



Undersea Cables Rulemaking Update (OAR 141-083)

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April 21, 2026

Presentation Outline



1. Historical Context
2. Rule Advisory Committee (RAC)
Meetings and Timelines
3. Key changes proposed

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.

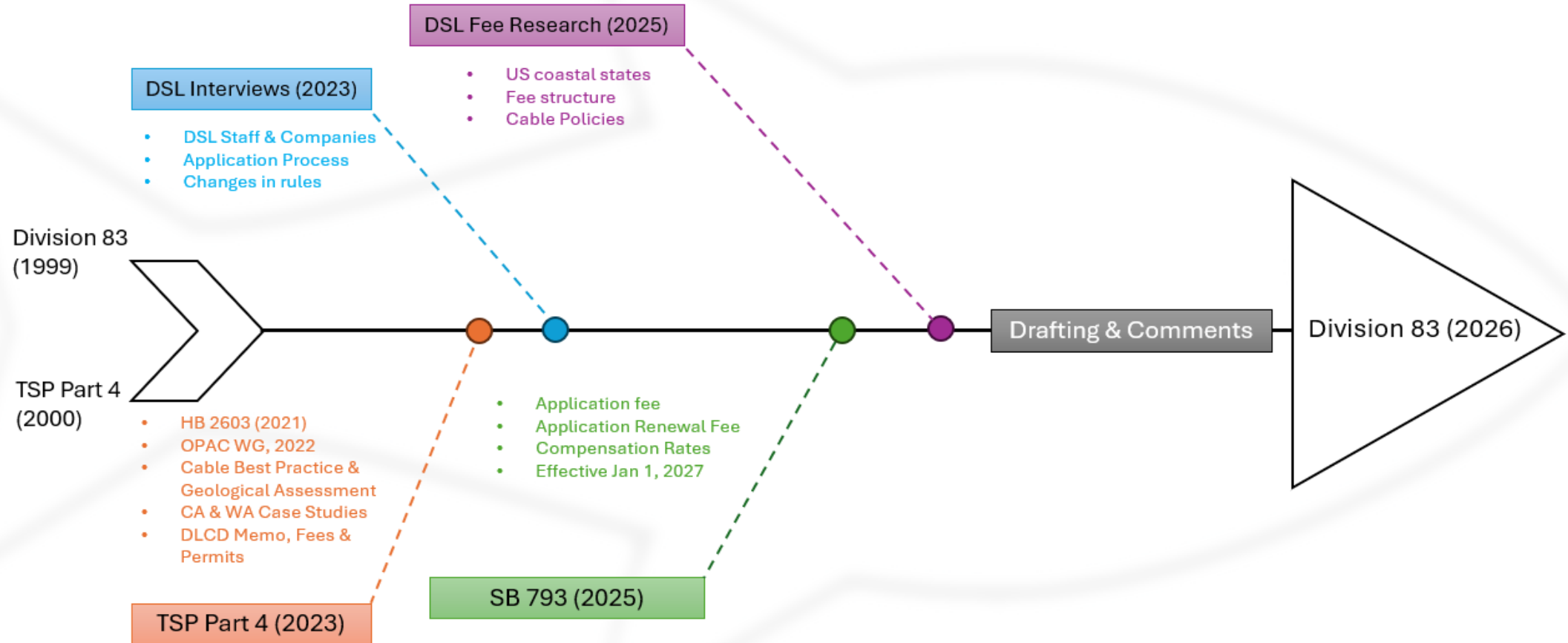
Reasons for Division 83 Amendment

Adopted in 1999

TSP Part 4 Amendment
(2023)

SB 793 (2025)

Historical Context



RAC Meetings 2026

January

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

February

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

Public Comments Period

July 2026

Public hearings in 3 coastal cities



State Land Board Meeting
October 13, 2026



Approved New Division 83
(effective January 1, 2027)

Key Changes Proposed

Division 83 (1999)

1. Purpose & Applicability
2. Policies
3. Definitions
4. Cable Easement Application Requirements
5. Pre-Application & Application Review Process
6. Cable Easements Terms & Conditions
7. Penalties
8. Reconsideration of Decision

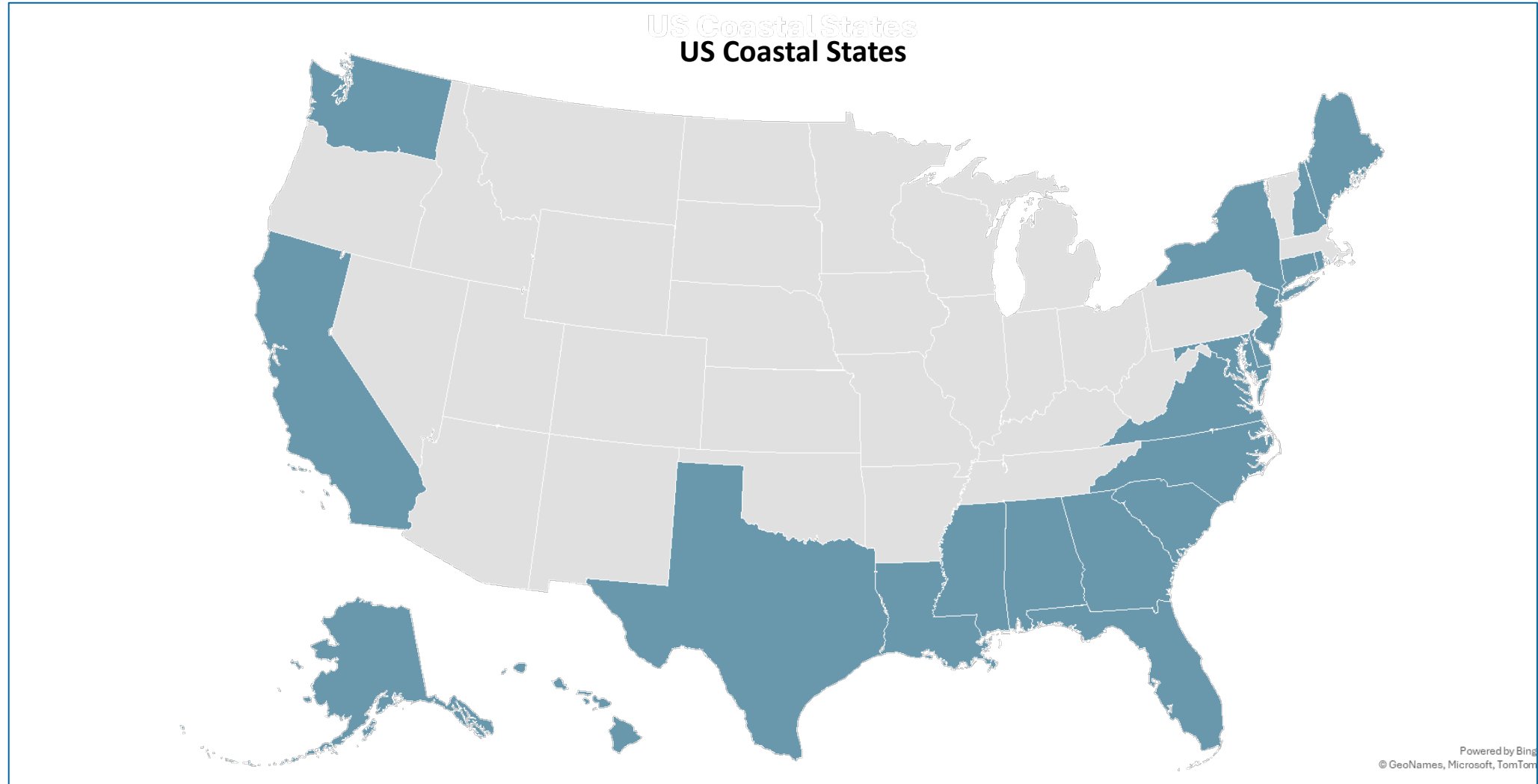


Division 83 (2026)

1. Purpose & Applicability
2. General Provisions
3. Definitions
4. Easement Application Requirements
5. JART Pre-Application Meeting
6. Application Review Process
7. Easement Terms & Conditions
8. Renewal Application Review Process
9. Decommission & Recovery
10. Encroachment Easement Application Process
11. Application Fees
12. Compensation Rates
13. Encroachment Easement Application Fee & Compensation
14. Financial Assurance Requirements
15. Unauthorized Uses & Penalties
16. Appeal of Decision

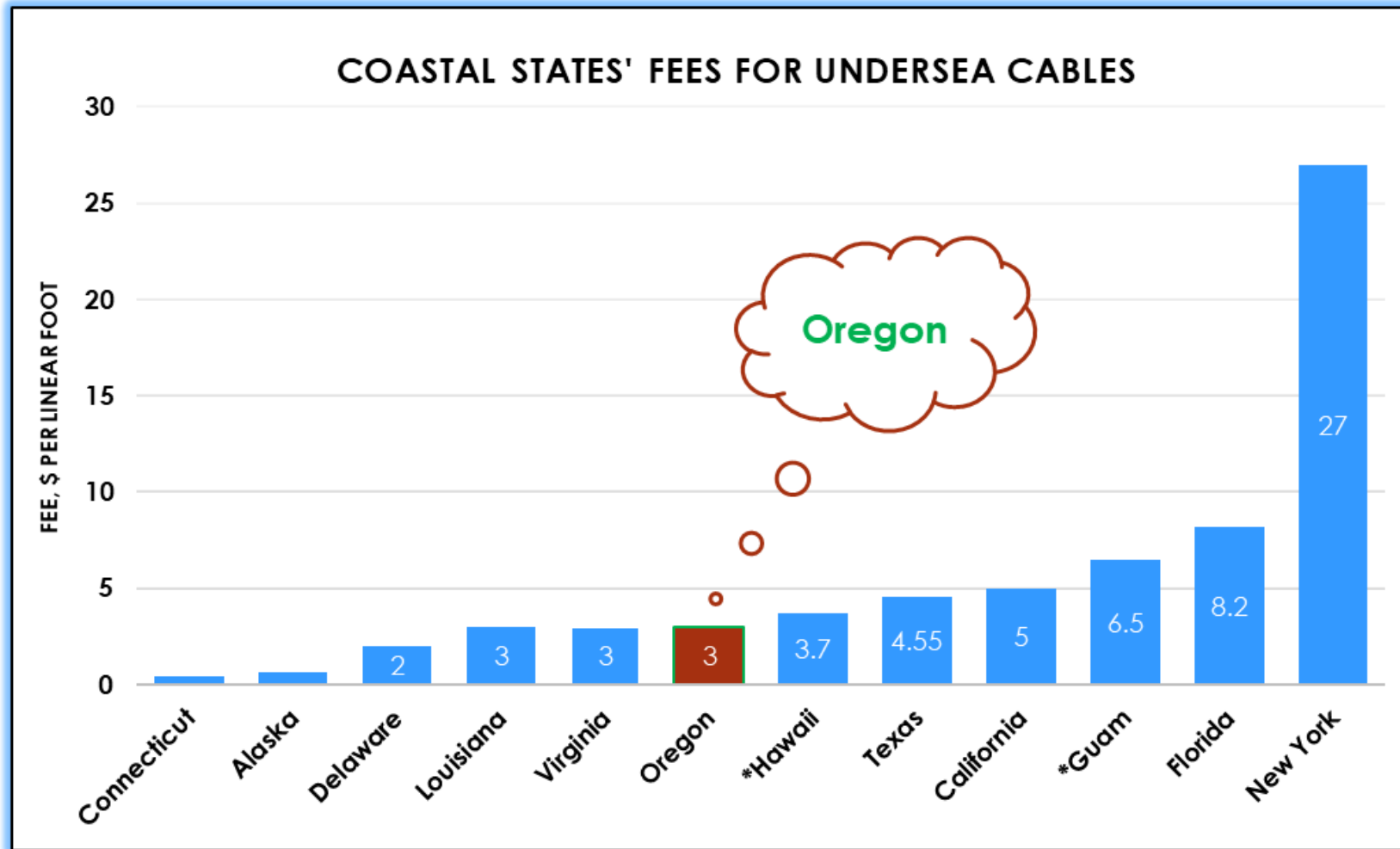
SB 793

DSL State Fee Research (2025)



22 states were contacted
12 responded

Proposed Fees & Methodology: States' Comparison

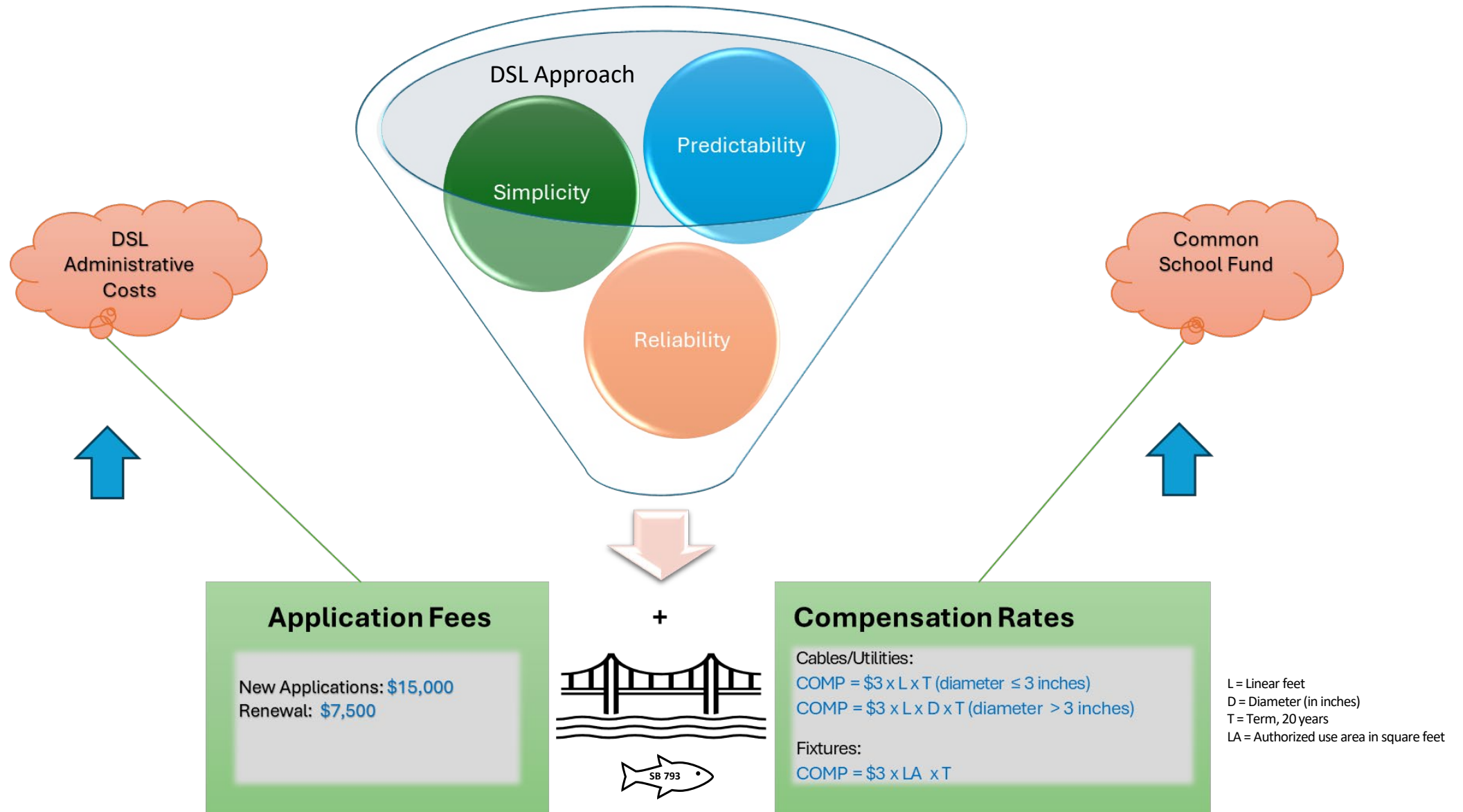


*Guam: \$5.42-\$7.50 *Hawaii: \$1.83-\$5.66

There is no single method for fee calculation across the states.
However, most states use \$ per linear foot as one of the methods.

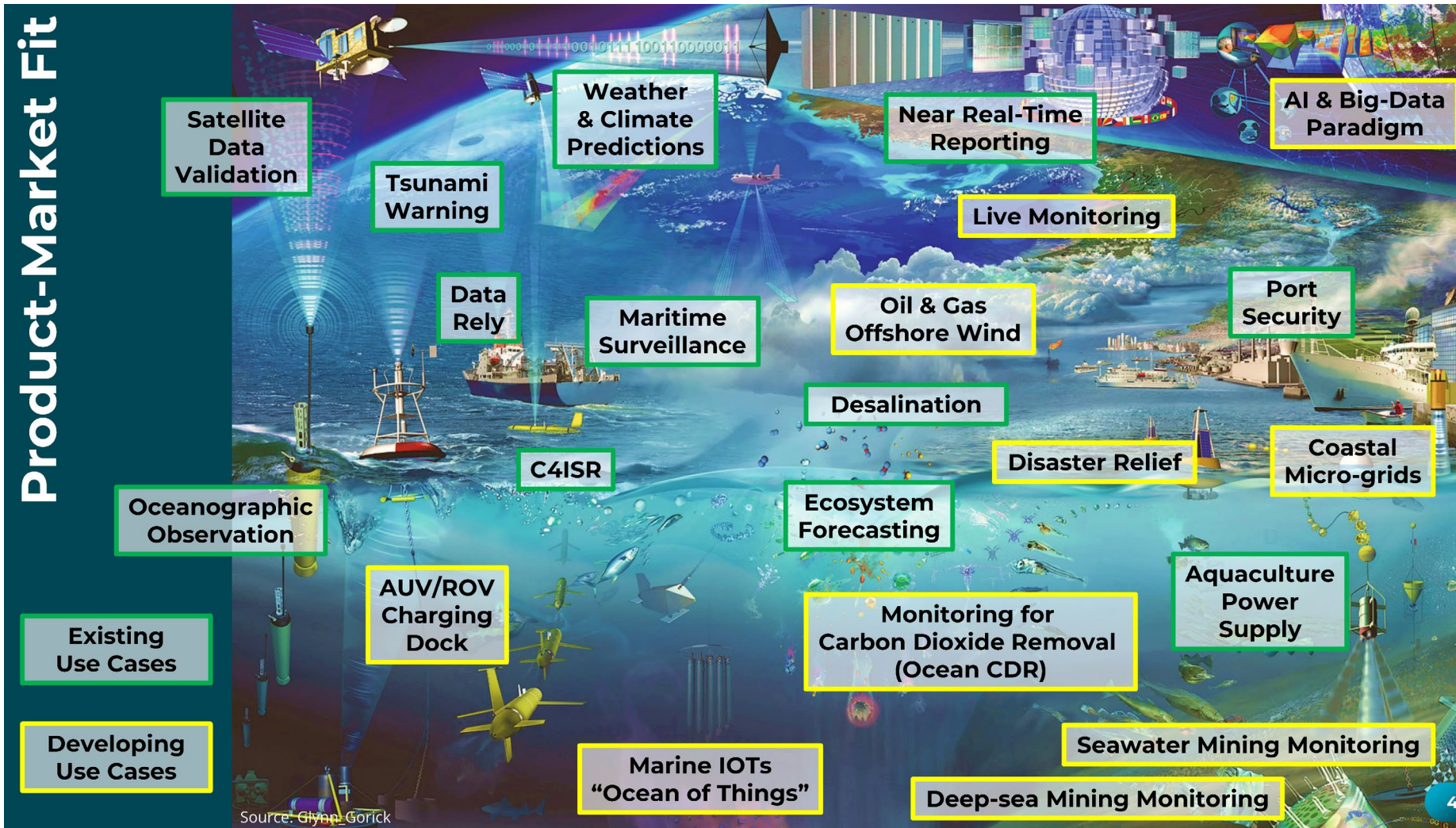
Proposed Fees & Methodology: States' Comparison

Current Division 83's Fee:
\$5000 since 1999 for 20 years



“Window of Opportunity” for Sensors & Environmental Monitoring

Product-Market Fit



The Oregon Undersea Cables Corridors' Assessment is needed





Thank You!

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