

NATIONAL MARINE SANCTUARIES ACT

HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

VIOLATION	VIOLATION HISTORY -- PENALTY AMOUNT		
	FIRST	SECOND	THIRD
Approaching, or causing a vessel or other object to approach, by any means, within 100 yards of any humpback whale except as authorized under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA)			
Commercial Respondent	\$800 - \$3,000	\$2,000 - \$6,000	\$3,000 - \$9,000
Non-Commercial Respondent	\$400 - \$800	\$800 - \$1,500	\$1,500 - \$2,500
Operating any aircraft above the Sanctuary within 1,000 feet of any humpback whale except when in any designated flight corridor for takeoff or landing from an airport or runway or as authorized under the MMPA and the ESA.	\$800 - \$3,000	\$2,000 - \$6,000	\$3,000 - \$9,000

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VIOLATION	VIOLATION HISTORY -- PENALTY AMOUNT		
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<p>Taking any humpback whale in the Sanctuary except as authorized under the MMPA and the ESA:</p> <p style="padding-left: 40px;">Kill Wound/Injure Hunt/Capture Harass Collect Dead Parts</p>	<p>Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA</p>	<p>Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA</p>	<p>Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA</p>
<p>Possessing within the Sanctuary (regardless of where taken) any living or dead humpback whale or part thereof taken in violation of the MMPA or the ESA.</p>	<p>Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA</p>	<p>Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA</p>	<p>Penalties will be determined to fit the facts and circumstances of particular cases with reference, as appropriate, to the NOAA penalty schedules for violations under the MMPA and the ESA</p>

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Discharging or depositing any material or other matter in the sanctuary *			
Hydrocarbons or hazardous substance	\$10,000 - Statutory Max.	\$40,000 - Statutory Max.	\$70,000 - Statutory Max.
Fuel, oil, etc., from recreational vehicles	\$200 - \$10,000 (minor violation = Summary Settlement of \$100)	\$2,000 - \$20,000	\$10,000 - \$40,000
Entangling material	\$5,000 - \$30,000	\$10,000 - \$60,000	\$20,000 - Statutory Max.
Trash	\$200 - \$15,000 (minor violation = Summary Settlement of \$100)	\$2,000 - \$60,000	\$10,000 - Statutory Max.
Raw material (unprocessed and not hazardous)	\$200 - \$10,000 (minor violation = Summary Settlement of \$100)	\$1,500 - \$30,000	\$3,000 - Statutory Max.
Deposit of wrecks	Penalty determined on a case-by-case basis	Penalty determined on a case-by-case basis	Penalty determined on a case-by-case basis

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	FIRST	SECOND	THIRD
Altering the seabed of the sanctuary *	Penalty determined on a case-by-case basis	Penalty determined on a case-by-case basis	Penalty determined on a case-by-case basis
Discharging or depositing or depositing from beyond the boundary of the Sanctuary, any material or other matter that subsequently enters the Sanctuary and injures a humpback whale or humpback whale habitat. *	Penalty determined on a case-by-case basis	Penalty determined on a case-by-case basis	Penalty determined on a case-by-case basis
Interfering with, obstructing, delaying or preventing an investigation, search, seizure or disposition of seized property in connection with enforcement of either of the Act or any regulations issued thereunder.	\$5,000 - \$15,000	\$10,000 - \$50,000	\$25,000 - \$50,000

* The violations marked with an asterisk are subject to the following qualification:

Provided that such activity requires a Federal, State permit, license, lease or other authorization, and is conducted (i) without such permit, license, lease or other authorization, or (ii) not in compliance with the terms and conditions of such permit, license, lease, or other authorization.