



## **Undersea Infrastructure Easements in Oregon's Territorial Sea (Division 83)**

### **RAC Meeting # 1 Summary**

**February 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 February 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**

<b>Name</b>	<b>Affiliation</b>	<b>Present?</b>
<b>Members</b>		
Cameron Fisher	Environmental Science Associates (ESA)	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
Sarah Absher ( <i>Alternate</i> )	Tillamook County	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)	x
Sarah McComb	Amazon Web Services	x
Courtney Lee ( <i>Alternate</i> )	Amazon Web Services	x
Scott McMullen	Oregon Fishermen's Cable Committee	x
<b>Technical Advisors</b>		
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
<b>Staff/Advisors</b>		
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	x

Blake Helm	Department of State Lands	x
<b>Interested Parties</b>		
Joe Flager	DSL	x
Evan Dowell		x
Lauren Poor	PGE	x

## Welcome and Introductions

Sylvia Ciborowski, Mosaic Resolutions, welcomed participants to the first 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 hear background information and understand the roles and responsibilities of RAC members and technical advisors.

Department of State Lands (DSL) staff, RAC members, and technical advisors 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>

## Rulemaking Process

Danielle Boudreaux, DSL Rules and Records Coordinator, reviewed the RAC purpose and process. She noted that the RAC is being convened to provide input on rules regarding granting easements for undersea infrastructure in Oregon's territorial sea. This will include proposed changes to the fee structure and compensation rates, proposed rule language, and potential fiscal impacts.

She reviewed the DSL rulemaking process, which includes approval to begin rulemaking, drafting of rule language, and engagement with the RAC. After the RAC process there will be a Notice of Proposed Rulemaking and a public comment period. Following that, the rules will be filed with the Secretary of State for subsequent adoption.

## Operating Principles; RAC Role

Sylvia reviewed key highlights of the RAC Operating Principles, noting that the [Operating Principles](#) document is included in the meeting packet. She covered some highlights, including:

*The RAC meeting schedule*, which includes four meetings and a potential fifth meeting:

#	Date	Time	Topic
1	February 11, 2026	9:00 AM	Administrative overview: RAC orientation and background.
2	March 11, 2026	9:00 AM	General provisions, definitions, application requirements & review process, easement terms & conditions.
3	April 8, 2026	9:00 AM	Decommissioning & encroachment, application fees & compensation rates, financial assurance, penalties & appeal.
4	May 6, 2025	9:00 AM	Wrap-up and review changes made by DSL in response to RAC feedback; review the draft notice materials.

*RAC member roles and responsibilities:*

- The RAC is advisory to DSL. Members are encouraged to work collaboratively and consider multiple perspectives while discussing issues and coming to recommendations.
- RAC members may have alternates. RAC members are responsible for ensuring alternates are up to speed to be able to participate. Members should contact Sylvia to provide notice of alternates attending meetings at least 24 hours in advance of RAC meetings.
- Members are responsible for attending all meetings and reviewing background materials to prepare for meetings.
- Members are encouraged to bring up and address issues as early as possible in the process and avoid reopening issues that have been fully discussed in prior meetings. Members should strive to make consensus recommendations and seek to propose alternatives to resolve differences that meet multiple perspectives.
- RAC members should generally defer to DSL for all media communications related to the group's process and recommendations and represent only their own perspective to the media unless otherwise discussed with the group or DSL.

*Facilitator, DSL, and Technical Advisor role:*

- The facilitator's role is to ensure a safe, welcoming environment where all members can participate, and conduct meetings to foster collaborative communication. The facilitator may make process recommendations but will not advocate for any particular outcome. Members should reach out to the facilitator as the primary contact throughout the rulemaking.
- DSL's role is to provide technical and administrative support, information, institutional knowledge and expertise, and advice to the RAC. The Department will also be responsible for scheduling meetings, preparing meeting summaries, and maintaining a public record of the RAC process.
- Technical advisors are agency partners with subject matter expertise. They provide key information or insights when questions arise, ensuring RAC discussions are informed and aligned with related agency requirements.

*Public meetings and records:*

- RAC meetings are public meetings and are open to the public. Interested parties are invited to observe and will have an opportunity to make timed comments at RAC meetings.
- All rulemaking written communications are public records and may be released in response to a public records request.

Sylvia asked RAC members if they had any questions or concerns with the Operating Principles and process. Members had no comments.

## Background and Rulemaking Purpose & Scope

Nataliya Stranadko, Department of State Lands, highlighted that it was a long process and collaboration with state agencies to draft these rules. She thanks state agencies for their comments and feedback, and believes that RAC members will have effective and productive discussions on these rules. Nataliya Stranadko and Dario Frisone provided background on DSL's proprietary program and authorizations for undersea infrastructure, highlighted the need to align with the amended Territorial Sea Plan, and presented reasons for Division 83 rulemaking. The presentation included:

### DSL's Proprietary Program

- DSL's proprietary program manages 5,000 authorizations across the State of Oregon. Authorizations include easements, leases, licenses, access agreements, and registrations. DSL staff have many roles in the proprietary program management, including processing applications, conducting site visits, and handling compliance issues and public inquiries.

### Oregon's Territorial Sea

- Defined Oregon's territorial sea as the waters and seabed extending three geographical miles seaward from the Pacific coastline. The area is managed by state and federal agencies in trust for the public. Alignment with the Territorial Sea Plan Part 4 will be an important component of this rulemaking. The State Land Board and DSL have jurisdiction and regulatory responsibilities over the submerged and submersible land within the territorial sea.

### Undersea Infrastructure

- Undersea infrastructure includes fiber-optic cables, power transmission cables, pipelines, and fixtures. All uses of the seafloor for any undersea infrastructure require written authorization from DSL and State Land Board (SLB) approval. Most of these undersea infrastructure projects require both an easement and a removal-fill permit from DSL. DSL showed an example of undersea cable routes, as presented in the Territorial Sea Plan Part 4.

### Territorial Sea Easements

- Any projects that use the seabed need a written authorization from DSL. An "easement" is an authorization to allow placement of infrastructure on, affixed to, or buried under the seafloor. All uses require approval and must conform with internal treaties, federal, local, and state laws, including Statewide Planning Goal 19 and the Territorial Sea Plan (TSP).

### Need for this Rulemaking

- Reviewed why this rulemaking is needed now. The rules were adopted 25 years ago, technology has advanced, including the use of SMART cables equipped with sensors that observe ocean conditions and can help with disaster risk management. TSP Part 4 was amended in 2023, and Division 83 needs to be updated to align with it. Senate Bill 793 (2025) requires DSL to adopt application and renewal fees and compensation rates for easements within the territorial sea.
- Updates are proposed for the rules in order to: 1) align with the Territorial Sea Plan, 2) reduce liability and risk by providing stronger application requirements as well as streamlining permits coordination at the early stage of the project planning under the Joint Agency Review Team (JART), and 3) establish a clear fee structure, as required by Senate Bill 793. The new fee

structure would go into effect on January 1, 2027. It will set application fee, application renewal fee, and compensation rates for the use of the territorial sea for undersea infrastructure, with revenues going to the Common School Fund (CSF).

Some topics are outside the scope of this rulemaking because they are addressed in other rules or plans. This includes:

- Easements outside of the territorial sea (ex: easements on uplands, or rivers and lakes), as they are governed by Division 123 and other rules.
- Ocean renewable energy facilities and connected infrastructure, including offshore wind and wave energy infrastructure, as they are governed by Division 140.
- Special uses authorizations, for example, for scientific experiments and demonstration projects as well as short-term access authorization for geotechnical surveys. These are covered by Division 125.
- Remediation and habitat restoration activity under an order by DEQ or EPA, which is covered by Division 145.

Danielle highlighted some key takeaways from DSL's early conversations with RAC members. These will be taken into consideration in meetings and through the rules update.

## RAC Discussion

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

- A RAC member, Jason Busch, asked for clarification on the State Land Board's approval authority of easement decisions. DSL staff clarified that all undersea easements require both DSL approval and SLB approval. These easement revenues go into the Common School Fund, managed by the SLB and the Board is interested in fair compensation for use of resources. Some easements under other rule divisions do not require SLB approval (e.g., bridges).
- A RAC member, Scott McMullen, asked if a "geographic mile" is the same thing as a "nautical" mile in the definition of the Territorial Sea. DSL staff responded that geographic miles are used in the statute's definition, but are sometimes used interchangeably with nautical miles.. A technical advisor, Andy Lanier, added that a "geographical" or "nautical" mile is the length along one minute of arc of latitude of the Earth's surface and measures 6,076 feet. A "statute" mile is the familiar 5,280 feet (based on the Latin for 1,000 paces). Thus, a "geographical" mile is about 1.15 "statute" miles.
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- A RAC member, Jason Busch, asked about the significance of Senate Bill 793 and how that changes DSL authority to set fees. Staff responded that DSL didn't have the authority to establish a fee structure since the adoption of Division 83 in 1999. \$5000 of application fee for easements is written in statute, but not in rules. Compensation rates were not included in the statute. SB 793 (2025) gives the authority to DSL, and asks DSL to establish application fee, renewal application fee, and compensation rates. Many changes have occurred since then that

require Division 83 revision. Ocean is becoming more populated with different project activities, including new cable landing and coming to Oregon shores, and other coastal states charge for this use in a way Oregon doesn't. Application fees and compensation rates will cover the administrative costs of staff to review applications, and to protect critical infrastructure and marine ecosystems.

- A RAC member, Jason Busch, asked if the issue with abandoned cable in the past and the public response was a reason for the legislature's action. DSL staff responded that there were several factors to consider, and one of them was a situation when a company abandoned equipment on the seafloor during the drilling process several years ago, which led to discussions on companies' responsibility for their actions, a fair compensation for public, and better management of ocean resources. New requirements such as developing the emergency response plan will help with this issue.
- A RAC member, Elaine Albrich, asked for a crosswalk document comparing the old rules and substantive changes in the new rules. DSL noted they would seek to provide this.

### **Interested Party Comments**

Sylvia invited interested parties to make comments and explained the process for doing so. No interested parties provided comment.

Danielle read into the record a public comment submitted by Doug Heiken of Oregon Wild. The comment is attached and questioned whether the definition of "cable" should include anchors and mooring lines, which expose whales and other species to entanglement risks.

Staff noted that the intent is for RAC members to consider what Doug brought up; renewable energy devices would be covered under Division 140, which are outside the scope of this rulemaking.

### **Next Steps**

Sylvia reviewed next steps for the process. RAC members will receive the RAC Meeting #1 meeting summary and recording next week. The next RAC Meeting is on March 11, 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](http://www.oregon.gov/dsl/Pages/rulemaking.aspx).

Sylvia added that RAC members should schedule individual meetings with the facilitator to be held in February. This will be an important opportunity to hear initial input on the rules and help inform RAC agendas moving forward.

### **Adjourn**

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

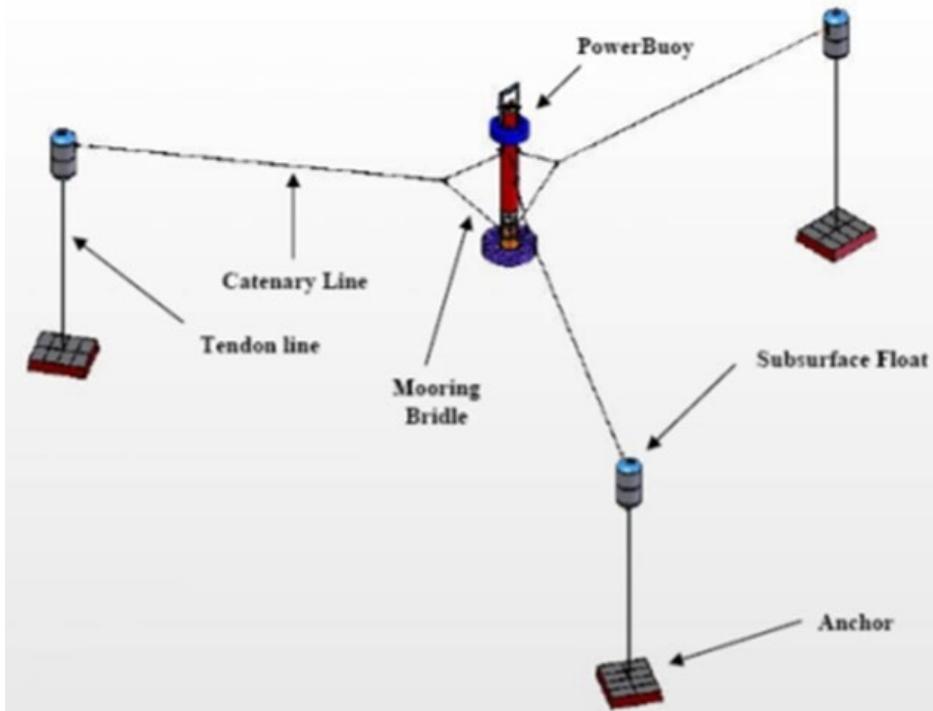
**From:** [Doug Heiken](#)  
**To:** [DSL\\_Rules \\* DSL](#)  
**Subject:** Fwd: Rulemaking for Undersea Infrastructure: February 11th Advisory Committee Meeting #1  
**Date:** Thursday, February 5, 2026 9:43:53 AM  
**Attachments:** [image.png](#)  
[image.png](#)

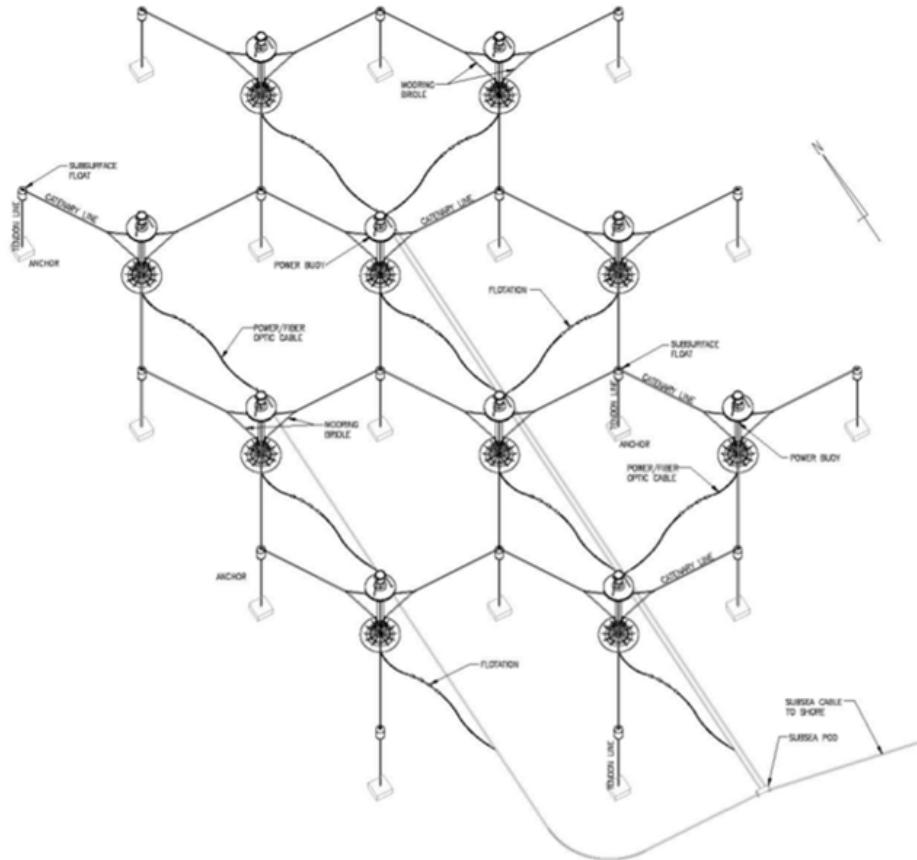
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Can the public submit comments to the Advisory Committee for Undersea Infrastructure?

I see a potentially glaring omission in the draft rules. The definition of "cable" does not include anchor cables or mooring lines which are in the water column 24/7/365 and expose whales and other life to entanglement risk. The definition of undersea infrastructure also does not clearly include anchor cables or mooring lines. The rules make no mention of anchors or entanglement risk. As shown in the images below, these cables in the water column can create an extensive network obstructing the movement and other life functions of marine life.






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----- Forwarded message -----

From: **Oregon Department of State Lands** <[dsl.listmaster@news.dsl.oregon.gov](mailto:dsl.listmaster@news.dsl.oregon.gov)>  
 Date: Wed, Feb 4, 2026 at 5:30 PM  
 Subject: Rulemaking for Undersea Infrastructure: February 11th Advisory Committee Meeting #1  
 To: <[dh@oregonwild.org](mailto:dh@oregonwild.org)>

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