

BIA Approval without Consent of Landowner(s) Template

Allotment No. _____

Project No. _____

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]