



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, D.C. 20240

National Policy Memorandum

Office of Trust Services Division of Real Estate Services

Number: NPM-TRUS-50

Effective: 7/30/2026

Expires: 7/30/2027

Title: Guidance on Actions Relating to Wind and Solar Projects

1. Purpose

This memorandum establishes the Bureau of Indian Affairs' (BIA) comprehensive policy framework based on the Department of the Interior's (DOI's) regulation regarding applications in accordance with 25 Code of Federal Regulations (CFR) Part 162 – Subpart E, for Wind and Solar Resource Leases.

Consistent with applicable Executive Orders (EOs) and Secretary's Orders (SOs)¹, directing that all decisions, actions, consultations, and other undertakings related to wind energy evaluation leases (WEEL), wind and solar resource leases (WSR), and wind or solar facilities, will undergo an elevated review process.

2. Scope

This policy applies to all BIA programs and employees involved in the application process and review for wind and solar lease applications on trust or restricted lands in accordance with 25 CFR 162 – Subpart E. This policy may also apply to entities carrying out activities on behalf of BIA under contracts or other agreements if expressly agreed to in the contracts or agreements, or if the requirement to abide by such policy is otherwise required by law. These entities may include contractors or Tribes operating through contracts issued pursuant to Public Law (P.L.) 93-638 and P.L. 103-413.

3. Policy and Procedure

It is BIA's policy to comply with all Federal laws and regulations as well as DOI's policies

¹ [EO 14156, "Declaring a National Energy Emergency;"](#) [EO 14315, "Ending Market Distorting Subsidies for Unreliable, Foreign-Controlled Energy Sources;"](#) and [SO 3437, "Ending Preferential Treatment for Unreliable, Foreign-Controlled Energy Sources in Department Decision Making."](#)

regarding the processing of wind and solar lease applications. The elevated review will be based on information provided by the Tribe in their application package detailing why they wish to pursue a wind and/or solar lease or facility.

A. Tribal Wind and Solar Application Information

A Tribal wind and solar application must include the following information in writing:

- 1) Project description;
- 2) Whether the Tribe received a grant, loan or financing for the project;
- 3) Whether the Tribe has a Power Purchase Agreement in place;
- 4) If applicable, whether the Tribe has the technical capability to construct, operate, maintain, and terminate the proposed project;
- 5) If applicable, the Tribe's ability to successfully design, construct, and obtain the funding for a project similar to the proposed project;
- 6) Whether energy resources other than wind and solar are available to meet the Tribe's needs; and
- 7) Whether those energy resources are feasible alternatives to wind and solar for the Tribe.

B. Regional Review and Submission Information

BIA regions must ensure all required documentation in the attached Wind and Solar Lease Process Flow Chart has been received by the Tribe, and must complete and submit a one-page briefing summarizing the review request (see required content below) along with the application or project-action documents to the BIA Indian Energy Service Center (IESC) at: WindSolarReview@bia.gov.

The BIA region's one-page briefing must include:

- 1) Project proponent;
- 2) Type of application;
- 3) Brief project description;
- 4) Summary of federal actions being requested;
- 5) Approving Official recommendations for the federal actions requested (*e.g.*, approval, denial);
- 6) Project timeline;
- 7) Project viability (if known);
- 8) Any potential legal or financial risks or impacts; and
- 9) Any other pertinent information such as if the project is a covered project under Title 41 of the Fixing America's Surface Transportation Act (FAST-41), and any required concurrent reviews (*e.g.*, FAST-41 Initiation Notices which by statute require a 14-

day response).

C. Elevated Reviews

Upon receipt of the wind or solar application, the BIA IESC will coordinate with Central Office - Division of Real Estate Services (CO-DRES), CO - Division of Environmental Services and Cultural Resources Management (CO-DESCRM), the Division of Indian Affairs - Office of the Solicitor (DIA-SOL), and the Assistant Secretary-Indian Affairs (AS-IA), weekly, for notifications and submissions in the Data Tracking System (DTS) for elevated review. DTS submissions from IESC/DRES will follow the routing outlined in the Secretarial Correspondence [Bulletin](#) dated January 30, 2026. The process consists of review by the Office of the Executive Secretariat and Regulatory Affairs, subsequent review by the Office of the Deputy Secretary, and final review by the Office of the Secretary. The elevated review occurs *after* the initial review by the BIA IESC, CO-DRES and DIA-SOL.

This direction applies only to actions, consultations, and other undertakings related to wind and solar energy facilities. This includes any and all of the 69 identified federal action categories listed in the July 15, 2025 [memorandum](#) (plus any similar or related actions on wind and solar projects, including deadline extension requests) regardless of their stage in processing by BIA. It is advised that all relevant BIA staff review this memorandum to understand its wide applicability.

4. Authority

A. Statutes and Regulations

- 1) 25 U.S.C. 415, Leases of Restricted Lands
- 2) 25 U.S.C. 2218, Approval of Leases, Rights-of-Way, and Sales of Natural Resources
- 3) 42 U.S.C. Chapter 55, National Environmental Policy Act (NEPA)
- 4) 25 CFR 162, Subpart E - Leases and Permits, Wind and Solar Leases
- 5) 25 CFR 169, Rights of Way Across Indian Lands
- 6) EO 14156, “Declaring a National Energy Emergency”
- 7) EO 14315, "Ending Market Distorting Subsidies for Unreliable, Foreign-Controlled Energy Sources"

B. Guidance

- 1) 516 Departmental Manual (DM) 10: Managing the NEPA Process – BIA
- 2) SO 3437, “Ending Preferential Treatment for Unreliable, Foreign-Controlled Energy

Sources in Department Decision Making”

- 3) DOI Office of the Secretary Memorandum, “Departmental Review Procedures for Decisions, Actions, Consultations, and Other Undertakings Related to Wind and Solar Energy Facilities,” July 15, 2025
- 4) Secretarial Correspondence Bulletin, SCU-SCB-26-001, “Wind and Solar Energy Facilities – Process for Obtaining Approval of Decisions, Actions, Consultations, and Other Undertakings,” January 30, 2026

5. Checklists

- A. Wind and Solar Lease Process Flow Charts and Checklists.

6. Roles and Responsibilities

- A. **Secretary, Department of the Interior (DOI)** is responsible for the final review and approval or disapproval of any leasing transactions submitted to BIA under 25 CFR 162 Subpart E. Providing a written response to the applicant on the final decisions of approval or disapproval. If the leasing decision is determined to be disapproved, the written notification must identify the basis for disapproval. Pursuant to 209 DM 8, the Secretary may delegate the responsibility to the Assistant Secretary-Indian Affairs.
- B. **Office of the Deputy Secretary** is responsible for performing an elevated review of all leasing decisions that authorize Wind Energy Evaluation Leases (WEEL) or Wind and Solar Resource (WSR) leases and facilities.
- C. **Assistant Secretary - Indian Affairs (AS-IA)** is responsible for ensuring the Departments priorities and directives are implemented and executed.
- D. **Office of the Solicitor** is responsible for providing reviews of legal sufficiency.
- E. **Director, Bureau of Indian Affairs (DBIA)** is responsible for ensuring that appropriate organizational arrangements, resources, and personnel are available to implement and maintain the BIA Office of Trust Services (OTS) and Office of Field Operations.
- F. **Deputy Bureau Directors (DBD), Field Operations, BIA** is responsible for executive leadership, oversight, direction, and monitoring of the Regional Directors (RDs) and is responsible for disseminating policy directives and ensuring regional offices are held accountable for successful implementation, in alignment with the agency’s trust responsibility.
- G. **DBD, OTS, BIA** is responsible for creating policy, ensuring that statutory and/or regulatory timetables for business, wind and solar, lease document application processing are met, and that guidance and training is provided to regional and agency staff tasked with processing business lease applications.

- H. **Division Chief, DRES, OTS** is responsible for establishing BIA's real estate services policies, guidance, and standards for complying with statutory and regulatory requirements; providing real estate services technical assistance and training to BIA regions and agencies, as appropriate; managing BIA's federal reporting requirements for real estate services, and initiating periodic reviews of regional and agency programs for real estate services; and assisting in the development and dissemination of trust resource policy to the RD's.
- I. **Indian Energy Service Center (IESC)** is responsible for policy and guidance development and ensuring compliance with all applicable Indian minerals and energy regulations, requirements, and standards. The IESC will receive incoming requests for elevated reviews subject to this NPM.
- J. **RDs, BIA** are responsible for reviewing wind and solar lease applications, recommending applications for approval, and responding to wind and solar lease reporting requirements.

7. Approval



Digitally signed by BRYAN MERCIER
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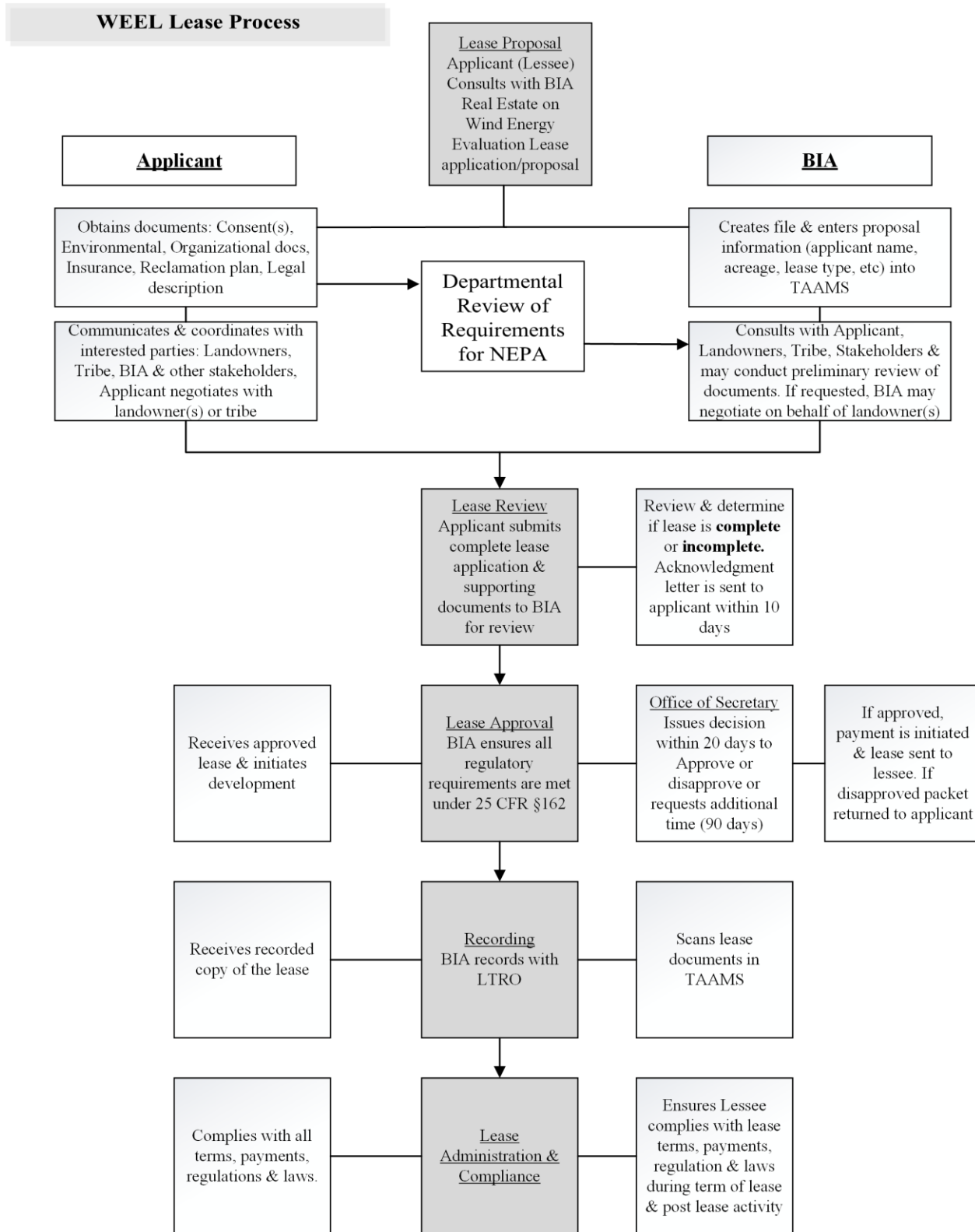
07/30/2026

Bryan K. Mercier
Director, Bureau of Indian Affairs

Date

Attachment 1

BIA WIND ENERGY EVALUATION LEASE (WEEL) LEASE PROCESS



Attachment 2

BIA WIND ENERGY EVALUATION LEASE (WEEL) CHECKLIST

WEEL PROPOSAL INFORMATION			
No.	Description	Date	Comments
	BIA Contact:		
	Case Initiation Received (ex: Letter of Intent, email, call)		
	Provide Consultation to Applicant		
	Allotment/Tract No., Section, Township & Range, Acres:		
	Provide Title Status Report		
	Lessor:		
	Lessee:		
	Encode TAAMS Realty Proposal		TAAMS Realty Proposal Document ID:
	Incomplete Lease Acknowledgement Letter Sent		
	Complete Lease Acknowledgement Letter Sent		
	Additional Time Letter Sent		
	Initial Briefing of Project to IESC		
WEEL REVIEW			
DOCUMENTATION REQUIRED FOR COMPLETE LEASE PACKAGE			
No.	Description	Date	Comments
(a)	A lease executed by Indian landowners & lessee that meets requirements of 25 CFR 162: ○ Term ○ Mandatory Provisions ○ Rental requirements ○ Insurance		
(b)	For Tribal land, a Tribal authorization (i.e., Tribal Resolution)		
	Landowner Consent - Individually Owned Land ○ Number of Owners: ○ Required Consent Percentage:		
(c)	Valuation is not required 162.524		
(d)	Proof of Insurance, if required under 25 CFR 162.527		
(e)	Performance Bond or other security, is not required 25 CFR 162.525		
(f)	Statement from appropriate Tribal authority that proposed use is in conformance with applicable Tribal law, if required by the Tribe.		

Attachment 2 continued

(g)	Environmental and archeological reports, surveys, and site assessments as needed to facilitate compliance with applicable Federal and Tribal environmental and land use requirements, including any documentation prepared under 25 CFR 162.027(b)		
	Additional Departmental Review Requirements for NEPA Consistent with applicable Executive Orders and Secretary's Orders,¹ an application for wind energy evaluation leases (WEEL) or wind and solar resource leases (WSR) under 25 CFR Part 162, Subpart E will undergo an elevated review process. The process will consist of review by Office of the Executive Secretariat and Regulatory Affairs, subsequent review by the Office of the Deputy Secretary, and final review by the Office of the Secretary. The elevated review will occur after the initial review by the Bureau of Indian Affairs and the Office of the Solicitor. The elevated environmental review will be based on information that applicants provide to the Secretary.		
	DTS Tracking System Entry DTS Tracking No.		
(h)	Restoration and reclamation plan, if appropriate		
(i)	If lessee is not an entity owned and operated by the Tribe, documents that demonstrate the technical capability of the lessee or lessee's agent to construct, operate, maintain, and terminate the proposed project and the lessee's ability to successfully design, construct, or obtain the funding for a project similar to the proposed project, if appropriate		
(j)	Preliminary plan of development that describes the type and location of any permanent improvements the lessee plans to construct and a schedule showing the tentative commencement and completion dates for those improvements, if appropriate		
(k)	A legal description of the land under 25 CFR 162.518		Legal Description Review (LDR):
(l)	If the lease is being approved under 25 U.S.C. § 415, information to assist us in our evaluation of the factors in 25 U.S.C. § 415(a)		

Attachment 2 continued

(m)	If the lessee 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, that demonstrates that: (1) The representative has authority to execute a lease; (2) The lease will be enforceable against the lessee; and (3) The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.		
	Additional Departmental Review Requirements for WEEL Consistent with applicable Executive Orders and Secretary's Orders,¹ an application for wind energy evaluation leases (WEEL) or wind and solar resource leases (WSR) under 25 CFR Part 162, Subpart E will undergo an elevated review process. The process will consist of review by Office of the Executive Secretariat and Regulatory Affairs, subsequent review by the Office of the Deputy Secretary, and final review by the Office of the Secretary. The elevated review will occur after the initial review by the Bureau of Indian Affairs and the Office of the Solicitor. The review will be based on information that applicants provide to the Secretary regarding the reasons the applicant wishes to pursue a WEEL or WSR lease, whether the applicant has a Power Purchase Agreement in place, whether the applicant has the technical capability to construct, operate, maintain, and terminate the proposed project and the applicant's ability to successfully design, construct, or obtain the funding for a project similar to the proposed project, if appropriate. The review will also evaluate whether energy resources other than wind and solar are available to meet the applicant's needs and whether those other energy resources are feasible alternatives to wind and solar for the applicant.		

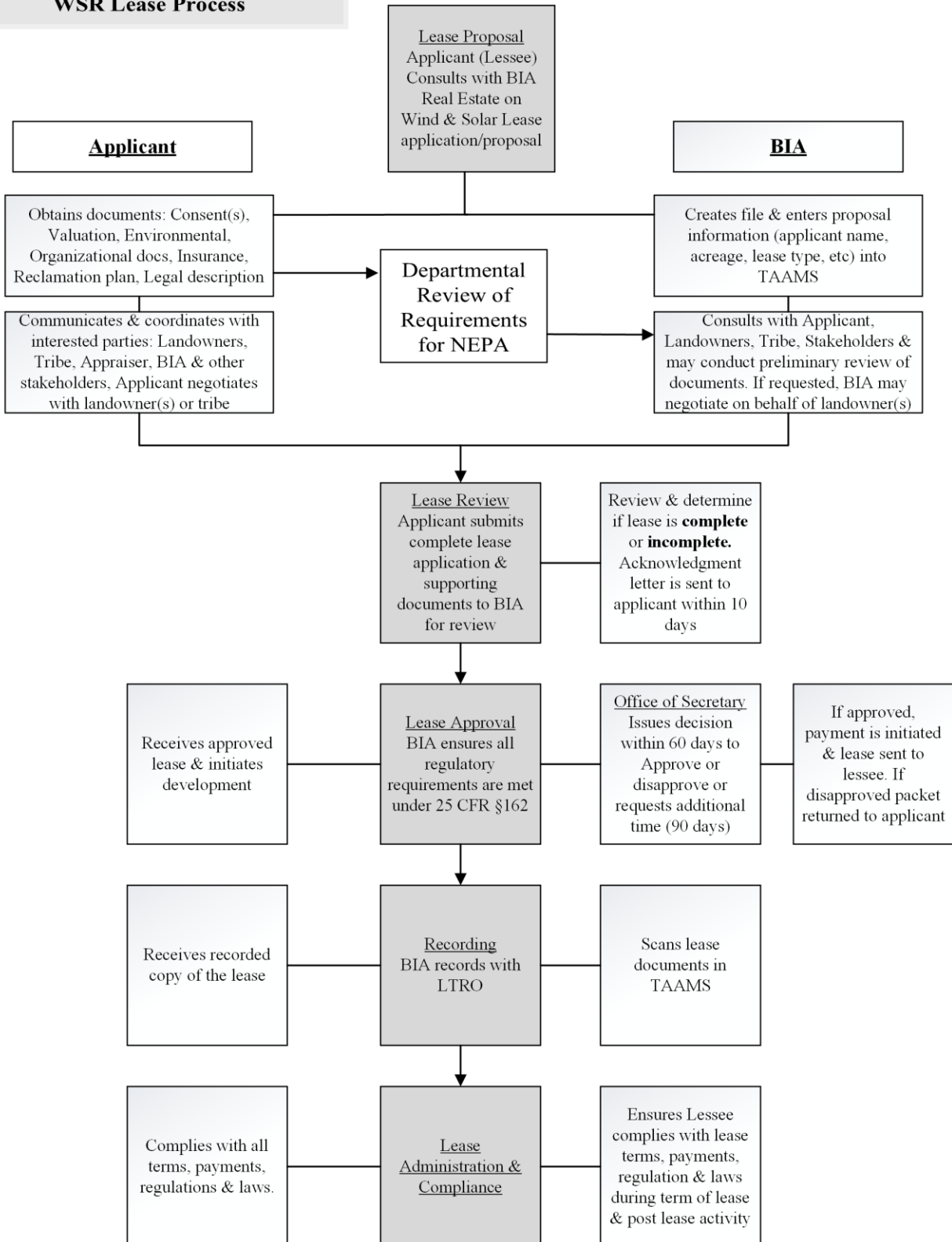
Attachment 2 continued

WEEL APPROVAL			
	Decision	Date	Comment
	Recommendation for Approval Memo for Approving Official (Office of the Deputy Secretary) Recommendation memo should discuss how it has ensured satisfaction of elements of the additional departmental review.		
	Data Tracking System (DTS) Entry DTS Tracking No.		
	Decision Letter Sent		
	TAAMS Realty Proposal to Generate Lease		

Attachment 3

BIA WIND AND SOLAR RESOURCE (WSR) LEASE CHECKLIST

WSR Lease Process



Attachment 4

BIA WIND AND SOLAR RESOURCE (WSR) LEASE CHECKLIST

LEASE PROPOSAL INFORMATION			
No.	Description	Date	Comments
	BIA Contact:		
	Case Initiation Received (ex: Letter of Intent, email, call)		
	Provide Consultation to Applicant		
	Allotment/Tract No., Section, Township & Range, Acres:		
	Provide Title Status Report		
	Lessor:		
	Lessee:		
	Encode TAAMS Realty Proposal		TAAMS Realty Proposal Document ID:
	Incomplete Lease Acknowledgement Letter Sent		
	Complete Lease Acknowledgement Letter Sent		
	Additional Time Letter Sent		
	Initial Briefing of Project to IESC		
LEASE REVIEW			
DOCUMENTATION REQUIRED FOR COMPLETE LEASE PACKAGE			
No.	Description	Date	Comments
(a)	A lease executed by Indian landowners & lessee that meets requirements of 25 CFR 162: ○ Term ○ Mandatory Provisions ○ Rental requirements ○ Bonding & Insurance		
(b)	For Tribal land, a Tribal authorization (i.e., Tribal Resolution)		
	Landowner Consent - Individually Owned Land ○ Number of Owners: ○ Required Consent Percentage:		
(c)	Valuation, if required under 25 CFR 162.549 or 162.551 Appraisal Received: ○ Appraisal Reviewed by AVSO (if required) ○ Waiver of Valuation		
(d)	Proof of Insurance, if required under 25 CFR 162.562		
(e)	Performance Bond or other security, if required under 25 CFR 162.559		
(f)	Statement from appropriate Tribal authority that proposed use is in conformance with applicable Tribal law, if required by the Tribe.		

Attachment 4 continued

(g)	Environmental and archeological reports, surveys, and site assessments as needed to facilitate compliance with applicable Federal and Tribal environmental and land use requirements, including any documentation prepared under 25 CFR 162.027(b) Additional Departmental Review Requirements for NEPA Consistent with applicable Executive Orders and Secretary's Orders,¹ an application for wind energy evaluation leases (WEEL) or wind and solar resource leases (WSR) under 25 CFR Part 162, Subpart E will undergo an elevated review process. The process will consist of review by Office of the Executive Secretariat and Regulatory Affairs, subsequent review by the Office of the Deputy Secretary, and final review by the Office of the Secretary. The elevated review will occur after the initial review by the Bureau of Indian Affairs and the Office of the Solicitor. The elevated environmental review will be based on information that applicants provide to the Secretary		
(h)	Restoration and reclamation plan, if appropriate		
(i)	If lessee is not an entity owned and operated by the Tribe, documents that demonstrate the technical capability of the lessee or lessee's agent to construct, operate, maintain, and terminate the proposed project and the lessee's ability to successfully design, construct, or obtain the funding for a project similar to the proposed project, if appropriate		
(j)	Preliminary plan of development that describes the type and location of any permanent improvements the lessee plans to construct and a schedule showing the tentative commencement and completion dates for those improvements, if appropriate		
(k)	A legal description of the land under 25 CFR 162.547		Legal Description Review (LDR):
(l)	If the lease is being approved under 25 U.S.C. § 415, information to assist us in our evaluation of the factors in 25 U.S.C. § 415(a)		

Attachment 4 continued

(m)	If the lessee 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, that demonstrates that: (4) The representative has authority to execute a lease; (5) The lease will be enforceable against the lessee; and (6) The legal entity is in good standing and authorized to conduct business in the jurisdiction where the land is located.		
	Additional Departmental Review Requirements For Lease Consistent with applicable Executive Orders and Secretary's Orders, applications for wind energy evaluation leases (WEEL) or wind and solar resource leases (WSR) under 25 CFR Part 162, Subpart E will undergo an elevated review process. The process will consist of review by Office of the Executive Secretariat and Regulatory Affairs, subsequent review by the Office of the Deputy Secretary, and final review by the Office of the Secretary. The elevated review will occur after the initial review by the Bureau of Indian Affairs and the Office of the Solicitor. The review will be based on information that applicants provide to the Secretary regarding the reasons the applicant wishes to pursue a WEEL or WSR lease, whether the applicant has a Power Purchase Agreement in place, whether the applicant has the technical capability to construct, operate, maintain, and terminate the proposed project and the applicant's ability to successfully design, construct, or obtain the funding for a project similar to the proposed project, if appropriate. The review will also evaluate whether energy resources other than wind and solar are available to meet the applicant's needs and whether those other energy resources are feasible alternatives to wind and solar for the applicant.		

Attachment 4 continued

LEASE APPROVAL			
	Decision	Date	Comment
	Recommendation for Approval Memo for Approving Official (Office of the Deputy Secretary) Recommendation memo should discuss how it has ensured satisfaction of elements of the additional departmental review.		
	Data Tracking System (DTS) Entry DTS Tracking No.		
	Decision Letter Sent		
	TAAMS Realty Proposal to Generate Lease		