



Oregon

Tina Kotek, Governor

Department of State Lands

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State Land Board

January 31, 2025

Tina Kotek
Governor

To: Senate Committee on Natural Resources and Wildfire
Chair Golden, Vice Chair Nash, Members of the Committee

Tobias Read
Secretary of State

From: Vicki L. Walker, Director, Oregon Department of State Lands

Re: Testimony on Senate Bill 793, -1 Amendment

Elizabeth Steiner
State Treasurer

Chair Golden, Vice-Chair Nash, and members of the committee. My name is Vicki Walker, and I am the Director of the Oregon Department of State Lands. I appreciate the opportunity to speak with you today about Senate Bill 793 with the -1 amendment.

The Department of State Lands is in support of SB 793 with the -1 amendment and asks for the committee's support of this bill.

The State Land Board and the Department of State Lands oversee Oregon's publicly owned waterways, which include many rivers, lakes, and our territorial sea – the Pacific Ocean from shoreline to three geographical miles offshore. Easements for use of the territorial sea and other Oregon-owned waterways are approved by the Land Board.

The state currently *cannot* require payment for easements in the territorial sea. This means the people of Oregon do not receive compensation for use of a resource that belongs to them. As you can imagine, the Land Board had some thoughtful and lively discussions about that. In 2023, they directed DSL to examine this issue, and last year approved advancing the legislative concept that resulted in this bill.

In 2021, after equipment was abandoned beneath the sea floor during an undersea cable installation, the Legislature passed House Bill 2603. This bill resulted in more robust requirements for cable placements, including convening of a Joint Agency Review Team, a critical infrastructure analysis, decommissioning and recovery plans, and completion of a resource inventory.

The result is more protection for the territorial sea but more costly to administer. DSL can currently charge only a one-time application fee of \$5,000, which has not been sufficient to cover costs to administer the program. Currently, Oregon cannot seek payment for these easements. In contrast, both Washington and California receive payment for cable easements in their territorial seas.

For recent easements in the territorial sea, DSL has negotiated with companies for a one-time payment to remove a future imposition of fees clause from the standard easement agreement. But this is not, by any means, compensation for long-term use of the seabed, nor are these companies required to accept such a clause in our easement agreements.

There are two primary issues. One, the people of Oregon do not receive payment for use of a public resource. And two, if fees do not cover costs, other programs or the statutory Common School Fund revenues may make up the difference.

The -1 amendment would address these issues by providing DSL with the authority to set undersea cable easement payment rates, application fees, and renewal fees through the state's administrative rulemaking process.

In closing, Oregon has a long history of working together to address coastal problems and opportunities. With the siting of undersea cables, we have seen the commercial fishing community, through the [Oregon Fisherman's Cable Committee](#), work hand in hand with fiberoptic companies to route cables in mutually agreeable areas. Engaging community, partners, and stakeholders in a robust rulemaking process would ensure an outcome that's fair for all.

Thank you for the opportunity to provide this testimony.