

Pacific Islands Regional Office

NOAA Fisheries Service

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Spinner Dolphin Human Interaction EIS Information Update



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Points of Interest:

- Five public scoping meetings were conducted on four islands
- Over 4,000 public comments were received
- Public comments were analyzed and organized according to different codes
- A Draft EIS is being developed by NOAA Fisheries

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Overview

The National Oceanic and Atmospheric Administration’s National Marine Fisheries Service, also known as NOAA Fisheries Service, is responsible for enforcing the Marine Mammal Protection Act of 1972 (MMPA) which prohibits the take of marine mammals. The MMPA defines the term “take” as “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.”

NOAA Fisheries has received complaints from constituents charging that spinner dolphins are being routinely disturbed by people closely approaching and interacting with the dolphins by vessel (motor powered or kayak) or in the water (“swim-with-wild-dolphin” activities).

Hawaiian spinner dolphins utilize shallow coves and

bays close to shore during the day to rest, care for their young, and avoid predators before traveling to deeper water at night to hunt for food. As the dolphins begin or end their resting period, they engage in aerial spinning and leaping behaviors that are noticeable from shore. However, when they are in a period of rest, their behavior consists of synchronous dives and swimming in quiet formation.

Scientific research documented human disturbance of spinner dolphins during their resting periods at several places in

Hawaii. Studies included descriptions of “cruise boats” that would seek and run through groups of spinner dolphins, as well as high levels of vessel and swimmer traffic.

NOAA Fisheries is concerned that displacement from their resting areas has the potential for adverse impacts on the dolphins. NOAA Fisheries scientists are concerned about the potential for individual-level and population-level effects as a result of human activities.



A day in the life of a Hawaiian spinner dolphin. Source: NOAA Fisheries*

The Scoping Process

The scoping process is a requirement of preparing an Environmental Impact Statement (EIS), and provides persons affected by the project an opportunity to express their views and concerns. Scoping is designed to be an open, public activity for identifying the scope of significant environmental

issues related to the proposed project that should be addressed. These issues may stem from new information or changed circumstances, the need to address environmental protection concerns, or a need to evaluate different alternatives. Scoping is typically accomplished through written communications,

public scoping meetings, and formal and informal consultation with agency officials, interested individuals, and groups.



* All photos and figures courtesy of Dave Johnston, Ph. D., NOAA Fisheries (<http://pipin.org>)

Public Scoping Meetings



Five public scoping meetings were held in October and November 2006 to solicit comments from interested individuals, government agencies, and public interest organizations. After the Notice of Intent (NOI) was published, NOAA Fisheries received a request by State Senator Colleen Hanabusa's office to provide a forum for the *kupuna* (elders) of the Waianae community to voice their opinions. Because the Waianae coast is the focus of dolphin tours on Oahu and has also seen conflicts between the

tour operations and recreational and subsistence fishers, NOAA Fisheries decided to accommodate this request and the meeting was arranged by Senator Hanabusa's staff. It was not an "official" scoping meeting, but rather a community meeting which NOAA Fisheries was invited to attend.

The scoping meeting format was the same at all meetings. During the open house session, attendees

viewed posters that displayed conceptual project information including the purpose and need for the action, preliminary issues identified by the agency, as well as information on the biology of spinner dolphins. NOAA Fisheries personnel presented a project overview, followed by a formal comment period. Comment forms were available to be filled out during the meeting or mailed later.

Public Scoping Meetings
October 17, 2006: McCoy Pavilion, Ala Moana Regional Park, Honolulu, Oahu, HI
October 19, 2006: Aloha Beach Resort, Kapaa, Kauai, HI
October 25, 2006: Hawaiian Islands Humpback Whale National Marine Sanctuary Office, Kihei, Maui, HI
October 26, 2006: King Kamehameha Beach Hotel, Kailua-Kona, HI
November 21, 2006: Waianae District Park Community Center, Waianae, Oahu, HI

Scoping Comments Sources

NOAA Fisheries received a total of 4,641 public comments in response to the Advanced Notice of Proposed Rulemaking (ANPR) and the NOI. This total includes all letters and email comments submitted to NOAA Fisheries during the public

comment period, as well as testimony provided at the five public scoping meetings. The majority, or 77% (3,567) of all public comments was received in response to a petition circulated by one of the dolphin tour operators. Comments

received on the December 2005 ANPR are incorporated into this public scoping report, given their relevance to the issues considered in this EIS. These ANPR comments have been coded just as those comments received for the EIS, and are also summarized in this report.

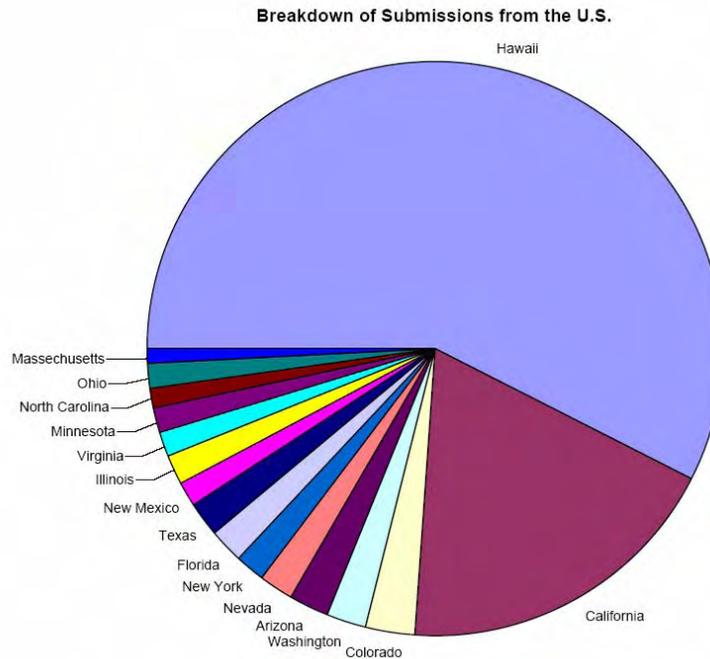


Type of Submissions	Number of Submissions
E-mails*	4,439*
Written Letters	110
Public Hearing Testimony	75
Comment Forms	17
TOTAL	4,641

*Includes Wild Dolphin Foundation Petition and Song of Home Form Letter

Geographical Distribution

Scoping comments were received from 34 states, the District of Columbia, and 17 foreign countries including Canada, Japan, and various European countries. The majority of submissions came from U.S. addresses. The highest number of submissions were from Hawaii (186), California (60), and Japan (46). The total number of public comments does not necessarily indicate that 4,641 people have commented, as no attempt has been made to account for name duplication. There were three organized response campaigns. Approximately 3,567 submissions received were from a Wild Dolphin Foundation petition in a single e-mail, and approximately 66 were from an email form letter.



Issues Identified During Scoping

Issue Code	Issue Code Description	Type of Submission				Total
		E-mail	Written Letters	Testimony	Form Letter	
ALT	Alternatives	874	8	145	18	1045
BIO	Dolphin Biology / Behavior	280	28	50	2	360
CUL	Cultural Issues	10	2	8	0	20
CUM	Cumulative Effects	76	35	36	4	151
DAT	Data / Data gaps	132	34	15	0	181
DIEF	Direct and Indirect Effects	73	56	66	11	206
EDU	Educational & Outreach Programs	237	22	33	3	295
ENF	Enforcement	63	13	77	3	156
ESA	Endangered Species Act	3	0	1	0	4
GUID	Solutions/Guidelines from Other Countries	9	0	1	1	11
HAB	Habitat	16	0	10	0	26
HUM	Dolphin-Human Interaction	315	104	49	10	478
MED	Medical Benefits of Swimming with Dolphins	102	11	4	0	117
MMP	Marine Mammal Protection Act	8	1	3	1	13
MON	Monitoring	19	1	6	0	26
NEPA	National Environmental Policy Act	4	2	4	0	10
PUB	Public and Stakeholder Involvement	3	2	5	0	10
REG	Regulatory Regime	19	4	13	1	37
SEN	Social and Economic Issues	179	36	26	1	242
SPIR	Spiritual and Religious Issues	196	4	11	1	212
TAKE	Take and Harassment	13	5	3	2	23
TK	Hawaiian Traditional Knowledge	2	4	10	2	18
WEL	Welfare of the Dolphins	107	0	0	1	108

The issues identified during scoping were developed based on all formal comments made for public record (including comments received in response to the ANPR and during the public scoping period October 2, 2006 – November 24, 2006). The scoping comments received on the Spinner Dolphin Human Interaction EIS have been categorized under issue topics that are based upon 1) the factors of analysis that NOAA Fisheries is required to address in preparing an EIS, and 2) additional issues raised by the public. The issues are presented by general topic and may include sub-categories that further describe comments received related to that issue. The issue codes assist in organizing the comments and present them in a manner that facilitates the preparation of alternatives and evaluation of environmental consequences.

Common Misconceptions

NOAA Fisheries would like to clarify a few of the common misconceptions that were identified during the scoping process.

- The public comments received will be considered solely for the development of the EIS. They will not be counted as a vote either in support of or against the proposed alternatives.
- This rulemaking process is not an attempt to list the Hawaiian spinner dolphin as a threatened or endangered species under the Endangered Species Act. The results of this process under the Marine Mammal Protection Act will not alter the legal status of this species.
- During some of the meetings on the neighbor islands, there were posters and flyers on trees and in public areas. We would like to clarify that these were neither posted nor endorsed by NOAA Fisheries, but rather by concerned community members. The only advertising done by NOAA Fisheries was published in local newspapers.
- There were no requirements to submit public comments in multiple copies.



Future Steps in the EIS Process

Scoping is the first step in the EIS preparation process. Several more steps are necessary to complete the Spinner Dolphin Human Interaction EIS. An EIS must explain the underlying purpose and need to which NOAA Fisheries is responding in proposing regulations. A reasonable range of alternatives offering distinct choices of various regulations which meet the purpose and need for the project will be identified. All pertinent input from the public scoping process will be used to examine the range of potential alternatives to ensure that the full spectrum of positions expressed by participants in the scoping process has been considered.

The results will be compiled in a preliminary Draft EIS to be reviewed internally, approved by NOAA Fisheries, and distributed to the public for a 45-day review period. NOAA Fisheries will publish a Notice of Availability in the Federal Register to identify the timing of the review period, time and location of public hearings on the Draft EIS, and any deadlines for submitting comments on the Draft EIS. NOAA Fisheries will also distribute updates and provide information on the project website.

Steps in the NEPA Process



✓ = Completed ➔ = Currently in progress

For More Information:

- www.fpir.noaa.gov/PRD/prd_spinner.html
- pipin.org

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