



# Assigning a Communications Use Lease

A Communications Use Lease is assignable with prior written approval from the authorized officer. Below are the steps that are required for assigning a Communications Use Lease (lease).

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## Current lessee must:

1. Provide written notification to the Forest Service of the pending change of ownership of the authorized facility and ancillary improvements.
2. Provide a complete form SF-299 Application for Transportation, Utility Systems, Telecommunications and Facilities on Federal Lands and Property, prepared by the prospective purchaser:
  - a. The SF-299 provides the Forest Service with the information needed to consider the lease assignment, such as the prospective lessee's name, contact information, and the technical/financial capability to own and operate a communications facility on National Forest System (NFS) lands:
    - i. Block 5 of SF-299 should check (d.) Assign existing authorization number.
    - ii. Block 7 of the SF-299 needs to identify the improvements (e.g., equipment shelter(s), antenna support structure(s), and ancillary improvements) the prospective purchaser intends to acquire, and the intended use of those communications use improvements (e.g., Facility Manager, cellular provider, etc.).
  - b. Upon receipt of the SF-299, the Forest Service will conduct a review to ensure the prospective purchaser meets the minimum requirements to hold a lease and the intended use is consistent with the site designation. The lessee will be notified of the results of this review.
3. If it is determined that the prospective purchaser is qualified to hold a lease, the Forest Service will complete an on-site review of the authorized improvements to ensure all improvements are in full compliance with the terms of the lease.
  - a. The Forest Service will notify the lessee of what, if any, corrective actions must be completed prior to the assignment of the lease.
4. When the communications facility and ancillary improvements are determined to be in full compliance, the Forest Service will:
  - a. Provide written notification to the lessee and prospective purchaser, that the agency is prepared to approve a lease assignment.
  - b. Issue a Bill for Collection for the cost recovery fee to process the lease amendment.

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## **New lessee must:**

5. Provide a copy of the Bill of Sale or similar documentation (e.g., Assignment and Assumption Agreement).
  - a. Ensure the documentation clearly identifies all improvements that are being acquired (this must match the SF-299 and what is on the ground).
6. Once the Bill for Collection for the cost recovery processing fee is paid and the appropriate documentation (item 5) is provided, the Forest Service will:
  - a. Prepare a lease amendment to assign the lease, and document any other necessary changes, such as a change to the authorized use or incorporate a new communications site management plan.
  - b. Send two hard copies or an electronic copy of the lease amendment (including the lease and any appendices) to the new lessee for signature.
  - c. The new lessee will be provided 60 days to review, sign, and return the lease amendment to the Forest Service. Upon receipt of the signed amendments, the Forest Service authorized officer will execute the lease amendment. An executed copy will be returned to the new lessee for their records.