

HOOPA NON-PROFIT AND FOR-PROFIT FRACTIONATED LAND CODES WERE ENACTED IN JUNE 2006 AS TITLES 69 AND 70 OF THE HOOPA LAW AND ORDER CODE. THEY ARE PRESENTLY IN FULL FORCE AND EFFECT UNDER THE SOVEREIGN INHERENT AUTHORITY OF THE HOOPA VALLEY TRIBE.

KEY PRINCIPLES UPON WHICH THE CODES ARE BASED:

- 1. THE FEDERAL GOVERNMENT'S PROTECTIONS AGAINST ALIENATION DOES NOT INCLUDE PROTECTING INDIANS FROM THEMSELVES.**
- 2. TREATIES AND AGREEMENTS BETWEEN THE UNITED STATES AND TRIBES PRESERVED INHERENT TRIBAL AUTHORITY TO REGULATE ACTIVITIES WITHIN OUR RESERVATIONS.**
- 3. TRIBES, NOT THE FEDERAL OR STATE GOVERNMENTS, HAVE SOVEREIGN AUTHORITY TO REGULATE COMMERCE WITHIN RESERVATION BOUNDARIES. FEDERAL AUTHORITY IS LIMITED TO INTERSTATE COMMERCE ACTIVITIES AND STATES HAVE NO JURISDICTION TO REGULATE COMMERCE WITHIN REERVATION BOUNDARIES. EXAMPLES INCLUDE:**
 - THE ORIGINAL TRIBAL GAMING LAWS**
 - TRIBALLY-CREATED ENTITIES**
 - TRIBALLY-LICESNED PRIVATE FOR-PROFIT AND NON-PROFIT CORPORATIONS**
- 4. FACTIONATED LAND OWNERSHIP RESEMBLES HOW FOR-PROFIT AND NON-PROFIT COROPORATIONS EXIST AND FUNCTION WITH MULTIPLE OWNERS HAVING VARYING SIZES OF OWNER SHARES IN A CORPORATION;**
- 5. LAND OWNERS ARE THE BEST ONES TO DECIDE THE FATE OF THEIR LAND; AND**
- 6. LAND FRACTIONATION ISSUES HAVE TWO DISTINCT PARTS:**
 - A. ACTIVITIES INVOLVING TRUST ASSET MANAGEMENT THAT ARE UNDER FEDERAL JURISDICITON; AND**
 - B. LAND OWNER ORGANIZATIONAL ACTIVITIES THAT ARE UNDER TRIBAL JURISDITON.**

SOLUTIONS TO LAND FRACTIONATION SITUATIONS:

- A. TRIBES HAVE EXCLUSIVE COMMERCE REGULATORY AUTHORITY TO ENACT FOR-PROFIT AND NON-PROFIT CORPORATIONS CODES THAT ARE DESIGNED TO ORGANZE LAND OWNERS EVEN WHEN OWNERS INCLUDE TRIBAL MEMBERS, OTHER INDIANS AND NON-INDIANS - THE FEDERAL GOVERNMENT DOES NOT HAVE JURISDITON OVER THESE CODES OR ANY LAND ORGANIZATION CREATED UNDER THEM;**

- B. THE FEDERAL GOVERNMENT CAN ONLY REGULATE ACTIVITIES INVOLVING THE MANAGEMENT OF TRUST ASSET THAT A LAND ORGANIZATION HAS PROPOSED; AND**
- C. LAND ORGANIZATIONS CREATED UNDER TRIBAL LAND ORGANIZATION CODES CAN INCLUDE LAND OWNERS WHO ARE TRIBAL MEMBERS, OTHER INDIANS AND NON-INDIANS BECAUSE USE OF TRIBAL CODES IS APPROVAL OF THE APPLICATION OF TRIBAL JURISDICTION.**

WHAT DO THE HOOPA LAND ORGANIZATION CODES DO?

- **ALLOW FOR LAND OWNERS TO CREATE EITHER NON-PROFIT OR FOR-PROFIT LAND OWNER CORPORATIONS. NON-PROFIT CORPORATIONS CAN BE EASILY TRANSFERRED TO FOR-PROFIT CORPORATIONS WHEN LAND OWNERS WISH;**
- **ALLOW FOR ONE OWNER TO CREATE LAND OWNER CORPORATIONS AND ESTABLISH INTERIM BOARDS OF DIRECTORS – WHICH HELP TO GET OWNER ORGANIZATIONS LEGALLY ESTABLISHED QUICKLY. AFTER THE FIRST YEAR THE BOARD OF DIRECTORS IS ELECTED BY LAND OWNERS;**
- **LAND ORGANIZATION MEMBERS ARE AUTOMATICALLY ADMITTED AS MEMBERS WITH VOTING AND OTHER RIGHTS BASED ON OWNERSHIP INTEREST;**
- **TRUST LAND CANNOT BE USED AS CORPORATION ASSETS FOR LIQUIDATION AND OTHER PURPOSES WITHOUT SPECIFIC APPROVAL OF INDIAN LAND OWNERS;**
- **FOR-PROFIT CORPORATIONS CAN SELL SEPARATE SHARES FOR CAPITAL FUNDS THAT ARE LEGALLY SEPARATE FROM TRUST ASSETS;**
- **ESTABLISH OWNER RESPONSIBILITY STANDARDS THAT NON-PARTICIPATION BY ANY LAND OWNER IS DEEMED TO BE A DELEGATION OF AUTHORITY TO PARTICIPATING MEMBERS – PROVIDED THAT DUE PROCESS RIGHTS ARE PROTECTED FOR NON-PARTICIPATING OWNERS;**
- **LAND ORGANIZATIONS CAN ESTABLISH MANAGEMENT PLANS FOR THE ENTIRE ALLOTMENT OR CONSOLIDATION AND PARTITIONING PLANS THAT ARE CONSISTENT WITH LOCAL LAND USE REGULATIONS;**
- **INDIVIDUAL OWNERS CAN APPEAL DECISIONS OF LAND ORGANIZATIONS TO TRIBAL COURT AND BIA;**
- **NON-PROFIT CORPORATIONS CAN APPLY FOR GRANTS AS INDIAN ORGANIZATIONS AND BECOME 501(c) (3) CHARITABLE ORGANIZATIONS;**

- **FOR-PROFIT CORPORATIONS CAN PAY DIVIDEND PAYMENTS FROM PROFITS; AND**
- **BOTH NON-PROFIT AND FOR-PROFIT CORPORATIONS CAN HIRE STAFF AND ACQUIRE ASSETS LIKE OTHER CORPORATIONS.**

Information about the Hoopa Fractionated Land Codes and supporting documents can be obtained from Daniel Jordan, Tribal Self-Governance Coordinator/Director of Commerce at (530)625-4211 ext. 106.