

U.S. Department of
Homeland Security

United States
Coast Guard



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JUN - 9 2005

Dr. William T. Hogarth
Assistant Administrator for Fisheries
National Marine Fisheries Service
1315 East West Highway, SSMC3
Silver Spring, MD 20910

Dear Dr. Hogarth:

This is in response to your letter of May 12, 2005, requesting changes to notice to mariners and mandatory ship reporting system messages to include language recommending speeds of 12 knots or less in areas used by right whales when consistent with navigational safety.

In consultation with your Office of Protected Resources, the endangered whales broadcast notice to mariners language was updated in April 2005 and is provided as enclosure (1). The request by your staff to recommend speeds not exceeding 12 knots in right whale habitat was not included in the modification, as it contained language contrary to internationally accepted terminology (e.g. the word "extreme" in front of "caution" and "slow" in front of "safe speed"). Safe speed, while not defined numerically, is recognized by the accepted definition promulgated in Rule 6 of the International Regulations for Prevention of Collisions at Sea (COLREGS). Furthermore, such a recommendation will be received by all mariners monitoring Coast Guard broadcast notices, whether arriving or departing U.S. ports or transiting in innocent passage, and could be viewed as Coast Guard endorsement of speed restrictions.

We believe interagency consultations are necessary to develop a U.S. government position regarding vessel speed or routing regulations to promote recovery of the North Atlantic Right Whale. These measures have potential impacts on national security, compliance with international law, and other policy interests that must be considered along with recovery of right whales. This is the same process used in the successful joint Coast Guard/NOAA effort to establish and implement the Mandatory Ship Reporting System.

We are happy to work with you to arrange a ship strike interagency working group meeting. I will have a member of my Office for Law Enforcement contact Mr. Greg Silber of your Office for Protected Resources to arrange a meeting.

Sincerely,

A handwritten signature in black ink that reads "Tom Collins".

THOMAS H. COLLINS
Admiral, U.S. Coast Guard
Commandant