

Management Plan Review

Summary of Current Sanctuary Regulations

1. Approaching, or causing a vessel or other object to approach within 100 yards of any humpback whale.
2. Operating an aircraft above the sanctuary within 1,000 feet of any humpback whale.
3. Taking any humpback whale.
4. Possessing any living or dead humpback whale.
5. Discharging or depositing any material or other matter in the sanctuary that injures a humpback whale, or humpback whale habitat, and is in violation of any permit, license, lease or other authorization.
6. Discharging or depositing any material or other matter outside of the sanctuary if the discharge or deposit subsequently enters and injures a humpback whale, or humpback whale habitat, and is in violation of any permit, license, lease or other authorization.
7. Altering the seabed of the sanctuary in violation of any permit, license, lease or other authorization.
8. Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement.

Proposed Regulations for an Ecosystem-Based Sanctuary in Hawai'i

What are the current sanctuary regulations?

Hawaiian Islands Humpback Whale National Marine Sanctuary was established to protect humpback whales and their habitat. Sanctuary regulations prohibit approaching, taking and possessing humpback whales.

A summary of current regulations is listed in the side bar.



Photo: Ed Lyman

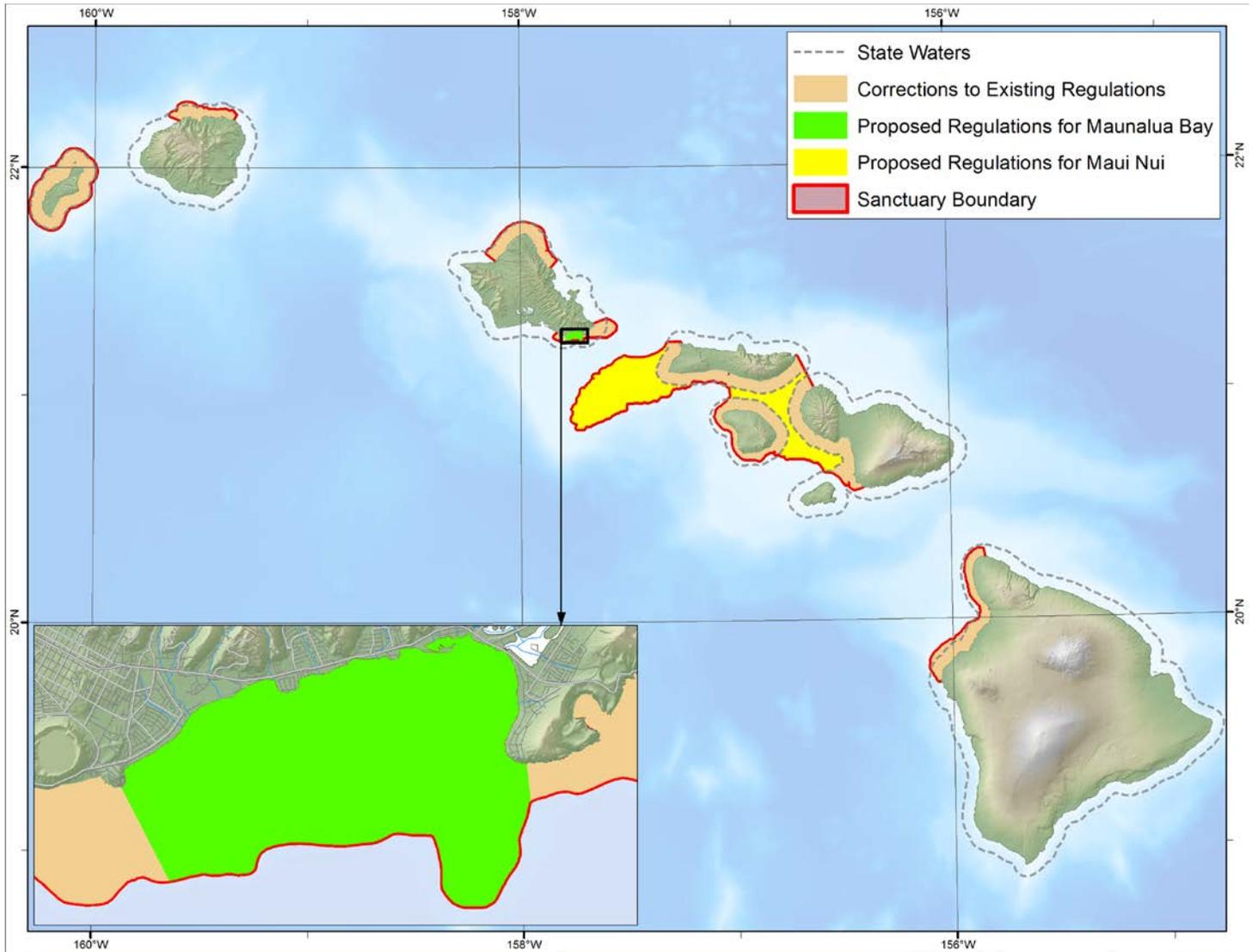
How will sanctuary regulations change?

The revisions to the current sanctuary-wide regulations, proposed under Alternative 2, 3 and 4, would:

- (1) Clarify humpback whale approach regulation (see next page for detail);
- (2) Combine the two regulations prohibiting approaching, harassing, possessing and taking of humpback whales into one regulation;
- (3) The discharge regulation has been modified to prohibit discharge from both inside the sanctuary, and for discharge outside of the sanctuary that enters and injures a sanctuary resource, and would apply only in sanctuary management areas;
- (4) The seabed alteration prohibition would apply only in sanctuary management areas.
- (5) Add the authority to issue sanctuary permits and authorizations; and
- (6) Add sanctuary-wide regulation prohibiting the disturbance of submerged cultural and maritime heritage resources.

How will cultural and historic resources be regulated within the sanctuary?

Under an ecosystem-based management approach, sanctuary management is proposing a regulation to prohibit removing, damaging or tampering with any historical or cultural resource anywhere in the sanctuary.



Overview Regulations Map for the Hawaiian Islands National Marine Sanctuary.

Special Sanctuary Management Areas

As the sanctuary transitions towards ecosystem-based management, sanctuary managers are proposing additional regulations to protect the marine environment.

The regulations under consideration seek to enhance resource conservation, protect marine habitats, maintain water quality, and improve enforcement efforts.

In addition to the sanctuary-wide regulations, under Alternatives 2 and 3, these additional ecosystem-based regulations would apply only to discrete areas within the sanctuary, which include:

- (1) Penguin Bank and Maui Nui areas (outside of 3 nautical miles); and,
- (2) Maunaloa Bay.

Under Alternative 4, the Special Sanctuary Management Area regulations would apply *everywhere* in the sanctuary, including Hanalei River.

Special Sanctuary Management Area regulations would prohibit:

- (1) Taking or possessing marine species in addition to humpback whales*;
- (2) Discharge;
- (3) Altering submerged lands;

- (4) Using explosives;
- (5) Introducing non-native species;
- (6) Damaging or destroying signs.

**This includes: marine mammals, sea turtles, seabirds, ESA-listed species or Hawai'i Revised Statutes chapter 195D listed species. The sanctuary would recognize any activities that are exempted under the Marine Mammal Protection Act (MMPA), the Endangered Species Act (ESA), the Migratory Bird Treaty Act (MBTA), the Magnuson Stevens Fishery Conservation and Management Act, or Hawai'i State Law*