



Undersea Infrastructure Easements in Oregon’s Territorial Sea (Division 83) RAC Meeting #2 Summary

March 11, 2026; 9:00 a.m.

Overview

The Undersea Infrastructure Easements in Oregon’s Territorial Sea (Division 83) Rulemaking Advisory Committee was convened by the Oregon Department of State Lands on March 11, 2026, via Zoom. The RAC was convened to provide input on proposed amendments to the administrative rules governing undersea infrastructure easements.

RAC Members and Attendance

Name	Affiliation	Present?
Members		
Cameron Fisher	Environmental Science Associates (ESA)	
Katie Keil	ESA (alternate)	x
Elaine Albrich	Davis Wright Tremaine LLP	x
Eric Chambers	Central Lincoln PUD	x
Jason Busch	Pacific Ocean Energy Trust (POET)	x
Jill Rolfe	Coos County Community Development	x
Joanne Morris	Google	x
Kevin Ranegar	City of Bandon	
Greg Miller (<i>Alternate</i>)	League of Oregon Cities	x
Lynnae Ruttledge	Community member of Tierra Del Mar (Tillamook County)	x
Sarah McComb	Amazon Web Services	x
Courtney Lee (<i>Alternate</i>)	Amazon Web Services	
Scott McMullen	Oregon Fishermen's Cable Committee	x
Technical Advisors		
Andy Lanier	Department of Land Conservation and Development (DLCD)	x
Laurel Hillman	Oregon Parks and Recreation Department (OPRD)	x
Scott Marion	Oregon Department of Fish and Wildlife (ODFW)	x
Staff/Advisors		
Dana Hicks	Department of State Lands	x
Danielle Boudreaux	Department of State Lands	x

Name	Affiliation	Present?
Nataliya Stranadko	Department of State Lands	x
Dario Frisone	Department of State Lands	x
Blake Helm	Department of State Lands	x
Interested Parties		
Angel Rovira	DSL	x
Britt Brupbacher	DSL	x
Joe Flager	DSL	x
Lauren Poor	PGE	x
Chris Van Drimmelen	OSU	x
Evan Dowell		x
Saerim Vosler		x

Welcome and Introductions

Sylvia Ciborowski, Mosaic Resolutions, welcomed participants to the second meeting of the Rulemaking Advisory Committee (RAC). She introduced herself as facilitator for the process and highlighted the purpose of the meeting as an opportunity to hear additional background information on undersea infrastructure easements and the rules, and begin to hear RAC input on proposed rules for easement application requirements, application review process, and easement terms and conditions

Department of State Lands (DSL) staff and RAC members introduced themselves.

Agenda Review; Zoom Protocols

Sylvia Ciborowski reviewed the [meeting agenda](#) and noted materials in the packet, which are available on the rulemaking website: <https://www.oregon.gov/dsl/pages/rulemaking.aspx>

Background Information

Nataliya Stranadko, Department of State Lands, provided additional context for the rulemaking and responses to requests for information from RAC members. The presentation included:

Historical Context:

- In 2023, HB 2603 (2021) required DLCD, in consultation with DSL, other agencies and interested parties to update TSP Part 4. DLCD established a working group in 2022 under the Ocean Policy Advisory Council (OPAC) that met over a year to draft text for TSP Part 4. As part of the process and HB 2603's requirement, DLCD prepared a Cable Placement Best Practices report, and DOGAMI Geological Assessment. DSL prepared a cable fee study in California and Washington. Part of the HB 2603 requirements was addressing a fee structure. However, OPAC Working Group found this aspect was outside of the jurisdiction of the TSP. Thus, DLCD prepared a Memo to the Legislature stating that a fee structure would need to be addressed by DSL.

However, DSL didn't have a statutory authority to change a fee structure and will need to go through changes in the administrative rules following changes in the statute.

- In 2023, DSL conducted interviews with internal staff and companies to better understand how the cable easements application process works in practice and what could be improved. In those interviews, telecommunication companies noted that they would like to more clarity in guidelines, pre-application meetings, fees, and other aspects of the program. Many of these aspects are addressed and reflected in the proposed rules.
- In 2025, SB 793 gave authority to DSL to establish a fee structure. It asked DSL to establish application fees, renewal application fees, and compensation rates for cables, pipelines and other utilities in the territorial sea.

TSP Part 4 Outcomes: There were 4 main outcomes of the TSP Part 4 process, including:

- Establishing a Joint Agency Review Team (JART) and compulsory pre-application meeting that will be coordinated by DSL, to streamline permitting process across agencies in early stages of project planning.
- Recognizing undersea infrastructure as "critical infrastructure." DSL as the owner of the seabed is one of the agencies that is responsible for protecting critical infrastructure and its resiliency.
- Requiring decommissioning and removal of out-of-service cables from the seabed.
- Allowing DSL to hire additional technical expertise if the JART finds that this is needed. DSL can also waive some resource inventory components.

Agencies Jurisdictions: Many agencies have jurisdiction and authority over the territorial sea. DSL is the owner of the 3-mile seabed, and ODFW, DOGAMI, and OPRD each have their own role in permitting process.

Crosswalk of the Rules: A [PDF Crosswalk](#) shows details on what is proposed for change between the 1999 (current) version of Division 83 and the proposed rules. Several new sections are added, some were heavily revised to align with TSP Part 4 amendment, and other DSL administrative rules.

Members had the following questions and comments on the background information:

- DSL clarified that there are currently 16 cables on Oregon's seafloor. Five of them are undergoing renewal process. The agency cannot predict the number of future easement applications, but expects that, given data centers growth and development in technology, the number of cables will increase. Decommissioning and recovery are important to maintain capacity for additional cables. An additional study would be needed to understand the capacity for cables and best spacing requirements. Members noted that telecommunications cables take up less than 1% of the seafloor and ~99% of all international internet traffic is carried by subsea telecommunication cables.
- A member asked if DSL will create guidelines to go with the rules and cautioned against putting something in the guidelines that should really be in the rules. DSL noted that the department plans to create guidelines or supplementary materials to help applicants understand what information is needed in an application, such as checklists and internal procedures.

- A member asked if the committee is being asked to focus on fees, or all Division 83 rules including those that came from TSP Part 4 and wondered how this group can comment on whether the new rules are consistent with Part 4 revisions. Staff noted that the committee should review all Division 83 rules and can use their background knowledge from participation in the TSP Part 4 process as well as guidance of Andy Lanier, DLCD to help ensure the rules are consistent. DLCD clarified that they don't expect OPAC to have any further role in reviewing the rules.

Presentation on Proposed Rules

Dario Frisone, DSL reviewed the proposed [easement application review process roadmap](#). He also reviewed the proposed easement terms and conditions, which have been broadened to reflect new requirements from TSP Part 4 such as separation standards, minimum easement width, minimum burial depth, and treatment of undersea infrastructure as critical infrastructure.

RAC Discussion and Input on Rules 141-083-0800 to 141-083-0851

RAC members had the following questions and input on these portions of the rules.

0830 – Easement Application Requirements

- (4)(c) – The language seems broad. There should be some limitations to the kind of information and data the department will need, or a defined checklist of what is needed in the Resource and Use Inventory and Effects Evaluation Report.
 - One member suggested referencing the portion in the TSP Part 4 rules about this Report, to streamline rules and make it clear.
 - A technical advisor noted that there is variability in ecological conditions along different routes and at different landing sites, which is why flexibility in this Report was built into the TSP Part 4 Language.
- (4)(e) – Suggest defining “operating agreement” and avoid requiring disclosure of confidential and sensitive information. DSL noted that the guidelines would clarify exactly what is required and include treatment of sensitive information.
- A RAC member noted that the rules should be clearer about what content is required in an application, why that content is required, and include clear criteria and procedure for review. Sections 830, 835, 840 and 850 are all comingled as it relates to standards, criteria content requirements, and process. DSL may want to restructure the sections, and consider looking at the Oregon Siting Council's rules on how they lay out procedures and standards for applications (OAR 345, Divisions 15, 21, 22 and 24).
- (4)(g) – The requirement to provide “any additional information required” is too open-ended. Suggest the rules incorporate the list of what could be required from TSP Part 4.

- (5) – Suggest that this be addressed in the procedural rule for how public comments need to be addressed during the public process.

0835 – JART Pre-Application Meeting

- No comments

0840 – Application Review Process

- (1) –
 - Suggest building in a timeline for when DSL would complete the completeness review (for example, 30 days).
 - Suggest clarifying what is required in a “complete” review by referencing the list in rule 0830.
- (2) – Suggest building in a process for DSL requesting additional information and the applicant providing additional information.
- (3) –
 - Suggest adding good faith language: if the applicant is actively demonstrating that it has made efforts to resolve incompleteness, then provide flexibility to not deny the application.
 - Consider whether DSL wants to “deny” the insufficient application or make it “void.” A denial can be appealed but a voided application cannot.
- (5) – Concern about holding a public meeting before the application has been submitted.
- (8) – Suggest making the “may” language consistent with TSP Part 4, which says “shall.”
- (9) –
 - Concern that the applicant may be required to pay for technical experts before a review proceeds, with no opportunity to contest the need for technical experts. The applicant should be able to submit an independent expert report from a department-approved list of experts; this would provide predictability and control to the applicant.
 - Suggest sideboards for the use of technical experts. If DSL determines technical expert services are required, it should notify the applicant, provide written justification for expertise required, and provide a detailed estimate of cost including the maximum amount applicant may be charged. DSL only may move forward once getting payment; and costs cannot exceed 10% of estimate.
- (10) – Suggest a timeline for when the department must provide its written determination (for example, 60 or 90 days following the close of the public comment period). As an example: ORS 215.427 provides timelines for application completeness.
- (12)(a) – Question about how the applicant’s financial status would be determined, given that financial information is not required in the application.

0850 – Easement Terms and Conditions

- (2) Several members suggested a 25-year term to align with the 25-year average lifespan of a cable. This avoids the time and cost of lease renewal when there are still 5 years left on the cable's life. Another member noted that a 25-year term makes sense, but at same time the agency should have some ability to talk to holders that are not fulfilling easement requirements before term expiration.
- (3) – If the term must be 20 years, then suggest that the right of renewal be de-facto, rather than the “may” language, to reduce uncertainty.
- (5) – Members discussed the required minimum separation distance of 300m between cables, noting that cables are often joined at the same point on the upland site, and may not be able to get to a 300m separation when they reach the territorial sea. The separation distance should be reasonable considering what separation is really needed to achieve goals. Also consider flexibility for bundled cables or make it clear that cables do not need to be 300m apart once they are onshore.
- (6)(a)(B) – Using “the shortest possible length” may not always be in the best interest of cable owners or the fishing industry. To avoid reefs and rocks, a longer cable route may be needed.
- (6)(a)(C) – Language requiring bundling with existing pipelines and cables seems contradictory to rules requiring separation in 0850(5).
- (7) – Members noted that it is not clear when the 120-day timeline begins and discussed alternatives. Industry representatives noted that they agree with documenting burial but would like a timeline that aligns with standard operating practices. Companies require contractors to do post-construction reports but contractors can't always mobilize a ship within 120 days of laying the cable. Mobilizing a ship for a separate inspection can cost hundreds of thousands of dollars. One solution is changing the rules to read “within 120 days after completion of the post-lay burial inspection,” although DSL has concerns that there is no timeline for that post-lay burial inspection. Alternatively, the rules could clarify the starting point of the 120 days (i.e., is it 120 days of laying the cable, or 120 days of becoming operational?).
- (13)(b) –
 - A member noted that inspection is expensive and is usually unnecessary because cables do not move. Inspections should only be required when necessary to meet some goal. California has removed its inspection requirements.
 - Suggest confirming whether TSP Part 4 requires inspection at the frequency required by DSL, or by other agencies.
- (13)(c) –
 - Suggest narrowing down the kinds of geologic events that would trigger the inspection requirement, such as a 7.0 magnitude earthquake within some stated proximity. A cable that is buried 1 meter should withstand the risk of earthquake.
 - Suggestion that holders be able to satisfy the inspection requirement through continuous electronic monitoring data. Sending out a ship after each earthquake is extremely expensive.

- DSL noted that TSP Part 4 does require inspections after major geologic events, so will need to make sure the language is consistent. DLCD noted that it would be appropriate for DSL to define the scale of event and proximity that triggers inspection; because both are important and relate back to the intent of the TSP language. OPRD representative noted that a smaller event at very closer proximity could have negative impacts, so need to be cautious about the cutoff for what triggers and inspection.
- (13) – Technical advisors noted that during TSP discussions, there was differentiation between undersea power cables and other types of cables. It might be beneficial to distinguish between cable types and have a different frequency of inspection by type. Periodic inspection of segments of cables that are not fully buried warrant some required periodic inspection.
 - DSL added that the rules do not require inspections at any specific interval. The intent is to leave DSL with the option to inspect if needed, and this is very typical for other proprietary authorizations.

0851 – Renewal Application Review Process

- (1)(a) – Suggest that DSL be limited to “reasonably” amending the terms and conditions.
- (4) – Suggest changing the “will” to “may” to provide a good faith exception and give DSL discretion to treat the late application as a renewal.
- (5) – Suggest clear criteria for when DSL would process the renewal application as a new application or an amendment.
- (6) – Suggest a timeline for the completeness review determination, and more certainty on the renewal process. Also suggest a holdover provision so that the easement doesn’t expire while the renewal is under review.
- (7) – Suggest a good faith extension if the applicant is actively working to submit a complete application.
- (9)(a) – Concern about DSL having “sole discretion” here and in other parts of the rules. If an application meets the criteria and standards, it should be approved.
- It seems that the renewal application contents and review process should be less exhaustive than what is outlined in the rules. The cable is already buried underground; there shouldn’t be different impacts at renewal.
- The rules seem to suggest that applicants would be held to any new standards or changes in requirements at the time of renewal. Suggest grandfathering in easements that are in compliance with their original permit requirements.

Interested Party Comments

Sylvia invited interested parties to make comments. No interested parties provided comment.

Next Steps

Sylvia and Danielle reviewed next steps for the process. Members should send any comments on the rules under discussion today to Sylvia, who will coordinate with DSL. Written comments will be put in the record. If RAC members submit comments in the next weeks, they can likely be sent to the RAC before RAC meeting #3.

RAC members will receive the RAC Meeting #2 meeting summary and recording next week. The next RAC Meeting is on April 8, 2026.

At least one week in advance of each RAC meeting, RAC members will receive a meeting agenda and related materials. All materials will be posted to the rulemaking website:

www.oregon.gov/dsl/Pages/rulemaking.aspx.

Adjourn

DSL staff thanked RAC members for their participation and adjourned the meeting.