BIA Approval without Consent of Landowner(s)

Template

Secretary’s Authority to Issue Grant of Easement

Pursuant to authority given under 25 CFR 169.107(b)(1), the [Superintendent/Regional Director] may issue the Grant of Easement without the consent of any of the individual landowners of [Insert Tract No.] because all of the following conditions were met and it is determined:

(i) There are 50 or more co-owners of undivided trust or restricted interests in the land that it would be impracticable to obtain consent;
(ii) The grant will cause no substantial injury to the land or any landowner, based on factors including, but not limited to:
   - The reasonableness of the term of the grant;
   - The amount of acreage involved in the grant;
   - The disturbance to land that will result from the grant;
   - The type of activity to be conducted under the grant;
   - The potential for environmental or safety impacts resulting from the grant;
   - And any objections raised by landowners.
(iii) That all of the landowners will be adequately compensated for consideration and any damages that may arise from a grant of right-of-way; and
(iv) We provided a 60 day notice of our intent to issue a grant of right-of-way to all the owners prior to the date of this grant using the procedures in 25 CFR 169.12, and provided the landowners 30 days to object.

Date: _______________________

[Superintendent or Regional Director]