

Comments
to the Draft Amendments of the TSP Part 4
Presented at the Third Working Group on January 11, 2023

1. Tables of Contents/Outline

TSP Part 4 needs a clear structure and detailed table of contents/outline to be agreed upon with all Working Group (WG) members before proceeding with the text proposal. DSL prepared and sent a draft table of contents/outline on January 3, 2023, for discussion with all WG members.

This draft is attached here separately.

There are several reasons to agree on the outline at the initial stage of discussions:

- a) Clear understanding of the amendments' primary purpose, objectives, and outcomes for everyone.*

The Working Group (WG) has a diverse audience of representatives from different agencies (federal, state, and local governments, private companies, NGOs, fishery associations, consultants/experts, the public, etc.). Consequently, not everyone has the same knowledge of policies, permitting processes, terminology, and technical aspects of the undersea cables development infrastructure.

Discussions demonstrated this during the Third WG on January 11, 2023. Participants asked many questions about goals, acronyms, terminology, and the meaning of the specific terms proposed in the first draft amendments.

Also, members of the WG emphasized a broad text proposal that doesn't address specific issues outlined in HB 2603.

- b) Covering all aspects of undersea cable development highlighted in HB 2603.*

TSP Part 4 was adopted in 2000. So, 22 years have passed since that time. The text of the amendments should demonstrate significant improvement in understanding of undersea cable development infrastructure according to international, national, state, and local requirements. It should consider environmental, economic, and social factors and risks associated with submarine cables. Also, it should consider the public opinion to avoid any pressure from the public at the later stage of amendments. For example, Crag Law Center published an article on May 25, 2022 (<https://crag.org/facebookedgecable>), where the Center highlighted expectations from HB 2603.

Therefore, TSP Part 4 amendments should have a new structure considering the latest development in the area and should avoid adopting the same existing text by adding new paragraphs with broad meaning. TSP Part 3 last draft amendments could be an example with a table of contents.

c) *Including new geological and best practice research*

DLCD conducted enormous work to organize DOGAMI geological research and the Best Practice Undersea Cables research. These two reports are an excellent source to cover almost all aspects required by HB 2603.

d) *Subgroups formation*

A clear structure/outline will allow forming subgroups for each specific section to draft the text of amendments based on knowledge and WG members' expertise within a particular area.

2. Distinguish between different types of undersea cables

TSP Part 4 has the name: "A. Telecommunication Cables, Pipelines, and Other Utilities."

This name addresses different types of cables that transfer/transport different data, information, or resources. For instance, telecommunication cables transport data/information via fiber optical cables. Pipelines may include the transportation of oil, natural gas, LPG, or hydrogen. In the upcoming years, renewable energy export cables will be in high demand for installation and landing through the Territorial Sea, which transports electricity generated by offshore wind farms to the substations on the land.

All these cables transfer different materials, which have various environmental impacts, risks, permitting processes, requirements for mitigation measures, inspection, and reporting. For example, the transportation of liquid materials such as oil and gas requires periodical monitoring, reporting, and inspection to avoid any leakages into the ocean that could make a significant negative impact on ocean ecosystems and fishing. It's not the same approach for transferring data, where "leakage" could be related only to cybersecurity aspects (e.g., attacks from Russia).

HB 2603 relates only to telecommunication cables. Therefore, it would be appropriate to separate/divide these types of cables in new amendments and provide definitions of these cables.

In this regard, TSP Part 4 should be named: "Telecommunication Cables, Pipelines, and Other Utilities" without "A." Then, "A" would be related only to telecommunications cables (see proposed table of contents/outline): "A. Telecommunication Cables." It would leave a possibility for B, C, and D... for other types of cables that could be added later when new amendments are needed.

3. Crossing cables

With reference to Point 2 above, there is a demand for considering crossing cable routes between telecommunication cables and renewable energy export cables during the planning, installation, maintenance, and removal phases.

The US Department of Energy presented a draft West Coast Offshore Wind Transmission Literature Review and Gaps Analysis on January 12, 2023. This analysis addresses policies, markets, offshore wind transmission planning, and potential wind energy resources on the West Coast (California, Oregon, and Washington).

Interregional coordination between policymakers, regulators, transmission planning organizations, and grid operators was highlighted in this analysis as one of the most significant gaps, following up with technological and technical capacities. Therefore, these aspects should be included in TSP Part 4 as potential cooperation and coordination.

4. Transparency of text drafting amendments

It is recommended to create a shared drive for drafting text amendments where each WG member can comment/add and suggest changes. For example, TSP Part 3 amendments were done in this way.

This approach will provide inclusiveness, openness, and transparency in the process of drafting the text. Also, each WG member can see other comments that offer a good learning environment for each other and promote fruitful discussion during the WG meeting.