



Rule Hearing and Information Session

Undersea Infrastructure Easements
in Oregon's Territorial Sea
(OAR 141-083)

July 23, 2026
Virtual



Introductions



Department of State Lands – Key Contacts

Danielle Boudreaux: DSL Rules Coordinator

Nataliya Stranadko: Territorial Sea Specialist

Dario Frisone: Proprietary Coordinator



Hearing Agenda

2:30 pm Information Session and Q & A

3:00 pm Oral Comments

Conclude All comments have been made or 4:00 pm, whichever comes first

Virtual

Zoom Protocols



Each person who wishes to speak will be asked to raise their hand.

- To raise your hand, click the reactions near the bottom of your screen and click “raise hand” or by pressing star 9 if you are on the phone.
- Will seek a balance of speaking time during discussions
- *For technical support, please message us in the chat.*
- Please keep your mic muted unless it is your turn to speak. Use of video is encouraged.
- We ask that all participants be respectful of each other and DSL representatives.

Informational Session



Overview



- DSL's Proprietary Program
- Oregon's Territorial Sea
- Undersea Infrastructure
- Territorial Sea Easement

Please save questions until the end of this portion of the presentation.



DSL's Proprietary Program

DSL's proprietary program manages roughly 5,000 authorizations across the State of Oregon, from the coast out east to Snake River, and from the Columbia River down south to Klamath Lake.

Authorizations include easements, leases, licenses, access agreements, and registrations and are issued under nine different divisions of administrative rules, covering a wide variety of commercial and non-commercial activity.



Oregon's Territorial Sea

Oregon's territorial sea is the waters and seabed extending three geographical miles seaward from the Pacific coastline.

This area and the resources within it are managed by state and federal agencies in trust for the public.

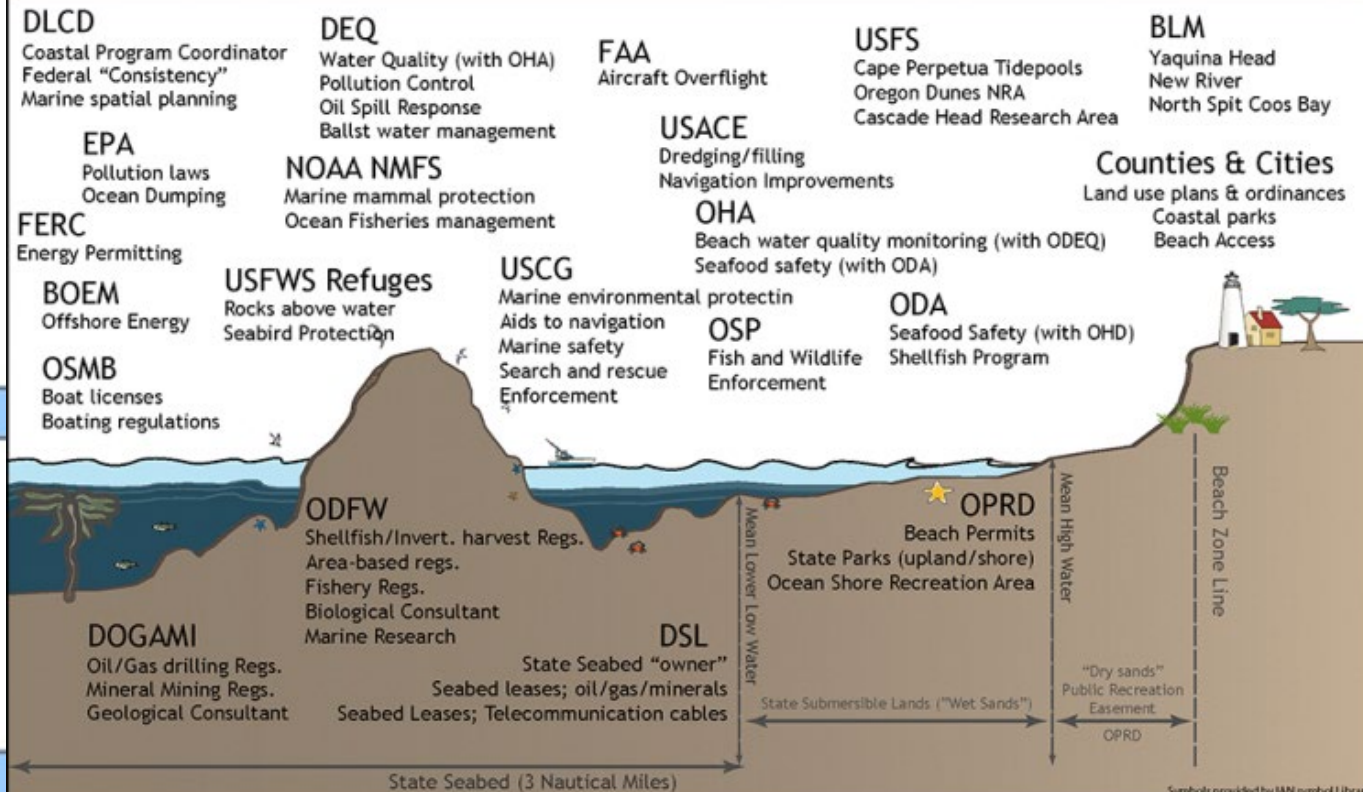
The Oregon Territorial Sea Plan (TSP) was first adopted in 1994 and consists of goals and policies that serve as a coordination framework and guide for agencies in managing resources within the territorial sea.

The State Land Board, and DSL as the Land Board's administrative agency, have jurisdiction over the submerged and submersible land of the territorial sea. DSL has both proprietary (ownership) and regulatory responsibilities within the territorial sea.

Agency Jurisdictions



AGENCY PROGRAMS AND AUTHORITIES in Oregon's Territorial Sea and Ocean Shore



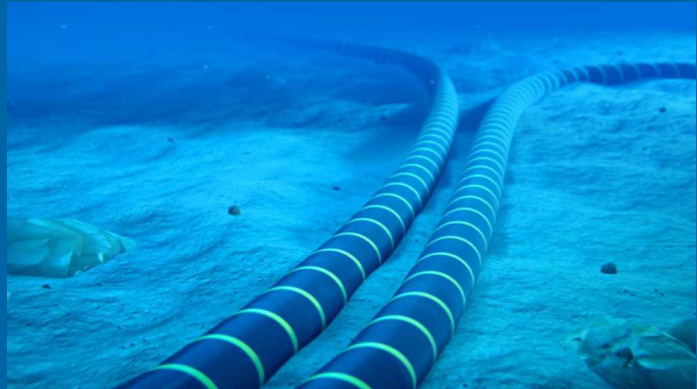
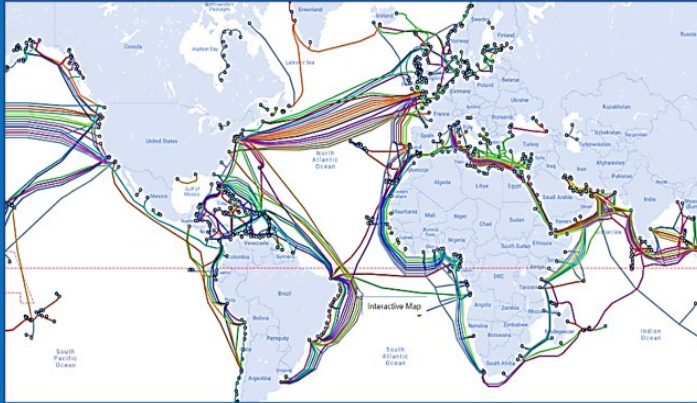


Undersea Infrastructure

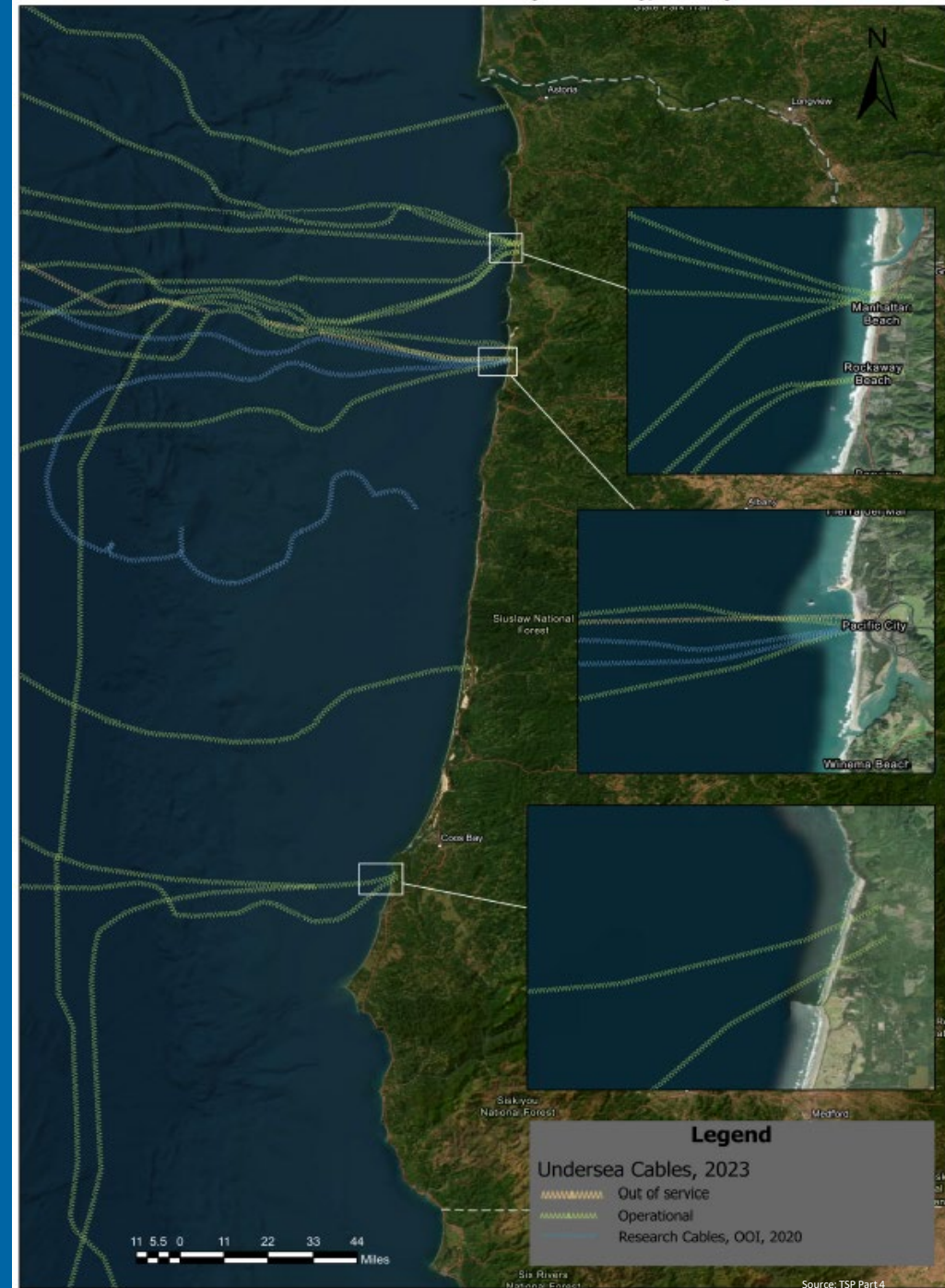
Telecommunication fiber optic cables, power transmission cables, and pipelines are all examples of undersea infrastructure. These are physical assets that are placed on, affixed to, or buried under the seafloor.

All uses of the seafloor for any undersea infrastructure occupying state-owned submerged and submersible lands and ocean shore within Oregon's territorial sea require prior written authorization from DSL and approval by the State Land Board.

Most undersea infrastructure projects require both an easement and a removal-fill permit from DSL.



Undersea Cable Routes (as of July, 2023)



Rulemaking: Overview and Need



Need for Rulemaking



Updates are needed because:

- **Technology has advanced.** The rules were last updated 25 years ago, and there have been advancements in technology used to install and maintain uses themselves (e.g., SMART cables that combine data transmission with sensors that support tsunami warnings and ocean monitoring).
- **Oregon's Territorial Sea Plan Part Four (2023) has changed.** DSL rules need to be updated to reflect changes recently made to Part Four regarding uses of the seafloor.
- **New legislation requires fee updates.** Senate Bill 793 requires DSL to adopt, by rule, fees (application and renewal) and compensation rates for easements to construct, maintain and decommission water, gas, electric, or communication infrastructure on state land within the territorial sea.

What's Proposed



- **Alignment with Oregon's ocean resource management goals.**

Proposed updates align DSL's easement review and authorization processes with Oregon's Territorial Sea Plan Part Four and other applicable state policies governing uses of the seafloor.

- **Enhanced application requirements.**

Applicants would be required to provide additional information during project planning and review, including resource and use inventories, effects evaluations, decommissioning plans, emergency response plans, and information about potential encroachments. Early coordination through pre-application meetings and the Joint Agency Review Team would help identify information needs and potential issues before applications are submitted.

What's Proposed



- **A cooperative review framework.**

Updates would support collaboration among applicants, state and federal agencies, Tribal governments, and local communities. Clearer requirements and review procedures would provide greater transparency and predictability throughout the process.

- **New fee structure.**

A new structure for application fees will support sustainable funding for the interagency application review. New compensation fees allow use of Oregon's territorial sea while compensating Oregonians for the usage of this public resource. Revenues go to the Common School Fund.

Application Fees



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

Compensation Fees



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

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

- For cables and other utilities with a diameter of 3 or more inches:

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

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

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

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 Fees



- Compensation fee for fixtures:

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

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

Compensation Example Calculation (for demonstration purposes only)



Bifrost Cable

Cable Length: 15,738 feet
Bore Pipe Length: 3,615 feet

Cable Diameter: 1.5 inches
Bore Pipe Diameter: 7 inches

Cables/Utilities:

COMP = \$3 x L x T (diameter ≤ 3 inches)

COMP = \$3 x L x D x T (diameter > 3 inches)

$$\text{COMP} = (\$3 \times 15,738 \times 20) + (\$7 \times 3,615 \times 20) =$$

\$1,450,380



**Revenues go to Oregon's
K-12 Public Schools through
the Common School Fund**



Compensation Fees - Encroachment



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

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

- For cables and other utilities with a diameter of 3 inches or more:

$$\text{COMPenc} = \$7 \times L \times D \times T$$

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.

COMPenc = Compensation due to the department for the easement.

Compensation Fees - Encroachment



- Compensation fee for fixtures:

$$\text{COMPenc} = \text{SM} \times \text{LA} \times \text{T}$$

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).

COMPenc = Compensation due to the department for the encroachment easement.

Questions?



Public Rule Hearing



Scappoose Bay Marina / Dan Cary, DSL (retired)



Commenters have a 2-minute time limit.
Please state your name and affiliation.

Provide Written Comment

Written comments may be submitted
through August 3, 2026, at 5:00 p.m. by:



Email

dsl.rules@dsl.oregon.gov



Online form

[https://www.oregon.gov/dsl/Pages/rulemaking.a
spx](https://www.oregon.gov/dsl/Pages/rulemaking.aspx)



Mail

Oregon Department of State Lands
775 Summer St. NE, Suite 100
Salem, OR 97301



What's Next?

Wilber Bridges – North Umpqua River / Dan Cary, DSL (retired)

- DSL will review and consider all written and oral public comments.
- The proposed rules will go through an internal review and approval process.
- The final proposed rules will be presented for approval to the State Land Board at the December 2026 meeting.
- The approved rules will become effective January 1, 2027.



Thank You!

Oregon Department of State Lands

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Oregon.gov/DSL



Wilber Bridges – North Umpqua River / Dan Cary, DSL (retired)