



**DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
NAVAJO REGION**

Residential Lease Process on Navajo Allotments

Residential Lease process on Navajo Allotments 25 CFR Part 162

Key Steps

- ◆ Identify Allotment

Consult with appropriate BIA agency office to determine the Allotment Number and Landowners.

- ◆ Fill out Application for Residential Lease
 - Provide a copy of Certification of Indian Blood (CIB)
- ◆ Residential Lease Application Package includes:
 - Landowner consent forms (2 sets)
 - Uncertified Title Status Report
 - Name and Address listing
 - Listing of Registered Land Surveyors and Archaeologists
- ◆ Applicant submits Residential Lease Application for Review and Approval Process.

Regional Director to approve Residential leases within Fort Defiance, Shiprock and Western Navajo Agencies.

Superintendent, Eastern Navajo Agency to approve Residential Leases within Eastern Navajo Agency.

- ◆ BIA will distribute and record.

Applicant's Responsibility:

- Contact landowners and obtain consents
 - ◇ 1 witness for each signature
 - ◇ 2 witnesses for each thumbprint
- Required percentage of consents for undivided trust or restricted interest is:
 - ◇ 1-5 landowners = 90%
 - ◇ 6-10 landowners = 80%
 - ◇ 11-19 landowners = 60%
 - ◇ 20 or more landowners = over 50%

Note: the required consents will be determined based on our records on the day your application is submitted to our office. The number of landowners may increase due to probates, gift deeds or land sales, therefore, it is important to submit your application as soon as possible.

Proposed Site:

- Surveyed by licensed land surveyor
- Archaeological survey and clearance

Application for Residential Lease

Applicant will submit to BIA a complete application:

- Landowner(s) consent(s)
- Documentation of Whereabouts Unknown and Deceased landowners
- Accurate legal description/survey plat
- Map of definite location
- Archaeological clearance and report

BIA's Responsibility:

- Review application package and supporting documentation
- Determine consent calculation
- Request for Biological Clearance from Navajo Nation Department of Fish & Wildlife
- Request for Categorical Exclusion (CEER)
- Request for Appraisal
 - ◇ Appraisal will be conducted by Bureau of Trust Fund Administration (BTFA)/Appraisal and Valuation Services Office (AVSO)
 - ◇ BTFA/AVSO will provide BIA a copy of appraisal report and certification
- BIA will notify landowners of fair market rent

Approval

- Prepare and ensure the Residential Lease contains all the stipulations of 25 CFR § 162
- Issue decision within 60 days if a package is complete.
- Approve and Distribute Residential Lease
- Record approved Residential Lease with BIA Division of Land Titles and Records.

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Fort Defiance Agency
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Shiprock Agency
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Western Navajo Agency
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