



Undersea Infrastructure Easements in Oregon’s Territorial Sea (Division 83) RAC Meeting # 4 Summary

May 6, 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 May 6, 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)	x
Katie Keil (<i>Alternate</i>)	Environmental Science Associates (ESA)	
Elaine Albrich	Davis Wright Tremaine LLP	x
Eric Chambers	Central Lincoln PUD	
Jason Busch	Pacific Ocean Energy Trust (POET)	x
Jill Rolfe	Coos County Community Development	x
Joanne Morris	Google	x
Kevin Ranegar	City of Bandon	x
Greg Miller (<i>Alternate</i>)	League of Oregon Cities	x
Lynnae Ruttledge	Community member of Tierra Del Mar (Tillamook County)	
Sarah McComb	Amazon Web Services	x
Courtney Lee (<i>Alternate</i>)	Amazon Web Services	x
Scott McMullen	Oregon Fishermen's Cable Committee	x
Danelle Romain	Oregon Peoples Utility Districts Association (OPUDA)	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
Department of State Lands		
Dana Hicks	Department of State Lands	x
Danielle Boudreaux	Department of State Lands	x
Nataliya Stranadko	Department of State Lands	x
Dario Frisone	Department of State Lands	x
Interested Parties		

Evan Dowell		x
Samantha Quin		x
Searim Vosler		x

Welcome and Introductions

Sylvia Ciborowski, Mosaic Resolutions, welcomed participants to the fourth 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 updates on how DSL is considering RAC comments, circle back to certain topics for clarification, and hear any additional comments on any portion of the Division 83 rules.

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>

Context for Potential Changes to Rules

Nataliya Stranadko, Department of State Lands, noted that DSL has organized RAC comments into three categories: some that are resulting in changes, some that are being further considered internally and with other state agencies, and a third set that needs more input and clarification at today's meeting.

- RAC comments that will be considered and will lead to changes in the rules:
 - DSL intends to change the easement term to 25 years to align with typical cable lifespan.
 - DSL will make clarifications to the application and renewal process, including adding criteria to clarify the kind of information that DSL will need to process an application. Any changes will need to align with other rules outside of Division 83 that detail the kind of information that DSL must collect. For specific content and requirements, DSL may develop further guidelines that assist with the agency's internal review (e.g., the content of the Emergency Response Plan).
- RAC comments that DSL is considering internally and in consultation with other state agencies:
 - 0830 – Information that DSL requires in the easement application.
 - 0840 – Allowing flexibility in timelines on industry as part of application submittal.
 - 0840 – Use of technical experts in review of applications.
 - 0850 – What should be included in the burial inspection report.
 - 0850 – Clarifications on the separation distance of cables closer to shore.
 - 0840 – Whether to hold public meetings before applications are submitted.

- 0855 – Concerns with compensation fees for bore pipes and outfalls.
- 0852 – Decommissioning requirements for bore pipes.
- 0857 – Suggestions on the types of financial assurances that should be allowed.
- RAC comments that need more clarification and discussion at today’s meeting:
 - 0855 – Removal of the upcharge for fiber optic cables larger than 3” in diameter.
 - 0855 – Whether \$3 is the appropriate variable in the compensation formula.
 - How to treat compensation for outfalls.
 - 0850 – Where the 300 meter separation distance should be lessened to allow for bundling of cables as they come on shore.
 - 0857 – What types of financial assurances are of interest.

RAC Discussion on Compensation Formula for Outfalls (uses under Division 123)

Dario Frisone, DSL reminded members that one of the goals of the Division 83 rulemaking is to put requirements for easements for all uses in the territorial sea into Division 83. Currently, Division 123 covers easements for outfalls both in the territorial sea and other state waters. Part of the rulemaking’s intent is to move requirements for outfalls in territorial seas into Division 83.

At the last RAC meeting, members had concerns that the proposed compensation formula under Division 83 would result in high fees for outfalls in the territorial sea (for easements and decommissioning), and those fees must be borne by coastal communities. To address this concern, DSL proposes to fold the compensation calculation method for outfalls from Division 123 into Division 83. The formula for outfalls under Division 123 is:

- Land Area x Adjacent Land Value per square foot x 33.3% *OR*
- Land Area x Statewide Maximum Value per square foot x 33.3% *OR*
- \$500 minimum

Dario provided some example calculations, noting that the result varies depending on where the outfall is located. The fee is higher in areas where land value is higher.

Sylvia asked members if they support DSL’s proposal to continue to use the Division 123 compensation calculation for outfalls, and fold it into the Division 83 section of the rules. RAC members had the following questions and input:

- A couple of members expressed support for the proposal, and several had no comment or didn’t know.
- One member wondered if this might set a precedent for treating other types of infrastructure differently.
- One member had concern with the current Division 123 calculation because using upland land value as a basis creates inconsistency. Outfalls are an underground use and have negligible

impacts on the upland land. Suggest using a fixed rate or some other method to not discourage development.

- A member had a question on whether outfalls in bays are in the territorial sea.
- A member suggested talking to local cities and communities for their input.

RAC Discussion on Key Topics

RAC members discussed the key topics where DSL would like further RAC member clarifications and discussion:

1. Removal of upcharge for fiber optic cables larger than 3" in diameter

DSL asked for clarity on previous suggestions from RAC members that the compensation calculation should not charge an additional amount on fiber optic cables larger than 3" in diameter.

- A member clarified that most fiber optic cables are well under 3 inches. The 3" term in the formula is a comfortable metric for cable companies. The request is to exempt the horizontal directional drilling (HDD) bore pipe from the upcharge: if the HDD bore pipe is over 3", treat it as 3". The alternative to HDD is to dig a trench which damages the beach and the cable often ends up being exposed. The HDD bore pipe is usually six inches or wider. Several members agreed with this suggestion.
- Another member reiterated that beach trenching without a bore pipe often leads to the cable coming up to the surface. Horizontal directional drilling is the best practice and should be exempted from a higher fee. Additionally, a bore pipe can be reused in the future, which is less of an environmental impact.
- DSL noted that there was also a suggestion to exempt the bore pipe from the decommissioning and encroachment fee. However, it is important to find a solution that would make the bore pipe beneficial and reusable: Can cable companies make an agreement that other companies could use bore pipes for future cable landings?
 - A member proposed that if the bore pipe cannot be reused, then there should be a fee associated with leaving it in place. However, in nearly all cases the cable would be removed.

2. Three dollars as the basis in the compensation formula

DSL asked whether there is any reason to change the \$3 per linear foot portion of the compensation formula.

- A member expressed support for the \$3 portion of the formula, as long as the bore pipe gets the \$3 per linear foot rate even if it the bore pipe is greater than 3" in diameter.
- Another member noted that \$3 may be higher than what is charged in Alaska and Washington and make Oregon a less competitive place to land a cable.

- A member wondered whether an annual fee would be better than a one-time payment, to get more funding for the state. Several industry members noted that a one-time payment is preferred, as it is more predictable.

3. Separation distance

DSL noted that in past meetings, there were comments that the separation distance should be lessened when the cable comes onshore for bundling. At what point should the 300-meter separation distance requirement be reduced?

- A member said that the interest is to allow cables to combine into the same beach manhole. From the beach manhole, cable companies have a strong interest in fanning out cables to get to at least a 300-meter separation distance as quickly as possible. Separation protects the cables.
- DSL asked if there is specific language in the rules that could reflect industry's interest. Members said it would be hard to know exactly where in the sea the separation distance should be reduced from 300 meters.
- Another member suggested deleting the separation distance requirement entirely and instead requiring that cable companies follow International Cable Protection Committee (ICPC) standards or industry best practices for cable separation. Several members agreed, although state agencies replied that agencies usually cannot refer to outside standards within state rules.
- A technical advisor noted that DSL jurisdiction does not extend to the manhole.
- A member noted that from the standpoint of protecting ecological resources (and avoiding cable issues) it seems more important to put the cables where they are going to most successfully be buried and stay buried, regardless of how close they are to other cables. DSL replied that separation is needed to allow space to repair buried cables, to protect cables, and to meet ICPC best practices.
- A member pointed out that the language as written allows for deviation from the 300-meter separation distance "unless otherwise determined by SLB."

4. Financial assurance

DSL asked for clarity on what type of financial assurances should be allowable.

- A member commented that industry agrees it should provide financial assurance but wants to expand the list of acceptable forms of assurance to include options that are lower cost to the applicant. Surety bonds, cash deposits, and Certificate of Deposits are the most expensive forms. Letters of credit, parental company guarantees, and insurance backed instruments would provide the same level of assurance and be lower cost to applicants. Several other members agreed.
- A member noted that letters of credit are a must and are accepted by other agencies in Oregon.
- DSL noted that it would consult with the Department of Justice and Department of Administrative Services on this topic.

- DSL proposed using language that exists in rule 082-0336 on financial assurances. A member noted that this language would not meet industry interests, because it does not include a list of the types of financial assurance that are acceptable.

Additional Comments

Sylvia invited members to provide comments on any other rules in Division 83. RAC members had the following questions and input:

- Decommissioning and Recovery and Encroachment Easements:
 - A technical advisor asked for clarity on whether the terminal point of HDD bore pipes may emerge after many decades. Bore pipes have the potential to be exposed over time. The decision on encroachment easements for bore pipes should rest on the potential of exposure after decommissioning.
 - An industry representative noted that pipes are buried very deep near the beach. The intent is to remain buried forever. If the cable gets uncovered, the cable owner must recover it.
 - A member commented that bore pipes do not move because they are anchored 60 or 80 feet below the ocean floor. All experience has been that the bore pipe exits do not come to the surface.
- Several members noted that they would like to see updated rule language before providing additional comments. It will be important to see how the application review criteria is updated.
 - DSL noted that the agency would seek to make as many redline changes to the draft rules as possible before the next RAC meeting, for further RAC review and discussion.
- A member commented that the Governor has shown support for a simpler permitting process. The rules should include time limits for DSL review of permit applications, and ideally a six-month limit. It is in the interest of the state to have cables come to Oregon, because this provides revenue for the state. An uncertain permitting process could keep cables from landing in Oregon. Several industry representatives agreed on timelines in the rules.
 - DSL replied that no other states have specific timelines for review and permitting in their rules on undersea easements or permits. The proposed rules do indicate that applicants should submit their application at least 180 days before proposed installation. The agency would do as much as possible to issue easements in those 180 days, but each case is different and the timeline can be longer based on external factors which are out of DSL's control. .
 - A member noted that DSL does have an effective process, and it is hard to promise a timeline because many other state and federal agencies have a role in reviewing the application. Other agency review timelines are not something DSL has control over.
 - A member noted that in Australia, cable permit applications are processed in 2 months.

- A member noted that rule 0852 allows an applicant to pull an encroachment easement application and rule 0853 allows DSL to deny an encroachment easement application. But it is not clear what happens if an application is pulled or denied.

Review – Notice of Proposed Rulemaking Components

Danielle Boudreaux, DSL Rules Coordinator, provided background on notices that are required for rulemaking by the Secretary of State. When DSL publishes its notice of proposed rulemaking, it will include two components: a Fiscal Impact Statement (FIS) and a Racial Equity Statement.

Fiscal Impact Statement

The FIS outlines the anticipated fiscal and economic impact and cost of compliance with the rules. The statement broadly describes who is impacted by the rules economically and how, what units of government are affected, and potential effects on small businesses.

She then shared the [draft FIS](#) and invited member comments

- A member asked whether subdivisions of larger companies could be considered small businesses that would be impacted by the rules. For example, small businesses or subdivisions of larger companies build cable landing stations.
- Members had no comments on other portions of the draft FIS.

Racial Equity Statement

Danielle provided background on what a Racial Equity Statement is and how it is used. In 2021, HB 2993 required every state agency to include a statement that indicates how any rule changes impacts racial groups in the state.

She shared a [worksheet and Model Racial Equity Statement](#) and invited members to reflect on and provide responses to the questions:

- Members had no comments or responses to the worksheet questions.

Interested Party Comments

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

Next Steps

Danielle reviewed next steps for the process:

The next RAC meeting is on June 5, 2026. DSL will provide any proposed updated rules and redlined text about a week in advance of that meeting.

The public comment and rules approval process:

- A public comment period will take place July 1 to 31, 2026, including three public meetings in Coos Bay, Newport, and Astoria. RAC members are encouraged to share notice of the public comment opportunities once that notice is available.
- The State Land Board will review the rules at the Oct 2026 SLB meeting.
- The rules are anticipated to go into effect January 1, 2027.

Members should send any comments on the rules under discussion today to Sylvia by May 8, who will coordinate with DSL. Written comments will be put in the record.

RAC members will receive the RAC Meeting #4 meeting summary and recording next week.

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.