



Oregon Parks and Recreation Department
Oregon Department of State Lands
Representative David Gomberg
Senator Arnie Roblan
Jason Miner, Governor's Office

July 27, 2020

Dear Officials,

On Friday afternoon July 24, 2020, Oregon Coast Alliance, Surfrider Foundation and other interested members of the public, received an email from the Parks and Recreation Department, which enclosed an email from the Oregon Department of State Lands. The email notified recipients that Edge Cable, a subcontractor for Facebook, laying a submarine cable in the Territorial Sea with a landing at a residential lot in Tierra del Mar, had failed to notify the agencies for nearly *two months* that the April 28, 2020 drilling accident was more complex than originally understood.

Edge stated that the accident resulted in leaving large amounts of drilling-related trash in the ocean, including: 1,100 feet of drill pipe, a drill tip, a gyro module, a steering tool, and 6,500 gallons of bore gel in the drill prism. Worse yet, the late notification has, according to Edge and DSL, precluded retrieval of the trash. Thus, the bore gel, though currently encapsulated, is in danger of eventually spilling from ocean corrosion or subfloor erosion.

The accident represents negligence on behalf of the operator, as the equipment was pushed beyond its limits, putting lives and Oregon's natural resources at risk. Failure to notify the agency, and abandonment of equipment now apparently unrecoverable on and below the ocean floor, is not only a violation of Edge Cable's permit(s), but represents a continuing and permanent trespass of public lands.

Incredibly, Facebook/Edge Cable has indicated it desires to continue the project in January 2021, and inquired of the state agencies how best to move forward. OPRD sent Edge Cable a letter on July 17, 2020 stating that their OPRD permit was still valid, as long as other necessary permits were also valid. The agency has asked for more information, including an independent hazard analysis. DSL is still evaluating its options.

This is all unacceptable. Whatever other information may be needed, especially concerning the possibilities and methods of abandoned equipment retrieval, Facebook/Edge failed to report the extent of the accident for nearly two months. That alone identifies them as unreliable and untrustworthy. They have violated permit conditions, as well as created a permanent state of trespass by the failure to report in a timely manner. There can be no question of renewing or extending the DSL and OPRD permits and the DSL easement. Oregon Coast Alliance and Surfrider call upon the agencies to do the following things immediately:

1. The Department of State Lands and the Parks and Recreation Department must **withdraw** their permits and easement to Edge Cable for this submarine cable project wholly, without possibility of reapplication.
2. The State of Oregon must assess a large fine against Edge Cable and its relevant subcontractors, of sufficient magnitude to provide the state with funds to study how best to remove the drilling trash Edge Cable left under the nearshore ocean, undertake the removal if possible, and ensure the company pays for all the state's costs in dealing with this fiasco.

Oregon Coast Alliance and Surfrider call upon the Legislature to undertake the following at its next opportunity:

1. Update Part IV of Oregon's Territorial Sea Plan and pass legislation creating strict siting standards for submarine cables that require a showing of "need," prohibit landing them in residential areas, provide extensive fines for failure to report, failure to remove trash from accidents, and/or failure to adequately reclaim land or waters following an accident.
2. Set up a statewide bonding program administered by a state agency, such as the Department of State Lands, that will provide the state with the full amount of funding from the company to undertake recovery of trash dumped in or under the ocean in the event of an accident like this one, and to cover associated restoration costs.

Submarine cable projects must be held accountable, and be managed with strong policy tools that protect our natural resources and ocean habitats. When the State of Oregon was faced with a similar dilemma in planning wave energy for our Territorial Sea, fishermen and other ocean users were adamant about developing strong policy requirements around abandonment and derelict equipment. In addition to an entire new chapter in our Territorial Sea Plan (Part V), legislators were quick to pass bonding requirements, which served the State well when Finnvera lost a buoy off Newport that sank to the ocean floor just prior to crab season. Doesn't boring through the ocean floor, under the ocean shore and into

neighborhoods deserve the same level of protection and accountability as ocean renewable energy? Given the Oregon Fisherman Cable Commission recently recommended a change in inspection requirements in Part IV of Oregon's Territorial Sea Plan (TSP), which guides uses of the seafloor for telecommunications, we feel this is an opportune time to strengthen the policies within that portion of the TSP.

Oregon Coast Alliance and Surfrider do not think the state agencies tasked with protection of our beaches and nearshore ocean can or should allow Facebook and its subcontractor Edge Cable to initiate the project a second time. The company has made it clear that they are unreliable, careless, environmentally thoughtless and incompetent. They additionally flouted reporting requirements without a qualm.

Please withdraw the company's state permits and easement, and protect the beaches and territorial sea. Let us then begin putting legislative safeguards in place, so this does not happen again with another submarine cable project in the future. Our coast is far too important to Oregonians, and ecologically fragile, for such projects to be allowed ever again without safeguards.

Sincerely,

Cameron La Follette
Executive Director
Oregon Coast Alliance

and

Charlie Plybon
Surfrider Foundation