



## REAL PROPERTY MANAGEMENT DIVISION POLICY BULLETIN NUMBER 14

December 30, 2006  
Rev. February 25, 2009

Subject: Recommended Standards for Real Property Instruments  
Involving Land and Equipment Sites

Category: Lease Planning

Effective immediately, all Solicitations for Offers (SFO) for land and equipment site acquisitions will generally follow these recommendations for determining the type of instrument to be used.

1. The size of the area has a direct bearing on the instrument used.
  - a. A **License** is to be used for use of a plot of land whose area is less than an acre.
  - b. A **License** is to be used for a small equipment site on a structure such as a bridge or pier, or for equipment that is easily relocated.
  - c. A **Permit** is to be used for plots of land on Federally-owned sites.
    - i. Standard forms used by the COE, USCG, USFS, USN, and USAF have been reviewed and can be used in lieu of drafting a new agreement.
    - ii. Permits that require payment for allocable operating costs must be executed along with an MOU, which will be used as the funds obligating document.
  - d. A **Lease** is to be used for use of a plot of land whose area is larger than one acre, or smaller if space needs to be for exclusive use by the Government and no disturbance can be allowed (e.g. security/fencing and/or for extensive site development costs > \$10,000).



2. Local market conditions may have a bearing.
  - a. The local tower market's norm may be for a license instead of a lease.
  - b. Or conversely, offerors may insist on a lease for governmental use.
3. Duration of use is also important.
  - a. NOAA's leasing authority is limited to a one-year term for land.
    - i. Options can be used to lengthen the overall term, but cannot be for more than 20 years.
    - ii. **No automatic renewals** are allowed if rent is being paid.
    - iii. **No indefinite leases** are allowed.
  - b. A license can be used for a longer term than one year but cannot be for more than 20 years.
    - i. No indefinite term licenses are allowed.
    - ii. Automatic renewals are not preferred and a longer overall term should be considered instead.
4. For leases, GSA Standard Clauses shall be incorporated. For licenses that will be in effect for five or more years, they should (as applicable) be considered.
5. Cancellation and holdover clauses need to be sought in new agreements, especially where rent is being paid.
6. The acquisition plan should clearly identify the type of instrument being proposed for the action submitted to RPMD for review and approval.
7. Proposed actions that initially seem to be in conflict with this policy guide shall be elevated to the Director of Real Property Management Division for review and/or referral to OGC and DOC RE for interpretation.
8. As noted in the course of normal business, existing leases or licenses that seem to be in conflict shall be identified to the Regional Chiefs or the Director of Real Property Management Division for future work planning and/or initiation of possible superseding actions.