



## **Notes from Seventh Hawai'i Dolphin Initiative Meeting held on August 19, 2017 at the New Thought Center of Hawaii**

### **Summary**

The meeting focused on strategies for further building relationships with other stakeholders including Native Hawaiians, DLNR, boat captains and NOAA (even though a recent email indicated NOAA's unwillingness to engage). As the HDI matures and becomes increasingly representative of those impacted by NOAA's proposed regulations, alignment is building between DLNR and the HDI. This is based around a shared theme of Education.

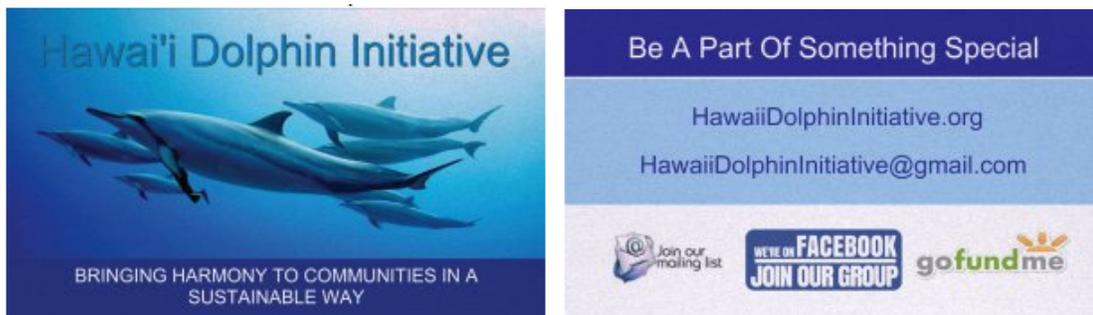
*As always, all the information gathered at the meetings is made publicly available. Please follow the following link to gain access to all the documents and recordings.*

<http://www.hawaiidolphininitiative.org/hdi-meeting-notes.html>

### **Business Matters and General Discussion**

1. Lisa Denning was nominated to the HDI Steering Committee, and was elected as the HDI Vice President. Lisa has been a passionate supporter.
2. The Citizen Science & Research committee asked that members contribute to the survey - <http://dolphinsurvey.org/> . The HDI website needs more information about the survey for it to be promoted effectively - <http://www.hawaiidolphininitiative.org/citizen-science-matters.html> . The committee were invited to submit an explanatory paragraph to Nigel Patterson for inclusion on the HDI website.
3. Joan Ocean offered any photos or research materials that we may need for educational purposes. We want our website to become a resource of good information about dolphins.
4. The Education committee will be meeting soon again. It was noted that additional input from the perspective of the Native Hawaiians was required.
5. David Kerchman offered to head the "Honor the Hawaiians" initiative. Michael Jacobson, Nigel Patterson and Lino Kamakau (DLNR) will continue to liaise and support this initiative.
6. Discussion took place over the commercial boat operators and how to align them with the goals of HDI. All HDI members are encouraged to invite the boat captains into our meetings.

7. It was also noted that Nigel Patterson had reached out to [Suzanne Case](#), Chairperson, DLNR to invite DLNR to participate in a “gap analysis” between what the MMPA states and how HDI members are conducting themselves in the water. The feeling is that the gap is probably narrower than many perceive it to be. Once we have the facts, we can then set objective strategies for moving forward. Nigel is waiting to hear back.
8. Whilst most of the members at the meeting understood the need for consensus, collaboration and respect, there were still a few who defended their position to not change their past behaviors. It was stressed that entrenched positions play into the current divisions, which the HDI and DLNR are working towards resolving. It was thus important all parties remained open to listening to others and understand what changes may be required, if any, to achieve harmony.
9. New HDI business cards were made available for all members to take and hand out. They contain all HDI information. Contact a HDI Steering Committee Member to obtain more.



## Harassment of Swimmers at the Bays

Several reports were tabled of recent harassment of the swimmers and beach-goers at the bays and beaches. This was separate to any human-dolphin harassment. The harassment reported was against both individuals and groups. This made for an unpleasant environment and served to only encourage division.

- [Lino Kamakau](#), Chief Law Enforcement Officer of DLNR who was present at the meeting, offered to investigate these claims further and encouraged all parties to show restraint and to respect each other. It was also important the various parties did not overstep their assigned jurisdictions at the bays and beaches and remain within their boundaries. Lino has meetings with representatives at the bays scheduled for early September.
- Lino also encouraged any person who believes they have been harassed to record and report such harassment as this is all he can act upon. Hearsay is not useful. When filing a police report, we may ask that the harasser not be contacted.
- Additional reports of harassment were sent to [Charmaine Kamaka](#), Director of Parks and Recreation, explaining the issues. Lino and Charmaine are in regular contact.
- The meeting reiterated their support for the mission statement of the HDI, “Bringing Harmony to Communities in a Sustainable Way”, and are thus supportive of any efforts to make this happen.

## Update on NOAA's Engagement with HDI

Lino Kamakau reached out to David Scofield, Regional Marine Mammal Response Program Coordinator, NOAA IRC, NMFS/PIRO/Protected Resources Division, informing him what the HDI's goals were and suggesting NOAA attend a meeting to share their perspective on good protocol when interacting with dolphins.

As David did not respond to this request, Nigel Patterson followed up several times finally receiving a response on August 1, 2017 from [Susan Pultz](#), Chief, Branch of Conservation Planning and Rulemaking, Protected Resources Division, National Marine Fisheries Service/Pacific Island Regional Office. Her email reply reads:

*Aloha Nigel,*

*My colleague, David Schofield, forwarded your email to me as I am the lead on the proposed rulemaking to protect Hawaii's spinner dolphins. I do remember you from one of the spinner dolphin hearings.*

*Thank you for your interest in finding a different approach to protecting spinner dolphins in their resting habitat. However, when we (NOAA) are engaged in a rulemaking, our regulatory procedures are mandated by the Administrative Procedure Act. Within these procedures, we took public comments on the proposed rule from August 24, 2016 through December 1, 2016. This included a re-opening of the comment period in response to requests from the public. Submission of your Hawaii Dolphin Initiative would require another reopening of public comment. We regret that we cannot reopen the public comment period and cannot consider your initiative. For this reason, we must respectfully decline your invitation to attend one of your meetings. As documented in the DEIS (2016), we have already considered various voluntary measures and do not believe they adequately address the purpose and need of our proposed action.*

*Currently, we are updating our economic analysis and analyzing comments we received during the public comment period regarding the proposed regulations.*

*Mahalo for your interest in conserving spinner dolphins and your e-mail. We will be back in touch as the process progresses.*

*Susan*

Whilst it was helpful to understand NOAA's position, and we appreciated the courteous tone, the meeting was disappointed they had chosen not to engage with the HDI, instead choosing to continue to impose their position onto the community, believing their comment period was sufficient for their feedback purposes.

This totally missed the mark in recognizing and taking responsibility for the deep divisions within the community NOAA created in August 2016 when they announced their proposed regulations at the community forums. It was not possible for the healing of such divisions to occur in the limited timeframe that NOAA believed was sufficient for comments. This is an ongoing process and NOAA must be open to this.

The HDI thus believe NOAA are missing an opportunity to work within the local community to find a solution that works for the community as this is the best chance of success NOAA will have in the implementation of any future regulations they may draft. Without community engagement, there will be reduced chance of successful ongoing enforcement and every chance of alienating the community from future cooperation with NOAA.

We sincerely hope NOAA change their approach. The HDI remains open to working with NOAA.

However, we did take note of the comment, *"...we (NOAA) have already considered various voluntary measures and do not believe they adequately address the purpose and need of our proposed action."* Working in collaboration with DLNR, we look forward to proving NOAA wrong.

Nigel Patterson will reply to the above email from Susan Pultz.

Lino Kamakau is still of the opinion that David Scofield should address the community and educate the HDI members to NOAA's position on the spinner dolphin issues. Education is key. The invitation stands.

## Update on Makai Watch

Dianne Tangen has reached out to Luna (Edward) Kekoa, DLNR/DOCARE Makai Watch coordinator, and is waiting to hear back. Luna and Nigel Patterson have had preliminary discussions. Dianne will now run with this.

Learn more about what the Makai Watch is - <http://dlnr.hawaii.gov/makaiwatch/>

Dianne is looking for HDI members to participate in this program. Volunteers, please contact Dianne directly.

## GoFundMe

A large part of the HDI's purpose is to educate both locals and visitors on the protocols for swimming with dolphins. The Education Committee is working towards posters and a brochure which will promote this.

Whilst some HDI members may be impatient for quicker deliverables, the posters and brochure should only be produced once the "Irresistible Agreement" has been reached, namely, all stakeholders have bought in. Posters created without buy-in from all parties will not have the legitimacy that we are looking for. Instead they may create further resentment between parties.

In addition, HDI members wish to be in a position to mount a legal challenge against NOAA's proposed regulations depending upon the final draft. However, as covered above, the HDI would rather work with NOAA in coming to consensus, but will not shy away from litigation if necessary.

HDI already has a very early stage GoFundMe campaign - <https://www.gofundme.com/hawaii-dolphin-education-fund>.

This has not been promoted as it does not yet accurately reflect the objectives of the HDI. At the meeting, Gonnig Heggen shared a revised draft which appeals to a wide audience, both locally and internationally. This will be further developed with a new launch for the GoFundMe campaign.

## Next Meeting Date

The next meeting is tentatively scheduled for:

Date: October 7, 2017

Time: 5 – 8 pm

Venue: New Thought Center of Hawaii

The meeting wrapped up with community building over shared pupus and refreshments.