

July 1, 2024

VIA ELECTRONIC FILING

Bureau of Ocean Energy Management
Office of Renewal Energy Programs
Department of the Interior
45600 Woodland Road, Mail Stop VAM-OREP
Sterling, Virginia 20166

Re: Atlantic Wind Lease Sale 11 (ATLW-11) for Commercial Leasing for Wind Power Development on the U.S. Gulf of Maine Outer Continental Shelf—Proposed Sale Notice, Docket No. BOEM-2024-0026

To the Bureau:

We submit these comments on behalf of the North American Submarine Cable Association (“NASCA”) in connection with the above-referenced Atlantic Wind Lease Sale 11 (ATLW-11) for Commercial Leasing for Wind Power Development on the U.S. Gulf of Maine Outer Continental Shelf—Proposed Sale Notice (“Proposed Sale Notice”)¹ to urge BOEM to revise proposed lease areas 0564, 0565, and 0566 to exclude existing submarine cables from the lease areas based on industry guidelines for default separation distances or, at a minimum, to prohibit the siting of turbine towers (and associated transmission lines) and the conduct of seafloor sampling within such areas absent prior coordination with submarine cable operators, which coordination should also be firmly based on established industry guidelines. Defining lease areas and establishing coordination requirements to minimize site use conflicts will benefit both industries, ensuring protection for existing and planned infrastructure. NASCA has long advocated for BOEM to take a more comprehensive and forward-looking approach to the protection of existing and planned critical infrastructure within proposed lease areas on the Outer Continental Shelf (“OCS”), and appreciates that BOEM has made some efforts to address NASCA’s concerns, including requiring lease holders to engage in “early and active” information sharing with OCS stakeholders, including submarine telecommunications cable operators.² NASCA believes, however, that BOEM can and should do more to ensure cable

¹ Atlantic wind Lease Sale 11 (ATLW-11) for Commercial Leasing for Wind Power Development on the U.S. Gulf of Maine Outer Continental Shelf—Proposed Sale Notice, 89 Fed Reg. 35222 (May 1, 2024) (“Notice”).

² Form of Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf, C-13, available at

operators’ ability to operate, maintain, and repair planned and existing submarine telecommunications systems and protect them from damage by proximate offshore wind projects, which include not just the platforms themselves, but a vast number of export and inter-array cables that will be deployed outside specific lease areas.

As BOEM may recall, NASCA is the primary trade association for submarine cable operators, submarine cable maintenance authorities, and prime contractors for submarine cable systems operating in North America.³ The submarine cable industry is a key stakeholder with respect to proposed uses of the OCS, as its members have dozens of submarine cables deployed on the OCS on both coasts, including two, the Amitié system and the EXA North and South system (“EXA Atlantic”), that are installed within three of BOEM’s proposed lease areas, as depicted on Exhibit A—even though NASCA identified these cables as existing infrastructure in comments submitted in connection with BOEM’s initial Request for Interest in Commercial Lease for Wind Energy Development on the Gulf of Maine Outer Continental Shelf in October 2022.⁴

As NASCA demonstrated in the Gulf of Maine Comments, Submarine telecommunications cables like EXA Atlantic and Amitié form the backbone of our modern digital infrastructure.⁵ Submarine cables—not satellites—continue to carry approximately 99 percent of the world’s intercontinental Internet, voice, and data traffic.⁶ Activities that rely upon submarine cables span the full range of economic and social activities: submarine

https://www.boem.gov/sites/default/files/documents/renewable-energy/state-activities/Gulf%20of%20Maine%20Master%20Lease_PSN.pdf

³ NASCA’s members include Alaska Communications System; Alaska United Fiber System Partnership; Alcatel Submarine Networks; AquaComms; AT&T Corp.; C&W Networks; Edge Network Services; EXA Infrastructure; Global Cloud Xchange; Global Marine Systems Ltd.; GlobeNet; Lumen Technologies UK, Ltd; OPT French Polynesia; PC Landing Corporation; Rogers Communications; Seaborn Networks; Southern Caribbean Fiber; Southern Cross Cable Network; Tampnet Group; Tata Communications (Americas); SubCom; Verizon; Vodafone; and Zayo Group Ltd. *See* Member Companies, North American Submarine Cable Association, <https://www.n-a-s-c-a.org/member-companies/>.

⁴ *Request for Interest (RFI) in Commercial Leasing for Wind Energy Development on the Gulf of Maine Outer Continental Shelf (OCS)*, Docket No. BOEM-NOS-2022-0040, 87 Fed. Reg. 51,129 (Aug. 19, 2022); Comments of the North American Submarine Cable Association (Oct. 3, 2022) (“Gulf of Maine Comments”), incorporated herein in their entirety.

⁵ Gulf of Maine Comments at 3-8.

⁶ Doug Brake, *Submarine Cables: Critical Infrastructure for Global Communications*, Info. Tech. & Innovation Found., at 1 (Apr. 2019), <https://www2.itif.org/2019-submarine-cables.pdf>.

telecommunications cable enable Internet connectivity and electronic commerce, global payment networks, mobile wireless backhaul, government and military communications, telemedicine, research, remote work and video conferencing, and communications with friends and family.⁷ The global nature of the Internet and the networks that operate over it mean that even communications within a domestic or local area (such as communications up and down the Eastern seaboard) rely on submarine cable infrastructure to deliver communications and services. This reliance is growing—with more cables planned—as our cultural, social, economic and national security institutions and activities increasingly depend on digital, cloud-based platforms. In short, submarine telecommunications cables are critical infrastructure, and it is thus imperative that the protection of such infrastructure be a key priority for BOEM as well as for existing and potential lease holders, including all those involved in planning, development, installation, and maintenance of the power transmission lines that will link renewable energy platforms to the coast.

However, nowhere in the Proposed Sale Notice are submarine telecommunications cables mentioned as existing infrastructure that could pose a use conflict within the lease area or affect the value of the leasehold interest,⁸ despite the clear overlap with such infrastructure in three proposed lease areas: as illustrated in Exhibit A, lease areas 0564 and 0565 overlay the Amitié system, and lease areas 0565 and 0566 overlay the EXA Atlantic system. And while the Form of Lease does call for information sharing with possible cable operators, it is not until the implementation phase, when licensees are preparing their construction and operation plans, that BOEM documentation—the COP Guidelines—expressly recommend that potential lessees coordinate as early as practicable with owners and operators of that submarine cable infrastructure.⁹ NASCA believes that lessees should be apprised of the need to coordinate with submarine telecommunications cable owners and operators well before they prepare a COP, with ready access to key recommendations and guidelines that underpin such coordination. This need

⁷ See International Cable Protection Committee, *ICPC Calls on Governments and Industry to Facilitate and Expedite Submarine Cable Installation and Repair During the COVID-19 Pandemic in Order to Protect Internet Connectivity and Critical Communications* 1 (Apr. 3, 2020), <https://www.iscpc.org/documents/?id=3299>.

⁸ BOEM's Draft Environmental Assessment for the Gulf of Maine, just released, does mention both systems in Appendix D. See *Notice of Availability of a Draft Environmental Assessment for Commercial Wind Lease Issuance and Site Assessment Activities on the Atlantic Outer Continental Shelf of the Gulf of Maine, Draft Environmental Assessment*, 89 FR 52086 (June 21, 2024).

⁹ See BOEM, Information Guidelines for a Renewable Energy Construction and Operations Plan (COP), Attach. G at 61 (May 27, 2020), <https://www.boem.gov/sites/default/files/documents/about-boem/COP%20Guidelines.pdf> (“COP Guidelines”).

is more acute when the planning entails energy transmission line deployment extending beyond the lease areas.

Indeed, NASCA believes that BOEM should take a much more comprehensive approach to addressing potential use conflicts with existing critical infrastructure. Such an approach would lessen the risks posed by information failures leading to delays or worse, site use conflicts and damage arising through uncoordinated or poorly coordinated activities.

As a first step, BOEM should delineate proposed lease areas that avoid, as much as possible, existing infrastructure—and NASCA urges BOEM to do so here, revising lease areas 0564, 0565, and 0566 to exclude all or most of the Amitié and EXA Atlantic systems, or, alternatively, delineating categorical exclusion zones around the existing submarine cables. Such an approach is consistent with a 2014 report adopted unanimously by the FCC’s Communications Security, Reliability, and Interoperability Council (“CSRIC”) (and reflecting input from both FERC and BOEM), recommending that the FCC explore with other government agencies the creation of exclusion zones around existing submarine cables based on well-established spatial requirements for submarine cable installation and maritime activities “that would exclude on a categorical basis activities within a defined distance of a submarine cable absent agreement with the submarine cable owner.”¹⁰

Second, BOEM should ensure that its proposed sales notices expressly identify existing submarine telecommunications cable infrastructure, putting potential lessees on notice that they may face site use restrictions or will, at a minimum need to coordinate their activities and infrastructure. BOEM takes such an approach with other activities and stakeholders. For example, the Proposed Sales Notice expressly states that specific site use restrictions may be required to mitigate potential conflicts with Department of Defense and Navy activities, to provide for transit corridors for the fishing industry, to protect sand resources, and to facilitate vessel transit and navigational safety.¹¹

Third, BOEM should ensure that the lease documentation itself includes an express requirement not just to share information, but to actively coordinate with existing infrastructure owners within the lease area. Such coordination should be based on internationally-accepted recommendations for coordination between the submarine cable and renewable energy industries (i.e., spatial separation guidelines and the need for proximity and cable crossing agreements), including CSRIC’s recommendations and the recommendations of the International Cable Protection Committee (“ICPC”). At a minimum, BOEM should direct potential licensees to such

¹⁰ Communications Security, Reliability and Interoperability Council, Working Group 8 Submarine Cable Routing and Landing Final Report—Protection of Submarine Cables Through Spatial Separation at 57-58 (2014).

¹¹ Proposed Sale Notice at 35224-35225.

Bureau of Ocean Energy Management

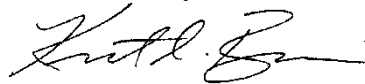
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recommendations, in particular ICPC's recommendation No. 2, Cable Routing and Reporting Criteria, and Recommendation No. 3, Telecommunications Cable and Oil Pipeline/Power Cables Crossing Criteria.¹²

In short, NASCA urges BOEM to recognize the critical character of submarine telecommunications infrastructure by taking such infrastructure into account at every stage of the leasing process—in delineating lease areas, preparing proposed sales notices, and in the lease documentation itself. Such a comprehensive approach would go a long way towards minimizing potential use conflicts and mitigating the risk of damage to infrastructure through uncoordinated activities. More broadly, it would establish a framework for the efficient and safe installation, operation, maintenance and repair of both submarine telecommunications cable and offshore wind infrastructure—to the long term benefit of both industries.

Yours sincerely,



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¹² For more information on these recommendations, please refer to the ICPC's website, www.iscpc.org. Please also see Gulf of Maine Comments at 12-18, describing these recommendations in more detail.

EXHIBIT A

