



Rulemaking Advisory Committee

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

February 11, 2026



Netarts Bay / Photo: Dan Cary

Introductions

Department of State Lands – Key Contacts

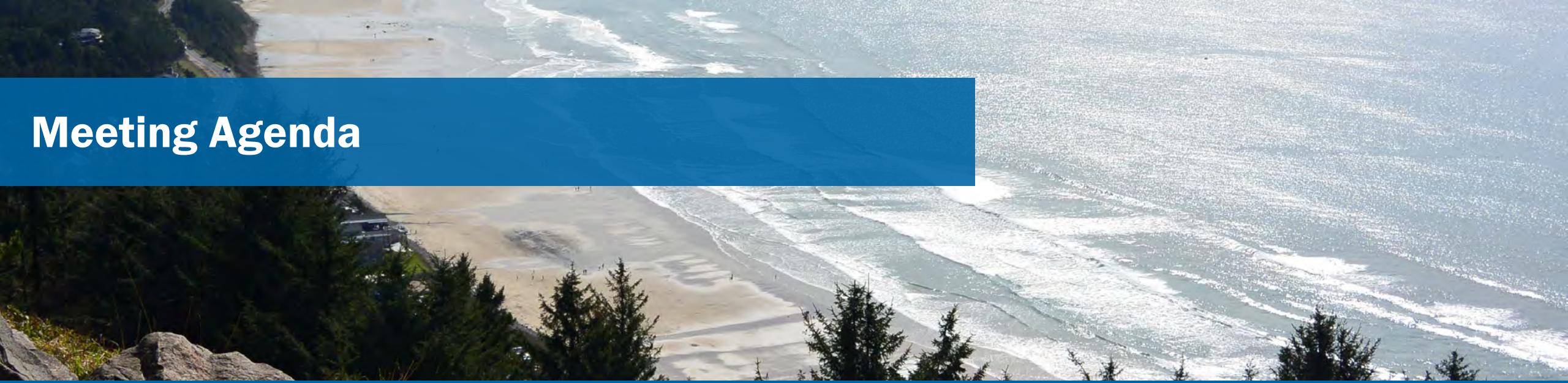
Danielle Boudreax: DSL Rules Coordinator

Nataliya Stranadko: Territorial Sea Specialist

Dario Frisone: Proprietary Coordinator

RAC Members

Technical Advisors – Agency Partners



Meeting Agenda

- 9:00 AM Introductions
- 9:20 AM Rulemaking Process
- 9:30 AM Rulemaking Advisory Committee (RAC): Roles and Principles
- 9:50 AM Background and Rulemaking Purpose and Scope
- 10:45 AM Interested Party Comments
- 10:55 AM Next Steps
- 11:00 AM *Meeting ends*

Meeting Goals: Outline everyone's roles, responsibilities, and expectations; understand the need for this rulemaking; and gain base knowledge on DSL programs impacted by the rulemaking.

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.

Rulemaking Advisory Committee (RAC): Process and Principles



Lincoln City / Photo: Dan Cary

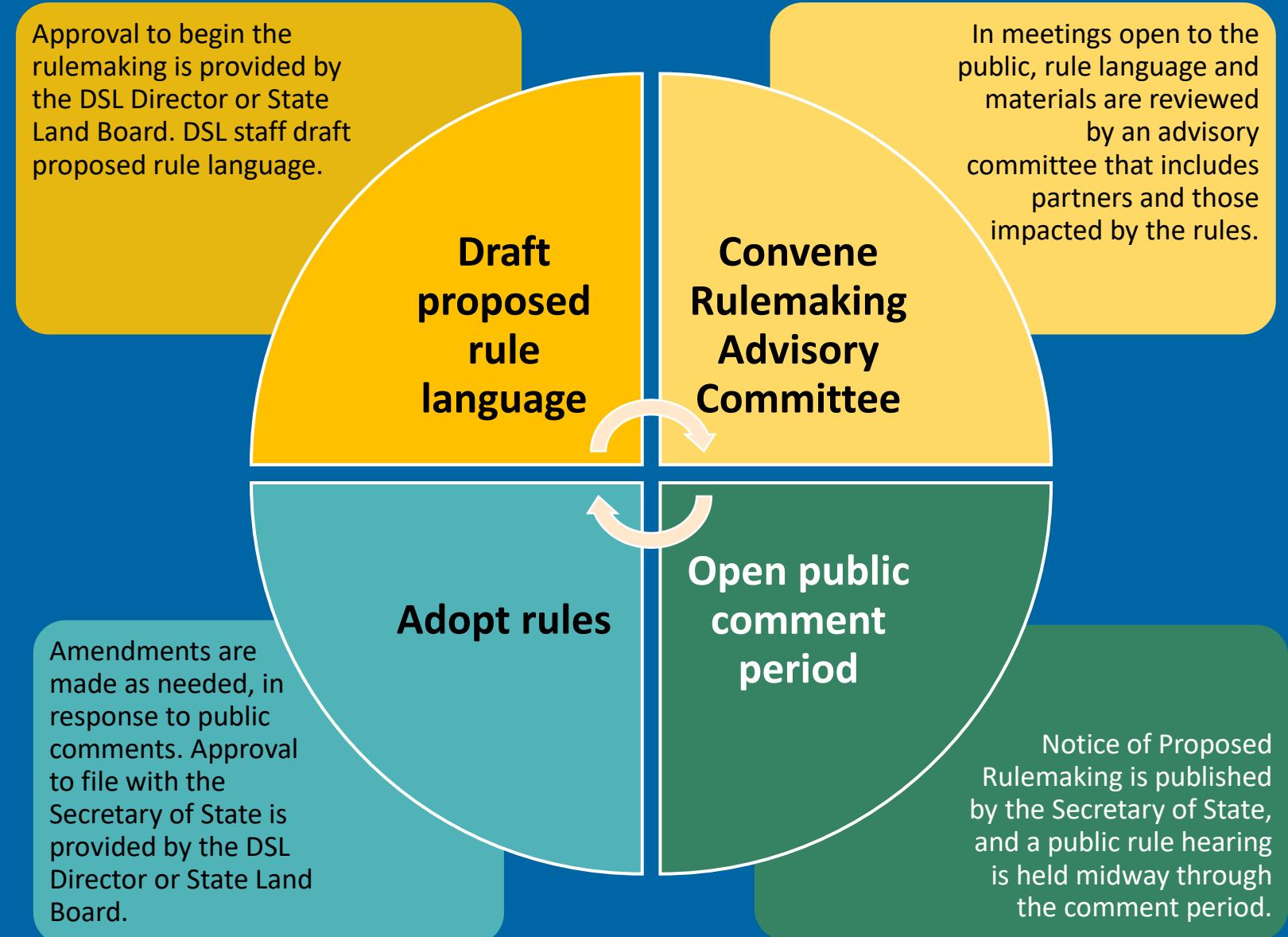
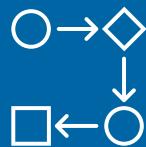
Purpose of the RAC



This RAC is being convened to review and provide input on new and amended rules in Oregon Administrative Rules (OAR) 141-083 regarding granting easements for undersea infrastructure in Oregon's territorial sea:

- Proposed changes to the fee structure and compensation rates
- Proposed rule language
- Potential fiscal impacts

DSL Rulemaking Process



RAC Operating Principles



RAC Member Role

RAC members are responsible for:

- Advising the Department on proposed fees/compensation rates and rule language.
 - Group is an advisory board.
 - Role is to provide advice and frame policy choices.
- Considering a range of issues and options to:
 - Address them,
 - Discuss the pros and cons,
 - Seek to develop recommendations.

RAC Operating Principles



RAC Member Role and Alternates

RAC membership and term of service is at DSL's discretion.

Membership is intended to represent a diversity of expertise, skillsets, and viewpoints. If a scheduling conflict arises, members may be represented by a designated alternate. Notice must be provided to the facilitator at least 24 hours before the meeting.

RAC Operating Principles



Schedule of Meetings

#	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, 2026	9:00 AM	Wrap-up and review changes made by DSL in response to RAC feedback; review the draft notice materials.
5	May 27, 2026	9:00 AM	<i>(additional meeting held if necessary)</i>

RAC Operating Principles



Rulemaking Team

The facilitator is your primary contact throughout the rulemaking.

Sylvia Ciborowski

Sylvia@mosaicresolutions.com
(832) 877-5249

Department of State Lands staff coordinating the rulemaking and as technical advisors:

- Danielle Boudreaux, Rules Coordinator,
danielle.boudreaux@dsl.oregon.gov
- Nataliya Stranadko, Territorial Sea Specialist,
nataliya.stranadko@dsl.oregon.gov
- Dario Frisone, Proprietary Coordinator,
dario.frisone@dsl.oregon.gov

RAC Operating Principles



Facilitator Role

The facilitator is responsible for:

- Ensuring a safe, welcoming environment where all members can participate.
- Conducting meetings to foster conversations to provide input on the proposed rule language and fees.
- Preparing meeting summaries that outline the topics discussed and any remaining issues which need to be further explored.
- Providing coordination between meetings, serving as the primary communicator between RAC members as well as between the RAC and the Department.

RAC Operating Principles



Facilitator Role

- The facilitator will not act as an advocate on behalf of any issue, interest group, or member.
- While the facilitator may make recommendations regarding the process, they will not make any substantive decisions.
- Information disclosed in confidence will be kept confidential by the facilitator, though written communications may be subject to public records law.
- RAC members are encouraged to approach the facilitator if/when procedural issues arise.

RAC Operating Principles



Department of State Lands Role

DSL staff are responsible for:

- Providing technical and administrative support, information, institutional knowledge and expertise, and advice to the RAC.
- Scheduling meetings, preparing meeting materials, and maintaining a public record of the RAC process.

RAC Operating Principles



Technical Advisors Role

Technical Advisors are agency partners with subject matter expertise, invited as optional attendees at RAC meetings.

They provide key information or insights when questions arise, ensuring RAC discussions are informed and aligned with related agency requirements.

RAC Operating Principles



Operating Procedure Protocols

Members agree to:

- Attend all meetings and review background materials.
- Be respectful.
- Provide input on the proposed rule language, fees and compensation rates, and the fiscal impact.
- Act in good faith. Work collaboratively to explore issues and develop recommendations.

RAC Operating Principles



Operating Procedure Protocols

Members agree to:

- Strive to make consensus recommendations.
- Propose alternative solutions or approaches to resolve differences.
- Honor decisions made and avoid re-opening issues once resolved.
- Make every effort to address their concerns with the group.
- Considering the perspectives and input of other stakeholders and the public and including them in recommendations as appropriate.

RAC Operating Principles



Operating Procedure Protocols

Members agree to:

- Ensure any written communications regarding the RAC or rulemaking process are mindful of these procedural ground rules and are respectful, even if highlighting different perspectives.
- Generally, defer to DSL for all media communications related to the group's process and recommendations and represent only their own perspective in interviews unless otherwise discussed with the group or DSL.
- Raise all concerns, especially those being discussed for the first time, at RAC meetings and not in or through the media.

RAC Operating Principles



Public Meetings and Records

RAC meetings are public meetings and are open to the public.

All rulemaking records, including formal documents, rule drafts, meeting summaries and exhibits, meeting recordings, and communications, are public records and may be released in response to a public records request.

“Communications” refers to all statements and votes made during meetings, memoranda, work projects, emails and correspondence, and documents or materials developed to fulfill the goals of the rulemaking.

RAC Operating Principles



Interested Parties

Interested parties are:

- Invited to observe but not permitted to participate during RAC member discussion.
- Able to provide a timed comment, as time allows, after RAC members have concluded business.

At a later date, after the RAC process has concluded, DSL will invite public comments on the proposed rules and will hold a public hearing, prior to consideration and adoption.

Background



Cape Kiwanda / Photo: Dan Cary

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.



DSL's Proprietary Program

DSL proprietary staff

- process applications for the use of state-owned submerged and submersible lands,
- conduct site visits,
- review certificates of insurance and bonds for compliance with financial assurances,
- handle compliance issues with authorization holders and when necessary, draft enforcement notices when authorizations are out of compliance, and
- handle inquiries from the public regarding navigable waterways and ownership questions.



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.



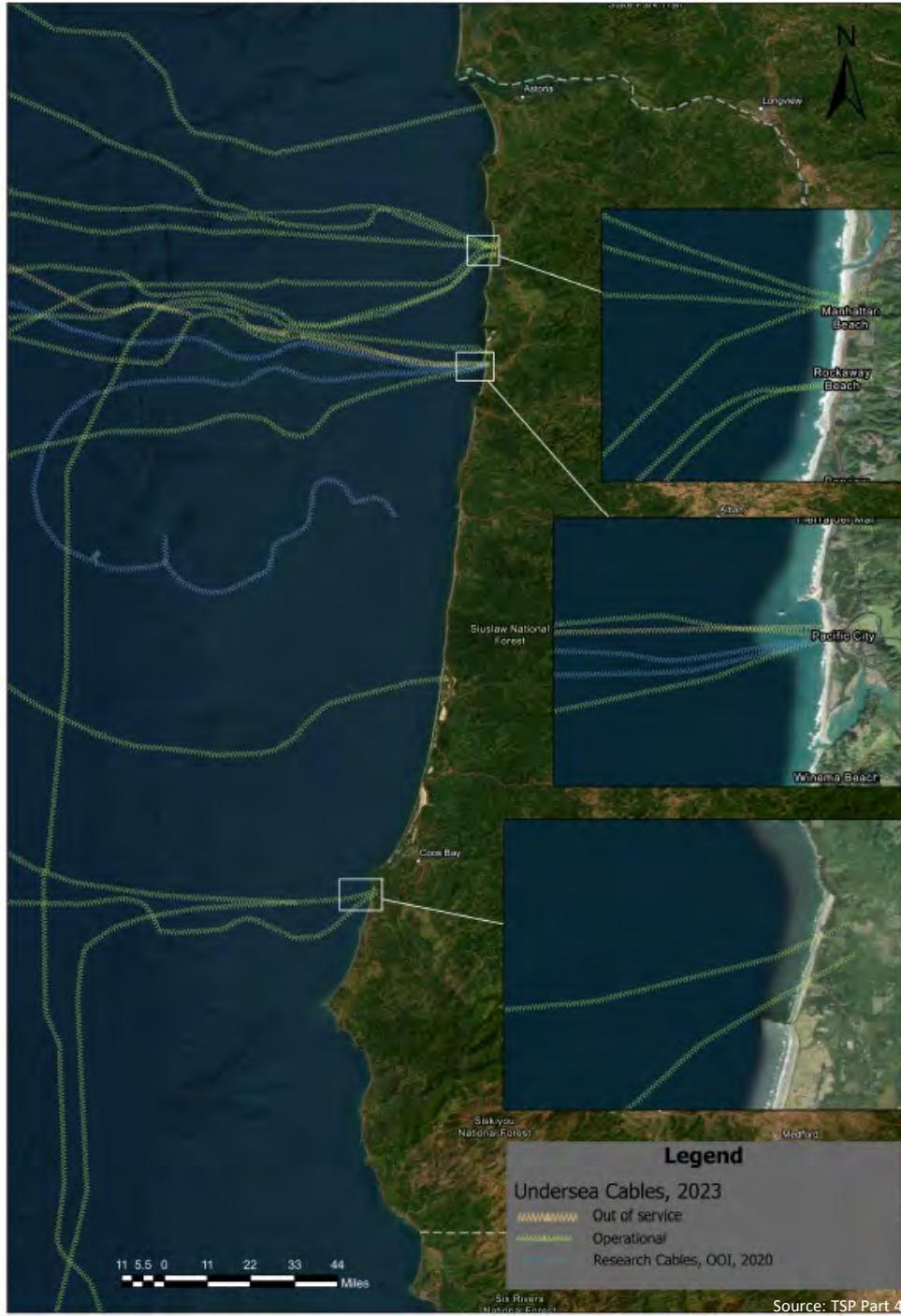
Undersea Infrastructure

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)





Territorial Sea Easements

“Easement” means an authorization issued by the department to a holder, allowing the placement of infrastructure on, affixed to, or buried under the seafloor of the territorial sea and ocean shore.

- Requires approval by the State Land Board.
- All uses must conform to
 - international treaties,
 - federal law,
 - local law, and
 - state law – including Statewide Planning Goal 19 & the Territorial Sea Plan.

Rulemaking: Overview and Need



Cape Lookout / Photo: Dan Cary

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.

Proposed Update #1



Align with Oregon's ocean resource management goals.

Updated rules will ensure consistency
with the Territorial Sea Plan, aligning the
new processes and requirements.

Proposed Update #2



Reduce liability and risk.

Stronger application requirements will strengthen the state's ability to manage and mitigate potential risks.

Pre-application meetings, facilitated through the Joint Agency Review Team, will ensure that all information, resource inventories, and evaluations are collected in the early stages of project planning and coordinated between agencies for permits streamlining.

Proposed Update #3



Establish a clear fee structure.

A new structure for application and renewal fees will support sustainable funding for the interagency application reviews and set compensation rates for use of the territorial sea for undersea infrastructure. Revenues will go to the Common School Fund.

Topics Outside the Scope of the Rulemaking



- Any easements issued outside of the Territorial Sea (OAR 141-123)
- Ocean Energy Conversion Devices/Ocean Renewable Energy Facilities (OAR 141-140)
- Special Uses (OAR 141-125)
- Remediation & Habitat Restoration Activity (OAR 141-145).

What We Heard



Early conversations with RAC members highlighted:

- Importance of understanding what is changing and why.
- Strong interest, and tension, around fees and cost responsibility.
- Desire for improved engagement with local communities and affected users.
- Recognition of existing successful partnerships as a model.
- Efficiency and regulatory clarity as shared priorities.

Questions?



Indian Beach – Ecola State Park / Photo: Dan Cary



Interested Party Comments

Please raise your hand
to speak.

Please keep comments
limited to 3 minutes.



Interested Party Comments



Use the "Raise Hand" feature to provide community input. Time is limited and we may not be able to hear from all of you today.

- 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.
- You will be called in the order in which hands are raised.
- Please keep your mic muted unless it is your turn to speak.

When it's your turn to speak:

- When your turn is coming up, the moderator will call on you to begin speaking.
- Please say your name, where you're from, and any organization you're representing.
- Please keep your remarks to **three minutes** and be respectful of each other and agency representatives. We will help track your time.

What's Next?

Shore Acres / Photo: Katrina Scotto di Carlo

- In the coming week, Sylvia will be scheduling one-on-one interviews with RAC members; interviews will be held the last three weeks of February.
- In the next week, a meeting summary will be sent to RAC members and today's meeting recording will be posted.
- Prior to each meeting, a meeting agenda will be sent. At the next meeting we will cover OAR 141-083-0800 to 141-083-0850.
- All meeting materials will be posted to DSL's Rulemaking website: www.oregon.gov/dsl/Pages/rulemaking.aspx



Thank You!

Facilitator

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(832) 877-5249

Oregon Department of State Lands

Danielle Boudreax, Rulemaking
Coordinator

Oregon.gov/DSL



Shore Acres / Photo: Katrina Scotto di Carlo