



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

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Suzanne VanParreren  
Sapelo Island NERR

July 26, 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.

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Nicole R. Le Boeuf  
July 26, 2013

The Advisory Council recommends periodic reviews at intervals of no more than ten (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,

A handwritten signature in black ink, appearing to read "Daniel F. Gleason", followed by a horizontal line extending to the right.

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.*