

BIA Right-of-Way Readiness Checklist

For broadband projects on tribal land and individually owned Indian land under 25 CFR Part 169

General information, not legal advice. This is an editable starting point, not a legal form. Work with your BIA (Bureau of Indian Affairs) Agency realty office and your tribal legal counsel on every project, and check the current 25 CFR (Code of Federal Regulations) Part 169 on eCFR (the Electronic Code of Federal Regulations, www.ecfr.gov) before you act. Rules and policies change.

How to use this checklist

Go through this list with your realty, planning, utility, and legal staff before you send a right-of-way (ROW) package to BIA. Check each box when the item is done, and use the Notes column for dates, names, and file locations. Section numbers refer to 25 CFR Part 169 unless noted. Use one checklist per application.

Project information

Item	Fill in
Project name	
Applicant (utility or company)	
Tribe	
BIA Agency and realty contact	
Route description (from and to)	
Number of tracts	
Tribal legal counsel	
Date this checklist was started	

1. Before you apply

Done	Item	Rule	Notes
☐	Route drawn on a map; every tract it crosses is listed	Planning step	
☐	Land status known for each tract: tribal land, individually owned Indian land, BIA land, fee land, or road	169.2, 169.3	
☐	Fee land identified; permission from fee owners handled outside the BIA process	169.3(b)	

Done	Item	Rule	Notes
☐	State or county roads identified; road owner contacted	Ask the Agency	
☐	Existing leases, permits, and tribal land assignments checked for uses they already allow	169.4(b)(2)	
☐	Grants under special acts of Congress, or tracts where one Indian landowner owns 100%, discussed with BIA and counsel	169.1(d), 169.4(b)(1)	
☐	Tower sites, buildings, and access points flagged for a possible business lease	25 CFR 162, Subpart D	
☐	Home and building drops flagged for service line agreements	169.51 to 169.56	
☐	Title Status Reports requested for each tract	Ask the Agency	
☐	Written request to BIA for owner names, addresses, and shares	169.106	
☐	Landowner consent to survey obtained (BIA approval not needed)	169.101	
☐	Asked the Agency whether NPM-TRUS-48 or a newer policy memo is in effect	NPM-TRUS-48	
☐	Asked the Agency how to submit: mail, email, or both	Ask the Agency	

2. Application contents (169.102)

There is no required form (169.102(c)). BIA publishes an optional form (OMB 1076-0181, an Office of Management and Budget control number) and a checklist. A complete package includes each item below.

Done	Item	Rule	Notes
☐	The tracts the right-of-way crosses	169.102	
☐	The purpose of the right-of-way (for example, a buried fiber line)	169.102, 169.5	
☐	The duration requested	169.102, 169.201	
☐	A legal description of the right-of-way	169.102	
☐	A map of definite location	169.102	
☐	Security: bond or other security, or a waiver or exemption	169.102, 169.103	

Done	Item	Rule	Notes
☐	Proof of notice to the landowners	169.102, 169.107(b)	
☐	Consents: tribal authorization and owners' written consents	169.102, 169.107	
☐	Valuation, or a waiver of valuation	169.102, 169.110, 169.112	
☐	Environmental and archaeological reports	169.102, 169.123	
☐	Tribal conformance statement, if the tribe requires one	169.102(b)	

3. Consents

Tribal land

Done	Item	Rule	Notes
☐	Tribal authorization adopted (date and number in Notes)	169.107(a)	
☐	Written agreement signed, if the tribe requires one	169.107(a)	
☐	Tribe's conditions listed; they will become grant conditions	169.107(a)	

Individually owned Indian land (allotments)

Done	Item	Rule	Notes
☐	Notice sent to all owners; proof kept	169.107(b)	
☐	Written consents from owners of the majority interest (over 50% of shares)	169.107(b)	
☐	Owner count matches BIA records as of the application date	169.107(c)	
☐	Who may consent checked (for example, for minors or others who cannot sign for themselves)	169.108	
☐	Life estates handled	169.109	
☐	Fee shares left out of the consent count	169.3(c)	

Done	Item	Rule	Notes
☐	Tracts with 50 or more co-owners discussed with BIA; the four no-consent conditions reviewed (including 60 days' notice and a 30-day objection window)	169.107(b)(1) and (2)	

4. Compensation

Done	Item	Rule	Notes
☐	Tribal land: amount negotiated, valuation waived by tribal authorization, or BIA asked for fair market value first	169.110	
☐	Allotted land: at least fair market value, unless an exception applies	169.112(a)	
☐	Allotted land: request for nominal or reduced payment (tribal utility, utility cooperative that directly benefits the land, or written owner waiver)	169.112(b)	
☐	Allotted land: valuation waiver, if used	169.112(c)	
☐	Fair market value set for owners who did not consent	169.112(d)	
☐	Valuation method confirmed with BIA	169.114	

5. Environmental and cultural review

Done	Item	Rule	Notes
☐	Environmental, historic-preservation, and cultural-resource review planned with BIA	169.123(a)	
☐	NEPA (National Environmental Policy Act) documents ready for the package	169.123(b)	
☐	NHPA (National Historic Preservation Act) Section 106 review discussed	169.123(a)	
☐	ESA (Endangered Species Act) and other federal environmental laws checked	169.123(a)	
☐	Asked NTIA and BIA whether an NTIA (National Telecommunications and Information Administration) categorical exclusion fits	NTIA (2024)	

Done	Item	Rule	Notes
☐	Extraordinary circumstances checked: traditional cultural properties, sacred sites, tribal law	NTIA (2024)	
☐	For TBCP (Tribal Broadband Connectivity Program) projects, NTIA and BIA review coordination confirmed	NTIA (2022)	
☐	Crews told to stop work if unreported cultural resources are found	169.125(c)(4)	

6. Security and insurance

Done	Item	Rule	Notes
☐	Bond or other security arranged (no cash bonds)	169.103, 169.103(j)	
☐	Insurance names the landowners and the United States as additional insureds	169.103(b)	
☐	Waiver requested, if eligible (tribe's decision on tribal land; majority owners, tribal utility, or utility cooperative on allotted land)	169.103(f)	
☐	Government exemption claimed, if barred by law from posting security	169.103(k)	

7. Submission and BIA review

Item	Rule	Date
Package sent; date BIA received it	169.102	
BIA letter saying the package is complete	169.123(b)	
BIA decision due: 60 days after a complete package	169.123(b)	
BIA letter asking for more time (if any)	169.123(b)	
Decision due: 30 days after that letter	169.123(b)	
Notice to compel sent to the Regional Director (15 days to act)	169.304	
Notice to compel sent to the BIA Director (15 days to act)	169.304	
Appeal filed with the Interior Board of Indian Appeals (if needed)	169.304	
Grant approved (effective date)	169.301	

Remember: a missed deadline does not mean the right-of-way is approved. BIA must grant unless it has a compelling reason not to (169.124).

8. After the grant

Done	Item	Rule	Notes
☐	Grant recorded in the LTRO (Land Title and Records Office); copy in the project file	169.301 to 169.302	
☐	Title Status Reports updated to show the right-of-way	51 IAM 1-H	
☐	Term and renewal dates on the calendar	169.201 to 169.203	
☐	Any change of use (for example, copper to fiber) discussed with BIA before work starts	NPM-TRUS-48, 169.204	
☐	Assignments and mortgages only as the grant and BIA allow	169.207, 169.210	
☐	Service line agreements filed with BIA within 30 days, with plats	169.56	
☐	Contact named for notices of violation (10 business days to cure)	169.404	

Notes and questions for the Agency

References

Bureau of Indian Affairs. (n.d.). *Apply for broadband right-of-way in Indian Country*.

<https://www.bia.gov/service/broadband-access/apply-broadband-right-of-way>

Bureau of Indian Affairs. (2022a). *51 IAM 1-H: Land titles and records handbook*.

https://www.bia.gov/sites/default/files/dup/assets/public/raca/handbook/pdf/51-iam-1-h_intro-handbook_final_signed_508.pdf

Bureau of Indian Affairs. (2022b). *52 IAM 9-H: Rights-of-way (ROW) on Indian lands*

handbook. <https://www.bia.gov/policy-forms/handbooks/52-iam-9-h-rights-way-row-indian-lands-handbook>

Bureau of Indian Affairs. (2025). *NPM-TRUS-48: Streamlining the rights-of-way*

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National Telecommunications and Information Administration. (2022, August 9). *NTIA*

and BIA sign agreement to streamline environmental permitting for high-speed internet projects on tribal lands. <https://broadbandusa.ntia.gov/news/latest-news/ntia-and-bia-sign-agreement-streamline-environmental-permitting-high-speed>

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adopted NEPA categorical exclusions. <https://broadbandusa.ntia.gov/funding->

programs/policies-waivers/Notice_of_Newly_Adopted_NEPA_Categorical_Exclusions

Rights-of-Way on Indian Land, 25 C.F.R. pt. 169 (2026).

<https://www.ecfr.gov/current/title-25/chapter-I/subchapter-H/part-169>

Rights-of-Way on Indian Land, 80 Fed. Reg. 72492 (November 19, 2015).

<https://www.federalregister.gov/documents/2015/11/19/2015-28548/rights-of-way-on-indian-land>

Rights-of-Way on Indian Land, 81 Fed. Reg. 14976 (March 21, 2016).

<https://www.gpo.gov/fdsys/pkg/FR-2016-03-21/html/2016-06269.htm>

Rights-of-Way on Indian Land; Bond Exemption, 84 Fed. Reg. 42806 (August 19,

2019). <https://www.govinfo.gov/content/pkg/FR-2019-08-19/html/2019-17781.htm>