

TOHONO O'ODHAM CODE

TITLE 19 – LAND

**CHAPTER 6 – NATION'S CONSENT TO COMMERCIAL LEASES AND
HOME SITES ALLOTMENTS**

Legislative History: 19 Tohono O'odham Code Chapter 6 - Nation's Consent to Commercial Leases and Home Sites Allotments was enacted by Resolution No. 16-130 effective April 8, 2016.

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Section 6101 Consent to Commercial Leases

(A) The allottee who is proposing a “commercial lease” as defined by 25 C.F.R. Part 162 on an allotment in which the Nation owns less than 10% interest must provide the Nation’s chairperson, Realty Office, and Legislative Agricultural and Natural Resources Committee with all surveys, legal descriptions, or survey plats, the proposed lease, any appraisal, any biological, environmental, or cultural documents, written notice of the intent to enter the lease, proof of the allottee’s interest in the allotment subject to the lease, and the allottee’s name, mailing address, email address, and phone number. Multiple allottees may jointly file a notice under this subsection and may designate an allottee to act on their behalf.

(B) The Nation may send the allottee a written objection to the proposed commercial lease within 60 days of receiving the notice and information required by subsection 6101(A); provided that if the Nation does not object within 60 days of receiving all documents required under subsection 6101(A), the absence of an objection shall be deemed the Nation’s consent solely as an allotment owner to the lease. The Nation may request additional information from the allottee and may extend the time to file a written objection for an additional 60 days by giving the allottee written notice before the initial 60-day period expires. The Nation’s Realty Office, acting at the direction of the Nation’s Agricultural and Natural Resources Committee and Nation’s chairperson shall send the allottee any objection or notice of the Nation’s consent.

(C) The Nation’s consent in its capacity as an allotment owner shall not be deemed as the Nation’s support or approval of the commercial lease.

(D) The Nation’s chairperson is authorized to execute any documents reasonably necessary to implement this Section.

Section 6102 Consent to Home Site Assignments

Pursuant to 25 C.F.R. Part 162.301 et seq., the Nation consents solely in its capacity as an allotment owner to a homesite lease on allotted land when the Nation owns less than 10% interest in the allotment and authorizes the Nation’s chairperson or his designee to execute any documents reasonably necessary to implement this Section.