

Streamlining the Rights-of-Way and Business Lease Application Processes for Federally Funded Tribal Broadband Infrastructure Projects



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**BUREAU OF INDIAN AFFAIRS
DIVISION OF REAL ESTATE SERVICES, CENTRAL OFFICE**

April 2024

**Streamlining the Rights-of-Way and Business Lease
Application Processes for Federally Funded Tribal Broadband
Infrastructure Projects – Amendment 2
NPM-TRUS-44 A2 – issued April 4, 2024**

A copy of the NPM is available at the following website:

https://www.bia.gov/sites/default/files/dup/assets/public/raca/national_policy_memoranda/pdf/npm-trus-44-a2_streamlining_rows_and_business_lease_applications_final_508.pdf

NPM-TRUS-44 A2 Overview

Purpose

- Updated BIA policy for efficient and effective processing of ROWs and Business Lease applications for the federally funded Tribal broadband infrastructure projects.
- Extended NPM-TRUS-44 A1 issued on April 4, 2024, for one additional year and includes guidance.

Goals

- Consistent ROW and Business application processes across BIA's Regions/Agencies/compact/contract Tribes.
- Advancing the Tribes initiatives in developing broadband infrastructure on Tribal trust lands.

Number: NPM-TRUS-44 A2

Effective: 4/4/2024

Expires: 4/4/2025

1. Purpose:

- A key step in working with Tribes and individual Indian landowners is determining what sort of agreement may be sought for the broadband purpose and need.
- Comprehensive policy framework based on the BIA's regulations for the efficient and effective processing of Rights-of-Way (ROWs) and Business Lease applications to provide broadband access to all areas within our jurisdiction with a focus on rural unserved, and underserved communities.
- NPM provides guidance related to typical operation and maintenance activities and uses that may require an amendment or assignment of a ROW.

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Purpose (continued):

- For changes to existing ROWs, applicants should have proof of a valid and existing ROW for broadband funding use purposes.
- On trust lands that are 100 percent owned by the Tribe, the Tribe may have other avenues available to it for ROWs under 25 CFR 169.4 or for business leases under the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act).

2. Scope

- This policy applies to all BIA programs, offices, regions, and agencies involved in the ROW and Business Lease processes.
- Many Tribes have entered contract and compact agreements with BIA under ISDEAA to carry out BIA's realty and LTRO functions.
- If an application package is received by the BIA, a review of the package must be made within five (5) business days as to whether the package is complete or not.

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Purpose (continued):

- Increasing coordination, fostering collaborative relationships, and providing technical assistance and guidance on the ROW and lease processes are necessary components for accomplishing broadband infrastructure projects.
- The advancement of broadband infrastructure in Indian Country will require a multi-disciplinary approach as projects require environmental and appraisal reviews for the application for ROWs and business leases.

NPM Summary of Policy and Procedures:

- Broadband infrastructure projects crossing:
 - Tribal consent from each Tribe whose land the ROW crosses
 - where Tribe owns 100% of the Tract-no BIA approval required
 - crossing over Individual Indian Allotted Lands-requires BIA approval
 - crossing over multiple allotted trust and Tribal tracts-may require BIA approval
- Tribal ROWs or Tribal Authorizations for within or overlapping an existing ROWs
 - Amendments-see original documentation if allowable
 - Assignments-see original documentation if allowable
 - Partial Assignments-see original document if allowable
- Providing copies of Tribal Authorizations for ROWs and Lease Documents submitted to LTRO for recording

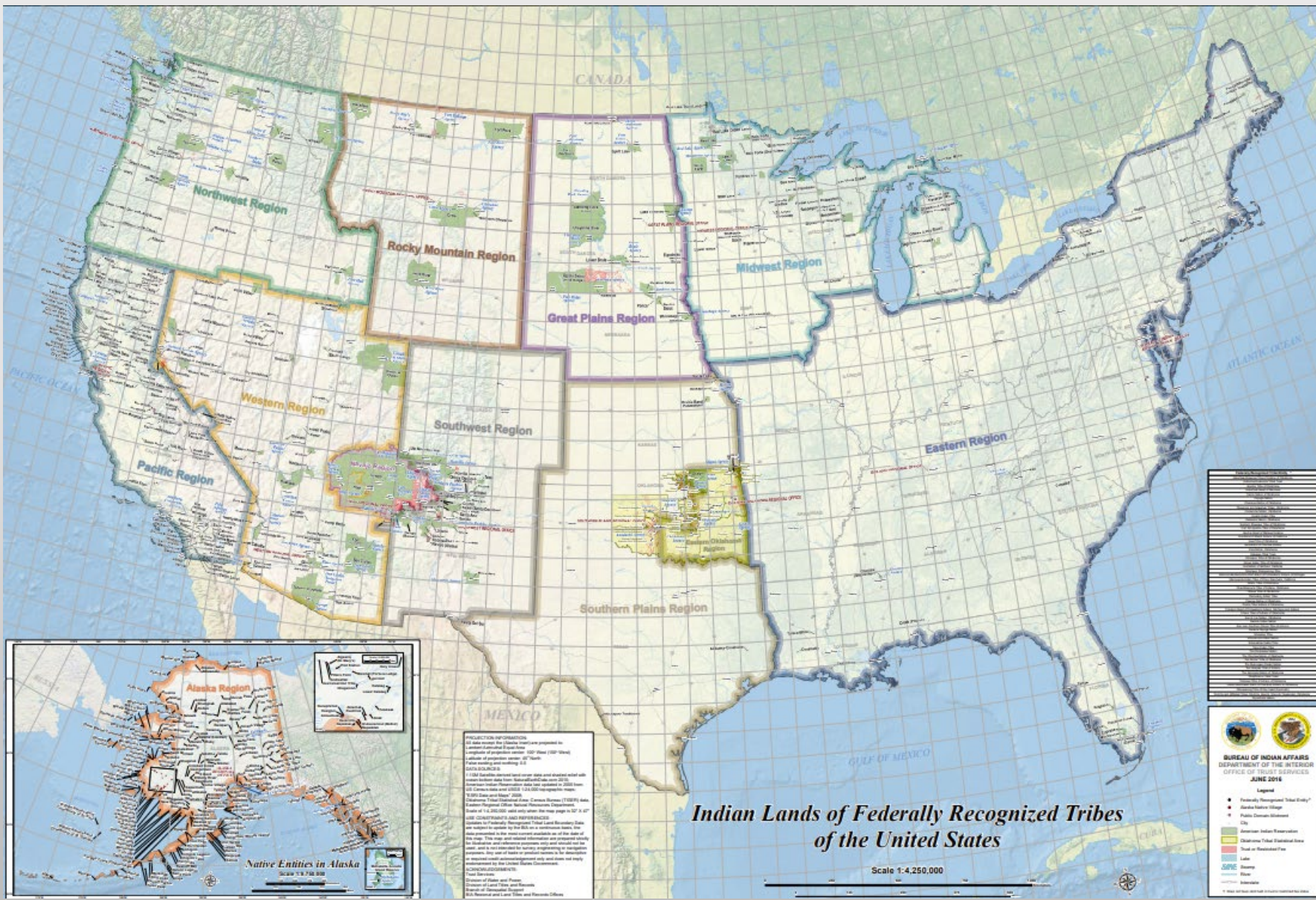
Office of Indigenous Connectivity and Technology (OICT)

- The Department of Interior created a new OICT to support Tribal efforts to increase broadband access, including support to Tribes in acquiring licenses for broadband spectrum frequencies, and to advance other critical infrastructure investments. Implementing infrastructure investments requires a mix of finance, construction, and realty expertise. This new office will integrate expertise in these areas to directly engage with Tribes through technical assistance to help Tribes meeting their broadband and other infrastructure goals.
- Danae Wilson is the new Division Chief, OITC

Nationwide NPM Trainings

- DOI/BIA will host Nationwide Virtual Trainings with Office of Solicitors and OICT
- Dates/Times
 - **April 26th at 11a Mountain / 1p Eastern (1-1.5 hours)**
 - **April 30th at 10a Mountain / 12p Eastern (1-1.5 hours)**
- Registration link will be located on BIA's webpage
- Training will be held for BIA field offices, Tribes, Federal Partners and Industry
- Record the training sessions

BIA Regional Offices Map



Any questions, please contact your local BIA Agency or Regional Office
<https://www.bia.gov/regional-offices>

Questions



Central Office - Division of Real Estate Services at:
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