

## 2887 - AMENDMENTS, ASSIGNMENTS, RENEWALS

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.10 Amendments are required where there is a proposed substantial deviation in location or use.

A. Process. Amendments are processed in the same manner as new applications.

1. Cost Recovery. Determine and issue a processing fee determination unless:

- a. The amendment is to an existing Category 6 case, or
- b. Is within a Master Agreement (MA).

B. Pre-1973 Grants. If the grant was issued prior to November 16, 1973, the grant must also be conformed to the revised law as well as considering the proposed amendment.

1. Added use. If the proposed amendment is only adding a new use, such as a cathodic protection site, the amendment request may be treated as a new application for the addition. In such a case, the old grant will remain and, if approved, a new grant issued for the additional use.

.11 Assignments. Holders of a ROW grant may assign their interest in the grant. Where only a change in name is involved see .13 below.

A. Application. A proposed assignee files an application (SF 299) **which is processed the same as any new application**, in the office having jurisdiction over the ROW grant. In addition, the application must contain:

1. Documentation that the assignor agrees to the assignment; and

2. A signed statement that the proposed assignee agrees to comply with and be bound by the terms and conditions of the grant that is being assigned and all applicable laws and regulations. (See Illustration 1 - Assignment Request and Statement.)

B. Cost Recovery.

1. New cost recovery consideration is required unless:

- a. The assignee is exempt from cost recovery; or
- b. The assignment is to an existing Category 6 ROW application/grant; or
- c. The assignment is within and will remain within a MA.

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2. Processing. Determine and issue a processing fee determination.
3. Monitoring. Determine and issue a monitoring fee determination when:
  - a. No previous monitoring fee was paid, or
  - b. The terms and conditions are changed.

C. Mass Assignments. Single applications for mass assignments will be accepted for ROW grants in a single State Director's jurisdictional area, including Lead State assignments.

1. Assignees/applicants should be encouraged to group mass assignments by statutory authority and by Bureau organization (Field Office, District).

2. Assignment applications received for more than the State Director's jurisdictional area, including Lead State assignments, will not be accepted and will be returned to the assignee/applicant for separation and re-filing.

3. Cost recovery is determined based on the work hours estimated to process the entire mass assignment, not on the individual grants.

D. Terms and Conditions. The AO will determine whether to modify, delete, or add to the terms and conditions, including rent and bonding conditions, of the existing grant.

1. Pre-1973 Grants. If the grant was issued prior to November 16, 1973, the terms and conditions of the grant may not be changed without the consent of the assignee

E. Rent. With the assignment, any "future" rent paid by the assignor goes to the favor of the assignee; i.e., rent is not due until the next rental period.

F. Approval. Approval will be by decision approving the assignment of interest in the ROW grant from the assignor to the assignee; except a new grant will be issued if there are any changes in the terms and conditions.

.12 Renewals. The MLA provides for the renewal of a grant as long as the holder is continuing to use, maintain and operate the facility for the purposes authorized in the original grant, and the use, maintenance and operation are in compliance with the grant terms and applicable laws and regulations.

A. Application for renewal must be submitted on form SF 299 and at least 120 calendar days prior to the grant expiration date.

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1. Pre-1973 Grants. If the grant was issued prior to November 16, 1973, either:
    - a. The grant must be ratified and conformed to the revised law as provided in 30 U.S.C. 185(t); or
    - b. The application for renewal is treated as an application for a new ROW grant.
  2. Late Filings will not be accepted. Advise applicants that their late renewal application will be treated and processed as an application for a new ROW grant.
- B. Extension of Term. The ROW grant for which a renewal application has been properly filed will remain in effect until a final decision on the renewal application has been reached.
- C. Cost Recovery.
1. New cost recovery determination is required unless:
    - a. The assignee is exempt from cost recovery; or
    - b. The assignment is to an existing Category 6 ROW application/grant, or
    - c. Is and will remain within a MA.
  2. Processing. Determine and issue a processing fee determination.
  3. Monitoring. Determine and issue a monitoring fee determination when:
    - a. No previous monitoring fee was paid, or
    - b. The terms and conditions are changed.
- D. Terms and Conditions. The AO will determine whether to modify, delete, or add to the terms and conditions, including rent and bonding conditions.
- E. Decision. All renewals shall be by issuance of a new grant.
- F. Rejection. A renewal of a grant may be denied only if it is in non-compliance or is not currently being used or maintained.

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.13 Change in Name. Name changes occur when the applicant for or the holder of a ROW grant decides that a new name is needed. Name changes can be by an individual, partnerships, corporations, etc. While technically an assignment, a change in name only will be treated separately. Only the name of the entity can change; any other change to the entity requires that the matter be handled as an assignment or an amendment.

A. Filing required. For each State Office's jurisdiction the holder must file:

1. Name Change Request and Statement (Illustration 2);
2. A SF 299; and
3. Evidence of the name change.

a. If an individual, a copy of the court order approving or making the change in name.

b. If a corporation,

(1) A copy of the corporate resolution(s) proposing and approving the name change and

(2) A copy of the filing/acceptance of the change in name by the State/Territory in which incorporated.

c. A copy of the appropriate resolution(s), order(s) or other documentation showing the name change.

d. List of serial numbers of the ROW grants involved with the change in name.

B. Cost recovery is handled in the same manner as assignments, see .11 above.

C. It is in the public interest to check to determine whether any involved case has outstanding payments due or is in non-compliance. Name changes shall not be recognized until such matters are resolved.

D. Decision. A change in name will be acknowledged by a letter decision.

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Assignment Request and Statement

<b>ASSIGNMENT REQUEST AND STATEMENT</b>	
Serial Number: _____	
<b>Assignor Consent</b>	
<p>_____[Name of Assignor as shown on existing grant]_____, does hereby consent to assign to _____[Name of assignee as shown on application]_____, all undivided right, title, and interest in and to right-of-way grant number _____, if approved by the United States Department of Interior, Bureau of Land Management.</p>	
_____ Signature of Assignor	_____ Date
_____ Title	
<b>Assignee Agreement</b>	
<p>_____[Name of Assignee as shown on application]_____ does hereby make application for approval of the above assignment of right-of-way grant number _____. This application is made pursuant to the regulations in 43 CFR Part 2800/2880. _____[Name of Assignee as shown on application]_____, the undersigned applicant, agrees to comply with and be bound by all terms and conditions of the right-of-way grant.</p>	
_____ Signature of Assignee	_____ Date
_____ Title	

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Name Change Request and Statement

ROW Serial Number \_\_\_\_\_  Individual  
(Attach list if appropriate)  Association, Partnership  
 Corporation  
 Other

1. \_\_\_\_\_[New Name]\_\_\_\_\_, applicant for or holder of subject right-of-way grant(s), certifies that applicant's/holder's name has been changed from \_\_\_\_\_[Old Name]\_\_\_\_\_ to \_\_\_\_\_[New Name]\_\_\_\_\_ and apply to have this name change reflected on the right-of-way grant(s) indicated above.

2. In support of this request attached is/are (check all that apply):

- Court Order
- Partnership Letter
- Signing Authority
- Other
- Explanation \_\_\_\_\_
- Association Resolution
- Board Resolution
- State of Incorporation Certification

3. \_\_\_\_\_[New Name]\_\_\_\_\_ further certifies that there is no other change to Corporate, Partnership, Association, etc., that would affect its holding of the right-of-way grant(s).

4. \_\_\_\_\_[New Name]\_\_\_\_\_ does hereby agree to comply with and be bound by all terms and conditions of the right-of-way grant(s).

\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Title

=====

The Name Change request above has been accepted by the Bureau of Land Management.

\_\_\_\_\_  
BLM Authorized Officer Date