

Requested by Representative GOMBERG

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2603**

1 On page 1 of the printed bill, line 2, delete “creating new provisions;  
2 amending ORS 274.992 and 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**  
5 **a cable used to conduct electricity or light that is placed on state-**  
6 **owned submerged or submersible lands within the territorial sea and**  
7 **any facilities associated with the cable.**

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

16 **“(3) At least 180 days before decommissioning an undersea cable,**  
17 **the owner or operator of the undersea cable shall submit to the de-**  
18 **partment for approval a decommissioning plan that includes:**

19 **“(a) A cost estimate, prepared by a person qualified by experience**  
20 **and knowledge to prepare the estimate, for decommissioning the cable**  
21 **and restoring the area authorized by the easement to its previous na-**

1 tural condition;

2 “(b) A detailed description of and proposed schedule for the de-  
3 commissioning and restoration work, including any corrective action  
4 that may be required under the easement; and

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

7 “(4) Within 30 days of receiving a decommissioning plan under  
8 subsection (3) of this section, the department shall approve the plan  
9 or request revisions to the plan or additional information. If, after  
10 receiving revisions to the decommissioning plan or additional infor-  
11 mation, the department rejects the plan, the owner or operator of the  
12 undersea cable must within 90 days submit to the department an ap-  
13 plication for an easement for the encroachment created by the  
14 undersea cable.

15 “(5) The owner or operator of an undersea cable may not begin de-  
16 commissioning and restoration work unless:

17 “(a) The department has approved a decommissioning plan under  
18 subsection (4) of this section;

19 “(b) The owner or operator has acquired the financial assurance  
20 required under subsection (3) of this section; and

21 “(c) The owner or operator has provided to the department notice  
22 that the work will begin at least 60 days prior to beginning the work.

23 “(6) The financial assurance requirements established by sub-  
24 sections (2) and (3) of this section may be satisfied by furnishing a fi-  
25 nancial assurance instrument that is:

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

27 “(b) In the name of the State of Oregon.”.

28 **“SECTION 2. (1) The Ocean Policy Advisory Council, in consulta-  
29 tion with the Department of Land Conservation and Development, the  
30 Department of State Lands and relevant local governments and tribal**

1 governments, shall review and propose amendments to the part of the  
2 Territorial Sea Plan that addresses the placement of cables, pipelines  
3 and other utilities in the territorial sea. The review must consider fee  
4 structures and state and federal review processes, including permitting  
5 processes, for the placement of undersea cables on state-owned sub-  
6 merged or submersible land within the territorial sea and under the  
7 ocean shore and the siting of associated landing sites.

8 “(2) In developing recommendations for amendments to the Terri-  
9 torial Sea Plan under this section, the council shall evaluate:

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

13 “(b) Suitable landing sites, including a mapping analysis of oppor-  
14 tunities, limitations and requirements for landing sites.

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

17 “(d) Changes to fees structures and financing associated with ad-  
18 ministrative costs and the protection and management of the territo-  
19 rial sea and ocean shore.

20 “(e) Requirements for public information meetings or other meth-  
21 ods for engaging communities, tribal governments, ocean users and  
22 industries affected by a proposed undersea cable.

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

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

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

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

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

1       “(E) A study of the impact of drilling on biological resources, in-  
2 cluding migratory species, and on resources that are of economic,  
3 aesthetic, recreational, social or historic importance to the people of  
4 this state.

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

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

8       “(i) Coordination or consultation with tribal governments on po-  
9 tential impacts of undersea cables on cultural and traditional re-  
10 sources.

11       “(3) The council may consult with any of the following state agen-  
12 cies when conducting the review and developing recommendations for  
13 amendments under this section:

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

15       “(b) The Department of Environmental Quality;

16       “(c) The State Department of Fish and Wildlife;

17       “(d) The State Department of Geology and Mineral Industries; or

18       “(e) Any other state agency with relevant expertise.

19       “SECTION 3. The Ocean Policy Advisory Council shall develop rec-  
20 ommendations for amendments to the Territorial Sea Plan under sec-  
21 tion 2 of this 2021 Act no later than two years after the effective date  
22 of this 2021 Act.

23       “SECTION 4. Sections 2 and 3 of this 2021 Act are repealed on Jan-  
24 uary 2, 2024.

25       “SECTION 5. (1) Section 1 of this 2021 Act becomes operative on  
26 January 1, 2022.

27       “(2) The Department of State Lands may take any action before the  
28 operative date specified in subsection (1) of this section that is neces-  
29 sary for the department to exercise, on and after the operative date  
30 specified in subsection (1) of this section, all of the duties, functions

1 and powers conferred on the department by section 1 of this 2021 Act.

2 “SECTION 6. This 2021 Act takes effect on the 91st day after the  
3 date on which the 2021 regular session of the Eighty-first Legislative  
4 Assembly adjourns sine die.”.

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