

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

June 22, 2018

Board of Land and Natural Resources
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Education Permit to Mrs. Alana 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 Mrs. Alana 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:

- French Frigate Shoals

The activities covered under this permit would occur between June 25, 2018 and June 24, 2019.

The proposed activities have been previously authorized and conducted in the Monument.

INTENDED ACTIVITIES

The applicant proposes to connect the public to the Monument through highlighting various research projects in PMNM in the Honolulu Civil Beat online media outlet as well as through public outreach events in the main Hawaiian Islands. As a photographer and videographer for Honolulu Civil Beat, the applicant and potentially up to one other individual will shadow researchers in marine and terrestrial areas during a separately permitted research cruise aboard the MV SEARCHER to French Frigate Shoals in late June – July 2018. Potential stories to be covered include sea level rise research, top predator ecology, and conservation and management activities occurring at French Frigate Shoals.

The proposed activities would include observation of the surroundings and activities (including swimming/snorkeling), interviewing researchers, and filming/photographing wildlife and general scenic features. All activities would be conducted under the direct supervision of a designated resource monitor.

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), 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), 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 April 24, 2018, 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:

None.

COMMENTS / RECOMMENDATIONS:

1. Please contact PMNM Communications Managers, Toni Parras (toni.parras@noaa.gov) to discuss potential education and outreach plans.

Thank you. Will do.

2. Please contact PMNM Education Coordinator, Andy Collins (andy.collins@noaa.gov), to discuss a potential list of imagery shots while you are in PMNM.

Thank you. Will do.

3. NMFS requests that steps are taken to ensure that the applicant adheres to all protected species BMPs, and avoids interactions with Hawaiian monk seals, and they coordinate with PIFSC Hawaiian Monk Seal Research Program and Marine Turtle Biology Assessment Program field camp staff if going on land. NMFS can provide contact information for those programs if the applicant wants the information prior to leaving.

Understood. Yes, I would appreciate having the contact information and coordinating with both programs before departing for PMNM.

4. The "land" box for French Frigate Shoals (FFS) under question 5a has not been marked. Please confirm if you intend to conduct activities on land at FFS.

Yes, I intend to conduct activities on land at FFS by shadowing scientists and filming/photographing research activities.

5. The applicant marked the "Yes" box for intending to film/photograph protected species. If this is only for non-targeted and incidental filming/photography of protected species the "No" box should be marked. Please confirm if you intend to target any protected species for filming or photography purposes.

I do not intend to target any protected species.

6. A resource monitor is required when on land and while snorkeling.

Understood and I will follow his/her direction when conducting my activities.

7. We request the applicant provide imagery data for education and outreach purposes.

Ok. Please let me know if there are any specific images you want.

8. Please confirm that you do not intend to generate revenue from the imagery you intend to capture. If you do intend to generate revenue, please apply for a special ocean use permit.

I do not intend to generate any revenue.

9. Please note that imagery captured under an Education permit can not be sold. This includes imagery on different materials (e.g., t-shirts, calendars, photographic prints, etc.).

Noted and thank you for the reminder.

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.
- The proposed activities are in compliance with the National Historic Preservation Act.
- A request to the U.S. Fish and Wildlife Service Pacific Islands Fish and Wildlife Office (PIFWO) for a Section 7 informal consultation pursuant to the Endangered Species Act of 1973 is underway to analyze the effects of proposed activities within the Monument on protected species. The outcome of this consultation may require the applicant to adhere to other PIFWO-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance
- An informal review of all aforementioned activities following section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)) is currently underway. The outcome of this review may require the applicant to adhere to other NMFS-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.
- The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment (“DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPA HANAUMOKU AKEA MARINE NATIONAL MONUMENT EDUCATION PERMIT TO MRS. ALANA EAGLE, HONOLULU CIVIL BEAT, FOR ACCESS TO STATE WATERS TO PROVIDE ONLINE PMNM CONTENT UNDER PERMIT PMNM-2018-24.”)

Has Applicant been granted a permit from the State in the past? Yes No

If so, please summarize past permits:

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

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

STAFF OPINION

DAR staff is of the opinion that 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 Mrs. Alana 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. 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.
2. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.

3. 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.
4. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.
5. 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: Alana Eagle
Affiliation: Honolulu Civil Beat

Permit Category: Education
Proposed Activity Dates: Last week of June-First week of July
Proposed Method of Entry (Vessel/Plane): Vessel, MV Searcher
Proposed Locations: French Frigate Shoals

Estimated number of individuals (including Applicant) to be covered under this permit: 1, but if space allows then 2.

Estimated number of days in the Monument: 14

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...
Involve accompanying researchers on a two-week trip to French Frigate Shoals to document their work and any wildlife encountered along the way through photos and videos.

b.) To accomplish this activity we would
Take photos and videos and interview the researchers and anyone else who may have information.

c.) This activity would help the Monument by ...
Bringing this generally off-limits place to the public through stories, videos and photos to be distributed for free on Civil Beat's website and social media platforms.

Other information or background:

Please see the permit submitted by the researchers for complete details.

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Eagle, Alana, L.H.

Title: Videographer/Photographer

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

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

Phone: [REDACTED]

[REDACTED]

[REDACTED]

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):

If space allows, Nathan Eagle.

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

Ocean Based

NOTE: Shallow water is defined by water less than 100 meters in depth.

Remaining ashore on any island or atoll (with the exception of Sand Island at Midway 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:

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:*

To educate the public about the important scientific research that happens inside the monument.

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

If so, please list the species you specifically intend to target.
No species will be specifically targeted with the exception of tiger sharks.

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?

A resource monitor will accompany us throughout the monument visit.

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 will conduct the activity by following a resource monitor and the researchers around the approved areas. We would also welcome talking to anyone from the partnering agencies about the cultural, natural and historical resources pertaining to 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 is 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 if space allows Civil Beat journalist Nathan Eagle, the ability to access the monument with monument staff supervision (resource monitor) 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.

We are limited to the logistics of the researchers whose expertise we rely on.

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

I went with Fish and Wildlife staff and DLNR staff into the monument for two weeks in August 2017. Civil Beat reporter Nathan Eagle and I produced a special multi-media report for Honolulu Civil Beat. It can be seen here: <http://www.civilbeat.org/projects/the-last-wild-place/>

It was Civil Beat's most trafficked piece of 2017, including 152,000 page views within the first two weeks of publication.

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 non-profit. We are able to cover any expenses related to our portion of this 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 propose will have little to no impact. We will follow the monument staff's lead 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?

Please see researcher's permit.

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 be following the lead of researchers and monument staff throughout the duration of the trip. We will be working with them to insure that any photos or videos taken does not disrupt the natural environment.

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

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, 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 photos, videos, and story on Civil Beat's website. These would be published as soon as possible after returning. Stories would likely include a feature on the importance of tiger sharks in a pristine ecosystem and their unique habits.

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

Professional SLR Cameras/lenses, underwater housing, audio recorder, microphone, macbook laptop, phone, gopro.

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

None

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

None

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

Honolulu Civil Beat

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): Alana Eagle (Photographer/videographer)

2. Specific Site Location(s): (Attach copies of specific collection locations): French Frigate Shoals

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. None

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

5. Time frame:

Activity start: late June 2018

Activity completion: mid-July 2018

Dates actively inside the Monument:

From: TBD

To: TBD

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: cruise dates have not been finalized

Personnel schedule in the Monument: tbd

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: MV Searcher

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

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

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

Vessel name:
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:

12. Room and board requirements on island:

13. Work space needs:

DID YOU INCLUDE THESE?

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

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 22, 2018

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

ROBERT MASUDA
FIRST DEPUTY

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

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-2018-024**

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 Mrs. Alana Eagle, of Honolulu Civil Beat for Access to State Waters to Conduct Activities for Digital Media Products.

Permit Number: PMNM-2018-024

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 June 25, 2018 through June 24, 2019.

The applicant proposes to connect the public to the Monument through highlighting various research projects in PMNM in the Honolulu Civil Beat online media outlet as well as through public outreach events in the main Hawaiian Islands. As a photographer and videographer for Honolulu Civil Beat, the applicant and potentially up to one other individual will shadow researchers in marine and terrestrial areas during a separately permitted research cruise aboard the MV SEARCHER to French Frigate Shoals in late June – July 2018. Potential stories to be covered include sea level rise research, top predator ecology, and conservation and management activities occurring at French Frigate Shoals.

ITEM F-1c

The proposed activities would include observation of the surroundings and activities (including swimming/snorkeling), interviewing researchers, and filming/photographing wildlife and general scenic features. All activities would be conducted under the direct supervision of a designated resource monitor.

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), 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), 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 April 24, 2018, 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 with an approved resource monitor and the proposed activities of proposed activities within the applications of Dr. Meyer, Dr. Fletcher and Ms. Kane. Dr. Littnan will also have staff at FFS conducting his authorized Hawaiian Monk Seal conservation and management activities. 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.

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.