

Keywords: conservation; coral reefs; environment; marine recreation; preferred practices for good environmental behavior; whale watching; dolphin swimming; dolphin watching; manta rays; invertebrates; turtles; marine mammals; sharks; monk seals; marine animals;

***Voluntary Standard for
Recreational Wildlife Interactions
in Kailua Kona Hawaii Waters***

**Prepared by:
Members of the Kona's Community
with the assistance of the Coral Reef Alliance.**

Abstract

This voluntary standard specifies requirements for environmental performance and conservation practices that enhance wildlife viewing activities and minimize environmental impacts of recreational usage on fragile marine ecosystems in the waters of Kailua Kona Hawaii particularly near coral reefs, related coastal environments and impacts on marine species such as cetaceans, turtles, monk seals and other animals.

This standard was developed by community members within Kailua-Kona Hawaii that represented key interest groups with the assistance of the Coral Reef Alliance (CORAL) and the Kona Standards Taskforce (KST). KST and CORAL disclaim all liability for its use, application, or adaptation. This standard is subject to revision at any time and must be reviewed every five years and if not revised either reaffirmed or withdrawn.

Foreword

(This Foreword is not an official part of this standard, and is included for information purposes only.)

This standard supports ongoing sustainable initiatives in Kona Hawaii waters and along its coasts not only to conserve and protect marine ecosystems, but also to improve economic sustainability of marine recreation in the region. This voluntary consensus standard is the product of a taskforce representing four interest groups:

Suppliers - recreational marine providers and managers of marine protected areas;

Purchasers - individuals and bulk purchasers of tourism services represented by associations of tour operators, hotels and cruise ships;

Local Communities- through state and federal government agencies and non-governmental civic, environmental and tourism-oriented organizations;

General Interests - government agencies, non-government organizations, academics and others.

The widely recognized due process practices defined in the Standards Engineering Society's standard SES-2, Model Standards Development Procedure, were followed in developing this standard. In addition to in-person meetings all drafts, comments, discussions and balloting were accomplished online.

This standard fills a major void in the documentation of coastal recreation practices in the United States. It compiles in one place proven practices that promote conservation and protection of fragile ecosystems, and safety of participants and bystanders for many of the most popular recreational shoreline activities. The Kona Standard for Marine Recreation and Kona Standards Taskforce (KST) has been able to take advantage of the pioneering work of the Mesoamerican Reef Taskforce that developed and tested the initial standard. The Kona Taskforce has tailored that standard to the Hawaiian environment and applicable federal and state laws and regulations. Safety and environmental performance requirements are specified that are to be applied in these circumstances.

This standard, together with related standards on shoreline activities, kayaking, scuba diving/snorkeling/snuba diving, surf schools and general boating activities will be pilot tested at representative sites in Kona during 2009 and 2010. These tests will validate requirements in the standards, improve their quality and facilitate their implementation. In the meantime, any other country or region developing a standard for recreational wildlife interactions should consider this standard for adoption or adaptation.

Suggestions for improvements to this standard are welcome. They should be sent to the Chairman of the CORAL Kona Standards Taskforce, c/o CORAL, 351 California St, Suite 650, San Francisco, CA, 94104, USA, or standards@coral.org.

Standard Requirements for Recreational Wildlife Interactions in Hawaiian Waters

1 Scope

This voluntary Kona Standard for Marine Tourism specifies requirements for marine recreation providers of recreational wildlife viewing, interactions and operations in vulnerable marine ecosystems and related coastal environments and impacts on marine species such as cetaceans, turtles, monk seals and other animals. The standard addresses several activities and critical information transfer initiatives:

- Minimization of impact to the marine environment, particularly coral reefs, and related coastal environments, and the organisms that live completely or partially within these environments;
- Environmental education of staff and clients on best practices;
- Handling procedures for small invertebrate animals;
- Dolphin exclusion areas and boat operating restrictions;
- Manta ray viewing practices for operators, divemasters, photographers, videographers and clients;
- Current regulations regarding shark interactions;
- Current regulations for viewing federally protected marine mammals such as whales and monk seals;
- Procedures for viewing turtles; and
- Safety and operational practices not already specified in existing regulations.

The standard does not specify curricula or practices for certifications, qualifications of instructors, or related subjects.

2 Referenced documents

Kona Hawaii Standard # - *Standard requirements for recreational shoreline activities in Hawaiian waters*¹

Kona Hawaii Standard # - *Voluntary Standard requirements for general boating interactions in Hawaiian waters*²

Kona Hawaii Standard # - *Voluntary Standard requirements for surf schools and rentals in Hawaiian waters*³

Kona Hawaii Standard # - Voluntary *Standard requirements for kayaking in Hawaiian waters*⁴

Kona Hawaii Standard # - Voluntary *Standard requirements for scuba diving, snorkeling and snuba diving in Hawaiian waters*⁵

Marine Mammal Protection Act (MMPA) of 1972⁶

Endangered Species Act (ESA) of 1973⁷

Magnuson-Stevens Fishery Conservation and Management Act (as amended through January 12, 2007) 109-479 SEC. 317. SHARK FEEDING. 16 U.S.C. 1866 Hawaii Revised Statutes [§188-40.6] Shark feeding; prohibitions; exceptions; penalties⁸

Humpback Whales, a Boating and Ocean Use Guide for Safety and Conservation⁹

CORAL's good environmental practices turtle watching guide¹⁰

Manta Viewing guidelines¹¹

^{1,2,3,4 & 5} Available online at <http://www.coral.organization/>_____, or from CORAL, 351 California St., Suite 650, San Francisco, CA, 94104, USA.

⁶ Available online at <http://www.nmfs.noaa.gov/pr/laws/mmpa/>

(Need footnotes 7, and 8.)

⁹ Available online at:
http://hawaiihumpbackwhale.noaa.gov/special_offerings/sp_off/publication_pdfs/boater_brochure.pdf

¹⁰ For copies contact CORAL at <http://www.coral.org> or Kona's field coordinator for CORAL Kara Osada-D'Avella at Kara@KonaCPR.com.

¹¹ For copies contact the Manta Pacific Foundation
<http://www.mantapacificfoundation.org>

3. Terms and definitions

For the purposes of this Kona Hawaii voluntary standard, the following terms and definitions apply:

3.1 Briefing

Information sharing by marine recreation providers that instructs and guides those participating in wildlife viewing/interaction activities in safety, environmental, conservation and operational practices.

3.2 Coral reef conservation

The act of conserving coral reefs and related near-shore ecosystems and related coastal environments.

3.3 Coral reef ecology

The study of organisms in coral reefs and related environments, and the physical and biological interactions with their environment.

3.4 Harassment

Any act of pursuit, torment or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to migration, breathing, nursing, breeding, feeding, or sheltering. (MMPA)

3.5 Guided whale watching

Organized whale watching where clients are accompanied by a whale-watch naturalist appointed by the marine recreation provider.

3.6 Guided dolphin interactions

Organized dolphin watching where clients are accompanied by a dolphin-watch naturalist appointed by the marine recreation provider.

3.7 Independent dolphin interactions

Dolphin-watch activities not organized by a marine recreation provider or led by an employee of a provider.

3.8 Marine Protected Area (MPA)

An area of the marine environment that has been reserved by a federal, state, territorial, or tribal entity, or by local laws or regulations to provide protection and conservation to part or all of the marine, terrestrial and cultural resources within its boundaries.

3.9 Marine recreation provider

Commercial entity (business, individual or organization), including any individual acting on behalf of such entity, which offers one or more of the following services:

- (a) Transportation of persons engaged in wildlife viewing or interactions by boat;
- (b) Training, education or information sharing on wildlife viewing or interaction through shoreline interaction, within a business as an individual or organization.

3.10 No wake speed

"Wake" is the path of disturbed water left behind a moving boat; "no wake speed" means there is no "white" water in the track or path of the boat or created in waves immediate to the boat, and in no case greater than 5 miles per hour.

3.11 Operator

The person who has ultimate responsibility for operation of a vessel whether he or she is physically manning the helm.

3.12 Teaching touch

A gentle respectful touch of selected animals for purposes of teaching marine ecology with a primary goal of enabling clients to touch marine animals is to encourage increased stewardship of the ocean by having them feel they learned and became a part of the environment, never for pure entertainment value.

3.13 Whale-watch or dolphin-watch naturalists

Persons who have specialized knowledge, skill and experience to plan, organize, supervise and lead viewers to known sites within the region; and, if also a boat operator or crewmember possess personal rescue and rescue management skills and holds requisite credentials to engage in such activity.

4 Requirements

4.1 General requirements

The following requirements apply to all marine recreation providers, operators, guides, divemasters, instructors, surf school instructors, kayakers or any persons

engaged in activities on or around the ocean, surrounding fragile habitat in particular coral reefs, tidepools and beaches.

4.1.1 Marine recreation providers shall demonstrate leadership and role modeling both in and out , and above and below the water when engaging marine wildlife by enforcing all provisions of the preferred practices for environmental behavior specified. Oral pre-dive briefings shall review these preferred practices and alert customers to the impact of inappropriate viewing behaviors on coral reefs, related coastal ecosystems and wildlife. Briefings may be facilitated by use of a whiteboard, video, handouts, or other educational materials, but these aids are not substitutes for oral briefings.

4.2 Turtle viewing and interactions

4.2.1 Turtles are protected under the Endangered Species Act (ESA) of 1973 . At no time can anyone touch, pet, ride or in any other way handle a sea turtle.

4.2.2 All marine operators, guides, crew or other personnel operating around an area with turtles shall provide clients and follow CORAL's good environmental practices for viewing turtles

4.2.3 when viewing turtles never feed, spear, harass, touch or ride a turtle.

4.2.4 onshore observe turtles at a distance no closer than 20ft but greater if the turtle shows any signs of distress.

4.2.5 In the water observe turtles at a distance no closer than 10ft but greater if the turtle shows any signs of distress. Never swim under or over a turtle, observe them from the side, remember they are air breathers. Never surround a turtle.

4.2.6 If plastic or other trash is seen or blows into the water, help clients and crew quickly remove it. Such items are especially dangerous to turtles that can mistake them as food.

4.2.7 Always ensure all clients are aware of the regulations and the practices specified above and in the CORAL handout.

4.3 Manta Ray viewing

4.3.1 All marine operators, guides, crew or other personnel operating around an area with manta rays shall provide clients with the Manta Pacific's Manta Ray Viewing Guide (See Appendix A) and instruct them how to comply with the guide.

4.3.2 Divemasters and videographers are responsible to ensure all divers go to the light circle to view manta rays. Divemasters and videographers must ensure

lights are set up within a sand or rubble area with enough room that no diver must sit on live coral to view manta rays. Divemasters and videographers are further responsible to ensure their actions in getting divers in, to the circle and back to the boat does not draw mantas away from the light circle, but not to the extent that safety of divers, the divemaster or the boat is negated.

4.3.3 Divemasters and videographers shall always take into consideration that clients of all marine recreation providers have equal rights to see and enjoy the manta rays. Taking this into consideration operators shall set up and use lights, and the area, in appropriate manner to ensure all divers can share equally in viewing the manta rays.

4.3.4 During the dive briefing clients shall be instructed on the requirements of Appendix A., Clients shall also be briefed that dive guides may gently remind them to comply with the Manta Ray Viewing Guide during the dive.

4.3.5 It is recommended that all snorkel operations viewing manta rays have a snorkel guide in the water with their snorkelers. Further It is recommended operators use a snorkel ring or similar device with groups of 4 or greater to keep the group together centered above the lights.

4.3.6 Videographers shall adhere to all guidelines above. Videographers should limit wattage of their lights and angle their lights for video purposes only. Using lights to attract manta rays away from the circle to your group, over the coral, or angling lights across the circle is prohibited. These activities can not only be harmful to the surrounding reefs, but is also a safety hazard when the divemaster cannot watch their divers due to high powered lights blinding views.

4.3.7 Boats operators shall be aware of possible mantas, snorkelers and divers that may be in the vicinity of the vessel before departure. The following practices shall be implemented:

- (a) Turn out deck lights leaving a minimum of lights for passenger safety
- (b) No hand held or underwater lights shall be hung over the side of the boat for a few minutes before departure.
- (c) Post spotters at the stern and bow when possible to be certain no mantas, snorkelers or divers are nearby.
- (d) Consider installing prop-guards or other solutions to protect manta rays, snorkelers and divers.

4.4 Shark viewing

4.4.1 It is illegal to feed sharks in Hawaiian state waters. The following summarizes the primary requirements and prohibitions of Hawaii Revised Statutes [§188-40.6] Shark feeding:

(a) Except as provided in subsection (b), or as otherwise provided by law, it shall be unlawful for any person to conduct any activity related to the feeding of sharks in state marine waters.

(b) Persons may engage in the feeding of sharks for traditional Hawaiian cultural or religious practices; provided that the feeding is not part of a commercial activity.

(c) Persons engaged in the taking of marine life that results in captured, injured, or dead fish being incidentally eaten by sharks shall not be considered in violation of this section; provided that the purpose of the taking of marine life is not the feeding of sharks.

(d) The department of Hawaii Land and Natural Resources may issue permits to engage in activities otherwise prohibited by law, in accordance with section 187A-6, or as may be otherwise authorized by law.

(e) As used in this section:

"Commercial activity" means to engage in any action or to attempt to engage in any action for compensation in any form. The action or actions may include, but are not limited to, providing, or attempting to provide, guide services, charters, tours, and transportation to and from the location or locations for which such services are provided.

"Compensation" means money, barter, trade, credit, and other instruments of value, goods, and other forms of payment.

"Feeding" means the introduction of or an attempt to introduce any food or other substance into the water to attract marine life for any purpose other than to take the marine life. [L 2002, c 127, §2]

4.4.2 It is illegal to feed sharks In Federal waters. The following laws apply: (a) Magnuson-Stevens Fishery Conservation and Management Act (as amended through January 12, 2007), and (b)109-479 SEC. 317. SHARK FEEDING. 16 U.S.C. 1866. Exceptions may be granted to the extent determined by the Secretary, or under State law, as presenting no public health hazard or safety risk, or when conducted as part of a research program funded in whole or in part by appropriated funds, it is unlawful to introduce, or attempt to introduce, food or any other substance into the water to attract sharks for any purpose other than to harvest sharks within the Exclusive Economic Zone seaward of the State of Hawaii and of the Commonwealths, territories, and possessions of the United States in the Pacific Ocean Area.

4.5 Wildlife Interactions with marine invertebrates and kin.

4.5.1 Operators, divemasters, snorkel leaders and other guides shall brief clients to follow and will follow themselves a no-touch and no-feeding policy for all marine animals with the exception of animals listed in 4.5.3 for teaching touch.

4.5.2 For purposes of teaching marine ecology the animals in 4.5.3 may be gently and respectfully touched only when the following practices are applied:

- (a) The primary goal of enabling clients to touch marine animals is to encourage increased stewardship of the ocean by having them feel they learned and became a part of the environment, never for pure entertainment value.
- (b) Animals shall be removed from their habitat without causing harm to the animal or surrounding environment.
- (c) Animals shall be returned to the exact spot from which the animals originated.
- (d) Animals can not be removed from the water
- (e) All clients shall be briefed prior to diving or snorkeling with information that addresses:
 - (1) Why it is alright for this animal to be touched lightly and not others;
 - (2) How to touch;
 - (3) An educational fact about the animal.

4.5.3 Animals that are permitted to be used for teaching touch in accordance with 4.5.2 are:

- (a) Tripneustes gratilla, the Collector Urchin or Hāwa'e maoli
- (b) Common Hermit Crabs

4.6 Wildlife interactions with marine mammals not protected under the endangered species act (dolphins, pilot whales, sperm whales, toothed whales etc.)

4.6.1 Marine operators, guides, crew, boaters, jet skiers, kayakers, swimmers (including IronMan), paddlers, divers, snorkelers, surfers, fisherman or other human activity operating around an area with dolphins shall comply with and follow the Marine Mammal Protection Act and instruct clients on its requirements. The act prohibits the following activities:

Any act of pursuit, torment, or annoyance that

- (a) injures or has the potential to injure a marine mammal or marine mammal stock in the wild; or

(b) disturbs or has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing breathing, nursing, breeding, feeding, or sheltering.

4.6.2 Any form of pursuit by a boat including leap-frogging the pod is strictly prohibited under the Marine Mammal Protection Act.

4.6.3 In addition to following the Marine Mammal Protection Act all operators, guides, crew, boaters, kayakers, jet skiers, swimmers (including IronMan), paddlers, divers, snorkelers, surfers, fisherman or other human activity operating around an area with dolphins shall comply with all applicable Kona Task Force voluntary standards.

4.6.4 All operators, guides, crew, boaters, kayakers, jet skiers, swimmers (including IronMan), paddlers, divers, snorkelers, surfers, fisherman or other human activity operating around an area with marine mammals shall respect them by:

- (a) Never feed any marine mammals
- (b) Never touch marine mammals
- (c) Never attempt to harm with any weapon
- (d) When marine mammals approach; swim in line with the marine mammal (go the same direction).
- (e) Keep your arms close to your body; do not reach out to them
- (f) Do not inhibit the marine mammal from going where it wants to go

4.6.5 Boaters who put swimmers in the water near marine mammals shall:

- (a) Never put people on top of a pod. Allow a minimum of 100 feet between the marine mammal and the entry point of the swimmers.
- (b) Once you drop off the swimmers, boaters must move aside, allowing space for swimmers and marine mammals to swim without concern for the boat being in the path.
- (c) When marine mammals are in a bay and swimming a course around the bay, keep the boat out of the line of that course, unless there is an emergency.
- (d) Do not remain interacting with the marine mammals once they show sleep behavior which includes:
 - (1) Dolphins remain underwater for 5-10 minute intervals with only short times at the surface to breath
 - (2) Dolphins are not engaging in aerial acrobatics (spinning, tail slaps, head slaps etc)
 - (3) Dolphins are swimming in a chevron position (V shape)

4.6.6 Boats shall only remain for 30 minutes with a given pod at any time. After viewing marine mammals for 30 minutes, boats must depart the area for a

minimum of 30 minutes before returning. Boats are allowed a maximum of 3, 30 minute time periods with the pod, but must depart between each session for the minimum 30 minutes away.

4.6.7 All boaters including jet skiers shall:

- (a) When marine mammals are riding the bow of a boat or Jet Ski:
 - (1) Maintain the same speed
 - (2) Drive in a straight line
 - (3) When you need to turn, begin your turn well ahead of time allowing you to turn slowly
 - (4) When changing speeds, do so gradually, giving the animals opportunity to leave.
- (b) When traveling with marine mammals, drive straight and allow them to move toward you.
- (c) Never drive across the pod, unless you are in an emergency situation
- (d) Never make circles at high speeds through the a pod, inviting them to jump the wake.
- (e) If other boats are traveling with the pod, do not interfere with their travel.
- (f) When approaching a pod, reduce your speed to a speed only slightly greater than the individual whales/dolphins at a 400 yard distance
- (g) At a 100 yard distance reduce your speed to be no greater than the speed of individuals in the group
- (h) When multiple vessels are watching a group all boats shall remain on the same side of the pod (never surrounding them)

4.7 Additional spinner dolphin guidelines (*Stenella longirostris*)

4.7.1 Spinner dolphin exclusion areas are delineated in Appendix XX for Kealakakua, Honaunau, Makako Bay (Garden Eel Cove) and Hookena. Areas so delineated are off limits to all commercial or recreational swimmers, kayakers, jet skiers, all private and commercial boats including fishing, diving, sight seeing and snorkeling operations from 10:00am to 2:00pm whether dolphins are currently viewed in an area or not.

Kealakekua Bay Dolphin Exclusion Area:

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

Honaunau Dolphin Exclusion Area:

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

Hookena Dolphin exclusion area:

QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

4.7 Whale watching

The following guidelines and regulations have been extracted verbatim, except for the addition of paragraph numbers, from the brochure *Humpback Whales, a Boating and Ocean Use Guide for Safety and Conservation*. It is designed to help boaters, whale watchers, and other ocean users stay safe and legal on the water during whale season. Participants in its development were NOAA, the Hawai'i Department of Land and Natural Resources, US Coast Guard, and the National Marine Sanctuary Foundation. The full-color, illustrated brochure is available at http://hawaiihumpbackwhale.noaa.gov/special_offerings/sp_off/publication_pdfs/boater_brochure.pdf

The recommended practices presented here do not replace federal or state law. See NOAA regulations: 50 CFR Sections 216.3, 224.103, and 922.184.

1 The Basics: Staying Safe and Legal

1.1 All ocean users (power boaters, sailors, jet skiers, kayakers, paddlers, windsurfers, swimmers, divers, etc.) shall :

- (a) Keep a Safe Distance - Do not chase, closely approach, surround, swim with, or attempt to touch whales and other marine mammals.
- (b) Follow federal regulations that prohibit approaching (by any means) closer than 100 yards (90 m) when on or in the water, and 1,000 feet (300 m) when operating an aircraft.

1.2 These and other federal marine mammal and endangered species protection regulations apply to all ocean users, year-round, from 0 to 200 miles from shore throughout the Hawaiian Islands.

2 Avoiding Collisions and Disturbance

2.1 Keep a Sharp Lookout - Vessel operators should always stay vigilant for whales and other collision hazards. Look out ahead for "blows" (puffs of mist), dorsal fins, tails, etc. Operators are further advised to post at least one dedicated whale lookout, in addition to the operator, from November through May.

2.2 Watch Your Speed - NOAA recommends boaters slow down when whales are present. Research indicates that collision injuries are less frequent and less severe when vessels travel at 13 knots or less.

2.3 Stay at the Helm - Keep hands on the wheel and throttle at all times, and be ready to take action immediately to avoid a whale in your path.

2.4 Keep Your Distance - Once whales are sighted, stay at least 100 yards away.

2.5 Stop immediately if within 100 yards of a humpback whale. Use prudent seamanship to decide to either move away slowly or wait for the whale to move away.

2.6 Go Around Whales from Behind, while maintaining 100 yards distance, if you encounter whales in your path. Do not attempt to run out in front of whales to get past them.

2.7 Warn Other Vessels - Use appropriate VHF radio protocol or other means to alert other vessels that may not be aware of whales in their path.

2.8 Don't Assume Whales See You or will get out of the way. Calves are especially vulnerable since they are curious and may not have learned to be cautious of vessels.

2.9 Plan Ahead for Delays in transit due to whale encounters; avoid nighttime operations if possible.

2.10 Call the NOAA Hotline if involved in a collision: 1-888-256-9840, or locally Justin Viezbicke cell phone 808-987-0765, NOAA enforcement 1-800-853-1964 or the Honolulu office at 1-800-541-2727 - If a phone call is not possible, hail the US Coast Guard on VHF channel 16.

2.11 Acceptable Maneuvers

2.11.1 Viewing from the side: When a vessel is viewing a whale from either side, it should remain at least 100 yards from the whale and parallel the animal at that distance.

2.11.2 Viewing from the rear: When a vessel is viewing from the rear, remain at least 100 yards behind the whale and adjust speed to that of the slowest.

2.12 Unacceptable Maneuvers

2.12.1 Approaching head-on: Never approach a whale head-on or in the path of the animal. If a vessel finds itself in the path of the whale, it should safely maneuver out of the path of the animal, while maintaining a distance of at least 100 yards.

2.12.2 **Never** maneuver in such a way that would result in:

- (a) Cutting a whale off from deep water.
- (b) Surrounding a whale.
- (c) Placing your vessel between a mother and calf.
- (d) Leapfrogging/Overtaking.
- (e) Running in front or cutting across a whale's path.

3 Responsible Wildlife Viewing for all boat-based whale watchers

3.1 In addition to following the 100-yard approach regulation and other whale protection laws, ocean-going whale-watchers should:

- (a) Bring along binoculars and telephoto lenses to assure good views and photographs.
- (b) While passengers may scan in all directions for whales, the vessel operator should always follow the collision avoidance guidelines in this brochure.
- (c) Once whales are sighted, slowly approach and carefully parallel along side or follow from the rear, while maintaining at least 100 yards distance.
- (d) Never operate your vessel faster than the slowest whale in the group while paralleling or following.
- (e) Never approach whales head-on.
- (f) Never encircle, entrap, herd, or separate whales, especially mothers and calves.
- (g) Always leave whales plenty of room toward the open ocean to use as an "escape route."
- (h) Never "leapfrog" or cut in front of a whale's path.

- (i) Minimize sudden, unnecessary maneuvers or speed changes in the vicinity of whales.
- (j) Limit your observing time to 1/2 hour or less.
- (k) When several vessels are in the area, communicate with the other vessel operators to ensure that you do not cause disturbance.
- (l) Be aware that cumulative impacts may also occur. You and your vessel may not be the only one that day to have approached the same animals.
- (m) When leaving the viewing area, slowly and vigilantly steer your vessel away - there may be other unseen whales nearby.
- (n) Dispose of trash and vessel waste responsibly.

4 Signs of Whale Disturbance

4.1 Cautiously move away if you observe any of the following behaviors:

- (a) Rapid changes in swimming direction or speed.
- (b) Erratic swimming patterns.
- (c) Escape tactics such as prolonged diving, underwater exhalation, underwater course changes, or rapid swimming away from your location at the surface.
- (d) Female attempting to shield calf with her body or by her movements.
- (e) Sudden stop in important breeding, nursing, feeding or resting activities after your arrival.
- (f) Abandonment of previously frequented areas.

5 Reporting Incidents

5.1 Violations - Report 100-yard approach rule violations and other incidents of humpback whale harassment or disturbance to the NOAA Office of Law Enforcement, 24-hour enforcement hotline at 1-800-853-1964.

5.2 Injuries - Report injured, entangled, and stranded whales, vessel-whale

collisions, and other marine mammal health concerns to the NOAA Fisheries Service 24-hour marine mammal hotline at 1-888-256-9840.

4.8 Monk Seal interactions

4.8.1 Keep your pet on a leash at all times in the presence of seals. Seals can be aggressive and have been known to bite dogs.

4.8.2 When viewing a monk seal on the beach, observe them from at least 150 feet away and limit your observation time to one-half hour.

4.8.3 Never attempt to swim with or touch a Hawaiian monk seal. They are wild animals and have been known to be aggressive and bite humans.

4.8.4 Marine Mammal Stranding/Entanglement Hotline: 1-888-256-9840 or Hawaiian Monk Seal Sightings Hotline (808) 983-2958, (808) 220-7802

4.9 General Boating

All recreational wildlife viewing and interactions involving boating shall fully comply with Kona Hawaii Voluntary Standard for general boating #....

4.10 Scuba Diving and Snorkelling

All recreational wildlife viewing and interactions involving scuba diving, snorkeling and snuba diving shall fully comply with Kona Hawaii Voluntary Standard for scuba diving, snorkeling and snuba diving #.....

4.13 Shoreline activities

All recreational wildlife viewing and interactions along the shoreline shall fully comply with Kona Hawaii Voluntary Standard for shoreline activities #.....

Annex A

Manta Ray Guidelines

Referenced Document: Manta ray guidelines first created by The Ocean Recreation Council of Hawaii and PADI's Project AWARE

Manta Ray viewing Guidelines to hand to Customers:

Manta rays of Kona, Hawaii

Manta rays are large, beautiful sea creatures that live in warm temperate waters worldwide. Their side or pectoral fins have evolved into wide triangular wings that they use to easily propel themselves through the water. With wing spans reaching over 20' across, manta rays are one of the largest animals in the ocean. Their scientific name is *Manta birostris*. In Hawaiian, they are called Hahalua.

Cousins to sharks, manta rays have cartilaginous skeletons that make for their graceful flexibility. Mantas are filter feeders and feed on plankton. They possess cephalic (head) fins that they use to help funnel food and water into their cavernous mouths. Mantas do not have teeth or tail stingers and are harmless to people. However, mantas are threatened by over fishing in several countries due to their long gestation period (13 months), low birth rate, late sexual maturity, and limited migration.

The Kona coast of the Big Island of Hawaii is one of the best places in the world to respectfully observe manta rays. At night, manta rays glide, pivot, and somersault above mesmerized scuba divers. The underwater lights used by the divers attract clouds of plankton that the mantas feed on. Popularity in this dive is great, but it is important that all divers and snorkelers adhere to strict conservation guidelines (opposite side) during the encounter.

The Kona manta rays have been studied closely since 1991 by Keller Laros, founder of Manta Pacific Research Foundation, and more recently by Tim Clark of the University of Hawaii who has conducted an extensive tracking study. Mantas are accurately identified by their unique ventral spot patterns. Mantas are named, cataloged and nightly sighting data is recorded. Lefty, the most popular ray in the Kona clan, is easy to identify because of her broken left cephalic fin, she was first identified in 1979. To learn more about manta rays go to www.mantapacific.org.

Recommended Practices for Night Viewing Manta Rays

Guidelines for clients:

- 1.) Observe only: no touching. Resist the urge to "pet" the mantas. This will rub off their protective mucus coating. Do not chase, grab, or try to take a ride on the mantas. This doesn't benefit the animal in anyway.
- 2.) Diver position: divers please stay on or near the sand, rubble or boulder bottom. An open water column is necessary for the mantas to maneuver. Avoid contact with coral, sea urchins, or other marine life. Form a semi-circle with your group.
- 3.) Snorkeler position: snorkelers please stay on the surface. Do not dive down into the water column where the mantas are feeding
- 4.) Lights: divers please hold your light above your head and shine lights up into the water column to attract plankton. Snorkelers please shine lights down.
- 5.) Bubbles: divers please try to time your breathing so that you don't blow bubbles up into the manta if it passes over your head.
- 6.) Divers: we recommend you remove your snorkel from your mask and place it in your BC pocket as it can easily be snagged by the manta ray and dislodge your mask.
- 7.) Taking photos or video: When taking underwater photos or video, please be considerate of others. Adhere to these guidelines and let the mantas come to you aiming your lights up and not across the circle.
- 8.) If you do not follow these guidelines and are endangering the animals, upon the divemaster's discretion you may be removed from the dive.