

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

June 8, 2018

Board of Land and Natural Resources  
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Ms. Bonnie Kahape'a-Tanner, Māna Maoli / Kānehūnāmoku Voyaging Academy, for Access to State Waters to Conduct Activities for the Ola I Ke Au a Kanaloa Voyage and Maritime Vocation Program

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Native Hawaiian practices permit to Ms. Bonnie Kahape'a-Tanner, Program Director, Māna Maoli / Kānehūnāmoku Voyaging Academy, pursuant to § 187A-6, Hawai'i Revised Statutes (HRS), Chapter 13-60.5, Hawai'i Administrative Rules (HAR), and all other applicable laws and regulations.

The Native Hawaiian practices permit, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Nihoa Island
- Mokumanamana (Necker Island)

The activities covered under this permit would occur between June 20, 2018 and June 19, 2019.

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

INTENDED ACTIVITIES

Ms. Bonnie Kahape'a-Tanner (applicant) is proposing to conduct a maritime education program for high school students in the Northwestern Hawaiian Islands (NWHI). The voyage is a component of Hālau Holomoana, a Native Hawaiian culture/wa'a (traditional outrigger canoe) based maritime vocational program that seeks to develop leaders educated in the rich maritime and voyaging cultural heritage of their ancestors. The activity would strengthen cultural connections to the NWHI and further the understanding of the relationship of Mokumanamana to traditional wayfinding navigation. Twenty-five individuals (including 15 students, three program instructors and cultural practitioners and seven vessel crew) would access the

Monument aboard sailing school vessel (SSV) MAKANI 'OLU, owned and operated by the Marimed Foundation. Proposed activity dates are from June 20 – June 30, 2018.

The proposed sail plan is for MAKANI 'OLU to depart the Main Hawaiian Islands (MHI) from Kāne'ōhe Bay, O'ahu sail to Mokumanamana. Once at Mokumanamana, the vessel will circumnavigate the island and anchor. Next, the group will sail for Nihoa, circumnavigate and anchor. From Nihoa the vessel will sail back to the MHI, stop at Kaua'i, then return to port at Kāne'ōhe Bay, O'ahu. While in Papahānaumokuākea, the applicant proposes the following activities: perform cultural observations and protocols (offering oli (chants) and pule (prayers) in the near shore waters of both Nihoa and Mokumanamana in order to strengthen cultural connections to the place; swimming and snorkeling activities to compare the MHI and NWHI marine reef systems; sustenance (federal waters) and subsistence (state waters) fishing, and anchoring overnight at Nihoa and Mokumanamana.

Fishing activities would be conducted by trolling a lure on four single monofilament handlines and fishing poles for 150 feet during transit. In addition to modern lures, the applicant will field test traditional pahi aku lures with handlines while sailing in the Monument in order to revitalize traditional lure production and use. The lines would be monitored at all times and personnel would abide by PMNM Best Management Practice #008: Seabird Protocols Necessary for Conducting Trolling Research and Monitoring to mitigate any potential impacts to seabirds. All fishing gear would be removed from the water if any Hawaiian monk seals or sea turtles are observed. All fish caught would be consumed within the Monument.

All activities will be performed in culturally appropriate manner and adhere to Monument Best Management Practices (BMP). 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 film protected species, however, the applicant proposes to conduct activities in areas where Hawaiian monk seals and sea turtles are present. To reduce or eliminate adverse effects on protected marine species through interactions with in-water activities, the applicant will adhere to Best Management Practices for Boat Operations and Diving Activities (BMP #004); and Marine Wildlife Viewing Guidelines (BMP #010).

This cultural access trip would strengthen cultural connections to the NWHI and further the understanding of the relationship of Mokumanamana to traditional wayfinding navigation. The applicant seeks to honor the importance of Mokumanamana by conducting cultural protocols during Ke Ala Polohiwa a Kāne, the summer solstice, and to honor Kanaloa. This voyage will be important to further the understanding of Kanaloa cultural practices and the relationship of Mokumanamana to traditional navigation.

The activity would directly support the Monument Management Plan (MMP), and is described in the Native Hawaiian Culture and History (NHCH) Action Plan (PMNM MMP Vol. 1, p. 131-141) under activity NHCH-2.6: Continue to facilitate Native Hawaiian cultural access.

In addition, the Applicant and individuals covered under this permit would document the experience through photography and video footage, which may be used for education, outreach,

and fundraising purposes. A separate application is submitted under a Special Ocean Use permit (proposed activities currently in review for Kahapea-Tanner, PMNM-2018-019).

The activities proposed by the Applicant directly support the Monument Management Plan's priority management need under 3.1 – Understanding and Interpreting the NWHI, 3.1.2 - Native Hawaiian Culture and History Action Plan (NHCH), Activities NHCH-2.2: Support Native Hawaiian cultural research needs and NHCH-2.6: Continue to facilitate Native Hawaiian cultural access. Both activities encourage partnerships and the facilitation of research and educational opportunities with Native Hawaiian organizations. The later of the two activities also encourages “regular access for Polynesian voyaging canoes for wayfinding, navigational, and cultural protocol training” (PMNM MMP Vol 1, p. 135-6).

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

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

#### 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 was posted on the Monument Web site on March 8, 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:

1. Where will the vessel be anchoring? What steps will be taken to ensure that coral and other benthic organisms will not be impacted while anchoring?
  - a. Only anchor in sandy substrate as to not impact corals and other benthic organisms.
  - b. If possible inspect the anchor site prior to deploying the anchor to insure the area is clear of corals.

*Conditions pending we plan to anchor in the same spot that Makani Olu has anchored in before. We will anchor in sandy substrate.*

2. Fishing:

- a. How long are the hand lines? *50-75 feet.*
- b. How are the hand lines constructed? Are they all mono or do they have rope? *Cord and Mono.*
- c. Do the hand lines have wire leader? *No wire leaders.*
- d. Will fishing stop if sharks are encountered? *Yes if we see sharks we will pull in all lines.*
- e. While the hand lines are in the water will there be a person dedicated to watching the line to ensure that any fish that are hooked get brought in ASAP as to reduce shark interactions? *Yes our practice is to only have lines out with someone actively tending them.*
- f. Is there a de-hooker on the vessel? *No de hooker onboard, but we can get one if needed.*
- g. Is there a contingency plan on how to de-hook and release a shark if it is caught on the lure? *No plan currently. We can get a dehooker and proper safety gear prior to voyage.*
- h. Are the hooks traditional or made of metal? *Metal hook. We do have a traditional lure with a bone hook we may use as well.*
- i. If the hooks are modern and made of metal, are they barbless? *They are barbed except for the traditional lure.*
- j. What species will be targeted? *Pelagic species only? Pelagics.*
- k. The application mentions fishing while at anchor. What species will be kept for consumption while fishing at anchor? *We will not fish at anchor. We can withdraw this request from the application.*
- l. While fishing at anchor they may catch species that they do not want to eat. What will be done with these fish? *Catch and release*
- m. What type of gear will be used for fishing at anchor? Hand lines? What type of lures? *See above.*

Follow up comments:

2.1 We ask the applicant to have a dehooker on-board the vessel in the event sharks are caught during fishing activities.

*We will obtain and have a de-hooker onboard and available for use while fishing.*

2.2 We recommend (but don't require) that wire leader is used instead of monofilament fishing line because Ono and sharks often cut the monofilament leader with their teeth resulting in the Ono or shark getting away hooked. It also increases catching rates of fish and aids in the fisherman/woman keeping their fishing gear.

*We will use a wire leader.*

3. Does the Makani Olu have grounding insurance (shipwreck insurance)?

*Yes*

#### COMMENTS / RECOMMENDATIONS:

1. Please follow all Monument best management practices when snorkeling near islands. We hope that the haumana will be able to come to an understanding of the place and can see the abundance of resources, both above and below water, to utilize that 'ike for the betterment of our lāhui and pae'āina.

*Yes*

2. Please make sure to follow "pono fishing" strategies while in the region, i.e. catch only what is needed for the day, when possible target medium sized fish instead of the largest, etc.

*Yes*

3. Be sure to record what the team has learned and observed and create avenues to share. Make sure that your activities contribute to the place.

*Yes*

4. All fishing should stop if sharks are encountered. If sharks are encountered stop and wait until the vessel is far away from the sharks before putting the lures back in the water.

*Ok.*

5. The vessels should have a dehooker for releasing any bycatch or sharks. If modern hooks are used they should be barbless or have their barbs removed/flattened against the hook.

*See Question 2 above.*

6. Due to fish bycatch and the potential for shark interaction no fishing from anchored vessel.

*See Question 2 above.*

7. Have a log of fish caught in State waters and one for Monument waters. Identify by scientific name, as common names change and a single species can have multiple common names. Record a minimum amount of info: date caught, location, depth (approximate), total length, weight (if possible), gear type, sex if possible when cleaning (male/female). Would also be good to know which were released back into the ocean (might be undersized, not a desirable food species, etc.) Why? More data on fish community is never a bad thing. It is rare for fishing to be allowed by applicants, so getting some additional information on non-scientific targeted sampling efforts would be a tradeoff for the take. The data set may be small, but add a few of these trips together and it might provide some insightful information.

*We have received and reviewed the Monument Management Board Policy on Sustenance Fishing in PMNM. We will complete the Sustenance/Subsistence Fishing Data Sheet for all fishing attempts.*

Follow up comment: It would also be valuable to monitor gut contents and spawning, possibly with photos.

*We can do this. We will examine gut contents and document with photos and include documentation with the fishing logs.*

8. Make sure the applicant preforms good biosecurity measures for marine aquatic invasive spp. Introduction (snorkeling). They need to clean their gear and inspect their pockets to ensure they don't have any invasive algae or other organism. Clean their gear by rinsing/soaking in a diluted bleach solution. They also need to do a bleach soak/rinse between atoll/islands/reef within the Monument.

*Yes, we have reviewed and will follow all Monument Best Management Practices for in water activities such as: BMP #001: Marine Alien Species Inspection Standards for Maritime Vessels and BMP #011: Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment.*

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

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

**Comments received from the public are summarized as follows:**

No comments were received from the public on this application.

**Additional reviews and permit history:**

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA)      Yes       No

If so, please list or explain:

- The proposed activities are in compliance with the National Environmental Policy Act.
- The proposed activities are in compliance with the National Historic Preservation Act.
- A request to the National Marine Fisheries Service (NMFS) for a Section 7 informal consultation pursuant to the Endangered Species Act of 1973 is underway to analyze the effects of proposed activities within the Monument on protected species. The outcome of this consultation may require the Applicant to adhere to other NMFS-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)) was completed on March 9, 2016 by NOAA National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO). NMFS PIRO concluded adequate PMNM Best

Management Practices are in place for the proposed activities, thus project activities would not adversely affect Essential Fish Habitat (EFH).

- 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 PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT NATIVE HAWAIIAN PRACTICES PERMIT TO MS. BONNIE KAHAPE‘A-TANNER, MĀNA MAOLI / KĀNEHŪNĀMOKU VOYAGING ACADEMY, FOR ACCESS TO STATE WATERS TO PRACTICE TRADITIONAL WAYFINDING AND SEAMANSHIP ACTIVITIES UNDER PERMIT PMNM-2018-020.”)

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

- The Applicant was granted permit PMNM-2014-013 in 2014 for similar work.

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 Native Hawaiian Practices Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

#### MONUMENT MANAGEMENT BOARD OPINION

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

#### RECOMMENDATION

That the Board authorize and approve a Native Hawaiian Practices Permit to Ms. Bonnie Kahape‘a-Tanner, Māna Maoli / Kānehūnāmoku Voyaging Academy, 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 extant possible, a summary of their Monument access, including, but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events.

Respectfully submitted,



Maria Carnevale  
State Co-Manager

Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne D. Case  
Chairperson



**Papahānaumokuākea Marine National Monument**  
NATIVE HAWAIIAN PRACTICES Permit Application

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

**ADDITIONAL IMPORTANT INFORMATION:**

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

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

Send Permit Applications to:  
NOAA/Inouye Regional Center  
NOS/ONMS/PMNM/Attn: Permit Coordinator  
1845 Wasp Blvd, Building 176  
Honolulu, HI 96818  
nwhipermit@noaa.gov  
PHONE: (808) 725-5800 FAX: (808) 455-3093

**SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR ADDITIONAL SUBMITTAL INSTRUCTIONS, SEE THE LAST PAGE.**

## **Papahānaumokuākea Marine National Monument Permit Application Cover Sheet**

This Permit Application Cover Sheet is intended to provide summary information and status to the public on permit applications for activities proposed to be conducted in the Papahānaumokuākea Marine National Monument. While a permit application has been received, it has not been fully reviewed nor approved by the Monument Management Board to date. The Monument permit process also ensures that all environmental reviews are conducted prior to the issuance of a Monument permit.

### **Summary Information**

**Applicant Name:** Bonnie Kahap‘ea-Tanner

**Affiliation:** Kānehūnāmoku Voyaging Academy

**Permit Category:** Native Hawaiian Practices

**Proposed Activity Dates:** 6/20/2018 to 6/30/2018

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

**Proposed Locations:** Mokumanamana and Nihoa

**Estimated number of individuals (including Applicant) to be covered under this permit:**  
25

**Estimated number of days in the Monument:** 5

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

a.) The proposed activity would...

The proposed training voyage to PNMM would be part of Hālau Holomoana, a 30 day Native Hawaiian culture/wa‘a based maritime vocational program. The overall purpose of the program is to expose youth to the wide variety of college and career opportunities in the maritime industry while grounding them in Native Hawaiian canoe culture and non-instrument navigation.

This will be a continuation or link to the “Ola i ke au a Kanaloa” voyage that took place in June of 2014. The voyage gives a unique deep sea and culturally rich opportunity to 15 high school juniors and seniors and 10 professional ships crew, instructional kumu, and cultural practitioners. This voyage will focus on developing a theory of sail plan as to how the ancient mariners managed to sail back to the main Hawaiian Islands. To this date, all previous voyages on voyaging canoes were towed upwind, back to the main Hawaiian Islands.

In addition, as part of the Holo I Ka I‘a, MET grant with NOAA, we will be field testing our traditional pahi aku lures. The lures were made modeled after specimens from Bishop Museum collection and under the tutelage of master practitioner, Umi Kai.

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

Sail into the monument waters, conduct cultural ceremony on board the ship at Nihoa and Mokumanamana. Utilize traditional and modern wayfinding techniques to navigate to and from PNMM.

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

Exposing a new generation of youth and potential master mariners to the monument and the unique landscape, geological features, and natural wild environment abundant in the PNMM.

**Other information or background:**

Vessel Name: SSV Makani Olu  
Vessel Owner: Marimed Foundation  
Captains Name: Harry Sprague  
IMO#: DLZ065030497  
Vessel ID#: 1113517  
Flag: USA  
Vessel Type: three-masted tall ship stay-sail schooner  
Call sign: WDA6945  
Embarkation port: Kāne‘ohe Bay  
Length: 96’  
Gross Tonnage: 68  
Total ballast water capacity:  
Total fuel capacity: 421g  
Total number of fuel tanks on ship: 2  
Marine Sanitation Device: Holding Tank  
Type:

**Section A - Applicant Information**

**1. Applicant**

Name (last, first, middle initial): Kahape‘a-Tanner, Bonnie

Title: Executive Director

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

Bonnie Kahape‘a-Tanner

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

[REDACTED]

[REDACTED]

[REDACTED]

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

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

Kānehūnāmoku Voyaging Academy  
Marimed Foundation

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

Name	Title
Harry Sprague	Captain
TBD	1st Mate
TBD	2nd Mate
Bonnie Kahape'a-Tanner	Program Director
Loyal Kekahuna-Baisa	Program Coordinator
TBD	Spiritual Officer
TBD	Deckhand
TBD	Deckhand
TBD	Deckhand
Jonah Apo	Student
Shane Campos	Student
Lilu Gavagan	Student
Kayla Holt	Student
Zeyz Hughes-Martin	Student
Gabriel Kalima	Student
Makoa Leialoha	Student
Kaua Moses	Student
Kenneth Niheu	Student
Damien Pakele	Student
Makahiapo Patnaude	Student
Irie-yana Reyes-Duffey	Student
Kaleihulu Victor	Student
Charles Vierre	Student
Sun Hee Wong	Student
Kaua Zabala-Moore	Student

**Section B: Project Information**

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

**Ocean Based**

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

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:

**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:

1. Conduct traditional navigation and sail training for youth in the Halau Holomoana Youth Maritime Training Program.
2. Conduct cultural ceremony at Mokumanamana.

*The purpose of the proposed activity is to help revitalize traditional Hawaiian fishing lure production and use, and to document usage at Papahānaumokuākea and other Hawaiian islands for historical, cultural, educational, and scientific purposes. In alignment with NOAA's long term goal: Healthy Oceans, students will gain intimate knowledge of natural resources from both the land and sea that are used to produce traditional Hawaiian fishing lures and to provide sustenance while on voyage. Students will develop a culturally founded sense of what conservation means from a Hawaiian cultural practitioners world view*

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

For a list of terrestrial species protected under the Endangered Species Act visit:

<http://www.fws.gov/endangered/>

For a list of marine species protected under the Endangered Species Act visit:

<http://www.nmfs.noaa.gov/pr/species/esa/>

For information about species protected under the Marine Mammal Protection Act visit:

<http://www.nmfs.noaa.gov/pr/laws/mmpa/>

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

The Findings are as follows:

a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?

KVA is already planning and preparing for this cultural voyage to Nihoa and Mokumanamana. Our spiritual and cultural focus will be to Kanaloa. Our team is researching and preparing our protocol and ceremony and will be consulting with known authorities in the Hawaiian community. Having full understanding of the fragility of this unique ecosystem, we will not be

requesting to go to shore. All protocols and ceremony will be conducted from the ship. We hope that this will instill a higher consciousness in the youth and demonstrate that one can connect emotionally, spiritually, and culturally at a distance.

The SSV Makani Olu has been to PMNM several times with no incident. Its discharge system has a holding capacity and will not discharge its waste-water tanks while in the Monument. Students, faculty, and crew members proposed in this permit application will receive pre-voyage training in monument management from the perspective of co-trustees and Native Hawaiian cultural practitioners. This training will be reinforced through direct experience throughout the voyage and within the Monument waters.

**b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects?**

The Monument Proclamation highlights the cultural significance of Papahānaumokuākea to Native Hawaiians, and the Proclamation itself authorizes access to the area via Native Hawaiian Practices Permits. The proposed activities are compatible with the management direction of the Proclamation and the Monument Management Plan, which has prioritized the support of regular access for cultural field research and cultural education opportunities.

As previously stated, the activities proposed herein do not impact the environment in any way. All activities will be conducted in accordance with the Monuments BMPs. For safety purposes, SSV Makani Olu will carry communications and first-aid equipment on board. This vessel will meet the strict requirements of this permitting process.

**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 practicable alternative to conducting the activity outside of the monument. As stated previously in this permit application, PMNM and specifically Mokumanamana and Nihoa are unique cultural resources that provide a glimpse into our history as navigators and seaman. The main Hawaiian islands are too close in proximity to each other to provide a true deep sea voyaging experience. In addition, the unique position of Mokumanamana on the tropic of cancer during the summer solstice also provides a time of heightened sensitivity to the celestial sphere and the intimate relationship the informed mariner has to these movements.

The activity allows these young leaders to engage culturally and spiritually with these kupuna islands through ceremony and chant and also through purposeful voyaging and the practice of non-instrument navigation and seamanship training. This experience would further instill in them the importance of the natural and cultural resources in PMNM and as future mariners, this



experience will guide them as the next generation of Hawaiian leaders and maritime practitioners.

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

No adverse impacts are anticipated as a result of the proposed activities. There will be no physical impacts on the 'āina as we are not requesting to land on Mokumanamana or Nihoa.

The entire Halau Holomoana program will make a deep impression on these students and their views of the ocean and meaningful employment with it. The lessons in marine conservation, cultural preservation and exposure to the maritime industry will be a living part of their experience which they will take forward as they work to meet the challenges of the future as native Hawaiians.

The proposed activities also provide beneficial impacts to Papahānaumokuākea by highlighting the area as a special and important place for the perpetuation of specialized Native Hawaiian cultural and spiritual practices which is bridged with meaningful employment and post-secondary education in marine related fields.

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

The time requested is the amount of time needed for participants to gain insight into the cultural, spiritual and ecological value of Mokumanamana and Nihoa and to establish a personal connection. Ceremony and protocols will be conducted during the time in the waters surrounding Mokumanamana and Nihoa. We only have 10 days to complete the sail from Kaneohe bay-Nihoa-Mokumanamana-Nihoa-Niihau-Kauai and back to Kaneohe Bay.

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

The ship will be manned by a professional maritime crew and will do all in their expertise and training to ensure safe passage and navigation in PMNM.

Cultural protocols and ceremony will be well researched and prepared. Kealii Bertelmann will be the alakai (leader) for all cultural and spiritual protocols, in consultation with known Hawaiian authorities.

**g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.**

The applicant has secured financial resources necessary through grants and private donor funding to secure the vessel SSV Makani Olu for the duration of the trip.

**h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.**

All crew members, students, and faculty will follow all Monument BMPs, protocols and policies while operating in Papahānaumokuākea.

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

The SSV Makani Olu will work with NOAA representatives and will be outfitted with a mobile transceiver unit approved by OLE and in compliance with the requirements of Presidential Proclamation 8031.

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

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

#### ADDITIONAL FINDINGS FOR PROPOSED NATIVE HAWAIIAN PRACTICES

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

This is a culminating activity for the students of Hālau Holomoana, a youth Hawaiian culture and maritime training program of Kānehūnāmoku Voyaging Academy. This is not a commercial activity.

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

The purpose of this activity is to perpetuate the art of wayfinding and non-instrumental navigation, under the mentorship of highly trained and skilled Pwo navigators Shorty Bertelmann and Chadd Onohi Paishon. This activity will also focus the cultural and historical significance of Mokumanamana and Nihoa to our wayfinding and voyaging practices.

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

Through this training voyage, 15 new Hawaiian youth will be exposed to the wonderment of these islands. They will hold this experience and share it with their ohana and communities. As we continue to voyage to these islands we are increasing the practical knowledge of sailing the ancient sea roads. We hope to gain a deeper understanding of how our ancestors made the return voyage, upwind to the main Hawaiian Islands.

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

This voyage will introduce non-instrument navigation and wayfinding to 16 young native Hawaiians as well as the other 9 crew and staff on-board the ship. Only by retracing this ancient sea road can we begin to understand how and why our ancestors voyaged to Nihoa and Mokumanamana. As we continue to research and then go out in the field, we will gain more and more knowledge.

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

Yes, all fish harvested in the Monument will be consumed within the Monument.

**8. Procedures/Methods:**

All fishing will be done with lure and hand line trolling from the ship.  
Fishing while at anchor using traditional lures only.

Snorkeling will take place only if optimal weather conditions exist. A crewman and certified lifeguard will be responsible for monitoring the group, from the ship or dinghy. Small groups of 6-8 people in the water at a time.

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

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

Common name:

Scientific name:

Hawaiian name:

# & size of specimens:

Collection location:

Whole Organism  Partial Organism

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

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

• General site/location for collections:

• Is it an open or closed system?  Open  Closed

• Is there an outfall?  Yes  No

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

• Will organisms be released?

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

N/A

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

None.

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

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

None.

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

Although we do not have anything formal set up at this time, we hope to share our knowledge gained about the ancient sea routes to sail to and from PMNM from the main Hawaiian Islands as well as any other insights gained with Ohana Wa‘a and other educational agencies and organizations.

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

Yes  No

Nothing is planned at this time.

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

N/A

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

**Voyage: Into the Depths of Kanaloa**

**A video documentary about the 2014 voyage to Papahānaumokuākea.**

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as “confidential” prior to posting the application.

---

Signature

Date

**SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE BELOW:**

NOAA/Inouye Regional Center  
NOS/ONMS/PMNM/Attn: Permit Coordinator  
1845 Wasp Blvd, Building 176  
Honolulu, HI 96818  
FAX: (808) 455-3093

**DID YOU INCLUDE THESE?**

- Applicant CV/Resume/Biography
- Intended field Principal Investigator CV/Resume/Biography
- Electronic and Hard Copy of Application with Signature
- Statement of information you wish to be kept confidential
- Material Safety Data Sheets for Hazardous Materials

## Papahānaumokuākea Marine National Monument Compliance Information Sheet

**1. Updated list of personnel to be covered by permit. List all personnel names and their roles here (e.g. John Doe, Diver; Jane Doe, Field Technician, Jerry Doe, Medical Assistant):**

Name	Title
Harry Sprague	Captain
Xavier Claybaugh	1st Mate
Matt Claybaugh	1st Mate
Bonnie Kahape'a-Tanner	Program Director
Loyal Kekahuna-Baisa	Program Coordinator
TBD Spiritual Officer	Spiritual Officer
Tehani Loius-Perkins	Deckhand
TBD Deckhand	Deckhand
TBD Deckhand	Deckhand
Jonah Apo	Student
Shane Campos	Student
Lily Gavagan	Student
Kayla Holt	Student
Zeyz Hughes-Martin	Student
Gabriel Kalima	Student
Makoa Leialoha	Student
Kaua Moses	Student
Kenneth Niheu	Student
Damien Pakele	Student
Makahiapo Patnaude	Student
Irie-yana Reyes-Duffey	Student
Kaleihulu Victor	Student
Charles Vierre	Student
Sun Hee Wong	Student
Kaua Zabala-Moore	Student

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

Coastal waters for both Mokumanamana and Nihoa, not to go past the high water mark.

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

NONE.

**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):**

N/A

**5. Time frame:**

Activity start: 6/20/18

Activity completion: 6/30/2018

Dates actively inside the Monument:

From: 6/21/2018

To: 6/28/2018

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



Personnel schedule in the Monument:

n/a

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

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

- Vessel
- Aircraft

Provide Vessel and Aircraft information:  
See below

**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: TBD
- Tender vessel, Date: TBD
- Ballast water, Date: N/A
- Gear/equipment, Date: TBD
- Hull inspection, Date: TBD

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

Vessel name: Makani Olu  
Vessel owner: Marimed Foundation  
Captain's name: Harry Sprauge  
IMO#:DLZ065030497  
Vessel ID#:1113517  
Flag: USA

Vessel type: three masted tall ship staysail schooner

Call sign: WDA6945

Embarkation port: Kāneʻohe Bay

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

Length: 96'

Gross tonnage: 68

Total ballast water capacity volume (m3): n/a

Total number of ballast water tanks on ship: n/a

Total fuel capacity: 421g

Total number of fuel tanks on ship: 2

Marine Sanitation Device: Yes

Type: Holding Tank

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

The Makani Olu will not be discharging anything in the monument.

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

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

750 Faria Watchdog VMS (On loan from PMNM)

VMS Email:

Inmarsat ID#:

**\* Individuals MUST ENSURE that a type-approved VMS unit is installed and that its automatic position reports are being properly received by the NOAA OLE system prior to the issuance of a permit. To make sure your VMS is properly configured for the NOAA OLE system, please contact NOAA OLE at (808) 203-2503 or (808) 203-2500.**

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

**10. Tender information:**

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:

2 12FT rigid inflatables with Yamaha 20HP 4 stroke engines

**Additional Information for Land Based Operations**

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

n/a

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

n/a

**13. Work space needs:**

n/a

**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 8, 2018

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 NATIVE HAWAIIAN PRACTICES PERMIT  
TO MS. BONNIE KAHAPÉ'A-TANNER, MĀNA MAOLI / KĀNEHŪNĀMOKU VOYAGING ACADEMY,  
ACCESS TO STATE WATERS TO CONDUCT ACTIVITIES FOR THE OLA I KE AU A KANALOA VOYAGE  
AND MARITIME VOCATION PROGRAM UNDER PERMIT PMNM-2018-020

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

Project Title:

Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Ms. Bonnie Kahape'a-Tanner, Māna Maoli, for Access to State Waters to Practice Traditional Wayfinding and Seamanship Activities.

Permit Number: PMNM-2018-020

Project Description:

The Native Hawaiian practices permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters between June 20, 2018 through June 19, 2019.

The proposed project would serve several purposes, connecting Native Hawaiian youth to their culture and to the Monument by making a purposeful voyage to honor and pay tribute to Kanaloa, perpetuating the use of non-instrumental navigational skills and the cultural and historical significance of Mokumanamana and Nihoa to these traditional wayfinding practices. Students will also gain intimate knowledge of natural resources that are used to produce the traditional Hawaiian fishing lures to provide sustenance while on voyage, and will develop a sense of conservation from a Hawaiian cultural practitioner's perspective.

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

ROBERT MASUDA  
FIRST DEPUTY

JEFFREY PEARSON P.F.  
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

ITEM F-1c

The proposed sail plan is for MAKANI 'OLU to depart the Main Hawaiian Islands (MHI) from Kāne'ōhe Bay, O'ahu sail to Mokumanamana. Once at Mokumanamana, the vessel will circumnavigate the island and anchor. Next, the group will sail for Nihoa, circumnavigate and anchor. From Nihoa the vessel will sail back to the MHI, stop at Kaua'i, then return to port at Kāne'ōhe Bay, O'ahu. While in Papahānaumokuākea, the applicant proposes the following activities: perform cultural observations and protocols (offering oli (chants) and pule (prayers) in the near shore waters of both Nihoa and Mokumanamana in order to strengthen cultural connections to the place; swimming and snorkeling activities to compare the MHI and NWHI marine reef systems; sustenance (federal waters) and subsistence (state waters) fishing, and anchoring overnight at Nihoa and Mokumanamana.

Fishing activities would be conducted by trolling a lure on four single monofilament handlines and fishing poles for 150 feet during transit. In addition to modern lures, the applicant will field test traditional pahi aku lures with handlines while sailing in the Monument in order to revitalize traditional lure production and use. The lines would be monitored at all times and personnel would abide by PMNM Best Management Practice #008: Seabird Protocols Necessary for Conducting Trolling Research and Monitoring to mitigate any potential impacts to seabirds. All fishing gear would be removed from the water if any Hawaiian monk seals or sea turtles are observed. All fish caught would be consumed within the Monument.

The activity would directly support the Monument Management Plan (MMP), and is described in the Native Hawaiian Culture and History (NHCH) Action Plan (PMNM MMP Vol. 1, p. 131-141) under activity NHCH-2.6: Continue to facilitate Native Hawaiian cultural access. Activities to support coordinated field operations in the NWHI are addressed in the Monument Management Plan Environmental Assessment (December 2008) which resulted in a FONSI, or a Finding of No Significant Impact. This EA recognizes that "access to Mokumanamana for cultural practices and regular access for Polynesian voyaging canoes for cultural practice training" could have beneficial effects on Monument resources (PMNM MMP Vol 2, p.217).

#### 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 permit application was posted on the Monument Web site on March 8, 2016 giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

#### Exemption Determination:

After reviewing HAR § 11-200-8, including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have

minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit; including the practice of traditional wayfinding, voyaging, seamanship skills, swimming, and subsistence fishing; 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.

Fishing activities would be conducted by trolling a lure on four single monofilament handlines and fishing poles for 150 feet during transit. In addition to modern lures, the Applicant will field test traditional pahi aku lures with handlines while sailing in the Monument in order to revitalize traditional lure production and use. While at anchor, two designated lines will be set for bottom fishing at a maximum of 50 feet depth. The lines would be monitored at all times and personnel would abide by PMNM Best Management Practice #008: Seabird Protocols Necessary for Conducting Trolling Research and Monitoring to mitigate any potential impacts to seabirds. All fishing gear would be removed from the water if any Hawaiian monk seals or sea turtles are observed. All fish caught would be consumed within the Monument.

All activities will be performed in culturally appropriate manner and adhere to Monument Best Management Practices (BMP). 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 film protected species, however, the Applicant proposes to conduct activities in areas where Hawaiian monk seals and sea turtles are present. To reduce or eliminate adverse effects on protected marine species through interactions with in-water activities, the Applicant will adhere to Best

Management Practices for Boat Operations and Diving Activities (BMP #004); and Marine Wildlife Viewing Guidelines (BMP #010).

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.

The Applicant has previously been approved to conduct the proposed activities within the Monument. Activities directly under this permit would be observational and involve subsistence fishing activities for consumption within the Monument. No measurable impacts from similar activities have been observed in previous years and none would be expected from proposed activities.

The cumulative impacts of this permit, in conjunction with a proposed permit from the same Applicant (PMNM-2016-009, PMNM-2016-010, PMNM-2018-019) for capturing photographs and video of the “Ola i ke au a Kanaloa” voyage, are also considered. Past projects which have included similar activities and techniques have had no adverse effects. 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.

The proposed project and associated proposed project (application currently in review for Bonnie Kahapea-Tanner PMNM-2018-019) would be supported by the SSV MAKANI OLU, from June 20 to 30, 2016. These projects would be part of the “Ola i ke au a Kanaloa” voyage. Proposed permit PMNM-2018-019 would allow the Applicant to photograph and capture video of the voyage.

In addition to the Applicant, there are no other activities anticipate at Mokumanana and Nihoa during this timeframe

There are no anticipated negative impacts from overlap in activities, and therefore no associated cumulative impacts between activities from the SSV MAKANI OLU and from the other vessels at that time. At this time, no other concurrent activities are known.

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.