

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

August 11, 2017

Board of Land and Natural Resources  
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Kurt Dreflak, National Oceanic and Atmospheric Administration (NOAA) Ship **Ruben (Lasker)**, for Access to State Waters to Conduct Shipboard Support Activities

The Papahānaumokuākea Marine National Monument program hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument conservation and management permit to Kurt Dreflak, Commanding Officer, NOAA Ship *Ruben (Lasker)*, 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 conservation and management permit, as described below, would allow entry and management activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Nīhoa Island
- Mokumanamana Island
- French Frigate Shoals
- Gardner Pinnacles
- Maro Reef
- Laysan Island
- Lisianski Island, Neva Shoal
- Pearl and Hermes Atoll
- Kure Atoll

The activities covered under this permit would occur between August 15, 2017 and August 14, 2018.

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

### INTENDED ACTIVITIES

The primary purpose of the project is to provide vessel support for separately permitted activities aboard the NOAA Ship *Ruben (Lasker)*. Up to 24 crew members aboard the *Lasker* would be authorized to enter the Monument to support separately permitted activities throughout the marine areas of Papahānaumokuākea. As the Commanding Officer of the *Lasker*, CDR Kurt Dreflak, the applicant, would oversee all activities including operating small boats; swimming, snorkeling, and SCUBA diving as necessary to support proposed activities and separately permitted activities; discharges incidental to vessel use (i.e., dishwasher, shower, laundry, bath and washbasin drains; deckwash incidental to small boat tenders; discharge from approved marine sanitation device effluent, cooling water, and vessel engine exhaust) outside of all Special Preservation Areas and the Midway Atoll Special Management Area; seawater intake as necessary to support vessel operations and separately permitted activities (e.g., ship stabilization and cooling; deck, gear and small boat washdown; desalinization for consumption; support for scientific purposes in the lab spaces and on deck); sustenance fishing (within Midway Atoll Special Management Area only); anchoring on sandy substrate only, and opportunistically collecting free-floating marine-debris. Swimming, snorkeling and SCUBA are not permissible except as necessary for vessel maintenance, emergency operations, and non-recreational support of vessel activities. Personal safety, fitness and health maintenance including, but not limited to, biking, swimming, and jogging would occur only at MASMA and only in approved areas open to the public.

The activity would benefit the Monument as the *Lasker* would provide support services for separately permitted activities. Such activities may include research, conservation and management. Without ship support, these activities would be severely limited or cease completely. The activity would help to support the Monument Management Plan (MMP), Priority Management Need 3.6: Achieving Effective Monument Operations (PMNM MMP Vol. I, p. 293, 2008), by providing an integral role in assuring research and other separately permitted activities are properly supported in the field.

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

- Anchoring a vessel
- Discharging or depositing any material or matter into the Monument
- 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 Reserves and Special Management Areas)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

### REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Pacific Islands National Wildlife Refuge Complex Office, and the

Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 20, 2017 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:**

**QUESTIONS:**

1. Is it common to include multiple fishermen for crew on this cruise?

*The Lead Fisherman, Skilled Fishermen, and Fishermen titles belonging to the ship's crew are strictly historical nomenclature for their positions aboard the ship. The aforementioned positions are interchangeable with Bosun Group Leader, Seamen Surveyor and Able Bodied Seaman (respectively).*

2. In regards to sustenance fishing, what would the applicant do if they caught a bird?

*In the unfortunate event that a seabird is hooked/caught we will make all efforts to release to the bird in a way that is safest for the bird and crew. We realize that if the bird is injured or severely tangled, the bird could easily drown, die of starvation or succumb to a predator attack. We will do the following:*

*Reel the bird in slowly and gently. Lift the bird with a dip net or something similar. Get control of the bird's bill before taking it from the net to prevent being pecked. Cover its head and eyes with a cloth to calm it (but not obstruct breathing), and keep the wings folded in their normal closed position while maintaining control of the bird's head and body. We will do our best to keep the bird calm and restrained (to prevent further injury).*

*To remove the hook from a seabird, grasp the hook and carefully snip off the barb then back the hook out without causing further injury. Cut off and remove any tangled fishing line, and carefully release the seabird.*

*If the bird has swallowed the hook, we will untangle the bird while removing as much line as possible. Cut the fishing line as close to the hook as we can, and leave the hook in place. We will then consult FWS if the bird is seriously injured, is deeply hooked, or a hook has been swallowed and follow their instructions.*

*If granted, we will report all bycatch on the sustenance/ subsistence fishing data sheet as required. We will include the date, gear type, number of lines in, start time, end time, species caught (if identifiable or a description if not) number, disposition, general location, latitude and longitude.*

3. What are your conditions and plans for anchoring?

*The ship does not plan to anchor within the monument. In the event of an emergency that includes loss of steering or propulsion, the ship will make every effort to avoid coral areas.*

4. How necessary it is to do SCUBA, snorkeling and swimming for vessel maintenance and whether doing proficiency dives is appropriate. In any case they should get BMPs for disinfecting dive equipment?

*To ensure the safety of the vessel and protection of the environment, SCUBA operations may be conducted. NOAA requires proficiency dives to ensure the safety and efficiency of the divers in the event there is an emergency. In the event the ship needs to conduct a dive for vessel maintenance or proficiency dives, divers will follow the established BMP's under the DISEASE AND INTRODUCED SPECIES PREVENTION PROTOCOL FOR PERMITTED ACTIVITIES IN THE MARINE ENVIRONMENT sections I.C. - Level Three: All dive gear used in the Monument and I.D. - General points applicable to all three levels.*

#### **COMMENTS:**

1. The crew of the vessel should pay special attention to preventing any discharge (oil, detergents, etc.) related to normal vessel activities while in the Monument.

*Noted, we have received and will abide by the Best Management Practices for discharge outside of normal vessel activities.*

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

*Noted, we have received and will abide by the Best Management Practices for Boat Operations and Diving Activities.*

3. The vessel's crew should review the discharge restrictions that are in place for the PMNM and comply with those restrictions.

*Noted, we have received and will abide by the Best Management Practices for discharge restrictions within the monument.*

4. 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.

*Noted. Please see above. We will only anchor in an emergency and we'll avoid coral and other sensitive benthic habitats.*

5. It's recommended, if possible to have the hull cleaned before leaving California in order to reduce the possibility of bringing invasive or new species into the main Hawaiian Islands. In Honolulu, have the hull inspected for invasive species before leaving the harbor and heading to the Monument.

*Noted, we have received and will abide by the Best Management Practices for Maritime Vessels.*

6. It is recommended, that you inspect, disinfect and clean any small boat components and other ship based equipment including CTD, hydrolic towed arrays, current profilers etc. Alien species (including microbiota) from the West coast could be contaminating equipment used primarily in the west coast. Disinfect equipment that has been used outside of Hawaii to the extent possible before using.

*Noted, we have received and will abide by the Best Management Practices for Maritime Vessels and the Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment.*

**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.
- Research scientists, educators, and managers working aboard NOAA Ship *Ruben (Lasker)* will apply for and be issued separate permits pertaining to their individual activities.
- A request to the National Marine Fisheries Service (NMFS) for Section 7 informal consultation coverage pursuant to the Endangered Species Act of 1973 was initiated via email on July 7, 2017 to have the proposed activities (i.e., conducting vessel activities within the Monument) considered under PMNM's programmatic Section 7 informal consultation (Letter of concurrence dated 13 April 2015). On October 1, 2015, NMFS PIRO sent an e-mail to PMNM that concurred with the PMNM's assessment that issuing a permit that covers the proposed activity is within the scope of the PMNM programmatic consultation between NMFS and the PMNM.
- 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 PAPAHAŌNAUMOKUĀKEA MARINE NATIONAL MONUMENT CONSERVATION AND

MANAGEMENT PERMIT TO COMMANDING OFFICER COMMANDING OFFICER KURT DREFLAK, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) SHIP *Ruben (Lasker)*, FOR ACCESS TO STATE WATERS TO CONDUCT SHIPBOARD SUPPORT ACTIVITIES UNDER PERMIT PMNM-2017-019.”)

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

- The NOAA Ship HI‘IALAKAI has been granted Commanding Officer Simon and previous Commanding Officers Monument and/or DLNR permits for similar activities since 2006.

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 his application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Conservation and Management Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

MONUMENT MANAGEMENT BOARD OPINION

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

RECOMMENDATION

That the Board authorize and approve a Conservation and Management Permit to Commanding Officer Kurt Dreflak, NOAA Ship *Ruben (Lasker)*, with the following special conditions:

1. That the permittee provide, to the best extant possible, a summary of their Monument access, including but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events.
2. 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.

3. 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.
4. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
5. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
6. 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.
7. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

Respectfully submitted,



Maria Carnevale  
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne Case  
Chairperson

**Papahānaumokuākea Marine National Monument**  
CONSERVATION AND MANAGEMENT Permit Application

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

**ADDITIONAL IMPORTANT INFORMATION:**

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

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

Send Permit Applications to:

Papahānaumokuākea Marine National Monument Permit Coordinator

6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

nwhipermit@noaa.gov

PHONE: (808) 397-2660 FAX: (808) 397-2662

**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:** CDR Kurt Dreftak, Commanding Officer, NOAA Ship Reuben Lasker  
**Affiliation:** National Oceanic and Atmospheric Administration

**Permit Category:** Conservation and Management

**Proposed Activity Dates:** TBD pending FY17 schedule. Request Permit from September 1, 2017 to December 31, 2017

**Proposed Method of Entry (Vessel/Plane):** Vessel

**Proposed Locations:** Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Neva Shoal, Pearl and Hermes Atoll, Midway Atoll, Kure Atoll

**Estimated number of individuals (including Applicant) to be covered under this permit:**  
24

**Estimated number of days in the Monument:** TBD (FY17 schedule still pending)

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

a.) The proposed activity would...

Operate the NOAA Ship Reuben Lasker, a 208' National Oceanic and Atmospheric Administration (NOAA) research vessel within the boundaries of Papahānaumokuākea Marine National Monument. The purpose of this vessel is to provide an at sea research platform to support separately permitted NOAA research activities. Research scientists aboard the vessel will work under separate permits from the ship. Specifically the vessel will support the 2017 Hawaiian Islands Cetacean and Ecosystem Assessment Survey. For details on the proposed research activities see separate permit application submitted by Dr. Erin Oleson and Dr. Jeff Moore.

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

Transport and support research scientists traveling within the Monument.

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

Providing a data collection platform for scientists to conduct research and conservation management activities in order to preserve and sustain the scientific and cultural significance of Papahānaumokuākea.

**Other information or background:**

## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Dreflak, Kurt, F.

Title: Commanding Officer, NOAA Ship Reuben Lasker

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

N/A

#### **2. Mailing address (street/P.O. box, city, state, country, [REDACTED])**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

U.S. Department of Commerce, National Oceanic and Atmospheric Administration,  
Office of Marine and Aviation Operations

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

CDR Kurt Dreflak, Commanding Officer  
LCDR Justin Keese, Executive Officer  
LT Phillip Klavon, Operations Officer  
LTJG Jim Europe, Operations Officer  
ENS Sarah Donohoe, Navigation Officer  
Jeff Hokkanen, Chief Marine Engineer  
Eric Hague, First Assistant Engineer  
Rob Piquion, Second Assistant Engineer  
Rebecca Critics, Third Assistant Engineer  
Mike Robinson, Junior Engineer

Tim Ratcliff, Chief Steward  
Kathy Brandts, Chief Steward  
Luke Staiger, Second Cook  
Jose Gomez, Chief Boatswain  
Jose Coito, Lead Fisherman  
Victor Pinones, Skilled Fisherman  
Nigel Winston, Skilled Fisherman  
Allen Solis, Fisherman  
Bret Miller, Fisherman  
Kim Belveal, Electronics Technician  
Brian Thomas, Electronics Technician  
Jaclyn Mazzella, Survey Technician  
Jian Liu, Survey Technician

**Section B: Project Information**

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

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

**Ocean Based**

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

Location Description:

**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 ship will serve as a sea research platform to support separately permitted marine mammal research. Specifically, the vessel will support the 2017 Hawaiian Islands Cetacean and Ecosystem Assessment Survey. For details on the proposed research activities see separate permit application submitted by Dr. Erin Oleson and Dr. Jeff Moore.

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

For a list of terrestrial species protected under the Endangered Species Act visit:  
<http://www.fws.gov/endangered/>

For a list of marine species protected under the Endangered Species Act visit:  
<http://www.nmfs.noaa.gov/pr/species/esa/>

For information about species protected under the Marine Mammal Protection Act visit:  
<http://www.nmfs.noaa.gov/pr/laws/mmpa/>

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

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?  
NOAA Ship Reuben Lasker is dedicated to preserving the Papahānaumokuākea Marine National Monument, and to carry out NOAA's mission in preserving the delicate ecosystem habitat that lies within, and how these goals can be achieved to meet the economic, social and environmental needs. In addition, the applicant and vessel crew understands that Native Hawaiians consider all natural resources as cultural resources and has the utmost respect for both. Every effort is made to minimize impacts to both cultural and natural resources.

The ship receives a USCG inspection annually, and remains compliant on a standard set by the commercial industry. NOAA Ship Reuben Lasker is one of only two research vessels that maintain this elevated standard of compliance.

The ship will install an approved VMS to provide law enforcement with tracking data 24-hours a day. The ship divers will clean the hull, and it will be inspected by Monument staff prior to entry. Ship crew and scientific compliment will attend all required briefing events to ensure the integrity of the Monument remains upheld, and that extra effort is made by everyone to maintain the highest level of environmental stewardship.

NOAA Ship Reuben Lasker is NOAA's newest research ship, and as such, the command and crew are excited for the opportunity to begin the first season working in the Papahānaumokuākea Marine National Monument. The ship is dedicated to ensure complete Monument compliance in order to provide additional opportunities for future research.

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? All research activities conducted aboard NOAA Ship Reuben Lasker would be separately permitted by the Co-Trustees of the Monument. The vessel will support the 2017 Hawaiian Islands Cetacean and Ecosystem Assessment Survey. For details on the proposed research activities see separate permit application submitted by Dr. Erin Oleson and Dr. Jeff Moore. All operations will be compatible with the conservation and management goals of the Papahānaumokuākea Marine National Monument, NOAA, USFWS, and the State of Hawaii

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. NOAA Ship Reuben Lasker will be supporting separately permitted research activities that require entrance into the Papahānaumokuākea Marine National Monument. In order to support these activities NOAA Ship Reuben Lasker will need to enter PMNM. As such there is no practicable alternative to conducting the activity within the Monument.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity? NOAA Ship Reuben Lasker will support separately permitted scientific research that would help assess and characterize megafauna of the NWHI. The knowledge gained from this research would help managers to better understand and manage the resources they are responsible for protecting, and would outweigh the minimal impacts from operating a NOAA research vessel in PMNM..

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose. The ship schedule is determined by OMAO's fleet allocation plan. Only the minimum amount of time is allocated to maximize the completion of the scientific objectives. Federal funding for protected resources is limited, and the preservation of natural resources remains a high priority for the nation's objectives.

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

NOAA Ship Reuben Lasker is equipped with an OGS 200C Teamtech incinerator. The incinerator is used to burn trash while the ship is underway. The shipboard incinerator was built in accordance with MARPOL Annex VI (MEPC. 244(66)) and has been approved by the IMO. We use the incinerator in other National Marine Sanctuaries along California, provided that we (1) ensure entries are accurately depicted into the USCG Garbage log, (2) adhere to state regulations (>1nm from land in California) and (3) incinerator ash is collected and discharged via shoreside facility

NOAA Commanding Officers are authorized to operate NOAA Vessels in accordance with annual Sailing Orders and the Fleet Allocation plan. NOAA Ships are public vessels and comply with regulations regarding personnel qualifications and operations.

NOAA Ship Reuben Lasker is the newest research vessel in the NOAA fleet. Additionally, the ship is governed by the rigorous USCG Certificate of Inspection process. In order to remain compliant, NOAA Ship Reuben Lasker maintains manning requirements that are reviewed and authorized by the USCG.

The crew aboard NOAA Ship Reuben Lasker are capable, qualified, and excited to venture into this new research project.

Officers and crew are trained well, and such records are maintained in the inspection log. Officers and crew will be briefed, and will comply with all regulations set forth by the Co-Trustees

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. NOAA Ship Reuben Lasker is a public vessel that is funded by the US Federal Budget. Funding comes allocated from the Department of Commerce and the National Oceanic and Atmospheric Administration.

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.

All activities will be conducted to support separately permitted research permit and with respect to environmental stewardship and the cultural heritage of the Monument. Applicable Monument, federal, and state regulations will be followed.

In addition, NOAA Ship Reuben Lasker officers and crew will attend all required briefings to ensure natural, cultural and historic resources and ecological integrity are preserved. 50% of the ship's crew have sailed on Hawaii vessels and understand the significance of the cultural integrity.

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



OLE-certified Vessel Monitoring System has not been installed yet. Expected installation date is 9/5/2017. Expected entry into PMNM is 9/12/2017

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

There are no other factors.

**8. Procedures/Methods:**

Prior to entering the monument, the ship will dock in either Aloha Tower or Pearl Harbor, and install VMS, perform necessary dives, and cultural briefings. The ship would discharge only gray water and food waste associated with galley operations according to the limits set by the permit (if approved). The ship will perform activities within the scope of the permit (if approved), and would only conduct operations in marine areas in support of separately permitted activities.

Crew activities will include small boat operations, SCUBA, snorkeling, and swimming necessary for vessel maintenance, emergency operations, proficiency, and non-recreational support of vessel and research activities.

All sustenance fishing activities conducted would only be within Midway Atoll Special Management Area and in accordance with PMNM's sustenance fishing policy..

**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:

N/A

Scientific name:

N/A

# & size of specimens:

N/A

Collection location:

N/A

Whole Organism  Partial Organism

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

N/A

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

N/A

- General site/location for collections:

N/A

- Is it an open or closed system?  Open  Closed

N/A

- Is there an outfall?  Yes  No

N/A

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

N/A

- Will organisms be released?

N/A

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

N/A

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

N/A

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

Inclusion of the following equipment will be outlined in the scientific permit. However, the ship can utilize the following: small work boat, lifeboat exercises, CTD (conductivity temperature depth) sensors, acoustic systems, current profiler, seawater sensors, hydraulic towed winch arrays,

For a list of gear to be used by scientific personnel, see Dr. Erin Oleson's separate research permit application.

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

The ship maintains a hazardous materials inventory, as per NOAA Hazardous Communications procedure. This information can be made available upon request. The ship maintains cleaning, maintenance and fueling hazmats only, and best management practices are performed to ensure they never enter water resources.

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

Please refer to permit application from Erin Oleson and Hoku Johnson

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

Please refer to permit application from Erin Oleson and Hoku Johnson

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

Please refer to permit application from Erin Oleson and Hoku Johnson

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:**

Papahānaumokuākea Marine National Monument Permit Coordinator  
6600 Kalaniana'ole Hwy. # 300  
Honolulu, HI 96825  
FAX: (808) 397-2662

**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):**

CDR Kurt Dreflak, Commanding Officer  
LCDR Justin Keese, Executive Officer  
LT Phillip Klavon, Operations Officer  
LTJG Jim Europe, Operations Officer  
ENS Sarah Donohoe, Navigation Officer  
**TBD**, Junior Officer  
CDR Nicholas Munoz, Medical Officer  
LCDR Jennifer Cox, Medical Officer  
LCDR Christopher DuBois, Medical Officer  
CAPT Michelle Pelkey, Medical Officer  
Jeff Hokkanen, Chief Marine Engineer  
Ray Brown, Chief Marine Engineer  
Todd Gianneloni, Chief Marine Engineer  
Eric Hague, First Assistant Engineer  
Patrick Lowe, First Assistant Engineer  
Rob Piquion, Second Assistant Engineer  
Rebecca Critics, Third Assistant Engineer  
Mike Robinson, Junior Engineer  
Gavan Roddey, Junior Engineer  
Tim Ratcliff, Chief Steward  
Kathy Brandts, Chief Steward  
Patrick Fennell, Second Cook  
Jose Gomez, Chief Boatswain  
Jose Coito, Lead Fisherman  
Kirk Perry, Lead Fisherman  
Victor Pinones, Skilled Fisherman  
Nigel Winston, Skilled Fisherman  
Allen Solis, Fisherman  
Bret Miller, Fisherman  
Kim Belveal, Electronics Technician  
Brian Thomas, Electronics Technician  
Jaclyn Mazzella, Survey Technician  
Jian Liu, Survey Technician

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

The operating area will include the waters of the Hawaiian Island Chain extending off

shore to the limits of the U.S. EEZ. The study area for this project covers waters from 15°N and 151°W to 32°N and 180°W plus the round-trip transit from San Diego to Hawaii. Survey operations will take place during the transit. Waypoints are forthcoming from the science party.

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

The Chief Scientist will oversee the submission of required permit applications with federal and state agencies in order to obtain approval to conduct all planned scientific operations in U.S. waters prior to the start of the project.

ESA and MMPA: Direct take research activities on cetaceans, including UAS flights over cetaceans, during this project will be conducted under the Marine Mammal Protection Act and Endangered Species Act scientific research permit for marine mammals (NMFS Permit No. 20311) **to be issued** to the Pacific Islands Fisheries Science Center by the National Marine Fisheries Service, Office of Protected Resources. This permit has not been issued yet, but is being processed and expected to be effective on July 1, 2017. If the permit is not issued in time, the project will use the NMFS Permit No. 19091 issued to the Southwest Fisheries Science Center.

Direct take research activities on seabirds during this project will be conducted under the Migratory Bird Treaty Permit (FWS Permit No. MB033305-0) issued to the Southwest Fisheries Science Center by the U.S. Fish and Wildlife Service Migratory Bird Permit Office, Region 8.

Direct take research activities on turtles during this project will be conducted under two Endangered Species Act scientific research permits issued by the National Marine Fisheries Service, Office of Protected Resources. Research activities on green and hawksbill turtles will be conducted under the NMFS Permit No. 17022, issued to the Pacific Islands Fisheries Science Center. Research activities on loggerhead, leatherback, and olive ridley turtles will be conducted under the NMFS Permit No. 19091, issued to the Southwest Fisheries Science Center.

NEPA: This project meets the requirements of NOAA Administrative Order (NAO) Series 216-6, Environmental Review Procedures, Sections 5.05 and 6.03c.3(a) for Categorical Exclusions (CE) for Research Programs (Memo for the Record in process). Direct take research activities have been evaluated under NEPA for their respective permits.

PMNM: Research conducted within the Papahānaumokuākea Marine National Monument boundaries will be conducted under the PMNM Research Permit (PMNM Permit No. **TBD**) **to be issued** to the Pacific Islands Fisheries Science Center by the PMNM Permit Office.

**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.**

No permit has been violated aboard Reuben Lasker.

**4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):**

This projects days at sea are funded by NOAAs Office of Marine and Aviation Operations.

**5. Time frame:**

Activity start: 17 Aug, 2017

Activity completion: 9 Dec, 2017

In ports scheduled for Oahu, HI on:

September 5-11, Pearl Harbor, Ford Island

October 10-16, Honolulu Harbor, Berth 2A

November 9-15, Honolulu Harbor, Berth 9

Dates actively inside the Monument:

From: 12 Sep, 2017

To: 30 Nov, 2017

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application:

Personnel schedule in the Monument:

See number 1 for list of ships complement who are scheduled to be in the monument. The ship will also carry a visiting science party who are covered under a separate permit application. For a full list of visitors aboard see attached project instructions.

**6. Indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument:**

This is a federal vessel and a federally funded project. The federal government is self-insured and does not carry any additional insurance.

For medical emergencies the ship will be carrying a Medical Officer from the USPHS. The ship will provide transportation or coordinate with the USCG or other available resources and arrange for next if an emergency evacuation becomes necessary. NOAA staff are briefed on having insurance with a coverage line for emergency evacuation and workers compensation insurance would cover injuries sustained while working.

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

- Vessel  
 Aircraft

Provide Vessel and Aircraft information:

NOAA Ship Reuben Lasker

Length Overall: 63.12 meters

Horsepower: 3017 HP

Gross Registered Tons: 2199 tons

Class of Vessel: Motor

Commanding Officer- Commander F. Kurt Drelak, NOAA

IMO No. 9664988

MMSI:369970573

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

- Rodent free, Date: Tentatively scheduled for Sept 5th  
 Tender vessel, Date: Tentatively scheduled for Sept 5th  
 Ballast water, Date: Tentatively scheduled for Sept 5th  
 Gear/equipment, Date: Tentatively scheduled for Sept 5th  
 Hull inspection, Date: Tentatively scheduled for Sept 5th

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

Vessel name: NOAA Ship Reuben Lasker

Vessel owner: us Dept of Commerce, NOAA  
 Captain's name: CDR Kurt Dreflak  
 IMO#:9664988  
 Vessel ID#:369970573  
 Flag: USA  
 Vessel type: Research Vessel  
 Call sign: WTEG  
 Embarkation port: Pearl Harbor, Honolulu, HI  
 Last port vessel will have been at prior to this embarkation: San Diego, CA  
 Length: 209  
 Gross tonnage: 2199  
 Total ballast water capacity volume (m3): 267.218  
 Total number of ballast water tanks on ship: 7  
 Total fuel capacity: 463454 L  
 Total number of fuel tanks on ship: 14  
 Marine Sanitation Device: FAST MX-5S serial # 18331  
 Type: II

**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:**

NOAA Ship Reuben Lasker intends to discharge Type II MSD and cooling water (sea water) to sea and have a IMO certified incinerator that is considered air discharge (exhaust). We are seeking further information on the regulation of these discharges in the PMNM. If necessary the ship is able to hold MSD discharge onboard long enough to transit outside the regulated boundaries to dischrge.

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

Common Name of Material	Quantity	Notes	Trained Individual	Spill Control
Cetylside	1 Liter	Stored in Wet Lab HazMat cabinet	Juan Carlos Salinas/Allan Ligon	C
Isopropyl (70%)	1 Liter	Stored in Wet Lab HazMat cabinet	Juan Carlos Salinas/Allan Ligon	F
Bleach	1 Gallon	Stored in Wet Lab HazMat cabinet	Juan Carlos Salinas/Allan Ligon	C



Common Name of Material	Quantity	Notes	Trained Individual	Spill Control
Ethanol (70%)	1 Liter	Stored in Wet Lab HazMat cabinet	Juan Carlos Salinas/Allan Ligon	F
Lithium Metal Batteries	3 battery packs	Stored in HARP pressure cases and sonobuoys	Shannon Coates	F
Epoxy	1 Quart	Stored in the Acoustics Dry Lab	Shannon Coates	F
Liquid Nitrogen	27 Liters	Stored in Wet Lab Dewar	Juan Carlos Salinas/Allan Ligon	
Carbon Dioxide cartridges	20 Cartridges (each 45 grams)	Stored in Wet Lab Tagging Rifles, sonobuoys, and PFD rearming kits	Allan Ligon	F
Gasoline	660 Gallon	For small vessel operation	CME	F

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:

We plan on installing our VMS 05 Sep, 2017.

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) 725-6110 or (808) 725-6100.

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

#### 10. Tender information:

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? List the number of tenders/skiffs aboard and specific types of motors:  
The Reuben Lasker carries a work boat and a fast rescue boat. The specifications of these vessels are detailed below.

#### FAST RESCUE BOAT (RL-1)

1. Manufacturer: FAST RSQ
2. Official Numbers: HIN 60110083, "RL-1," NOAA 1606
3. Visual Identification and Painting Scheme:  
Logos: None.  
Name and ID Numbers Locations: "REUBEN LASKER RL-1" painted on port and starboard bow (and required on transom).  
Flag: Displays U.S. Ensign.  
Painting scheme: International Orange with black rub strake.
4. Year Built: 2012
5. Displacement (loaded): 3,075 pounds
6. Hull and Cabin Material: Aluminum (5083)
7. Length-Over-All (LOA): 16' 0"  
Beam: 6' 3"  
Draft: 0' 10"
8. Speed and Endurance: 6 hours at 6 knots (13.2 gallon fuel capacity, 7 kts max speed)
9. Hull, Machinery, Electrical and Scientific Equipment:  
**Engine: 28 hp, Bukh Beta 28, BBD1105**  
Generator: None.  
Battery: (2) 12 VDC lead acid  
Battery charger: 42 VAC "Lifeboat Charger" trickle charger  
UPS: None.  
Bilge pump: Manual hand bilge pump (main compartment)  
VHF Radios: None.  
Depth Sounder: None.  
GPS: None.  
Compass: Standard Magnetic  
Fixed fire extinguisher: None.  
Portable fire extinguishers (1): 1 – Type B-1 Portable Fire Extinguisher (bow)  
EPIRB: Equipped only as needed

#### WORKBOAT (RL-2)

1. Manufacturer: Zodiac Marine
2. Official Numbers: HIN CA-XDC75437E212, "RL-2," NOAA 2302
3. Visual Identification and Painting Scheme:  
Logos: None.  
Name and ID Numbers Locations: "RL-2" painted on port and starboard bow (and required on transom).

Flag: Displays U.S. Ensign.

Painting scheme: International Orange with black rub strake.

4. Year Built: 2012

5. Displacement (loaded): 4,930 pounds

6. Hull and Cabin Material: Glass-Reinforced Plastic (GRP)

7. Length-Over-All (LOA): 23' 11"

Beam: 9'0"

Draft: 1'

8. Speed and Endurance: 10 hours at 15 knots (100 gallon fuel capacity, 28 kts max

speed)

9. Hull, Machinery, Electrical and Scientific Equipment:

**Engine: Twin Evinrude 130 hp Outboard Engines**

Generator: None.

Battery: (2) 12 VDC lead acid

Battery charger: Trickle charger

UPS: None.

Bilge pump: Two electronic (rating) 2,000 GPH bilge pumps, FWD and AFT

VHF Radios: 1 – ICOM IC-M422.

Depth Sounder: None.

GPS: 1 – Lowrance HDS 5 ChartPlotter.

Compass: Standard Magnetic

Fixed fire extinguisher: None.

Portable fire extinguishers (1): 1 –Type B-1 Portable Fire Extinguisher(console)

EPIRB: Equipped only as needed.

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

**11. Proposed movement of personnel, gear, materials, and, if applicable, samples:** all movements will be executed during inport time in Honolulu, HI

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

**13. Work space needs:**  
NA

**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



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

JEFFREY T. PEARSON P.E.  
DEPUTY DIRECTOR - WATER

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

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

August 11, 2017

TO: Papahānaumokuākea Marine National Monument File  
THROUGH: Suzanne Case, Chairperson *mlc*  
FROM: Papahānaumokuākea Marine National Monument

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHA NAUMOKUĀKEA MARINE NATIONAL MONUMENT CONSERVATION AND MANAGEMENT PERMIT TO COMMANDING OFFICER Kurt Dreflak, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) SHIP RUBEN (LASKER), FOR ACCESS TO STATE WATERS TO CONDUCT CONSERVATION AND MANAGEMENT ACTIVITIES UNDER PERMIT PMNM-2017-019

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

Project Title:

Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Kurt Dreflak, National Oceanic and Atmospheric Administration (NOAA) Ship Ruben (Lasker), for Access to State Waters to Conduct Conservation and Management Activities

Permit Number: PMNM-2017-019

Project Description:

The conservation and management permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters between August 15, 2017 and August 14, 2018.

The primary purpose of the project is to provide vessel support for separately permitted activities aboard the NOAA Ship *Ruben (Lasker)*. Up to 24 crew members aboard the *Lasker* would be authorized to enter the Monument to support separately permitted activities throughout the marine areas of Papahānaumokuākea. As the Commanding Officer of the *Lasker*, CDR Kurt Dreflak, the applicant, would oversee all activities including operating small boats; swimming,

snorkeling, and SCUBA diving as necessary to support proposed activities and separately permitted activities; discharges incidental to vessel use (i.e., dishwasher, shower, laundry, bath and washbasin drains; deckwash incidental to small boat tenders; discharge from approved marine sanitation device effluent, cooling water, and vessel engine exhaust) outside of all Special Preservation Areas and the Midway Atoll Special Management Area; seawater intake as necessary to support vessel operations and separately permitted activities (e.g., ship stabilization and cooling; deck, gear and small boat washdown; desalinization for consumption; support for scientific purposes in the lab spaces and on deck); sustenance fishing (within Midway Atoll Special Management Area only); anchoring on sandy substrate only, and opportunistically collecting free-floating marine-debris. Swimming, snorkeling and SCUBA are not permissible except as necessary for vessel maintenance, emergency operations, and non-recreational support of vessel activities. Personal safety, fitness and health maintenance including, but not limited to, biking, swimming, and jogging would occur only at MASMA and only in approved areas open to the public.

The activity would benefit the Monument as the *Lasker* would provide support services for separately permitted activities. Such activities may include research, conservation and management. Without ship support, these activities would be severely limited or cease completely. The activity would help to support the Monument Management Plan (MMP), Priority Management Need 3.6: Achieving Effective Monument Operations (PMNM MMP Vol. I, p. 293, 2008), by providing an integral role in assuring research and other separately permitted activities are properly supported in the field.

All methods and procedures would be performed with the safety and welfare of personnel, the protection of Monument resources, and the accomplishment of mission objectives as top priorities. The *Lasker* would have all required inspections (hull fouling, gear, tender vessel, ballast water, and rat) completed before departure to the Monument. The *Lasker* also has a type-approved Vessel Monitoring System (VMS) on board, which meets Monument requirements, and would abide by Monument entry and exit notification requirements.

The support provided by the *Lasker* would not diminish Monument resources, qualities, or ecological integrity and is fully compatible with the purposes of the Proclamation including preserving and furthering understanding of Monument resources and qualities. The *Lasker* plays an integral role in assuring that research and conservation and management activities, which are critical management elements for the Monument, are properly supported in the field.

The activities proposed by the Applicant directly support the Monument Management Plan's priority management need 3.6 – Achieving Effective Monument Operations through action plan 3.6.3 - Coordinated Field Operations. As the *Lasker* would serve as a platform for a variety of other permitted activities, this permit would also support priority management needs 3.1 – Understanding and Interpreting the NWHI; 3.2 – Conserving Wildlife and Habitats; and 3.3 – Reducing Threats to Monument Resources. Activities to support coordinated field operations in the NWHI are addressed in the Monument Management Plan Environmental Assessment (December 2008) which resulted in a FONSI, or a Finding of No Significant Impact. This EA recognizes that field operations rely on ships, and that providing transportation support has a

beneficial effect on threatened and endangered species, marine mammals, and other Monument resources. (PMNM MMP Vol 2, p.26, 185, and 187).

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 20, 2017 giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Exemption Determination:

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

1. All activities associated with this permit, including ship operations, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. Since this permit involves an activity that represents a commitment to a larger project, i.e. conducting research and management activities, the categorical exemption determination here will treat all planned activities as a single action, to the extent possible.

2. The Exemption Class for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and § 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. exempts the class of actions which involve "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource." The proposed activities appear to fall squarely under the Exemption Class #5, Exempt Item #15 as described under the DLNR Exemption List published on June 5, 2015. This exemption class has been interpreted to include, "Game and non-game wildlife surveys, vegetation and rare plant surveys, aquatic life surveys, inventory studies, new transect lines, photographing, recording, sampling, collection, culture, and captive propagation" such as those to be supported by the proposed activities. It has also been interpreted to include various modes of transportation to reach field areas necessary to carry out such surveys. As discussed below, no significant disturbance to any environmental resource is anticipated in the sampling of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption

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

Similar activities of this type, to conduct routine support ship operations, have been permitted and undertaken in the past. The NOAA Ships HI‘IALAKAI and OSCAR ELTON SETTE have both been permitted to work in the NWHI each year since 2006. In addition, the NOAA Ship McArthur II was permitted in 2010. It is reasonable to expect future permit requests for similar support work. No deleterious impacts resulted from similar previous activities. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities would be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities.

The activities of the NOAA Ship Ruben Lasker would provide support for proposed research cruises. All research activities onboard these cruises would be applied for and permitted separately. It is anticipated that activities on these cruises would occur throughout the Monument. At this time, no other concurrent activities are known. However, as in the past, the culmination of similar NOAA ship permits, along with those which may be supported by it, occurring throughout the Monument over a several month-long period, is not anticipated to have significant cumulative impacts.

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

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

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS and



August 11, 2017  
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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.