

**Title 6. Property and Land – Chapter 609**  
**Tsi? yuhwatsya'té tewatenhotúkwa? Ukwehuwé'ne**  
*That of the earth one opens it up Oneida Nation*

**PUBLIC USE OF TRIBAL LAND**

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**609.1. Purpose and Policy**

609.1-1. *Purpose.* The purpose of this law is to prevent improper access, use, and trespass to Tribal lands.

609.1-2. *Policy.* It is the policy of the Nation to limit access to Tribal lands to protect and preserve the environment and natural resources including forests, wildlife, air, and waters, through appropriate uses of the land.

**609.2. Adoption, Amendment, Repeal**

609.2-1. This law was adopted by the Oneida Business Committee by resolution BC-05-15-14-C and amended by resolutions BC-12-10-14-A, BC-01-13-16-C, BC-07-26-17-D and BC-01-28-26-D.

609.2-2. This law may be amended or repealed by the Oneida Business Committee and/or the General Tribal Council pursuant to the procedures set out in the Legislative Procedures Act.

609.2-3. Should a provision of this law or the application thereof to any person or circumstances be held as invalid, such invalidity does not affect other provisions of this law which are considered to have legal force without the invalid portions.

609.2-4. In the event of a conflict between a provision of this law and a provision of another law, the provisions of this law controls.

609.2-5. This law is adopted under authority of the Constitution of the Oneida Nation.

609.2-6. This law may not be construed to preclude the Nation from pursuing relief for criminal trespass under applicable law.

**609.3. Definitions**

609.3-1. This section governs the definitions of words and phrases used within this law. All words not defined herein are to be used in their ordinary and everyday sense.

(a) “Designation” means the term used to describe the type of access granted to certain Tribal lands.

(b) “Fine” means a monetary punishment issued to a person violating this law and/or the rules created pursuant to this law.

(c) “Land Management” means the entity within the Nation responsible for entering into and administering agricultural and commercial leases on behalf of the Nation, processing trust transactions and land acquisition transactions, and for fulfilling other responsibilities as identified within this law.

(d) “Lease” means any lease or agreement, including business site leases, entered into by the Nation and any person to allow the use of Tribal lands.

(e) “Nation” means the Oneida Nation.

- (f) “Person” means any individual, group of individuals, corporation, partnership, limited liability company, or any other form of organization.
- (g) “Penalty” means a punishment, other than a fine, imposed on a person violating this law and/or the rules created pursuant to this law.
- (h) “Reservation” means all the lands and waters within the exterior boundaries of the Reservation of the Oneida Nation, as created pursuant to the 1809 Treaty with the Oneida 7 Stat. 566, and any lands added thereto pursuant to federal law.
- (i) “Rule” means a set of requirements, including a Land Access Map, and citation fees and penalty schedules, enacted in accordance with the Administrative Rulemaking law based on authority delegated in this law in order to implement, interpret and/or enforce this law.
- (j) “Trial Court” means the Trial Court of the Oneida Nation Judiciary, as identified in Article V of the Constitution and Bylaws of the Oneida Nation which is the judicial system that was established by Oneida General Tribal Council resolution GTC-01-07-13-B, and then later authorized to administer the judicial authorities and responsibilities of the Nation by Oneida General Tribal Council resolution GTC-03-19-17-A.
- (k) “Tribal land” means all of the Nation’s trust lands, and any land or interest in land held by the Nation in fee or in any other form on the Reservation.
- (l) “Tribal member” means an enrolled member of the Nation.

**609.4. Responsibilities of Land Management**

609.4-1. Land Management shall be delegated the duty and power to carry out the intent and purposes of this law.

609.4-2. *Administrative Rulemaking.* Land Management shall be delegated rulemaking authority in accordance with the Administrative Rulemaking law to develop rules which address:

- (a) The development, approval, and maintenance of the Land Access Map;
- (b) The allocation and assignment of land uses for all Tribal land;
- (c) A fine and penalty schedule for violations of this law and its corresponding rules; and
- (d) Any other rule needed to implement or interpret the provisions of this law.

609.4-3. *Consultation.* Land Management shall consult with the Land Assessment Team on the development of all administrative rules.

(a) *Land Assessment Team.* The Land Assessment Team shall be comprised of the following professionals employed by the Nation:

- (1) Land Management Senior Management;
- (2) Planning and Development Area Manager;
- (3) Environmental Specialist;
- (4) Tribal Historical Preservation Officer;
- (5) GLIS Specialist;
- (6) Zoning Administrator;
- (7) Other subject matter experts based on the characteristics of the parcel to include:

(A) If there is a house, then Comprehensive Housing Division Maintenance and Rehabilitation Area Manager.

**609.5. Land Access Map for Tribal Lands**

609.5-1. *Designation of Tribal Lands.* A Land Access Map shall be created which designates Tribal land as one (1) of the following:

- (a) *Limited Access.*

(1) Land Management may choose to designate a portion of land as Limited Access in order to manage, preserve, and protect that land for environmental, cultural, or other significance.

(2) Lands designated as Limited Access shall be open to all persons who are granted land access permission by the Nation for specified purposes.

(b) *Oneida Community Access.*

(1) Land Management may choose to designate land as Oneida Community Access in order to manage, preserve, and protect access to locations that have cultural or environmental significance.

(2) Lands designated as “Oneida Community Access” shall be open to:

(A) Tribal members;

(B) spouses and descendants of Tribal members;

(C) members of other federally recognized Indian tribes, bands or communities;

(D) members of Haudenosaunee First Nations governments or bands;

(E) authorized employees of the Nation; and

(F) persons who are accompanied at all times by a Tribal member, the spouse or descendant of a Tribal member, or an authorized employee of the Nation.

(c) *Oneida Tribal Member Access.*

(1) Land Management may designate land as Oneida Tribal Member Access to protect the land for Tribal member use due to the historical, spiritual, cultural, and/or environmental significance of the land.

(2) Lands designated as Oneida Tribal Member Access are open to Tribal members only.

(d) *Open.*

(1) Land Management may designate land as Open Access where such designation is deemed beneficial to the Nation and where such designation does not pose significant risk of damage to the Nation’s policies and/or the land’s cultural or environmental preservation.

(2) Lands designated as Open Access are generally open to all persons for the land’s designated use and enjoyment.

609.5-2. *General Land Designation.* Unless otherwise designated, Tribal land is designated as limited access.

609.5-3. Notwithstanding the restrictions of section 609.5-1, nothing in this law may be construed as preventing the following persons from entering Tribal land, regardless of the land designation:

(a) Employees of the Nation who are performing their job duties;

(b) Those persons who are performing grant or contractual obligations related to the Tribal land and on behalf of the Nation;

(c) Emergency personnel who are providing, or attempting to provide, services; and

(d) Those persons who have been granted access to the land by Land Management.

609.5-4. *Accessibility of Land Access Map.* Land Management shall ensure that the Land Access Map is made digitally available on the Nation’s website.

**609.6. Assignment and Use of Tribal Land**

609.6-1. *Assignment of Land Uses.* Land Management shall be responsible for allocating and assigning land uses to all Tribal land. The purpose of assigning land uses is to set consistent

practices and expectations for Land Management’s reviewing and assigning of land uses to Tribal land in a way that incorporates all approved land policies to care for the land while working towards building an autonomous community.

609.6-2. *Permissible and Prohibited Uses for Tribal Land.* As it deems appropriate, Land Management may prescribe permissible and/or prohibited uses for Tribal land;

- (a) Such permissible and/or prohibited uses may not contradict with the Zoning and Shoreland Protection Ordinance.
- (b) Upon establishment of permissible and/or prohibited uses, Land Management shall post notice of such uses on the affected Tribal Land.
  - (1) Any postings of land shall be done in accordance with the requirements of the Real Property law.

**609.7. Enforcement**

609.7-1. An Oneida Police Department officer or warden may require a person to provide proof of eligibility to use any designated Tribal lands.

609.7-2. *Issuance of a Citation.* An individual who violates a provision of this law may be subject to the issuance of a citation by an Oneida Police Department officer or warden.

- (a) A citation for a violation of this law or any orders issued pursuant to this law may include fines and other penalties, as well as conditional orders made by the Trial Court.
- (b) A citation for a violation of this law shall be processed in accordance with the procedure contained in the Nation’s laws and policies governing citations.

*End.*

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Adopted – BC-05-15-14-C  
Emergency Amended – BC-07-23-14-C  
Amended – BC-12-10-14-A  
Emergency Amended – BC 07-08-15-C  
Amended – BC-01-13-16-C  
Amended – BC-07-26-17-D  
Amended – BC-01-28-26-D