

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawai'i 96813

May 13, 2016

Board of Land and Natural Resources
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Chris Pearce, Publisher – Hana Hou! The Magazine of Hawaiian Airlines, for Access to State Waters for Activities Highlighting a Decade of Exploring, Researching, Conserving and Managing Papahānaumokuākea Marine National Monument

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument special ocean use permit for Chris Pearce, Publisher – Hana Hou! pursuant to § 187A-6, Hawai'i Revised Statutes (HRS), Chapter 13-60.5, Hawai'i Administrative Rules (HAR), and all other applicable laws and regulations.

The special ocean use permit, as described below, would allow entry and observational activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- French Frigate Shoals
- Laysan Island
- Lisianski Island, Neva Shoal
- Pearl and Hermes Atoll
- Midway Atoll
- Kure Atoll

The activities covered under this permit would occur between May 15, 2016 – May 14, 2017.

The activities being proposed are similar to other work previously permitted and conducted in the Monument.

INTENDED ACTIVITIES

The Applicant proposes to highlight the accomplishments of PMNM in an upcoming article for Hana Hou! The Magazine of Hawaiian Airlines. Up to two individuals would shadow separately permitted researchers/field staff in shallow marine areas (< 100 m) within Midway Atoll Special Management Area and all Special Preservation Areas; and also terrestrial areas including French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Atoll, Midway Atoll, and Kure Atoll. Activities would consist of photography, observing, audio-recording, interviewing researchers/staff and swimming/snorkeling. The Applicant's article would be published in Hana Hou! The Magazine of Hawaiian Airlines' August/September 2016 issue, and would highlight

the 10th anniversary of the Monument and the accomplishments made during the past decade of exploring, researching, conserving and managing the Monument.

Pending final logistics, the project participant(s) may access PMNM aboard NOAA Ship HI'IALAKAI (vessel support operations separately permitted under permit no. PMNM-2016-016) during a research cruise scheduled for May 22 – June 15, 2016; or access via US Fish and Wildlife Service chartered flight to Midway on June 7, 2016 and embark on NOAA Ship HI'IALAKAI at Midway and accompany the ship back to Honolulu, HI.

The proposed activities would include access for a writer and a photographer, their activities include observation of the surroundings and activities (including swimming/snorkeling), interviewing researchers and others, recording sounds of wildlife, recording interviews, taking pictures of reference and publication. The article's target audience is broad, including local residents, tourists visiting Hawai'i, as well as the thousands of international marine managers and delegates traveling to Hawai'i for the IUCN World Conservation Congress in September 2016.

The project would directly benefit the conservation and management of the Monument by increasing ocean ecosystems literacy and promoting stewardship values in line with the Monument Management Plan's (MMP's) Ocean Ecosystems Literacy Action Plan Strategy-1, "mainstreaming Northwestern Hawaiian Islands (NWHI) and ocean ecosystem literacy" (PMNM MMP 2008 Vol. I, p. 287) as well as the Community Building and Outreach Strategy-2, "Continue to develop and disseminate materials and improve and update tolls that help inform Monument constituencies about the Monument over the life of the plan" (PMNM MMP 2008 Vol. I, p. 271).

The proposed activities coincide with the Monument's goal to "bring the place to the people" and target a variety of actions and strategies in the MMP including:

- Strategy MCS-3: Communicate results of research and monitoring over the life of the plan (PMNM MMP Vol. 1, p. 127, 2008).
- Activity CBO-2.3: Support other entities' efforts to broaden knowledge of and appreciation for Monument resources and management priorities (PMNM MMP Vol. 1, p. 271, 2008).

The activities described above may require the following regulated activities to occur in State waters:

Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

REVIEW PROCESS

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 23, 2016, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Comments received from the scientific community are summarized as follows:

Scientific reviews support the acceptance of this application. The following concerns were raised:

1. Would the Monument Communications Team and the Cultural Working Group be able to review any of the draft works before being published?

The Applicant responded with:

Hana Hou!'s policy is that we do not share unpublished drafts. We will, however, happily conduct a thorough fact-check (including proper spelling of Hawaiian words and place-names) by phone with whomever the CWG designates as the relevant contact. In further response to the CWG's concerns, Hana Hou! is currently working to identify Native Hawaiian sources with deep connections to the monument to ensure that not only Western scientific but also indigenous cultural perspectives are included in the story. That said, the writer will be spending most of his time among scientists aboard a NOAA research vessel, and the story will very likely lean in that direction.

2. Does the applicant intend to access land at other islands besides Midway and Kure?

The Applicant responded with:

Currently the writer, Kenneth Weiss, is scheduled to land only on Midway and Kure. He will be embedded with the NOAA scientists, and so will also be accompanying them on observation dives (for which he is certified). Should the scientists wish to land on other atolls, it is my hope Mr. Weiss would be welcome to join them if invited.

[Update]: Due to a change in the scheduling of the expedition, it is now unlikely that Mr. Weiss will visit Kure. He will instead likely spend time on Laysan instead, and depending on the final cruise logistics and availability of field camp staff, may access French Frigate Shoals, Pearl and Hermes Atoll, and Lisianski Island.

Reviewer Follow-up Comments and Applicant Answers:**COMMENTS / RECOMMENDATIONS:**

1. Please wipe down all equipment before accessing each island, such as cameras are wiped clean of all resins, oils, lubricants before entering each area, terrestrial and water areas alike.

The Applicant responded with:

Noted. Ken will follow any additional protocols that other personnel landing on atolls recommend.

2. Please note that all quarantine protocols (see attached PMNM Best Management Practice #7: Special Conditions and Rules for Moving Between Islands/Atolls and Packing for Field Camps) should be followed for each island the applicant intends to have personnel under his permit (if approved) access, and that on-site field staff would serve as escorts for participants while on land.

The Applicant responded with:

Noted.

3. If they access Kure they need to be escorted by DLNR staff while on land. They can snorkel at the pier if there are no seals and they have an DLNR escort.

The Applicant responded with:

Noted, but unlikely to occur.

4. They need to follow all biosecurity procedures. I suggest that they watch the quarantine video before they start packing. {links provided: <https://www.youtube.com/watch?v=1Yg2mSjuQmI>; <http://kureatollconservancy.org>}

The Applicant responded with:

Noted. We will abide by all BMPs, if our proposal is granted.

Comments received from the Native Hawaiian community are summarized as follows:

My current concern would be to make sure he has access to ALL projects, and that he is accurate in the sharing of intent of the cultural accesses most importantly. Will he be asking the projects he covers to approve a final read through (and could the CWG be a part of that) especially since there could be mis-translations, mis-interpretations of intent and activities? Other than that, having these stories shared is a huge part of "bringing the place to the people"

and reminding our communities here that our Hawaiian universe is so much larger than we think.

When I reviewed the Hana Hou application, I was not supportive of the fact that their presentation to their inflight audience is merely entertaining with beautiful pictures of our cultural resources. The challenge for them is to keep their audience entertained with cultural resources that are rarer, inaccessible, unique and somehow sacred. They contribute to the expectation of their readers a need to know even more and now an expectation to access our Kūpuna places.

I would want to have editing rights for what may not be appropriate for the writer. We are not asking to correct your facts and spelling, we are asking for editing rights to be sure that we are not presenting what is not culturally appropriate for anyone to know, see or read about. Hana Hou! wants exclusive rights to present us in their magazine format, wants access to all the places possible and will be taking images of our resources for their own use and ownership. Papahāunaumokuākea is not for sale or for exposure.

If the audience is tied to the arrival of the international communities for the WCC, then we should be collaborating in the story line that the magazine wants to present. We should ensure that the story, images and the presentation is in keeping with our responsibility to Papahāunaumokuākea. If it means that we will threaten to pull their access in order to get editing rights, image rights and story content, then let it be.

I am not comfortable with this application.

[UPDATE: OHA has been in contact with both the reviewer and the Applicant. Though it will not be possible to obtain editing rights for this piece, the Applicant will be interviewing several members of the PMNM Native Hawaiian Cultural Working Group for the appropriate cultural context.]

Comments received from the public are summarized as follows:

No comments were received from the public on this application.

Additional reviews and permit history:

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA) Yes No

If so, please list or explain:

- The proposed activities are in compliance with the National Environmental Policy Act.
- The proposed activities are in compliance with the Endangered Species Act.
- The proposed activities are in compliance with Section 106 of the National Historic Preservation Act.
- A request to the U.S. Fish and Wildlife Service Pacific Islands Fish and Wildlife Office (PIFWO) for a Section 7 informal consultation pursuant to the Endangered Species Act of 1973 is underway to analyze the effects of proposed activities within the Monument on

protected species. The outcome of this consultation may require the Applicant to adhere to other PIFWO-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.

- An informal review of all aforementioned activities following section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)) was completed on March 9, 2016 by NOAA National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO). NMFS PIRO concluded adequate PMNM Best Management Practices are in place for the proposed activities, thus project activities would not adversely affect Essential Fish Habitat (EFH).

Has Applicant been granted a permit from the State in the past? Yes No
If so, please summarize past permits:

Have there been any a) violations: Yes No
b) late/incomplete post-activity reports: Yes No

Are there any other relevant concerns from previous permits? Yes No

STAFF OPINION

DAR staff is of the opinion that the Applicant has properly demonstrated valid justifications for his application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Special Ocean Use Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

MONUMENT MANAGEMENT BOARD OPINION

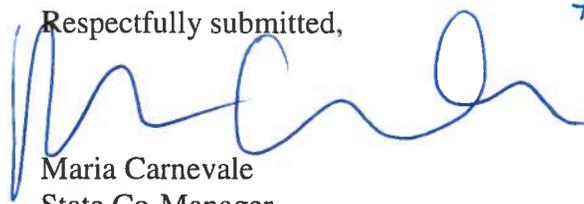
The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

RECOMMENDATION

That the Board authorize and approve a special ocean use permit to Chris Pearce, Publisher, Hana Hou! The Magazine of Hawaiian Airlines, with the following special conditions:

1. The permittee may not convey, transfer, or distribute, in any fashion (including, but not limited to, selling, trading, giving, or loaning) any coral, live rock, or organism collected under this permit without the express written permission of the Co-Trustees.
 2. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocols attached to this permit.
 3. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
 4. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge
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5. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.
 6. That the permittee provide, to the best extant possible, a summary of their Monument access, including, but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events.

Respectfully submitted,



Maria Carnevale
State Co-Manager
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne D. Case
Chairperson

Papahānaumokuākea Marine National Monument
SPECIAL OCEAN USE Permit Application

NOTE: *This Permit Application (and associated Instructions) are to propose activities to be conducted in the Papahānaumokuākea Marine National Monument. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Papahānaumokuākea Marine National Monument (Monument).*

ADDITIONAL IMPORTANT INFORMATION:

- Any or all of the information within this application may be posted to the Monument website informing the public on projects proposed to occur in the Monument.
- In addition to the permit application, the Applicant must either download the Monument Compliance Information Sheet from the Monument website OR request a hard copy from the Monument Permit Coordinator (contact information below). The Monument Compliance Information Sheet must be submitted to the Monument Permit Coordinator after initial application consultation.
- Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Send Permit Applications to:
NOAA/Inouye Regional Center
NOS/ONMS/PMNM/Attn: Permit Coordinator
1845 Wasp Blvd, Building 176
Honolulu, HI 96818
nwhipermit@noaa.gov
PHONE: (808) 725-5800 FAX: (808) 455-3093

SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR ADDITIONAL SUBMITTAL INSTRUCTIONS, SEE THE LAST PAGE.

Papahānaumokuākea Marine National Monument Permit Application Cover Sheet

This Permit Application Cover Sheet is intended to provide summary information and status to the public on permit applications for activities proposed to be conducted in the Papahānaumokuākea Marine National Monument. While a permit application has been received, it has not been fully reviewed nor approved by the Monument Management Board to date. The Monument permit process also ensures that all environmental reviews are conducted prior to the issuance of a Monument permit.

Summary Information

Applicant Name: Chris Pearce

Affiliation: Hana Hou! The Magazine of Hawaiian Airlines

Permit Category: Special Ocean Use

Proposed Activity Dates: April 1-August 31, 2016

Proposed Method of Entry (Vessel/Plane): Vessel

Proposed Locations: All islands and atolls within the Monument

Estimated number of individuals (including Applicant) to be covered under this permit: 3

Estimated number of days in the Monument: 25

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...

The individuals covered under this permit would conduct activities for the purpose of writing and publishing an article and images about the work being conducted in the Monument. The resulting article, to be published in Hana Hou! The Magazine of Hawaiian Airlines' August/September 2016 issue, will highlight the 10th anniversary of the Monument and the accomplishments made during the past decade of exploring, researching, conserving and managing the Monument.

b.) To accomplish this activity we would

Accompany the researchers during their work (to the extent possible), interview researchers, observe operations (to the extent possible), experience the place, take pictures and possibly video of the environment, the wildlife (to the extent allowed) and the research activities on the ship, in the water and on the land (to the extent allowed).

c.) This activity would help the Monument by ...

Showcasing to a broad audience the accomplishments made during the past decade of exploring, researching, conserving and managing the Monument. Hana Hou! The

Magazine of Hawaiian Airlines is the publication of the biggest airline carrier in the state and publishes 115,000 copies per issue, potentially reaching over a million passengers per issue. The timing of the publication (targeted for the August/September 2016 issue) coincides with the IUCN World Conservation Congress, in Honolulu from September 1-10, 2016, when thousands of conservation managers and delegates from numerous nations will be traveling to Hawaii. This timing is perfect to reach these many high level conservation managers and decisionmakers and share the accomplishments of the Monument and increase support.

Other information or background:

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Pearce, Chris

Title: Publisher, Hana Hou! The Magazine of Hawaiian Airlines

1a. Intended field Principal Investigator (See instructions for more information):
Chris Pearce

2. Mailing address (street/P.O. box, city, state, country, zip):



For students, major professor's name, telephone and email address:

3. Affiliation (institution/agency/organization directly related to the proposed project):
Hana Hou! The Magazine of Hawaiian Airlines

4. Additional persons to be covered by permit. List all personnel roles and names (if known at time of application) here (e.g. John Doe, Research Diver; Jane Doe, Field Technician):
TBD - writer
TBD - photographer

Section B: Project Information

5a. Project location(s):

<input checked="" type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> French Frigate Shoals	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Maro Reef			
<input checked="" type="checkbox"/> Laysan Island	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Lisianski Island, Neva Shoal	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Pearl and Hermes Atoll	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Midway Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Kure Atoll	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Other			

Ocean Based

Remaining ashore on any island or atoll (with the exception of Midway & Kure Atolls and Field Camp staff on other islands/atolls) between sunset and sunrise.

NOTE: There is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

Location Description:

All islands and atolls within the Monument to the extent possible

5b. Check all applicable regulated activities proposed to be conducted in the Monument:

- Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource
- Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands
- Anchoring a vessel
- Deserting a vessel aground, at anchor, or adrift
- Discharging or depositing any material or matter into the Monument
- Touching coral, living or dead
- Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- Attracting any living Monument resource
- Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- Subsistence fishing (State waters only)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

6. Purpose/Need/Scope *State purpose of proposed activities:*

This project directly serves the Monument's mission to "bring the place to the people." As the largest and remotest single fully-protected marine conservation area in the world, as well as being the only mixed natural and cultural World Heritage site in the United States, the Monument has many things to share with marine managers, cultural practitioners, educators, and the public around the globe. This year (2016) being the 10th anniversary of the nation's first Marine National Monument is the perfect opportunity (and even obligation) to showcase the accomplishments made at protecting and exploring this unique place.

Hana Hou! The Magazine of Hawaiian Airlines is the publication of the biggest airline carrier in the state and publishes 115,000 copies per issue, potentially reaching over a million passengers per issue. The timing of the publication (targeted for the August/September 2016 issue) coincides with the IUCN World Conservation Congress, in Honolulu from September 1-10, 2016, when thousands of conservation managers and delegates from numerous nations will be traveling to Hawaii. This timing is perfect to reach these many high level conservation managers and decisionmakers and share the accomplishments of the Monument and increase support.

*Considering the purpose of the proposed activities, do you intend to film / photograph federally protected species? Yes No

For a list of terrestrial species protected under the Endangered Species Act visit:

<http://www.fws.gov/endangered/>

For a list of marine species protected under the Endangered Species Act visit:

<http://www.nmfs.noaa.gov/pr/species/esa/>

For information about species protected under the Marine Mammal Protection Act visit:

<http://www.nmfs.noaa.gov/pr/laws/mmpa/>

7. Answer the Findings below by providing information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Monument:

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?

All of the proposed activities (writing and photography) are non-invasive and solely observational. The activities will be conducted with adequate safeguards to the Monument's resources and ecological integrity by strictly following Monument rules,

regulations and best practices. All proposed activities will be done under the approval of the research cruise Chief Scientist.

b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects? The proposed activities are strictly observational and non-invasive and will have no impact or diminishment on the resources or integrity of the Monument. The permittee will work with Monument staff and leadership to ensure that the activities are conducted in a manner compatible to Monument management.

c. Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument.
As writing and photography are art forms that require direct contact with a subject, there is no practicable alternative to conducting the activity within the Monument. In order to adequately share the unique features of the Monument and the work of the researchers and managers working in it and thus "bring the place to the people," it is imperative to get the full scope and first-hand experience of the place.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?
The publication will reach a wide audience to raise awareness about the Monument - its features, wildlife, natural and cultural significance - as well as what it takes to do research and management in such a remote place, and highlight the accomplishments made over more than a decade of research, management and conservation efforts. There will be no adverse impacts to the natural cultural and historic resources and ecological integrity.

Hana Hou! The Magazine of Hawaiian Airlines is the publication of the biggest airline carrier in the state and publishes 115,000 copies per issue, potentially reaching over a million passengers per issue. The timing of the publication (targeted for the August/September 2016 issue) coincides with the IUCN World Conservation Congress, in Honolulu from September 1-10, 2016, when thousands of conservation managers and delegates from numerous nations will be traveling to Hawaii. This timing is perfect to reach these many high level conservation managers and decisionmakers and share the accomplishments of the Monument and increase support.

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.
The activities will take place during a research cruise to the Monument for approximately 25 days, which is a sufficient duration to experience and observe in order to achieve the purpose of the proposed activity.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

The applicant has been an editor and publisher for internationally-acclaimed publications for 20 years and has a proven track record of successful professional publication oversight. Will be sending resume separately.

g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct. The applicant will be accompanying existing field cruise expeditions which will cover the cost of participating in the proposed activities. In addition, Hana Hou! magazine has sufficient means to cover incidental expenses associated with the proposed activities if needed.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic-resources, qualities, and ecological integrity.

The methods and procedures for the proposed activities are non-invasive and observatory in nature and will have no impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity. For more information, see answer to question 8.

i. Has your vessel been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?

Yes. Access will be via separately-permitted NOAA research vessel Hi'ialakai, which is outfitted with an OLE approved mobile transceiver unit.

j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

Proposed activities directly support the Monument's mission to "bring the place to the people" and will be carried out following all Monument regulations. There are no factors that would make the issuance of a permit inappropriate.

FOR SPECIAL OCEAN USE ACTIVITIES OUTSIDE OF MIDWAY ATOLL SPECIAL MANAGEMENT AREA, ANSWER THE ADDITIONAL THREE FINDINGS BELOW:

k. Explain how your activity will directly benefit the conservation and management of the Monument.

The purpose of the activity is to raise awareness of and showcase the unique features and accomplishments in conservation and management of the Monument to a broad audience, including local residents, tourists visiting Hawaii, as well as the thousands of international marine managers and delegates traveling to Hawaii for the IUCN World Conservation Congress in September 2016. Given that knowledge is the key to societal transformation, sharing the story of the Monument and its accomplishments in large-scale, remote marine managed area conservation directly benefits the conservation and management of the Monument by proliferating an informed understanding of it.

- l. Explain how the purpose of your activity is for research or education related to the resources or qualities of the Monument.

The sole purpose of the activities is to raise awareness, inform and educate a broad audience on the unique resources and qualities of the Monument.

- m. Does the activity involve the use of a commercial passenger vessel (defined as a vessel that carries individuals who have paid for such carriage)?

No.

FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA, ANSWER THE ADDITIONAL TWO FINDINGS BELOW:

- n. Explain how your activity will further the conservation and management of the Monument.

The purpose of the activity is to raise awareness of and showcase the unique features and accomplishments in conservation and management of the Monument to a broad audience, including local residents, tourists visiting Hawaii, as well as the thousands of international marine managers and delegates traveling to Hawaii for the IUCN World Conservation Congress in September 2016. Given that knowledge is the key to societal transformation, sharing the story of the Monument and its accomplishments in large-scale, remote marine managed area conservation directly benefits the conservation and management of the Monument by proliferating an informed understanding of it.

- o. How is your activity compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?

The activities purpose is to showcase the unique features of the Monument, including Midway Atoll National Wildlife Refuge.

NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project and will be restricted in duration. Special Ocean Use activities proposed outside the Midway Atoll Special Management Area will require public notice of the application and an opportunity to provide comments is given at least 30 days prior to issuing the permit.

8. Procedures/Methods:

The proposed activities will involve observation of the surroundings and activities (including swimming/snorkelling where allowed), interviewing researchers and others, recording sounds of wildlife, recording interviews, taking pictures for reference use (and possible publication?).

9. Provide proof of general liability insurance, or indicate that you will be posting an equivalent bond against claims arising out of activities conducted under the permit:

Hana Hou! has general liability insurance through First Fire & Casualty Insurance of Hawaii. Proof of insurance will be emailed with applicant resume.

10. If applicable, describe how you are collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?

The applicant is collaborating with the Monument Communications Manager Toni Parras to reduce duplicative activities in the Monument.

11. List all specialized gear and materials to be used in this activity:

Voice recorders, camera

12. List all Hazardous Materials you propose to take to and use within the Monument:

N/A

13. Describe any fixed installations and instrumentation proposed to be set in the Monument:

N/A

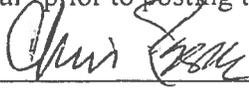
14. List all Applicants' publications directly related to the proposed project:

Hana Hou! The Magazine of Hawaiian Airlines August/September 2016 issue.

Hana Hou! website <http://www.hanahou.com>

Hana Hou! social media sites (Facebook, Twitter, Instagram)

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as “confidential” prior to posting the application.



2/25/16

Signature

Date

**SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE
BELOW:**

NOAA/Inouye Regional Center
NOS/ONMS/PMNM/Attn: Permit Coordinator
1845 Wasp Blvd, Building 176
Honolulu, HI 96818
FAX: (808) 455-3093

DID YOU INCLUDE THESE?

- Applicant CV/Resume/Biography
- Intended field Principal Investigator CV/Resume/Biography
- Electronic and Hard Copy of Application with Signature
- Statement of information you wish to be kept confidential
- Material Safety Data Sheets for Hazardous Materials

Papahānaumokuākea Marine National Monument Compliance Information Sheet

1. Updated list of personnel to be covered by permit. List all personnel names and their roles here (e.g. John Doe, Diver; Jane Doe, Field Technician, Jerry Doe, Medical Assistant): Kenneth Weiss, writer; TBD, photographer

2. Specific Site Location(s): (Attach copies of specific collection locations): All islands

3. Other permits (list and attach documentation of all other related Federal or State permits): n/a

3a. For each of the permits listed, identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation. n/a

4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information): We have no specific budget itemized; Hana Hou! will pay for the writer and photographer's content, travel expenses and incidentals not covered by NOAA.

5. Time frame:

Activity start: 5/15/2016

Activity completion: 5/14/2017

Dates actively inside the Monument:

From: 5/22/2016

To: 6/15/2016

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: Dates at specific island and atoll areas dependent on final approved cruise schedule.

Personnel schedule in the Monument: from 5/22/2016 to 6/15/2016

6. Indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument: Freelancers working for Hana Hou! will have their own insurance; additional coverage may be available under the insurance policy of Hana Hou's parent company, Pacific Travelogue.

7. Check the appropriate box to indicate how personnel will enter the Monument:

- Vessel
 Aircraft

Provide Vessel and Aircraft information: NOAA Ship Hi'ialakai separately permitted
PMNM-2016-006

8. The certifications/inspections (below) must be completed prior to departure for vessels (and associated tenders) entering the Monument. Fill in scheduled date (attach documentation):

- Rodent free, Date:
 Tender vessel, Date:
 Ballast water, Date:
 Gear/equipment, Date:
 Hull inspection, Date:

9. Vessel information (NOTE: if you are traveling aboard a National Oceanic and Atmospheric Administration vessel, skip this question):

Vessel name: NOAA Ship Hi'ialakai

Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

Last port vessel will have been at prior to this embarkation:

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:
Total fuel capacity:
Total number of fuel tanks on ship:
Marine Sanitation Device:
Type:

Explain in detail how you will comply with the regulations regarding discharge in the Monument. Describe in detail. If applicable, attach schematics of the vessel's discharge and treatment systems:

Other fuel/hazardous materials to be carried on board and amounts:

Provide proof of a National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement-approved Vessel Monitoring System (VMS). Provide the name and contact information of the contractor responsible for installing the VMS system. Also describe VMS unit name and type:

VMS Email:
Inmarsat ID#:

* Individuals MUST ENSURE that a type-approved VMS unit is installed and that its automatic position reports are being properly received by the NOAA OLE system prior to the issuance of a permit. To make sure your VMS is properly configured for the NOAA OLE system, please contact NOAA OLE at (808) 203-2503 or (808) 203-2500.

* PERMITS WILL NOT BE ISSUED TO INDIVIDUALS ENTERING THE MONUMENT VIA VESSEL UNTIL NOAA OLE HAS CONTACTED THE MONUMENT PERMIT COORDINATOR WITH A 'POSITIVE CHECK' READING.

10. Tender information:

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? List the number of tenders/skiffs aboard and specific types of motors:

Additional Information for Land Based Operations

11. Proposed movement of personnel, gear, materials, and, if applicable, samples:

None

12. Room and board requirements on island: none

13. Work space needs: none

DID YOU INCLUDE THESE?

- Map(s) or GPS point(s) of Project Location(s), if applicable
- Funding Proposal(s)
- Funding and Award Documentation, if already received
- Documentation of Insurance, if already received
- Documentation of Inspections
- Documentation of all required Federal and State Permits or applications for permits

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF AQUATIC RESOURCES
1151 PUNCHBOWL STREET, ROOM 330
HONOLULU, HAWAII 96813

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHO'OLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 13, 2016

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson

FROM: Maria Carnevale
Papahānaumokuākea Marine National Monument

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT
UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO CHRIS
PEARCE, PUBLISHER – HANA HOU! THE MAGAZINE OF HAWAIIAN AIRLINES FOR ACCESS TO STATE
WATERS FOR ACTIVITIES HIGHLIGHTING A DECADE OF EXPLORING, RESEARCHING, CONSERVING
AND MANAGING PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT UNDER
PERMIT PMNM-2016-016

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Chris Pearce, Publisher, for Access to State Waters for Activities Highlighting a Decade of Exploring, Researching, Conserving and Managing Papahānaumokuākea Marine National Monument

Permit Number: PMNM-2016-016

Project Description:

The special ocean use permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters from May 15, 2016 – May 14, 2017.

The project would entail a writer and a photographer representing Hana Hou! The Hawaiian Airlines Magazine shadowing separately permitted researchers and field staff at Midway Atoll Special Management Area and all Special Preservation Areas; and also terrestrial areas including French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Atoll, Midway Atoll, and Kure Atoll. The proposed activities include observation of the surroundings and activities

ITEM F-2c

(including swimming/snorkeling), interviewing researchers and others, recording sounds of wildlife, recording interviews, taking pictures for reference and publication in the August/September 2016 issue.

The project is in direct support of the Monument Management Plan's (MMP's) Ocean Ecosystems Literacy Action Plan Strategy-1, "mainstreaming Northwestern Hawaiian Islands (NWHI) and ocean ecosystem literacy" by increasing ocean ecosystems literacy and promoting stewardship values (PMNM MMP 2008 Vol. I, p. 287). The project is also in direct support of the Community Building and Outreach Activity CBO-2.3, "Support other entities' efforts to broaden knowledge of and appreciation for Monument resources and management priorities" (PMNM MMP 2008 Vol. I, p. 271). Activities to support outreach, including "bringing the place to the people" through filmmaking, photography, and art to be carried out by the permittee, are addressed in the Monument Management Plan Environmental Assessment. This EA summarizes that engaging Monument constituencies through integrated communications and would result in a beneficial effect on the Monument's natural resources (PMNM MMP Vol 2, p.170).

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, the Office of Hawaiian Affairs (OHA) and the PMNM Native Hawaiian Cultural Working Group. In addition, the permit application has been posted on the Monument Web site since March 23, 2016 giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Exemption Determination:

After reviewing HAR § 11-200-8, including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit, including recording and photography, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. This permit does not involve an activity that is precedent to a later planned activity.

2. The Exemption Class for Basic Data Collection with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and section 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. specifically exempts the class of actions which involve "basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or

major disturbance to an environmental resource.” This exemption class has been interpreted to include photographing and recording activities, such as those being proposed.

The proposed recording and photography activities here appear to fall squarely under the exemption class #5, exempt item #2 as described under the Exemption List for the Department of Land and Natural Resources list published in June 5, 2015 as “non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.” Recording and photography are considered data collection. As discussed below, no significant disturbance to any environmental resource is anticipated in the photographing of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if “the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.” HAR § 11-200-8.B. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. HAR § 11-200-12. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

There were no deleterious effects from previous recording and photography projects undertaken in State lands or waters. Permittees conducting these activities are always escorted while in the field and no collections are allowed. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities.

The activities would be conducted from the NOAA Ship HI'IALAKAI (PMNM-2016-006) during its May cruise. Table 1. lists approved activities taking place aboard the HI'IALAKAI. Table 2. lists additional activities that are anticipated to take place concurrently within the Monument, both approved and pending.

Table 1. Concurrent Projects Aboard NOAA SHIP HI'IALAKAI

Permit	Purpose and Scope	Location
PMNM-2016-006 NOAA Ship HI'IALAKAI	The permit allows NOAA Ship HI'IALAKAI entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.	All locations
PMNM-2016-001 Co-Trustees' Permit	Activities covered under the Co-Trustees' permit will also be taking place in PMNM during spring 2016 (i.e. deployment of restoration field crews, monk seal camps, etc).	All locations
PMNM-2016-014 Donahue (proposed)	The Applicant would be conducting characterization studies of moray eel population densities and biomass.	All locations

Table 2. Concurrent Projects in PMNM

Permit	Purpose and Scope	Location
PMNM-2016-001 M/V SEARCHER (approved)	The permit allows NOAA Ship M/V SEARCHER entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.	All locations
PMNM-2015-017-A1 Springer (approved) M/V SEARCHER	The Applicant will be using traditional ecological knowledge to examine intertidal ecosystems activities.	Nihoa, Mokumanamana, Gardner Pinnacles, French Frigate Shoals
PMNM-2015-026-A1 Bird-Toonen (approved) M/V SEARCHER	The Applicant will be conducting intertidal biodiversity survey activities.	Nihoa, Mokumanamana, Gardner Pinnacles, French Frigate Shoals
PMNM-2016-008 Parrish-Garrett (approved)	The Applicants will be conducting shark removal activities in order to benefit Hawaiian monk seal populations.	French Frigate Shoals
PMNM-2016-011 Surgent (approved)	The Applicant will be using photography, A/V recordings, and marine debris collections, to document her work with the Hawaiian Monk Seal Research Project to create a body of artwork about PMNM.	French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Atoll, Midway Atoll, Kure Atoll

Permit	Purpose and Scope	Location
PMNM-2016-009 Kahapea-Tanner (proposed) SSV MAKANI OLU	The Applicant would be documenting the activities of the Ola I Ke Au a Kanaloa Voyage through photography and filming for education, outreach, and fundraising purposes.	Nihoa Island, Mokumanamana
PMNM-2016-010 Kahapea-Tanner (proposed) SSV MAKANI OLU	The Applicant would be leading a group of Native Hawaiian Youth in the use of traditional seafaring methods and Native Hawaiian cultural practices.	Nihoa Island, Mokumanamana

The culmination of these permits, and their disparate activities, occurring throughout the Monument, is not anticipated to have significant cumulative impacts. The M/V SEARCHER is also expected to be in the Monument during this time frame facilitating the intertidal biodiversity cruise with proposed activities by Springer (PMNM-2015-017-A1), Bird-Toonen (PMNM-2015-026-A1). Rubinoff (PMNM-2016-018) is also proposing to conduct moth research activities from the M/V SEARCHER. Being that the Applicant's activities are purely observational, there would be no cumulative impact issues relating to these permits overlapping in time.

The Applicant's proposed activities are being planned to overlap with concurrent activities taking place aboard the HI'IALAKAI to achieve the most comprehensive exposure of PMNM management activities. The managers do not anticipate any adverse cumulative impacts; instead all overlap is considered beneficial.

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

4. Overall Impacts will Probably be Minimal and Insignificant. Any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the permit. Specifically, all photographic activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources of the Monument as required by Presidential Proclamation 8031, other applicable law and agency policies and standard operating procedures.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.

Suzanne D. Case
Board of Land and Natural Resources

Date