United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240

National Policy Memorandum

Office of Trust Services
Division of Environmental Services and Cultural Resources Management

Number: NPM-TRUS-51 **Effective: 7/29/2026**
Expires: Superseded by NPM-TRUS-51 A1

Title: Guidance on National Environmental Policy Act (NEPA) Routing Framework Relating to Wind and Solar Projects

1. Purpose

This memorandum establishes the Bureau of Indian Affairs' (BIA) National Environmental Policy Act (NEPA) routing framework for wind and solar projects based on the Department of Interior's (DOI's) NEPA regulations and applicable Executive Orders (EOs) and Secretary's Orders (SOs)[1], which require Department level review on all decisions, actions, consultations, and other undertakings related to wind and solar energy development.

2. Scope

This policy applies to all BIA programs and employees involved in the NEPA analysis, process, and review for wind and solar energy development and any related actions. 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 Indian Affairs' (IA) policy that any NEPA decision, action, consultation, and other undertaking related to wind and solar energy development must be reviewed by the Office of the Deputy Secretary, and for final review by the Office of the Secretary, as required by the DOI Office of Secretary Memorandum, "Departmental Review Procedures for Decisions, Actions, Consultations, and Other Undertakings Related to Wind and Solar Energy Facilities," dated July

[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."

15, 2025. NEPA actions can be submitted as one request, addressing multiple items listed in the July 15, 2025 memorandum, as opposed to a request for each item.

For situational awareness and effective immediately, BIA regions must complete and submit a one-page briefing summarizing each proposed wind and solar project in their region to the Indian Energy Service Center (IESC) at: WindSolarReview@bia.gov.

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

1) Project proponent;
2) Brief project description;
3) Summary of the federal actions being requested;
4) Responsible Official recommendations for the federal actions requested;
5) Project timeline;
6) Project viability (if known);
7) NEPA documentation or actions taken to date;
8) Compliance with other Statutes such as NHPA (Section 106) and ESA (if available);
9) Any potential legal or financial risks or impacts; and
10) 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).

For NEPA analyses that are at a decision[2], action, consultation, or other similar stage, as described in the July 15, 2025 memorandum and before a decision is issued, the Regional Director (RD) will submit a recommendation for Departmental review to the Director, BIA (DBIA), Office of the Solicitor (SOL) and the Assistant Secretary-Indian Affairs (AS-IA) to the IESC at: WindSolarReview@bia.gov.

For Environmental Assessments and Environmental Impact Statements that are already in process and coming due, extension requests must be submitted to the DBIA who will coordinate with the AS-IA to decide whether to advance the deadline extension request to the DOI Office of Environmental Policy and Compliance (OEPC) for Departmental coordination. If the deadline extension request is approved, the DBIA will notify the region that it may submit the extension request to Central Office, Office of Trust Services (OTS), Branch of Environmental Services (BES). BES will then submit the extension request to OEPC for Departmental review and approval or denial. Deadline extension requests should incorporate the time needed to receive the

[2] Clarifying NEPA decision points: The decision point for a Categorical Exclusion (CE) is when the CE is ready for approval by the Responsible Official. For an Environmental Assessment, it is when the Finding of No Significant Impact is ready to be issued. For an Environmental Impact Statement, it would be prior to the Notice of Intent and submission to the Federal Register.

approval from DBIA, AS-IA and the Department within the proposed deadline extension timeline.

4. Roles and Responsibilities

A. Secretary, Department of the Interior (DOI) is responsible for the final review of any projects submitted through BIA. Pursuant to 209 DM 8, the Secretary may delegate the responsibility to the AS-IA.

B. Office of the Deputy Secretary is responsible for performing a review of all projects submitted for review.

C. AS-IA is responsible for ensuring the Departments priorities and directives are implemented and executed.

D. SOL is responsible for providing reviews of legal sufficiency.

E. DBIA is responsible for ensuring that appropriate organizational arrangements, resources, and personnel are available to implement and maintain the BIA 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, and that guidance and training is provided to regional and agency staff tasked with processing NEPA for wind and solar projects.

H. Chief, Division of Environmental Services and Cultural Resources Management, OTS is responsible for establishing BIA's NEPA policies, guidance, and standards for complying with statutory and regulatory requirements; providing environmental services technical assistance and training to BIA regions and agencies, as appropriate; and assisting in the development and dissemination of trust resource policy to the RDs.

I. IESC is responsible for receipt of all wind and solar lease requests for BIA, establishing policy and guidance development and ensuring compliance with all applicable Indian energy, minerals and energy regulations, requirements, and standards, and to promote sustainable practices to carry out the trust mission of IA for Tribes, and trust beneficiaries and owners.

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.

5. Approval

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07/29/2026

Bryan K. Mercier — Date
Director, Bureau of Indian Affairs