

**Sanctuary Advisory Council**  
**Monterey Bay National Marine Sanctuary**  
299 Foam Street  
Monterey, CA 93940  
(831) 647-4201

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July 15, 2002

Helen Golde, Chief  
Conservation Policy and Planning Branch  
Office of National Marine Sanctuaries  
1305 East-West Highway, 11<sup>th</sup> Floor  
Silver Spring, MD 20910

**RE: Comments on Fiber Optic Cables and Special Use Permits**

Dear Ms. Golde:

Thank you for giving the Monterey Bay National Marine Sanctuary Advisory Council the opportunity to provide comments on the subject of special use permits for activities conducted in national marine sanctuaries. The Monterey Bay National Marine Sanctuary (MBNMS) is our country's largest national marine sanctuary and this Advisory Council is comprised of 23 representatives of the central California community, including user groups and government agencies.

We welcome this opportunity to comment on the special use permit requirements of Section 310 of the National Marine Sanctuaries Act (NMSA) as noticed in 67 Fed. Reg. 35501 on May 20, 2002. As you know, the Monterey Bay Sanctuary Advisory Council has commented on a number of past policy initiatives related to submerged fiber optic cables. We submitted comments regarding both the Department of Commerce's proposed rule on "Installing and Maintaining Commercial Submarine Cables in the National Marine Sanctuaries" and on the Fair Market Value Analysis for Commercial Submarine Cables in National Marine Sanctuaries.

The notice and request for public comment contained in 67 Fed. Reg. 35501 states that cable installation, removal and repair activities are authorized under the National Marine Sanctuary Program's regulatory authority and only the continued presence of the cable under the seafloor is subject to the special use permit provisions of the NMSA. At our June 7, 2002 meeting, the MBNMS Advisory Council voted to ask the Office of National Marine Sanctuaries to reconsider the appropriateness of using special use permits (Section 310) to approve commercial fiber optic cable

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projects. Our position is based on the information your program has that commercial fiber optic cables do, indeed, cause impacts to sanctuary resources after they are laid.

Thank you for your consideration of these comments.

Sincerely,



Stephanie Harlan  
Chair, Sanctuary Advisory Council