



Undersea Infrastructure Easements in Oregon’s Territorial Sea (Division 83)

RAC Meeting # 5 Summary

June 5, 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 June 5, 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	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	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	
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)	
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	
Danielle Boudreaux	Department of State Lands	x
Nataliya Stranadko	Department of State Lands	x
Dario Frisone	Department of State Lands	
Blake Helm	Department of State Lands	x
Interested Parties		
Evan Dowell		x

Welcome and Introductions

Sylvia Ciborowski, Mosaic Resolutions, welcomed participants to the fifth meeting of the Rulemaking Advisory Committee (RAC). She introduced herself as a facilitator for the process and highlighted the purpose of the meeting as an opportunity to review proposed changes to the Division 83 rules that DSL has made in response to RAC comments, as well as hear any other comments on the updated draft .

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

Agenda Review; Zoom Protocols

Sylvia 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 made proposed changes to the Division 83 rules. She thanked members for their comments at the past few meetings, which have led to these changes. DSL has also coordinated with other state agencies in considering comments, and will continue to coordinate with state agencies and the Department of Justice to ensure the rules meet the needs of agencies and the State.

RAC Discussion and Input on Proposed Rule Changes

Sylvia directed members to the [May 2026 red-lined version of the Proposed Draft Division 83 Rules](#) for discussion today. Members walked through each section to review the proposed changes and reflect on whether the edits incorporate RAC input and strike a good balance. RAC members were encouraged to propose other changes that would meet multiple interests.

Member questions, comments, and suggested changes included:

0800 – Purpose and Applicability

Discussion on 0800(3)(b):

- Members and staff clarified that cables connected to offshore energy devices are covered under the Territorial Sea Plan Parts 4 and 5, which are codified in rule Divisions 125 and 140.
- A member suggested adding “ocean energy conversion devices, other renewable energy facilities, *and transmission lines/cables*” to 0800(3)(b) to make it clear that transmission lines and cables connected to offshore energy devices are not governed by Division 83. Members agreed with this, to avoid ambiguity.
- A member noted that 0800(3)(b) as written already excludes devices and facilities governed by OAR 141-140. 141-140-0010 governs any "Ocean Renewable Energy Facility" which is defined as: any energy conversion technology or device that is used as a necessary component of a research project, demonstration project or commercial operation to generate ocean renewable

energy, including but not limited to all buoys, anchors, energy collectors, cables, control and transmission lines, and other equipment necessary or useful to the project or operation.

- Technical advisors expressed a concern and potential gap in rules regarding gathering JART. Part 5 of the Territorial Sea Plan relates to renewable energy facilities. However, Part 5 states that regulating agencies shall apply the requirements in Part 4 to cables that transmit the electrical energy from the renewable energy facility to the on-shore substation. If Division 83 relates to the implementation of Part 4, those should be covered here.

Discussion on 0800(3)(d):

- DSL clarified that this provision is meant to exclude from the Division 83 rules any easements granted in the past, including outfalls granted under Division 123.
- A member noted that cities have expressed concern about how outfalls are treated under the proposed rules. Cities that were considering outfalls in the territorial sea are now considering locating the outfalls elsewhere because of fears of the increased cost.

0830 – Easement Application Requirements

Sylvia noted that 0830(4)(c) was updated to reference the rules that spell out the Resource and Use Inventory and Effects Evaluation report requirements.

0830(4)(e) was updated to clarify that “operating agreement” means an Operating agreement for a Limited Liability Company or Trust.

Members had no comments on these changes.

0831 – The Resource and Use Inventory and Effects Evaluation

Sylvia and Nataliya explained that this section was added at the request of RAC members to clarify what should be included in the Resource and Use Inventory and Effects Evaluation report that applicants are required to submit. This is a repeat of what is already required in TSP Part 4. There are no new requirements here.

Member comments included:

- For a routine cable installation with only temporary impacts, it seems like much of this information is unnecessary. During the JART review, DSL should make it clear what is and is not necessary in the report. DSL reiterated that Division 83 does not add any new requirements, but instead restates what is already required by TSP Part 4. At the JART meeting, DSL will prepare recommendations for what should be included in the report and application. DSL may waive requirements that are not applicable to any particular project.

0840 – Application Review Process

- A member suggested changing 0840(3)(b) to allow DSL to “void” an application rather than “closing” it for failure of the applicant to respond in a timely fashion to the request for additional information. Under land use procedures, “voiding” is not considered an action and is not subject to appeal the way closing or denying an application might be. DSL noted that administrative closure is consistent with other rules of the department, but they will consider it.

- Several members expressed support for the change to 0840(5) which provides more flexibility for when a public information meeting may be held as part of the application process review.
- Several members expressed support for the change to 0840(9) which allows the department and applicant to mutually select a third-party expert at the cost of the applicant if it is deemed that the services of a technical expert are required.

Discussion on 0840(10):

- A member requested a 60-day timeline for DSL's determination of whether modifications are required. DSL responded that the department's proprietary processes do not contain timelines for reviewing applications. DSL tries to respond in 30 or 60 days, but some applications and proposed projects are complex, must be coordinated with other agencies, or have some other factors that can extend the review timeline. DSL does its best to issue easements within six months, but if the JART or other consultations require more process and review, this is outside of DSL's control.
- Several members noted that they would continue to advocate for review timelines.
- A technical advisor suggested leaving in DSL's discretion to request additional information after receiving comments on the proposed project. The updated language only allows DSL to modify or reject the application and removes the ability to request information that could be useful to determining how to proceed. DSL noted it would check the language with the DOJ and also pointed out that DSL does still have the ability to request additional information from the applicant after the JART process.

0850 – Easement Terms and Conditions

- Several members expressed support for the change to 0850(3), which extends the easement term from 20 to 25 years to align with the usual lifespan of a cable.
- Several members suggested removing 0850(5) which requires a minimum separation distance. Cable owners will already be operating according to industry standards, and those standards lay out the appropriate conditions for laying a cable to protect the environment. Additionally, separation standards may impede on options to route cables in the most environmentally sensitive way as they move onshore and rocky features need to be avoided.
- Several members expressed support for the changes to 0850(6), which changes the burial requirement to align with industry standards rather than a mandated 1-meter burial depth, and also removes the bundling requirement and requirement to use the shortest possible length.
- Several members expressed support for the change to 0850(7), which aligns the timing to submit documentation of burial with the completion of the post-lay inspection.

Discussion on 0850(13):

- Nataliya noted that this portion of the rules was updated to reduce the inspection requirement. Applicants would be required to do an inspection after laying the cable, and after major environmental and human-caused events, and also at the 25-year renewal point. The requirement for regular inspections throughout the life of the easement has been removed.

- A member commented that inspection upon renewal is not necessary. Once a cable is buried, it stays there and inspections are not helpful. Another member suggested that DSL have an opportunity to waive the inspection requirement at renewal upon a showing that the inspection would not be valuable.
- Another member supported inspections at renewal and after seismic activity to account for any changes that may have occurred.
- Some members asked how DSL came up with the earthquake magnitude of 5 Mw threshold as triggering an inspection, and felt a magnitude 5 earthquake is quite common. A member pointed out that there were over 160 earthquakes off Oregon’s coast at magnitude 5 or greater in the last 25 years. DSL noted that the agency will consult with DOGAMI on the appropriate threshold. A member suggested a magnitude 6 earthquake as the trigger for inspection.
- A member suggested predicating inspections on the previous burial depth, so that only cables or portions of cables that are buried shallowly need be examined after an incident. It could be a waste of time and resources to inspect cables that are deeply buried and stable.
- A member asked what information needs to be included in the inspection and in the post-integrity report. DSL noted that specific requirements will be in the terms and conditions or guidelines.

0851 – Renewal Application Review Process

- A member suggested editing 0851(1)(a) to read: the department may “reasonably” amend the terms and conditions of the easement at the time of renewal. DSL noted that the agency always intends to make reasonable judgments and would consult with DOJ on the proposal. Another member suggested tying any amended terms or conditions to updated laws or conditions.
- A member questioned the value of requiring an inspection report at renewal, noting that inspections are very expensive and it is beneficial to make it easy to extend the life of a cable.
- A member advocated for a timeline associated with the renewal application review process.
- A member requested changing “will” to “may” in regards to a new application fee in rule 0851(4), in order to preserve the department’s ability to require a new application fee for late renewals where circumstances warrant, while giving the department discretion to waive or reduce the fee where the delay was minor, the holder has a strong compliance record, or other equitable factors apply.

0852 – Decommission and Recovery

- Several members suggested exempting bore pipes entirely from decommissioning requirements and encroachment easement fees, even if not reused. It is in the state’s interest to have bore pipes constructed and to leave them in place for potential future use by other cables.
- A member noted that it is highly unlikely that another holder would be able to immediately take over the bore pipe at the termination of an easement, and suggested adding some flexibility.

- A member noted that installing bore pipes is extremely expensive and cable companies are always looking to reuse them. They are also better for the environment, and should have a lower fee for being left in place.
- A member noted that if material is left on the seabed, there should be a fee associated with it. The state has an obligation to manage the seafloor and having companies pay to leave infrastructure in place makes sense.
- A member suggested this language as a replacement for 0852(2): “Notwithstanding subsection (1), the Department may exempt bore pipes from removal requirements and authorize abandonment in place, continued occupancy under an encroachment easement, or transfer to another Department-approved easement holder. In making this determination, the Department may consider environmental impacts, navigational concerns, future utility needs, public trust resources, and the feasibility of removal. Any bore pipe remaining after termination of the easement shall be subject to an encroachment easement or other authorization approved by the Department.”
- A member noted that the high price tag on encroachment easements will cause cable owners to reconsider whether to lay cables in Oregon.

0853 – Encroachment Easement Application Process

- A member noted that the rules do not specify what happens if a decommissioning plan or encroachment easement application is denied. DSL replied that the agency is still working on updating the rules to respond to this.

0854 – Application Fees

- A member noted that the new application fees, if applied to outfalls, are much higher than what is currently assessed on outfalls. DSL noted that the agency is still working on language and requirements for outfalls. There will likely be a new section in the rules specifically for outfalls. Outfalls will not be subject to all of the Division 83 requirements.

0855 – Compensation Rates

Discussion on 0855(1)(a)(C):

- DSL noted that the proposed rules include a change to the compensation rate for bore pipes or HDD conduits. The variable based on diameter has been removed, and there is a \$7 per lineal foot calculation regardless of diameter.
- A member expressed concern that if fees are too high, companies will not choose to lay cables in Oregon and the state will lose out on that revenue.

Discussion on 0855(1)(c):

- DSL noted that the formula for outfalls in the previous version of the draft rules was incorrect. The correct formula multiplies Adjacent Land Value (ALV) by 33.3%. DSL will provide examples of outfall easement calculations during the public meetings process. The intention is that outfalls will continue to be subject to the same calculation that is used today for outfalls, which currently is described in Division 123.

0856 – Encroachment Easement Application Fee and Compensation

- A member suggested making the language clearer to indicate that an encroachment easement is permanent, even though it is calculated at 100 years.
- A member commented that the encroachment fees are too high and suggested removing the diameter variable from the calculation.
- A member suggested that cable owners transfer bore pipes to the state at the end of the easement term, for the State to lease or sell to another party. DSL clarified that the purpose of the encroachment easement is to compensate the public for the industry's use of the sea and leaving infrastructure on the seabed. The State is not in a position to be in the cable industry. A member agreed that it is not appropriate for the state to play this role.
- A member noted that there is a fine balance that needs to be struck. Bore pipes are nearly impossible to remove, and cable owners are required to install bore pipes rather than do beach trenching. If Oregon is trying to attract cables to the state, will need to consider an appropriate fee structure.
- A member expressed concern about vacant bore pipes in the ocean.
- A member expressed concern that high costs will drive cables to land in Washington, which is less regulated and a worse environment for the industry.
- Members discussed fees and formulas in neighboring states and how they may impact Oregon's ability to be competitive as a place to lay cables. They noted California requires annual rents and higher fees but is also a different geographic market. Oregon is in a similar market to Washington, and it is hard to make an apples-to-apples comparison with Washington because its fee structure is very different.
- Members were encouraged to send in specific formulas or ideas for appropriate fees.

0870 – Appeal of Decision

- A member requested 30 calendar days to make a hearing request, rather than 20 days as written in rule 0870(1). DSL noted they would consult with DOJ on this timeline.

Interested Party Comments

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

Next Steps

Danielle reviewed next steps for the process:

Today was the final Division 83 RAC meeting. Members should send any additional comments on the rules to Sylvia by June 10, who will coordinate with DSL. Written comments will be put in the record.

The public comment and rules approval process will include:

- A public comment period will take place July 1 to 31, 2026, including three public hearing meetings in Seaside, Newport, and Coos Bay or the surrounding area. A virtual hearing will also be held. 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.

RAC members will receive the RAC Meeting #5 meeting summary and recording next week. All materials will be posted on the rulemaking website at: www.oregon.gov/dsl/Pages/rulemaking.aspx.

Adjourn

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