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Pacific Islands
Regional Office

Rulemaking to Enhance Spinner Dolphin Protections

Update for the Marine Mammal Commission
Kailua Kona, HI



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Enhancing Protections for Hawaiian Spinner Dolphins to Prevent Disturbance - Proposed Regulations

- Proposed rule published August 26, 2016 (81 FR 57854)
- Held six hearings around the state
 - Two on Hawai'i island (Kailua Kona and Kealahou)
 - Two on O'ahu (Honolulu and Wai'anae)
 - One on Kaua'i
 - One on Maui
- Received 22,031 written submissions and 145 oral testimonies
- 2,294 comments unique (with anywhere from 2 to 17,000 near-duplicates)



Proposed Regulations

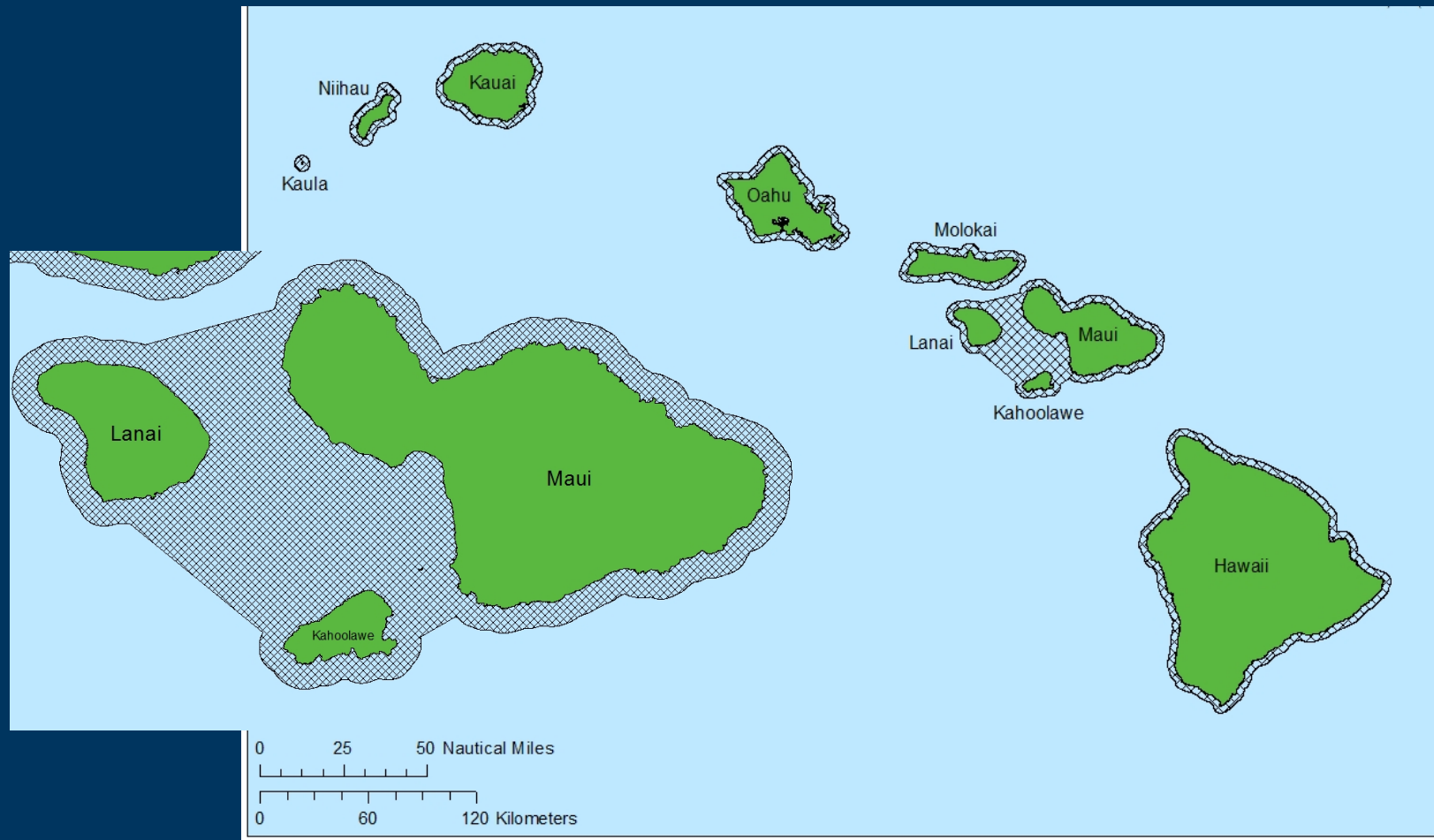
Prohibits the following:



- Approach or remaining within 50 yards of spinner dolphins by any means
- Swimming with spinner dolphins
- Causing a vessel, person or other object to approach or remain within 50 yards of a spinner dolphin
- Intercepting or placing a vessel, person or other object on the path of a dolphin (leapfrogging)

Applies within 2 nm of the Main Hawaiian Islands (and in designated waters bounded by Maui, Lānaʻi, and Kahoʻolawe)

Geographic Scope of the Regulations



Exceptions:

- Vessels and swimmers approached by or inadvertently within 50 yds of a spinner dolphin, provided no effort is made to engage or pursue
- Vessels transiting to or from a port, harbor, or in a restricted channel when 50-yards will not allow safe navigation
- When safety of a person or vessel is at stake
- Activities authorized by permit (e.g., research)
- Government operations (Federal, State and local) when necessary to perform official duties



Next Steps

- Finalize rule and EIS – underway
- Support passive acoustic monitoring for pre- and post-rule comparison
 - Conducted by doctoral student at UH in conjunction with Oceanwide Science Institute
 - Six sites – two on west side of O‘ahu (Makau and Kahe Point), two on Hawai‘i island (Makako Bay and Kealakekua Bay), one each on Maui and Lāna‘i
 - Goal to inform understanding of–
 - *Daily rate of occurrence* of spinner dolphins at the monitored resting locations
 - *Residency time* of spinner dolphins at the monitored locations
 - *Time spent in quiet rest* by spinner dolphins at the monitored locations
- Conduct abundance estimates in MHI for pre- and post-rule comparison
- Continue outreach and enforcement activities

Questions?



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DEIS Alternatives Considered

1. No Action
2. Swim-With Regulation
3. Swim-With and Approach Regulations
 - *3(A) - Swim-With and 50-Yard Approach Regulations (Preferred Alternative)*
 - 3(B) - Swim-With and 100-Yard Approach Regulations
4. Voluntary Time-Area Closures and Swim-With and Approach Regulations
5. Mandatory Time-Area Closures and Swim-With and Approach Regulations

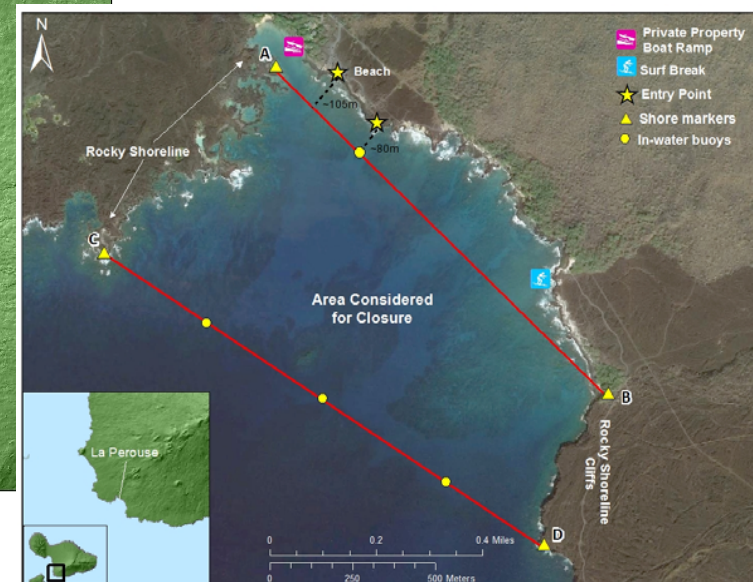
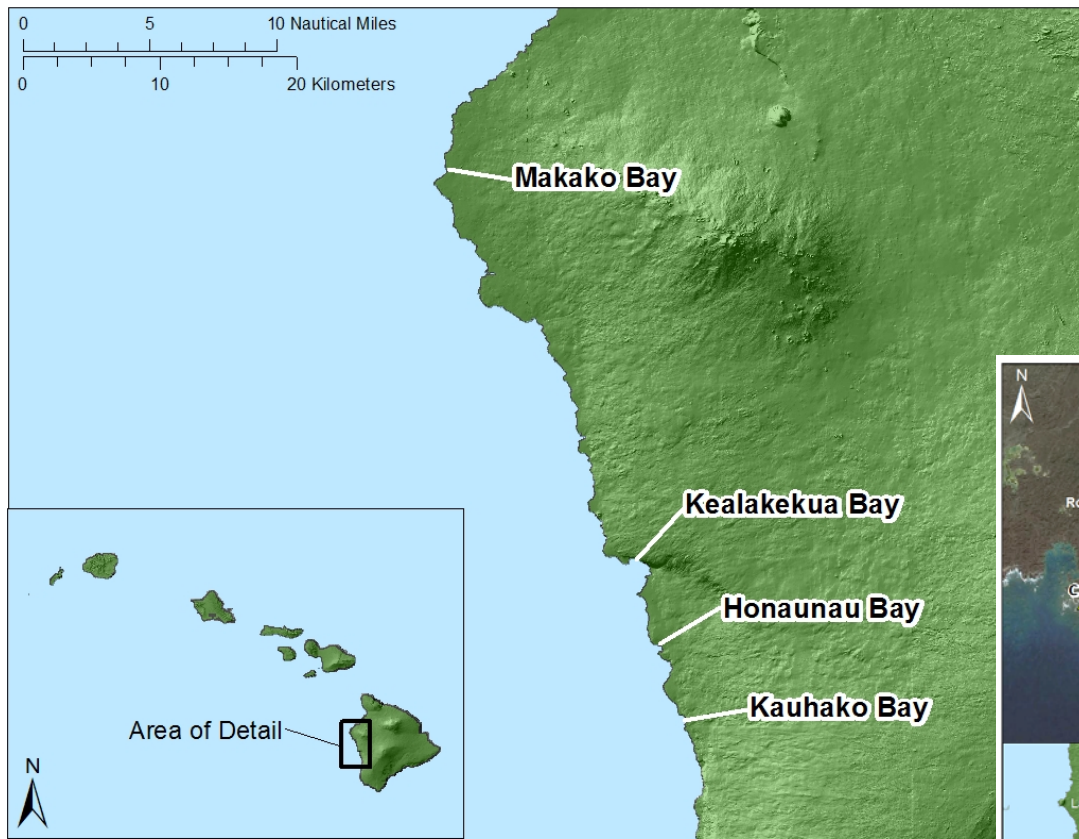


Time-Area Closures Considered Under Alternatives 4 and 5 *(not the preferred alternative)*

- Implement time-area closures at 4 sites on Hawaii Island and 1 site on Maui:
 1. Kealakekua Bay
 2. Honaunau Bay
 3. Kauhako Bay (Ho'okena)
 4. Makako Bay
 5. La Perouse Bay
- 6AM - 3PM daily closures within certain portions of the bays to protect dolphins during morning entry & peak resting times



Sites Considered for Time-Area Closures



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