

# Oregon Territorial Sea Plan: Part Four

## Uses of the Territorial Seafloor

### Telecommunication Cables, Pipelines, and Other Utilities

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# Oregon Territorial Sea Plan

Adopted **June ..., 2023**



## PART FOUR:

# Uses of the Territorial Seafloor

*These amendments were adopted by the Land Conservation and Development Commission on **June ..., 2023**, based on a recommendation from the Ocean Policy Advisory Council, **May..., 2023**. These amendments are consistent with administrative rules adopted by the Oregon State Land Board in **August 1999**, governing easements for submarine fiber-optic cables.*

## TELECOMMUNICATION CABLES, PIPELINES, AND OTHER UTILITIES

### A. Telecommunication Cables

#### 1.1 The State Perspective

##### 1.1 Purpose

Highlight the main reason and Oregon perspective (vision) for developing and implementing TSP Part 4 for undersea fiber optic cables.

##### 1.2 Goal

Emphasize an aim that we are working towards.

##### 1.3 Objectives

Highlight 3-5 objectives to be achieved (e.g., environmental protection, public, technical, resilience, coordination, and cooperation, etc.).

## **2. Background**

### **2.1 International Law and Treaties Obligations**

Describe international legal framework and instruments to ensure adequate oversight and protection of federal and state concerns.

- Identify which relevant international legal instruments have been adopted and the dates of signature and ratification.
- Identify any incorporation of the provisions of the international legal instruments into federal and state law.

Considering the following:

- The United Nations Convention on the Law of the Sea (“UNCLOS”)
- Submarine Cable Convention (1884)
- ICPC Best Practices on the Development and Protection of Submarine Cables (Version 1.2)
- Geneva Convention on the High Seas (1958)
- Geneva Convention on the Continental Shelf (1958)
- International Regulations for Preventing Collisions at Sea (1972), if relevant
- UN General Assembly Resolution A/RES/73/124, Oceans and the Law of the Sea (2018)
- The United Nations Framework Convention on Climate Change (1992) and the Paris Agreement (2015)
- The United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (1997)

### **2.2 Undersea Cable Systems Development**

Outline the initial purpose of cable system design in general and in Oregon, spatial planning and infrastructure components, lifetime operation (25 years), cable system distance, cable connections, cable crossing (e.g., oil and gas pipelines, offshore wind installations), ownership, operators, landing points, and stations.

Consider the undersea cables as critical infrastructure with vulnerability and operational requirements.

Consider environmental protection, marine protected areas in the Pacific Ocean, etc.

### **2.3 Stakeholders Involvement**

Identify all stakeholders involved and their roles: international, federal, and state agencies, local and tribal governments, non-government and private companies, cable operators/ telecommunication providers, industry groups, fishermen, consultants (relevant experts), educational/research institutes, and communities.

### **3. Policies, Jurisdictions, and Resource Inventory**

#### **3.1 Federal**

Describe existing legislation, regulations, standards, permits, licenses, project-based authorizations at the federal level, and any bilateral and regional agreements (e.g., Memorandum of Understanding, Letter of Cooperation, etc.). Consider the following:

- Federal agency's responsibilities (e.g., BOEM, NOAA, USACE, Federal Energy Regulatory Commission, others).
- Permitting procedures and points of contact (e.g., Nationwide #12 Permit or Standard Individual 404 Permit, USACE).
- Federal consistency.
- Cable protection law (ICPC BP 5).
- Cable protection measures directed at fishing and anchoring risks (ICPC BP 2).
- Research institutes and facilities.

#### **3.2 State**

Describe existing legislation, regulations, standards, permits, licenses, project-based authorizations at the state level, and bilateral and regional agreements (e.g., California, Washington). Consider the following:

- State agency's responsibilities (e.g., DLCD, DSL, OPRD, ODFW, DEQ, others).
- Permitting procedures, points of contact (e.g., easement authorization, removal-fill permit, 401 water quality certificate, ocean shore alteration permit, fish and wildlife authorization), and public consultations.
- Federal consistency review.
- Oregon Statewide Planning Goal 19.
- Research institutes and facilities.

#### **3.3 Local**

Describe existing regulations, standards, permits, licenses, project-based authorizations at the local level (county and city), and bilateral and local agreements with tribes and communities. Consider the following:

- Local governments' responsibilities (e.g., county and city).
- Permitting procedures and points of contact (e.g., conditional use permit, development permit, floodplain development permit) and public hearings.
- Research observation and facilities.

#### **3.4 Resource Inventory**

Environmental and climate data and information, geology assessment, affected areas, physical and chemical conditions, cultural, economic, and social uses affected, etc.

## **4. Implementation Requirements**

### **4.1 Joint Agency Pre-Application Meeting**

Highlight the engagement with all stakeholders before and during the undersea cable project design and implementation process and the necessity for pre-application and application phases coordination. Consider:

- State Agency Coordination Programs (OAR chapter 660, divisions 30 and 31).
- Establishing Joint Cooperation Action Team (JCAT) to facilitate cooperation and coordination of state and federal agencies in consultation with local authorities, operators, industry groups, fishermen, research institutes, tribes, and communities.
- Compulsory JCAT pre-application meeting for permitting and public engagement processes.
- Coordination with oil, gas, and offshore wind installations/facilities projects.
- Establishing a single point of contact and interagency coordination mechanism (e.g., exchange of data and threat information, risk assessment, etc.).
- Bilateral and regional cooperation mechanisms on the Pacific Coast (e.g., California, Washington, Alaska).

### **4.2 Undersea Cable Routing and Landing**

Emphasize considerations and measures to choose optimal offshore cable routes and onshore landing sites. Consider the following:

- Power grid infrastructure, data centers in various locations, network, landing stations, beach manhole placement (BMH), backhaul, etc.
- Ocean and terrestrial factors and risk assessment (e.g., technical, environmental, geological, economic, regulatory, permitting process, etc.).
- Cable protection corridors.
- Cable crossing and landing sites (e.g., oil and gas pipelines and other utilities, offshore wind installations, etc.).

### **4.3 Undersea Cable Installation**

Highlight considerations and measures for undersea fiber optic cable installations.

Consider the following:

- Vessels and burial tools.
- Regulatory and permitting process.
- Cable connections and resilience.

#### **4.4 Undersea Cable Maintenance**

Highlight undersea cables as critical infrastructure that requires appropriate protection, maintenance, and repair. Consider the following:

- Technical vulnerability.
- Natural events (e.g., geographic, geological, seismological, or seasonal issues that may interfere with undersea cable resilience).
- Human activity threat (e.g., the concentration of fishing or port activity near cables that make unintentional faults more likely and damage undersea cable infrastructure).
- Security and emergency situations, sharing risk and incident data.
- Monitoring, maintenance/repair plans, inspection, and coordination.

#### **4.5 Undersea Cable Decommission and Recycle**

Describe activities covering the end of the undersea cable operational lifecycle. Consider:

- Decommissioning, remaining in-situ, removal, or recycling.
- Environmental protection measures and sustainability efforts.
- Cooperation and coordination measures (e.g., interagency or inter-stakeholders).
- Decommission/Recovery plan.
- Permitting aspects.

### **5. Custom Duties and Fees**

Describe customs duties at any phase of the undersea cable lifecycle. Also, consider financial assurance and any fees that need to be paid under federal and state law (e.g., application fee, environmental compensation fee for conservation or mitigation, etc.) and where those fees will be allocated (e.g., school fund, environmental fund, research activity, exchange visits for learning cable infrastructure in other states/countries).

### **6. Communication and Cooperative Mechanisms**

Describe communication and coordination at each phase of the undersea cable project lifecycle. This information could be here as a separate section or spread over the above sections.

## **7. Territorial Sea Plan Revision**

Describe circumstances for review and amendment of the Territorial Sea Plan Part IV (e.g., timeframe, updates or changes in international, federal, and state legislation and regulations, city and county urban planning and zoning, new renewable facilities construction, geological and climatic conditions, etc.).

### **Appendix A: Glossary**

Include main definitions and terms.

### **Appendixes B, C, D,...: Maps and Charts**

Include any undersea cable route maps, marine protected area maps, geological maps, hydrological maps, sea level rising projection maps and charts, zoning, etc.

Include nautical charts that graphically represent the ocean and coastal areas, water depths, seabed and coastline details, tidal information, human-made facilities such as harbors and offshore wind farms, etc.