

**UNITED STATES  
DEPARTMENT OF INTERIOR  
BUREAU OF INDIAN AFFAIRS  
ALASKA REGION**

**LEASING YOUR LAND**

**AN INFORMATION SHEET FOR RESTRICTED LANDOWNERS**

A lease is a good way to make money from your land without giving up your title to it. A lease allows someone else to use your land for a specific purpose for a set amount of time. At the end of the lease the land reverts back to you.

If you are interested in leasing your Native allotment or townsite lot, we will need an Application for Lease (enclosed) and a letter from you indicating your interest, along with a map or sketch of the area you want to lease. If you have someone interested in leasing the land (the tenant), provide us with their name, address, and phone number.

If there are multiple owners to the land, all owners must agree to lease the land. There are a few exceptions where a lease can be approved if the majority of the owners agree to it, but it has to be a lease that will be beneficial to the land and the owners.

Once we receive your letter and application, a Realty Specialist will be assigned to work on your lease. He will prepare a legal description of the proposed lease area. In some cases a survey may be required, in which case, you or the person you are going to lease the land to, will have to pay for it. Once the lease area has been defined, the Realty Specialist will send requests to the Bureau of Indian Affairs (BIA) for the following requirements (these services are provided free of charge):

1. **TITLE STATUS REPORT:** A title status report will be requested from the Bureau of Indian Affairs, Alaska Title Services Center. The resulting Title State Report will show all land transactions affecting ownership and acreage since issuance of the Native Allotment Certificate. If any title defects show up in the title status report, this could delay the approval of the lease or the advertised lease process.
2. **APPRAISAL:** The first and most important request is for an appraisal. The BIA Appraiser will look at your land to see what is there, what it looks like, how you get to the land (legal access), etc. The Appraiser usually does the field work in the summer months when he can get a better idea of what your land looks like. After he performs the physical inspection, takes photographs, and investigates comparable leases, he writes a report and concludes with an opinion of the value of the land for leasing purposes.
3. **ARCHEOLOGICAL INVENTORY:** This request is for a BIA Archeologist to check for any artifacts or historic sites on your property, and if any are located on your land, the impact the leasing activity will have on them. The archeological report is required by law to preserve the artifacts. If any artifacts are found, they must be inventoried and protected. This may delay the approval of a lease. Like the appraisal, these investigations are done in the summer months.
4. **TIMBER CLEARANCE OR PERMIT:** This may be necessary when there are trees which may be cut down or damaged as a result of the lease.

5. **ENVIRONMENTAL ASSESSMENT:** This is required to determine the impact, if any, the proposed lease will have on the environment or wetlands. This environmental assessment is handled in several ways, depending on who the tenant is and the purpose of the lease. Most often, the Realty Specialist assigned to your case will write the environmental assessment report. However, if the tenant is the State or other government agency, or an entity acting under government contract, they will be required to provide the report, with a review and concurrence by BIA environmental staff. If time does not permit the Realty Specialist to write the environmental assessment, the prospective tenant may be required to provide one.

Our office must wait for these various reports before we can proceed with the lease or advertisement for proposals to lease. Once we receive the Appraisal Report, we can inform you of the appraised value of your land. The appraised value is the minimum amount you can lease your land for. You cannot accept less than the appraised value, but you can always ask for more. The Appraisal is a confidential document and its contents cannot be released except to the landowner.

Short term leases can be negotiated. You and the person interested in leasing your land can decide what the basic terms of your lease are to be, but keep in mind that there are other provisions required by the BIA to be included in the final lease document. The lease must also be approved by the BIA in order for it to be legal and binding. Once you and the Tenant agree on the initial terms for the lease, the Realty Specialist will prepare the final lease document for your review. If both you and the Tenant agree to the terms of the lease, your signatures on the lease document will be notarized and a report prepared for submittal to the Bureau of Indian Affairs for approval.

When the Tenant signs the lease, the first payment, along with evidence of a bond or security deposit, is required. A bond is a security against possible damage to your land. The bond may be issued by a bonding company or may be a cash deposit which is held by the BIA until certain terms have been met. If a Tenant does not perform according to the terms of the lease, it could cause damage to your land and/or improvements. The bond/deposit will be taken and used for repairs.

The lease payments should be forwarded to the BIA to be placed in an account in your name and will be disbursed to you upon your submitting an application to the BIA for withdrawal. In some cases, payment can be made directly to you. You would have to keep receipts and an accurate record of payments. If adequate records are not kept and problems occur, we would not be able to recover the money for you. If the land is in multiple ownership, the payments **MUST be sent directly to BIA** for disbursement to all the owners in the amount they are entitled to, as determined by Probate.

**FOR FURTHER INFORMATION, CONTACT:**

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