



MARINE MAMMAL COMMISSION

5 August 2013

Ms. Mary Colligan
Assistant Regional Administrator for Protected Resources
National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 09130
Attn: Large Whale Proposed Rule

Dear Ms. Colligan:

The Marine Mammal Commission has started reviewing the proposed rule (78 *Fed. Reg.* 42654) and associated Draft Environmental Impact Statement (DEIS) on proposed amendments for the Atlantic Large Whale Take Reduction Plan. We noted several significant inconsistencies between the agency's preferred action as described in the DEIS and its proposed rule with regard to what fisheries would and would not be included in proposed closure areas. This is a key aspect of the proposed action. Because we were unsure where the errors lay, we contacted your staff and learned that the provisions in the proposed rule are correct and those in the DEIS are not. The MMC believes that this discrepancy will cause confusion among some reviewers, particularly those who are not accustomed to reading complex regulatory language and assume that the maps and plain language in the DEIS describing the proposal are accurately reflected in the rules. Had we not contacted your staff directly to ask which was correct, we would not have known what the agency was actually proposing. Because of the significance of the erroneous description of the proposed closures, the MMC believes the agency must do all it can to avoid confusion among reviewers as to what actually is being proposed.

In view of this error, the MMC requests that a formal 30-day extension of the comment period for all reviewers be published in the *Federal Register* and asks that your office take immediate steps to ensure that reviewers are aware of the discrepancies between the DEIS and what the agency is proposing. In this regard, the MMC recommends that your staff (1) correct the pages in the DEIS with errors, (2) identify and post the corrected pages on your agency's web site along with a brief note explaining the corrections, and (3) send a notice of the error and availability of the corrected DEIS pages on your web site to all people to whom notice of the DEIS was sent.

If you have any questions on this request and recommendation, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca Lent".

Rebecca Lent, Ph.D.
Executive Director