



LAND MANAGEMENT CODE

NENANA TRIBAL GOVERNMENT

Nenana, Alaska

Adopted November 22, 2011

Signed Certificate in Council Files

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CHAPTER 1

GENERAL PROVISIONS

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Section 1. Purpose and Intentions

The land in and surrounding Nenana is at the heart of the culture of the Nenana people, provider of subsistence resources, and place for our homes. The ordinances in this Code are intended to provide guidelines for wise use of this resource, to give the tribal membership knowledge about land policies, decisions, and actions, and to allow participation by tribal members in tribal land decisions. Overall, the land is to be protected for multiple uses by future generations while establishing an organized system for current land uses through a balance between protecting land for subsistence and developing land for economic development projects. All administrative decisions that the Nenana Tribal Council is involved in, involving Nenana land, shall be determined by what is in the best interest of the Tribe.

Section 2. Definitions

For the purpose of this Code, the following words shall have these meanings:

"Tribal Members" means people 18 or older who are enrolled or in the Nenana Tribe, or those under 18 who are eligible for enrollment or formally enrolled.

"Best interest of the Village" means that the Tribal Council shall determine what is in the best interest of the Village by an affirmative vote of at least 7 members of the Council, and under any specific guidelines that may be provided by Tribal Constitution or Code.

"Tribe" means the Nenana Tribe, known as Nenana Native Association in the list of federally recognized tribes.

Section 3. Tribal Council Powers in Land Management and Tribal Rights

The Nenana Tribe has the rights and powers in the acquisition, ownership, sale, or any disposition of interest of real property in any manner not prohibited by applicable law and found to be in the best interest of the Nenana Tribe. The Nenana Tribal Council has the authority to act on behalf of the Tribe in land management except that no lands listed in Article 10 of the Tribal Constitution of the Nenana Native Village may be sold, encumbered or disposed of without an affirmative vote of at least 51% of the resident tribal voters. However, this restriction shall not prohibit the Tribal Council from establishing and administering a tribal land assignment program for business or residential purposes.

Section 4. Invalid Transactions

A transaction that attempts the sale, lease, acquisition or assignment of tribally owned land shall be void under any of the following conditions, but not limited to the following conditions:

- A. The transaction does not follow the procedures contained in the Nenana Tribal Code or Constitution, or

- B. A tribal official or relative of a tribal official personally receives anything of value in exchange for the transaction beyond what any other tribal member might receive, or

- C. The transaction violates any applicable federal, state, or tribal law, regulation, or contract provision governing an applicable state, federal, or tribal grant or contract.

CHAPTER 2

ACQUISITION OF LAND

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Section 1. Purpose

The Tribe's major purposes in acquiring new lands shall be to provide land resources for subsistence, residential use, tribal business uses, cultural purposes, and to provide land protection for future generations.

Section 2. Procedures for Acquiring Land

- A. In acquiring land, the Council may seek advice from the Elders, community residents, and appropriate outside sources. All acquisitions of land shall be approved by an affirmative vote of at least 7 Tribal Council members.

- B. Unless otherwise directed by the Tribal Council, the Chief is authorized to negotiate the terms of acquisitions. The terms of acquisition are subject to final approval by the Council, by affirmative vote of at least 7 Tribal Council members.

- C. For all acquisitions of land the Tribal Council shall determine that acquiring the land is in the best interest of the Village.

- D. Any paperwork that is necessary for the acquisition of land shall be signed by the Chief and attested by the Secretary/Treasurer and notarized.

CHAPTER 3

LAND USE PLANNING

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Section 1. Purpose

Sound management of land is essential to the social, cultural, and economic well being of the Village of Nenana. All activities on land within and around Nenana shall be consistent with any land use plan the tribal members and Tribal Council has participated in and endorsed.

Section 2. Procedure for Land Use Planning

The Nenana Tribal Council may participate in cooperative land use planning with the City of Nenana, with the village corporation, and with any other landowners in the land area used by tribal members. If the Council is the primary land use planner, planning will be done by the following procedure:

1. **Planning team:** The Tribal Council shall appoint a planning team to develop, or cooperatively develop, a land use plan. The planning team shall be an advisory team to the Tribal Council. The Council shall have final approval authority on behalf of the Tribe, of any land use plans for the village site or surrounding area. The Council may appoint Corporation members to the team along with members of the Tribal Council and/or Village members at large.

2. **Scoping meetings and public comment:** The planning team shall begin development of a land use plan by holding one or more scoping meetings

with the Village residents. Based on the scoping meetings, the planning team shall write general goals, determined by Village input, for the plan. When a draft land use plan is completed, the planning team shall hold a public meeting in the Village to gather public comment. The team shall wait at least 14 days after that meeting for further public comment. The team shall consider public comment and incorporate it into the plan if the team believes the comments to be appropriate. All comments shall be kept by tape recording or writing.

3. **Land use classifications:** Classifications for land use may include but are not limited to the following: residential, commercial, recreation, customary and traditional use, religious and burial use, right-of-ways and resource development.
4. **Present to Nenana Tribal Council:** After the public comment period ends and the planning team has taken the public's comments into consideration, the planning team shall present the plan to the Tribal Council for consideration.
5. **Approving the plan:** The Tribal Council may seek advice on the proposed plan from the Elders. The Elders may decide how the advice is given. The Tribal Council shall approve the plan in full or in part by an affirmative vote of at least 7 Tribal Council members. If the plan is approved only in part, the controversial part of the plan shall be returned to the planning team for reconsideration. The planning team shall resubmit that portion of the plan to the Tribal Council within 30 days after the Council vote.
6. **Amending the plan:** Proposed amendments to the land use plan may be brought to the attention of the Tribal Council by any Tribal member. The proposals shall be discussed at a regular session of an open Council meeting after public notice with the proposed amendment has been posted

in the Village for at least two weeks. The proposed amendment shall be discussed by the Tribal Council and any tribal member shall have an opportunity to address the Council on the proposed amendment at that time. The Tribal Council shall approve amendment by an affirmative vote of at least 7 Tribal Council members.

CERTIFICATE OF ADOPTION

The Nenana Land Management Code was submitted to a vote of the Nenana Tribal Council at an open meeting on _____ for which proper notice was provided, and was duly adopted by the Nenana Tribal Council by a vote of ____ in favor, and ____ opposed.

_____ Chief

_____ Second Chief

_____ Secretary/Treasurer

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member

_____ Council Member