

State of Hawai'i
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
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 Education Permit to Mr. Nathan Eagle, Honolulu Civil Beat, for Access to State Waters to Provide Online Content Related to PMNM

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Education permit to Mr. Nathan Eagle, Honolulu Civil Beat, 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 Education permit, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the Northwest Hawaiian Islands (NWHI) State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Laysan Island, Midway Atoll & Kure Atoll

The activities covered under this permit would occur between July 1, 2017 and August 31, 2017.

The proposed activities are similar to those that have previously been permitted and conducted in the Monument.

INTENDED ACTIVITIES

The applicant proposes to connect the public to the Monument through highlighting various accomplishments of PMNM in the Honolulu Civil Beat online media outlet as well through public outreach events in the main Hawaiian Islands. The online articles would be from the point of view of the reporter (Nathan Eagle) and his photographer (Cory Lum) who will shadow researchers in marine and terrestrial areas throughout the Monument taking photos and interviewing personnel. Their stories will include cultural resources, external threats to the Monument, Management activities including: on-going habitat restoration efforts by the State of Hawaii and U.S. Fish and Wildlife Service (FWS), Hawaiian monk seal research and increasing seal numbers throughout the Monument, marine debris clean-up successes and challenges throughout the Monument.

The proposed activities would include access (August 23 – September 5, 2017) for a writer and a photographer (accompanied by a Monument representative and resource monitor), their activities include observation of the surroundings and activities (including swimming/snorkeling), interviewing researchers and others, filming/photographing wildlife, recording interviews, taking pictures for reference and publication. The target audience for the article is a broad audience, including local Hawaiian residents, as well as those who receive their news from an online source. Several media outlets (including Associated Press) pick up Civil Beat articles and circulate them nationwide. The applicant proposes to access Laysan Island, Kure Atoll and Midway Atoll aboard the M/V Kahana and proposes to leave the Monument aboard a plane leaving Midway Atoll.

To safeguard Monument resources the applicant would abide by the following PMNM Best Management Practices (BMPs) while conducting the aforementioned activities within the PMNM: Human Hazards to Seabirds Briefing (BMP #003), Boat Operations and Diving Activities (BMP #003), Protocols to Reduce Impact to the Laysan Finch (BMP #005), Special Conditions and Rules for Moving Between Islands / Atolls and Packing for Field Camps (BMP #007), Reducing Light Impact to Sea Turtles (BMP #009), Marine Wildlife Viewing Guidelines (BMP #010), Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (BMP #011), Precautions for Minimizing Human Impacts on Endangered Land Birds (BMP #012), Midway Reservation Requirements (BMP #014), Nonnative Species Inspection Requirements at Midway Atoll (BMP #015), and Best Practices for Maritime Heritage Sites (BMP #017).

The activities will benefit the conservation and management of the Monument by supporting the Monument Management Plan (MMP) as described in:

Strategy MCS-3: Communicate results of research and monitoring over the life of the plan: *Research is an exciting way to promote ecosystem literacy and caring for the NWHI. Ecosystem research-related education and outreach present an ideal opportunity to “bring the place to the people and not the people to the place.” This strategy serves a dual purpose of presenting the science to a general audience and promoting the research necessary to manage the Monument. In addition, research and modeling discoveries can be shared with the public and incorporated into classroom curricula. Activities contained within this strategy apply to terrestrial and marine research and monitoring activities in the Monument. (PMNM MMP Vol. 1, p. 127, 2008).*

Activity CBO-2.3: Support other entities’ efforts to broaden knowledge of and appreciation for Monument resources and management priorities.

Establishment of the Monument has created interest from documentary filmmakers, writers, photographers, and other entities to help us “bring the place to the people.” The MMB will support those endeavors that provide benefit to Monument resources and management and our constituents without impacting Monument resources. (PMNM MMP Vol. 1, p. 271, 2008).

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

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

REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Pacific Islands NW Refuge Complex Office, the Office of Hawaiian Affairs (OHA), and the PMNM Native Hawaiian Cultural Working Group. In addition, the permit application has been posted on the Monument Web site since March 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:

Scientific reviews support the acceptance of this application.

QUESTIONS:

1. Who is the photographer/videographer accompanying you into the Monument?

Cory Lum (alternate, in the event he is unavailable, Alana Eagle)

2. Has your ESA Section 7 informal consultation been performed?

A consultation is currently being processed with USFWS-ES.

3. Does the applicant intend to generate revenue from any of the products or data (imagery, video, etc.) he proposes to make/obtain? If so, this application should be for Special Ocean Use (SOU). If not, please note that images/video obtained should not be used for commercial purposes.

Images and video will be used for publication in the non-profit media outlet Honolulu Civil Beat.

Follow up comment to Question 3 (Does the applicant intend to generate revenue from any of the products or data (imagery, video, etc.) he proposes to make/obtain?): Please confirm, yes or no, if the applicant intends to generate revenue from the sale of any products, images, or video from his proposed activities?

Yes, revenue could indirectly be generated but not from the direct sale of any products, images or video from the visit to the monument. Honolulu Civil Beat is a non-profit news outlet that receives donations from member-supporters. There is no pay wall or other fee to view the content. It's conceivable that Civil Beat's director of philanthropy would share the stories and accompanying photos/videos that result from the visit via email to readers with a request to make donations to continue funding this type of non-profit journalism.

4. Being an education permit application, does the applicant envision developing an educational program as a result of his experiences? If so, please provide more details.

In addition to multiple stories to inform the public of the various aspects of the monument, there could also be public events or talk-story sessions to similarly inform the public.

Follow up comment to Question 4 (Being an education permit application, does the applicant envision developing an educational program as a result of his experiences?): Please note that as a condition of your permit (approval pending) photographic or video material may be requested by the Monument Co-Trustees for management purposes (eg. education and outreach).

An educational program is not envisioned beyond a series of explanatory stories with photos/videos that would be publicly available free of charge. It's conceivable that Civil Beat would also host a public event featuring a panel discussion about the monument to help share the information. The note about photo/video material being requested is acknowledged; Civil Beat would only ask that appropriate credit be given.

5. Please provide more detail on all education products that will be produced.

I envision multiple in-depth stories, complete with photos and videos, exploring and explaining to the public the various aspects of the monument, including but not limited to the history of why it was created, its scientific value, its cultural value and its economic value. Why is it important from an environmental standpoint? What are its current threats? Why is it important to Hawaiians? Etc.

COMMENTS / RECOMMENDATIONS:

6. Request that applicant review and abide by the Marine & Wildlife Viewing Guidelines. The applicant may be permitted to approach listed-species closer than the distances described in the guidelines if they are in the company of NMFS, State of Hawaii and/or USFWS staff that are authorized to do so.

Acknowledged.

7. Request that the applicant follows all of the Monument Bio-security measures and precautions. Each island that the applicant is visiting (Laysan, Kure Atoll and Midway Atoll) has bio-security restrictions. Papahānaumokuākea Marine National Monument is home to unique marine and terrestrial environments brimming with endemic and endangered species. One of the greatest threats to the Monument is the introduction of invasive species. Preventive biosecurity protocols are enacted to protect against the establishment of invasive species and are required for anyone entering the Monument. One of the strict biosecurity measures includes the quarantine process. Only new soft items are allowed on Laysan and Kure Atoll (new clothes, hats, camera straps, backpacks, bedding). All hard surface items must be thoroughly inspected and wiped down to prevent the introduction of insects or seeds. All items with the exception of electrical items and canned foods or delicate items must be frozen for 48 to 72 hours before the ship departs for the Monument. No cardboard or paperboard is allowed. No fresh produce is allowed on either Laysan or Kure.

Acknowledged.

8. The applicant mentions monk seals throughout the application but did not check the “plan to film/video protected species”. If the applicant intends to target ESA species they must ensure they have the appropriate ESA permit to do so.

Acknowledged.

9. Applicant should definitely be accompanied/chaperoned by an experienced/knowledgeable Monument representative or scientist who can provide accurate information about all areas (marine and terrestrial) they are visiting.

It's my understanding that Kate Toniolo will be accompanying us.

10. Please provide more detail on all education products that will be produced.

I envision multiple in-depth stories, complete with photos and videos, exploring and explaining to the public the various aspects of the monument, including but not limited to the history of why it was created, its scientific value, its cultural value and its economic value. Why is it important from an environmental standpoint? What are its current threats? Why is it important to Hawaiians? Etc.

11. The Office of Hawaiian Affairs appreciates all efforts to share the amazing work being done by all those involved within Papahānaumokuākea through various media outlets. OHA stands ready to offer any cultural context of the monument if necessary for the products being created.

I look forward to leaning on their expertise, which is much appreciated, and sharing their mana'o with the public.

STAFF OPINION

DAR 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 Education 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 has not yet provided endorsement for this amendment action. This is a product of process timeframes and not necessary a result of any concern with the proposed amendment itself. A verbal update will be provided at the time of the BLNR hearing.

RECOMMENDATION

That the Board authorize and approve an Education Permit Amendment to Mr. Nathan Eagle, Honolulu Civil Beat, with the following special conditions:

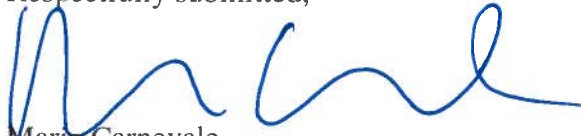
That the Board declare that the actions which are anticipated to be undertaken under this permit will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

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.

1. This permit is not to be used for nor does it authorize the sale of collected organisms. Under this permit, the authorized research 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.
2. 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.
3. 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.
4. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
5. 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.

6. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.
7. That the permittee provide, to the best extent possible, a summary of their Monument access, including, but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events.

Respectfully submitted,



Maria Carnevale
State Co-Manager
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne D. Case
Chairperson

Papahānaumokuākea Marine National Monument
EDUCATION 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: Nathan Eagle

Affiliation: Honolulu Civil Beat

Permit Category: Education

Proposed Activity Dates: 8/23/17 to 9/5/2017

Proposed Method of Entry (Vessel/Plane): M/V Kahana and plane (Midway to HNL)

Proposed Locations: Laysan (8/24/17), Kure (8/30/17), Midway (8/31/17-9/5/17)

Nathan Eagle (and, space permitting, a photographer and/or videographer) will join the U.S. Fish and Wildlife Service aboard the M/V Kahana. The M/V Kahana departs on Wednesday, Aug. 23 for Laysan (Four days aboard the boat). The Kahana arrives on Laysan on Sunday, Aug. 27. Nathan and FWS staff will stay overnight on Laysan. The Kahana departs Laysan the morning of Monday, Aug. 28. The Kahana then arrives on Kure for a crew swap on Wednesday, Aug. 30, spending only the day on island. The Kahana leaves Kure that afternoon and arrives at Midway at first light on Thursday, Aug. 31. Nathan (and, if space allows, his photographer/videographer) will fly back from Midway to HNL on Tuesday, Sept. 5.

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

Estimated number of days in the Monument: 13 days

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...

We would take photos, video and interview sources as permitted. I'm working with FWS and pending approval from partner agencies- stories include: Kure Atoll and on going restoration by the State of Hawaii, Monk Seal Research and increasing seal numbers in the year of the Monk Seal, Marine debris clean-up successes and challenges throughout the Monument.

b.) To accomplish this activity we would

The proposed activity would be interviewing people, taking photos and capturing video of the various activities happening within the monument's boundaries, be it the wildlife that's there, scientific research, pollution from drifting plastic or other issue.

c.) This activity would help the Monument by ...
This would help the monument by enabling Honolulu Civil Beat to educate the public as to the benefits of the monument by sharing an in-depth series of stories, accompanied by photos and videos. Connect people to the Monument.

Other information or background:

I have been a reporter for Civil Beat the past five years, having come to Oahu from Kauai where I was the managing editor of The Garden Island and an environmental reporter there before that. In my work at Civil Beat I reported extensively about the need to expand the monument and the benefits it provides. Here's one of many stories I wrote, this one being focused on the day President Obama decided to expand the monument: [http://www.civilbeat.org/2016/08/obama-to-create-worlds-largest-protected-marine-area-off-hawa ii/](http://www.civilbeat.org/2016/08/obama-to-create-worlds-largest-protected-marine-area-off-hawa-ii/)

I have written about numerous other ocean-related issues, all of which are archived here: <http://www.civilbeat.org/tag/oceans/>

Section A - Applicant Information

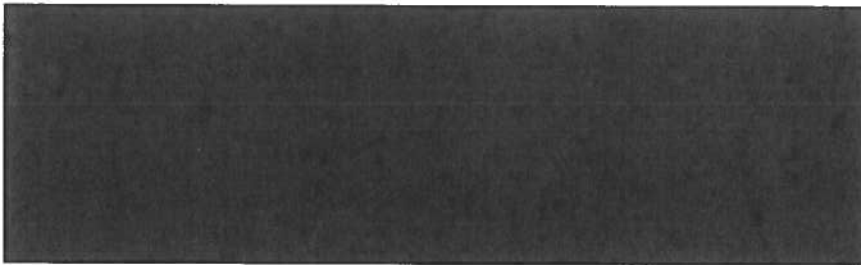
1. Applicant

Name (last, first, middle initial): Eagle, Nathan, L

Title: Reporter

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

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



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

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

Honolulu Civil Beat

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, Teacher; Jane Doe, Videographer):
Alana Eagle, videographer; Cory Lum, photographer. As space provides.

Section B: Project Information

5a. Project location(s):

- | | | | |
|-------------------------------------------------------|------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------|
| <input type="checkbox"/> Nihoa Island | <input type="checkbox"/> Land-based | <input type="checkbox"/> Shallow water | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Necker Island (Mokumanamana) | <input type="checkbox"/> Land-based | <input 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 checked="" type="checkbox"/> Laysan Island | <input checked="" type="checkbox"/> Land-based | <input checked="" 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 checked="" type="checkbox"/> Midway Atoll | <input checked="" type="checkbox"/> Land-based | <input checked="" type="checkbox"/> Shallow water | <input type="checkbox"/> Deep water |
| <input checked="" type="checkbox"/> Kure Atoll | <input checked="" type="checkbox"/> Land-based | <input checked="" type="checkbox"/> Shallow water | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Other | | | |

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

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

Location Description:

As a member of the media interested in a first-hand look at Papahānaumokuākea, I'm requesting to visit Laysan Island, Kure Atoll and Midway Atoll.

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 purpose of the proposed activities is to educate the public, who are both taxpayers and constituents, about one of the world's largest marine protected areas through a series of online articles to be published in Honolulu Civil Beat, a nonprofit online news site, that explores various issues at the monument, ranging from scientific research and funding to enforcement and protection of natural resources and endangered species, not to mention external threats such as pollution and climate change. The stories may include: Kure Atoll and on going restoration by the State of Hawaii, Monk Seal Research and increasing seal numbers in the year of the Monk Seal, Marine debris clean-up successes and challenges throughout the Monument.

*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 request a RM to be with us when we visit Laysan Island, Kure Atoll, and Midway Atoll. We also request Monument representation to accompany us throughout the Monument visit. FWS has offered to have Kate Toniolo, PMNM Deputy Superintendent for USFWS to accompany me and my photographer during our time in the Monument.

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?

We would conduct the activity by following a Resource Monitor and/or Kate Toniolo around the different approved islands to gather information regarding stories highlighting the different co-managing agencies of PMNM. Their knowledge would enhance the monument's cultural, natural and historic resources, qualities, and

ecological integrity by explaining to the public through a series of articles, accompanied by photos and videos, the various benefits the monument presents in each of these categories and the challenges the monument faces. We would also be happy to talk to anyone from the partnering agencies about the cultural, natural and historical resources pertaining to PMNM before or after our visit into the Monument.

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's no better way to understand the monument and everything happening there — and in turn educate the public about it — than to experience it in person.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?
By allowing myself and a photographer/videographer the ability to access the monument with monument staff supervision (RM and/or Kate Toniolo), we who are professionally trained and experienced in media, can share information with the public in a broad way that would not only negate their need to go visit but more importantly help them understand why the work being done there is so important and the challenges presented.

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.
Our brief visit, gives us only 2 days on Laysan, 1 day on Kure and 5 days on Midway. We are limited to the logistics of the Monument (limited flights and boats). We would conduct the activity at the convenience and direction of monument staff.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.
I'm a multiple award-winning report whose worked full-time in journalism for the past 13 years. Much of my recent work has focused on the monument and ocean-related issues. Looking ahead to 2017 and beyond, the plan is only to intensify that focus. Here's a look at past ocean-related stories I've written:
<http://www.civilbeat.org/tag/oceans/>

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.
Civil Beat is a well-financed nonprofit. We are able to cover any expenses related to this proposed activity.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.
The methods and procedures we have proposed would have little to no impact on any of the resources within the monument. We would follow the monument staff's lead (Kate Toniolo) and/or RM.

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

The Kahana has been outfitted with a mobile transceiver unit approved by OLE.

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

We have a strong and long track record of honest, fair, in-depth and accurate reporting, and have no intention of changing course now.

8. Procedures/Methods:

We will work with monument staff (Kate Toniolo/RM) to access areas of Laysan, Kure and Midway when they deem appropriate in a manner they see fit so as to not disrupt the natural environment. We are able to work day or night as conditions warrant and interview the sources that they consider best suited for the subject. I'd envision underwater photography and firsthand experience by snorkeling or diving if possible in addition. We envision joining the Kure crew on the Kahana as we enter the Monument and learning from scientists or monument staff as we stop at Laysan, Kure and Midway. Our schedule aboard the Kahana and on different islands is as follows: Laysan (8/24/17), Kure (8/30/17), Midway (8/31/17-9/5/17);

The M/V Kahana departs on Wednesday, Aug. 23 for Laysan (Four days aboard the boat). The Kahana arrives on Laysan on Sunday, Aug. 27. Nathan and FWS staff will stay overnight on Laysan. The Kahana departs Laysan the morning of Monday, Aug. 28. The Kahana then arrives on Kure for a crew swap on Wednesday, Aug. 30, spending only the day on island. The Kahana leaves Kure that afternoon and arrives at Midway at first light on Thursday, Aug. 31. Nathan (and, if space allows, his photographer/videographer) will fly back from Midway to HNL on Tuesday, Sept. 5.

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:

& size of specimens:

Collection location:

Whole Organism Partial Organism

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

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

• Specific site/location:

• 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 be transported out of the Monument?

11. Is your proposed activity based on a State Department of Education Standards Based Curriculum? If so, describe:

No, it's not based on that.

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

I've been in contact with Megan Nagel, USFWS External Affairs person to coordinate with other partnering agencies.

13. What materials, products or deliverables will be developed as a result of your proposed activity? Provide a time line for write-up and publication of information or production of educational materials:

The proposed trip will result in multiple articles exploring various aspects of the monument. I'd expect areas of focus to include the cultural resources, natural resources, external threats to the monument, management and more. These would be published as soon as possible after returning, likely within a matter of weeks. The

articles and accompanying photos and videos would be disseminated on Civil Beat's website and shared on our social media platforms.

Nathan Eagle will work with the U.S. Fish and Wildlife Service and others to cover stories about the Papahānaumokuākea Marine National Monument, in coordination with the Monument co-managers. Working with FWS and partner agencies, stories could include: Kure Atoll and the ongoing restoration by the State of Hawaii; The Year of the Monk Seal - monk seal research and conservation work in the Monument; marine debris clean-up successes and challenges throughout the Monument; Midway Atoll and the challenging work to restore a native ecosystem, etc.

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

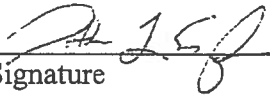
Professional SLR cameras/lens, underwater housing, Macbook Air, audio recorder, iPhone.

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

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

17. List all Applicants' publications/references directly related to the proposed project:
Honolulu Civil Beat

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

6-16-17
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): Nathan Eagle, staff reporter for Honolulu Civil Beat; Cory Lum, staff photographer for Honolulu Civil Beat. (Alternate for Cory Lum: Alana Eagle, freelance videographer/photographer for Honolulu Civil Beat.)

2. Specific Site Location(s): (Attach copies of specific collection locations): Laysan, Kure, Midway. Applicant will not be taking part in any collection.

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

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

4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information): Honolulu Civil Beat will cover applicants' meals, return flights from Midway and any incidentals.

5. Time frame:

Activity start: 8/23/2017

Activity completion: 9/5/2017

The M/V Kahana departs Aug. 23 for Laysan (four days aboard the vessel). The Kahana arrives on Laysan on Aug. 27. Applicant and staff will stay overnight at Laysan. The Kahana departs Laysan the morning of Aug. 28. The Kahana arrives on Kure for a crew swap on Aug. 30, spending the day on island. The Kahana leaves Kure that afternoon and arrives at Midway at first light on Aug. 31. Applicant will fly back to HNL from Midway on Sept. 5.

Dates actively inside the Monument:

From: 8/23/2017

To: 9/5/2017

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

Personnel schedule in the Monument: Our activity will follow a Resource Monitor and/or Kate Toniolo around the different approved islands to gather information regarding stories highlighting the different co-managing agencies of PMNM. Their knowledge would enhance the monument's cultural, natural and historic resources, qualities and ecological integrity by explaining to the public through a series of articles, accompanied by photos and videos, the various benefits the monument presents in each of these categories and the challenges the monument faces. We would also be happy to talk to anyone from the partnering agencies about the cultural, natural and historical resources pertaining to PMNM before or after our visit to the monument.

6. Indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument: Honolulu Civil Beat and/or a travel insurance policy to be secured prior to departure would provide said coverage.

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

- Vessel
- Aircraft

Provide Vessel and Aircraft information: M/V Kahana for entry into the monument.
Plane to return from Midway to Honolulu.

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): N/A

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

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

Vessel name:

Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

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

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:

Total fuel capacity:

Total number of fuel tanks on ship:

Marine Sanitation Device:

Type:

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

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

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

VMS Email:

Inmarsat ID#:

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

Additional Information for Land Based Operations

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

No samples will be taken by applicants. We would be following the lead of a Resource Monitor and/or Kate Toniolo in any movement. Gear would be limited to photography equipment, accessories (chargers, tripod, etc) and small laptop.

12. Room and board requirements on island: 2 rooms. 3 meals a day.

Accommodations to be supplied by either U.S. FWS or State of Hawaii. Lodging and food to be paid for by applicants.

13. Work space needs: Electric outlets, Internet if available.

DID YOU INCLUDE THESE?

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

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

August 11, 2017

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

JEFFREY PEARSON P.E.
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 D. Case, Chairperson *Wle*

FROM: Maria Carnevale
Papahānaumokuākea Marine National Monument

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT
UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT EDUCATION PERMIT TO MR. NATHAN
EAGLE, HONOLULU CIVIL BEAT, FOR ACCESS TO STATE WATERS TO CONDUCT ACTIVITIES FOR
DIGITAL MEDIA UNDER PERMIT PMNM-2017-013

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 Education Permit to Mr. Nathan Eagle, of Honolulu Civil Beat for Access to State Waters to Conduct Activities for Digital Media Products.

Permit Number: PMNM-2017-013

Project Description:

The Education permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the Northwest Hawaiian Islands (NWHI) State waters between July 1, 2017 through August 31, 2017.

The applicant proposes to connect the public to the Monument through highlighting various accomplishments of PMNM in the Honolulu Civil Beat online media outlet as well through public outreach events in the main Hawaiian Islands. The online articles would be from the point of view of the reporter (Nathan Eagle) and his photographer (Cory Lum) who will shadow researchers in marine and terrestrial areas throughout the Monument taking photos and interviewing personnel. Their stories will include cultural resources, external threats to the Monument, Management activities including: on-going habitat restoration efforts by the State of Hawaii and U.S. Fish and Wildlife Service (FWS), Hawaiian monk seal research and increasing

seal numbers throughout the Monument, marine debris clean-up successes and challenges throughout the Monument.

The proposed activities would include access (August 23 – September 5, 2017) for a writer and a photographer (accompanied by a Monument representative and resource monitor), their activities include observation of the surroundings and activities (including swimming/snorkeling), interviewing researchers and others, filming/photographing wildlife, recording interviews, taking pictures for reference and publication. The target audience for the article is a broad audience, including local Hawaiian residents, as well as those who receive their news from an online source. Several media outlets (including Associated Press) pick up Civil Beat articles and circulate them nationwide. The applicant proposes to access Laysan Island, Kure Atoll and Midway Atoll aboard the M/V Kahana and proposes to leave the Monument aboard a plane leaving Midway Atoll.

To safeguard Monument resources the applicant would abide by the following PMNM Best Management Practices (BMPs) while conducting the aforementioned activities within the PMNM: Human Hazards to Seabirds Briefing (BMP #003), Boat Operations and Diving Activities (BMP #003), Protocols to Reduce Impact to the Laysan Finch (BMP #005), Special Conditions and Rules for Moving Between Islands / Atolls and Packing for Field Camps (BMP #007), Reducing Light Impact to Sea Turtles (BMP #009), Marine Wildlife Viewing Guidelines (BMP #010), Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (BMP #011), Precautions for Minimizing Human Impacts on Endangered Land Birds (BMP #012), Midway Reservation Requirements (BMP #014), Nonnative Species Inspection Requirements at Midway Atoll (BMP #015), and Best Practices for Maritime Heritage Sites (BMP #017).

The activities will benefit the conservation and management of the Monument by supporting the Monument Management Plan (MMP) as described in:

Strategy MCS-3: Communicate results of research and monitoring over the life of the plan: *Research is an exciting way to promote ecosystem literacy and caring for the NWHI. Ecosystem research-related education and outreach present an ideal opportunity to “bring the place to the people and not the people to the place.” This strategy serves a dual purpose of presenting the science to a general audience and promoting the research necessary to manage the Monument. In addition, research and modeling discoveries can be shared with the public and incorporated into classroom curricula. Activities contained within this strategy apply to terrestrial and marine research and monitoring activities in the Monument. (PMNM MMP Vol. 1, p. 127, 2008).*

Activity CBO-2.3: Support other entities’ efforts to broaden knowledge of and appreciation for Monument resources and management priorities.

Establishment of the Monument has created interest from documentary filmmakers, writers, photographers, and other entities to help us “bring the place to the people.” The MMB will support those endeavors that provide benefit to Monument resources and management and our constituents without impacting Monument resources. (PMNM MMP Vol. 1, p. 271, 2008).

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, the Office of Hawaiian Affairs (OHA), and the PMNM Native Hawaiian Cultural Working Group. In addition, the 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 swimming; 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 activity.

2. The Exemption Class for Basic Data Collection with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and § 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. exempts the class of actions which involve “basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.” The proposed activities appear to fall squarely under the exemption class #5, exempt item #2 as described under the Exemption List for the Department of Land and Natural Resources, published on June 5, 2015 as “non-destructive data collection and inventory, including field, aerial, and satellite surveying and mapping”. It has also been interpreted to include various modes of transportation to reach field areas necessary to carry out such activities, such as those to be supported by the proposed activities. As discussed below, no significant disturbance to any environmental resource is anticipated in observing and sampling of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

All activities will be performed in a culturally appropriate manner and adhere to Monument Best Management Practices (BMP) listed earlier in this document. To minimize the potential of disease introduction or transfer during swimming and snorkeling activities, the applicant would follow Disease and Introduced Species Prevention (BMP #011). The applicant does not intend to approach or photograph protected species; however, the applicant proposes to conduct activities in areas where Hawaiian monk seals and sea turtles are present. The applicant will

adhere to Best Management Practices for Boat Operations and Diving Activities (BMP #004); and Marine Wildlife Viewing Guidelines (BMP #010) to reduce or eliminate adverse effects on protected marine species through interactions with in-water activities.

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. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

Activities directly under this permit would be purely observational. Similar activities have previously been approved and conducted within the Monument. No measurable impacts from similar activities have been observed in previous years and none would be expected from proposed activities. This applicant will be traveling alongside US FWS and STATE employees. It is anticipated that any overlap will be beneficial to the applicant’s understanding of the conservation and management work within PMNM and will benefit the outreach products anticipated as a result of this permit.

With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts that would occur as a result of these activities.

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.

August 11, 2017

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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.