

REN-19-021: Affirming Tribal Rights to Regulate Economic Development along Highway Rights of Way within Tribal Lands

Sponsor: Lance Gumbs of the Shinnecock Nation

Summary:

- The resolution condemns state regulatory efforts to limit tribal rights to lawfully undertake economic development on tribal lands.
- The resolution also calls on the Bureau of Indian Affairs (BIA), as trustee to tribal nations, to support tribal nations in preventing unlawful intrusion on tribal economies.

Issue:

The resolution responds to ongoing issues between the State of New York and the Shinnecock Nation (Tribe) involving the erection of an electronic billboard on lands the Tribe claims are its own Indian land - under common law. The BIA sent a letter to the Tribe, with respect to its land holdings, that characterize its land as fee simple. The Tribe disagrees, based on local common law, and believes its lands to be “Indian lands”, consistent with other New York tribal land holdings and based on local precedent. The determination of whether the Tribe’s lands is held in fee simple, or deemed Indian lands, is critical to discerning what authority the Tribe retains over the lands, and specifically over economic development activities occurring on the land.

Action:

NCAI staff discussed strategy with the Tribe and determined that they needed assistance working with the local Office of the Solicitor, Department of the Interior. The Tribe received a letter from the local BIA regional office that included legal findings that the Tribe does not agree with concerning its land holdings. The Tribe would like for the BIA region to withdraw its request but needs NCAI’s assistance through the resolution and through a draft letter. The Tribe will use the draft letter requesting a withdrawal of the BIA region’s letter to help persuade the Office of the Solicitor to take another look at their legal analysis of the Tribe’s land holdings.

For additional information, please contact Derrick Beetso at dbeetso@ncai.org or Jacob Schellinger at jschellinger@ncai.org.

Resolution Action Plan: REN-19-021

Title: Affirming Tribal Rights to Regulation Economic Development along Highway Rights of Way within Tribal Lands

Sponsor: Lance Gumbs of the Shinnecock Nation

Action Plan:

- 30 Days:
 - Strategize with sponsor on how best to act on the resolution.
- 60 Days:
 - Implement strategy, which includes drafting a letter to the Department of the Interior on this issue and sharing the resolution as an attachment.
- 90 Days:
 - The Shinnecock Nation requested that we stand by until they have had a chance to work with the local Office of the Solicitor, Department of the Interior, on this matter.
- 120 Days:
 - Reach back out to the sponsor and check in to confirm that NCAI should continue to stand by.