



# **Working Group 8: Submarine Cable Routing and Landing Working Group**

## **Updates on Reports 2 and 3**

March 18, 2015

**Kent Bressie (North American Submarine Cable Association/  
Harris, Wiltshire & Grannis LLP), Chair**

# WG8 Overview

- WG8 has been examining the risks posed to submarine cable infrastructure and how proximity to other marine activities, governmental permitting processes, and clustering of cable routes and landings can increase the risk of cable damage and harm U.S. network resilience.
- WG8 has recommended separation standards and alternative architectures, and it has outlined government policies, and interagency coordination mechanisms to promote a more resilient submarine cable infrastructure.



# WG8 Membership

WG8 Chair: Kent Bressie, Harris, Wiltshire & Grannis LLP/NASCA

FCC Liaison: Michael Connelly, Public Safety and Homeland Security Bureau

NAME	ORGANIZATION
Steve Balk	Sprint
Stephen Bowler*	Federal Energy Regulatory Commission
Chuck Brownawell	Sprint
Catherine Creese	U.S. Navy
Seth Davis	SRD Consulting
Jennifer Golladay	Bureau of Ocean Energy Management, U.S. Department of the Interior
Kurt Johnson	Pacific Crossing
Nick Lordi	Applied Communication Sciences
John Madden	State of Alaska
John Mariano	The David Ross Group
Ann Miles*	Federal Energy Regulatory Commission
Mike O'Hare	State of Alaska
Wayne Pacine	Federal Reserve Board of Governors
Brian Peretti	U.S. Department of the Treasury
Ronald Rapp	Tyco Electronics Subsea Communications
Neil Rondorf	Leidos (also Chairman, International Cable Protection Committee)
Frank Salley	Verizon
Joseph Schatz	U.S. Department of the Treasury
Nikki Shone	Southern Cross Cables
Anthony Smith	Goldman Sachs
Matthew Solomon	U.S. Department of the Treasury
Rick Spencer	CenturyLink
Takahiro Sumimoto	Pacific Crossing
Alland Sy	Goldman Sachs
Gerald Tourgee	North American Submarine Cable Association
Robert Wargo	AT&T (also President, North American Submarine Cable Association)
Joel Whitman	Whitman Consulting Group

\* As an independent regulatory agency, FERC and its personnel are not formal members of WG8 and participate only in an informal, advisory capacity.



# WG8 Deliverables

- WG8 was tasked with producing three separate reports:
  - **Report 1:** to recommend approaches for spatial separation of submarine cables and other offshore activities/infrastructure to ensure infrastructure protection and continuity of communications (The full CSRIC unanimously adopted Report 1 and its recommendations at the December 2014 meeting.)
  - **Report 2:** to examine gaps, conflicts, and sources of delay in existing federal, state, and local interagency coordination for offshore permitting and recommend mechanism for enhancing coordination without increasing regulatory burdens.
  - **Report 3:** to address industry best practices and government policies for promoting geographic diversity of submarine cable routes and landings.

# Status of Reports 2 and 3

- Report 1 posed a more significant undertaking for WG8 than originally expected, although WG8 ultimately delivered a comprehensive consensus document that the full CSRIC adopted unanimously.
- With a particularly small working group, WG8 simply ran short on time in completing Reports 2 and 3.
- With the agreement of the CSRIC leadership and FCC staff, WG8 has delivered outlines of Reports 2 and 3 with the intention that these reports be taken up by a submarine cable working group in CSRIC V.

# Outline of Report 2: Interagency and Interjurisdictional Coordination

- Review of key federal regulatory activities and their lead agencies
  - Cable landing licenses for submarine cables (FCC, State Dep't, and Team Telecom)
  - Permitting for structures in navigable waters (Army Corps)
  - Permitting for dredging and beach replenishment (Army Corps and BOEM)
  - Leasing and permitting for oil and gas development (BOEM, FERC, and Coast Guard)
  - Permitting for renewable energy development (FERC and BOEM)
  - Permitting and exclusions (and mitigation) involving marine protected areas and species (NOAA)
  - Commercial/tribal fishing (NOAA and regional fisheries management councils)
  - Military exercises (*i.e.*, bombing ranges and submarine activities) and construction (*i.e.*, new undersea ranges and cables) (DoD)
- Key state and local regulatory activities

# Outline of Report 2 (continued)

- Existing Coordination Problems
  - Statutes do not direct federal or state agencies to account for submarine cables
  - Agencies rely on National Environmental Policy Act (“NEPA”) processes (meant to identify and mitigate environmental impact) for planning and coordination purposes, even though many planning and coordination issues do not involve environmental impacts
  - Permitting regulations do not require identification of submarine cables or coordination with submarine cable operators at any stage in project development (whereas such activities should occur at the earliest possible stages)
  - Agencies and other industries are unfamiliar with submarine cable operational requirements, vulnerabilities, statutory or treaty protections, or status as critical infrastructure
  - Agencies and other industries lack access to a centralized, up-to-date, and public resource clearly identifying existing and planned submarine cables and their owners
  - Absence of a clear federal point of contact
  - Non-compliance with NEPA

# Outline of Report 2 (continued)

- Existing Interagency and Interjurisdictional Coordination Mechanisms
  - Regional processes (*e.g.*, Mid-Atlantic Regional Ocean Council (“MARCO”))
  - Interagency regulators group
  - Interagency memoranda of understanding
  - Informal notification procedures
  - National Ocean Council
  - Federal Renewable Ocean Energy Working Group
  - Formal and project-specific coordination
  - Consultations with North American Submarine Cable Association as central industry point of contact and clearinghouse for cable system information
- Recommendations



# Outline of Report 3: Clustering of Cables and Cable Landing Stations

- Significance of Geographic Diversity for Network Protection and Resilience
- Factors Influencing Routing of Submarine Cables and Landing Sites
  - Economic opportunities
  - Regulatory factors: timing, mitigation conditions, costs
  - Ease of permitting, environmental issues
  - Sea floor topography
  - Proximity to commercial fishing, sand and gravel borrow areas, and vessel anchorages
  - Proximity to other marine infrastructure
  - Access to terrestrial networks
- Recommendations