Indian Affairs - Office of Public Affairs

Updated rule will become effective on March 21, 2016

Media Contact: Nedra Darling, OPA-IA Phone: 202-219-4152
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WASHINGTON â Assistant Secretary â Indian Affairs Kevin K. Washburn today announced that the Department of the Interiorâs Bureau of Indian Affairs has extended the effective date of its rights-of-way final rule by 90 days. The extension provides grantees, potential grantees, landowners and BIA personnel with more time to review the final rule and to adequately prepare for its implementation. The updated rule streamlines the process for obtaining the Bureauâs approval to ensure consistency with recently updated leasing regulations, increases the flexibility in compensation and valuations, and supports landowner decisions regarding the use of their land.

The new rule, originally scheduled to become effective on December 21, 2015, will now become effective on March 21, 2016.

âThe new rule modernizes the process for obtaining rights-of-way over proposed oil and gas pipelines, electric transmission lines, railroads and other infrastructure projects on Indian lands,â Assistant Secretary Washburn said. âThese reforms will expand economic opportunities for tribes and individual Indian landowners, as well as give more certainty to project proponents seeking rights-of-way approvals.â

Those specific reforms include clarifying the right of Indian land owners to negotiate the terms of rights-of-way directly with applicants and requirements for the BIA to issue prompt decisions on rights-of-way applications. The extension also delays the date by which current holders of assignments must provide documentation of their assignments to July 17, 2016.

The rights-of-way final rule was published on November 19, 2015, and updates the BIAâs regulations at 25 CFR Part 169, which were last updated more than 30 years ago. The oldÂ regulations were deemed ill-suited for the modern requirements for rights-of-way leasing. Among other issues raised by stakeholders were the need for faster timelines for BIA approval to improve economic development on tribal lands and greater deference to deals negotiated between tribes and lessees.

For additional information on the final rule, please visit the Indian Affairs website at http://www.bia.gov/WhoWeAre/AS-IA/ORM/RightsofWay/index.htm.

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