



# MARINE MAMMAL COMMISSION

15 February 2013

Mr. Jeffrey Zients, Acting Director  
Office of Management and Budget  
600 17<sup>th</sup> Street, NW  
Washington, DC 20508

Dear Mr. Zients:

The National Marine Fisheries Service will soon propose an extension of a 10-knot speed limit for vessels entering major east coast ports. The purpose of the speed limit is to prevent deaths of highly endangered North Atlantic right whales from ship strikes. Adopted in 2008, the current speed limit was scheduled to sunset after five years and therefore will expire in December 2013. The efficacy of the rule was to be determined at the end of that five-year period but many, including the Service and the Commission, have judged that five years has not been sufficient to collect the data needed for such an evaluation. The Commission believes the rule should be extended, at least until scientists can collect sufficient data and conduct the needed analyses to judge its effectiveness.

The Commission's view is based on the following considerations. First, ship collisions have been the largest single cause of human-related right whale deaths. Indeed, ship collisions and entanglements in fishing gear have caused half of all known right whale deaths. Preventing human-caused deaths is the only option for promoting the species' recovery. Although statistical tests of the speed limit's effectiveness are not yet meaningful, no deaths from ship strikes have been reported within the managed areas since the limit was adopted. Second, the speed limit is (and has been widely cited as) the prototypical example of successful marine spatial planning and ecosystem-based management, both championed by the Administration's new National Ocean Policy. Third, new economic analyses indicate that the speed limit's impact on shipping is about half that projected when the Service proposed the rule in 2006.

Although we all would prefer that regulations such as this speed limit have no economic impact, that apparently is not possible. To satisfy the intent and goals of the Marine Mammal Protection Act and the Endangered Species Act, the Administration's decisions in such matters must not be driven solely by economics, for we are a country with multiple values, including maintaining healthy marine ecosystems for future generations. This speed limit provides a mechanism for achieving conservation goals while minimizing economic impact. Thus, the Commission urges you to support the Service's efforts to extend the limit at least long enough to judge its true merits.

Please contact me if the Commission can provide any assistance during your consideration of this rule.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. Ragen".

Timothy J. Ragen, Ph.D.  
Executive Director

cc: Boris Bershteyn, Acting Administrator, Office of Information and Regulatory Affairs