

TSP Part Four

Uses of the Seafloor

- Telecommunication Cables, Pipelines, and other utilities



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Oregon Territorial Sea Plan

Adopted December 1, 2000



PART FOUR:

Uses of the Seafloor

These amendments were adopted by the Land Conservation and Development Commission on December 1, 2000, based on a recommendation from the Ocean Policy Advisory Council, January 28, 2000. These amendments are consistent with administrative rules adopted by the Oregon State Land Board in August, 1999, governing easements for submarine fiber-optic cables.

A. TELECOMMUNICATION CABLES, PIPELINES, AND OTHER UTILITIES

1. Background

Oregon's coast is a prime landing zone for fiber-optic telecommunication cables that cross the ocean floor from sites around the Pacific Rim. Other utilities, such as natural gas pipelines, may eventually be routed across Oregon's Territorial Sea bed. Proper placement of utility easements and installation of fixtures is required to avoid damage to or conflict with other ocean uses, such as commercial fishing, and to reduce or avoid adverse effects on marine habitats.

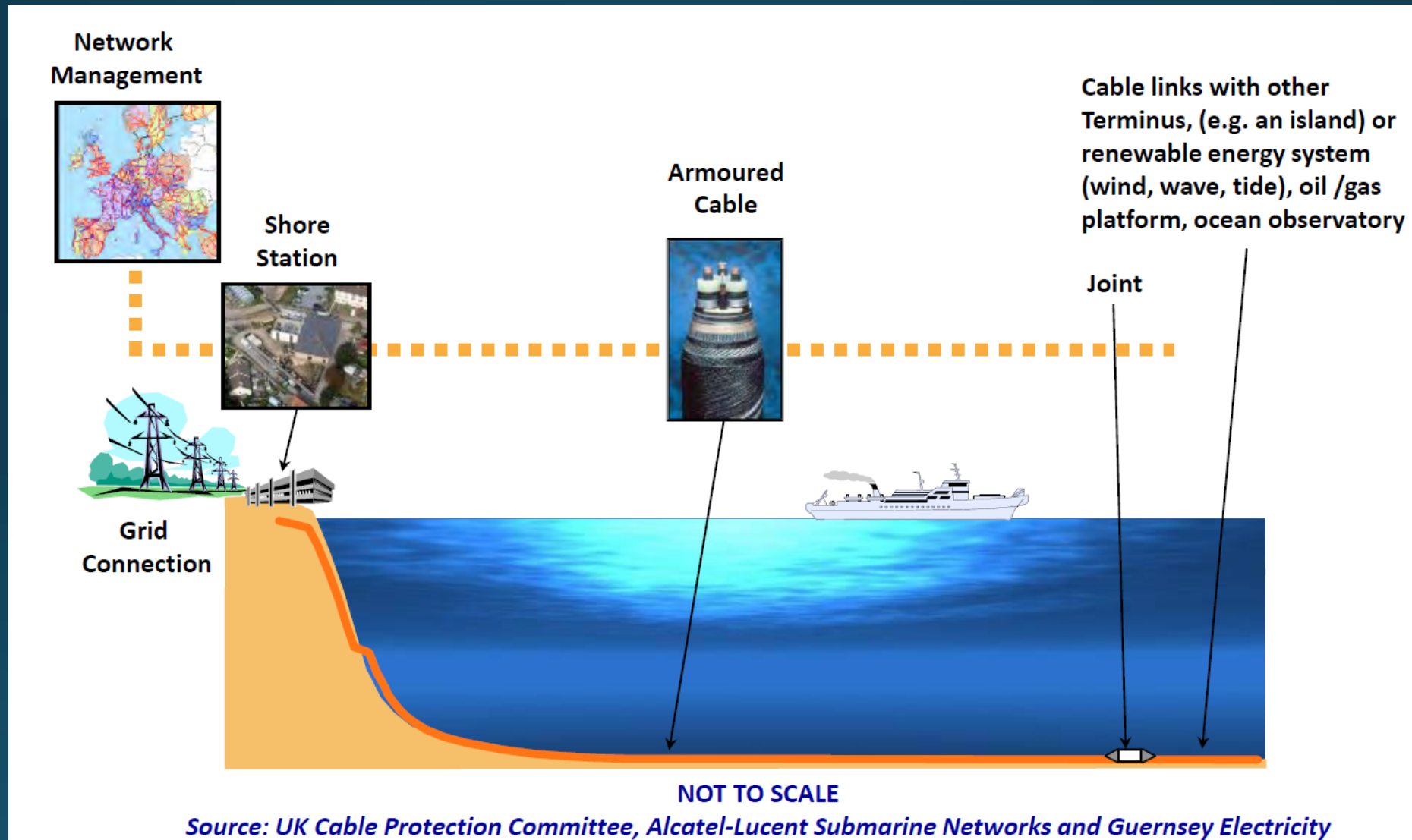
State agencies, such as the Division of State Lands, the Department of Fish and Wildlife, the Oregon Parks and Recreation Department, and the Department of Land Conservation and Development, need clear policies and standards for reviewing and approving the routing and installation of utilities on the seafloor of Oregon and adjacent federal waters.

[NOTE: In approving these plan policies for submittal to the Land Conservation and Development Commission in January, 2000, the Ocean Policy Advisory Council approved the addition of explanatory background text, maps, and illustrations prior to publication of the amended plan. This background material will in no way affect the mandatory policies of this section.]

Presentation Outline:

- Background on Undersea Cables
- TSP Part 4 history and framework
- Permitting Process Pathway

Elements of a Submarine Power Cable System



Before there was a Part 4 of the TSP (2000)

ISSUES

Lack of Communication

Disruption to Fisheries

Vessel Safety

Disruption of Service

Coordination

Procedural clarity



TSP Part 4 Policy Framework

A. Telecommunication Cables

1. Protect Fisheries and Other Uses
 - a. Avoid conflict as first priority
 - b. Reduce adverse effects
 - c. Mitigate after a., b.,
2. Protect marine habitat, fishery areas as per Goal 19
3. Promote direct communication between users

A. Telecommunication Cables

IMPLEMENTATION REQUIREMENTS

1. BURIAL

- a. State waters: burial except by agreement
- b. Federal waters: burial to 1500' consistent
- c. Certified to leasing agency
- d. Inspections: periodic; geologic event

2. Communication and coordination

Written agreements with fishers

3. Controlling locations

Conserve areas for fisheries, habitats, etc.

4. Point of contact

Division of State Lands to consult with others

DSL Regulatory Review Process

- Implements TSP Part Four Requirements
- DSL standards consistent with TSP P4
- Starts the Clock
- Notifications and Public Hearings

Oregon's Removal-Fill Law

- Oregon's Removal-Fill Law (ORS 196.795-990) requires any person who plans to "remove or fill" material within "waters of the state" to obtain a permit from the Department of State Lands.
 - Removal means taking rock, gravel, sand, silt, other inorganic substances, and large woody debris from the bed or banks of a waterway, or their movement by artificial means within the bed or banks, including channel relocation.
 - Fill means the deposit by artificial means of any material (organic or inorganic) at any one location in the bed or banks. Waters of the state include wetlands on private and public land.
- Types of "waters of the state" and jurisdictional limits:
 - Pacific Ocean: extreme low tide to 3 miles out
 - Tidal Bays and Estuaries: highest measured tide or upper edge of wetland
- For most waters, a permit is required if a project will involve 50 cubic yards of fill and/or removal (cumulative) within the jurisdictional boundary. For activities in designated Essential Salmonid Habitat waters, State Scenic Waterways and designated compensatory mitigation sites, a permit is required for any amount of removal or fill. Removal is calculated on an annual basis. Fill is calculated on a cumulative basis.

Project Siting and Regulatory Process

- Pre – Application Phase
 - Home Work - Site Assessment
 - Collaborative Outreach to Agencies and Stakeholders
- DSL Application(s)
 - Appropriate authorization, permit, lease, easement
 - Part Four Review Standards
- ODFW, DLCD, OPRD - Permit Review

DSL Permit or Authorization

Type of Use	Permit or Authorization	OAR	FEE	Compensate Or Rent	TERM	TSP	Special Conditions
Scientific Equip <1 yr	Short-Term Authorization	125	\$0	\$0	Max 1 yr	Part 2	NA
Scientific Equip > 1 yr	Special Use License or Lease	125	\$750	Varies	License – 3 yrs Lease – 30 yrs	Part 2	
Demo Project	Temporary Use Authorization	140	\$750	Varies	Varies	Part 5	Financial Assurance
MRE Facility	Lease	140	\$750	Varies	Varies	Part 5	Financial Assurance
Cable from MHK in TS	Included in Lease	140	\$750	Varies		Part 4	Financial Assurance
Cable from MHK in OCS	Easement	83	\$5000	Varies	Up to 20 yrs	Part 4	State Land Board
Removal Fill Anchoring	Removal Fill Permit	85	Varies	Varies	Up to 5 yrs	Project Based	

Other State Agency Authorizations

- Oregon Parks and Recreation Department
- Oregon Department of Fish and Wildlife
- Oregon DLCD for Federal CZM Consistency