

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Papahānaumokuākea Marine National Monument  
Honolulu, Hawai'i 96813

December 9, 2016

Board of Land and Natural Resources  
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Mr. Xie, for Access to State Waters to Conduct Conservation and Management Search Activities

The Papahānaumokuākea Marine National Monument program hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument conservation and management permit to the Monument Co-Trustee representatives of the U.S. Department of the Interior, U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration, U.S. Department of Commerce (NOAA); State of Hawai'i Department of Land and Natural Resources (DLNR), pursuant to § 187A-6, Hawai'i Revised Statutes (HRS), Hawai'i Revised Statutes (HRS); §§ 13-60.5-5 & 13-60.5-6, Hawai'i Administrative Rules (HAR); and §§ 13-126-9 & 13-126-10, HAR, and all other applicable laws and regulations.

The conservation and management permit, as described below, would allow entry and management 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:

- Nīhoa Island
- Mokumanamana Island
- French Frigate Shoals
- Gardner Pinnacles
- Maro Reef

The activities covered under this permit would occur from December 10, 2016 through December 31, 2016.

The proposed activities are a renewal of work previously permitted and conducted in the Monument. No new activities are being proposed within this permit application.

INTENDED ACTIVITIES

The applicant proposes to conduct search activities for the Chinese sailor, Mr. Chuan Guo, a very famous and experienced sailor who was on his way to challenge a world record of solo, non-stop navigation from San Francisco to Shanghai, China. Mr. Guo went missing on October 25, 2016 and was confirmed to have fallen into the water at 26d32N/166d11W. The Coast Guard and

Navy searched the area for 48 hours until October 27, 2016 and ceased further action. The family has continued to search via plane, and if this action is approved then will continue by vessel.

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 November 25, 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. No concerns were raised.

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

Cultural reviews support the acceptance of this application. No concerns were raised.

**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 and HRS chapter 343.

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

Department staff is of the opinion that Applicants have properly demonstrated valid justifications for their application and that they and their staff 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 Conservation and Management 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 Applicants have 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 Department staff.


### RECOMMENDATION

That the Board authorize and approve a Conservation and Management Permit with language consistent with the 2015 permit to Monument Co-Trustee Representatives U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration; and State of Hawai‘i, Department of Land and Natural Resources, with the following special conditions:

1. That the Board declare that the actions which are anticipated to be undertaken under this permit will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Upon the finding and adoption of the department's analysis by the Board, that the Board delegate and authorize the Chairperson to sign the declaration of exemption for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR.
3. 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.
4. This permit is not to be used for nor does it authorize the sale of collected organisms. Under this permit, the authorized activities must be for noncommercial purposes not involving the use or sale of any organism, by-products, or materials collected within the Monument for obtaining patent or intellectual property rights.
5. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
6. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
7. 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.

8. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

Respectfully submitted,



Maria Carnevale  
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne Case  
Chairperson

**Papahānaumokuākea Marine National Monument  
CONSERVATION AND MANAGEMENT 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:** Richard Xie  
**Affiliation:** Hawaiian Sealife Inc.

**Permit Category:** Conservation and Management  
**Proposed Activity Dates:** 10 December thru 24 December 2016  
**Proposed Method of Entry (Vessel/Plane):** Vessel  
**Proposed Locations:** Twin Banks to Maro Reef

**Estimated number of individuals (including Applicant) to be covered under this permit:**  
4+

**Estimated number of days in the Monument:** 14

**Description of proposed activities: (complete these sentences):**

a.) The proposed activity would...  
Consist of traveling into the monument visiting emergent land masses (from small craft) of Mokumanamana, French Frigate Shoals and Gardner Pinnacles in search of evidence for Mr. Chuan Guo. As the vessel visits each land area, a small craft will navigate in shallow water around the island in search of any evidence of Mr. Guo. There will be NO landing on shore.

b.) To accomplish this activity we would ....  
Charter a vessel, either the Pacific Relection or the Stardust to conduct search activities using a small craft to navigate near/around the islands of Mokumanamana, French Frigate Shoals and Gardner Pinnacle in search of evidence of Mr. Guo.

c.) This activity would help the Monument by ...  
Ensuring that there isn't a stranded sailor within the Monument. Confirmation of presence or absence of Mr. Chuan Guo. Working with partners on an international stage.

**Other information or background:**

Mr. Chuan Guo, a Chinese mariner who was on his way to challenge a world record of solo non-stop navigation from San Francisco to Shanghai, China, went missing on 25th October and was confirmed having fallen into the water at 26d32N/166d11W.

Coast guard and Navy went to the area and searched 48 hours till October 27th and ceased further action. The family and local donors have been trying different ways to search the sailor. November 5th to 6th, the family chartered a G-3 private jet to search the area again without any new evidence. They hired a local boat to tow the trimarian back to Honolulu on November 20th.

Mr. Chuan Guo is a very famous and experienced solo sailor in China. His family still strongly believes he might have been able to survive since he was extremely well trained and experienced in global sailing. The route from San Francisco to Shanghai is his most easiest route. Therefore, his family members think he might have swam to some of the uninhabited islands or atolls. In the worst circumstance, the family members would like to find his body or relics so that he can be legally announced dead. In Chinese law, family needs to wait seven years to declare his property and insurance right if his remains can't be found. It would be a very difficult situation for the wife and his four years old son if he is only considered missing legally. Therefore, they ask my company's help to act as the local representative to charter a vessel to get into the Papahānaumokuākea monument area to search Mr. Guo, his body, or his relics again.

## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Richard Hang Xie

Title: President of Hawaiian Sealife Inc.

#### **1a. Intended field Principal Investigator (See instructions for more information):**

On Pacific Reflection, the principal investigator is Mr. Edward Gaspar. On Stardust, the principal investigator is Sean Doyle.

**2. Mailing address (street/P.O. box, city, state, country, zip):** 3239 Ualena Street, #100,  
[REDACTED]

Phone: [REDACTED]

Fax: (808) 841-8030

Email: hawaiiansealife@aol.com

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

Donovan Jacob Ritcheson, 425-345-2594, donovanr13@yahoo.com,

Alan Eric Kvangnes, 425-971-5124, ajkvangnes@hotmail.com;

John Joseph Marquardsen 916-752-9590 johnmarquardsen@yahoo.com

Roscoe Fowler, USA, (808)2324451, roscoej@gmail.com, Skipper/Medic

Tyler Kueffner, USA, (860)4815696, tyler.kueffner@gmail.com Crew/ Cook

Parker Johnson, USA, (808)8201327, parkerbjohnson@gmail.com Skipper/ Crew

Andrew Nolan, CAN, (608)7331912, nolana17@gmail.com Crew/Medic

Sean Doyle, USA, (808)3896435, seanpdoyle@gmail.com Skipper

Edward Gaspar, USA Captain PP# 488455026, 808 692-3116

Edwardgaspar6@gmail.com

Kodir Armad , Indonesian, Fisherman/Deckhand, PP# A 2525639

Davis Januar, Indonesian, Fisherman/Deckhand, PP# A 4622347

Sutrisino, Indonesian, Fisherman/Deckhand, PP# B 2782932

Syabani, Indonesian, Fisherman/Deckhand, PP# A 4622142

Warma Pratomo, Indonesian, Fisherman/Deckhand, PP# B2276724

#### **3. Affiliation (institution/agency/organization directly related to the proposed project):**

Hawaiian Sealife Inc.



**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):**

Donovan Jacob Ritcheson, Search & Rescue  
Alan Eric Kvangnes, Search & Rescue  
John Joseph Marquardsen, Search & Rescue  
(Pacific Reflection):  
Edward Gaspar, Captain of Pacific Reflection  
Kodir Armad, Fisherman/Deckhand  
Davis Januar, Fisherman/Deckhand  
Sutrisino, Fisherman/Deckhand  
Syabani, Fisherman/Deckhand  
Warma Pratomo, Fisherman/Deckhand

Or

(Stardust):

Roscoe Fowler, Skipper/Medic  
Tyler Kueffner, Crew/Cook  
Parker Johnson, Skipper/Crew  
Andrew Nolan, Sean Doyle, Crew/Medic  
Sean Doyle, Skipper

**Section B: Project Information**

**5a. Project location(s):**

- |  |                                     |   |                                     |
|--|-------------------------------------|---|-------------------------------------|
| <input type="checkbox"/> Nihoa Island                            | <input type="checkbox"/> Land-based | <b>Ocean Based</b>                                |                                     |
| <input checked="" type="checkbox"/> Necker Island (Mokumanamana) | <input type="checkbox"/> Land-based | <input 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 type="checkbox"/> Maro Reef                               |                                     |   |                                     |
| <input type="checkbox"/> Laysan Island                           | <input type="checkbox"/> Land-based | <input type="checkbox"/> Shallow water            | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Lisianski Island, Neva Shoal            | <input type="checkbox"/> Land-based | <input type="checkbox"/> Shallow water            | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Pearl and Hermes Atoll                  | <input type="checkbox"/> Land-based | <input type="checkbox"/> Shallow water            | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Midway Atoll                            | <input type="checkbox"/> Land-based | <input type="checkbox"/> Shallow water            | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Kure Atoll                              | <input type="checkbox"/> Land-based | <input type="checkbox"/> Shallow water            | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Other                                   |                                     |   |                                     |

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:**

Circumnavigate Mokumanamana, French Frigate Shoals and Gardiner Pinnacle in shallow waters.

**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:***

Purpose of activities is to conduct a search to ensure that Mr. Guo is not stranded on land.

\*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/nmmpa/>

**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?

We will conduct our activities from a small vessel and won't go ashore. We will be respectful of all cultural, natural and historical resources in the Monument. We want to discern whether our missing friend could potentially be found on refuge lands.

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? Monument rules will be followed. The search will be compatible with the Monument Management Plan regarding cultural, natural and historical resources. The search will be restricted to the permittees staying aboard their vessels.

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.

The search must be conducted within the Monument where Mr. Chuan Guo was lost at sea on 25th October.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?

There will be no adverse impacts on the Monument. Mr. Chuan Guo was lost at sea on 25th October, his family requests answers and peace of mind.

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.

The search party will spend the minimum amount of time necessary to navigate around the area where Mr. Guo is believed to have gone overboard, between Twin Banks and Maro Reef. The sea conditions will be extremely rough and therefore, the search may continue for 14 days.

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

The vessel which we are chartering, either Pacific Reflection or Stardust team has an experienced crew. Pacific Reflection is a long liner, the captain is very experienced. Stardust is a recreational sailboat. The team is also very experienced

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. This search is funded by Chinese Red Cross and Family members. The Charter vessel will receive payment before they set sail.

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.

We have three experienced divers on board. They have telescopes and other equipments to check the islands and atolls. If they see anything unusual, they will contact my office immediately and I will report to the US Fish and Wildlife Service and National Oceanic and Atmospheric Administration offices immediately.

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

Not yet, but we plan to immediately.

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

There are no other factors that would make the issuance of this permit inappropriate.

#### **8. Procedures/Methods:**

The vessel and crew of Pacific Reflection or Stardust will be hired to take a search crew consisting of 3 individuals into the Monument in search of a missing sailor, Chuan Guo. The Search activities will be conducted from a small craft navigating near/around Mokumanamana, French Frigate Shoals and Gardner Pinnacle in search of evidence of Mr. Guo. A air horn will be used to alert anyone that may be stranded on island to make themselves visible. It is understood that, NO BOATS OR PEOPLE WILL GO AHORE ON ANY ISLAND.

**NOTE: If land or marine archeological activities are involved, contact the Monument Permit Coordinator at the address on the general application form before proceeding.**

**9a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):**

Common name:  
NA

Scientific name:

# & size of specimens:

Collection location:

Whole Organism  Partial Organism

**9b. What will be done with the specimens after the project has ended?**

**9c. Will the organisms be kept alive after collection?**  Yes  No

• General site/location for collections:

• Is it an open or closed system?  Open  Closed

• Is there an outfall?  Yes  No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

**10. If applicable, how will the collected samples or specimens be transported out of the Monument?**

**11. Describe collaborative activities to share samples, reduce duplicative sampling, or duplicative research:**

NA

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

Scope, Binoculars, and an air horn

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

NA

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

NA

**15. Provide a time line for sample analysis, data analysis, write-up and publication of information:**

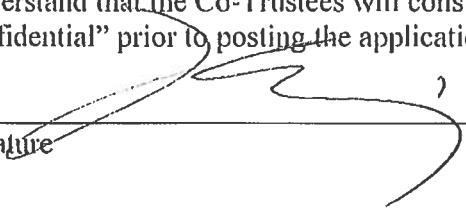
NA

**16. List all Applicant's publications directly related to the proposed project:**

NA

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.

Signature



Date

11/25/2016

**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):**

Donovan Jacob Ritcheson, Search & Rescue  
Alan Eric Kvangnes, Search & Rescue  
John Joseph Marquardsen, Search & Rescue  
(Pacific Reflection):  
Edward Gaspar, Captain of Pacific Reflection  
Kodir Armad, Fisherman/Deckhand  
Davis Januar, Fisherman/Deckhand  
Sutrisino, Fisherman/Deckhand  
Syabani, Fisherman/Deckhand  
Warma Pratomo, Fisherman/Deckhand

Or

(Stardust):

Roscoe Fowler, Skipper/Medic  
Tyler Kueffner, Crew/Cook  
Parker Johnson, Skipper/Crew  
Andrew Nolan, Sean Doyle, Crew/Medic  
Sean Doyle, Skipper

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

Circumnavigate Mokumanamana, French Frigate Shoals and Gardiner Pinnacle in shallow waters.

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

**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.**



**4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):** The search is funded by the Chinese Red Cross and family members of Chuan Guo.

**5. Time frame:**

Activity start: December 10, 2016  
Activity completion: December 24, 2016

Dates actively inside the Monument:

From: December 10, 2016  
To: December 24, 2015

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: Endorsement of permit, weather conditions and availability of vessels.

Personnel schedule in the Monument:

**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:**

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

Vessel  
 Aircraft

Provide Vessel and Aircraft information:

**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: Pacific Reflection

Vessel owner:

Captain's name: Edward Gaspar

IMO#:

Vessel ID#:546106

Flag:

Vessel type: Longliner

Call sign:

Embarkation port:

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

Length: 100.9

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:

Vessel name: Stardust

Vessel owner: Suh Yang

Captain's name: Sean Doyle

IMO#:

Vessel ID#:WM2W4602F090

Flag:

Vessel type: Sailboat

Call sign: WDA3451

Embarkation port:

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

Length: 45.5

Gross tonnage: 27

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:**

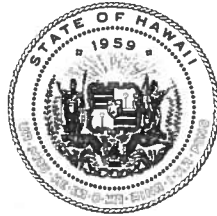
**12. Room and board requirements on island:**

**13. Work space needs:**

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**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

KEKOA KALUHIWA  
FIRST DEPUTY

JEFFREY T. PEARSON  
DEPUTY DIRECTOR - WATER

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

December 9, 2016

**TO:** Papahānaumokuākea Marine National Monument File  
**THROUGH:** Suzanne Case, Chairperson  
**FROM:** 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 CONSERVATION AND MANAGEMENT  
PERMIT TO MR. XIE, FOR ACCESS TO STATE WATERS TO CONDUCT SEARCH ACTIVITIES UNDER  
PERMIT PMNM-2016-030**

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 Conservation and Management Permit to Mr. Xie, for Access to State Waters to Conduct Search Activities

Permit Number: PMNM-2016-030

Project Description:

The conservation and management permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters between December 10, 2016 and December 31, 2016.

The primary purpose of the project is to conduct search actions for a Chinese sailor lost at sea. The applicant proposes to conduct search activities for the Chinese sailor, Mr. Chuan Guo, a very famous and experienced sailor who was on his way to challenge a world record of solo, non-stop navigation from San Francisco to Shanghai, China. Mr. Guo went missing on October 25, 2016 and was confirmed to have fallen into the water at 26d32N/166d11W. The Coast Guard and Navy searched the area for 48 hours until October 27, 2016 and ceased further action. The family has continued to search via plane, and if this action is approved then will continue by vessel.

If approved this permit will authorize vessel entry into the NWHI Marine Refuge for search actions in the vicinity of Nihoa, Mokumanamana, and French Frigate Shoals. No land entry will be authorized.

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, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since November 25, 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 ship operations, 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 represents a single individual action.

2. The Exemption Class for Surveying with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and § 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. 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." The proposed activities appear to fall squarely under the Exemption Class #5, Exempt Item #2 as described under the DLNR Exemption List published on June 5, 2015. This exemption class has been interpreted to include, "2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping." such as those to be supported by the proposed activities. It has also been interpreted to include various modes of transportation to reach field areas necessary to carry out such surveys. As discussed below, no significant disturbance to any environmental resource is anticipated in the sampling 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.

No deleterious impacts resulted from similar previous activities. 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 would 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.

There will be no other activities ongoing in the areas during the search. The search itself is seen to have little impact to the environment and no cumulative impacts are expected. 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 conservation and management 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 Case  
Chairperson, Board of Land and Natural Resources

---

Date