



Oregon

Tina Kotek, Governor

Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

www.oregon.gov/dsl

State Land Board

August 1, 2024

Tina Kotek

Governor

Comment Opportunity: Updates to Rules for Communication Site Leases on DSL-managed Land in Oregon

LaVonne Griffin-Valade

Secretary of State

The Department of State Lands (DSL) is seeking comments on proposed adoption of new administrative rules in OAR 141-126 that guide how communication site facilities are leased on DSL-managed land.

Tobias Read

State Treasurer

The rulemaking comment period is open from **Thursday, August 1, 2024 – Tuesday, September 3, 2024**.

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.

An advisory committee was convened in 2021 to shape the proposed rule language and fee structure, followed by a public comment period in July 2022. In response to feedback from public comments, and following a review with the Department of Justice, the latest changes have standardized the DSL's processes with those of other state agencies and industry standards, reduced the administrative burden on DSL, and ensured that DSL is operating within its given authorities.

Given the extent of changes and length of time since the first comment period, a second comment period is being held prior to bringing the decision before the [State Land Board](#). The Land Board accepts written and verbal testimony on action items presented at those meetings.

These rules are being amended to:

- **Manage communication site leases more efficiently.** 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.
- **Establish a lease rate and 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.
- **Align 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.

How to Comment

Visit the DSL website to see a draft of the proposed rule, all related materials from the rulemaking process, and the online comment form: www.oregon.gov/dsl/Pages/rulemaking.aspx



Public Hearing: Feedback on the proposed rulemaking can be provided during a virtual public meeting on **Thursday, August 15, 2024, at 6:00 p.m.** The meeting will begin with an information session with time for questions, followed by a public hearing:

Meeting ID: 250 886 8653

Join online: [Click here for the meeting link](#) (Passcode: w#EnJ067)

Join by phone: 1-669-444-9171 (Passcode: 87671005)



Written Comments: Comments may also be submitted in writing by [online form](#), emailed to dsl.rules@dsl.oregon.gov or mailed to DSL at 775 Summer Street NE, Suite 100, Salem, OR 97301.

The comment deadline is Tuesday, September 3, 2024 at 5:00 p.m. (Pacific).

Stay Updated

For the latest news on this draft rule and other proposed changes to administrative rules, subscribe to receive email updates or see the DSL website: www.oregon.gov/dsl/Pages/rulemaking.aspx

Related Rulemaking

This rulemaking also requires amendments to OAR 141-125 Administrative Rules for Authorizing Special Uses on State-Owned Land. These amendments would remove management of communication sites under Division 125, as instead communications sites would be managed under the newly created Division 126.

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.