

HOUSE AMENDMENTS TO HOUSE BILL 2603

By COMMITTEE ON ENERGY AND ENVIRONMENT

April 8

1 On page 1 of the printed bill, line 2, delete “creating new provisions; amending ORS 274.992 and
2 274.994;”.

3 Delete lines 5 through 29 and delete pages 2 and 3 and insert:

4 **“SECTION 1. (1) As used in this section, ‘undersea cable’ includes a cable used to conduct**
5 **electricity or light that is placed on state-owned submerged or submersible lands within the**
6 **territorial sea and any facilities associated with the cable.**

7 **“(2) An applicant for an easement to place an undersea cable within the territorial sea**
8 **shall acquire and maintain, until construction of the undersea cable is completed, financial**
9 **assurance to ensure that the applicant constructs the undersea cable according to the terms**
10 **and conditions of the easement. The amount of financial assurance required under this sub-**
11 **section shall be an amount determined by the Department of State Lands to be sufficient**
12 **based on the scale of the project.**

13 **“(3) At least 180 days before decommissioning an undersea cable, the owner or operator**
14 **of the undersea cable shall submit to the department for approval a decommissioning plan**
15 **that includes:**

16 **“(a) A cost estimate, prepared by a person qualified by experience and knowledge to**
17 **prepare the estimate, for decommissioning the cable and restoring the area authorized by**
18 **the easement to its previous natural condition;**

19 **“(b) A detailed description of and proposed schedule for the decommissioning and resto-**
20 **ration work, including any corrective action that may be required under the easement; and**

21 **“(c) A proposed form of financial assurance in an amount equal to the cost estimate**
22 **under paragraph (a) of this subsection.**

23 **“(4) Within 30 days of receiving a decommissioning plan under subsection (3) of this**
24 **section, the department shall approve the plan or request revisions to the plan or additional**
25 **information. If, after receiving revisions to the decommissioning plan or additional informa-**
26 **tion, the department rejects the plan, the owner or operator of the undersea cable must**
27 **within 90 days submit to the department an application for an easement for the**
28 **encroachment created by the undersea cable.**

29 **“(5) The owner or operator of an undersea cable may not begin decommissioning and**
30 **restoration work unless:**

31 **“(a) The department has approved a decommissioning plan under subsection (4) of this**
32 **section;**

33 **“(b) The owner or operator has acquired the financial assurance required under sub-**
34 **section (3) of this section; and**

35 **“(c) The owner or operator has provided to the department notice that the work will**

1 begin at least 60 days prior to beginning the work.

2 “(6) The financial assurance requirements established by subsections (2) and (3) of this
3 section may be satisfied by furnishing a financial assurance instrument that is:

4 “(a) A surety bond, cash deposit or certificate of deposit; and

5 “(b) In the name of the State of Oregon.

6 **“SECTION 2.** (1) The Ocean Policy Advisory Council, in consultation with the Department
7 of Land Conservation and Development, the Department of State Lands and relevant local
8 governments and tribal governments, shall review and propose amendments to the part of
9 the Territorial Sea Plan that addresses the placement of cables, pipelines and other utilities
10 in the territorial sea. The review must consider fee structures and state and federal review
11 processes, including permitting processes, for the placement of undersea cables on state-
12 owned submerged or submersible land within the territorial sea and under the ocean shore
13 and the siting of associated landing sites.

14 “(2) In developing recommendations for amendments to the Territorial Sea Plan under
15 this section, the council shall evaluate:

16 “(a) A unified permitting process for the placement of undersea cables that allows for
17 coordination between appropriate state agencies, tribal governments and local governments.

18 “(b) Suitable landing sites, including a mapping analysis of opportunities, limitations and
19 requirements for landing sites.

20 “(c) The impact of other state agencies, laws, zoning requirements or statewide planning
21 goals on potential undersea cable sites.

22 “(d) Changes to fees structures and financing associated with administrative costs and
23 the protection and management of the territorial sea and ocean shore.

24 “(e) Requirements for public information meetings or other methods for engaging com-
25 munities, tribal governments, ocean users and industries affected by a proposed undersea
26 cable.

27 “(f) An application process that may include:

28 “(A) A needs analysis that takes into account the socioeconomic and environmental
29 needs of the area;

30 “(B) A geological study conducted by a registered professional geologist experienced in
31 coastal processes;

32 “(C) Consultation with Oregon sea floor experts, such as an expert affiliated with an
33 Oregon university;

34 “(D) A detailed drilling, mitigation and accident response plan; and

35 “(E) A study of the impact of drilling on biological resources, including migratory species,
36 and on resources that are of economic, aesthetic, recreational, social or historic importance
37 to the people of this state.

38 “(g) Requirements for interagency preapplication process meetings.

39 “(h) Standards for undersea cables in the states of California and Washington.

40 “(i) Coordination or consultation with tribal governments on potential impacts of under-
41 sea cables on cultural and traditional resources.

42 “(3) The council may consult with any of the following state agencies when conducting
43 the review and developing recommendations for amendments under this section:

44 “(a) The State Parks and Recreation Department;

45 “(b) The Department of Environmental Quality;

1 “(c) The State Department of Fish and Wildlife;
2 “(d) The State Department of Geology and Mineral Industries; or
3 “(e) Any other state agency with relevant expertise.
4 “**SECTION 3.** The Ocean Policy Advisory Council shall develop recommendations for
5 amendments to the Territorial Sea Plan under section 2 of this 2021 Act no later than two
6 years after the effective date of this 2021 Act.
7 “**SECTION 4.** Sections 2 and 3 of this 2021 Act are repealed on January 2, 2024.
8 “**SECTION 5.** (1) Section 1 of this 2021 Act becomes operative on January 1, 2022.
9 “(2) The Department of State Lands may take any action before the operative date
10 specified in subsection (1) of this section that is necessary for the department to exercise,
11 on and after the operative date specified in subsection (1) of this section, all of the duties,
12 functions and powers conferred on the department by section 1 of this 2021 Act.
13 “**SECTION 6.** This 2021 Act takes effect on the 91st day after the date on which the 2021
14 regular session of the Eighty-first Legislative Assembly adjourns sine die.”.
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