

www.blm.gov



Re: Oneida Indian Nation (NY)

Barbara Saville to: dhaywood

01/27/2011 08:34 AM

Boyd Peterson, Boyd Peterson, colleen.d.joyce,
Cc: Dominica Vankoten, Douglas Haywood, John Butterfield, Lindsey
E Abel, Jaremary G. Robinson

From: Barbara Saville/GEO/HQ/BOC
To: dhaywood@blm.gov
Cc: Boyd Peterson@bia.gov, Boyd Peterson@blm.gov, colleen.d.joyce@census.gov,
Dominica Vankoten@blm.gov, Douglas Haywood@blm.gov, John Butterfield@blm.gov,
Lindsey E Abel/GEO/HQ/BOC@BOC, Jaremary G Robinson/GEO/HQ/BOC@BOC

Thanks much Doug. I did find this email after all...I had it filed under Oneida, but was looking in my BLM folder.
As always, thank you for being available to us.
Barbara

Barbara Saville
Geographer
Geographic Areas Branch
US Bureau of the Census
301-763-9046

dhaywood Barbara, Here is some of the email traffic for last...

01/26/2011 02:35:12 PM

From: dhaywood@blm.gov
To: barbara.saville@census.gov
Cc: Boyd Peterson@bia.gov, Boyd Peterson@blm.gov, colleen.d.joyce@census.gov,
Dominica Vankoten@blm.gov, Douglas Haywood@blm.gov, John Butterfield@blm.gov
Date: 01/26/2011 02:35 PM
Subject: Re: Oneida Indian Nation (NY)

Barbara,

Here is some of the email traffic for last summer. I will have Dominica get in contact with you on the cost estimate to survey the Oneida Indian Nation.

Dominica,

Would you please give Barbara Saville from Census a call at 301-763-9046. She is interested in getting a cost estimate on what it would cost to have the whole Oneida Indian Nation surveyed (300,000 acres+/-). She can fill you in with all of the details.

Thanks,

Doug



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001

AUG 6 2010

Mr. Scott Keep
Assistant Solicitor, Office of the Solicitor
Division of Indian Affairs
Department of the Interior
1849 C Street, NW Room 6515
Washington, DC 20240

Dear Mr. Keep:

We thank you, once again, for taking the time to address the questions concerning American Indian reservation boundaries that were used by the U.S. Census Bureau. As you know, it is our goal to represent the legal boundaries of reservations and off-reservation trust lands as accurately as possible on our maps, and more importantly, to depict an accurate legal geographic framework from which to tabulate and report statistical data resulting from Census 2010 and the American Community Survey.

I am writing to confirm the e-mails we received from your office in regards to the reservation boundary of the Oneida Nation of New York. In their response to our Boundary Validation Program, the tribe's general counsel wrote to say that the Oneida Nation Reservation is a 300,000 acre area and the reservation boundary, as portrayed on our maps, is incorrect. Included with the letter was a map reproduced by the Bureau of Indian Affairs (BIA) that depicts most of the 300,000 acres. A copy of this map is enclosed for your reference. The e-mail from your office confirmed that the larger reservation boundary has not been disestablished and remains intact, and the Department of the Interior is currently taking that position in court. Subsequent e-mails from your staff provide detailed information to support your position.

Based on the information from your office, we intend to adjust our depiction of the Oneida Nation Reservation to reflect the depiction as it appears on the BIA map. Because of the magnitude of this boundary revision and in order to have a formal record of this change, I request that you confirm the Department of Interior's position on the reservation boundary issue in writing. This is important because it will help us document the results of the 2010 Census count for the tribe's legal land area.

If you have questions or need to contact us in reference to the extent of the boundary of Oneida Nation Reservation, please contact Barbara Saville or Colleen Joyce by telephone at 301-763-1099 or by e-mail at Barbara.Saville@census.gov or Colleen.D.Joyce@census.gov.

Sincerely,

Timothy F. Trainor
Chief, Geography Division

Enclosure

cc: Jane Smith

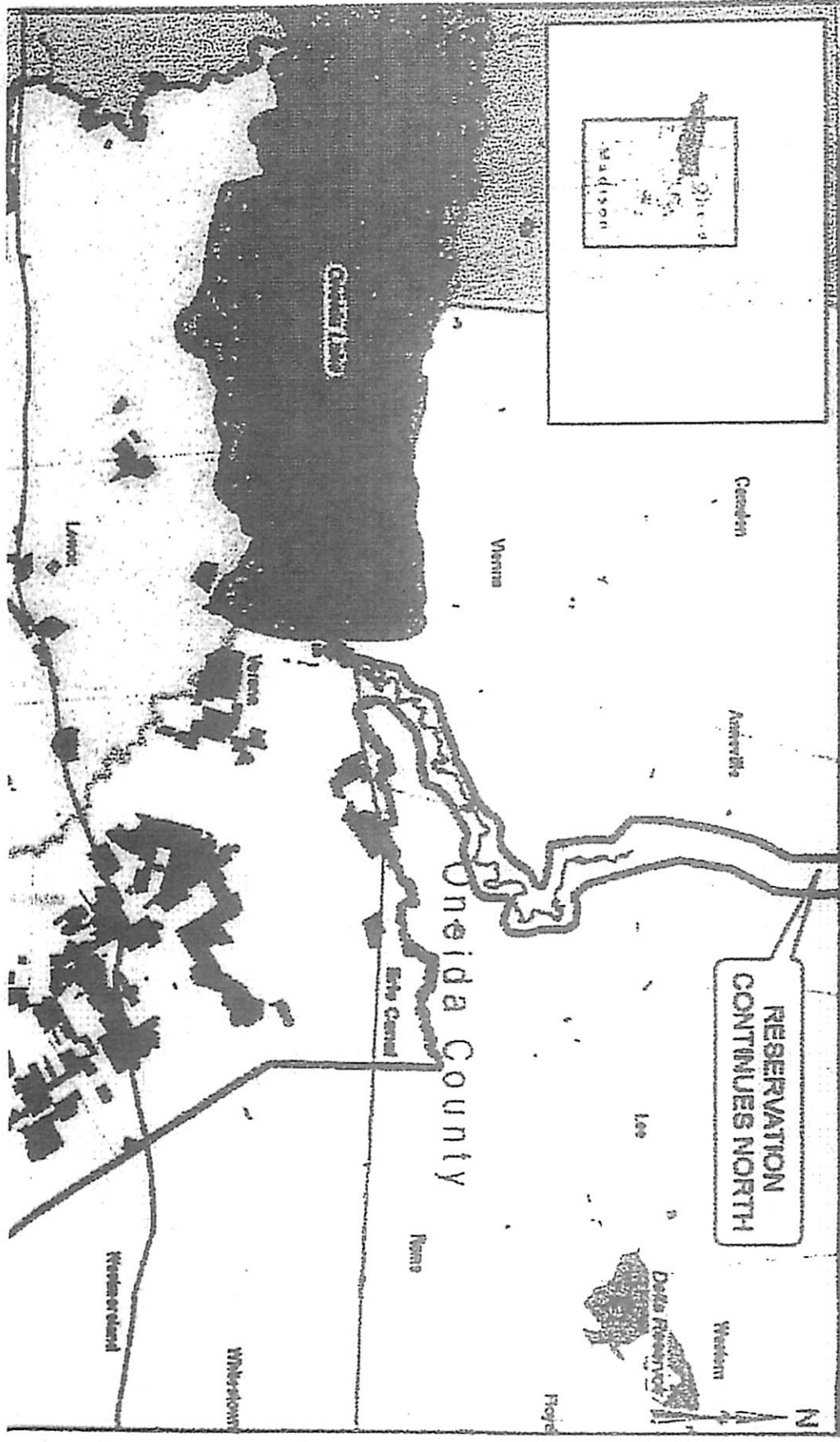
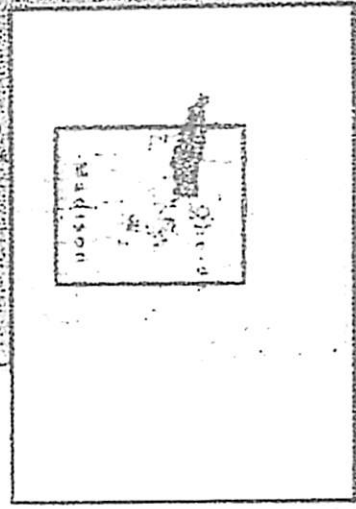
U.S. CENSUS BUREAU

Helping You Make Informed Decisions

www.census.gov



OFFICE OF THE ATTORNEY GENERAL
STATE OF NEW YORK





Re: Oneida Indian Nation (NY) B

Barbara Saville to: Boyd Peterson

07/16/2010 03:26 PM

Cc: Boyd Peterson, collen.d.joyce, Dominica_VanKoten,
Douglas_Haywood, John_Butlerfield

Hello, Boyd:

Thanks so much for your time and effort. We have most of the map from a 2005 draft EIS produced by the BIA, but we still lack the lands buffering Fish Creek and its east and west branches. Our next step is to contact the tribe.

Again, thanks much for looking into this on our behalf. We greatly appreciate your willingness to help.
Barbara

Barbara Saville
Geographer
Geographic Areas Branch
US Bureau of the Census
301-763-8048

Boyd Peterson

Greetings Barbara: First off I'm sorry but BLM no. 77-142010-042634 PM

From: Boyd Peterson@blm.gov
To: barbara.saville@census.gov
Cc: Boyd Peterson@bia.gov, collen.d.joyce@census.gov, Dominica_VanKoten@blm.gov,
Douglas_Haywood@blm.gov, John_Butlerfield@blm.gov
Date: 07/14/2010 04:26 PM
Subject: Re: Oneida Indian Nation (NY)

Greetings Barbara,

First off I'm sorry but BLM nor the GLO has done a survey of the Oneida Indian Nation (NY). I talked with the Randall Trickey the BIA Eastern Region Office (ERO) Realty Officer and he also does not think it had been surveyed. As far as the acreage of the Oneida Indian Nation (NY) Randall Trickey was under the impression that the acreage was about 32 acres.

I will try and find a legal description here at the BIA ERO for the reservation of the Oneida Indian Nation (NY).

Sorry that I could not be of better assistance.

Boyd W. Peterson, LS, BILS
(615) 564-6934

barbara.saville@census.gov

To Douglas_Haywood@blm.gov
cc Boyd Peterson@bia.gov, Boyd Peterson@blm.gov, Dominica_VanKoten@blm.gov,

Give me a call if you have any question.

Thanks,

Douglas N. Haywood
Cadastral Survey Indian Program Manager
BLM WO-350
Office: (202) 912-7349
Cell: (202) 230-4992

Fax: (202) 912-7199
E-Mail: dhaywood@wo.blm.gov

barbara.saville@census.gov

07/14/2010 08:42
AM

Douglas_Haywood@blm.gov

To

cc

colleen.d.joyce@census.gov,
don_buhler@blm.gov,
Bob_Ader@blm.gov,
diane.snediker@census.gov

Subject

Oneida Indian Nation (NY)

Good morning Doug:

Hope all well there at BLM!

We've run into an issue and were wondering if your office might be able to help.

We've heard from the DOI Solicitor downtown that the government's position is that the Oneida NY reservation boundaries were never disestablished and so we are planning on updating our database to reflect this change. Of course we don't yet have a good source map from which to accomplish this and wondered whether those boundaries were ever surveyed, or what your records show. I've just checked an 2004 shapefile we received from the old GDSC but it depicts the Oneida boundary as just a small parcel (~52 acres). Any chance BLM has coordinate data for the original boundary?

Thanks very much for your help.

Barbara

Barbara Saville
Geographer
Geographic Areas Branch
US Bureau of the Census



Onida: B

Barbara Saville to: Smith, Jane

10/18/2010 04:11 PM

Cc: "Keep, Scott", Janamary G. Robinson, Colleen D. Joyce

Good afternoon Jane and Scott:

Just wanted to thank you for your letter outlining the DOI position on the Onida Nation Reservation. We always appreciate your help and support in our work. We are aware that center art was granted last week. It will certainly be interesting to see how this plays out.

Thanks again for working with us.

Regards,
Barbara

Barbara Saville
Geographer
Geographic Areas Branch
US Bureau of the Census
301-783-8046



Re: Letters of documentation [E]
Janemary G Rosenson to: Barbara Saville
Cc: Colleen D Joyce, Diane Snediker, Lyndsey E Abel, Dairdre Dalpiaz
Bishop, Laura L Waggoner

07/31/2010 12:45 PM

Very nice Barbara, thanks.

Can you tell me whether when you all tried to get a hold of our contacts at the BLM to ask about a map source for Onaida, were you able to connect with them? Did they indicate that they agreed with what the DOI has told us for the expanded boundary?

Jamie Rosenson
Geographic Areas Branch
Geography Division
U.S. Census Bureau
301-763-1112

Barbara Saville

Hello Jane and Scott: I believe you were cc'd on...

07/30/2010 01:24:52 PM

From: Barbara Saville/GEO/HQ/BOC
To: scott.keeper@sol.doi.gov, jane.smith@sol.doi.gov
Cc: Colleen D Joyce/GEO/HQ/BOC@BOC, Janemary G Rosenson/GEO/HQ/BOC@BOC, Diane Snediker/GEO/HQ/BOC@BOC, Lyndsey E Abel/GEO/HQ/BOC@BOC
Date: 07/30/2010 01:24 PM
Subject: Letters of documentation

Hello Jane and Scott:

I believe you were cc'd on the letters we sent out in May to three Regional Solicitor's Offices asking for help in determining the correct boundaries for reservations where the boundaries have been in question. Prior to Census 2000 we wrote similar letters and we have quoted language included in the responses to those letters to justify to our participants why we will or will not make the boundary changes they request. (Our responses always say we defer to the Office of the Solicitor for a legal opinion.) One of our goals for this decade was to obtain the legal status of these boundary questions, so we can assure our participants the opinions we quote are recent.

The Regional Offices have been very responsive to our letters, and we much appreciate the cooperation and time of everyone involved. From the Northeast Regional Office we requested information about Little River Reservation, Little Traverse Bay Reservation, Mille Lacs Reservation and White Earth Reservation. In a telephone conversation with Priscilla Wilfahrt, Twin Cities Field Solicitor, we were informed that the status of the reservation boundaries of White Earth or Mille Lacs have not changed since 2000, and that there has not yet "been a full and final analysis" of reservation boundaries for Little Traverse Bay and Little River Reservations.

We wondered if in situations where we have obtained information from the DOI Solicitors either verbally or through email and we have no written documentation, if we could draft a memo with the information we have received and submit it to your office for your approval/confirmation and signature. This way, we would have the written documentation we require, and your office wouldn't be burdened with the chore.

Please let us know if this approach will work for you. As always, we appreciate your support for our work in depicting tribal boundaries.

Thanks, as always.
Barbara

Form BVP-1
(2-05-2009)

Form Approved: OMB No. 0307-0154 Approval Expires 02-31-10

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

Onelida (NY) Reservation

2010 BOUNDARY VALIDATION PROGRAM (BVP) - Initial

The U.S. Census Bureau is conducting the BVP in order to provide an opportunity for the Highest Elected Official (HEO) to review the Census Bureau's boundary data for governmental units. The maps on the enclosed CD should reflect the legal boundaries for your governmental unit effective on January 1, 2010. Please review the maps for accuracy and return this form within ten days of receipt.

☒ The legal boundary for our governmental unit is correct. (Please check box and sign below.)

I, as the Highest Elected Official (HEO) or Tribal Chair (TC), verify that the boundary for our governmental unit is correct.

Signature _____

Print Name _____

Date _____

☐ The legal boundary for our governmental unit is incorrect and we are submitting changes through the Boundary and Annexation Survey (BAS).

Please correct any contact information printed below.

Our records indicate the HEO/TC contact is:

Name: The Honorable Raymond Halbritter
Position: Nation Representative
Department:
Phone: (315) 361-7633
Fax: (315) 825-8958
Mailing Address: 5218 Patrick Rd
Verona NY 13421-2701
Email: info@onelida-nation.org

Our records indicate the BAS contact is:

Name: The Honorable Raymond Halbritter
Position: Nation Representative
Department:
Phone: (315) 361-7633
Fax: (315) 825-8958
Mailing Address: 5218 Patrick Rd
Verona NY 13421-2701
Email: info@onelida-nation.org

Mail, fax or email this completed form to the U.S. Census Bureau within 10 business days.

US Census Bureau
National Processing Center
1201 East 10th Street
Jeffersonville, IN 47132
FAX: 1-800-416-3262

E-mail questions, comments or a scanned image of this form to geo.bas@census.gov

U.S. CENSUS BUREAU

BVP-2
0-15-0001

Form Approved OMB No. 0577-0101 Approved Expires 07-31-10

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

Oneida (NY) Reservation

2010 BOUNDARY VALIDATION PROGRAM (BVP) - Final

The U.S. Census Bureau is conducting the final BVP in order to provide an opportunity for the Highest Elected Official (HEO) to review recent updates made to the Census Bureau's boundary data for governmental units. The enclosed maps include changes submitted during the 2010 Boundary and Annexation Survey (BAS) and should reflect the legal boundary for your governmental unit effective on January 1, 2010. Please review the maps for accuracy and return this form within five days of receipt.

☐ The legal boundary for our governmental unit is correct. (Please check box and sign below.)

I, as the Highest Elected Official (HEO) or Tribal Chair (TC), verify that the boundary for our governmental unit is correct.

Signature _____

Print name _____

Date _____

☐ The legal boundary for our governmental unit is incorrect and we are submitting changes.

Please correct any contact information printed below.

Our records indicate the HEO/TC contact is:

Name: The Honorable Raymond Hallitter
Position: Nation Representative
Department:
Phone: (315) 361-7633
Fax: (315) 825-6858
Mailing Address: 5218 Patrick Rd.
Verona NY 13421-2701
Email: info@oneida-nation.org

Our records indicate the BAS contact is:

Name: The Honorable Raymond Hallitter
Position: Nation Representative
Department:
Phone: (315) 361-7633
Fax: (315) 825-6858
Mailing Address: 5218 Patrick Rd.
Verona NY 13421-2701
Email: info@oneida-nation.org

Mail, fax or email this completed form to the U.S. Census Bureau within 5 calendar days.

US Census Bureau
National Processing Center
1201 East 10th Street
Jeffersonville, IN 47132
FAX: 1-800-415-3262

E-mail questions, comments or a scanned image of this form to geo.bas@census.gov

U.S. CENSUS BUREAU

89-06844

48901892555

BVP-L1
(8-2009)



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

**FROM THE DIRECTOR
U.S. CENSUS BUREAU**

The U.S. Census Bureau is conducting the final Boundary Validation Program (BVP) in order to provide an opportunity for you as the Highest Elected Official to review the Census Bureau's boundary data for governmental units. This is an important opportunity for you to ensure that we have your correct legal boundaries, name and governmental status. The Census Bureau uses the boundary information to tabulate data from the 2010 Decennial Census and the American Community Survey.

The BVP package includes a BVP form and a CD containing a complete set of maps for your governmental unit. Please review our depiction of your legal boundary, as well as any addresses along your boundary, for accuracy and return the completed BVP form within ten days of receipt if the information is correct. The maps should reflect the legal boundary for your governmental unit effective on January 1, 2010. The BVP form can be returned via fax (1-800-416-3262), in the enclosed postage paid envelope, or scanned and e-mailed to <geo.bas@census.gov>.

The BVP is administered in parallel with the 2010 Boundary and Annexation Survey (BAS). If the legal boundary for your governmental unit is incorrect, please work with your BAS contact (printed on the enclosed BVP form) to submit changes or corrections to the January 1, 2010 boundary. Your BAS contact should already have received a BAS package that includes a complete set of maps and submission instructions. The submission deadline for the BAS is March 1, 2010. If we receive changes from you before March 1, 2010, you will have an additional opportunity to review the updated maps and verify the boundaries for your government prior to the final data tabulation for the 2010 Decennial Census. If we receive changes from you after March 1, 2010, we will use your response to correct the boundary, but we will not have sufficient time to send you an updated map before we finalize the data tabulations.

If you need any assistance with this request, please e-mail <geo.bas@census.gov>, telephone (1-800-972-5551), or visit our website at <<http://www.census.gov/geo/www/bas/bas/home.html>>.

Sincerely,

Robert M. Groves
Director

Enclosures

U.S. CENSUS BUREAU
Helping You Make Informed Decisions

www.census.gov

BVP-14
(5-2009)

UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

**FROM THE DIRECTOR
U.S. CENSUS BUREAU**

The U.S. Census Bureau is conducting the final Boundary Validation Program (BVP) in order to provide an opportunity for you as the Highest Elected Official to review recent updates made to the Census Bureau's boundary data for governmental units. This is an important opportunity for you to ensure that we have your correct legal boundaries, name and governmental status. The Census Bureau uses the boundary information to tabulate data from the 2010 Decennial Census and the American Community Survey.

The BVP package includes a Final BVP form and a complete set of maps for your governmental unit. Please review our depiction of your legal boundary, as well as any addresses along your boundary for accuracy and return the completed BVP form within five days of receipt. The BVP form can be returned via fax (1-800-416-9292), in the enclosed postage paid envelope, or scanned and e-mailed to <geo.bas@census.gov>.

The BVP is administered in parallel with the 2010 Boundary and Annexation Survey (BAS). The maps should reflect the legal boundary for your governmental unit effective on January 1, 2010 and should include changes or corrections submitted during the 2010 BAS. If the legal boundary for your governmental unit is incorrect, please work with your BAS contact (printed on the enclosed BVP form) to submit corrections to the January 1, 2010 boundary. Please follow the BAS procedures when submitting any corrections. In order to be included in the tabulation of the 2010 Decennial Census, it is important that we receive corrections as soon as possible.

If you need any assistance with this request, please e-mail <geo.bas@census.gov>, telephone (1-800-972-5651), or visit our website at <<http://www.census.gov/gac/www/bas/bashome.html>>.

Sincerely,

Robert M. Groves
Director

Enclosures

U.S. CENSUS BUREAU
Helping You Make Informed Decisions

www.census.gov



UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001
OFFICE OF THE DIRECTOR

February 1, 2011

The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510

Dear Senator Schumer:

This letter follows up on our recent telephone conversation regarding the definition of the boundaries of the Onondaga Indian Reservation in New York State. I appreciate your efforts to assure that everyone involved has the same information. In accordance with our published Federal Register guidelines, this definition was established by the Bureau of Indian Affairs. (73 Fed. Reg. 67470)

The first and perhaps most important point to convey is that the boundaries of the Onondaga Reservation contained in the Census Bureau's geographical files are made available to the public for *statistical purposes only*. No legal inference should be drawn from these boundaries.

The second point of importance is that all the Census Bureau statistics for the places, cities, and jurisdictions involved will be delivered as they would have with the former boundaries of the Onondaga Reservation. The changed boundaries do not impact the census statistics for those places, cities, and jurisdictions.

Thank you for bringing this matter to my attention. Ms. Angela M. Manso, Chief of Congressional Affairs, will contact your staff to arrange further briefings on this matter if you so desire.

Sincerely,

Robert M. Groves
Director

February 1, 2011

**The Honorable Charles E. Schumer
United States Senate
Washington, DC 20510**

Dear Senator Schumer:

This is my second letter following our recent telephone conversation regarding the Oneida Indian Reservation boundaries.

You asked four questions of me. They are as follows:

**How many boundary disputes has the Census Bureau had over the past decade?
Subsequently, a member of your staff added to this question by asking What other changes
were made to boundaries of Indian reservations this year or recently?**

**The Census Bureau began tracking boundary disputes in 2007. Between 2007 and the present,
there have been 95 boundary disputes. Six of the 95 involved American Indian Reservations. To
date, none of the six disputes resulted in boundary changes.**

**The Census Bureau made 144 other changes to American Indian Reservation or off-reservation
trust land boundaries over the past four years.**

Is this dispute extraordinary in the magnitude of the land area involved?

**The Census Bureau does not track the land area involved in boundary disputes, but recent
experience indicates that this dispute (a change from 53 acres to 307,761 acres) is of notable
magnitude.**

What are the Census Bureau's procedures for handling boundary disputes?

**The Census Bureau works directly with tribal officials while conducting the Boundary and
Annexation Survey (BAS). This is in accordance with the government-to-government
relationship with federally recognized American Indian tribes. All issues that relate to treaty
interpretation or legal actions that are disputed by an adjacent or enclosed governmental unit as
part of the BAS are referred to the Department of the Interior's Office of the Solicitor and/or the
Bureau of Indian Affairs for an official opinion. Title 43, United States Code 1457 is the code
that provides the Department of Interior with the authority to make determinations regarding
American Indian boundaries.**

Is there an appeals process in the handling of disputes?

**It is our understanding that an appeal of the Department of Interior's decision would lie in the
courts.**

The Honorable Charles E. Schumer

2

Thank you for the opportunity to answer your questions. I would like to reiterate a key point made in my initial letter, which is that the boundary of the Oneida Indian Reservation is made available to the public *for statistical purposes only*. No legal inference should be drawn from our depiction of the boundary.

Sincerely,

**Robert M. Groves
Director**



Re: Fw: census press person

Steven J Jost o Stanley J Rolark

01/21/2011 02:16 PM

Cc: "Burton Reist", David Donovan, "Michael Cook", "Raul Cisneros",
Angela M Manso Natal, "Stuart Durst"

History: This message has been forwarded.

(b)(5)

Steven J. Jost
Associate Director for Communications
U.S. Census Bureau
(301) 763-2512
steven.j.jost@census.gov



Read the [2010 Census Blog](#), connect with us on [Facebook](#), [Twitter](#), and [YouTube](#) to get more tips, or visit our [2010](#)

[Census site.](#)

Stanley J Rolark

(b)(5)

01/21/2011 12:44:33 PM

From: Stanley J Rolark/PIO/HQ/BOC
To: "Steven Jost" <steven.j.jost@census.gov>, "Burton Reist" <burton.h.reist@census.gov>
Cc: "Raul Cisneros" <raul.e.cisneros@census.gov>, David Donovan/PIO/HQ/BOC, "Michael Cook" <michael.c.cook@census.gov>
Date: 01/21/2011 12:44 PM
Subject: Fw: census press person

(b)(5)

Stanley J. Rolark
Chief, Public Information Office
U.S. Census Bureau
Rm. 8H060
Washington, D.C. 20233
301-763-1544 (office)
202-870-1776 (cell)

— Forwarded by Stanley J Rolark/PIO/HQ/BOC on 01/21/2011 12:42 PM —

From: "Barkoff, Kendra" <Kendra_Barkoff@ics.doi.gov>
To: "Kramer, Shire" <SKramer@doc.gov>, "Cisneros, Raul E" <Raul.E.Cisneros@census.gov>, "Rolark, Stanley J" <Stanley.J.Rolark@census.gov>

Cc: "Shah, Parita" <PShah@doc.gov>, "Gilson, Shannon" <SGilson@doc.gov>, "Caldwell, Joanne" <JCaldwell@doc.gov>

Date: 01/21/2011 11:34 AM

Subject: RE: census press person

:

(b)(5)



From: Kramer, Shira [mailto:SKramer@doc.gov]
Sent: Friday, January 21, 2011 11:32 AM
To: Barkoff, Kendra; Cisneros, Raul E; Rolark, Stanley J
Cc: Shah, Parita; Gilson, Shannon; Caldwell, Joanne
Subject: RE: census press person

(b)(5)



Shira Kramer
Deputy Press Secretary
Office of Public Affairs
U.S. Department of Commerce
skramer@doc.gov

From: Shah, Parita
Sent: Friday, January 21, 2011 11:23 AM
To: 'Kendra_Barkoff@ios.doi.gov'; Gilson, Shannon
Cc: Kramer, Shira
Subject: Re: census press person

(b)(5)



From: Barkoff, Kendra <Kendra_Barkoff@ios.doi.gov>
To: Shah, Parita; Gilson, Shannon
Sent: Fri Jan 21 11:16:34 2011
Subject: census press person

Can all pass along the contact information for the press person who works at the census?

Kendra Barkoff
Deputy Communications Director/
Press Secretary
US Department of the Interior
w: 202.208.5338
c: 202.713.0827

Re: Fw: Oneida acreage [D]

Colleen D Joyce to: Timothy F Trainor

01/25/2011 05:38 PM

cc: Barbara Saville, Deirdre Dalpiaz Bishop, Janemary G Rosenson,
Michael R Ratcliffe, Vincent Osier, Ricardo J Ruiz

Tim,

Barbara and I looked spent the better part of the day trying to nail this down. Some of this goes beyond answering the question at hand, but I think it's useful background information on the issue. Here are our initial findings:

1. We got our initial boundary for Oneida in 1987. Barbara dug up a scan of the original paper map we had, with BIA's stamp of certification, showing the boundary. There is a note on the map that says the Oneida reservation is 31.961 acres. There is also written certification, dated September 14, 1987 and signed by the Chief, Division of Real Estates Services for the DOI, BIA, that states: "I hereby certify, for purposes of the Bureau of the Census only, that the accompanying maps (two) correctly depict the exterior boundaries of the Oneida Indian Reservation in the State of New York." (Note it refers to reservation and there is no specific reference to trust lands.)
2. We learned from Ms. Wiseman today that the tribe put 18 acres in trust in 2008. This was never reported to us and we never had this land in our database. So the discrepancy is between the 53 acres we now have and the 32 acres BIA has for reservation land.
3. We compared T/L files for the Oneida reservation from 1995, 2000 and 2009. The boundary does not appear to have been changed during that time, so we are assuming after it was digitized from the original BIA map in 1987, we never made any changes.
4. The only requests we ever received prior to last summer to change the boundary were from the Oneida tribe in 1994 and 1999, when they asked us to increase the area to depict something akin to what we finally did in 2010. The tribe did not provide adequate documentation, nor did we receive any clear direction from DOI at those times to make the change, so we did not.
5. An additional twist we uncovered was that the published land area for the reservation in 1990 and 200 was 178,000 square meters or 44 acres.

(b)(5)



(b)(5)

Colleen

Colleen D. Joyce
Supervisory Geographer
Geographic Areas Branch
Geography Division
U.S. Census Bureau
Washington, D.C. 20233
(301) 763-5890 (p)
(301) 763-4710 (f)

Timothy F Trainor Does anyone know the answer to Maria Wisema... 01/24/2011 03:53:10 PM

From: Timothy F Trainor/GEO/HQ/BOC
To: Deirdre Dalpiaz Bishop/GEO/HQ/BOC@BOC, Janemary G Rosenson/GEO/HQ/BOC@BOC, Colleen D Joyce/GEO/HQ/BOC@BOC, Barbara Saville/GEO/HQ/BOC@BOC, Vincent Osier/GEO/HQ/BOC@BOC, Michael R Ratcliffe/GEO/HQ/BOC@BOC
Date: 01/24/2011 03:53 PM
Subject: Fw: Oneida acreage

Does anyone know the answer to Maria Wiseman's question? We will have to be sure that our calculations and the boundary locations are defensible.

Tim Trainor
Chief, Geography Division
U.S. Census Bureau
4600 Silver Hill Road - Mail Stop 7400
Washington, D.C. 20233-7400
Phone: 301-763-2131
Fax: 301-763-4710

----- Forwarded by Timothy F Trainor/GEO/HQ/BOC on 01/24/2011 03:48 PM -----

From: "Wiseman, Maria" <MARIA.WISEMAN@sol.doi.gov>
To: "Timothy.F.Trainor@census.gov" <Timothy.F.Trainor@census.gov>
Date: 01/24/2011 01:11 PM
Subject: Oneida acreage

Mr. Trainor,

We are trying to confirm that your agency has identified 53 acres as land being held by the Oneidas. We show 50 acres: 32 acres as traditionally identified reservation and 18 acres acquired in trust in 2008 at Verona. What/where are the last 3 acres?

Maria K. Wiseman
Assistant Solicitor
Branch of Trust Responsibility



Oneida Update

Colleen D Joyce to: Deirdre Dalpiaz Bishop, Barbara Saville,
Janemary G Rosenson, Laura L Waggoner

07/15/2010 07:06 PM

All,

As Deirdre asked, I did call Meghan Murphy Beakman, from the Oneida's legal department this afternoon, to inquire as to whether they had a more complete map of the reservation boundaries. (The BVP response letter came from her.) I left a message on her voice mail, and she hasn't called me back as of yet.

(b)(6)

Colleen

Colleen D. Joyce
Supervisory Geographer
Geographic Areas Branch
Geography Division
U.S. Census Bureau
Washington, D.C. 20233
(301) 763-5890 (p)
(301) 763-4710 (f)



Oneida Reservation Boundaries - Interview Request

Deirdre Dalpiaz Bishop to: David Donovan

01/19/2011 02:49 PM

Briana D Kaya, Robert B Bernstein, Stanley J Rolark, Thomas W
Cc: Edwards, Janemary G Rosenson, Colleen D Joyce, Leslie S Godwin,
Timothy F Trainor

History: This message has been forwarded.

Donovan,

On behalf of Geography Division and in response to your question about the boundaries of the Oneida Reservation, I am forwarding the following information.

- The Oneida Reservation responded to the Boundary Validation Program (in which the Census Bureau provided the 2010 Census boundary as illustrated in the TIGER database to all governmental and tribal entities) that the boundaries of their federal reservation were incorrect. Their letter, dated June 15, 2010, depicted 300,000 acres of reservation, while the Census Bureau's TIGER database depicted only 40 acres.
- As per Federal Register Notice Vol. 73, No. 221 (Nov. 14, 2008) which reads "In support of the government-to-government relationship with federally recognized American Indian tribes, the Census Bureau works directly with tribal officials. All issues that relate to treaty interpretation or legal actions that are disputed by an adjacent or enclosed governmental unit as part of the BAS are referred to the DOI Office of the Solicitor and/or the Bureau of Indian Affairs for an official opinion". As per this FRN, the Census Bureau then contacted the Department of the Interior.
- On October 4, 2010, the Department of the Interior's Office of the Solicitor, as the authoritative source, confirmed in writing that the Oneida Reservation boundary was correct.
- After discussions with Census and Commerce attorneys, it was decided that the Census Bureau had followed its documented process for legal American Indian area boundaries and therefore would make the boundary change immediately so that it would be reflected in the 2010 decennial census.
- The public may access the boundaries of states, counties, municipalities and American Indian Reservations (and many more geographic areas) on the Census Bureau's web site for the 2010 Census TIGER/Line Shapefiles at: <http://www.census.gov/geo/www/tiger/tgrshp2010/tgrshp2010.html>

I would like PIO's expertise in determining how much or how little information to provide.

Thanks,
Deirdre

Deirdre Dalpiaz Bishop
Geographic Advisor
Geography Division
U.S. Census Bureau
301-763-1696 (phone)
301-763-4710 (fax)

Non Responsive

Fw: IN MAJOR VICTORY FOR MADISON, ONEIDA, AND LEWIS COUNTIES - SCHUMER CONVINCES INTERIOR DEPARTMENT AND CENSUS BUREAU TO RETRACT UNFOUNDED AND RADICALLY EXPANDED ONEIDA RESERVATION MAP THAT HAD BEEN HANDED DOWN IN THE DEAD OF NIGHT

Angela M Manso

to:

Steven Jost, Steven Jost, Stuart P Durst Jr, Stuart P Durst Jr, burton.h.reist, raul.e.cisneros, Stanley J Rolark, Thomas W Edwards, Timothy F Trainor

02/03/2011 01:43 PM

Show Details

Just received from Schumer's office.

— Forwarded by Angela M Manso/CAO/HQ/BOC on 02/03/2011 01:42 PM —

From: "Kelly, Rebecca (Judiciary-Dem)" <Rebecca_Kelly@Judiciary-dem.senate.gov>

To: "angela.m.manso@census.gov" <angela.m.manso@census.gov>

Date: 02/03/2011 01:35 PM

Subject: Fw: IN MAJOR VICTORY FOR MADISON, ONEIDA, AND LEWIS COUNTIES - SCHUMER CONVINCES INTERIOR DEPARTMENT AND CENSUS BUREAU TO RETRACT UNFOUNDED AND RADICALLY EXPANDED ONEIDA RESERVATION MAP THAT HAD BEEN HANDED DOWN IN THE DEAD OF NIGHT

Hi Angela - just wanted to give you a heads up about the release my office put out today (based on conversations my boss had with DOI this morning).

From: House, Matt (Schumer) [mailto:Matt_House@schumer.senate.gov]

Sent: Thursday, February 03, 2011 12:43 PM

To: Kelly, Rebecca (Judiciary-Dem)

Subject: FW: IN MAJOR VICTORY FOR MADISON, ONEIDA, AND LEWIS COUNTIES - SCHUMER CONVINCES INTERIOR DEPARTMENT AND CENSUS BUREAU TO RETRACT UNFOUNDED AND RADICALLY EXPANDED ONEIDA RESERVATION MAP THAT HAD BEEN HANDED DOWN IN THE DEAD OF NIGHT

Matt House

Press Secretary

U.S. Senator Charles E. Schumer

From: House, Matt (Schumer)

Sent: Thursday, February 03, 2011 12:05 PM

To: House, Matt (Schumer)

Subject: IN MAJOR VICTORY FOR MADISON, ONEIDA, AND LEWIS COUNTIES - SCHUMER CONVINCES INTERIOR DEPARTMENT AND CENSUS BUREAU TO RETRACT UNFOUNDED AND RADICALLY EXPANDED ONEIDA RESERVATION MAP THAT HAD BEEN HANDED DOWN IN THE DEAD OF NIGHT

(b)(2)

Please see the release below and let me know if you have any questions.

Thanks,
Matt

FOR IMMEDIATE RELEASE
February 3, 2011

CONTACT: Matt House
(202) 224-7433

**IN MAJOR VICTORY FOR MADISON, ONEIDA, AND
LEWIS COUNTIES – SCHUMER CONVINCES INTERIOR
DEPARTMENT AND CENSUS BUREAU TO RETRACT
UNFOUNDED AND RADICALLY EXPANDED ONEIDA
RESERVATION MAP THAT HAD BEEN HANDED DOWN IN
THE DEAD OF NIGHT**

*Census Bureau Issued Map –Redrawing And Greatly Expanding Oneida Reservation
Borders In Madison, Oneida, and Lewis Counties—In The Dead Of Night Without Notifying
Officials*

*In Response To Schumer Meetings and Personal Calls, The Interior Department Has
Reversed Its Opinion, And The Census Bureau Will Issue New Map Reflecting The Original
Boundaries*

*Schumer: The Corrected Map Will Again Reflect Reality And Provide Much-Needed Clarity
And Stability For Madison, Oneida, and Lewis Counties*

Today, U.S. Senator Charles E. Schumer announced that he successfully pushed the Department of the Interior and the Census Bureau to retract a recently issued map that redrew Oneida reservation borders to include over 300,000 acres of new land. Without notifying local, state, or federal officials, the Census Bureau had issued a map that dramatically expanded the boundaries of the reservation, causing serious confusion and concern among county and state officials. After Schumer personally called Census Bureau director Robert Groves and met with Interior Secretary Ken Salazar, the Department of Interior has agreed to retract their decision that led to the improper map, and the Census Bureau will issue a new map reflecting the original boundaries that encompass 32 acres of land.

"This is absolutely the right decision for the people of Madison, Oneida, and Lewis counties," said Schumer. "This shocking and misguided map was not based in reality and was handed down in the dead of night without notifying local, state, or federal officials, causing serious confusion in all three counties. I fought to restore the original map and am pleased that Secretary Salazar and Director Groves will issue the proper map reflecting the boundaries that have outlined the Oneida reservation for centuries."

Maps put out each year by the Census Bureau describe the jurisdictional boundaries of local

municipalities as well as Native American areas, including reservation land. Up through 2010, the maps of New York depicted a 32 acre reservation for the Oneida Indian Nation in New York. For 2011, completely out of the blue, the map depicts a reservation of over 307,000 acres which covers the entire northern half of Madison County, as well as parts of Oneida and Lewis Counties.

"The 32 acres that is governmentally controlled by the Oneida nation should certainly be clearly marked on the map, but to radically expand that boundary to areas where they have no control was flat-out absurd and not based in a correct reading of law or the reality on the ground. Reversing this decision was common sense and I am pleased that Secretary Ken Salazar at Department of the Interior and the Census Bureau heard our arguments and responded correctly," said Schumer.

In 2008, the Census Bureau put out information about the meaning of the boundaries and how they could be changed. In a Federal Register notice, 73 FR 67470, it explained that Native American reservations, "(R)epresent geographic areas governed and administered by an American Indian tribe or tribes and held as territory over which the tribe or tribes have governmental authority." According to the notice, "acceptance of boundary changes requires clear legal documentation supporting any and all changes, as well as the absence of any unresolved litigation involving these boundaries." As recently as this year, the Supreme Court agreed to consider the question of the status of the reservation.

Due to the fact that the size and status of the Oneida reservation has been the subject of litigation and debate for years, and because the changed census map causes further confusion and complication in that debate, Schumer demanded that this decision be reversed. The lack of consultation with proper officials, supporting evidence for the new boundaries, and transparency in the decision making process also led Schumer to personally press the case with Interior Department and Census Bureau officials. Today's announcement that the Department of the Interior and the Census Bureau will reissue the original and correct map containing 32 acres of Oneida land comes after Schumer pushed the agencies to rectify their decision.

The full text of the Interior Department's letter to the Census Bureau is below:

Mr. Tomothy F. Trainor
Chief, Geography Division
U.S. Census Bureau
United States Department of Commerce
Washington, D.C. 20233-0001

February 3, 2011

Dear Mr. Trainor,

I am writing to provide clarification regarding my letter to you dated October 4, 2010, and the litigation associated with the reservation boundaries of the Oneida Nation of New York. As you know, the Census Bureau's guidance regarding the changes in boundaries for Indian lands notes that "[a]cceptance of boundary changes requires...the absence of any *unresolved litigation* involving these boundaries." 73 Fed. Reg. 67,470,67,474 (November 14, 2008)(emphasis added).

I wanted to inform you of unresolved litigation in which the issue of the Oneida Indian Nation of New York's reservation boundaries has been raised and that certain parties will continue to attempt to raise this issue.

First, there are currently five lawsuits in Federal district court challenging the Interior Department's May 2008 decision to accept approximately 13,000 acres of land in trust for the Oneida Nation. In these cases, the plaintiffs argued that the Oneida's reservation had been disestablished. Although this claim was rejected by the district court, it is likely that the plaintiffs will seek further court review on the

reservation disestablishment issue.

A second on-going case also potentially implicated the reservation boundary issue. In that case, Madison and other counties sought to foreclose on the Oneida's fee property for failure to pay taxes. *Oneida Indian Nation of New York v. Madison County*, 605 F.3d 149 (2d Cir. 2010). Relevant to this discussion, the counties petitioned for certiorari, which was granted on two issues (1) whether tribal sovereign immunity barred the foreclosure actions and (2) whether the historic reservation boundaries remain valid, or whether the Oneida reservation has been disestablished. *Madison County v. Oneida Nation of New York* (S. Ct. No. 10-72). Thus, as recently as last month, the Supreme Court was poised to hear the reservation boundary dispute. On January 10, 2011, the Supreme Court returned the case to the Second Circuit after the Nation waived its immunity. It is clear, however, that the reservation disestablishment issue will continue to be raised by the counties in this case.

Therefore, there is unresolved litigation in which certain parties will continue to try to challenge the Oneida Nation's historic reservation boundaries. As this unresolved litigation was in process at the time of your August 2010 inquiry, we believe the Census Bureau should depict the Nation's reservation as you did in the 2000 census until this litigation is resolved, consistent with your guidelines.

Please note that we stand by the position stated in our letter of October 2010, that the Oneida Reservation has not been disestablished and is intact. This position is legally binding, but may differ from the statistical depiction of the Oneida reservation in the 2010 Census. We agree with the Census Bureau that no legal inference can or should be made from the boundaries referenced in the 2010 Census map files.

Sincerely,
Scott Keep
Assistant Solicitor
Branch of Tribal Government and Alaska
Division of Indian Affairs

cc: Mr. Robert M. Groves
Director, U.S. Census Bureau

###