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Charles P. Costanzo
Vice President – Pacific Region

April 13, 2017

Ms. Lynne Barre
NMFS West Coast Region
7600 Sand Point Way NE.
Seattle, WA 98115

Re: Petition for Rulemaking To Establish a Whale
Protection Zone for Southern Resident Killer
Whales (Docket Number 2017-00437)

Dear Ms. Barre:

On behalf of the American Waterways Operators, the national trade association for the tugboat, towboat and barge industry, thank you for the opportunity to submit comments on the National Marine Fisheries Service rulemaking to establish a whale protection zone in the San Juan Islands to support recovery of the Southern Resident killer whales.

The American Waterways Operators is the national trade association for the U.S. tugboat, towboat and barge industry. AWO members transport approximately 80 percent of the barge tonnage cargo and operate two-thirds of the towing vessel horsepower in this critical industry segment, moving goods essential to the American economy on the inland rivers, the Atlantic, Pacific and Gulf coasts, and the Great Lakes. Tugboats also provide essential services, including shipdocking, tanker escort and bunkering, in ports and harbors around the country. The tugboat, towboat and barge industry provides the nation with a safe, secure, low-cost, environmentally friendly means of transportation for America's domestic commerce.

Many AWO members operate towing vessels in the Salish Sea and throughout Puget Sound, providing essential cargo transport services that help reduce congestion on our nation's highways and railroads. We recognize the value of orcas to the marine ecosystem and the importance of protecting orcas and their habitat. While the majority of tug and barge operations in the region will not be effected by the proposed designation, there is existing towing vessel traffic on the west side of San Juan Island. The one mile buffer zone proposed in the petition extends into the shipping lanes of Haro Strait utilized by towing vessels. AWO requests that the whale protection zone be modified to allow the navigation of commercial towing vessel traffic through this waterway.

In its April 2011 rule prohibiting certain vessels from approaching whales [Docket No. 070821475-91169-0], NMFS acknowledged that towing vessel traffic does not contribute the same measure of disturbance as whale watching activities. The rule exempted cargo vessels transiting in shipping lanes, noting that towing vessels do not actively target whales. Specifically,

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the rule affirmed that “government vessels, commercial and tribal fishing boats, cargo ships, tankers, tug boats, and ferries represent a small portion (typically 5-7 percent in most years) of the vessels that are within one-quarter mile of the whales.” The rule also recognized that sudden or unpredictable movements by tugs to avoid close approaches to whales could unintentionally increase safety risks.

AWO is proud to be part of an industry that represents the most environmentally-friendly mode of surface transportation and remains supportive of habitat protection efforts that are considerate of the economic and environmental contribution of towing vessel operations. Thank you again for the opportunity to comment. We stand ready to provide any additional information on vessel traffic in the region that will help NMFS further inform its final rule.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles P. Costanzo". The signature is stylized and cursive.

Charles P. Costanzo

Vice President – Pacific Region