

# RIGHT OF WAY CHECKLIST

**RIGHT OF WAY No.:**  
**ALLOTMENT No.:**

**BIA ROW NO.**  
**TAAMS NO.**

**APPLICANT:**

REVIEW	ITEMS TO CONSIDER	CROSS REFERENC E	STAFF COMMENTS/NOTES
(BIA)	Assigned Realty Specialist:		
(BIA)	Landowners:		
	<p><b>§169.5 <u>Type of Right of Way (ROW)</u></b></p> <p><input type="checkbox"/> (1) <b>Railroads;</b></p> <p><input type="checkbox"/> (2) <b>Public roads and highways;</b></p> <p><input type="checkbox"/> (3) <b>Access roads;</b></p> <p><input type="checkbox"/> (4) <b>Service roads and trails</b>, even where they are appurtenant to any other right-of-way purpose;</p> <p><input type="checkbox"/> (5) <b>Public and community water lines</b> (including pumping stations and appurtenant facilities);</p> <p><input type="checkbox"/> (6) <b>Public sanitary and storm sewer lines</b> (including sewage disposal and treatment plant lines);</p> <p><input type="checkbox"/> (7) <b>Water control and use projects</b> (including but not limited to, flowage easements, irrigation ditches and canals, and water treatment plant lines);</p> <p><input type="checkbox"/> (8) <b>Oil and gas pipelines</b> (including pump stations, meter stations, and other appurtenant facilities); <b>Term: 20 yrs.</b></p>	<p><input type="checkbox"/> (9) <b>Electric transmission and distribution systems</b> (including lines, poles, towers, telecommunication, protection, measurement and data acquisition equipment, other items necessary to operate and maintain the system, and appurtenant facilities); <b>Term 50 yrs.</b></p> <p><input type="checkbox"/> (10) <b>Telecommunications, broadband, fiber optic lines;</b></p> <p><input type="checkbox"/> (11) <b>Avigation hazard easements;</b></p> <p><input type="checkbox"/> (12) <b>Conservation easements</b> Not covered by 25 CFR part 84, Encumbrances of Tribal Land—Contract Approvals, or 25 CFR part 162, Leases and Permits;</p>	
<b>§169.102(A) WHAT MUST AN APPLICATION INCLUDE UNDER SUBPART C</b>			<b>APPLICANT TO FILL OUT WHERE APPLICABLE</b>
<input type="checkbox"/>	<p>(1) <b><u>Application for Right of Way</u></b></p> <p><i>No ROW or permission to Survey shall be granted without written consent of landowner or tribe. See consent Requirements 169.101 and 169.106</i></p>	<b>Tab 1</b>	Applicant:
	<p>(2) The tract(s) or parcel(s) affected by the right-of-way;</p> <p><i>(Allotment no./tract, section, township, range, acres,)</i></p>		
	(3) The general location of the right-of-way;		
	(4) The purpose of the right-of-way;		
	<p>(5) The duration of the right-of-way:</p> <p>50 years for all ROW'S and 20 years for Oil &amp; gas pipelines</p> <p><i>For Tribal land, we will defer to the tribe's determination that the ROW term is reasonable</i></p>		

	<i>Renewal of Right of Way, Term 50 yrs.</i>		
	(6) The ownership of permanent improvements associated with the right- of-way and the responsibility for constructing, operating, maintaining, and managing permanent improvements under § 169.105		
<input type="checkbox"/>	<b>Administrative Fee - \$500</b>	<b>Tab 2</b>	Date rec'd: Check No.
<b>§169.102(B) THE FOLLOWING MUST BE SUBMITTED WITH THE APPLICATION:</b>			
<input type="checkbox"/>	(1) <b>Legal Description</b> , boundaries & parcels associated with ROW ( <i>requires review from BLM/GIS, 2-3 week process</i> )	<b>Tab 3</b>	
<input type="checkbox"/>	(2) <b>A map of definite location</b> - means a survey plat signed by a professional surveyor or engineer showing the location, size, and extent of the right-of- way and other related parcels, with respect to each affected parcel	<b>Tab 4</b>	
<input type="checkbox"/>	(3) <b>Bond(s), insurance</b> , and/or other security meeting the requirements.	<b>Tab 5</b>	
<input type="checkbox"/>	(4) <b>Record that notice of ROW</b> was provided to all Indian Landowners	<b>Tab 6</b>	
<input type="checkbox"/>	(5) <b>Record of consent</b> for the right-of-way meeting the requirements of § 169.107, or a statement requesting a right-of-way without consent under § 169.107(b);	<b>Tab 7</b>	
<input type="checkbox"/>	(6) If applicable, a <b>Valuation/Appraisal</b> meeting the requirements of § 169.114;  <i>(requires review from OST, could be a 3-4 month process)</i>	<b>Tab 8</b>	PSO-_____ Date reviewed by OST: Date rec'd: Market Value:
<input type="checkbox"/>	(7) <b>Corp. Documents-</b>  If the applicant is a corporation, limited liability company, partnership, joint venture, or other legal entity, except a tribal entity, information such as organizational documents, certificates, filing records, and resolutions, demonstrating that: <ul style="list-style-type: none"> <li>(i) The representative has authority to execute the application;</li> <li>(ii) The right-of-way will be enforceable against the applicant; and</li> <li>(iii) The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located;</li> </ul>	<b>Tab 9</b>	
<input type="checkbox"/>	(8) <b>Environmental and archaeological reports, surveys, and site assessments</b> , as needed to facilitate compliance with applicable Federal and tribal environmental and land use requirements; and  <i>(ROW's in Section 14 – Downtown Palm Springs Section 14, T4S, R4E – See Environmental Assessment.)</i>	<b>Tab 10</b>	NEPA Compliance <input type="checkbox"/> Categorical Exclusion (Cat. Ex./CEER) <input type="checkbox"/> Environmental Impact Statement (EIS) <input type="checkbox"/> Environmental Assessment (EA) <ul style="list-style-type: none"> <li>___ Archaeological Report</li> <li>___ Biological Report</li> <li>___ Hydrology Report</li> <li>___ Traffic Count Report</li> <li>___ Geology Report</li> </ul>

	(requires BIA Regional Environmental review, could be 2-4 week process)		<input type="checkbox"/> FONSI <input type="checkbox"/> CEQUA Documents <input type="checkbox"/> Tribal Habitat Conservation <input type="checkbox"/> Fringe Toed Lizard <input type="checkbox"/> Milk Vetch
<input type="checkbox"/>	(9) <b>A statement from the appropriate tribal authority</b> that the proposed use is in conformance with applicable tribal law, <i>if required by the tribe</i> .	<b>Tab 11</b>	
	<b>Is a LEASE and/or other ROW's associated with this right of way</b>		
	Contact information: Address: Telephone: E-mail: Other:		

Additional Comments: