

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

February 24, 2017

Board of Land and Natural Resources  
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National  
Monument Native Hawaiian Practices Permit to Mr. Keola Lindsey, Office of Hawaiian  
Affairs, for Access to State Waters to Conduct Archaeological Cultural Research  
Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Native Hawaiian practices permit to Mr. Keola Lindsey, Office of Hawaiian Affairs, 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 Native Hawaiian Practices permit, as described below, would allow entry and activities to occur in the Papahānaumokuākea Marine National Monument, including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Mokumanamana (Necker)
- Nīhoa

The activities covered under this permit would occur March 25, 2017 through March 24, 2018.

The proposed activities are a continuation of work previously permitted and conducted in the Monument.

INTENDED ACTIVITIES

The Applicant proposes to document, evaluate, assess and observe cultural sites on Nihoa and Mokumanamana islands to support long term management actions. A specific focus will be placed on the existing landing sites, base camps and footpaths, and potential alternatives. There will be no subsurface archaeological excavations. Native Hawaiian practices, inclusive of the collection (salvage) of deceased seabird parts for distribution to traditional practitioners will be conducted as allowed for by the Migratory Bird Treaty Act (MBTA) permit issued to the PMNM-Native Hawaiian Cultural Working Group (CWG). Traditional fishing equipment and techniques will be tested in near-shore waters. If necessary, protective measures for an iwi kupuna (burial) site identified on Nihoa by an expedition in August 2016 will be implemented. Any actions taken will be carefully recorded. The iwi kupuna site will be further documented, evaluated, assessed

and observed to support the drafting of a written agreement as allowed for by the Native American Graves Protection and Repatriation Act (NAGPRA).

At the request of the U.S. Fish and Wildlife Service (FWS), a fallen FWS sign at the existing Nihoa base camp will be removed using hand tools. The pieces will be brought back to O'ahu and returned to the FWS for final disposition.

The Applicant is requesting to access PMNM for up to twelve (12) days, departing from O'ahu and traveling to the islands aboard the SSV Makani 'Olu. Total transit time is estimated at approximately six (6) days and up to three (3) days and nights will be spent on each island. While in PMNM the group will either be under sail, anchored offshore, or on the islands. While on the islands, the group will be engaged in the field activities to meet the project's objectives.

This activity would support PMNM management by providing information to support the short and long term management of cultural sites on the islands. Since landing sites, base camps and footpaths are foundational aspects of accessing the islands, a full range of management activities will supported in the short and long term. The Monument will continue to be positively recognized for a management structure that supports the perpetuation of traditional practices and integrates indigenous knowledge. The interpretation and understanding of Monument resources will be improved and offer opportunities for co-managers to develop educational materials and products based on the latest available research. The vision, mission, guiding principles and goals set forth in the 2008 Monument Management Plan will be further implemented. The justifications specific to Native Hawaiian culture expressed in the 2010 nomination of the Monument as a United Nations Educational, Scientific and Cultural Organization World Heritage site will be further witnessed. The activities proposed in this permit application are consistent with the intent of Presidential Proclamations 8031 and 9478.

Additionally, this activity would help the Monument by providing products that will enhance understanding of cultural resources and result in the production of plans and reports that will help develop long-term strategies for cultural protection, preservation, education and monitoring. The effort is a continuation of past work in the Monument that has helped renew interest in traditional cultural practices and informed management policy. The activities proposed by the Applicant directly support the Monument Management Plan's priority management needs in the Native Hawaiian Culture and History action plan 3.1.2. The strategies and activities which make up action plan 3.1.2 specifically address the need to conduct, support, and facilitate Native Hawaiian cultural access and research of the Northwestern Hawaiian Islands.

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

- ☒ Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving monument resource
- ☒ Anchoring a vessel
- ☒ Discharging or depositing any material 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

- ☒ Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserve and Special Management Areas)
- ☒ Subsistence Fishing (State waters only)

### 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 December 12, 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 questions were posed to the Applicant:

### QUESTIONS:

1. *Can the applicant explain more fully how removing Popolo (*Solanum nelsonii*) will assist in efforts to collect information about sites 20 and 21?*

Applicant Response: Significant portions of both sites on Nihoa are overgrown with popolo. The tactical removal of popolo will improve visibility of the sites and thus, increase our ability to photograph and map (document) and observe/document the current condition of the sites.

2. *Will the removal be limited to only the surface of the sites or also surrounding them?*

Applicant Response: The tactical removal, if approved, will be limited to the boundaries (surface of and walls) of the sites on Nihoa.

3. *Approximately how many plants would be disturbed?*

Applicant Response: It is difficult at this point to provide an estimate of the number of plants that will be disturbed. Please see the attached preliminary field map of Site 20 that was generated by team members on a previous expedition in August 2016 (Attachment 1). The map depicts the extent of popolo on the site. I must emphasize that we are not requesting to clear all popolo from the site, just enough to adequately document the current condition of the site- inclusive of the walls.

4. *Is the removal to remove visibility?*

Applicant Response: The tactical removal is to improve visibility that in turn, will improve our ability to adequately document the condition of the site.

5. *Are plants being proposed for removal to protect the site from damage from the plant's roots? Or to use the site?*

Applicant Response: The tactical removal of popolo will improve visibility of the sites and thus, increase our ability to photograph and map (document) and observe/document the current condition of the sites. The site is currently used as the base camp for day and overnight accesses on the islands. The proposed activities in the instant permit application are intended to contribute to the long-term disposition of the site- inclusive of use as a base camp and/or continued traditional uses.

6. *Would it be possible to record information on dead birds observed (e.g. gps location, any signs of cause of death, etc...)?*

Applicant Response: Yes, definitely.

7. *Would it also be possible to record the location (e.g. gps location, map, etc.) of areas where Cenchrus and New Zealand Spinach are removed?*

Applicant Response: Yes, definitely.

8. *Dependant upon on future accesses, would it be possible to monitor the succession rate of recolonization for pōpolo (Solanum nelsonii) and other vegetation in the cleared sites?*

Applicant Response: Yes, definitely.

9. *If pōpolo is allowed for removal, can the other plant parts (i.e. leaves, stems, roots) be used for Hawaiian medicinal practices)? If so, would the permit applicant be open to discussing this further? This could potentially be a way to honor the kinolau of Kāne to offset removal.*

Applicant Response: We strongly agree with the intent of this question- the concept of honoring Kane. If popolo is allowed for removal, and transport out of PMNM and if a practitioner of traditional Hawaiian medicine is identified and confirms his or her desire to receive plant parts for use in their practice we will gladly do that.

#### COMMENTS:

1. *The vessel's crew should review and follow all the protocols found in Boating and Diving Operations established for the PMNM.*

Applicant Response: Yes. Please see our permit application- we are committed to doing this. This and all other applicable BMP will be general conditions of our permit should it be approved.

2. *When anchoring, the vessel's crew should identify areas of sandy substrate to set the anchor to avoid damage to coral or other sensitive benthic habitats.*

Applicant Response: Please see the permit application. We are committed to do this.

3. *Be extra vigilant for bird nests, eggs, and chicks because there can be many species of birds nesting on Nihoa and Mokumanamana this time of year.*

Applicant Response: We know. Please see the permit application. We are committed to do this.

4. *Remove all collection, salvage, seeds or cuttings from permit. Be specific to mention minimal removal of Popolo.*

Applicant Response: This comment is confusing. Please see our permit application. We are requesting approval of tactical removal of parts plants and if approved, the collection and transport of seeds or plant parts out of PMNM for appropriate use or propagation at a designated facility. Until we understand this comment better- or the USFWS denies our request, we will not be removing what is suggested in this comment.

5. *Please provide the CV/Resume for the Principle Investigator, Dr. Maura Mulrooney.*

Applicant Response: We will.

**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.

- National and State Historic Preservation Act Section 106 consultation (pending)
- A request to the National Marine Fisheries Service (NMFS) for a Section 7 informal consultation pursuant to the Endangered Species Act of 1973 is underway to analyze the effects of conducting fishing activities within the Monument on protected species and Hawaiian monk seal critical habitat. A request to the US Fish and Wildlife regarding ESA compliance for endangered plant removals is also underway. The outcome of both consultations may require the Applicant to adhere to other federal prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.
- The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment ("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 NATIVE HAWAIIAN PRACTICES PERMIT TO MR. KEOLA LINDSEY, OFFICE OF HAWAIIAN AFFAIRS, FOR ACCESS TO STATE WATERS TO ARCHAEOLOGICAL CULTURAL RESEARCH ACTIVITIES UNDER PERMIT PMNM-2017-009").

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

- Although not named via an individual PMNM permit, the Office of Hawaiian Affairs has conducted management activities in PMNM under the authority of the Co-Trustee permit since 2006; PMNM-2006-001, PMNM-2007-001, PMNM-2008-001, PMNM-2009-001, PMNM-2010-001, PMNM-2011-001, PMNM-2012-001, PMNM-2013-001, PMNM-2014-001, PMNM-2015-001, and PMNM-2016-001.

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

PMNM staff is of the opinion that Applicant has properly demonstrated valid justifications for her 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 Native Hawaiian Practices Permit General Conditions. The proposed activities align with the Monument Management Plan's priority management need to understanding and interpreting the NWHI through Native Hawaiian culture and history. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

MONUMENT MANAGEMENT BOARD OPINION

At the time of writing this document, the process to endorse this application by the MMB has not commenced. That said, it is anticipated that since the MMB endorsed this activity in 2016 under the Co-Trustee permit (PMNM-2016-001), the Office of Hawaiian Affairs is proposing to conduct management actions on behalf of other PMNM Co-Trustees for the resources of the PMNM, and no concerns were presented during the multi-agency PMNM agency review, that the MMB would also fully support this 2017 access. An update regarding the MMB's decision will be provided during the BLNR hearing.

RECOMMENDATION:

Based on the attached proposed declaration of exemption prepared by the department after consultation with and advice of those having jurisdiction and expertise for the proposed permit actions:

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 Board authorize and approve a Native Hawaiian Practices Permit to Mr. Keola Lindsey, Office of Hawaiian Affairs, with the following special conditions:
  - a. 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.
  - b. 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.
  - c. 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.

d. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.

e. 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

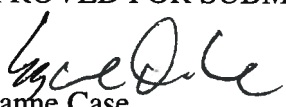
Respectfully submitted,

  
Maria Carnevale

State Co-Manager

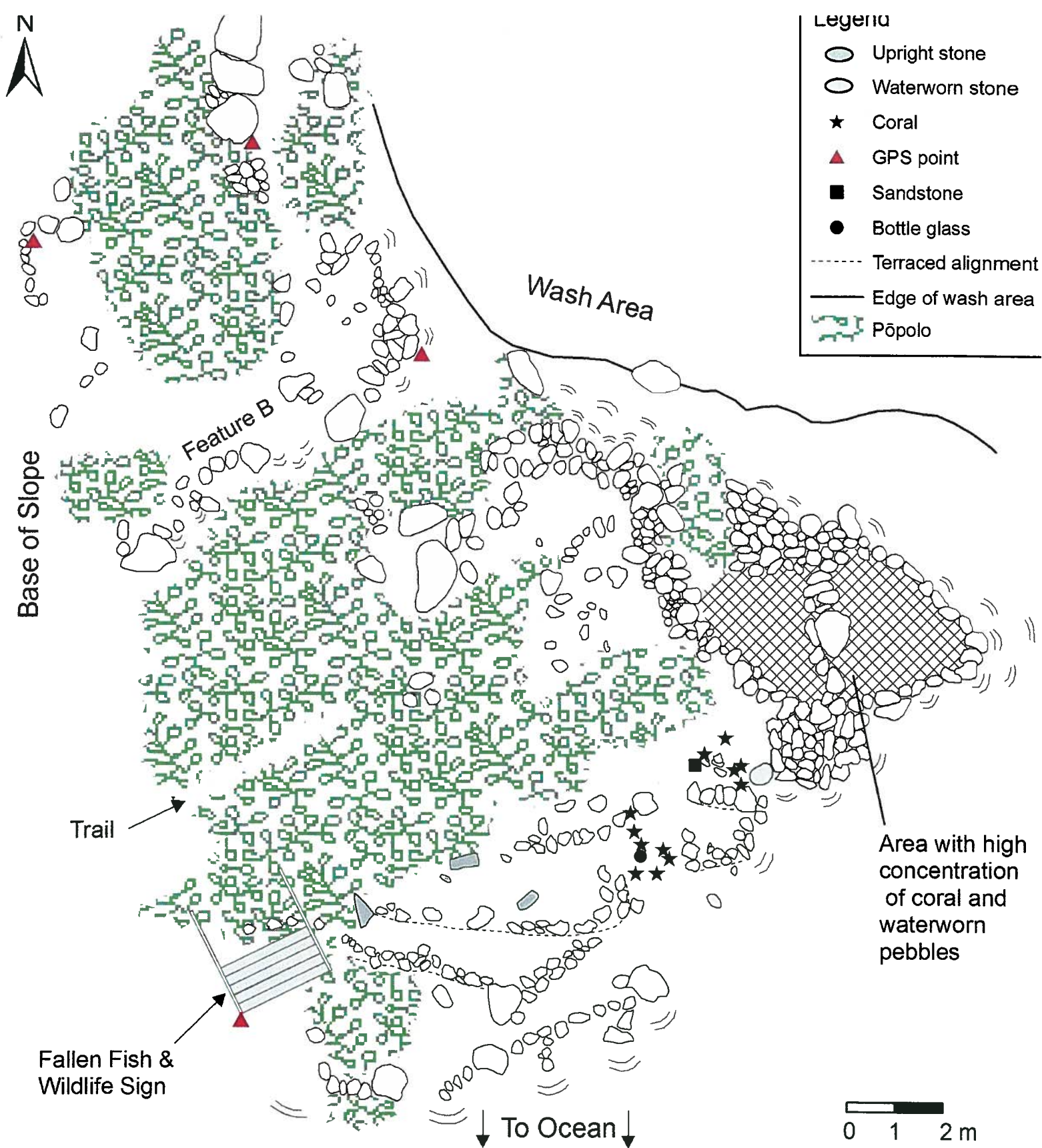
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL

  
Suzanne Case  
Chairperson







**Papahānaumokuākea Marine National Monument**  
**NATIVE HAWAIIAN PRACTICES 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:** Keola Lindsey

**Affiliation:** Office of Hawaiian Affairs

**Permit Category:** Native Hawaiian Practices

**Proposed Activity Dates:** March 28 - April 8, 2017

**Proposed Method of Entry (Vessel/Plane):** SSV Makani 'Olu

**Proposed Locations:** Nihoa and Mokumanamana

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

Up to twenty (20) individuals including the Applicant, Principle Investigator, field technicians and ship crew.

### **Estimated number of days in the Monument: approximately 12 days**

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

a.) The proposed activity would...

Document, evaluate, assess and observe cultural sites on Nihoa and Mokumanamana (hereinafter referred to as “the islands” in this permit application) to support long term management actions. A specific focus will be placed on the existing landing sites, base camps and footpaths, and potential alternatives. There will be no subsurface archaeological excavations. Invasive plant species will be removed. Native Hawaiian practices, inclusive of the collection (salvage) of deceased seabird parts for distribution to traditional practitioners will be conducted as allowed for by the Migratory Bird Treaty Act (MBTA) permit issued to the PMNM-Native Hawaiian Cultural Working Group (CWG). Traditional fishing equipment and techniques will be tested in near-shore waters. If necessary, protective measures for an iwi kupuna (burial) site identified on Nihoa by an expedition in August 2016 will be implemented. Any actions taken will be carefully recorded. The iwi kupuna site will be further documented, evaluated, assessed and observed to support the drafting of a written agreement as allowed for by the Native American Graves Protection and Repatriation Act (NAGPRA).

At the request of the U.S. Fish and Wildlife Service (FWS), a fallen FWS sign at the existing Nihoa base camp will be removed using hand tools. The pieces will be brought back to O'ahu and returned to the FWS for final disposition.

b.) To accomplish this activity we would ....

access PMNM for up to twelve (12) days, departing from O'ahu and traveling to the islands aboard the SSV Makani 'Olu. Total transit time is estimated at approximately six (6) days and up to three (3) days and nights will be spent on each island. While in PMNM we will either be under sail, anchored offshore, or on the islands. While on the islands, we will be engaged in the field activities summarized in the previous response.

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

providing information to support the short and long term management of cultural sites on the islands. Since landing sites, base camps and footpaths are foundational aspects of accessing the islands, a full range of management activities will be supported in the short and long term. The Monument will continue to be positively recognized for a management structure that supports the perpetuation of traditional practices and integrates indigenous knowledge. The interpretation and understanding of Monument resources will be improved and offer opportunities for co-managers to develop educational materials and products based on the latest available research. Invasive plant species would be removed, improving habitat for native plant species. The vision, mission, guiding principles and goals set forth in the 2008 Monument Management Plan will be further implemented. The justifications specific to Native Hawaiian culture expressed in the 2010 nomination of the Monument as a United Nations Educational, Scientific and Cultural Organization World Heritage site will be further witnessed. The activities proposed in this permit application are consistent with the intent of Presidential Proclamations 8031 and 9478.

**Other information or background:**

none

## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Lindsey, Benjamin, Keola

Title: Papahānaumokuākea Program Manager, Office of Hawaiian Affairs

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

Dr. Mara Mulrooney and TBD

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

Office of Hawaiian Affairs  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] name, telephone and email address: n/a

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

Office of Hawaiian Affairs

### **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, Diver):**

Up to ten (10) additional field technicians and up to eight (8) ship crew.

## **Section B: Project Information**

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

<input checked="" type="checkbox"/> Nihoa Island	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Necker Island (Mokumanamana)	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> French Frigate Shoals	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input 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			

### **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:**

Nihoa and Mokumanamana are the two most southerly islands of the NWHI. Nihoa (23° 03' N latitude, 161° 56' W longitude) is located 220 km northwest of Kaua'i (Fig 2). The island comprises only 0.70 km<sup>2</sup> of land area, with a length of 1.35 km and a width of 0.45 km (Fig 3). A broad swale extends between Kaouli (Miller's Peak) (269 masl) in the northwest and Tanager Peak (256 masl) in the northeast. Virtually all faces of the island are characterized by sheer sea cliffs: 110-256 masl in the north, 10-245 m on the east and west, and 15-30 m on the south. The cliff areas are largely devoid of vegetation, while the south slopes are covered with several varieties of grasses, and several valleys are densely carpeted with shrubs including the edible 'āweoweo (*Chenopodium oahuense*), 'ilima (*Sida fallax*), 'ōhai (*Sebania tometosa*), pōpolo (*Solanum nelsonii*) and stands of endemic loulou palms (*Pritchardia remota*) (Evenhui and Eldredge 2004). The island's surface exhibits a steep southward slope of 23°. Ephemeral streams carved six major south-flowing drainages across the island with three fresh water seeps at the bottom of the stream channels. Groundwater circulates through fissures in the basalt substrate or collects above relatively impervious basalt layers. Minimal sediment is deposited on Nihoa except in the drainages due to steep topography (Bishop 1885 A,B; Clapp and Kridler 1977; Clapp et. al 1977; Emory 1928; Palmer 1927).

Mokumanamana (23° 35' N latitude, 164° 42' W longitude) lies northwest of Nihoa and about 510 km. from Kaua'i (Figure 4). The island comprises of about 0.19 km<sup>2</sup> of land that measure about 1370 m. long, by 150 m. wide at its widest point with a maximum elevation of 82 m. Steep sides define the perimeter of Mokumanamana which consists

of two parts. Five peaks extend along the east-west island ridge, which extends 1200 m. long and varies in width from 60-80 m. Shallow saddles separate the peaks except for the peak to a gap about 0.5 m. above sea level. The smaller portion of Mokumanamana, the northwest cape, extends about 246 m. northeast from the gap (Clapp and Kridler 1977; Clapp et. al 1977; Emory 1928; Palmer 1927). The island's surface slopes gently to the north. The slopes are sparsely covered with a variety of common coastal plants such as 'āweoweo (*Chenopodium oahuense*), and smaller succulents like ihi (*Portulaca lutea*), 'ākulikuli (*Sesuvium portulacastrum*) (Evenhui and Eldredge 2004). There are twenty four bird species that have been documented on the island. There are no well defined stream channels as rainwater either sinks into the rock or runs off through unorganized channels. One of two small seeps of groundwater occurs about 15 m. above sea level a little to the west of Bowl Cave (Site NK). The second seep is about 10 m. above sea level on the north side of the westernmost saddle of the main island (Bishop 1885 A,B; Clapp and Kridler 1977; Clapp et. al 1977; Emory 1928; Palmer 1927).

**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:***

The National Historic Preservation Act (NHPA) requires federal agencies to consider the effects of their actions on historic properties and if necessary implement measures to mitigate any adverse effects caused by their actions on historic properties. Both islands were listed on the NRHP in 1988 as archaeological districts and are considered historic properties in their entirety by the NHPA. Since the establishment of the Monument in 2006, NHPA compliance for activities on the islands has been on a case by case basis with programmatic guidance (i.e. best management practices) provided in an effort to avoid impacts to specific cultural sites.

Two purposes of the proposed activities are to continue monitoring the conditions of cultural sites and collect additional information from them using techniques such as archaeological mapping, photography and recording observations in journals. A specific focus will be placed on the existing landing sites, base camps and footpaths, and potential alternatives. There will be no subsurface archaeological excavations. Our intent is to provide information that will- as a first step- contribute to the development of a technical report that will summarize all available information regarding cultural sites in the vicinity of existing landing sites, base camps and footpaths. This report will in turn support the preparation of an appropriate NHPA agreement document regarding the use of landing sites, base camps and footpaths. This agreement document will assure compliance with federal historic preservation law and serve the larger purpose of institutionalizing the appropriate treatment of significant cultural sites. This treatment will be integrated with the full range of important resource management actions- i.e. habitat restoration- that are conducted on the island.

We will follow Monument BMPs specific to the number of individuals who can access the islands during the day and stay on-island overnight. We will utilize the existing landing sites and base camps on both islands to stage equipment, gear and personnel for daytime activities. For overnight stays on Nihoa, tents will be used and erected in the designated area within the base camp site following established procedures to minimize impacts and protect resources. On Mokumanamana, bivy sacks and sleeping pads will be used following established procedures in the designated area within the base camp site for overnight stays.

The existing base camp site on Nihoa has been established at the ocean terminus of “Middle Valley” on the terraces first recorded by Emory as Sites 20 and 21. The existing base camp site on Mokumanamana has been established on “Flagpole Hill” with the sites described by Emory as “Marae 12-15 and 17-19” in immediate surrounding proximity. Both camps have been in use for some time now. It is probable that Nihoa Sites 20 and 21 serve ceremonial purposes and the establishment of the base camp on them raises concerns that are yet to be resolved. It is our intent that the information collected on this trip will contribute to that resolution.

The tactical removal of vegetation- primarily the native plant species pōpolo (*Solanum nelsonii*)- would assist in our efforts to collect information and we request the ability to do so. We are aware that pōpolo is now afforded protection by the Endangered Species Act and will request further consultation with the FWS on this request. If removal is approved, we are willing to



remove seeds and will store them appropriately to transport out of the Monument back to Oa'hu for transfer to a designated propagation facility.

We will carefully assess our activity areas at all times for the presence of nesting sea and land birds and eggs and employ methods and directives to avoid them if identified. We will follow all other Monument BMP applicable to our proposed activities. All of our clothing and “soft” equipment and gear will be purchased new and quarantined for the trip. We are committed to utilizing proven techniques that are of the lowest possible impact to resources and we will leave no trace of our presence upon departure from the islands. The majority of team members, including the crew of the Makani 'Olu have previously traveled to the islands and we intend to use that experience to further reduce- and perhaps eliminate- any impacts we may cause.

The proposed activities are a continuation of those conducted during an August 2016 conservation and management expedition to Nihoa that conducted advance activities at the base camp. Team members on this expedition encountered what is currently believed to be a previously undocumented iwi kupuna site. Location information and observations were recorded. Caring for iwi kupuna is an important cultural value and another purpose of the proposed activities is to implement any necessary protective measures for the iwi kupuna site identified in August 2016. Any actions taken will be carefully recorded and reported. Examples of possible actions include: stabilizing the area surrounding the site to prevent further exposure, covering any exposed iwi kupuna with native vegetation or soil and stacking available stones to protect the site. If taking any action, we will assure no disturbance occurs to other sites located in the vicinity of the iwi kupuna.

Ceremonial/cultural protocol consisting of oli (chants), pule (prayers), mele (songs) and ha'i 'ōlelo (speeches) will be conducted to support all activities proposed in this permit application. If a team member is guided to include a material ho'okupu (offering) with their protocol, they will be reminded that their ho'okupu must be quarantined in accordance with Monument BMP and not impact the ecological integrity of the islands. Examples of possible ho'okupu include pa'akai (salt), powdered or dried 'awa (*Piper methysticum*) and ua (rainwater) collected from a team member's home island.

The collection (salvage) of any deceased seabird parts will be in full compliance with the MBTA and support only non-commercial traditional activities. Those conducting salvage activities will be designated subpermittees of the MBTA permit held by the CWG. The salvaged resources will be stored in airtight containers and under the control of designated subpermittees at all times. Salvaged activities will be carefully recorded and reported. Salvaged seabird parts will only be distributed (transferred) to other designated subpermittees of the CWG permit and any transfers detailed in the annual report required by the permit.

While sustenance and subsistence fishing from the Makani 'Olu using rod and hand lines we will carefully observe for and immediately cease activities if interference with seabirds and the presence of any Endangered Species Act (ESA) or Marine Mammal Protection Act (MMPA) protected species is confirmed. We will limit our catch using rods and hand lines to a maximum of three (3) pelagic and/or deep bottom fish per day. The catch will be consumed in the

Monument. A maximum of four (4) lines will be deployed from the ship at any given time. The length of the lines will vary as needed to allow for effective trolling and retrieved and stored before nightfall as there will be no night fishing from the ship.

Only traditional fishing equipment (hand lines and hooks) will be used from the shorelines of the islands. The equipment is handcrafted from plant material (lines) and bone (hooks) and will be prepared and quarantined as required by Monument best management practices (BMP). A maximum of two (2) lines up to twenty (20) feet in length will be in use at any given time and will be retrieved and stored before nightfall as there will be no night fishing from shore. We will limit our shoreline catch to one (1) fish per day. The catch will be consumed in the Monument. While shoreline fishing, we will carefully observe for and immediately cease activities if the presence of any ESA protected species is confirmed. The makers of the hooks will be asked to mark them in an attempt to avoid confusion as an antiquity if they are lost on our trip and later discovered.

Two invasive plant species- Cenchrus and New Zealand Spinach will be targeted for removal. This will continue on-going efforts to remove this invasive species and improve habitat for native plant species and support recovery efforts. Team members have experience working with the FWS on this activity and will oversee the employment of appropriate techniques and measures to prevent spreading seeds. The removed plants will be placed in sealed plastic bags, and transported out of the Monument aboard the Makani 'Olu for disposal upon return to O'ahu. The works areas will be photographed before and after removal activities.

The FWS has requested our assistance in removing their fallen sign near the Nihoa base camp. We are more than happy to help. We will only use hand tools to disassemble the sign. Prior to beginning work we will carefully assess the area for nesting sea and land birds, protected plant species and possible impacts to cultural sites. The pieces of the sign will be loaded on the Makani 'Olu, brought back to O'ahu and returned to the FWS.

The Office of Hawaiian Affairs is a Co-Trustee of the Monument and represented on the Monument Management Board since its establishment in 2006. We are willing to conduct any other conservation and management activities on behalf of our managing partners to help conserve and protect the resources of the islands. Any additional conservation and management activities requested by our partners will need to be authorized by this permit, prior to its final issuance.

\*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/angered/>

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?

We will follow all Monument BMP that are applicable to our proposed activities. Team members who are moved to offer ho'okupu will be reminded that their ho'okupu must be quarantined in accordance with Monument BMP to not impact the ecological integrity of the islands. We are committed to utilizing proven techniques that are of the lowest impact to resources possible and we will leave no trace of our presence upon departure from the islands. The majority of team members, including the crew of the Makani 'Olu have previously traveled to the islands and we intend to use that experience to further reduce- and perhaps eliminate- any impacts we may cause.

We will adhere to all of the requirements and conditions of our permit. All of our clothing and "soft" equipment and gear will be purchased new and quarantined for the trip. Team members will attend all required pre-access briefings. We will carefully assess our activity areas at all times for the presence of nesting sea and land birds and eggs and protected species, and employ methods and directives to avoid them if identified.

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 intent of the proposed activities is to conserve and protect Monument resources inclusive of cultural and ecological integrity. We had originally offered strong consideration to requesting the ability to conduct controlled subsurface archaeological excavations near the base camps on the islands to gather additional information. After discussion with our managing partners and colleagues, we removed that request. This is not because of concerns regarding compliance with laws such as the NHPA or issues the Hawai'i State Historic Preservation Office would have with the request. Rather, the removal was more about considering how such a request and the resulting activity- regardless of the valuable archaeological information it could collect- would in the short and long term impact in some way the cultural integrity of the islands.

Our request for approval to tactically remove the native plant species pōpolo to assist in our efforts to collect information about Nihoa Sites 20 and 21 is another example of the careful consideration we have afforded to how our proposed activities impact resources and ecological and cultural integrity. We are acutely aware of the ESA issues associated with our request but we are also aware of the cultural implications of our request and actions if it is approved. Pōpolo

is recognized as an important traditional medicinal plant and a kinolau (physical manifestation) of a primary Hawaiian deity Kāne. Needless to say, the potential implications of clearing the pōpōlo as requested from a cultural view and authority of a god far outweigh those of the legal and authority of U.S. government. Even if we receive ESA clearance to conduct the clearing, if there are unfavorable hō'ailona (signs) after conducting protocol at the site before initiating work, we will not do that activity.

We have carefully considered all of the proposed activities and believe our team members have the knowledge and experience to successfully complete them for the benefit of conserving and protecting Monument resources. We believe that they are compatible with the management direction of Proclamation 8031 and the vision, mission, guiding principles and goals set forth for Papahānaumokuākea in the 2008 Management Plan. They also support the justifications specific to Native Hawaiian culture expressed in the 2010 nomination of PMNM as a United Nations Educational, Scientific and Cultural Organization World Heritage site.

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.

There is no alternative to contributing to the conservation and protection of Monument resources by accessing the Monument to collect current and accurate information about those specific resources.

Two purposes of the proposed activities are to continue monitoring the conditions of cultural sites and collect additional information from them using techniques such as archaeological mapping, photography and recording observations in journals. A specific focus will be placed on the existing landing sites, base camps and footpaths, and potential alternatives. There will be no subsurface archaeological excavations. Our intent is to provide information that will- as a first step- contribute to the development of a technical report that will summarize all available information regarding cultural sites in the vicinity of existing landing sites, base camps and footpaths. This report will in turn support the preparation of an appropriate NHPA agreement document regarding the use of landing sites, base camps and footpaths. This agreement document will assure compliance with federal historic preservation law and serve the larger purpose of institutionalizing the appropriate treatment of significant cultural sites. This treatment will be integrated with the full range of important resource management actions- i.e. habitat restoration- that are conducted on the island.

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

We recognize that any human activity in the Monument, no matter how carefully it is conducted and how strictly it follows Monument BMP and permit requirements and restrictions has the potential to impact resources and ecological integrity. Likewise, activities proposed or conducted without the proper thought and intentions have the potential to impact cultural integrity. That is the great irony with the Monument in that as long as people are allowed to

access the area, a careful balance will have to be achieved in managing that access to reduce (and hopefully eliminate) impacts to promote the conservation and protection of resources.

We have every intention to clearly demonstrate in thought and action our ability to conduct the proposed activities using methods and techniques that will result in the lowest possible impact to resources. The majority of team members, including the crew of the Makani 'Olu have previously traveled to the islands and we intend to use that experience wisely.

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

It is estimated that most of what we know about the cultural sites of the islands comes from less than two (2) months of actual field research conducted by the 1923-1924 Tanager Expedition (Emory 1928), 1984 Bishop Museum (Cleghorn 1987), Hunt (1992) and Kikiloi. The twelve days in the Monument requested by this permit includes only a maximum of three (3) days on each island. With these factors in mind, this is actually shorter than necessary to achieve our long term goals of effectively managing cultural sites. After careful and thoughtful planning and consideration of all factors related to this trip, we believe 12 days is a reasonable request to achieve the short term goals and products articulated in previous responses.

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

The Office of Hawaiian Affairs (OHA) is a Co-Trustee of the Monument and represented on the Monument Management Board since its establishment in 2006. The OHA Monument Co-Manager and MMB representative is the permit applicant and will be a team member on this trip and most recently voyaged to both islands in 2015. The OHA Co-Manager is a designated subpermittee of the MBTA permit issued to the CWG and has experience in salvaging deceased seabird parts.

#### **PLACEHOLDER for C/V as appropriate ARCH WORK QUALIFICATIONS**

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 Office of Hawaiian Affairs (OHA) is a Co-Trustee of the Monument and represented on the Monument Management Board since its establishment in 2006. We have previously funded multiple expeditions into the Monument and have provided financial and logistical support for team members on those expeditions to acquire and quarantine their gear and equipment. We will do the same in this instance.

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 will follow all Monument BMP that are applicable to our proposed activities. Team members who are moved to offer ho'okupu will be reminded that their ho'okupu must be quarantined in accordance with Monument BMP to not impact the ecological integrity of the islands. We are committed to utilizing proven techniques that are of the lowest impact to resources possible and we will leave no trace of our presence upon departure from the islands. The majority of team members, including the crew of the Makani 'Olu have previously traveled to the islands and we intend to use that experience to further reduce- and perhaps eliminate- any impacts we may cause.

We will adhere to all of the requirements and conditions of our permit. All of our clothing and "soft" equipment and gear will be purchased new and quarantined for the trip. Team members will attend all required pre-access briefings. We will carefully assess our activity areas at all times for the presence of nesting sea and land birds and eggs and protected species, and employ methods and directives to avoid them if identified.

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

**Makani 'Olu will be outfitted with the mobile transceiver borrowed from NOAA.**

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

The U.S. federal government, through the Department of the Interior- USFWS asserts management jurisdiction over the islands and Presidential Proclamation 8031 that established the Monument requires a permit to access the islands to conduct regulated activities. Thus, for the purposes of the NHPA, the activities proposed in this permit application are considered an "undertaking". After applying the criteria of adverse effect found in the NHPA implementing regulations (36 CFR §800.5), we have determined that a finding of no adverse effect is appropriate for this undertaking. None of the activities proposed will alter, directly or indirectly, any of the characteristics that qualify the islands as historic properties and their listing on the NRHP. Furthermore, the integrity of the islands location, design, setting, materials, workmanship, feeling and association will not be diminished by the undertaking. The results of the proposed activities will contribute to the positive long term management of the islands- and the broad range of cultural and bio-cultural resources that exist on them. For the purposes of the NHPA, long term management will require consideration of the indirect and cumulative effects of management actions on the islands as historic properties. As previously discussed, the results of the proposed activities are fully intended to contribute towards the development of agreement documents pursuant to 36 CFR §800.6 to mitigate any adverse effects of management actions on the islands.

We seek concurrence on our NHPA determination from the federal land manager, the FWS and the Hawai'i State Historic Preservation Officer. For the purpose of conducting archaeological activities on lands on which the U.S. federal government asserts management jurisdiction we request further consultation regarding the need for an Archaeological Resources Protection Act



(ARPA) permit from the FWS. Because we will not be conducting subsurface excavations, we do not think an ARPA permit is necessary, but want to confirm that with the FWS.

We request consultation with and review by the FWS in regards to our request for the tactical removal of native plant species on the campsites- i.e. pōpolo- protected by the ESA and our intent to avoid disturbances to nesting sea and land birds. We are acutely aware of the ESA issues associated with our request but we are also aware of the cultural implications of our request and actions if it is approved. Pōpolo is recognized as an important traditional medicinal plant and a kinolau (physical manifestation) of a primary Hawaiian deity Kāne. Needless to say, the potential implications of clearing the pōpolo as requested from a cultural view and authority of a god far outweigh those of the legal and authority of U.S. government. Even if we receive ESA clearance to conduct the clearing, if there are unfavorable hō'ailona (signs) after conducting protocol at the site before initiating work, we will not do that activity.

We request consultation with and review by the U.S. Department of Commerce- National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NMFS) in regards to our intent to avoid interfering or disturbing sea birds, or ESA and MMPA protected species while at sea and engaged in fishing activities.

We understand that the Magnuson-Stevens Fishery Management and Conservation Act requires review of federally permitted actions for potential impacts to Essential Fish Habitat (EFH). While in the Monument, we will only discharge grey water and biodegradable food waste produced by ship galley operations. Untreated sewage will not be released within the Monument.

Prior to anchoring, the Makani 'Olu crew will identify sandy bottom habitat on which to deploy the anchor. An anchoring site devoid of corals and other sensitive habitats will be selected. Consideration will be given to the amount of scope that will be deployed and avoid the potential of abrasion to coral colonies from the extent of the chain that will be in the water. The crew will also consider the potential for swing that may occur due to changes in wind and/or currents during the time the anchor is deployed. As previously mentioned, the crew of the Makani 'Olu has extensive experience in the Monument and voyages to the islands and we are confident that the above measures and all other guidance provided in Monument BMPs applicable to boating operations can be successfully followed to protect Monument resources, inclusive of EFH. We will request further consultation with and review by the NMFS on our intent to avoid impacts to EFH.

The collection (salvage) of any deceased seabird parts will be in full compliance with the MBTA and support only non-commercial traditional activities. Those conducting salvage activities will be designated subpermittees of the MBTA permit held by the CWG. The salvaged resources will be stored in airtight containers and under the control of designated subpermittees at all times. Salvaged activities will be carefully recorded and reported. Salvaged seabird parts will only be distributed (transferred) to other designated subpermittees of the CWG permit and any transfers detailed in the annual report required by the permit.

Caring for iwi kupuna is an important cultural value and another purpose of the proposed activities is to implement any necessary protective measures for the iwi kupuna site identified in August 2016. Any actions taken will be carefully recorded and reported and in full compliance with NAGPRA. Examples of possible actions include: stabilizing the area surrounding the site to prevent further exposure, covering any exposed iwi kupuna with native vegetation or soil and stacking available stones to protect the site. If taking any action, we will assure no disturbance occurs to other sites located in the vicinity of the iwi kupuna.

While sustenance and subsistence fishing from the Makani ‘Olu using rod and hand lines we will carefully observe for and immediately cease activities if interference with seabirds and the presence of any Endangered Species Act (ESA) or Marine Mammal Protection Act (MMPA) protected species is confirmed. We will limit our catch using rods and hand lines to a maximum of three (3) pelagic and/or deep bottom fish per day. The catch will be consumed in the Monument. A maximum of four (4) lines will be deployed from the ship at any given time. The length of the lines will vary as needed to allow for effective trolling and retrieved and stored before nightfall as there will be no night fishing from the ship.

Only traditional fishing equipment (hand lines and hooks) will be used from the shorelines of the islands. The equipment is handcrafted from plant material (lines) and bone (hooks) and will be prepared and quarantined as required by Monument best management practices (BMP). A maximum of two (2) lines up to twenty (20) feet in length will be in use at any given time and will be retrieved and stored before nightfall as there will be no night fishing from shore. We will limit our shoreline catch to one (1) fish per day. The catch will be consumed in the Monument. While shoreline fishing, we will carefully observe for and immediately cease activities if the presence of any ESA protected species is confirmed. The makers of the hooks will be asked to mark them in an attempt to avoid confusion as an antiquity if they are lost on our trip and later discovered.

#### ADDITIONAL FINDINGS FOR PROPOSED NATIVE HAWAIIAN PRACTICES

k. Explain how the activity is non-commercial and will not involve the sale of any organism or material collected.

Please see the previous responses. All of the activities are non-commercial and will not involve the sale of any organism or material collected. The MBTA permit that allows for the salvage, possession and use of protected resources is specific that use must be only for educational purposes and be non-commercial. Any individual who receives salvaged MBTA resources will be a designated subpermittee of the permit and reminded that the use must be non-commercial.

l. Explain how the purpose and intent of the activity is appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice and its associated values and protocols.

Since the establishment of the Monument in 2006, OHA has assured that the Native Hawaiian community- primarily through the CWG- has the opportunity to review and comment on permit



applications and provide input into the overall management of the area. We believe that the activities proposed in this permit application are consistent with the guidance we have received from our people over the last decade and that these activities will contribute to effective management of the cultural and bio-cultural resources in the Monument. The role of the Native Hawaiian community will be further institutionalized in the management of Monument resources through these specific proposed activities and their intended outcomes and products. The interpretation and understanding of Monument resources- specifically cultural sites- will be increased and can contribute to the development of materials used in outreach and education efforts conducted by the Monument managers.

m. Explain how the activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community.

We believe that the activities proposed in this permit application are consistent with the guidance we have received from our people over the last decade and that these activities will contribute to effective management of the cultural and bio-cultural resources in the Monument. The role of the Native Hawaiian community will be further institutionalized in the management of Monument resources through these specific proposed activities and their intended outcomes and products. The interpretation and understanding of Monument resources- specifically cultural sites- will be increased and can contribute to the development of materials used in outreach and education efforts conducted by the Monument managers.

n. Explain how the activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands.

Accessing the Monument under the required conditions and with the proper intent and thought to conduct appropriate traditional, ceremonial and cultural practices perpetuates traditional knowledge and strengthens Kanaka Maoli (Native Hawaiian) connections to this ancestral region.

o. Will all Monument resources harvested in the Monument be consumed in the Monument? If not, explain why not.

As previously stated in the responses, all fish caught in the Monument will be consumed in the Monument. If our request to tactically clear pōpolo at Nihoa Sites 20 and 21 is approved, we are agreeable to collecting seeds or other parts of the plant out of the Monument for appropriate use as a form of mitigation but will need ESA clearance to do that. We will be working with the FWS on that. Any MBTA resource brought out of the Monument will only be distributed to a designated subpermittee for educational, non-commercial use.

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

We will follow Monument BMPs specific to the number of individuals who can access the islands during the day and stay on-island overnight. We will utilize the existing landing sites and base camps on both islands to stage equipment, gear and personnel for daytime activities. For

overnight stays on Nihoa, tents will be used and erected in the designated area within the base camp site following established procedures to minimize impacts and protect resources. On Mokumanamana, bivy sacks and sleeping pads will be used following established procedures in the designated area within the base camp site for overnight stays.

We will carefully assess our activity areas at all times for the presence of nesting sea and land birds and eggs and employ methods and directives to avoid them if identified. We will follow all other Monument BMP applicable to our proposed activities. All of our clothing and “soft” equipment and gear will be purchased new and quarantined for the trip. We are committed to utilizing proven techniques that are of the lowest possible impact to resources and we will leave no trace of our presence upon departure from the islands. The majority of team members, including the crew of the Makani ‘Olu have previously traveled to the islands and we intend to use that experience to further reduce- and perhaps eliminate- any impacts we may cause.

Caring for iwi kupuna is an important cultural value and another purpose of the proposed activities is to implement any necessary protective measures for the iwi kupuna site identified in August 2016. Any actions taken will be carefully recorded and reported. Examples of possible actions include: stabilizing the area surrounding the site to prevent further exposure, covering any exposed iwi kupuna with native vegetation or soil and stacking available stones to protect the site. If taking any action, we will assure no disturbance occurs to other sites located in the vicinity of the iwi kupuna.

Ceremonial/cultural protocol consisting of oli (chants), pule (prayers), mele (songs) and ha’i ‘ōlelo (speeches) will be conducted to support all activities proposed in this permit application. If a team member is guided to include a material ho’okupu (offering) with their protocol, they will be reminded that their ho’okupu must be quarantined in accordance with Monument BMP and not impact the ecological integrity of the islands. Examples of possible ho’okupu include pa’akai (salt), powdered or dried ‘awa (*Piper methysticum*) and ua (rainwater) collected from a team member’s home island.

The collection (salvage) of any deceased seabird parts will be in full compliance with the MBTA and support only non-commercial traditional activities. Those conducting salvage activities will be designated subpermittees of the MBTA permit held by the CWG. The salvaged resources will be stored in airtight containers and under the control of designated subpermittees at all times. Salvaged activities will be carefully recorded and reported. Salvaged seabird parts will only be distributed (transferred) to other designated subpermittees of the CWG permit and any transfers detailed in the annual report required by the permit.

While sustenance and subsistence fishing from the Makani ‘Olu using rod and hand lines we will carefully observe for and immediately cease activities if interference with seabirds and the presence of any Endangered Species Act (ESA) or Marine Mammal Protection Act (MMPA) protected species is confirmed. We will limit our catch using rods and hand lines to a maximum of three (3) pelagic and/or deep bottom fish per day. The catch will be consumed in the Monument. A maximum of four (4) lines will be deployed from the ship at any given time. The

length of the lines will vary as needed to allow for effective trolling and retrieved and stored before nightfall as there will be no night fishing from the ship.

Only traditional fishing equipment (hand lines and hooks) will be used from the shorelines of the islands. The equipment is handcrafted from plant material (lines) and bone (hooks) and will be prepared and quarantined as required by Monument best management practices (BMP). A maximum of two (2) lines up to twenty (20) feet in length will be in use at any given time and will be retrieved and stored before nightfall as there will be no night fishing from shore. We will limit our shoreline catch to one (1) fish per day. The catch will be consumed in the Monument. While shoreline fishing, we will carefully observe for and immediately cease activities if the presence of any ESA protected species is confirmed. The makers of the hooks will be asked to mark them in an attempt to avoid confusion as an antiquity if they are lost on our trip and later discovered.

Two invasive plant species- Cenchrus and New Zealand Spinach will be targeted for removal. This will continue on-going efforts to remove this invasive species and improve habitat for native plant species and support recovery efforts. Team members have experience working with the FWS on this activity and will oversee the employment of appropriate techniques and measures to prevent spreading seeds. The removed plants will be placed in sealed plastic bags, and transported out of the Monument aboard the Makani 'Olu for disposal upon return to O'ahu. The works areas will be photographed before and after removal activities.

While in the Monument, we will only discharge grey water and biodegradable food waste produced by ship galley operations. Untreated sewage will not be released within the Monument.

Prior to anchoring, the Makani 'Olu crew will identify sandy bottom habitat on which to deploy the anchor. An anchoring site devoid of corals and other sensitive habitats will be selected. Consideration will be given to the amount of scope that will be deployed and avoid the potential of abrasion to coral colonies from the extent of the chain that will be in the water. The crew will also consider the potential for swing that may occur due to changes in wind and/or currents during the time the anchor is deployed. As previously mentioned, the crew of the Makani 'Olu has extensive experience in the Monument and voyages to the islands and we are confident that the above measures and all other guidance provided in Monument BMPs applicable to boating operations can be successfully followed to protect Monument resources.

**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:

Scientific name:

Hawaiian name:

# & size of specimens:

Collection location:

☐ Whole Organism ☐ Partial Organism

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

If pōpolo specimens are approved for collection, we will follow the requirements of the ESA/FWS. If traditional practitioners no longer desire any MBTA resources they receive, those specimens will either be returned to their place of collection in the Monument or destroyed by culturally appropriate means determined by that practitioner.

**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?**

If pōpolo specimens are approved for collection, we will follow the requirements of the ESA/FWS to store and transport them out of the Monument aboard the Makani 'Olu to transfer to a designated propagation facility. Any salvaged MBTA resources will be stored in airtight

containers and under the control of designated subpermittees at all times will in the Monument and also transported out of the Monument aboard the Makani 'Olu.

**11. Describe any fixed or semi-permanent structures or installations, or cultural offerings you plan to leave in the Monument:**

none

**12. List all specialized gear and materials to be used in the proposed activities:**

Fishing gear includes hand lines and lures, and traditional fishing gear.

Camping Gear: Tents, Bivy Sacks, Sleeping bags, sleeping pads, Safety Bucket (Sat phone, first aid, water desalination unit), Limited Cooking equipment (Portable Fuel Stove, Fuel, Nested Pots, Can foods), (Small , 6 Gal Water Jugs, Portable Bucket Toilet.

Fieldwork Gear: Trimble handheld GPS, Clipboards (Graph paper, Pencils, Excavation Sheets, Photo Log, etc.) Field compasses, Cameras, Long & Short Tape measures.

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

none

**14. Describe collaborative activities to share samples, cultural research and/or knowledge gained in the Monument:**

Our intent is to provide information that will- as a first step- contribute to the development of a technical report that will summarize all available information regarding cultural sites in the vicinity of existing landing sites, base camps and footpaths. This report will in turn support the preparation of an appropriate NHPA agreement document regarding the use of landing sites, base camps and footpaths. This agreement document will assure compliance with federal historic preservation law and serve the larger purpose of institutionalizing the appropriate treatment of significant cultural sites. This treatment will be integrated with the full range of important resource management actions- i.e. habitat restoration- that are conducted on the island.

**15a. Will you produce any publications, educational materials or other deliverables?**

☒ Yes ☐ No

**15b. Provide a time line for write-up and publication of information or production of materials:**

We are committed to having the above mentioned technical report completed within one (1) year of our return from this trip. In regards to the larger NHPA agreement document the report is intended to support, that will be up to the Monument Management Board to collectively decide.

**16. If applicable, list all Applicant's publications directly related to the proposed project:**

n/a

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

**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):**

Office of Hawaiian Affairs: Keola Lindsey, Brad Kaaleleo Wong, 2 TBD

USFWS: Matt Brown, and TBD

Archaeology Team: Mara Mulrooney, Hanalei Marzan, Mark McCoy, Iolani Kauhane, Kepoo Keliipaakaua

Makani Olu: Kalei Velasco, Captain

Harry Sprague, First Mate

Up to 6 additional crew TBD

**2. Specific Site Location(s): (Attach copies of specific collection locations):** On island, Nihoa and Mokumanamana

**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.** 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):** The Office of Hawaiian Affairs (OHA) is a Co-Trustee of the Monument and represented on the Monument Management Board since its establishment in 2006. We have previously funded multiple expeditions into the Monument and have provided financial and logistical support for team members on those expeditions to acquire and quarantine their gear and equipment. We will do the same in this instance.

**5. Time frame:**

Activity start: 3/28/2017

Activity completion: 3/27/2018

Vessel ID#:1113517

Flag: U.S.

Vessel type: Steel hull, three masted staysail schooner

Call sign: WDA6945

Embarkation port: Kaneohe Bay

Last port vessel will have been at prior to this embarkation: Heeia Kea Boat Harbor

Length: 96'

Gross tonnage: 68

Total ballast water capacity volume (m3): N/A

Total number of ballast water tanks on ship: N/A

Total fuel capacity: 421g

Total number of fuel tanks on ship: 2

Marine Sanitation Device: Yes

Type: Holding Tank

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: Makani Olu is outfitted with holding tanks and will only discharge in compliance with Monument regulations

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: 750 Faria Watchdog VMS (On loan from PMNM)

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:



### **Additional Information for Land Based Operations**

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

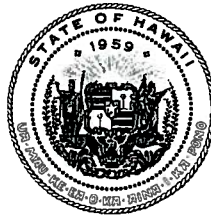
**12. Room and board requirements on island:**

**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  
DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813

February 24, 2017

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

KEKOA KALUHIWA  
INTERIM FIRST DEPUTY

JEFF PEARSON P.E.  
INTERIM 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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

TO: Division of Aquatic Resources File

THROUGH: Suzanne Case, Chairperson

FROM: Maria Carnevale  
Papahānaumokuākea Marine National Monument

SUBJECT:

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 NATIVE HAWAIIAN PRACTICES PERMIT  
TO MR. KEOLA LINDSEY, OFFICE OF HAWAIIAN AFFAIRS, FOR ACCESS TO STATE WATERS TO  
CONDUCT ARCHAEOLOGICAL CULTURAL RESEARCH ACTIVITIES UNDER PERMIT PMNM-2017-009

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 Native Hawaiian Practices Permit to Mr. Keola Lindsey, Office of Hawaiian Affairs, for Access to State Waters to Conduct Archaeological Cultural Research Activities

Permit Number: PMNM-2017-009

Project Description:

The Native Hawaiian practices permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument, including the NWHI State waters from March 25, 2017 through March 24, 2018.

The Applicant proposes to continue monitoring the conditions of the cultural sites and collect additional information from them using techniques such as archaeological mapping, photography, and recording observations in journals. This work is a continuation of research that has been performed in previous trips in PMNM between 2005-2016. The tactical removal of vegetation (popolo, Cenchrus New Zealand spinach) will aid in site assessment and protect the ecological integrity of the island. Ceremonial/cultural protocol will be conducted in support of all activities as part of this application. Sustenance and subsistence fishing will be conducted with traditional tools. The collection of seabird parts will be conducted opportunistically and in

ITEM F-1c

accordance with the PMNM Native Hawaiian Working Group's MBTA permit for noncommercial traditional activities. Lastly, the US FWS has requested that the team remove a fallen sign on the island with hand tools.

The research also has secondary goals of allowing access to occur for Native Hawaiians that will be helping with this research to: 1) further develop a framework and management strategies for cultural resources in the Native Hawaiian Plan under the Monument, and 2) further develop a cultural curriculum component to a U.S. Fish and Wildlife Service (FWS) resource monitor training program in collaboration with managers of PMNM, the Office of Hawaiian Affairs (OHA) and U.S. Fish and Wildlife Service (USFWS) and 3) provide detailed contributions to a technical report that will summarize all available information regarding cultural sites in the vicinity of landing sites, footpaths, and base camps. The technical report will support the preparation of an appropriate NHPA agreement that will ensure the long term legal compliance and treatment of significant cultural sites.

Activities would include: archaeological surveying, mapping, photography, touching deceased corals, soil sampling, performing cultural protocol, removal of plants and bird parts, overnight camping, sustenance fishing (federal waters), subsistence fishing (state waters), and anchoring in sandy substrates at Mokumanamana and Nīhoa.

To conduct the proposed activities, no more than twelve (12) people on island will enter PMNM to conduct necessary research activities. Each night, five (5) of the twelve will stay on-island to camp.

Fishing activities would be conducted by trolling a lure on a single monofilament handline and fishing poles for 20 meters. The lines would be monitored at all times and personnel would abide by – Seabird Protocols Necessary for Conducting Trolling Research and Monitoring (PMNM Best Management Practice #008) to reduce impacts to seabirds. All fishing gear would be removed from the water if any Hawaiian monk seals or sea turtles are observed. All fish caught would be consumed in the Monument.

The proposed activities are in direct support of the Monument Management Plan's priority management need 3.1 – Understanding and Interpreting the NWHI (through action plan 3.1.2 – Native Hawaiian Culture and History). This action plan calls for the conduct, support, and facilitation of Native Hawaiian cultural access and research of the NWHI. It specifically notes support for cultural research that helps in understanding ancestral connections related to the Monument. Activities to support “enhancing, incorporating, and perpetuating understanding of Native Hawaiian culture and knowledge”, such as those being proposed, are also addressed in the Monument Management Plan Environmental Assessment (December 2008) which resulted in a FONSI (Finding of No Significant Impact). In addition, this EA notes that “identifying research needs, supporting Native Hawaiian cultural access, and incorporating Native Hawaiian traditional knowledge and associated practices into Monument management” could have beneficial effects on Monument resources (PMNM MMP Vol 2, p.192).

#### 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) and the State Historic Preservation Office (SHPO) for 106 consultation. In addition, the permit application has been posted on the Monument Web site since December 12, 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 using Native Hawaiian practices to document archaeological research at Mokumanamana and Nīhoa, 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 natural resource observations, such as those being proposed.

The proposed monitoring and surveying activities here appear to fall squarely under the exemption class #5, exempt item # 2. Non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping #4 as described in the DLNR exemption list published on June 5, 2015. The vegetation removal falls under, Exemption Class 4, Minor alteration in the conditions of land, water, or vegetation, Exempt Item # 8. Removal of invasive vegetation utilizing cutting, mowing, application of federal and state approved herbicides in conformance with label instructions, distribution of biocontrol agents by the State of Hawaii, and other approved methods. And the sign repair activity fits squarely under Exempt Class 1, Exempt item #8. Repair or maintenance of existing signs, buoys, markers, and aids to navigation.

As discussed below, no significant disturbance to any environmental resource is anticipated through these activities and interactions with 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.

This is the fourth project proposed to date by this Applicant aimed at researching the exploration, colonization, and occupation of Mokumanamana and Nihoa through archaeological surveying and monitoring. The prior permits that have involved these activities have had no deleterious effects on Monument resources. No significant impacts are anticipated as a result of the proposed access and observation techniques especially since the techniques proposed are non invasive and do not involve the handling of resources to complete the activity. 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. Furthermore, this project is necessary in order to achieve long term programmatic compliance for the cultural resources on island. 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 knowledge gained is invaluable to the Hawaiian community and the PMNM management community. Studying the history of Mokumanamana and Nihoa provides insight into the relationship that the people had with the environment, especially on remote islands where agricultural food production would have been vital to long-term survival.

The activities would be conducted from the OHA contracted vessel, the MAKANI‘OLU, during March and April 2017. No other proposed projects would take place from the vessel.

There may be a marine debris removal activity occurring with the NWHI during this timeframe at FFS and Kure Atolls. Though these activities take place concurrently, no significant negative 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 research 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.

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Suzanne Case  
Chairperson, Board of Land and Natural Resources

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Date