

## Land owned by the Indian Nation

Which type(s) of installations owned by the Indian Nation is required to have plan review, and or inspection by Safety and Buildings?

In order to answer this question, there is only one thing we need to know. Is the installation on “Trust” or “Non-Trust” land. In all cases, land owned by the Indian Nation falls into one of these two categories. There are no exceptions.

What is trust or non-trust land? Individuals who are members of the Indian Nation can place property into Trust. In order to do this, they go through a process with the United States Bureau of Indian Affairs (Federal Agency). Once this process is completed, the land is held in “Trust”. This land, is in sense their own nation. They have full rights of sovereignty on it.

Trust Land - If an installation is being placed on trust land, we as a division have no authority to enforce any rules at all.

The division **may** be asked to perform a plan review or inspection for a project on trust land, but if any violations are found, we as a division, cannot enforce them.

Non-Trust Land – All of Safety and Buildings rules apply to all installations located on non-trust land. If required by code, these installations must have plans submitted, approved and inspected as well.

The next question is what can the Indian Nation do on trust or non-trust land? On trust land the Indian Nation can do anything they want to subject to the rules of Indian Affairs. They can also do anything, which is legal in the state in which the trust land is located. As an example, let’s say the Indian Nation wants to build a casino on trust land located in Wisconsin. If they wish to have forms of gambling which the state has not legalized, (i.e. slot machines) they must enter into a “Compact” with the Gaming Commission within DOA. This is a negotiated compact, which may include many restrictions. These restrictions are occupancy requirements, not land restrictions. It is possible as part of these negotiations, that the Indian Nation may or may not have to comply with plan submittal and/or inspection requirements with this division or other designated groups. All of these stipulations are totally up to the negotiations and agreement with DOA.