

**From:** [Kathy Metcalf](#)  
**To:** [Dudley, Susan E.;](#)  
**CC:** [Rostker, David;](#)  
**Subject:** Proposed Rulemaking to Implement Speed Restrictions to Reduce the Threat of Ship Collisions with North Atlantic Right Whales (Docket No. 040506143-6016-02.I.D.101205B; RIN 0648-AS36)  
**Date:** Friday, August 24, 2007 2:16:18 PM  
**Attachments:** [Right Whale Speed Restrictions Proposed Rule.doc](#)

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Dear Ms. Dudley:

I have recently been in touch with federal agency representatives inquiring as to the status of the right whale speed restriction proposed rule. I was recently informed that the rule is currently being held in OMB for further evaluation.

My organization, the Chamber of Shipping of America, has been involved with this issue for a number of years and we are in process of providing information to our member shipping companies which will enable their compliance with the final rule which we expected to be published earlier this summer. While we understand that some of our shipping industry colleagues have objected to publication of a final rule based on economic impact on their operations; an economic impact, I might add, that is shared by our members, our members also recognize the need to create a reasonable program that mitigates the impact of commercial shipping operations on the endangered North Atlantic Right Whale as well as the impact of liability provisions under the Endangered Species Act on our members should one of their vessels inadvertently harm or kill an endangered species. As noted in our formal comments to the docket (attached to this message) specifically in paragraphs (2) and (3), although our members would prefer a 14 knot speed restriction, they can support a 10 knot speed restriction providing the final rule permits increases over that amount for safety of navigation purposes.

Noting the size of the docket associated with this rulemaking, including the very comprehensive documents prepared by NOAA and the US Coast Guard, we appreciate the challenges facing your office in final evaluation and hopefully publication of the final rule in the near future. As you well know, the science surrounding emerging issues is never black and white and we have faith that as we learn more about the interaction of North Atlantic Right Whales and commercial ships, we can design even more protective programs which carry less economic

impact on the shipping industry. For the time being however, our members believe the economic impacts associated with the proposed rule (assuming it includes a provision for increased speeds for safety of navigation) are well worth the benefits to preserving this most endangered species.

We would be happy to talk further with you should you wish to do so.

Sincerely,

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