. The human cost is just as great as our small district only has three administrators and time spent on this issue is time taken away from our main mission – student learning.

The taxes originally owed on these 62 properties are \$361,251.47 for Madison County and \$15,898.96 for Oneida County for the years 2000– 2005. For the current year, they are \$132,930.33 for Madison County and \$4,117.04 for Oneida County. If these lands are eventually entered into trust, and the Nation pays neither taxes nor the Silver Covenant, then these figures represent a 7.61% increase on the local Tax Levy using the aforementioned figure of \$18,000, equaling 1% on the Levy.

This lack of revenue from the OIN has made development of school budgets very difficult as SVCS continues to meet unfunded state mandates while addressing increased fixed costs for Health Insurance, Employee Retirement, Utilities and Energy Costs. Consequently, local voters defeated the last two school budgets on the first vote before passing them on a second vote. In both years, taxpayers were originally presented with double digit increases on the tax Levy caused by lost tax revenue. Originally, for 2004-2005 it was a 22.5% increase and for 2005-06, 13.8%. These figures were later reduced to 20.5% and 8.63% respectively. During the latest budget defeat, separate propositions for school buses, driver's education and summer school were all defeated - again depriving students of much needed programs.

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As if all of this were not difficult enough, New York State continues to include the missing Tax Revenue from property assessments in the Combined Wealth Ratio Formula used to indicate district wealth on the New York State Tax report card. Thus, the district is artificially made to look wealthier than it actually is. Therefore, depriving SVCS of additional State Aid and limiting eligibility for various grants.

While all of the above clearly details the negative financial impact on SVCS, what is not quite as evident is the great emotional and social cost to our community. The confidence and pride in our school by the community has been strained by an eroding tax base, increased taxes and increased uncertainty about the future of the district as we await settlement of the land trust issue. When a community loses confidence and hope, it cannot help but impact upon our students and their learning.

While I appreciate the opportunity to provide a written response to the OIN Trust Application, I also urge the Bureau to hold public hearings on this matter so that I and other representatives of the district can provide oral comment for consideration.

In summary, it is my understanding that the role of the Bureau of Indian Affairs, as a Federal Agency, is to assess the affect of the OIN Trust Application, one of the largest ever considered by your agency. For that reason, I reemphasize the position of the

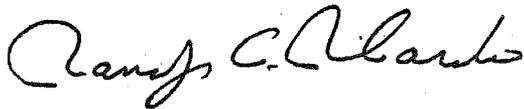
Stockbridge Valley Board of Education, that we respectfully request that the application to place land located in the Stockbridge Valley School District into Trust be denied.

We implore the Bureau to be mindful of the reasons listed above. The OIN Land Trust Application appears contradictory to the recent Supreme Court decision regarding patchwork sovereignty. The request does not meet the purpose of a trust. The tribe has created sufficient commercial enterprise in Oneida County to make themselves self supporting and prosperous. The OIN has purchased the majority of land within the Stockbridge district, removing it from our tax rolls and depriving the district of much needed revenue. Once purchased, the properties have been allowed to decay, negatively impacting the remaining local real estate market.

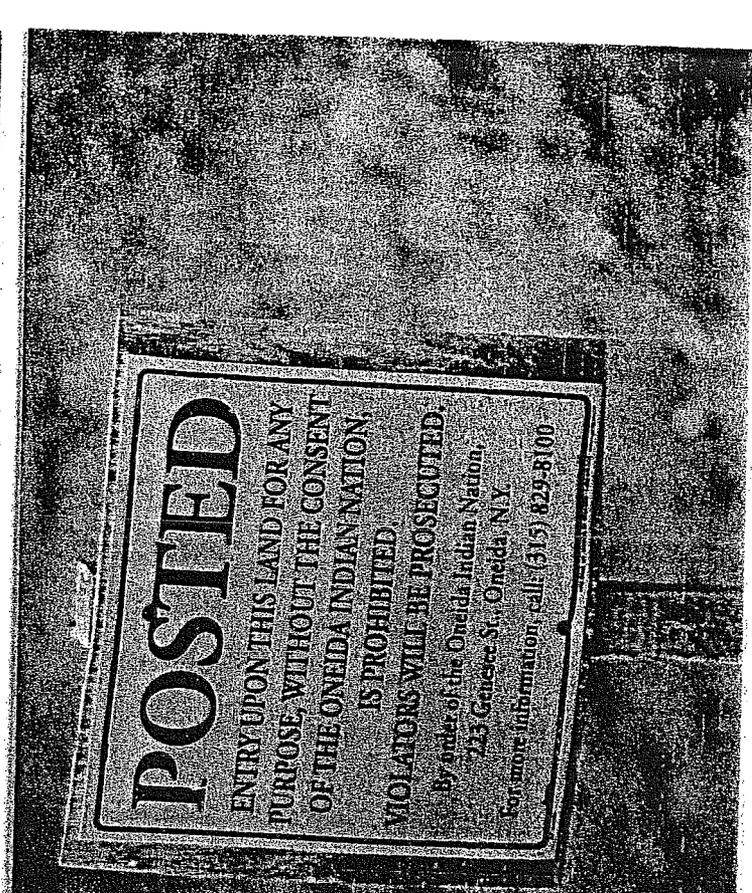
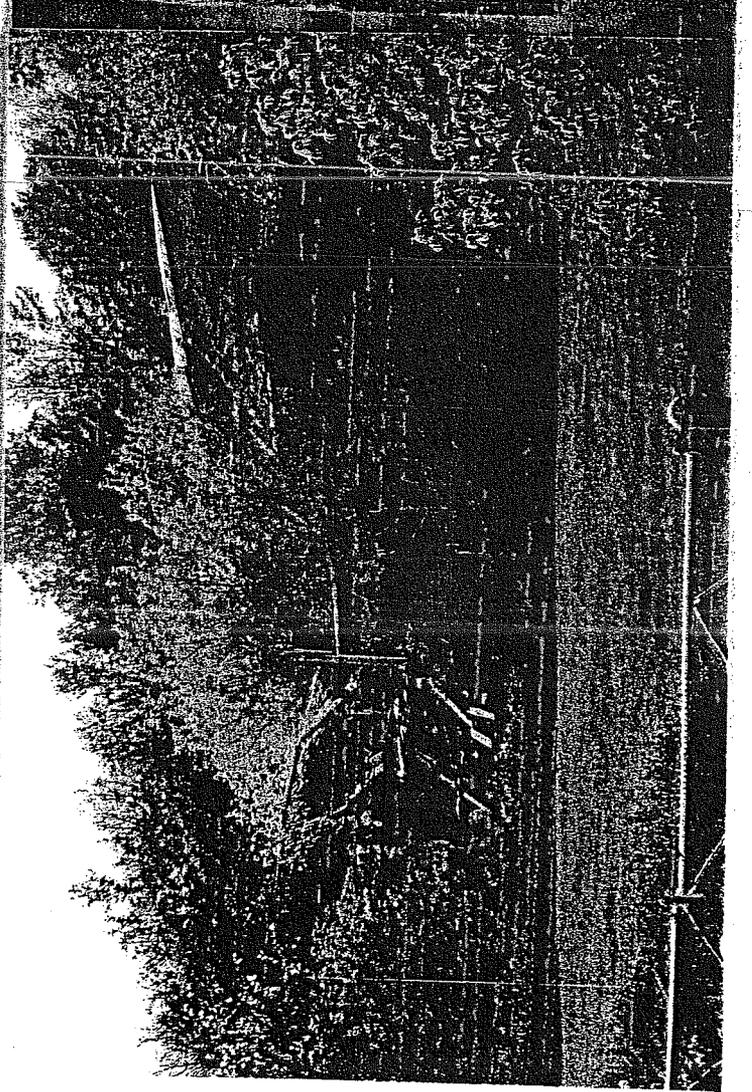
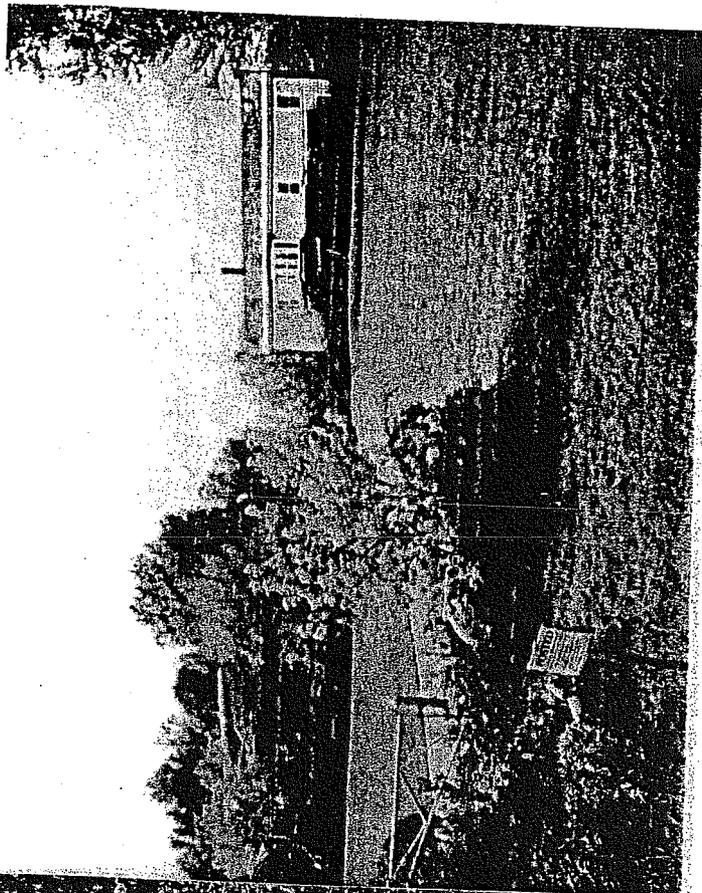
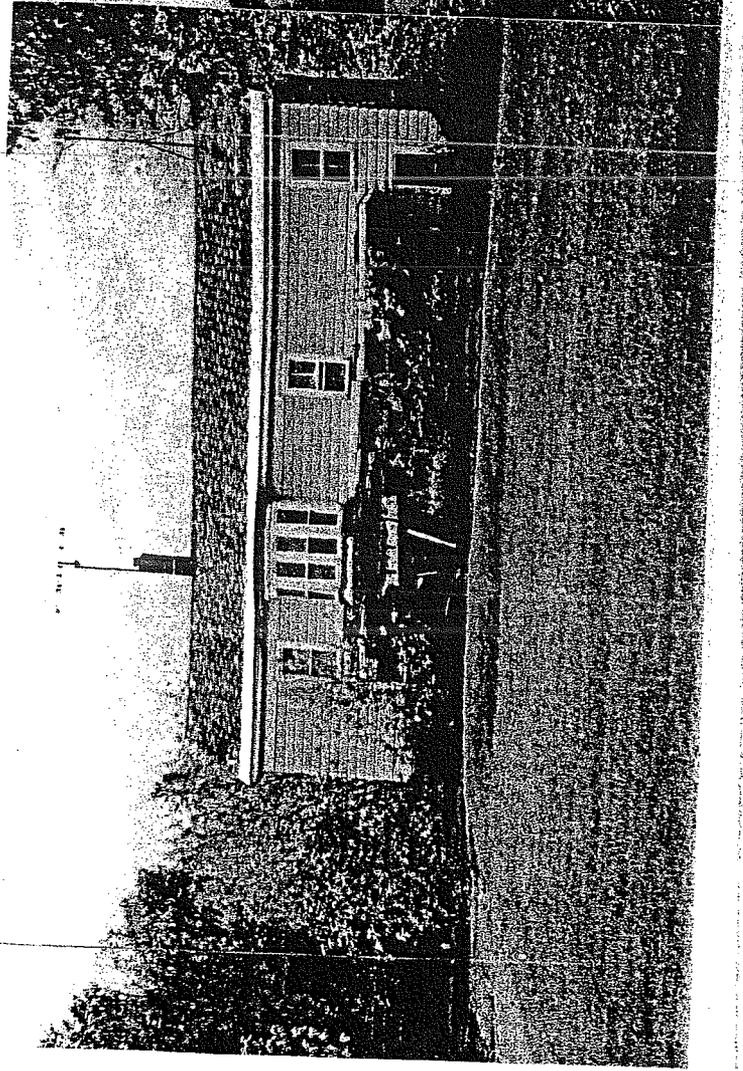
However, as negative to SVCS as all of these reasons are, the biggest reason to deny the Trust application is because it interferes with the district's ability to provide a Free and Appropriated Education to our children

Thank-you for the opportunity to address the OIN Land Trust Issue.

Sincerely,



Randy C. Richards Ed.D  
Superintendent of Schools  
Stockbridge Valley CSD



# POSTED

ENTRY UPON THIS LAND FOR ANY PURPOSE, WITHOUT THE CONSENT OF THE ONEIDA INDIAN NATION IS PROHIBITED

VIOLATORS WILL BE PROSECUTED

By order of the Oneida Indian Nation,  
233 Geneva St., Oneida, N.Y.

For more information, call: (315) 829-8100

