



PUBLIC NOTICE

Oregon Department of State Lands

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Comment Period Re-opened: Undersea Infrastructure Easements in Oregon's Territorial Sea

The Oregon Department of State Lands (DSL) is re-opening the comment period for proposed changes to administrative rules (OAR 141-083) that guide how easements are issued for uses of the territorial sea.

DSL wants to allow time for more input before the revised proposed rules are presented to the State Land Board for a decision. This rulemaking seeks to strengthen protections for Oregon's marine ecosystems, streamline permitting, and ensure fair public compensation for use of the seafloor.

The re-opened comment period is open until Monday, November 2, 2026, at 5:00 p.m. (Pacific).

How to Comment

Comments may be submitted in writing by:

- [Online form](#)
- emailed to dsl.rules@dsl.oregon.gov
- mailed to DSL (Attn: Rules Coordinator) at 775 Summer Street NE, Suite 100, Salem, OR 97301

What's Changed Since the Extended Comment Period?

The comment period was first opened on July 1 and was extended through September 21. DSL is reopening the comment period for one additional week, following revisions to the proposed rules.

What changed:

- Revised compensation formulas for new, renewed, and encroachment easements, using diameter increments for infrastructure under 30 inches and a diameter multiplier for infrastructure 30 inches or greater.
- Added a 5% surcharge to fund restoration activities in Oregon's territorial sea through [DSL's existing grant program for waterway enhancements](#).
- Added an allowance for a two-year temporary encroachment easement to transfer an existing bore pipe/HDD conduit to a department-approved potential user for reuse.
- Clarified applicability to existing easements issued under Division 123.
- Clarified application requirements and review timelines.
- Clarified appeals process.

New materials available:

- Revised proposed rules, reflecting input received to date.
- All comments received through the extended September 21 close date, as well as DSL responses.
- A memo outlining DSL's methodology for setting compensation fees.

[Visit the DSL website for all rulemaking materials](#), including the Notice of Proposed Rulemaking, revised proposed rules, rulemaking advisory committee materials, prior public hearings, all comments received, and more.

What Happens Next?

After the comment period closes and comments are addressed, proposed rules will be presented at an upcoming meeting of the State Land Board for a decision. The public may provide additional testimony at that time. DSL anticipates presenting these rules at the December 8, 2026, meeting of the Land Board, [visit the DSL website for current meeting information and testimony guidance](#).

If adopted, these proposed rules and fees are anticipated to go into effect in January 2027.

Additional Background

Why are Changes Needed?

For decades, cables have been installed on the bottom of Oregon's territorial sea—the area of the Pacific Ocean extending from the shoreline to three nautical miles offshore. These cables, often called “undersea” or “submarine” cables, carry global data through optical fibers and are placed on, attached to, or buried beneath the seafloor. In the future, similar infrastructure may also include power transmission cables and pipelines to serve purposes like carrying electricity from offshore wind turbines to shore.

DSL, with approval from the State Land Board, issues easements for use of the territorial sea. DSL is one of several agencies with a regulatory role in the territorial sea, but the administrative rules guiding DSL's work are out of date.

Oregon's administrative rules governing these easements have not been comprehensively updated in 25 years. Since then, undersea infrastructure technology has evolved significantly, including the development of SMART cables that support both data transmission and sensors for ocean monitoring. In addition, Oregon's Territorial Sea Plan Part Four was updated in 2023, and Senate Bill 793 now requires DSL to set application and compensation fees for easements associated with water, gas, electric, and communication infrastructure in the territorial sea. These changes in technology, policy, and state law make updates to the rules necessary.

What's Proposed

- **Alignment with Oregon's ocean resource management goals.** Proposed updates align DSL's easement review and authorization processes with Oregon's Territorial Sea Plan Part Four and other applicable state policies governing uses of the seafloor.
- **Enhanced application requirements.** Applicants would be required to provide additional information during project planning and review, including resource and use inventories, effects evaluations, decommissioning plans, emergency response plans, and information about potential encroachments. Early coordination through pre-application meetings and the Joint Agency Review Team would help identify information needs and potential issues before applications are submitted.
- **A cooperative review framework.** Updates would support collaboration among applicants, state and federal agencies, Tribal governments, and local communities. Clearer requirements and review procedures would provide greater transparency and predictability throughout the process.
- **New fee structure.** A new structure for application fees will support sustainable funding for the interagency application review. New compensation fees allow use of Oregon's territorial sea while compensating Oregonians for the usage of this public resource. Revenues go to the Common School Fund.

A [rulemaking advisory committee](#) was convened from February through June 2026 to inform the proposed rules, and a [summary of RAC input can be found here](#).