



Undersea Cables Rulemaking Update (OAR 141-083)

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Presentation Outline



1. Historical context
2. Next steps & timelines
3. Public comments to be considered

Department of State Lands

Chapter 141

Division 83

RULES FOR GRANTING EASEMENTS FOR FIBER OPTIC AND OTHER CABLES ON STATE-OWNED SUBMERGED AND SUBMERSIBLE LAND WITHIN THE TERRITORIAL SEA

141-083-0800

Purpose and Applicability

These rules:

- (1) Govern the granting and renewal of easements for fiber optic and other cables on state-owned submerged and submersible land within the Territorial Sea.
- (2) Establish a process for authorizing easements for such cables.
- (3) Supersede any provisions contained in OAR 141-083-0010 through 141-083-0700 relating to fiber optic and other cables within the Territorial Sea.
- (4) Do not apply to landing structures or other equipment related or connected to the cable placed on state-owned upland. Such uses are governed by, and require forms of authorization stipulated in other agency rules.

Statutory/Other Authority: ORS 196.800 - 196.990 & 390.805 - 390.925

Statutes/Other Implemented: ORS 196.800 - 196.990 & 390.805 - 390.925

History:

DSL 21-1999, f. & cert. ef. 11-1-99

141-083-0810

Policies

- (1) The placement of fiber optic and other cables on state-owned land within the Territorial Sea is recognized by the Division as a conditionally allowable use of that land, subject to and consistent with the requirements and provisions of applicable international treaties (for example, the Convention for the Protection of Submarine Cables of 1884; the Convention of the High Seas of April 1958; the Convention on the Continental Shelf of April 1958; and the Submarine Cable Act) and other applicable federal, state, and local laws.
- (2) The State Land Board, through the Division, has a constitutional responsibility to manage "the lands under its jurisdiction with the object of obtaining the greatest benefit for the people of this state, consistent with the conservation of this resource under sound techniques of land management" pursuant to Article VIII, Section 5(2) of the Oregon Constitution.

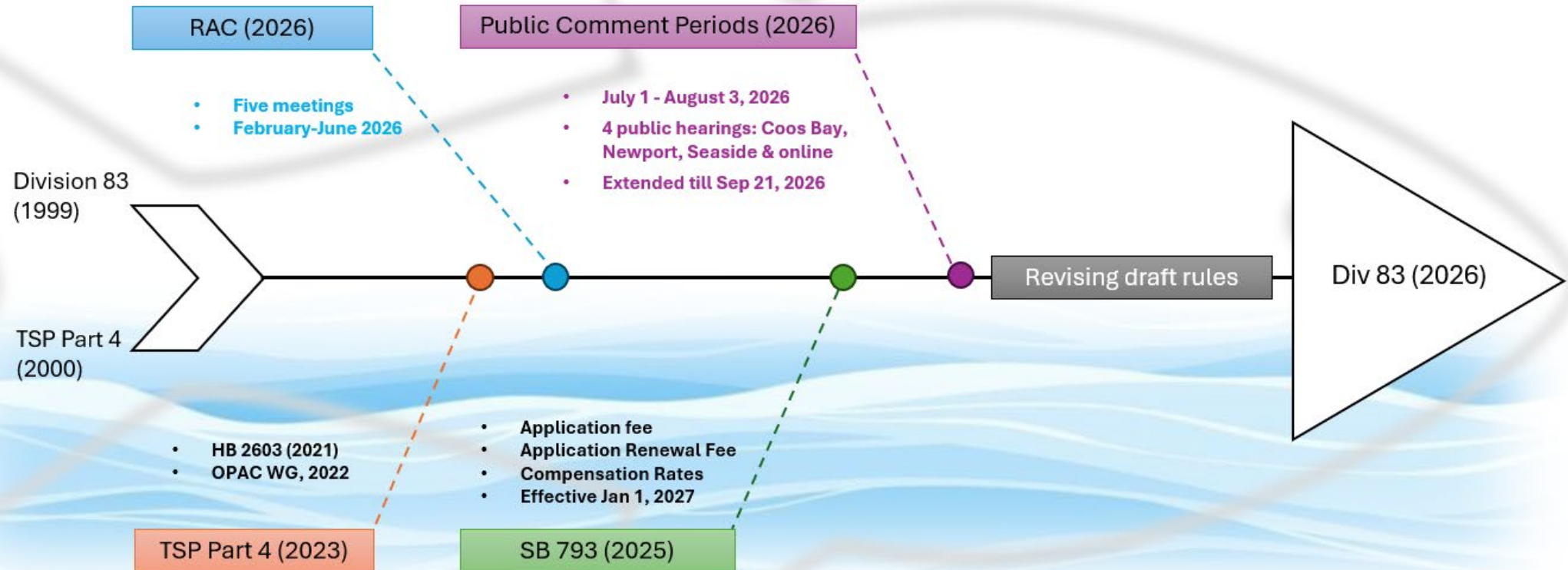
Reasons for Division 83 Amendment

Adopted in 1999

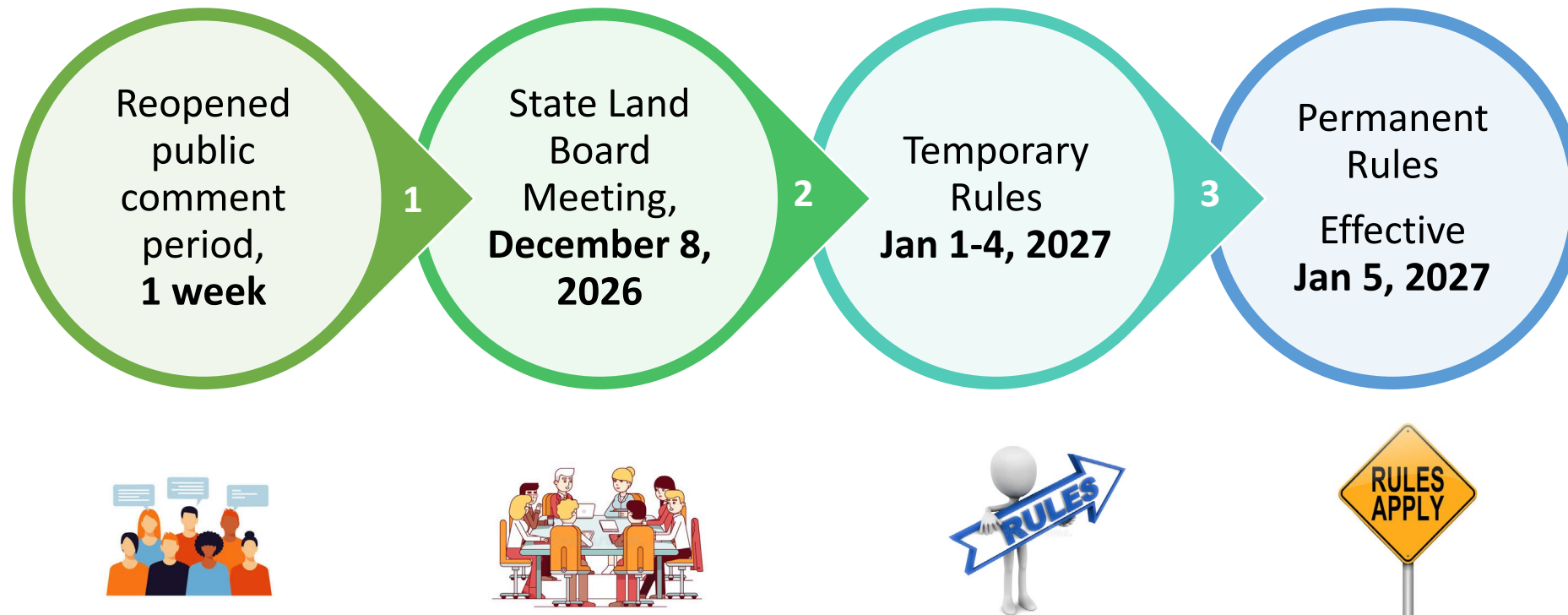
TSP Part 4 Amendment
(2023)

SB 793 (2025)

Historical Context



Division 83 Next Steps & Timelines



To be considered by OPAC during TSP Parts 1, 2, 4 & 5 amendments

Renewable Energy Facilities

1. Clarification between commercial and research facilities funded by federal or state resources
2. Clarity for public and commercial infrastructure
3. Intersection/Role of JARTs under TSP Parts 4 & 5

Tribes' Rights

1. Fragile ecosystems such as kelp beds require extra protection from damage.
2. Is the applicant required to engage/compensate Tribes for the burdens of assessment, review, and mitigation of impacts to Tribal resources?
3. Is there consideration for mitigation of direct & indirect impacts to wildlife, Tribal fishers or equipment, and to water/air/habitat quality due to the applicant's construction and ongoing operations?
4. Consideration of release of ancient carbon from seabed sediments and damage caused by electromagnetic fields are additional causes of impact to marine ecosystems and species.
5. What role will Tribes play in mitigation of impacts? Is a specific mitigation fund to compensate losses to Tribal resources being contemplated?



Thank You!

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