

Proposed Application and Compensation Fees

Undersea Infrastructure Easements in Oregon’s Territorial Sea

About the Document

This document provides a summary of proposed changes by the **Oregon Department of State Lands (DSL)** to fees for undersea infrastructure located on submerged and submersible land within Oregon’s territorial sea:

- Application fees for new easements, renewals, and encroachments
- Compensation fees for new easements, renewals, and encroachments

While the full set of proposed changes to Oregon Administrative Rules 141-083 includes a wide range of updates—such as revisions to policy language, definitions, application process, decommission and recovery, and encroachment—this summary focuses specifically on the proposed changes to fee structure required by SB 793 (2025).

These new fees are anticipated to be effective in January 2027.

Questions?

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Learn more

[Visit the DSL website for all rulemaking materials](#), including a draft of the proposed rules, all related materials from the rulemaking advisory committee, and the online comment form. [Learn more about the comment period open until August 3, 2026.](#)

These are the proposed fees as of June 2026 and are subject to change following input from the public comment period. Visit the DSL website for the most current information.

Easements for Undersea Infrastructure on State-Owned Submerged and Submersible Land

Any person who wants to place undersea infrastructure in the territorial sea must obtain an easement from DSL and approval by the State Land Board. Easements must be renewed every twenty (20) years.

Definitions:

- **“Easement”**: an authorization issued by the department to a holder allowing the placement of infrastructure on, affixed to, or buried under the seafloor of the territorial sea and ocean shore. An easement does not grant the holder any other proprietary rights. An easement is issued to a specific person, for a specific use of a parcel of state-owned land for a specific amount of time.
- **“Encroachment”**: a development or use, such as, but not limited to a structure, fill, or pile of aggregate, that overlaps on or otherwise occupies or restricts the full use of state-owned land. An encroachment may be a cable, pipe, conduit, fixture, or other structure that has been abandoned in place. An encroachment may also occur when the holder of an easement, granted by the department, extends their use outside of the area authorized by that easement or adds a use or development not authorized. Encroachments are generally unauthorized, unless an encroachment easement is granted pursuant to OAR 141-083.
- **“State Land Board”**: the constitutionally created body consisting of the Governor, Secretary of State, and State Treasurer responsible for managing state-owned submerged and submersible lands of the territorial sea, as well as other lands placed under its jurisdiction.
- **“Territorial sea”**: the ocean and seafloor area from the mean low water seaward three nautical miles.
- **“Undersea infrastructure” or “infrastructure”**: includes cables, pipelines, utilities, or fixtures on, affixed to, or buried under the seafloor in the territorial sea or ocean shore or both.

Application Fees

Significant changes proposed:

- **Increase application fees to reflect staff time.** This includes a completeness review of the application, coordination with federal, state, local agencies, and other interested parties, holding public meetings, Joint Agency Review Team meetings under the Territorial Sea Plan, technical review, field inspection, coordination with the Department of Justice, and preparing the authorization for the State Land Board review and approval. Other services may include researching records, reviewing resource appraisals, surveys, or other studies, and site visits and monitoring.
- **Introduce an application fee for encroachments.**
- **Annual increases:** Effective January 1, 2035, the DSL director may increase application fees annually by no more than 5 percent.

Application Fees	Current	Proposed
New Application	\$5,000	\$15,000
Renewal Application	\$5,000	\$7,500
Encroachment Application	None	\$7,500

Compensation Fees

Easements allow the use of Oregon's territorial sea while compensating Oregonians for the usage of this public resource. Compensation is a one-time payment that goes into the Common School Fund, benefiting K-12 education.

Prior to SB 793 (2025), DSL negotiated payment to the Common School Fund case-by-case in order to remove a future imposition of fees clause from the easement.

Through this rulemaking, DSL will establish the compensation fees for undersea infrastructure in rule. Compensation formulas are based on our research of other coastal states and feedback from the Rulemaking Advisory Committee.

Compensation Formula: Cables and Other Utilities

(a) For cables and other utilities with a diameter up to 3 inches:

$$\text{COMP} = \$3 \times L \times T$$

(b) For cables and other utilities with a diameter of 3 or more inches:

$$\text{COMP} = \$3 \times L \times D \times T$$

(c) For bore pipes or HDD conduits with a diameter of 3 or more inches (including the cable or other utility inside):

$$\text{COMP} = \$7 \times L \times T$$

The variables include:

- **L** = Linear feet of the proposed easement.
- **D** = Diameter (in inches) of the cable or other utilities.
- **T** = Term of the proposed easement (in years).
- **COMP** = Compensation due to the department for the easement.

Compensation Formula: Fixtures

Compensation fee for fixtures:

$$\text{COMP} = \$3 \times LA \times T$$

The variables include:

- **LA** = Authorized use area in square feet of state-owned submerged and submersible land.
- **T** = Term of the proposed easement (in years).
- **COMP** = Compensation due to the department for the easement.

Compensation for Public Agencies

Compensation fees for a new easement and a renewal easement for infrastructure owned, operated, or maintained by a public agency will be \$500.

Compensation for Infrastructure that Includes Sensors

The department may reduce required compensation for new or renewal easements that incorporate sensing, monitoring, or data-collection technologies that advance public safety, environmental monitoring, climate resilience, infrastructure integrity, or resource management (e.g., pressure and seismic sensors, Distributed Acoustic Sensing (DAS), State of Polarization (SOP), SMART cables).

The compensation reduction will not exceed 40 percent of the compensation fee.

Compensation Fees for Encroachment

Compensation Formula: Encroachment for Cables and Other Utilities

(a) For cables and other utilities with a diameter up to 3 inches:

$$\text{COMP}_{\text{enc}} = \$7 \times L \times T$$

(b) For cables and other utilities with a diameter of 3 inches or more:

$$\text{COMP}_{\text{enc}} = \$7 \times L \times D \times T$$

The variables include:

- **L** = Linear feet of the proposed encroachment.
- **D** = Diameter (in inches) of the cable or other utilities.
- **T** = Term of the proposed permanent encroachment will be 100 years.
- **COMP_{enc}** = Compensation due to the department for the easement.

Compensation Formula: Encroachment for Fixtures

Compensation fee for fixtures:

$$\text{COMP}_{\text{enc}} = \text{SM} \times \text{LA} \times T$$

The variables include:

- **SM** = Statewide Maximum value per square foot, which is \$15.10 starting July 1, 2026, and will increase each year on July 1 by 3 percent.
- **LA** = Authorized use area in square feet of state-owned submerged and submersible land.
- **T** = Term of the proposed encroachment easement (100 years).
- **COMP_{enc}** = Compensation due to the department for the encroachment easement.