



February 24, 2021

House Energy and Environment Committee
Oregon Legislature
Salem, Oregon

Re: HB 2603, Submarine Cables
Via Email

Dear Members of House Energy and Environment Committee,

Oregon Coast Alliance is an Oregon nonprofit corporation whose mission is protection of coastal natural resources and working with coastal communities to maintain and enhance livability.

ORCA writes in support of HB 2603, placing certain requirements on submarine cable installation, and requiring a study of changes to the law governing placement and removal of such cables.

This bill comes out of the disaster that took place in the installation of a Jupiter cable system by Edge Cable, a wholly-owned subsidiary of Facebook, which Tillamook County permitted to land at a residential lot in the middle of the rurally-zoned community of Tierra del Mar. Following a drill accident at the end of April 2020, Edge and its subcontractors halted drilling, failed to inform state agencies of the accident until June 17, and have petitioned the Department of State Lands to leave the abandoned equipment – including drill bit, drill pipe and at least 6,500 gallons of drilling fluid – under the seafloor at the site of the accident. Allowed by the permitting agencies to restart the project in January of 2021, the company had a release of drilling mud back into the bore hole in January, necessitating much additional equipment time and further disruption to the community of Tierra del Mar.

Oregon has essentially no regulatory safety nets or requirements on cable installation above and beyond the basic requirements for easements across state lands and waters overseen by the Department of State Lands. Indeed, Governor Brown issued an open warm welcome to the submarine cable industry in her letter of January 6, 2016 to the delegates of the Pacific Undersea Cable Projects at the Pacific Telecommunications Conference. The letter signaled that Oregon has a lax regulatory environment for these projects – as indeed is the case.

The Tierra del Mar disaster proves the result of such laissez-faire attitude: industrial trash permanently entombed under the seafloor, a residential community heavily impacted by industrial activity not once but twice, drilling mud release into the dunes, and possibly the groundwater as well.

This bill is long overdue. Among other things, it would:

1. Require submarine cable operators to demonstrate financial assurance for costs of removing cable, drilling equipment and fluid in the event of an accident;
2. Require submarine cable operators to provide a plan to the state providing information on the useful life of the cable and removal methodology;
3. Require cable operators to initiate and complete removal of a cable no longer in use or whose state easement has ended, as long as federal regulators are in agreement;
4. Require the Department of State Lands (consulting with other agencies like Parks and Recreation, which manages the ocean shore), to study and propose changes to the permitting process of placement of undersea fiber optic cables on state lands and seas, requiring several aspects to the study, such as including a needs analysis, a geological study, the preference for landing at existing sites or state-owned property, and detailed drilling accident and mitigation plans.

Concerns with Bill Language

A central issue in the Tierra del Mar debacle has been the opportunity to permit cable landing sites in residentially-zoned areas, if the county approves it – as in this case Tillamook County did. Changing this by directing state law to require cables be landed at pre-existing cable locations on already-public land or other state land is appropriate. However, the bill language needs to be fine-tuned.

The bill language should be changed so that the available state-owned land for cable landings does **not** include lands owned by the Oregon Parks and Recreation Department, **nor** privately owned landing sites in residential neighborhoods. Our treasured coastal state parks must not become new landing sites for submarine cables, and nor must residential communities be subject to industrial activities. Thus, the bill language should clarify that cable landings must be directed to: (a) existing landing sites on already-public, non-OPRD lands, or (b) other non-OPRD state lands.

Thank you for the opportunity to testify.

Sincerely,

/s/ Cameron La Follette

Cameron La Follette
Executive Director

