Attachment E

**DATE:** Aug 3, 2026

**TO:** Director Kaitlin Lovell

**cc:** Governor Tina Kotek, Secretary of State Tobias Read, State Treasurer Elizabeth Steiner

**SUBJECT:** Industry Concerns Regarding Oregon's Digital Infrastructure Policy Reversal

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Dear Director Lovell,

We are writing to you today as a coalition of undersea cable industry stakeholders to express our concern regarding the reversal of a longstanding state policy that may cripple future digital infrastructure investment and economic development.

Undersea cables carry 99% of intercontinental data traffic, making them vital arteries for Oregon and the rest of the United States. Oregon is a strategic location for undersea cables and provides economic opportunities for local businesses and digital entrepreneurs.

Since 2005, three previous Governors of Oregon have–in their capacity as chair of the State Land Board–specifically invited the subsea industry to consider Oregon for future site landings, highlighting the state's record of successful projects and unparalleled cooperation:

- Then-Governor Kate Brown's 2018 letter assured operators that the State Land Board would welcome and provide full and timely consideration to all landing requests.
- It promised that the Department of State Lands (DSL) would work in partnership with undersea cable operators to ensure the success of approved projects and facilitate collaboration among undersea cable operators, the fishing industry, and state government.

Governor Brown's invitation reiterated similar commitments from 2005, 2011, and 2016. Relying on this long-standing state support, many cable owners made significant business and economic decisions to land critical infrastructure in Oregon. Since then, the subsea industry has embraced the opportunity, with cable owners viewing Oregon as both a practical and supportive location for cable landings. Unlike in other states, Oregon has a longstanding mechanism established whereby the fishing industry officially partners with subsea cable stakeholders to incorporate local knowledge of the seafloor–ensuring it is utilized to achieve efficient cable burial and support the fishing economy. These partnerships, along with a thriving terrestrial network, have established Oregon as a leading digital infrastructure hub on the West Coast.

However, newly proposed regulations, specifically the amended Division 83 rules by the Department of State Lands (DSL), represent a dramatic change to this historical support and threaten our partnerships. We are particularly concerned about the following financial and operational liabilities, which will have a determinative impact on the business case for continued investment in Oregon's infrastructure:

- Retroactive Financial Liabilities**:** The proposed regulations–including Encroachment Easement fees for deeply buried, reusable, and environmentally inert bore pipes–could impose tens of millions of dollars in retroactive liabilities on existing systems.
- Punitive Seismic Mandates: New triggers for mandatory physical inspection of submarine infrastructure following seismic events overlook the industry's advanced yet routine technological capability to continuously monitor system health and detect even minor damage. Without a clear justification for such inspection, daily operational costs for the necessary specialized vessels present an additional artificial and unpredictable expense.
- New compensation uplift for HDD bore pipe: Penalizes the use of Horizontal Directional Drill (HDD) bore pipe/conduit, which is a critical component that protects both the cable and the seabed. A monetary penalty for its use could incentivize operators to reduce or eliminate this protective infrastructure.
- Renewal Process Uncertainty: The proposed renewal process lacks objective standards, clear timelines for completeness review, and holdover protections for existing easements pending renewal determinations. Without these safeguards, operators face the risk of regulatory gaps through no fault of their own.
- No Confidentiality Protections: Rules do not propose a provision for confidential treatment of proprietary business information, security-sensitive operational details, or trade secrets submitted as part of the application process.

We share the state's goals of protecting Oregon's marine ecosystems, while ensuring responsible stewardship of submerged lands, and supporting a science-based regulatory framework. We have spent significant time cultivating relationships with important Oregon stakeholders, such as fishermen, to protect the local environment and ensure economic growth for Oregon and cable stakeholders. Our ultimate goal is to continue the partnership.

Unfortunately, the proposed reversal of a longstanding state policy could cripple future digital infrastructure investment planning and compromise state revenue derived from these projects. We strongly advocate for a balanced middle-ground approach to new policies and fees for infrastructure that will serve current and future generations of Oregonians, in alignment with recent economic development proposals.

We look forward to continuing our history as responsible stewards of the environment and long-term partners to the State of Oregon.

Sincerely,

Google, LLC

Oregon Fishermen's Cable Committee

Amazon Web Services, Inc.

Sealink Networks, Inc.

Alaska Communications

Verizon Communications, Inc.

AT&T, Inc.

Microsoft Corporation

Attachment E

KATE BROWN
Governor

January 5, 2018

Delegates
Pacific Telecommunications Conference
Honolulu, Hawaii 96826

RE: Trans Pacific Undersea Cable Projects

Ladies and Gentleman:

We invite and encourage you to consider the State of Oregon as your future site to come ashore on the west coast of North America, and as an excellent location for the placement of related on-shore operations. Oregon has a long record of successful submarine cable industry projects, a highly developed telecommunications infrastructure, a workforce of skilled professionals for marine and terrestrial telecommunications cable installation, and unparalleled cooperation between its undersea cable operators, fishing industry, and state government.

As chair of the State Land Board, which approves easements for cable landings on the Oregon coast, I can assure you that we will welcome and give full and timely consideration to all landing requests. Please know that the Department of State Lands and the Oregon Business Development Department along with other involved state agencies will work in partnership with you, as an undersea cable operator, and Oregon's fishing fleet to ensure the success of your project once approved.

Please contact Chris Castelli, Oregon Department of State Lands, 775 Summer Street NE, Salem, OR 97301-1279 USA; phone: 503 986-5280; e-mail: chris.castelli@state.or.us, for more information.

We stand ready to assist you and to provide you with the information you need to come ashore in Oregon.

Sincerely,

Kate Brown

Governor Kate Brown

KB:jkt

Attachment E

THEODORE R. KULONGOSKI
Governor

January 16, 2005

To: Delegates of Pacific Telecom Conference

Oregon is open for business.

We welcome your interest in Oregon and our established process for landing undersea cables on the Oregon Coast. Oregon has a great track record for placement of cables, related facilities, and operations centers. Oregon's fishing industry has worked closely with members of the submarine cable industry to achieve a high level of successful cable burial and to promote cable safety within the fishing fleet once a cable has been placed.

As chair of the State Land Board, which must approve easements for cable landings on the coast, I can assure you that we welcome, and will continue to give full and speedy consideration to, all future requests.

I also can assure you that staff from the Department of State Lands, the Oregon Economic and Community Development Department and other involved state agencies will work in partnership with submarine cable companies and the Oregon fishing fleet.

We stand ready to assist you in whatever your needs may be. Working together is the best way to keep this unique partnership healthy and strong.

Sincerely,

THEODORE R. KULONGOSKI
Governor
State Land Board Chair

TRK/art

STATE CAPITOL, SALEM 97301-4047 (503) 378-3111 FAX (503) 378-4863 TTY (503) 378-4859
WWW.GOVERNOR.STATE.OR.US

Attachment E

JOHN A. KITZHABER, MD
Governor

September 1, 2011

To: Pacific Ocean Undersea Cable Projects

Ladies and Gentleman:

We invite and encourage you to consider Oregon as your future site to come ashore in North America, and as an excellent location for the placement of related on-shore operations. Oregon has a long record of successful undersea cable industry projects, a highly developed telecommunications infrastructure, and unparalleled cooperation between its undersea cable operators, fishing industry, and state government.

As chair of the State Land Board, which approves easements for cable landings on the Oregon coast, I can assure you that we will welcome and give full and timely consideration to all landing requests. Please know that the Department of State Lands and the Oregon Business Development Department along with other involved state agencies will work in partnership with you, as an undersea cable operator, and Oregon's fishing fleet to ensure the success of your project once approved.

Please contact Ms. Nancy Pustis, Western Region Manager, Oregon Department of State Lands, 775 Summer St. NE, Salem, OR 97301-1279 USA, phone: 503 986-5308, e-mail: nancy.pustis@dsl.state.or.us, for more information.

We stand ready to assist you and to provide you with the information you need to come ashore in Oregon.

Sincerely,

John A. Kitzhaber, M.D.
Governor
State Land Board Chair

JAK/SCN/sp

Attachment E

January 6, 2016

KATE BROWN
Governor

Delegates
Pacific Ocean Undersea Cable Projects
Pacific Telecommunications Conference
Honolulu, Hawaii 96826

Ladies and Gentleman:

We invite and encourage you to consider Oregon as your future site to come ashore on the west coast of North America, and as an excellent location for the placement of related on-shore operations. Oregon has a long record of successful submarine cable industry projects, a highly developed telecommunications infrastructure, a workforce of skilled professionals for marine and terrestrial telecommunications cable installation, and unparalleled cooperation between its undersea cable operators, fishing industry, and state government.

As chair of the State Land Board, which approves easements for cable landings on the Oregon coast, I can assure you that we will welcome and give full and timely consideration to all landing requests. Please know that the Department of State Lands and the Oregon Business Development Department along with other involved state agencies will work in partnership with you, as an undersea cable operator, and Oregon's fishing fleet to ensure the success of your project once approved.

Please contact Chris Castelli, Oregon Department of State Lands, 775 Summer St. NE, Salem, OR 97301-1279 USA, phone: 503 508-4312, e-mail: chris.castelli@state.or.us, for more information.

We stand ready to assist you and to provide you with the information you need to come ashore in Oregon.

Sincerely,

Governor Kate Brown
State Land Board Chair

KB:vp/ct

254 STATE CAPITOL, SALEM OR 97301-4047 (503) 378-3111 FAX (503) 378-8970
WWW.GOVERNOR.OREGON.GOV

Attachment C

Oregon Department of State Lands
DSL.rules@dsl.oregon.gov
Re: Rulemaking on Undersea Infrastructure Easements in Oregon's Territorial Sea

July 30, 2026

Dear DSL,

Oregon Coast Alliance is an Oregon nonprofit organization whose mission is protection of coastal natural resources and working with coastal residents to enhance community livability.

We comment today on the proposed new rules for undersea infrastructure. ORCA appreciates the leadership role taken by the Legislature via HB 2603 after the Facebook disaster in Tierra del Mar, which led to substantial amounts of equipment and drilling fluid being left under the seafloor.

ORCA is strongly in favor of the substantive fee increases being proposed and requiring compensation for use of the seafloor. It is a sensitive environment and the use of it for commercial purposes is a privilege that should be paid for with fees that take into account the many potential costs of accidents or natural disasters. If anything, the proposed fee increases  for new and renewal applications are too modest. California, our neighbor to the south has much higher fees for undersea cables. The compensation formulas seem appropriate to the individual cable owner, as is appropriate. ORCA supports these.

We also support the enhanced application requirements, especially for providing detailed information about the site and the proposal for undersea cables, as Oregon's standard easement process had not been updated for more than two decades, and required little detail of applicants. We strongly support having a detailed emergency plan in place, in the event that disasters similar to the 2021 Facebook cable happen again in a different location. The idea of an "encroachment easement" to deal with equipment left in place after a disaster is a good one, though we question the Department's ability to decide when to allow equipment abandonment without stronger guidelines and requirements than those listed in these rules. However, the requirements for the encroachment application are comprehensive, as are the standards for denying the easement.

This rulemaking has focused of course on the detailed requirements of the rulemaking process. But there also needs to be a longterm cost-benefit discussion about whether Oregon is benefiting from the increase in undersea cables and other aspects of current technology, and this has not yet occurred.

Thank you for the opportunity to comment.

Sincerely,

*/c/ Cameron La Follette*

Cameron La Follette
Oregon Coast Alliance
Executive Director

Attachment C

## BOUDREAUX Danielle * DSL

**From:** Laserfiche_Forms@dsl.state.or.us
**Sent:** Monday, August 3, 2026 1:24 PM
**To:** DSL Rules * DSL
**Subject:** DSL Rulemaking Comment: Christina Cronin-Vejar

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 8/3/2026 1:23:31 PM

**Rule Number:** OAR 141-083

**Name:** Christina Cronin-Vejar

**Organization or Affiliation (if provided):**

**Email Address (if provided):** casadevejar@gmail.com

**Comments:**
Oregon citizens and the Oregon Coastline and Hillsboro Data Centers bear the weight of all of the risks and environmental impact of being the hub of the Trans-Pacific fiber optic center of the world. We demand any and all rules be revised and updated to would force every corporation to pay the highest fee possible to install new cable/ring etc. Oregon schools and Oregon residents DEMAND it.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

| | |
|---|---|
| **From:** | Laserfiche_Forms@dsl.state.or.us |
| **To:** | DSL Rules * DSL |
| **Subject:** | DSL Rulemaking Comment: Derek Grant |
| **Date:** | Friday, July 24, 2026 10:20:31 AM |

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/24/2026 10:20:20 AM

**Rule Number:** OAR 141-083

**Name:** Derek Grant

**Organization or Affiliation (if provided):** Reasonable human being

**Email Address (if provided):** derekg1972@gmail.com

**Comments:**
Considering the vast amount of money that telecommunications companies make using our state's lands, air and public infrastructure, I find the proposed ONE-TIME FEE INAPPROPRIATE.
Oregon should clearly implement an ANNUAL FEE similar to the one in California.

There should ALSO be fees and mitigation requirements for the air and noise pollution from diesel back-up generators used at data centers. There are so many thousands installed that, even if the power never goes out, their maintenance routines create very significant amounts of pollution.

--Derek Grant, 97220

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

**BOUDREAUX Danielle * DSL**

| | |
|---|---|
| **From:** | **Doug Heiken <dougheiken@gmail.com>** |
| **Sent:** | **Monday, August 3, 2026 3:23 PM** |
| **To:** | **DSL Rules * DSL** |
| **Subject:** | **Comments on proposed amendment to rules abut undersea easements** |



Dear DSL:

Please accept the following comments regarding the proposed changes to OAR 141-083 that guide how easements are issued for uses of the territorial sea.
(https://www.oregon.gov/dsl/Pages/rulemaking_comment.aspx, https://www.oregon.gov/dsl/waterways/Pages/undersea-infrastructure.aspx).

Territorial sea developments often involve significant investments, with large spatial footprints, and potential for significant impacts on the sea floor, in the water column, and above the water.

Birds, fish, marine mammals, and other living organisms that live in and above the water and the seafloor can be adversely affected by territorial sea developments such as pipelines, conduits, cables, buoys, anchors, etc.. These resources are part of the public trust and the rules should recognize and avoid or minimize the impacts to fish and wildlife that live in, over, and under Oregon's territorial sea.
Impacts to the seafloor should not be considered in isolation, because they are often part of larger projects that impact other state-regulated resources. It is important to consider connected actions and cumulative effects.

I am particularly concerned about anchor cables that are in the water column 24x7x365 and may entangle whales with lethal effects. These potential impacts must be carefully considered and avoided.

The rules should recognize that mitigation and remediation of averse effects is not always effective, so avoiding impacts (and minimizing unavoidable impacts) should be prioritized. Nonetheless, In granting easements and permits, DSL should include clear enforceable standards to avoid, minimize, and mitigate all environmental impacts of undersea infrastructure.

It is imperative that territorial sea developments be approved only after effective public notice and meaningful public comment, at both the programmatic and site-specific stages of decision-making. Public comments are most effective when they are informed by clear and detailed public information about proposed development activities and anticipated impacts.

Sincerely,

Doug Heiken

Doug Heiken

909 W. 10th Ave
Eugene OR 97402
dougheiken@gmail.com

OREGON BUSINESS & INDUSTRY OBI

August 3, 2026

Department of State Lands
*Attn: Rules Coordinator*
775 Summer Street, Suite 100
Salem, OR 97301

**Re: Comments on Proposed Revisions to OAR Chapter 141, Division 83**

Dear Department of State Lands,

Oregon Business and Industry (OBI) is eager to provide comments on the proposed revisions to OAR Chapter 141, Division 83 governing easements for submarine cables and other undersea infrastructure.

OBI is a statewide association representing businesses from a wide variety of industries and from each of Oregon's 36 counties. In addition to being the statewide chamber of commerce, OBI is the state affiliate for the National Association of Manufacturers and the National Retail Federation. Our 1,600 member companies, more than 75% of which are small businesses, employ more than 250,000 Oregonians.

Oregon has long recognized the strategic importance of attracting submarine cable infrastructure. Since 2005, multiple Governors, acting in their capacity as members of the State Land Board, have encouraged cable operators to consider Oregon for future landings to power Oregon's competitiveness in the 21st century global economy.

The state's collaborative approach among state government, cable operators, and the fishing industry, using local knowledge of the seafloor to support efficient cable burial and reduce conflicts has helped make Oregon an appropriately reasonable and reliable Pacific Coast location for transoceanic critical digital infrastructure investment.

We appreciate the Department's efforts to modernize Oregon's regulatory framework, provide greater clarity for applicants, and ensure the responsible stewardship of Oregon's submerged lands. However, several provisions of the proposed rules create unnecessary uncertainty, impose disproportionate costs, or establish operational requirements that may not be achievable in practice. We offer the following comments and recommendations:

1. Provide Clear Transition Rules for Existing Easements

The proposed rules would impose significant new obligations on existing authorization holders when easements are renewed or retired infrastructure is abandoned.

Specifically, the proposed rules would:

- Apply a new compensation methodology upon renewal of an existing easement.
- Convert retired infrastructure approved to remain in place from an easement to an encroachment, subject to a substantially different fee structure.
- Require infrastructure to transition to an encroachment after 100 years.

These provisions could have significant financial consequences for facilities that were authorized decades ago under a different regulatory framework.

For example, one if an existing easement expires in 2029, renewal for an additional 25-year term is estimated to cost approximately $650,000, while conversion of retired infrastructure to an encroachment could result in compensation obligations up to $24 million.

Although these provisions are prospective rather than retroactive in the traditional legal sense, they impose substantial new financial obligations on long-standing property interests that were authorized under a different regulatory framework.

We recommend that the final rules include explicit applicability and transition provisions that clearly address existing easements, establish an appropriate grandfathering or transition process for legacy infrastructure, and clarify how the proposed 100-year encroachment requirement applies to authorizations issued before these rules take effect.

2. Make Renewable Processes Predictable

Businesses investing in long-lived infrastructure require confidence that authorizations can be renewed through a transparent and objective process.

The proposed rules should establish:

- Objective criteria for evaluating renewal applications;
- Defined timelines for determining application completeness and issuing decisions; and
- Holdover protections allowing an existing easement to remain in effect while a timely renewal application is under review.

Without these safeguards, operators could face regulatory gaps through no fault of their own.

3. Ensure any Compensation Structure is Proportional

We recognize that the State has a legitimate interest in assuring appropriate compensation for the use of state-owned submerged lands. It is also reasonable for the Department to establish fees that recover administrative costs, reflect the value of an easement, and protect the public’s interest in these resources.

However, the proposed compensation structure appears to be disconnected from those underlying policy objectives.

Submarine telecommunications infrastructure is generally installed beneath the seabed using methods specifically designed to minimize long-term impacts. Once construction is complete, buried cable systems and associated Horizontal Directional Drill (HDD) bore pipe occupy a very small footprint, require little to no ongoing state oversight, impose minimal interference with navigation or other ocean users, and generally create no continuing cost burden for the public.

While some level of easement, renewal, or abandonment compensation is understandable public policy, the magnitude of the proposed fee increases does not appear to bear a readily understandable relationship to the impacts of the infrastructure, the Department's administrative costs, or the public interests the rules are intended to protect.

For example, industry estimates indicate that:

- Renewal of an active submarine cable easement could increase from historical one-time payments of approximately $300,000 to approximately $2.1 million for a 25-year authorization, an increase exceeding 300 percent.
- Existing easements generally have 20-year terms, yet the proposed multiplier is not clearly tied to the duration of the renewed authorization. If the multiplier applies to a renewal period of only five or ten years, the effective annual cost becomes substantially greater than intended.

These are extraordinary increases for infrastructure that is largely buried, stable, and imposes little continuing burden on public resources.

The Department should clearly explain the basis for the proposed compensation methodology and demonstrate how the resulting fees relate to identifiable public interests, such as administrative costs, protection of submerged lands, or the value of the property interest being conveyed. A transparent methodology tied to measurable impacts would improve regulatory certainty and strengthen confidence that the compensation framework is fair, predictable, and proportionate.

The proposed fee structure may also create unintended environmental consequences. HDD bore pipe is an important engineering and environmental protection measure. It protects submarine cables, minimizes disturbance to the seabed, and reduces the likelihood of future maintenance activities. Likewise, in many cases, leaving retired buried infrastructure safely in place may result in less environmental disturbance than removing it.

If the cost of maintaining protective infrastructure or allowing stable, buried facilities to remain in place greatly exceeds any demonstrable public cost or environmental impact, operators may be incentivized to choose options that result in greater disturbance to Oregon's submerged lands simply to avoid disproportionate financial obligations. The compensation framework should encourage outcomes that are both environmentally responsible and economically reasonable.

We respectfully recommend that the Department revisit the proposed compensation methodology to ensure that it remains proportional, transparent, and reasonably connected to the public interests it is intended to serve.

4. Adopt Practical and Risk Based Inspection Calibrated to the Circumstances

The proposed seismic inspection provisions should better reflect both the operational realities of submarine cable systems and the nature of catastrophic events.

Submarine telecommunications cables are continuously monitored in real time. Operators know immediately when a cable experiences a fault or loss of service. Requiring desktop assessments and potentially expensive offshore inspections following every qualifying seismic event could impose substantial costs while providing little additional public benefit.

The proposed rule also requires inspections within 72 hours following certain seismic events. While this may be achievable following a localized earthquake with little broader impact, it is unlikely to be feasible following the type of catastrophic Cascadia Subduction Zone earthquake for which Oregon actively plans.

A major Cascadia event could damage ports, highways, airports, communications systems, and other critical infrastructure, making it impossible to mobilize specialized survey vessels or inspection crews within a fixed 72-hour period. In those circumstances, failure to meet the deadline would not reflect a lack of diligence by the operator, but rather the extraordinary conditions created by the very event that triggered the inspection requirement.

We recommend that the Department:

- Base inspection requirements on evidence of actual or likely infrastructure impacts rather than earthquake magnitude alone;
- Incorporate a force majeure or “commercially reasonable efforts” provision allowing inspection deadlines to be extended when compliance is prevented by natural disasters or other circumstances beyond the operator’s control.

This approach would preserve the Department’s oversight objectives while recognizing the practical realities of emergency response.

5. Preserve the Use of Best Available Protective Engineering and Deployment

The proposed compensation structure appears to increase costs associated with Horizontal Directional Drill (HDD) bore pipe or conduit.

HDD bore pipe is not simply an optional construction feature as it protects the submarine cable, minimizes disturbance to the seabed, improves long-term system reliability, and reduces future maintenance activities. The fee structure should not inadvertently discourage the use of engineering practices that enhance both environmental protection and infrastructure resilience.

6. Protect Confidential Business Information

The rules should expressly provide for confidential treatment of proprietary information submitted during the application process.

Applicants should be permitted to designate trade secrets, proprietary engineering information, confidential financial data, and security-sensitive operational information as confidential while providing a publicly available redacted version and written justification. This approach appropriately balances public transparency with the protection of critical infrastructure information.

7. Better Calibrate Application Requirements,

Section 141-083-0830(4)(e) should be revised to allow applicants to submit “operating agreements or equivalent governance documentation” rather than limiting acceptable documentation to specific entity types. This simple revision would accommodate the variety of legal structures used by infrastructure owners while providing the Department with the information necessary to evaluate an application.

We appreciate the opportunity to provide these comments and look forward to continuing to work collaboratively toward a final rule that is appropriately protective and competitively practical.

Sincerely,

Duke Shepard
Senior Policy Director

August 3, 2026

**VIA EMAIL** (dsl.rules@dsl.oregon.gov)

Oregon Department of State Lands
Attn:  Rules Coordinator
775 Summer Street NE, Suite 100
Salem, OR 97301

**Re: Public Comments on Proposed Undersea Infrastructure Easement Rules**

The International Connectivity Coalition (ICC) is a group of companies with substantial investments in the submarine fiber optic cable industry that enables people, companies, governments, and institutions to communicate and transact business across oceans and between continents in near real time.  These subsea cables, about the width of a garden hose, are part of the global telecommunications infrastructure that carries up to 99% of the world's international information exchange, including voice, video, data and financial transactions integral to the nation's economy.  ICC is committed to helping consumers, businesses and institutions connect people around the world using these subsea fiber optic cable networks.  ICC advocates for transparent, streamlined and environmentally responsible regulations to facilitate the siting, construction, operation (including maintenance and repair), and decommissioning of subsea fiber optic cables within U.S. waters and beyond.

Members of the ICC have made significant investments in Oregon's subsea cable infrastructure and submit these comments in support of balanced regulations that both protect Oregon's marine ecosystems and advance Oregon's economic development objectives.  Oregon has long recognized the vital importance of submarine telecommunications infrastructure.  Indeed, DSL's own proposed rule 141-083-0810(6) recognizes that "undersea infrastructure is considered vulnerable critical infrastructure under the USA PATRIOT Act (2001), the Critical Infrastructure Information Act (2002), and the Oregon Territorial Sea Plan," and requiring that "easement holders shall cooperate with federal, state, and local agencies to improve the resilience of this critical infrastructure."

ICC members have a strong history of cooperation with Oregon stakeholders and remain committed to that collaborative approach going forward.  Regulations governing submarine cable easements should facilitate, not inadvertently impede, the deployment of new and diverse cable systems.  In particular, ICC encourages DSL to recognize that the resilience of submarine communications infrastructure depends fundamentally on redundancy and route diversity.  When outages or cable faults occur, operators must have multiple geographically diverse pathways to reroute traffic and maintain service continuity.

**Reconsideration of Renewals and Encroachment Easement Application Rules**

ICC agrees that initial subsea cable easement applications should undergo rigorous environmental review. However, once the agency has approved a subsea cable easement, subsequent renewal or retirement of the subsea cable should not be subject to the same stringent review standards and extensive public process as the initial application.

- ICC requests that the agency reconsider the renewal application process set forth in OAR 141-083-0851 and instead adopt an administrative, staff level review and approval process for renewal applications that satisfy the rule requirements. Where an easement hold has no prior non-compliance history, the renewal process should not require new studies, evaluations, or inspections.

- ICC requests that the agency adopt a specific process for retirement encroachment easements under OAR 141-083-0853 that distinguishes retirement encroachment easements from other types of encroachment easements and is less onerous than other non-retirement easement applications. Retirement encroachment easements should not be subject to multiple subjective approval criteria. Instead, agency review should be narrowly focused on whether the retiring a subsea cable in place would result in fewer environmental impacts to the marine ecosystem than removal of the cable.

**Eliminate Burdensome Easement Terms and Conditions**

ICC has concerns with the agency's proposed rules regarding inspections. Once a subsea cable is installed, a cable remains in place due to a combination of its own weight, friction with the seabed, careful route engineering, and burial or, in shallow or higher-risk areas, other protective measures. In deep water, the cable typically is laid directly on the seabed, where its weight and seabed contact provide stability. Near shore and in areas subject to fishing, anchoring, currents, or other marine activity, the cable is often buried below the seabed or otherwise protected to reduce the risk of movement or damage. Inspections are rarely performed absent events such as major earthquakes, hurricanes or underwater volcanic activity.

- ICC requests revised language to eliminate inspection requirements except in the event of a natural event that is reasonably capable of causing physical disturbance to the cable occurs (e.g., seismic activity, major storm, underwater landslide, or volcanic activity) within the vicinity of the cable route.

**Compensation Fees**

ICC has concerns with the proposed application of compensation fees to renewals and retirement encroachment easements. While ICC supports reasonable compensation for use of Oregon's marine resources, applying additional fees to renewals or retired cable infrastructure is not proportionate to the minimal incremental impacts associated with existing or decommissioned subsea cable s and may unnecessarily discourage continue investment in resilient communications infrastructure.

- ICC requests that the agency remove the obligation to pay a compensation fee upon renewal and simply require a one-time renewal application fee.  For retirement encroachment easements, an alternative fee structure should be considered that is less subjective and is proportionate to the anticipated “retirement in place” impacts.

Thank you for your consideration and the opportunity to provide you with these comments.

Sincerely,

Elaine R. Allred

International Connectivity Coalition

INTERNATIONAL
CONNECTIVITY COALITION

**From:** Laserfiche_Forms@dsl.state.or.us
**To:** DSL Rules * DSL
**Subject:** DSL Rulemaking Comment: Hal Smith
**Date:** Wednesday, July 22, 2026 10:38:03 AM

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Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/22/2026 10:37:53 AM

**Rule Number:** OAR 141-083

**Name:** Hal Smith

**Organization or Affiliation (if provided):** Oregon resident taxpayer

**Email Address (if provided):** halsmith97317@gmail.com

**Comments:**
I support all of the proposed rule changes. Too many projects by private companies receive too many tax breaks funded by the taxpayers for too few benefits. Let them pay for it in their research and development costs.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

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**Date Received:** at 7/22/2026 10:37:53 AM

**Rule Number:** OAR 141-083

**Name:** Hal Smith

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**Email Address (if provided):** halsmith97317@gmail.com

**Comments:**
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The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

**From:** Laserfiche_Forms@dsl.state.or.us
**To:** DSL Rules * DSL
**Subject:** DSL Rulemaking Comment: Jamie Fereday
**Date:** Thursday, July 23, 2026 8:39:43 AM

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Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/23/2026 8:39:35 AM

**Rule Number:** 141-083

**Name:** Jamie Fereday

**Organization or Affiliation (if provided):**

**Email Address (if provided):** jsfereday1017@gmail.com

**Comments:**
I approve of raising fees for use of the sea floor by any company laying cable there. My first question is, is the proposed fees enough? As a former OPAC member, serving when Part 4 was revised, it is timely. I now serve on the Citizens Advisory Committee for the Coos Bay Estuary Management Plan revision. We are just getting started on a plan that is 40 years old, one of many along the coast. Section 6 of the Oregon's Statewide Planning Goal 1 states, "Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources." I am unclear on whether the governing body is our local jurisdictions (Coos Co., Coos Bay, North Bend) or DSL/DLCD? We are currently funded with grant moneys for a portion of the time necessary to complete the CBEMP. My second question is, could Estuary Management Plans along the coast receive funds from these fees?

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

# Public Comment Regarding DSL Rulemaking

Use this form to submit comments on any DSL rulemaking that is currently open for public comment.

Please note: all opportunities for public comment are open between dates specified on the DSL rulemaking page. Make sure your comments are submitted during those identified time periods.

**First Name** *

Jeff

**Last Name** *

Bryner

**Email**

jeff@jeffbryner.com

**Organization or affiliation**

Homeowner and neighbor to facebook cable disaster

**Rule Number** *

OAR-141-083

**Comment** *

I see many adjustments proposed to attract cables when we should be doing the opposite. Being forced to live next to a cable site, despite unanimous opposition from the affected community, there is no reason to attract cables to Oregon. They serve no community purpose, but rather they damage homes, property and the community. Facebook still has not met their obligations, lied to the community and left equipment in the ocean. Why would we expect any other company to do better? Why should we encourage more disasters?

**File Upload**

| | |
|---|---|
| **From:** | Laserfiche_Forms@dsl.state.or.us |
| **To:** | DSL Rules * DSL |
| **Subject:** | DSL Rulemaking Comment: Jennifer McHugh |
| **Date:** | Wednesday, July 1, 2026 12:27:44 PM |

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/1/2026 12:27:34 PM

**Rule Number:** OAR 141-083: Undersee Infrastructure Easements in Oregon's Territorial Sea

**Name:** Jennifer McHugh

**Organization or Affiliation (if provided):** Twin Rocks Sanitary District

**Email Address (if provided):** office@twinrocks.us

**Comments:**
From Notice of Proposed Rulemaking for OAR 141-083: Undersee Infrastructure Easements in Oregon's Territorial Sea
All Comments are in response to Outfalls for municipalities in small coastal communities

pg 3. Cost of Compliance; Section 2; Small Businesses
Comment: The cost of Renewal Application Fee of $7,500 for an existing outfall for a municipality will end up trickling down to the small communities the waste-water plant services. This is a lot to absorb in a small community.

Pg 15. Easement Terms and Conditions: Section 3;
Terms not to exceed 25yrs
Comments: For an Outfall that is designed to stay in the ground, 25rys is a short amount of time for this.
Section 12;
(12) The holder shall inspect the infrastructure and notify the department of any issues:
Comment: With an Outfall, it is already required by DEQ to have annual or bi-annual inspections. Does this mean we need to let DSL know what the inspection results are as well as DEQ?
What is the time line associated inspections? How often are they required in the term of the easement?
(c) As part of the renewal application, as identified
Comment: Same questions as above for section 12
Also for (A) Seismic Activity. Does any inspection that is require by DEQ for Outfalls also need to be reported to DSL?

Pg 21. Encroachment Easement Application Process
Comment: Can an operating Outfall be considered for an Encroachment Easement? These easements for up to 100 yrs. Outfalls are not going anywhere. They will be in place for as long

as they are in use and afterwards. The application fee is the same $7,500, as a renewal.
In this section I do not see any other fee associated with an Encroachment Easement. The added cost of application fees and renewal fees are an added cost to the communities are providing critical public health service to; the members of our small community are mostly elderly, many of whom struggle to afford their utilities as it is.

Pg 23. Application Fees
Comment: Renewing an easement for an Outfall Municipality. Our Outfall easement is dated July 17, 2003. It is a 30yr Easement. Renewing the Easement has a current cost in these revised rules of $7,500. This is a huge amount just to tell DSL the outfall is still in the ground, we are still using it, and it is still inspected annual or bi-annually by DEQ requirements. This added cost will be very impactful to the community as well. We are providing a critical public health service to the members of our small elderly community, many of who struggle to afford their utilities as it is.

Pg 24. Compensation Fees
(2) Notwithstanding the provisions of section (1) of this rule, effective January XX, 2027, compensation fees for a new easement and a renewal easement for infrastructure that is owned, operated, or maintained by a public agency will be $500.¶
Comments: This rule is confusing, as I assume it is meant for Outfalls, but I am not positive on the way it has been revised. Question on the fee of $500, Danielle Boudreaux advised me this was a "one-time" fee that is in addition to the application fee. The wording above does not say a "one-time" fee. This wording is very unclear for what it is and how often it needs to be paid or when it needs to be paid.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

Attachment H

HWG

**HWG LLP**
**1919 M STREET NW**
**WASHINGTON, DC 20036**
**TEL: +1 202 730 1300 | HWGLAW.COM**

**Kent Bressie**
**direct dial: +1 202 730 1337**
**kbressie@hwglaw.com**

August 3, 2026

**VIA ELECTRONIC FILING**

Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, Oregon 97301-1279
Attn: Danielle Boudreaux, Rulemaking Coordinator

*Re: OAR 141-083: Undersea Infrastructure Easements in Oregon's Territorial Sea*

To the Oregon Department of State Lands:

We submit these comments on behalf of the North American Submarine Cable Association ("NASCA") in response to the Oregon Department of State Lands ("DSL") rulemaking to amend Oregon's administrative rules governing the granting of easements for the placement and use of communications infrastructure, including fiber optic telecommunications submarine cables, in the Oregon Territorial Sea.[1] In the rulemaking, the DSL seeks to align its rules with Oregon's Territorial Sea Plan Part Four (and in particular Oregon Statewide Planning Goal 19),[2] enhance application requirements, provide for clearer review procedures, provide greater transparency and predictability for the application process, and adopt a new fee structure to "support sustainable funding for the interactive application review" and "compensate Oregonians for the usage of this public resource."[3] While NASCA generally supports the DSL's goals, it believes that the proposed amendments, as drafted, should be revised to avoid

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1 *Amendments to rules governing undersea infrastructure in Oregon's territorial sea,* Notice of Proposed Rulemaking, Or. Admin R. Ch. 141 (filed July 1, 2026) ("Rulemaking").

2 *Land Conservation and Development Department, Division 36: Ocean Planning*, Oregon Secretary of State, https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3086.

3 Department of State Lands Public Notice (July 1, 2026), https://www.oregon.gov/dsl/LawsRulesDocuments/Div83Undersea_CommentPeriod_PublicNotice.pdf.

discouraging new critical infrastructure or undermining the resilience and security of such infrastructure.

NASCA is the leading industry association of submarine cable operators, submarine cable maintenance authorities, and prime contractors for submarine cable systems operating in North America.[4] The submarine cable industry is a key stakeholder in this proceeding, with members owning and operating existing submarine telecommunications cables that link Oregon with Asia, Hawaii, and the rest of the U.S. Western seaboard, including the AKORN, Alaska United West, Bifrost, FASTER, JUPITER, New Cross Pacific, NorthStar, Southern Cross Cable Network, TGN-Pacific, and Trans-Pacific Express submarine cable systems. These submarine telecommunications cables serve vital U.S. interests, which are also interests shared by Oregon and Oregonians.

Both nationally and in Oregon, submarine telecommunications cables form the backbone of our modern digital infrastructure. Activities that rely upon submarine cables span the full range of economic and social activities: Internet connectivity and electronic commerce, global payment networks, mobile wireless backhaul, government and military communications, telemedicine, tele-education; research, remote work and video conferencing, and communications with friends and family.[5] The global nature of the Internet and the networks that operate over it mean that even communications within a domestic or local area (such as communications up and down the Western seaboard), rely on submarine cable infrastructure to deliver communications and services. This reliance is growing—with more cables planned—as

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4 NASCA members include: Alaska Communications System; Alaska United Fiber System Partnership; Alcatel Submarine Networks; Aqua Comms; AT&T Corp.; Colt Technology Services; C&W Networks; Edge Network Services; EXA Infrastructure; Global Cloud Xchange; Global Marine Systems Ltd.; GlobeNet/Vtal; Google; IT International Telecom; Mertech Marine; Microsoft Corporation; NEC Corporation of America; OPT French Polynesia/ONATi; PC Landing Corporation; Rogers Communications; Seaborn Networks; Southern Caribbean Fiber; Southern Cross Cable Network; SubCom; Tampnet Group; Tata Communications (America); Verizon; Vodafone; and Zayo Group Ltd. *See Member Companies*, NORTH AMERICAN SUBMARINE CABLE ASSOCIATION, https://www.n-a-s-c-a.org/member-companies/.

5 *See* International Cable Protection Committee, *ICPC Calls on Governments and Industry to Facilitate and Expedite Submarine Cable Installation and Repair During the COVID-19 Pandemic in Order to Protect Internet Connectivity and Critical Communications*, at 1 (Apr. 3, 2020), https://www.iscpc.org/documents/?id=3299.

our cultural, social, economic, and national security institutions and activities increasingly depend on digital, cloud-based platforms.

The critical role that submarine telecommunications infrastructure plays has long been recognized by the State of Oregon, which has for decades emphasized the importance of developing broadband infrastructure. Indeed, the critical importance of submarine cable infrastructure is reflected in the DSL's proposed rule 141-083-0810(6): "[u]ndersea infrastructure is considered vulnerable critical infrastructure under the USA PATRIOT Act (2001), the Critical Infrastructure Information Act (2002), and the Oregon Territorial Sea Plan. Easement holders shall cooperate with federal, state, and local agencies to improve the resilience of this critical infrastructure."[6] NASCA members have long done so—and will continue to do so. At the same time, NASCA urges the DSL to recognize that improving the resilience of submarine critical infrastructure depends in large measure on redundancy and diversity: submarine cable operators need multiple diverse options to reroute traffic in the event of outages and other cable faults. And more cables mean more capacity to support broadband needs. Unfortunately, a number of the DSL's proposals do not promote these goals nor the DSL's goals of enhancing predictability and improving the application process.

## 1. DSL Should Revise Its Application Rules to Simplify, Streamline, and Reduce Uncertainty

NASCA believes that the DSL can do much more to simplify, streamline and reduce uncertainty in the administrative process for easement applications. It can do this by eliminating a set easement term (and corresponding requirement for a renewal term), requiring instead the easement holder to notify the DSL in advance of taking the submarine cable out of service. In light of technological advances, the 25-year design life of a cable is a design life floor, not a ceiling—and many cables operate well beyond that timeframe. Accordingly, NASCA urges the DSL to revise proposed rule 141-083-0850(2) and (3) to provide for a one-time easement for the operational life of the cable.

With an easement term commensurate with the operational life of a cable, there would be no need for rule 141-083-0851, which sets forth the proposed application process for a renewal term. Notably, the substantive review provisions in this rule are entirely unnecessary. Section 141-083-0851(10) states that the DSL may deny a renewal if "the use would have unacceptable impacts on public health, safety, or welfare, or would result in the unreasonable loss of or damage to natural, historical, cultural, or archaeological resources" or "would have unreasonable

[6] Rulemaking, § 141-083-0810(6). Critical Infrastructure is defined as "infrastructure that is so vital to the United States that the incapacity or destruction of such infrastructure would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters." Rulemaking, § 141-083-0820(5).

impacts on federal- or state-listed threatened, endangered, and candidate species, or would be inconsistent with any threatened, endangered, and candidate species policies and procedures adopted by a state agency within jurisdiction in the territorial sea under the Oregon Endangered Species Act."[7] These criteria would have been assessed prior to the initial easement grant, and it is unclear how the risk profile of a cable that has been lying passively on the ocean floor for decades could possibly change such that the cable would pose a risk to "public health, safety, or welfare" or result in "unreasonable loss or damage to natural, historical, cultural, or archeological resources." Indeed, peer-reviewed scientific research has long demonstrated that once installed, submarine telecommunications cables are neutral-to-benign in the marine environment.[8] And the cables would not have been laid along the relevant route in the first place if cultural or archeological resources were at risk. In short, if the cable posed public interest risks, the easement would not have been granted in the first instance. And if there are concerns regarding an applicant's compliance with the easement's terms and conditions or other applicable laws, those concerns can be addressed separately.

If the DSL nevertheless decides to retain the initial set easement term and renewal requirement, it should revise rule 141-083-0851 to provide for an expedited timeline and safe harbors for applicants who are diligently pursuing renewal. As drafted, there is a significant risk

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7 Rulemaking, § 141-083-0851(10).

8 United Nations Environment Programme-World Climate Monitoring Centre and International Cable Protection Committee, *Submarine cables and marine biodiversity* at 26 (2025), https://resources.unep-wcmc.org/products/submarine-cables-impacts-marine-biodiversity-wcmc_rt691/download/1829975 (stating that "submarine cables typically have a minor impact."; "The impact on deepwater habitats and species from physical disturbance are highly localized and minor due to the small diameter of cables."); L. Carter *et al.*, *Submarine Cables and the Oceans–Connecting the World*, 30 UNEP-WCMC Biodiversity Series, ICPC and the United Nations Environment Program-World Climate Monitoring Centre (2009), https://www.unep-wcmc.org/system/dataset_file_fields/files/000/000/118/original/ICPC_UNEP_Cables.pdf?1398680911 (concluding that the "weight of evidence shows the environmental impact of fibre-optic cables is neutral to minor"); U.N. Secretary-General, *Oceans and the Law of the Sea, Seventieth Session,* ¶¶ 53–55, U.N. Doc. A/70/74 (2015), https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/093/76/PDF/N1509376.pdf?OpenElement (stating that "[s]ubmarine cables themselves are considered to have a low-carbon footprint and a small relative impact on the environment"); U.N. Group of Experts on the Regular Process for Global Reporting and Assessment of the State of the Marine Environment, including Socioeconomic Aspects, *World Ocean Assessment I: The First Global Integrated Marine Assessment*, pt. V, ch. 19 at 3–4 (2016), https://www.un.org/depts/los/global_reporting/WOA_RPROC/Chapter_19.pdf. (concluding that "[s]ubmarine cables have "very limited environmental impacts").

that an easement will expire before a renewal is granted. While an applicant may timely submit a renewal application 180 days in advance of the existing easement expiration, there is significant potential for the review process to extend well beyond that timeframe—as a result of DSL requests for information, application revisions, or an inadvertent applicant error in missing a response deadline—leaving the status of critical infrastructure in doubt.

NASCA also urges the DSL to provide stronger assurances to applicants that their business proprietary and confidential information will be exempt from public disclosure. Under proposed rule 141-083-0830(6)(a), an applicant may designate certain portions of its application as exempt from Oregon's Public Records Law but must also provide a legal basis for the exemption. While proposed rule 141-083-0830(6)(c) states that the DSL "will oblige itself in good faith to assert any reasonable argument for confidentiality within the scope of the Public Records Law" this does not provide an applicant with certainty that its information will be protected. The DSL can alleviate this concern by designating certain categories of information as presumptively confidential, obviating the need for applicants to submit legal justifications. Such information would include proprietary business plans, including operational details that are relevant to the security of the infrastructure, trade secrets, organizational documents not subject to public inspection (such as operating agreements) and other information routinely considered confidential.

**2. Easement Conditions Should Reflect the Underlying Technical Capabilities of the Submarine Cable Industry**

The DSL should revise the easement conditions set forth in proposed rule 141-083-0850 to reflect appropriately the technological capabilities of the submarine cable industry. In particular, there is no need for the DSL to require mandatory physical inspections at set intervals (to be identified in the easement), on renewal, or automatically after certain triggering events (*e.g.*, earthquakes of 6.5 or greater magnitude with an epicenter within 50 km). While NASCA appreciates the DSL's intent to ensure the safety and integrity of the cables, NASCA believes that it would be more appropriate to require physical inspections only when a cable's remote monitoring capabilities are unable to verify that the cable remains unharmed. Cable owners and operators currently monitor their submarine cable infrastructure on a 24/7 basis and are able to detect anomalies—to include even minor electrical and optical anomalies indicative of damage—without the need to physically inspect the infrastructure. Physical inspections, on the other hand, require the deployment of specialized vessels, ROVs, divers, and other resources that are carbon-intensive and can cost hundreds of thousands of dollars. Such inspections should thus be required only when alternative means to confirm the viability of the infrastructure is not available.

**3. The DSL Should Adopt a Fee Structure That Encourages New Infrastructure and The Use of Technology that Minimizes Environmental Impacts**

The DSL should adopt a fee structure that attracts new infrastructure without discouraging the use of technologies that minimize environmental impact. The DSL's proposals accomplish the reverse. In particular, the DSL's proposed rule 141-083-0855(1)(C) proposes an easement fee for horizontal directional drilling ("HDD") conduits and bore pipes of more than three inches that is more than double what the DSL proposes to charge for a submarine fiber-optic cable. Yet HDD technology avoids the need for trenching, vastly reducing the environmental impact by minimizing shoreline disruptions, thus preserving shoreline ecosystems. At the same time, HDD technology enhances the security of submarine telecommunications cables by reducing the risks to that infrastructure from marine traffic or human interference. NASCA thus urges the DSL to charge the same fee for HDD conduits and bore pipes that it does for submarine telecommunications cables. The misalignment in fees—coupled with the DSL's proposal to charge perpetual encroachment fees for bore pipes once out of service—will significantly discourage the use of this technology as well as significantly diminish the attractiveness of Oregon as a landing point.

Further, the proposed encroachment easement for decommissioned bore pipes in rule 141-083-0852(2) is both unfair and unwise. It is unfair because it will impose retroactively potentially tens of millions of dollars in costs on current infrastructure owners whose projects have already been planned, financed, and installed. It is unwise because, as discussed above, it will discourage the use of installation technology that reduces environmental impact and significantly diminish the attractiveness of Oregon as a landing point. Higher easement fees aside, the proposed perpetual encroachment fee creates significant economic risk and uncertainty, as the long term costs of a given project cannot be determined accurately. This is true whether the owner of the bore pipe is the owner of a telecommunications cable using the bore pipe or the owner of the cable landing station housing telecommunications cables. In either case, long term costs are indeterminable and dependent on factors that cannot be foreseen—such as whether space in the bore pipe can be occupied by a new cable once an existing one is decommissioned. The only certainty is that at some point, the bore pipe will be decommissioned and the bore pipe owner will be saddled with perpetual fees that it is unable to offset. NASCA knows of no other state that charges fees to abandon in place inert infrastructure that poses no threat to the environment, does not interfere with any other ocean uses, and brought long-term benefits to the state's residents.

In sum, while NASCA supports the DSL's goals, it believes those goals would be more readily met if the DSL revised its proposed rules to (a) enhance administrative efficiency and certainty by eliminating set easement terms (thus eliminating the need for renewal terms), or at a minimum revising the renewal requirements to provide timing certainty and reduce unnecessary burdens; (b) eliminate unnecessary easement conditions (such as required physical inspections at set intervals or after seismic events); and (c) adopt a fee structure that encourages the use of technology that benefits the environment while safeguarding critical infrastructure and encouraging new submarine cables to land in Oregon—making Oregon a hub for broadband connectivity that will provide benefits for Oregonians more broadly.

Yours sincerely,

Kent Bressie
Colleen Sechrest

*Counsel for the North American Submarine Cable Association*

**From:** Laserfiche_Forms@dsl.state.or.us
**To:** DSL Rules * DSL
**Subject:** DSL Rulemaking Comment: Kerry Moore
**Date:** Wednesday, July 22, 2026 7:11:40 PM

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Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/22/2026 7:11:15 PM

**Rule Number:** Oar 141-083

**Name:** Kerry Moore

**Organization or Affiliation (if provided):**

**Email Address (if provided):** kmoore61@gmail.com

**Comments:**
I am in favor of increasing fees and costs for undersea cables passing through Oregon waters. This is standard and done in both California and Washington. We need the funds here in Oregon and the companies need to pay their share.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

**PACIFIC CARRIAGE LIMITED INC.**

DELAWARE FILE NO 20196348175

838 WALKER ROAD. SUITE 21-2. DOVER. DE 19904. USA

August 3, 2026

**CONTAINS COMMERCIAL PROPRIETARY INFORMATION**

Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem, Oregon 97301-1279
Attn: Danielle Boudreaux, Rulemaking Coordinator

*Re:* **OAR 141-083: Undersea Infrastructure Easements in Oregon's Territorial Sea**

Dear Danielle, Oregon Department of State Lands

1. Pacific Carriage Limited Inc ("SCCN") submits these comments with respect to the Southern Cross NEXT cable system ("SX NEXT"), which launched on 7 July 2022, and the Southern Cross Cable Network, which launched on 11 November 2000 (together with SX NEXT, the "Southern Cross Cable System" or "SCCS"). The SCCS provides high speed telecommunication services between Australasia and the United States West Coast and is a multiple route cable system, linking Australia, New Zealand, Fiji, Tokelau, Kiribati, Hawaii and the US Mainland. One of the SCCS cables currently lands in Oregon.

2. SCCN appreciates the opportunity to comment on the Oregon Department of State Lands ("DSL") proposal to amend Oregon's administrative rules governing the granting of easements for the placement and use of communications infrastructure, including fiber optic telecommunications submarine cables, in the Oregon Territorial Sea. SCCN:

    a. supports the broad goals of the DSL; and

    b. is a company dedicated to building and operating submarine fiber optic cable systems that connect people around the world.

3. SCCN believes that both these vital objectives can co-exist and asks the DSL to adopt drafting that does not discourage new critical infrastructure or undermine the resilience and security of existing infrastructure. SCCN is a member of the North American Submarine Cable Association ("NASCA"), and we have read and endorse the submission of

NASCA being made to the DSL on the proposed rules. We agree that the changes sought by NASCA will allow for new and existing critical infrastructure in Oregon.

4. Specifically, SCCN encourages DSL to revise the proposed fee structure to:

    a. Set fees in a way that supports, rather than discourages, new submarine cable projects and existing infrastructure. HDD conduits and bore pipes reduce environmental disturbance and help protect cables by avoiding trenching and placing infrastructure in a more secure position. They should be charged at the same rate as submarine telecommunications cables, to ensure the use of lower-impact, more secure installation methods.

    b. Remove any proposed ongoing fee for decommissioned bore pipes. This would unfairly burden existing infrastructure and discourage future investment in Oregon as a landing point for new cables. Existing projects were planned and built under different cost assumptions, and retroactive perpetual fees would create uncertainty for current owners and future applicants.

5. Submarine fiber optic cables are essential to high-quality, reliable international voice, data and internet traffic. In their current form, the proposed rules would jeopardize the continued existence and future of these vital submarine fiber optic cables landing in Oregon.

6. If you have any questions at all, please let us know.

Yours sincerely,

**Mr, Laurie Miller**, President & CEO
**Mr, Dean Veverka**, Director Networks & Vice President Operations
*Pacific Carriage Limited Inc.*

| | |
|---|---|
| **From:** | Laserfiche_Forms@dsl.state.or.us |
| **To:** | DSL Rules * DSL |
| **Subject:** | DSL Rulemaking Comment: Lucile W Brook |
| **Date:** | Tuesday, July 28, 2026 1:57:43 PM |

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/28/2026 1:57:29 PM

**Rule Number:** PO Box 136 PO Box 136

**Name:** Lucile W Brook

**Organization or Affiliation (if provided):**

**Email Address (if provided):** babbles@nehalemtel.net

**Comments:**
Now, Oregon could join its West Coast neighbors in California and Washington in requiring companies also pay compensation fees based in part on the amount of cable extending along the states' near-coast seabed. That could bring in more than $1 million per new cable laid. YAHOO! This would help to fill the budget shortfall due to federal policies,

I understand that application fees would help the agency cover the costs of technical reviews, surveys, inspections, public outreach and other coordination and administrative work while the compensation fees would flow to the Common School Fund and Oregon's public K-12 schools.

This is an EXCELLENT rule--please vote to implement it.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

Astound
Business Solutions

August 3, 2026

TO: Director Kaitlin Lovell

SUBJECT: Public Comment on OAR 141-083 — Protecting Oregon's Ocean While Preserving Broadband Investment

Dear Director Lovell,

I am submitting these public comments on behalf of Astound, and myself as a third-generation Oregonian and lifelong resident now raising my own family on the Oregon Coast, in response to the Oregon Department of State Lands ("DSL") proposed rulemaking for OAR 141-083, Undersea Infrastructure Easements in Oregon's Territorial Sea.

Astound is a leading regional telecommunications services provider with a national footprint and a multi-decade presence in Oregon. We understand Oregon's responsibility to protect marine ecosystems, modernize rules, and ensure appropriate compensation for use of public assets. We also urge DSL to preserve a clear, predictable path for responsible investment that supports expanded opportunities for broadband availability in rural communities, strengthens emergency-response communications capabilities, enables fiber deployment, and improves cellular and wireless communications coverage in unserved and underserved areas.

Oregon is otherwise at risk of losing invaluable municipal, community, and economic benefits from subsea cable investment to other states. We wanted to share information with you from the front lines about what these benefits are and why they matter.

As you may know, subsea cables now carry 99% of intercontinental data traffic, making them essential not just for Oregon residents and businesses, but for the entire country. We in Oregon have worked tirelessly during the past decade to successfully establish our state as a vital hub for subsea systems, all while being very cognizant of balancing environmental considerations that make this such a special place to live.

To take a broader look, we invite anyone interested to read a dedicated piece we recently published about the benefits of subsea systems here, understanding that schedules are exceptionally busy.

Astound
Business Solutions

To summarize, there are practical and immediate benefits tied directly to subsea systems for Oregonians and our communities: stronger broadband access, more reliable cellular coverage, improved emergency response, greater redundancy during storms and wildfires, and new capacity for schools, healthcare, businesses, public agencies, and rural families.

**Benefits for municipalities:**

- Modernizing outdated government IT/telecom systems.
- Improving public safety communications.
- Fueling strategic public/private partnerships.
- Enhancing services and improving the lives of municipal constituencies.
- Increasing cellular coverage/throughput and radio-based connectivity access points.
- A 2023 Oregon Department of Transportation (ODOT) study showed that subsea backhaul solves municipal safety and communication requirements (as outlined in Package D of its infrastructure proposal) without the need for public funding.

**Benefits for communities:**

- Connecting unserved and underserved communities by expanding access to broadband communications infrastructure and services.
- Extending the reach of existing residential cellular, telecom, and Internet service provider offerings.
- Empowering K-12 schools and centers of higher education by enhancing teaching tools, applications, and online resources.
- Providing all students with equal access to needed bandwidth to increase digital and online learning.
- Accelerating progress at public, private, and government-funded research centers or think tanks to support emerging science and technology.
- Providing employment: Astound alone employs 200 workers in Oregon, whose efforts enable other companies to better compete and grow locally.

Astound Business Solutions

Undersea infrastructure is more than a global data asset; it is proving to be a key foundational piece for local public benefits.

For example, Astound has invested approximately $150 million in Oregon subsea-related infrastructure. In 2025, we completed a 108-mile underground fiber route along Highway 6, interconnecting with subsea infrastructure, and thereby extending high-speed Internet to more than 270 rural Tillamook County homes for the first time. This infrastructure also helps enable cellular service along the corridor for the first time, supporting wireless coverage, tower backhaul, and connectivity for residents, travelers, and first responders.

The impact is real. In Gales Creek, one isolated Oregon family had no reliable high-speed Internet before this subsea infrastructure-enabled service reached them. Previous solutions were unreliable, including a satellite option that required family members to repeatedly climb a tree to restore service.

With subsea infrastructure-enabled bandwidth, this family accessed 1.5 gigabit Internet services, allowing all five family members to work, study, and connect online at the same time. For the mother, who worked from home and attended college online, the service was life changing. This is just one snapshot.

If Oregon's rules become too uncertain or burdensome, future investment will likely move to other states, taking associated community and economic benefits with it.

We respectfully urge DSL to adopt balanced final rules that protect Oregon's territorial sea while keeping Oregon competitive for responsible infrastructure investment.

Oregon does not have to choose between protecting its ocean resources and expanding critical digital infrastructure. With balanced, predictable rules, the state can do both — safeguarding the territorial sea while also encouraging responsible investment that connects and fiberizes rural communities, strengthens emergency response, improves cellular coverage, and creates and supports long-term benefits for Oregon families, businesses, and public agencies.

Thank you for taking the time to consider these comments and perspectives. If you have any questions or wish to discuss this further, please contact me at any time.

Best regards,

Matt Updenkelder
VP, Infrastructure Development

**Astound Business Solutions**
151 E Olive St.
Newport, OR 97365
**O:** 541.574.9999
**C:** 541.760.9822

Attachment A

| | |
|---|---|
| **From:** | Laserfiche_Forms@dsl.state.or.us |
| **To:** | DSL Rules * DSL |
| **Subject:** | DSL Rulemaking Comment: Max Sherman |
| **Date:** | Thursday, July 23, 2026 9:54:46 PM |

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/23/2026 9:54:18 PM

**Rule Number:** OAR 141-083

**Name:** Max Sherman

**Organization or Affiliation (if provided):** Max Sherman for Oregon

**Email Address (if provided):** max@votemaxsherman.com

**Comments:**
Please see testimony attached.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

**Department of State Lands**

**RE: Proposed Rules for Undersea Fiber Optic Cable Easements and Fees**

To the Oregon Department of State Lands and Members of the State Land Board:

Thank you for the opportunity to comment on the proposed updates to Oregon's rules governing undersea fiber-optic cable easements.

My name is Max Sherman. I am a lifelong Oregonian, a retired agriculture, biology, and welding teacher, a small farmer, and a candidate for Oregon House District 32, which includes much of Oregon's North Coast.

I support the Department's effort to modernize rules that have not kept pace with the rapid expansion of undersea cable infrastructure and the data-center industry it helps support.

Increasing application and renewal fees, establishing compensation for the use of Oregon's territorial seabed, and requiring stronger emergency-response and decommissioning plans are reasonable and overdue steps.

For too long, some of the world's largest technology companies have viewed Oregon as an inexpensive place to do business because of our low energy costs, favorable tax structure, and comparatively limited fees. Governor Tina Kotek recently said Oregon must stop being a "cheap date" for the data-center industry. On that point, I agree with her.

Oregon should remain open to investment and technological innovation. But our state should not compete by undervaluing public resources or exposing coastal communities to unnecessary environmental risk.

The failed cable-drilling project at Tierra del Mar demonstrates why stronger oversight is necessary. Equipment and drilling materials were left behind, regulators were not promptly informed, and the surrounding community was left to deal with the consequences. Incidents like that should not be treated simply as a cost of doing business.

Companies undertaking these projects should be required to provide clear construction, emergency-response, cleanup, and decommissioning plans. They should also demonstrate that they have the financial ability to fully restore damaged areas and remove abandoned equipment. Oregon taxpayers and coastal communities should never be left responsible for corporate mistakes.

The Department should also ensure that application and compensation fees accurately reflect the value of the public resources being used and the costs imposed on the state for technical review, inspection, oversight, and enforcement.

Technology and global communications are important to Oregon's economy. However, the benefits of these projects must be weighed against their impacts on our coastline, fisheries, energy system, water resources, and local communities.

The North Coast should not become the least expensive route for multinational corporations simply because Oregon has historically asked too little and required too few protections.

I support the proposed rule changes and encourage the Department and State Land Board to adopt strong, enforceable standards that protect Oregon's coast, fairly compensate the public, and hold companies fully accountable for the projects they undertake.

Thank you for your consideration.

**Max Sherman**
Candidate for Oregon House District 32

Outlook

## Re: FW: DSL Rulemaking Comment: Mike Szumski

**From** Mike Szumski <mjszumski@gmail.com>
**Date** Mon 7/13/2026 3:31 PM
**To** DSL Rules * DSL <DSL.RULES@dsl.oregon.gov>

1 attachment (17 KB)
Comments to Oregon DSL from M.Szumski.docx;

See attached.

Thanks!

On Mon, Jul 13, 2026 at 2:32 PM DSL Rules * DSL <DSL.RULES@dsl.oregon.gov> wrote:

> Good afternoon,
>
> I received notice from the rulemaking comment online form that you submitted a comment indicating that you had uploaded comments. I checked the back end of the form and do not have an upload from you.
>
> Could you either please re-upload or attach it to a reply of this email.
>
> Thank you,
>
> Danielle Boudreaux, MPA (Pronouns: she/they)
>
> Rulemaking Coordinator
>
> Oregon Department of State Lands
>
> 775 Summer St. NE | Salem, OR 97301-1279
>
> 503-798-6846 (cell)
>
> danielle.boudreaux@dsl.oregon.gov
>
> www.oregon.gov/dsl

**From:** Laserfiche_Forms@dsl.state.or.us <Laserfiche_Forms@dsl.state.or.us>
**Sent:** Tuesday, July 7, 2026 10:14 AM
**To:** DSL Rules * DSL <dsl.rules@dsl.oregon.gov>
**Subject:** DSL Rulemaking Comment: Mike Szumski

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/7/2026 10:13:52 AM

**Rule Number:** OAR 141-083

**Name:** Mike Szumski

**Organization or Affiliation (if provided):** None

**Email Address (if provided):** mjszumski@gmail.com

**Comments:**
See uploaded comments.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

Original comments received 7/13/26.

I am a retired Wildlife Biologist familiar with Oregon's ocean resources. I am concerned with the current permitting process allowing the use of the ocean floor in Oregon's Territorial Sea by the cable industry. I have the following comments/questions:

- Where will the cables be placed? It is impossible to provide informed comments on the natural resources potentially affected without knowing the cable's proposed location(s). I think the argument that locations are propriety is nonsense.

- Oregon should prevent the development of areas rich in sub-surface natural resources. Oregon Department of Fish and Wildlife should be involved in the selection process.

- Industry states that the cost of permitting submarine cables in the Oregon Territorial Sea is too expensive. What would it cost to permit this project in California and Washington?

- There should be before/after studies to document the natural resources impacted by cable placement.

- The current permitting process does not include compensation for the injury to subsurface natural resources caused by the cables and hardware. It is possible to calculate this cost using well-established Natural Resource Damage Assessment techniques. Oregon should add this cost to their compensation process. The funds recovered should be used to restore/improve similar natural resources elsewhere.

Thank you for your consideration,

Mike Szumski, Ph.D

Updated comments received 7/23/26.

I am a retired Wildlife Biologist familiar with Oregon's ocean resources. I am concerned with the current permitting process allowing the use of the ocean floor in Oregon's Territorial Sea by the cable industry. I have the following comments/questions:

- Where will the cables be placed? It is impossible to provide informed comments on the natural resources potentially affected without knowing the cable's proposed location(s). I think the argument that locations are propriety is nonsense.

- Oregon should prevent the development of areas rich in sub-surface natural resources. Oregon Department of Fish and Wildlife should be involved in the selection process.

- Industry states that the cost of permitting submarine cables in the Oregon Territorial Sea is too expensive. What would it cost to permit this project in California or Washington?

- The State should charge the cable companies an annual fee for use of its lands- not a one-time fee as currently proposed. For too long Oregon has not received equitable compensation for its natural resources.

- There should be before/after studies to document the natural resources impacted by cable placement.

- The current permitting process does not include compensation for the injury to subsurface natural resources caused by the cables and hardware. It is possible to calculate this cost using well-established Natural Resource Damage Assessment techniques. Oregon should add this cost to their compensation process. The funds recovered should be used to restore/improve similar natural resources elsewhere.

Thank you for your consideration,

Mike Szumski, Ph.D

| | |
|---|---|
| **From:** | Laserfiche_Forms@dsl.state.or.us |
| **To:** | DSL Rules * DSL |
| **Subject:** | DSL Rulemaking Comment: Mona Linstromberg |
| **Date:** | Monday, July 27, 2026 9:13:41 AM |

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/27/2026 9:13:29 AM

**Rule Number:** OAR 141-083

**Name:** Mona Linstromberg

**Organization or Affiliation (if provided):** N/A

**Email Address (if provided):** Lindym@peak.org

**Comments:**
Oregon must join Washington and California requiring telecommunications companies pay compensation fees. Telecommunication companies must file specific plans for removal of drilling equipment and the cables must be removed when no longer in use and put a financial guarantee in place to ensure the proper clean-up and removal work gets done.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

| | |
|---|---|
| **From:** | Laserfiche_Forms@dsl.state.or.us |
| **To:** | DSL Rules * DSL |
| **Subject:** | DSL Rulemaking Comment: Monica Kirk |
| **Date:** | Monday, July 27, 2026 8:37:51 AM |

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/27/2026 8:37:38 AM

**Rule Number:** 141-038 DSL fees)

**Name:** Monica Kirk

**Organization or Affiliation (if provided):**

**Email Address (if provided):** monicakirk@mac.com

**Comments:**
I support the proposed rule.

Application fees would help the agency cover the costs of technical reviews, surveys, inspections, public outreach and other coordination and administrative work while the compensation fees would flow to the Common School Fund and Oregon's public K-12 schools.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

Outlook

## DSL Rulemaking Comment: Natalie Schaefer

**From** Laserfiche_Forms@dsl.state.or.us <Laserfiche_Forms@dsl.state.or.us>
**Date** Mon 7/27/2026 7:19 PM
**To** DSL Rules * DSL <dsl.rules@dsl.oregon.gov>

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/27/2026 7:19:30 PM

**Rule Number:** Oar 181-043

**Name:** Natalie Schaefer

**Organization or Affiliation (if provided):**

**Email Address (if provided):** njschaefer59@gmail.com

**Comments:**
No. Just no. While the tech industry soars beyond the stratosphere with money, the users at the end of the line are constantly having to foot the bill. It is time we regulate these industries and their infrastructure to ensure our ocean environments remain safe and clean.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

## BOUDREAUX Danielle * DSL

**From:** LOVELL Kaitlin * DSL
**Sent:** Tuesday, July 28, 2026 4:16 PM
**To:** BOUDREAUX Danielle * DSL
**Subject:** For inclusion in D.83 public comments

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**From:** Rebecca Prozan <rp@prozanstrategies.com>
**Sent:** Friday, July 24, 2026 2:06 PM
**To:** HUNTINGTON Geoff * GOV <Geoff.HUNTINGTON@oregon.gov>
**Subject:** Re: State Lands and Sub Sea Cables

You don't often get email from rp@prozanstrategies.com. Learn why this is important

Geoff

List grew a bit —- and on the seismic issue things are trending our way but want to keep on the list for now:

Retroactive Financial Liabilities: The proposed regulations–including Encroachment Easement fees for deeply buried, reusable, and environmentally inert bore pipes–could impose tens of millions of dollars in retroactive liabilities on existing systems

Punitive Seismic Mandates: New triggers for mandatory physical inspection of submarine infrastructure following seismic events overlook the industry's advanced yet routine technological capability to continuously monitor system health and detect even minor damage. Without a clear justification for such inspection, daily operational costs for the necessary specialized vessels present an additional artificial and unpredictable expense

Renewal Uncertainty: The proposed process lacks clear timelines, objective standards, and holdover protections. Operators who invest hundreds of millions of dollars need regulatory predictability. Without it, Oregon becomes a riskier place to deploy capital

Penalizing Environmental Best Practices: The fee uplift for HDD bore pipe penalizes infrastructure that protects the seabed. This sends the wrong signal to operators and could result in less environmental protection, not more

No Confidentiality Protections: Operators must submit sensitive business and security information with no mechanism for confidential treatment — a significant deterrent for companies evaluating Oregon investments.

Mandatory periodic inspection(s) to check that the cable is still buried after the initial installation confirmation (i.e., at renewal) is unnecessary.

Let me know about a call next week and thank you!

Rebecca Prozan

Founder and CEO

415.377.0538

Prozan Strategies, LLC

Connect on Linkedin

| | |
|---|---|
| **From:** | Laserfiche_Forms@dsl.state.or.us |
| **To:** | DSL Rules * DSL |
| **Subject:** | DSL Rulemaking Comment: Robert Bailey |
| **Date:** | Monday, July 27, 2026 11:29:03 AM |

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/27/2026 11:28:52 AM

**Rule Number:** 11882 SW 72nd Ave Apt 424

**Name:** Robert Bailey

**Organization or Affiliation (if provided):**

**Email Address (if provided):** robert.bailey5055@mail.com

**Comments:**
The State of Oregon, through the State Land Board, should receive payment from companies using Oregon's territorial sea seabed and ocean shore for rights-of-way for telecommunication and other cables connecting offshore infrastructure to infrastructure onshore. Construction and use of these rights-of-way can put public resources at risk. Using Oregon's seabed and ocean shore for their infrastructure has economic value to the companies involved. Likewise, these same seabed and ocean shore should have economic value to the State of Oregon. Telecommunication companies can well afford to pay the State of Oregon for the privilege and convenience of using Oregon's public seabed and public beach.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

Attachment H

# OREGON FISHERMEN'S CABLE COMMITTEE

*Established as Oregon Fishermen's Undersea Cable Committee July 9, 1998*

2021 Marine Drive, Suite 102
Astoria, Oregon 97103
Phone (503) 325-2285
Fax (503) 325-7012
www.ofcc.com

**Oregon Department of State Lands** **August 3, 2026**

Danielle Boudreaux

**Rules Coordinator**

**775 Summer St. NE, Suite 100**

**Salem, OR 97301-1279**

**Re: Public Comment on Proposed OAR 141-083 Division 83 Draft Rule Changes (July 2026 Clean Draft)**

Please accept this letter as our formal public comment regarding the proposed Division 83 draft rules governing subsea cable easements within Oregon's Territorial Sea.

While we appreciate the Department's efforts to update and clarify its regulatory framework, several provisions in the current July 2026 draft raise significant policy, economic, and practical concerns. Rather than fostering a predictable and balanced environment, these rules—as written—impose excessive financial and administrative burdens that place Oregon at a competitive disadvantage, penalize existing infrastructure, and introduce unnecessary regulatory friction.

Below are our specific concerns and recommendations itemized by rule section:

1. **Retroactive Application and Disparities in Easement Fees**

**Subsea cable owners made investments in Oregon that facilitated the connectivity requirements of Oregon's 'Silicon Forest' which made Oregon a technology hub. DSL actively supported development in Oregon which has resulted in thousands of tech jobs. Now those companies face, under the proposed new rules, harsh penalties for what has been considered the most environmentally friendly method of getting the cable from shore to sea-a deeply buried Horizonal Directional Drill conduit. The punitive fee structure associated with the bore would discourage continued use of what everyone agrees is the best practice method for getting the cable from shore to sea. The State should not discourage use of HDD by exacting a high fee for installation and an even higher fee for encroachment. OR DSL charged AT&T an encroachment fee for a small amount of cable that they were unable to recovery when they decommissioned the China-US Cable, but they did not charge an encroachment fee for the two bore pipes left underground. Bore pipes, when vacant, should be considered an asset to the state.**

For more than two decades, Oregon actively encouraged the development of subsea cable infrastructure and worked cooperatively with industry stakeholders to facilitate cable landings. Cable owners and investors made significant long-term infrastructure decisions in reliance on that policy environment. The proposed rule changes represent a substantial departure from that historical framework and risk undermining confidence in Oregon as a stable and predictable location for future infrastructure investment.

- **OAR 141-083-0800(3)(d): Encroachment on Existing Easements**

  Applying new rules and fees retroactively at renewal—or in the event of encroachment—to existing easements granted for existing cables fundamentally alters prior agreements. Cable developers previously negotiated in good faith, in many cases making substantial upfront payments specifically to insulate against future fee impositions. Imposing a fee for a subsurface bore pipe that remains safely in place after a cable is retired (and which is physically impossible to remove) is an unfair penalty. Had industry partners anticipated such retroactive charges, explicit exemption language would have been insisted upon.

  Beyond the significant financial burden imposed by these fees, the proposed compensation structure creates a troubling policy outcome by penalizing the use of Horizontal Directional Drilling (HDD), a construction method widely recognized as minimizing environmental disturbance at the shoreline and protecting both cable infrastructure and surrounding marine resources. Oregon should avoid creating incentives that discourage use of this environmentally protective practice.

- **Lack of Consistency & Disparity with Ocean Outfalls**

  Historically, Oregon has lacked consistency regarding "future imposition" clauses, with historical costs ranging from $150,000 to $300,000 per cable covering varied timelines. Cable operators in Oregon deserve a level playing field. Furthermore, under **OAR 141-083-0800(3)(a)** and **141-083-0854**, DSL charges a $750 application fee for ocean outfalls ($500 for a public agency) under OAR 141-123 (which often have greater environmental implications), while assessing a $15,000 fee for a subsea cable easement. The staff time and review required for these activities should be relatively equivalent; this radical fee disparity is unjustifiable.

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## 2. Economic Policy and State Competitiveness

- **OAR 141-083-0810: General Provisions**

  DSL is mandated to manage state lands with the object of obtaining the *"greatest benefit for the people of this state, consistent with the conservation of this resource."* The uncertainty and heavy burden created by these proposed policy shifts have ***already*** choked off new subsea cable landings in Oregon. Instead, projects are diverting to neighboring states—at least seven cables are planning to land on Washington's coast, and several others are heading to California, including one scheduled to land next month and two more cables planned for Northern California. Driving critical digital infrastructure and economic development away from Oregon fails to achieve the greatest benefit for Oregonians. Unlike state forest management, which balances commerce against public recreational access, subsea cables reside underground/undersea. Aside from a few days during installation, subsea cables present zero interference with public access or use.

Subsea cables constitute critical infrastructure, carrying the overwhelming majority of international communications traffic and supporting cloud services, digital commerce, research, and public services. Oregon's coastal geography positions the state to remain an important gateway for trans-Pacific connectivity, but that opportunity may be lost if regulatory requirements become materially more burdensome than competing jurisdictions.

Oregon has also benefited from a longstanding collaborative model between the fishing community, cable owners, and state agencies. This cooperative approach has helped facilitate successful cable installations while protecting fishing interests and marine resources. The Department should build upon this proven framework rather than replacing it with a regulatory structure that risks discouraging future investment and collaboration.

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## 3. Application Review Procedures and Environmental Over-reach

- **OAR 141-083-0831: Resource and Use Inventory and Effects Evaluation**

The proposed evaluation requirements represent significant regulatory over-reach. Specifically, sub-clause **(i)(A)** mandates evaluating "all possible outcomes," including low-probability events with catastrophic effects. Expecting applicants to model hyper-speculative scenarios (e.g., meteor impacts, foreign military interventions, or catastrophic seismic events) demonstrates a disregard for applicant time and permitting costs. DSL should clarify what realistic low-probability events must be evaluated and streamline these requirements.

- **OAR 141-083-0840(2) & 141-083-0851(7): Application Suspensions**

Suspending the review of an initial or renewal application entirely upon finding a missing detail creates unnecessary delays. DSL should adopt a standard process of requesting supplemental information while continuing to process the remaining complete portions of the application.

Similarly, the proposed renewal framework would benefit from greater procedural certainty. Existing easement holders should not face the risk of regulatory gaps due solely to administrative delays in processing renewal applications. The Department should establish objective timelines for completeness reviews and confirm that existing authorizations remain effective while timely-filed renewal applications are under review.

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## 4. Protection of Confidential and Security Sensitive Information

The proposed rules do not appear to provide adequate protection for commercially sensitive, proprietary, and security-related information that may be submitted during the application process. Subsea cable applications frequently contain infrastructure details, technical specifications, operational information, and business data that could create security or competitive concerns if publicly disclosed. DSL should adopt an explicit mechanism allowing applicants to identify and protect confidential information consistent with applicable public records laws.

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## 5. Unnecessary Inspection Burdens and Conversion Restrictions

- **OAR 141-083-0850(12)(b)–(c) & 141-083-0851(3)(c): Mandatory Periodic and Renewal Inspections**

  Mandating post-installation periodic and pre-renewal inspections to verify burial status adds hundreds of thousands of dollars to operating costs and creates scheduling bottlenecks around specialized vessel availability. Cable operators already track cable integrity electronically; if a cable breaks operators know immediately. Historical data from the OFCC demonstrated that across ten mandatory cable inspections, not a single cable had become unburied or moved. The OFCC rescinded its inspection requirement as a waste of capital, and the state should refrain from re-imposing this redundant expense. Additionally, having the after-installation requirement (12) (b) "at a frequency to be determined by the department …in consultation with the holder and other interested parties" creates a huge uncertainty about operating expenses making it impossible for a cable owner to accurately budget for this incalculable expense.

- **OAR 141-083-0851(5): Conversion to Scientific Use**

  Treating a retired commercial cable donated to a university or research entity for Distributed Acoustic Sensing (DAS) as a "new application" penalizes beneficial public-interest conversions. Beneficial transfers for scientific research should be encouraged via an expedited, low-fee process rather than forced through a costly new permit cycle. Many of Oregon's existing cables are starting to approach replacement. Turning those cables into Tsunami sensing systems could provide life-saving benefits to Oregon citizens. Compensation for cables in such use should be waived by rule.

---

## 6. Decommissioning, Encroachment, and Excessive Fees

- **OAR 141-083-0853: Encroachment Application Requirements**

  Requiring public information meetings **(8)** and convening Joint Agency Review Teams (JART) with third-party technical experts paid by the applicant **(10)** for an underground, 25-year-old empty bore pipe is entirely unnecessary. There is no tangible public impact from an empty, buried conduit. Furthermore, threatening application denial **(14)** or forcing complete removal if paperwork deadlines are missed is unfeasible—removing a deeply buried bore pipe could cost billions and cause severe environmental damage.

- **OAR 141-083-0855: Compensation Fee Structure & Flexibility**

  Under the current formula, a standard installation (5,000 ft bore + 13,000 ft territorial sea length) results in an exorbitant compensation fee of approximately **$1.85 million**.

  - *Recommendation for Renewal Terms:* While a 25-year lease option is welcome, DSL should offer flexible, shorter renewal options (e.g., a 5-year extension at a prorated rate). A flexible short-term renewal structure encourages operators to fully utilize the remaining operational life of an existing cable rather than prematurely abandoning it due to prohibitive 25-year renewal costs.

- **OAR 141-083-0856: Encroachment Fee Calculations**

  The formula regarding the 100-year multiplier for permanent encroachment remains ambiguous. The rule text should explicitly state that a **permanent** encroachment fee is calculated strictly as a one-time assessment: **Fee = $7 × Length (L) × 100**, eliminating any conflicting verbiage regarding duration or recurring assessments.

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## Conclusion

Oregon has long benefited from being a hub for global subsea infrastructure. However, the proposed Division 83 rules threaten to price the state out of the market while imposing unjustified administrative burdens on existing operators. We strongly encourage the Department of State Lands to revise these draft rules to align application fees with actual administrative costs, remove redundant inspection and evaluation requirements, provide flexible short-term renewal options, and honor existing easement arrangements.

Thank you for your time and for considering these comments.

Sincerely,

**Scott McMullen, Chairman**

*Oregon Fishermen's Cable Committee, Inc. (OFCC)*

Alaska Communications (ACS)

AMCS LLC (Amazon)

General Communications, Inc (GCI)

GU (Google)

Hawaiki Submarine Cable  (BW-Digital)

MFS Globenet, Inc. (Verizon)

Tata Communications America

Microsoft Infrastructure Group LLC

Stuart Arnold, Pacific Fishing

Dave Jordan, F/V Granada

Rex Leach, F/V MS Julie

Brian Petersen, Petersen Fisheries

Brad Pettinger, F/V Noah's Ark, F/V Alex

Mike Retherford, F/V Excalibur

Terry Thompson, F/V Anona Kay, F/V Storm Runner

Gary Wintersteen

Attachment I

August 3, 2026

**Oregon Department of State Lands**

Danielle Boudreaux

**Rules Coordinator**

**775 Summer St. NE, Suite 100**

**Salem, OR 97301-1279**

**Re: Public Comment on Proposed OAR 141-083 Division 83 Draft Rule Changes (July 2026 Clean Draft)**

Dear Ms. Boudreaux,

Thank you for the opportunity to comment on the proposed rules for undersea cables.

As an Oregon commercial fisherman, I began working with representatives of the sub-sea cable industry 29 years ago. Over that time, I have learned the role that subsea cables play in our daily lives, and I have seen the value that these “digital highways” bring to our state. Oregon’s tech industry depends on having high speed communications cables to connect clients globally. But it isn’t just the tech industry; seafood processors, banks, insurance companies, manufacturers, timber and agricultural producers all use data cables in their routine operations. Oregon’s citizens use trans-continental fiber at an increasing rate. While a single cable doesn’t have a large number of employees, the commerce that cable enables employs many in our state.

I am not opposed to raising fees on subsea cables. But the cost of those fees must take into account the business climate in our state, and whether companies are willing to invest where an “enhanced permitting application” includes asking information with enough complexity that the state will have to have a third party determine if meets the state’s criteria. Businesses will notice these things. Don’t make an applicant spend time coming up with low probability issues.

Oregon’s DSL wants to land cables—they recently joined the International Submarine Cable Protection Committee, and they want to raise money for the Common School Fund. To attract cables to land in Oregon, simplify the application to what is really needed, establish a reasonable timeline for processing applications, keep costs reasonable and eliminate the encroachment fee for a buried bore pipe.

Best regards,

/*Scott McMullen* /

Astoria, OR

Attachment B

July 23, 2026

Subject: Public Comment – Proposed Amendments to OAR Chapter 141, Division 083

Dear Director Lovell and Members of the Division 83 Rules Advisory Committee:

The Technology Association of Oregon ("TAO") submits these comments on DSL's proposed Division 83 rulemaking. TAO represents Oregon's technology sector, including companies that own and operate submarine cable infrastructure — the backbone of Oregon's digital economy and a driver of high-wage jobs, capital investment, and global competitiveness.

TAO supports DSL's effort to modernize these rules. However, several provisions as drafted would significantly increase costs, create regulatory uncertainty, and risk discouraging future infrastructure investment in Oregon at a time when the state is actively working to attract and retain technology capital.

**Economic Development at Stake**

Submarine cables represent hundreds of millions of dollars in private capital investment along Oregon's coast while sustaining long-term operations employment and positioning Oregon as a Pacific Rim connectivity hub. Most importantly, these projects have cultivated a collaborative and productive relationship between the cable industry and Oregon's fishing community — a partnership that is unique and invaluable. Oregonians rely daily on the very technology these cables support — e-commerce, banking, healthcare, education, and government services all depend on this undersea infrastructure to function. If the proposed rules prove unpredictable or disproportionately costly, operators will route future investments to other states — taking jobs, economic activity, and the digital connectivity Oregonians depend on with them.

Oregon's proposed renewal framework could increase easement costs by over 300% —making Oregon significantly less competitive for long-term infrastructure investment. These submarine cables are the backbone of Oregon's digital economy — carrying the data that powers e-commerce transactions for thousands of Oregon businesses and enables the real-time cybersecurity protections that safeguard consumers, financial institutions, and government systems. If rising costs drive operators to bypass Oregon, the state risks not only losing jobs and capital investment but also degrading digital resilience for the very communities and industries that depend on fast, redundant connectivity.

**Key Concerns**

**1. Cost Increases That Discourage Investment.** Renewal costs could rise over 300% making Oregon significantly less competitive for infrastructure investment. The current 20-year easement term combined with the absence of a term-length multiplier for renewals means the increase effectively applies to only 5–10 years which is a deterrent for future investment.

**2. Renewal Uncertainty.** The proposed process lacks clear timelines, objective standards, and holdover protections. Operators who invest hundreds of millions of dollars need regulatory predictability. Without it, Oregon becomes a riskier place to deploy capital.

**3. Excessive Seismic Inspection Costs.** New triggers for mandatory physical inspection of submarine infrastructure following seismic events overlook the industry's advanced yet routine technological capability to continuously monitor system health and detect even minor damage. Without a clear justification for such inspection, daily operational costs for the necessary specialized vessels present an additional artificial and unpredictable expense.

815 NE SCHUYLER, #12544, PORTLAND, OR 97212 **TEL** 503-210-9789 **WEB** WWW.TECHOREGON.ORG

**4. Penalizing Environmental Best Practices.** The fee uplift for HDD bore pipe penalizes infrastructure that protects the seabed. This sends the wrong signal to operators and could result in less environmental protection, not more.

**5. No Confidentiality Protections.** Operators must submit sensitive business and security information with no mechanism for confidential treatment — a significant deterrent for companies evaluating Oregon investments.

**Recommended Fixes**

- **Renewal process:** Add a 30-day completeness timeline, holdover protections, and objective denial standards.
- **Costs:** Remove the HDD bore pipe uplift and ensure renewal pricing reflects actual term lengths.
- **Seismic inspections:** Allow operator self-certification based on real-time monitoring; raise the trigger threshold; or eliminate the submarine cable inspection trigger entirely.
- **Confidentiality:** Add a provision for confidential treatment of proprietary and security-sensitive information.
- **Late fees:** Give DSL discretion to waive or reduce late-application fees based on compliance history.

Oregon is competing with Washington, California, and international landing sites for submarine cable investment. The rules DSL adopts will directly influence whether operators choose Oregon for their next project. TAO urges DSL to adopt rules that protect state interests while maintaining Oregon's competitiveness as a destination for critical digital infrastructure investment.

We welcome further dialogue and are available to provide additional information.

Respectfully submitted,,

Skip Newberry
President & CEO
Technology Association of Oregon (TAO)

815 NE SCHUYLER, #12544, PORTLAND, OR 97212 **TEL** 503-210-9789 **WEB** WWW.TECHOREGON.ORG

| | |
|---|---|
| **From:** | Laserfiche_Forms@dsl.state.or.us |
| **To:** | DSL Rules * DSL |
| **Subject:** | DSL Rulemaking Comment: Stephen Cutler |
| **Date:** | Monday, July 27, 2026 9:27:04 AM |

Department of State Lands has received an online comment on proposed rules:

**Date Received:** at 7/27/2026 9:26:53 AM

**Rule Number:** OAR 141-083

**Name:** Stephen Cutler

**Organization or Affiliation (if provided):**

**Email Address (if provided):** snjcutler@gmail.com

**Comments:**
telecommunications companies should be required to file specific plans with the state for the removal of drilling equipment and the cables themselves when they are no longer in use and make them put a financial guarantee in place to ensure the proper cleanup and removal work gets done.

Companies should also pay compensation fees based in part on the amount of cable extending along the states' near-coast seabed. That could bring in more than $1 million per new cable laid.

application fees would help the agency cover the costs of technical reviews, surveys, inspections, public outreach and other coordination and administrative work while the compensation fees would flow to the Common School Fund and Oregon's public K-12 schools.

Thank you for considering my comments.

The submitted form and any uploaded files can be viewed in Laserfiche at:
Statelands\Agency\Rules\Public Comments

## Summary of Oral Comments Received During Public Hearings

**Stuart Arnold, GM Pacific Fishing, LLC– July 21, 2026**
We have a 10-boat fleet that fishes Oregon, California, and Washington, and I would like to see Oregon's have the incentive to have cable owners come to Oregon. Just for the jurisdiction of the fishing grounds that are going to be considered. Where, if it goes to Washington, the fishing grounds will not be as much of a factor. They'll just be more scientifically laid. So, I would like Oregon to be competitive in drawing and catering companies here.

Thank you.

**Terry N. Thompson, commercial fisherman– July 21, 2026**
was a commercial fisherman my whole life, and started when I was 6, and I had pig draggers, trawlers, shrimpers, fleets, you name it. And I was the originator, with Scott McMullen, of the Undersea Cable Committee, because we thought we could do it better, and we could protect our gear in the bottom of the ocean better than just a state agency. And at that time, John Kitzhaber, who was the governor, gave us the opportunity to approve it. And we did. We became the only place in the world where fishermen worked hand-in-hand with cables.

I've been on board cable ships, laid cables, I've been on research ships, laying research cables, and spent my life at sea. But one of the things we did that made the difference, why we got onto those ships, was because Scott and I mapped the bottom of the ocean. Before, you had all the plotters, and all the scientists had all their toys. We mapped it by hand, and you had that information available. So when the cable companies came to us and said, we're going to put in an already, we said, oh, you're doing it wrong here. You can bend the cable here, you can do this, you can adjust things, so that they're buried completely, and there isn't conflict with fishermen.

So if you have a state of Washington, who comes in and doesn't have that situation, they're gonna put those cables in, and we're gonna have a conflict between his folks. And that cable company, and all of a sudden, the camaraderie that we enjoy in this state goes up in smoke.

That was at the start, one of the reasons it started, and secondly, if the Department of State Lands doesn't look at it like a competitive cable business, and they have to do things better or cheaper, or show for some reason that he's there to come here, like fisherman did, you lose billions of dollars of infrastructure.

Now, you can say it didn't affect the Department of State Lands. That's BS. Everything that comes out of the state general fund budget affects your budget as well as theirs. If it's money that comes into the state by the taxpayers, and you don't manage it right, and you have less money, it affects everyone, because the whole budget is really a big-scale thing. And in this particular case, with undersea cables, that infrastructure can create literally billions of dollars. So, I want to see you bring cables into the state of Oregon. And make it efficient, so that we are the best. Not just another one. I don't give a damn if you're the same as California and Washington. The state of Oregon has a taxpayer.

I want you to do it better than the other state law. I want you to show me why. From the state lands doing a better job. And that's one of the main things I'm talking about.

Cable life to 25 years from 20 years was a good thing. But there's a problem beyond that, because if you say I want to have a cable in here for 25 years, and then I want to collect the fee for another 25 years. Well, that cable life probably, let's say it's going to be 5 years, maybe 10 years. What you think you should do is come up with a 25 year that you have. If it goes beyond that, you should have a percentage of your original fee Come for each year after that, because we want to see that cable have as much longevity as possible. We want to see them stay in the water. We don't want to see them take them out. We want to see them used and productive for as long as possible. And if you put in a better cable that can last longer, you should have some confidence that I'm not going to get stuck for another 25 years, even though it's only good for 2 years. So you should do it by a longer term. So that part needs to be changed.

I'm worried about the loss of jobs to Washington. If you see that cables going up there. I'm worried about the conflict with the fishing industry. If you let that happen, and they go up there, and you can say you don't have any on the books, but they have the ones that were proposed for here are going into state land. They're going to go inland and do the same things that they would here. They're going to use the Columbia River water; they're going to use the things from that. And Oregon's taxpayers aren't going to get anything.

So I think you're in a competitive business, with, let's see, you made one comment here on. Yeah, ma'am, I can just go back to this, Oh, the rules of encroachment. That one bothers me, because… I… I know that… Let's say you leave something in the bottom, and it's made of ferrous iron. And it's, route, it goes underneath the surf. Yep. If you pull the cable out, I think you have to show there's some damage gonna be served to someone. If… if you, meet a turn. I mean most of these cases, they're under the surf, and there's nothing there. It's below the sand line, there's nothing there, so you're charging them for something that basically doesn't, and I want to see that a lot of these things; they might be able to be reused. But if he's thinking about coming here, and all of a sudden, he sees that. he's gonna go, well, well, I don't want to do that. He wants the best deal he can get. And I think that's something I just don't see for the Department of State Lands.

So, that's… that's good enough. I mean, I could go on for a long time. Evaluations and stuff like that, but… Work with Scott McMullen. He's really sharp. He reads it line by line. I don't pay as much attention anymore. as I should, but I'm still really interested. This was kind of my baby. And I thought it was going to generate a lot of money in far beyond my lifetime in this common school funds, and I see it just stopping that. And I think you're working with Department of State Lands, it's… I think it's your job. To try to make us as competitive a state as possible.

**Scott McMullen, self – July 22, 2026**

Scott McMullen in Astoria, Oregon, and today I'm speaking for myself, not for any organization that I work with.

I have had a concern for several years as this process has unfolded, in that the complexity of the application process has increased. I've heard it referred to as enhanced, and I've heard it referred to as more robust. It is, in both cases. But in all my years being involved with cables, which goes back to 1998 was when we first began the OFCC, with a cable that came from Rockaway Beach area. Actually, the dog beach, just north of our way. And in all my time, I have not seen any problem with a cable that justifies the kind of this… the need to have such a complicated application.

One of the things that this new application would require would be to talk about effects of the installation that, while may be of low probability, would have a high consequence. I think you know the term, the language I'm talking to, but things they said, it's sort of low probability, but would have a big consequence, and the applicant has to come up with every… apparently every possible case of low probability that could be a… have an impact.

So I don't… my head can't even fathom all the things that you could maybe come up with that is a low probability. Mount St. Helens blows again, and a landslide is created, and that affects the cable board. A meteor falls on a cable, the ship, right, as it's laying cable in territorial sea. Do we really have to explain all of the… do they really have to explain all of these items of variable probability that would have an impact on the cable?

I think we… we need to be more balanced, more reasonable. I don't think it's reasonable to ask an applicant to come up with every kind of possible low probability event that could affect the cable. Just… that doesn't seem like a reasonable thing to ask.

And I think Oregon, in my view, has benefited greatly from submarine cables. I think the Silicon Forest in the Hillsboro area is there because there's great connectivity. It's not there… it's not there because it's an isolated island with no communications. It needs that good communication cables, and that has been good to Oregon. Oregon benefits.

I know one of our board members used to be a state senate representative. And he said the value of these cables to the state is so great, we should be giving them away. The permits, we should give them away to attract cables to our state because of the value they bring. Most of that value goes to the state as a whole, or more to the Willamette Valley than it does actually to the coast. But the state benefits, certainly the state benefits by the tech sector being located in the Hillsboro-Beaverton area.

So, I think, we, as a state, need to look at how we can be friendly to bring cables in, to not put barriers up, or have unnecessary… I understand there has to be a preventing process, I get it, but nothing that I've seen over my 27 years of all the subsea, it was 28 years, would lead me to believe that we need to know the name of every kind of sand flea, starfish, and clam and worm that might be on the route of the seabed. I'm sure that we can have a great list of all these critters that are in the way of a… where a cable is going to be trenched, but… To what point? What does that add value to the state? The state didn't need it for all of the cables that went in so far, and the state hasn't suffered by not knowing what those cribs [sic] were in the last 27 years. We put the cables in. Life goes on, there's still just as many critters out there as there were before, I'm positive.

So, I don't think we are harming ourselves by having a little more simple application and having a great concern for making Oregon an attractive place to land cables. We… I think it's in Oregon's interest to say we want and welcome cables. That's what used to be the state policy. We had governor letters that said to the delegates at the Pacific Telecom Conference, come ashore in Oregon. That was the catchphrase. Come ashore, we will welcome you.

**Brian Petersen, Oregon Fisherman's Cable Committee, Petersen Fisheries, Inc. – July 22**

My name is Brian Peterson.  I have, fishing, I've been in commercial fishing for 46 years, and, owned my own business in the… in commercial fishing for 40 years, Peterson Fisheries Incorporated. So, I've been in Oregon my whole life, born and raised here. And I'm also a board member of OFCC.

So… anyway, I, 2 years ago, I sold my business and relocated to Arizona, so now I'm an Arizona resident. And part of that decision… was made because of things like this. You know, I mean, I just find these regulations and all this new stuff that's coming down the pipe in Oregon to be very unfriendly to business. And, and it's terrible. And it's the reason I decided I was going to be an Arizona resident, so now I am, and I don't have a business in Oregon anymore.

So, I got involved with OFCC through Scott, I don't know, maybe 10 years ago, something like that. It's been a while. And I was involved in the route survey for the Bifrost cable. I did a 62-day survey on the… on the survey vessel, and then I was involved with the jetting process of part of the Bifrost segment also about a year ago.

So, anyway, we had a board meeting today, and we had members from our board on Zoom call. And we talked about this a little bit at the end of our meeting. And with some of the cable owners, and one of the cable owners, happened to be from Microsoft and one from Amazon, and we asked them an opinion about this whole process, and the main concern that we heard on the call was that money does matter when they make their business decisions. Money matters just as much to them as it did to me with my business.
And, with some of the cable owners, and one of the cable owners, happened to be from Microsoft and one from Amazon, and we asked them an opinion about this whole process, and the main concern that we heard on the call was that money does matter when they make their business decisions. Money matters just as much to them as it did to me with my business.

And the second thing that was almost as important as money was uncertainty. And when you have permanent encroachment fees that show up 15 years into an agreement, you know, with these cable owners, the state says, oh, okay, we're gonna charge you a permanent encroachment fee now, and change the agreement that was made with them. That's total uncertainty that they can't make plans for that in the future, because they don't, you know, they didn't plan on that. So, things like that really matter to, to these companies that are making business decisions about where they're going to do business.

My personal feeling on these permanent encroachment fees are, these cable companies plan on reusing these bore pipes. You know, the cable has the lights. The board pipe doesn't. So, you could just remove the cable from the bore pipe, and replace it with a brand new cable, and get another 25, 30 years out of it. So, to charge a company for a permanent encroachment fee for something that they might reuse seems, you know, unreasonable to me. And it's part of the reason they're concerned.

So in conclusion, I say some of these things I can see make sense. Increasing fees, licensing, that kind of thing, that makes total sense, because it looks to me like it needs to be done. But some of the other stuff, like these permanent encroachment fees, they don't seem reasonable to me at all, especially for a bore pipe that has absolutely no effect on the environment whatsoever. None. Zero. Nobody's ever going to see it. It'll be there, but it doesn't change anything in the environment, it's just a pipe. You know, in the ground. And chances are, they will reuse it. If I'll tell you, if you treat these businesses right, they'd stretch another cable through, run it across the ocean, and get another 25, 30 years out of it.

**Mike Szumski, retired wildlife biologist – July 23, 2026**

So I've submitted written comments already, and just to sort of reiterate a couple of those is, I think that in addition to… well, I think that there should be a rent, an annual rental fee, rather than a one-time fee, is what I'm understanding. There should be an annual rental fee for, that a company would have to pay for use of state proper… state lands. And I think there should be some sort of compensation for the natural resources.

For 27… I'm sorry, for 27 years, I was a federal biologist. I'm retired now, I should have said that at the beginning, sorry. And so, the thing I used to do for 27 years was to find out how, say, a boat accident, oil spill would injure natural resources, and then find ways of compensating that, turning that injury into a dollar value to be used to restore that type of resource elsewhere. So it's a very well-established, field, and I really think that there needs to be some thought given to if the state should consider this additional… it's not a fee, it's actually you're… you're paying for what you've damaged. So, I guess that's… that's sort of the summary of my comments. Thank you.