



**Gray's Reef NMS
Sanctuary Advisory Council**

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Sapelo Island NERR

August , 2013

Nicole R. Le Boeuf
Chief, Marine Mammal and
Sea Turtle Conservation Division
Office of Protected Resources
National Marine Fisheries Service
1315 East-West Highway
Silver Spring, MD 20910

RE: Proposed Rule to Eliminate the Expiration Date Contained in
the Final Rule to Reduce the Threat of Ship Collisions with North
Atlantic Right Whales

Dear Ms. Le Boeuf,

The Gray's Reef National Marine Sanctuary Advisory Council is writing to comment on the above referenced proposed rule. Gray's Reef National Marine Sanctuary is located in the northeast corner of the Southeast U.S. Seasonal Management Area within the only known calving grounds of the critically endangered North Atlantic right whale. The Advisory Council's nineteen members consist of stakeholders representing fishing, diving, conservation, science, education, citizens-at-large, and state and federal agencies.

Recognizing that the Precautionary Principle is key for protecting critically endangered species, members of the Gray's Reef Sanctuary Advisory Council request that the "sunset clause" be removed from regulations requiring vessel speed restrictions. Recent studies indicate that vessel speed restrictions reduce the occurrence or severity of vessel strikes of right and other large whale species and the Advisory Council agrees that the available data warrant the continuation of these speed restrictions.

The Advisory Council further requests that a provision be added to the regulations to require scheduled, periodic reviews of the vessel speed restrictions assessing their effectiveness in reducing whale strikes and their economic impacts to the public and shipping industry. The review should produce a report that is made available to the public. The periodic reviews will provide the National Marine Fisheries Service with information to evaluate potential changes to the regulation, including alteration of seasonal restrictions and management areas. The goal of any changes will be to retain or increase biological protection to the North Atlantic right whales while minimizing economic effects.

Page 2
Nicole R. Le Boeuf
August, 2013

The Advisory Council recommends periodic reviews at intervals of 7-10 years. This timing will be adequate to conduct studies and evaluate and assimilate the information for inclusion in a report. The suggested provision for periodic review is in addition to that required by Executive Order 13563 (Improving Regulation and Regulatory Review, January 2011).

Sincerely,

Daniel F. Gleason, Ph.D.
Chair, Gray's Reef Sanctuary Advisory Council

cc: Greg McFall, Superintendent, Gray's Reef National Marine Sanctuary
Daniel J. Basta, Director, Office of National Marine Sanctuaries (ONMS)
Billy Causey, Director, ONMS Southeast Atlantic, Gulf of Mexico and Caribbean Region

The Gray's Reef Sanctuary Advisory Council is an advisory body to the sanctuary superintendent. The opinions and findings of this publication do not necessarily reflect the position of Gray's Reef National Marine Sanctuary and the National Oceanic and Atmospheric Administration.