

October 25, 2023

*Via Electronic Submission*

National Oceanic and Atmospheric Administration  
U.S. Department of Commerce  
1401 Constitution Avenue NW  
Room 5128  
Washington, DC 20230

**Re: Proposed Rule, Office of National Marine Sanctuaries (ONMS), National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce; Proposed Chumash Heritage National Marine Sanctuary (88 Fed. Reg. 58,123-58,145, August 25, 2023)**

To Whom It May Concern:

The U.S. Chamber of Commerce (“Chamber”) and the Information Technology Industry Council (“ITI”) respectfully submits these comments to the aforementioned proceeding, the National Oceanic and Atmospheric Administration’s (“NOAA”) proposed designation of the Chumash Heritage National Marine Sanctuary (“proposed designation”). We are concerned that NOAA’s proposed designation does not provide sufficient certainty for the maintenance, repair, and construction of subsea fiber optic cable infrastructure, which presents significant risks for America’s communications networks.

Communications infrastructure serves as arteries for the U.S. economy and is essential to connecting all Americans to healthcare, the financial system, education, and other crucial products and services. Subsea fiber optic cables play an important role in our networks considering they empower businesses and consumers across the United States to communicate globally in near real time. In fact, undersea cables carry 99% of the world’s information, including voice, video, data, and online gaming.

The proposed designation significantly impacts existing subsea cable infrastructure, including at Grover Beach, and will limit the ability for future undersea cables to be installed. Specifically, the proposed designation requires an additional permit from NOAA to maintain and repair existing cables, which will make it more costly and time consuming to maintain these cables. Instead, NOAA should exempt the maintenance and repair of subsea cables as the proposed designation does for other types of infrastructure. In addition, the proposed designation establishes an additional regulatory layer to build new cables, deemed the Special Use Permit. The

Chamber and ITI are concerned that the Special Use Permit is duplicative to existing processes and will disincentivize the construction of new subsea cable infrastructure. As such, it encourages NOAA to exempt subsea fiber optic cables from this requirement and instead rely on existing federal, state and local permitting requirements. Additional broadband infrastructure is needed due to rising consumer and business use of innovative communications products and services.

Thank you for considering our comments on the proposed designation. If you have any questions, please reach out to Matt Furlow, at [mfurlow@uschamber.com](mailto:mfurlow@uschamber.com) or Katie McAuliffe at [KMcAuliffe@itic.org](mailto:KMcAuliffe@itic.org).

Sincerely,

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