



December 17, 2024

Tina Kotek

Governor

## Communication Site Facilities on DSL-Managed Land in Oregon: Updated Rules Adopted

LaVonne Griffin-Valade

Secretary of State

Updated rules have been adopted that guide how the Department of State Lands (DSL) leases communication site facilities on DSL-managed land. These facilities support wireless cellular service, internet service, emergency communications, technologies that detect wildfires or seismic activities, cable and radio broadcast, local radio users, and more.

Tobias Read

State Treasurer

### What's Changed?

Changes to administrative rules under [OAR 141-126](#) include:

- **More efficient lease management.** For example, the lessees of the base-lease may choose to sublease to other entities to co-locate on the site. The lessee sets the rate, administers the sublease, and notifies DSL for review and approval. Part of the revenue generated from subleasing is sent to DSL for the Common School Fund.
- **Updated lease rates and a modern fee structure.** Proposed changes in 2022 were aligned with a market rate study, and since then DSL has revised some of the rates and fee structures to align with evolving federal and industry standards. For example, more nuanced categories were added to acknowledge the differences between small and large wireless facilities.
- **Alignment with broader federal and Oregon policies.** Increasing broadband access to underserved communities is a priority for the State, and lower lease rates for small wireless facilities will reduce barriers to promoting broadband development.

*This rulemaking also required amendments to [OAR 141-125](#) Administrative Rules for Authorizing Special Uses on State-Owned Land. These amendments removed management of communication sites from Division 125, as instead communications sites are now managed under the newly created Division 126.*

**Questions?** Contact Vernon Wolf, Property Manager at [Vernon.wolf@dsl.oregon.gov](mailto:Vernon.wolf@dsl.oregon.gov)



### **Important! New Rates and Forms for Leases**

If you need to apply for a new communication site lease or for a renewal to an existing lease, the updated [administrative rules \(PDF\)](#) and [lease rates \(PDF\)](#) will apply. Contact Vernon Wolf (above) for updated application forms and related materials.

## **Project Background**

DSL manages leases for communication site facilities located on DSL-managed lands that are owned by the people of Oregon and generate revenue for the state's Common School Fund. Communication site leases allow entities to place communication facilities on those lands. These facilities support wireless cellular service, internet service, emergency communications, technologies that detect wildfires or seismic activities, cable and radio broadcast, local radio users, and more. Currently, DSL manages 28 leases across 6 site locations, predominantly in SE Oregon serving rural and remote communities.

A rulemaking advisory committee was convened in 2021 to advise on draft rule language and lease rates, representing different types of lessees including industry, nonprofit, Oregon Tribal government, and state agency, in partnership with a Common School Fund beneficiary and Department staff. After the committee concluded, a public comment period was held in July 2022. In response to feedback from public comments in 2022, and following a review with the Department of Justice, changes were made to standardize the Department's processes with those of other state agencies and industry standards, reduce the administrative burden, and ensure that the Department is operating within its given authorities. Given the extent of changes and length of time since the first comment period, a second public comment period was held from August 1 - September 3, 2024, prior to bringing the decision before the State Land Board in December 2024.

## **Stay Updated**

For more information on this rulemaking and other proposed changes to administrative rules at the Department of State Lands, subscribe to receive email updates or see the DSL website at [www.oregon.gov/dsl/Pages/rulemaking.aspx](http://www.oregon.gov/dsl/Pages/rulemaking.aspx)

***About the State Land Board and the Department of State Lands:*** *The State Land Board consists of Governor Tina Kotek, Secretary of State LaVonne Griffin-Valade, and State Treasurer Tobias Read. Established by the Oregon Constitution in 1859, the Land Board oversees the state's Common School Fund. The Department of State Lands is the Land Board's administrative agency, managing the lands and resources that help fund Oregon's public schools and protecting the state's waterways and wetlands for the many benefits they provide.*