

UNITED STATES OF AMERICA

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DEPARTMENT OF COMMERCE
NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION

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DRAFT ENVIRONMENTAL IMPACT STATEMENT
PUBLIC HEARING

OPERATIONAL MEASURES OF THE NORTH ATLANTIC
RIGHT WHALE SHIP STRIKE REDUCTION STRATEGY

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TUESDAY,
AUGUST 8, 2006

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The public hearing came to order at 1:30 p.m., at the University of North Florida, University Center, Trustees Board Room, 12000 Alumni Drive, Jacksonville, Florida, Laurent Cartayrade, moderator, presiding.

PRESENT:

GREG SILBER, Office of Protected Resources
SHANNON BETTRIDGE, Office of Protected Resources
JESSICA GRIBBON, Earth Tech
LAURENT CARTAYRADE, Earth Tech
Richard Blankfeld, Nathan Associates

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1 P-R-O-C-E-E-D-I-N-G-S

2 (1:30 a.m.)

3 MR. CARTAYRADE: I want to make you
4 aware that from now on we are going to be
5 recording the meeting and it is going to be
6 everything that will be said here will be compiled
7 of the public record and will end up in one form
8 or another in the final EIS that will be published
9 at a date yet to be determined.

10 What I'm going to do - I have here --

11 MS. GRIBBON: These are the two
12 websites.

13 MR. CARTAYRADE: Oh, I'm already
14 forgetting things. There are websites where you
15 can find further information for downloading the
16 documents we have been talking about. The EIS -
17 and for all documents that you may need.

18 What we are going to do now is
19 finally, I'll pass the mic on to - I have really
20 some people who signed in here. In the order that
21 you signed in mostly, I'm going to be calling your
22 name and we are going to ask that you come back

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1 here, actually I think - we can leave it that way
2 for now. We ask that you do not take more than
3 five minutes for your comments if possible. If
4 you have more extensive, more complex comments
5 that cannot be made in five minutes, we suggest
6 that you make them in writing that you know you
7 comment on the EIS.

8 We have 14 people signed in. We are
9 going to call first the people who signed in. Of
10 course, at the end if someone has changed their
11 mind and they want to speak they are welcome to
12 let us know. But we are going to start with the
13 people who signed in and first I have to apologize
14 I may end up butchering some of your names. I'm
15 going to try to do my best but, again, I do
16 apologize in advance.

17 The first person who signed in I
18 think is Ms. Victoria B. Robas, welcome.

19 MS. ROBAS: Thank you.

20 MR. CARTAYRADE: Please state your
21 name clear at the beginning of your recitation so
22 our court reporter can get it. Thanks.

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1 MS. ROBAS: My name is Victoria B.
2 Robas and I'm representing the Board of Pilot
3 Commissioners, State of Florida.

4 Good afternoon, my name is Victoria
5 Robas. I'm a member of the Board of Pilot
6 Commissioners of the State of Florida. I am also
7 its chair.

8 On behalf of the Board of Pilot
9 Commissioners, I'm requesting an extension on the
10 stated comment period since the Board has not had
11 an opportunity to meet and publicly discuss this
12 issue. Therefore, I cannot represent the views of
13 the Board but request the opportunity to bring
14 this before the Board and submit its comments
15 after our September 2006 meeting. My comments
16 today are my personal observations.

17 For your guidance the Board of Pilot
18 Commissioners is passed by the State of Florida
19 Legislature to ensure the safe navigation of
20 vessels transiting its 14 deepwater seaports by
21 regulating pilotage with the purpose of protecting
22 the navigable waters of the state, the

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1 environment, life and property. The proposed rule
2 50 CFR 224 has direct impact on the operation of
3 vessels being directed and controlled by pilots
4 licensed by the State of Florida and regulated by
5 the Board of Pilot Commissioners.

6 As it is written, it is possible that
7 certain aspects of the rule could have unintended
8 consequences of creating hazard to the environment
9 as well as a safety issue for the large ocean-
10 going vessels calling Florida's ports. I believe
11 it would be beneficial to your deliberations to
12 allow us the ability to publicly discuss the
13 proposed rule and provide a response prior to the
14 rule being enacted.

15 We appreciate your agreement to
16 accept our comments after our September 2006 Board
17 meeting.

18 Sincerely Victoria B. Robas, Chair,
19 Board of Pilot Commissioners, Department of
20 Business and Professional Regulation, State of
21 Florida. Thank you.

22 MR. CARTAYRADE: Thank you very much.

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1 Jessica was reminding me that some of you might
2 not be aware our purpose today is to take
3 comments. We are not going to respond right away.

4 The official response to the comments will be in
5 the final EIS, which I think most of you asked to
6 be sent or to be provided when it is issued. So
7 that is when you will be able to see specifically
8 how each comment has been addressed.

9 For the second speaker I have a
10 special request. I'm going to move someone up
11 because they have to go pick up kids at school
12 and, you know, it's an important thing to do. So
13 Andrea Conover. Thank you.

14 MS. CONOVER: Hi. I'm Andrea Conover
15 and thanks for letting me speak earlier than
16 Number 8. I live in Ponte Vedra Beach, which is
17 just southeast of Jacksonville. I'm not an expert
18 in whales or I don't have any interests in
19 representing anybody except myself and family and
20 maybe other moms that are interested in nature and
21 having something left for our kids to see.

22 I just know when we are at the beach

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1 and people see whales or dolphins out in the ocean
2 everybody just stops what they are doing and looks
3 out. And everybody just loves nature. You know,
4 it's a shame we are down to 300 Right Whales*,
5 we've got the opportunity to make some changes
6 that will protect these animals. We should do it
7 now before it's too late.

8 I know there's a normal public
9 comment time and it sounds like it's going to get
10 extended but don't forget these babies are going
11 to get born in the next few months and you don't
12 want to wait too long because it might be too late
13 by then.

14 Thanks.

15 MR. CARTAYRADE: Thank you very much.
16 The next person who signed in is Mr. John
17 Atchison, if you would like to come up, sir.

18 MR. ATCHISON: My name is John
19 Atchison. I am president and speak on behalf of
20 St. John's Bar Pilot Association. We handle all
21 of the large ship traffic into and out of the Port
22 of Jacksonville.

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1 I have an unlimited Master's license
2 and have been a pilot in Florida for 18 years.
3 All of the pilots that work together have the same
4 credentials as I do.

5 My comments regard the proposed rules
6 and the strategy alternative involving speed
7 restrictions as it relates to vessel safety. As
8 state pilots and as federal pilots our primary job
9 is the safety of the vessels during inbound and
10 outbound transit in pilotage waters. The aspect
11 of the rules that is of particular concern to us
12 is the speed restrictions on the critical stretch
13 of water from the pilot boarding area to the
14 shoreline.

15 The weather during the months that
16 these restrictions are in effect is some of the
17 most hazardous that we face. Often the prevailing
18 north or northeast winds blow in excess of 20 to
19 25 knots for days at a time. These winds usually
20 cause a very strong cross current at the mouth of
21 the breakwaters. Bringing vessels in or out
22 through these breakwaters can be extremely

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1 hazardous during these conditions. It is normal
2 for us to bring these ships up to the maximum safe
3 speed possible with short notice to transit this
4 area in order to prevent wind and current from
5 setting the vessels on to the rocks.

6 Some vessels, especially large, high-
7 sided vessels such as container ships and car
8 carriers as well as deep loaded tankers and bulk
9 vessels, require speeds well in excess of the
10 proposed 10-knot restriction in order to pass
11 through the breakwaters safely.

12 Should these rules pass our ability
13 to provide all-weather, 24-hour service will be
14 severely diminished and commerce in Jacksonville
15 will be drastically affected whenever adverse
16 weather occurs. I don't know if these delays
17 which could amount to days at a time for probably
18 more than half of our traffic was, you know,
19 factored into the economic impact but I would
20 guess based on the figures of 200 plus million
21 that they were not.

22 The rest of my comments are more in

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1 terms of questions, which I will submit as written
2 comments.

3 Thank you.

4 MR. CARTAYRADE: Thank you very much.

5 The next person is Ms. Hallie
6 Stevens.

7 MS. STEVENS: Hi, I'm Hallie Stevens.
8 I'm the Northeast Florida Program Director for the
9 Nature Conservancy. The Nature Conservancy is an
10 international non-profit conservation organization
11 whose mission is to preserve plants, animals and
12 natural communities by protecting the waters and
13 lands they need to survive.

14 The Right Whale is an important
15 target species for the Nature Conservancy in
16 Southeast Georgia and Northeast Florida. We would
17 like to support the position of reducing the speed
18 to 10 knots. We also would really ask for
19 urgency. I know I have heard a few different
20 extensions requested, but there's only 300 whales
21 left. We really think that we need to act now and
22 we can always revisit those regulations later if

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1 the species improves.

2 Thank you.

3 MR. CARTAYRADE: Thank you very much.

4 The next speak is Ms. Jessica and I
5 could not make out the name, Koelsch. I'm sorry.

6 You know who you are.

7 MS. KOELSCH: Hi, good afternoon.

8 I'm Jessica Koelsch. I am the Regional Wildlife
9 Program Manager with the Ocean Conservancy based
10 in St. Petersburg. You will be seeing my
11 counterparts at the other public hearings as well.

12 The economic analysis, which you
13 presented, was certainly impressive and thorough.
14 I'm going to be speaking to the rule making and
15 there are a number of other speakers here today as
16 well I know that wanted to speak to the proposed
17 actions.

18 You know on behalf of our 15,000
19 members in Florida and 180,000 members in the
20 U.S., I want to urge you to move quickly with
21 implementing management measures that will protect
22 the remaining Right Whales. You have already

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1 received over 5,000 e-mails from our members and
2 activists asking you to adopt the 10-knot speed
3 limit in the area and at the time of the year most
4 critical for the whales. I don't need to remind
5 you because I'm sure you read it a thousand times,
6 that we want these restrictions to apply to all
7 non-sovereign vessels over 65 feet in length. Of
8 course, as a science-based advocacy organization
9 we urge you to use the best available information
10 for determining the key locations and times of
11 year for these management measures as you have.

12 I'm also very happy that there are
13 several faces to go with those e-mails that you
14 received that will also be speaking today.

15 We support protection that ensures
16 the survival and recovery of the species. We
17 understand and appreciate the need to balance
18 Right Whale protections with economic impact. And
19 we feel that the proposed alternative accomplishes
20 this balance. In fact, the comprehensive measures
21 outlined in Alternative 5 and 6 are the best
22 options for recovering the species. We understand

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1 that some measures such as routing recommendations
2 may require some additional analysis, may take a
3 little longer to implement. However, others, such
4 as limiting the ship speeds in key areas
5 especially. Their calving grounds right here off
6 Jacksonville should be implemented immediately. I
7 don't need to tell you that a loss of breeding
8 females, especially those pregnant and near-term
9 calves a collision with large ships - it's
10 unsustainable, and we are pleased that NMFS is
11 taking a - moving in the direction of doing what
12 needs to be done.

13 I realize it's going to be a tough
14 pill for a lot of people to swallow but we really
15 apply to you for moving forward and ask you to do
16 it quickly.

17 Thank you.

18 MR. CARTAYRADE: Thank you very much.

19 Our next speaker is Mr. Tom Craighead.

20 MR. CRAIGHEAD: I'll send in
21 questions.

22 MR. CARTAYRADE: So, Mr. Craighead

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1 does not want to come up to the podium. Then we
2 will go to our next speaker, Mr. Joe Flowers.

3 MR. FLOWERS: My name is Joe Flowers.
4 I'm from Jacksonville, Florida. I represent no
5 one but myself.

6 If anything, I just think
7 biodiversity of the oceans is extremely important.

8 I support the dynamic management areas as well as
9 the seasonal management areas and especially the
10 10-knot speed limit.

11 I just appreciate the fact that you
12 are doing this and hope we can all come to an
13 agreement and get something implemented fairly
14 quickly.

15 Thanks a lot.

16 MR. CARTAYRADE: Thank you very much.

17 Our next speaker is Mr. Stephen
18 Sikes.

19 MR. SIKES: Hey, my name is Steve
20 Sikes, I'm a resident here in Jacksonville,
21 Florida. I'm speaking on behalf of myself as a
22 public citizen and a citizen conservationist.

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1 I guess the first thing I would like
2 to do is extend like a hearty thank you for the
3 report you guys did. I read it in its entirety
4 last night. I'm completely impressed with the
5 science, the scope, every bit about it, like,
6 totally blows me away. I appreciate it so much.
7 So thanks for the work you have done on that.

8 I guess the first thing I would like
9 to say is just, you know, why are we here. You
10 know? We are here because there's only 300 left
11 and just due to that simple fact alone I think we
12 really need to act and act now as fast as we can
13 to do whatever we can to make sure that that
14 number doesn't keep decreasing, and let's put
15 these animals back on the road to recovery and
16 stave off extinction for this species.

17 I want to go on record as supporting
18 a speed restriction at 10 knots. I know there's a
19 lot of discussion about the economic impacts of
20 that. But I really think that once you are
21 dealing with, you know, a situation like this
22 that, you know, economic impacts don't really have

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1 so much weight any more. I mean you are facing
2 extinction for this species and you know, people
3 are quibbling over, you know, maybe losing a job
4 or two or how much money they are going to make or
5 how much money they might lose. I think that's
6 absolutely ridiculous. You know, I mean I'm sure
7 that probably in 1935 whenever we stopped whaling
8 in the United States I'm sure there were a whole
9 lot of people who were arguing, you know, and
10 saying well, wait a minute now, if we can't kill
11 them any more we are going to lose jobs. And
12 since then, they still haven't come back and it's
13 mainly due to human involvement on the coast. I
14 just think it's time that we start realizing that
15 there are some things that's more important than
16 money and I think that this is one of them.

17 I also like the dynamic management
18 programs you guys have implemented. I would like
19 to see that as an additional measure to the
20 seasonal management deal. Right now there's a
21 manatee up in New York, you have got to think that
22 the current whale, spotting the Right Whale

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1 reporting, that work, I think that - it can handle
2 any anomalies and it could maybe save a couple of
3 these individuals that might get hit otherwise.

4 And, finally, I would just like to
5 call on you guys to do something. Like, do
6 something as soon as possible. I forget who it
7 was that said, you know, you can review it later
8 and fine tune it or whatever but like in the
9 meantime I just think something absolutely needs
10 to be done and done as soon as possible.

11 Once again, thanks so much for the
12 work you have done. And I sincerely hope that
13 this 10-knot speed limit stays in place and that
14 you hold the line and don't do the 12, don't do
15 the 14. That curve is just entirely too steep.

16 Thanks.

17 MR. CARTAYRADE: Thank you very much.

18 Our next speaker is Mr. Phillip
19 Ramsey.

20 MR. RAMSEY: Hello, my name is
21 Phillip Ramsey. I'm a resident of Jacksonville,
22 Florida, speaking on my own behalf.

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1 I just wanted to express my support
2 for the speed restriction at 10 knots.
3 Alternative 6 looks pretty good. You guys have
4 done a really good job with this report. I have
5 been following it but from a distance but I came
6 out here today just to say that I really
7 appreciate what you are doing and really hope that
8 it comes through especially for this calving
9 season that's coming up in November.

10 That's about it. Thank you.

11 MR. CARTAYRADE: Thank you very much.

12 Our next speaker is Ms. Seana Parker-
13 Dalton.

14 MS. PARKER-DALTON: Hello, my name is
15 Seana Parker-Dalton. I live in Jacksonville and
16 I'm here on behalf of myself, and my family. I
17 want to thank you very much for all the work that
18 you have done and for the opportunity to comment
19 on this.

20 Three hundred is not a very big
21 number and just on the basis of genetic diversity
22 the loss of any one individual animal is very very

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1 severe. So I think it's very important that we do
2 everything possible as quickly as possible to
3 prevent the loss, the unnatural loss of any one
4 individual animal in order that species can get up
5 to a healthy number.

6 I urgently ask that these be
7 implemented before the calving season so that any
8 mothers or infants are not lost.

9 Thank you very much.

10 MR. CARTAYRADE: Thank you.

11 Our next speaker is Mr. Paul
12 Pasternak.

13 MR. PASTERNAK: Good afternoon. I'd
14 like to thank you all for being here and doing
15 this. You seem to be doing as people said quite
16 an in-depth look at this and a thorough look at
17 it.

18 My name is Paul Pasternak. I live in
19 Palm Coast, which is in Flagler County, just south
20 of St. Augustine and I had eight years' experience
21 in the Navy traveling the waters from the
22 Carolinas to the Caribbean. And unfortunately

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1 didn't see very many whales during my time in the
2 Navy. And with the Right Whale being where it is
3 with only 300, the loss of one Right Whale would
4 be the equivalency to us losing the population of
5 the state of Nevada. So, I mean, it really is a
6 huge impact. And they may be -- They say they are
7 sustainable now so, if we could just gain that one
8 or two per year that ought not be hit then we
9 could bring the species back.

10 I moved to Florida in '74 and it was
11 a rite of spring for us since we moved here to see
12 a mother and a calf right off the beach. And you
13 could always tell when they were there because you
14 would go down A1A and there would be a lot of cars
15 parked along the side and everybody is out of
16 their cars and looking out at the ocean with
17 binoculars and everything and people will stand
18 there for hours and watch these animals. And it's
19 great to see that there's that many people that
20 actually care. I hate to think that my grand kids
21 won't be able to have the same experience.

22 Now, as far as the ship strike

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1 reduction management measures. I feel from what I
2 have seen that the Alternative 5 and 6 looked
3 good. They seem to show promise. I understand
4 the pilot's point of view because having been in
5 the Navy and on a ship with a high wind area you
6 don't - if you can carry speed you are better off.

7 But we could make considerations for that when
8 it's going to affect the safety of the ship, you
9 certainly don't want - having your ship run
10 aground is not for the benefit of the whales.

11 At the times when a ship is coming in
12 and out of port too you will have a lot of eyes so
13 you can avoid the animal if you are coming in, you
14 know, you would spot it more than likely. I mean,
15 it's in no one's interest to hit a 50-ton animal.

16 That's about it. I do really thank
17 you once again. And I just hope that we can do
18 something soon because November calving season is
19 just around the corner.

20 So, thank you very much.

21 MR. CARTAYRADE: Oh, we are zipping
22 right along.

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1 Our next speaker is Ms. Linda Bremer.

2 MS. BREMER: Good afternoon. My name
3 is Linda Bremer. I represent the Northeast
4 Florida Sierra Club.

5 In the last winter season we saw off
6 our coast strikes that killed I believe three or
7 four Right Whale calves and we cannot continue
8 like this. The Sierra Club commends you for
9 taking this step to protect the Right Whale. And
10 we would like to recommend that you select the
11 lowest proposed speed restriction to give the
12 greatest protect to these whales.

13 We would also like to request that
14 government vessels and vessels under U.S. contract
15 also be required to observe speed restrictions. I
16 noticed in the breakout on shipping that it didn't
17 say about how many federal vessels or contract
18 federal vessels are in the waters and I think that
19 would be important to know. We feel that vessels,
20 which are operating for human safety and during
21 times of natural disaster or warfare, of course,
22 should be exempted. But in ordinary operations

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1 they should not be.

2 We support Alternative 5 because we
3 feel that it does give a slightly higher level of
4 protection to the species. And I'd like to say
5 something and I noticed on your shipping habitat
6 boundaries for our area here that the Right Whale
7 critical habitat along the east coast of Florida
8 extends a long way down from Brunswick all the way
9 down. And last year I think we had Whales going
10 all the way round into the Gulf and that the
11 shipping generally follows the coast line as they
12 go up.

13 I'd like to suggest that you consult
14 with the Coast Guard and other agencies to look at
15 possibly creating a shipping zone or shipping
16 channel which would be outside of the habitat
17 which would allow the ships to move at speeds and
18 only slow as they do in Boston as they are coming
19 in to these ports and that their entrance into the
20 Port be with observers on board and knowledge of
21 whether there are whales in the area.

22 I thank you very much for your time

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1 and your interest in this. We cannot afford to
2 wait. We hope that you will implement these
3 things as quickly as possible.

4 MR. CARTAYRADE: And our next speaker
5 is Mr. Mark Getchell, sorry about pronouncing the
6 name but this is you, you know. You are the last
7 one on the list.

8 MR. GETCHELL: Good. Last but not
9 least, right?

10 MR. CARTAYRADE: Absolutely not.

11 MR. GETCHELL: Good afternoon. First
12 I'd like to say that it's rather unfortunate that
13 the speed restriction study the vendor - which one
14 was that? The last one Greg that came out.
15 Excuse me --

16 MS. GRIBBON: Vanderlaan.

17 MR. GETCHELL: -- Vanderlaan and the
18 Taggart speed restriction study didn't come out or
19 the economic analysis for the EIS didn't come out
20 until after the SEIT or NEIT meetings that we had
21 previously. It would have been very helpful for
22 industry if, in fact, that those numbers were

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1 available.

2 Secondly, I have a number of points
3 here, but secondly I think as much as we would
4 like to go ahead and see that measures be put in
5 place to do something to reduce the ship strikes,
6 I think measures such as this have an
7 unintentional consequence for industry and for the
8 growth of ports; for the growth of the economies
9 of ports along the east coast, is that these
10 measures or consequences or restrictions that are
11 put in place slow up the permit process for
12 various construction projects that might be going
13 on in any one of these ports. I think we have one
14 here in the port right now. Everybody in
15 Jacksonville knows about the MOL terminal, the one
16 that's going on down at Dames Point. I believe
17 that that permit is being held up by the Army
18 Corps of Engineers, due to these proposed or speed
19 restriction measures that are being proposed.

20 And, secondly, I'd just like to go
21 ahead and read something here that took me a
22 little while to put together but -- I'm Mike

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1 Getchell. I'm with the Crowley Liner Services.
2 I'm also the Jacksonville Marine Transportation
3 Exchange Harbor Safety Committee Chair. And I'm
4 going to speak on behalf of Crowley Liner
5 Services.

6 We appreciate the opportunity to
7 comment on the proposed rule making regarding the
8 implementation of speed restrictions to reduce the
9 threat of ship collisions with the North Atlantic
10 Right Whale. As a leader in the maritime
11 community of over a century Crowley is committed
12 to environmentally sound practices and has been
13 and enthusiastic participant in educating its crews
14 and raising their awareness to the threat to the
15 North Atlantic Right Whale.

16 It holds all the employees
17 accountable for safety and protection of the
18 environment. The result of which was an award
19 from NOAA in 2003 to one its vessels in its fleet,
20 the Stena Timer for its voluntary efforts in
21 reducing ship strikes.

22 Based on the example cited above it

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1 is clear that Crowley has taken a pro-active
2 approach to working with the government agencies
3 to preserve and protect the marine environment.
4 It is also clear that issues that impact the
5 marine environment including resources and the
6 safe navigation of vessels be left to the agencies
7 that best understand these components, namely, the
8 United States Coast Guard, NOAA, National Marine
9 Fishery Service and the Commercial Maritime
10 Industry and not the court system.

11 It is with this perspective that
12 Crowley would like to commend NOAA for its efforts
13 in this matter and welcome the opportunity to
14 contribute to a solution that benefits both the
15 animal and industry. Crowley agrees that the
16 North Atlantic Right Whale is serious endangered
17 specie. However, as a matter of the human
18 condition when faced with a situation where a
19 species is in serious decline we tend to
20 accentuate the negative to make our argument.

21 As an example arguments and studies,
22 Kraus 2005, Kraus 1990, and ultimate Kraus 2001,

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1 Laist 2001, Waring 2004, make assumptions and
2 statements without proof that the actual number of
3 whale mortalities due to ship strikes are higher
4 because some deaths go undetected or unreported.
5 Crowley would tend to agree that the number may be
6 higher but the combination of direct and indirect
7 anthropogenic factors as well as natural
8 inhibitors pose just as serious threat to Right
9 Whale recovery as do ship strikes.

10 To infer that ship strikes alone are
11 the most serious threat to the specie is
12 misleading. Having said that, Crowley would like
13 to suggest that any studies, data or necropsy be
14 peer-reviewed by individuals not associated with
15 NOAA or NMFS or receiving funding from said
16 agencies in compliance with section 515 of the
17 Department of Commerce guidelines for ensuring and
18 maximizing the quality, objectivity, utility and
19 integrity of disseminated information and NOAA's
20 information quality guidelines.

21 The proposed restrictions would have
22 serious implications for most ports. The industry

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1 would like and deserves solid reasons for these
2 impediments. The fact that these proposed
3 restrictions are much more expansive than what has
4 been previously discussed in studies, notices and
5 in meeting conferences came as quite a surprise to
6 the industry. Discussions regarding ship speed,
7 speed restriction and Whale mortalities centered
8 on speeds greater than 13 knots as being the
9 highest probability for lethal injury. These are
10 from Laist 2001, Jensen and Silber 2003 and
11 Knowlton and Kraus 2001.

12 The consensus of speed of 12 knots
13 appears to be a reasonable combination given the
14 fact that there's already a precedent speed of 13
15 knots for humpback whales in Glacier Bay National
16 Park. Plus the area for these restrictions
17 increased considerably to almost twice the size of
18 the critical habitat. Given the probability of a
19 ship strike occurring outside the critical habitat
20 due to the concentration of animals near shore as
21 being remote, it is Crowley's opinion that
22 expanding the speed restriction and traffic lane

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1 margin to the MSR boundary is unwarranted. If
2 speed restrictions and traffic lanes are to be
3 implemented they should be limited to the critical
4 habitat.

5 Crowley would also like a review of
6 the proposed seasonal implementation of these
7 measures. Recent aerial surveys that will attest
8 to the fact that the animals are not present in
9 the CH before December and are gone by the end of
10 March. A two-week buffer prior to and after the
11 whale's stay in the critical habitat is, again,
12 unwarranted.

13 As for comment on the implementation
14 of the dynamic measurement areas vessel speeds
15 need to be 12 knots and the DMAs need to be
16 actively managed. To impose a DMA for 15 days
17 without federal agencies making efforts to ensure
18 that there are indeed Right Whales within the area
19 is unacceptable. Speed restrictions, mandatory
20 traffic lanes, DMAs are all impediments to
21 commerce. If industry is willing to make the
22 effort then these federal agencies should

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1 reciprocate in-kind.

2 Lastly, how do we measure success?

3 It has been determined that the specie cannot
4 afford the loss of one animal for it to survive.

5 Is this our measure, zero deaths before
6 instituting far more restrictive measures? This
7 should be a goal and not the measure for success.

8 The statement therefore, NMFS will monitor the
9 effectiveness of ship strike reduction measures
10 and consider implementing larger seasonally
11 managed areas, further reducing ship speed, or
12 other measures, if appropriate, could be
13 interpreted as a threat. As any more restricted
14 measures than those already imposed may be the
15 death knell for some marginal ports along the
16 eastern seaboard.

17 The economic impact of such seems
18 inappropriate for a species that sadly might see
19 extinction due to causes other than ship strikes.

20 In summation, as a company that has
21 been involved with this process for quite some
22 time we might understand the issues more than

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1 most. However, for NMFS to take the tack of ever
2 more proposed restrictive measures after earnest
3 and sincere participation in input by industry
4 might be considered dismissive and counter
5 productive.

6 Thank you.

7 MR. CARTAYRADE: Thank you very much.

8 This was our last listed speaker. What I would
9 like to do now is actually two things. First, I
10 would like to remind everybody that if you haven't
11 signed in when coming in, I don't know if you know
12 anybody in this case but please do sign in before
13 leaving because we need a record of who has been
14 here. So, just give us your name and what other
15 information you may want to provide. But we need
16 to know as much as possible who has attended this
17 meeting.

18 And, of course, I'm at the end of my
19 list it doesn't mean necessarily that nobody else
20 wants to speak, so if anyone who wasn't listed
21 wants to speak please, just make yourselves known
22 and come up to the podium. Is there anyone who

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1 wants to make a statement at this point?

2 (No response.)

3 MR. CARTAYRADE: I called everybody
4 who signed to speak. I didn't forget anybody?

5 Then we are - We are going to
6 conclude the comment part of the meeting.

7 (Off the record.)

8

9