

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 Special Ocean Use Permit to Ms. Bonnie Kahape'a-Tanner, Māna Maoli / Kānehūnāmoku Voyaging Academy, for Access to State Waters to Conduct Documentation of Halau Holomoana's "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 special ocean use 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 Special Ocean Use 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 proposed activities have previously been permitted, no new activities are being proposed.

INTENDED ACTIVITIES

Ms. Bonnie Kahape'a-Tanner (applicant) is proposing to conduct filming and still photography to document the activities of Hālau Holomoana, a Native Hawaiian culture/wa'a (traditional outrigger canoe) based maritime vocational program for high school students that seeks to develop leaders educated in the rich maritime and voyaging cultural heritage of their ancestors (separately proposed under permit application no. PMNM-2018-020). Twenty five individuals (including 15 students, three program instructors and cultural practitioners seven six vessel crew) would access the Monument aboard sailing school vessel (SSV) MAKANI 'OLU, owned and operated by the Marimed Foundation. Proposed trip dates are from June 20 – June 30, 2018.

Proposed activities under the applicant's separate native Hawaiian practices permit application (PMNM-2018-020) include: swimming, snorkeling, performing cultural observations and

protocols (offering oli (chants) and pule (prayers) in the near shore waters (< 100 feet) of Nihoa and Mokumanamana. The applicant would use filming and photography to document these activities and the overall Hālau Holomoana Program to highlight participants' transformative cultural growth as they prepare, voyage to and connect with Papahānaumokuākea. Also, images obtained from the activity would be used develop additional outreach and fundraising products (prints, cards, calendars, etc.) to raise awareness of the importance and relevance of the kūpuna islands. The applicant hopes to generate revenues from the sale of pictures generated while in Papahānaumokuākea Marine National Monument to benefit Kānehūnāmoku Voyaging Academy.

All filming and photography activities will be performed in a culturally appropriate manner and will adhere to Monument Best Management Practices (BMP). All photography and videography will be done with hand held or tripod mounted cameras.

The applicant does not intend to approach or film protected species, however, the applicant proposes to conduct filming activities in areas where marine protected species (cetaceans, pinnipeds, and turtles) are present. To reduce or eliminate adverse effects on protected marine species through interactions with in-water activities, the applicant will adhere to BMP 004 – Best Management Practices for Boat Operations and Diving Activities and BMP 010 – Marine Wildlife Viewing Guidelines. In addition, the applicant would abide by PMNM BMP 011: Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment.

The activity benefits the Monument by bringing the place to the people, increasing visibility, awareness, and educational opportunities for the Monument through still and video imagery. The project directly supports an activity in the Monument Management Plan (MMP), under the Constituency Building and Outreach (CBO) Action Plan, Activity CBO-2.3: "Support other entities' efforts to broaden knowledge of an appreciation for Monument resources and management priorities." (MMP Vol. 1, p. 271, 2008).

The activities proposed by the Applicant directly support the Monument Management Plan's (MMP) priority management needs through Ocean Ecosystem Literacy Action Plan (Strategy OEL-2: Develop and implement new tools to "bring the place to the people" (MMP Vol. 1, p290, 2008)). The Applicant would obtain photographs and video of the "Ola i ke au a Kanaloa" voyage for the purposes of creating materials for education and outreach used in fundraising for Māna Maoli / Kānehūnāmoku Voyaging Academy. These activities fit into this Strategy because fundraising products would engage an audience who has not participated in the cruise and would not otherwise access the Monument.

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 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 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 has been posted on the Monument Web site since 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.

**COMMENTS / RECOMMENDATIONS:**

1. In regards to request for Drone use, USFWS requests everyone operating drones over USFWS refuge land or waters to comply with the following:
  - a. Provide proof of FAA Remote Pilot Certificate.
  - b. UAS or Drone must be on approved FAA list.
  - c. Drone must be registered with FAA (<https://faadronezone.faa.gov/#/>). Registration costs \$5 and is valid for 3 years.
  - d. 2 people (pilot/commander and observer) are needed to operate drones on/over Refuge lands and/or waters.
  - e. A resource monitor must be present when drones are flown.
  - f. Additional requirements may be requested at a later time.

*We do not anticipate having a drone with us on this voyage. We withdraw this request to use a drone.*

2. Please be sure to use caution when using the drone around wildlife such as seabirds and other protected species.

*We do not anticipate having a drone with us on this voyage. We withdraw this request to use a drone.*

**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. No concerns were raised.

**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 PAPA HĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO MS. BONNIE KAHAPE‘A-TANNER, MĀNA MAOLI / KĀNEHŪNĀMOKU VOYAGING ACADEMY, FOR ACCESS TO STATE WATERS TO CONDUCT PHOTOGRAPHIC AND FILMING OF OLA I KE AU A KANALOA VOYAGING ACTIVITIES UNDER PERMIT PMNM-2018-019”)

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-2007-022 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 Special Ocean Use 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:

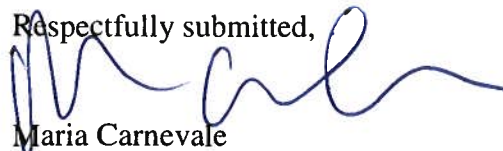
The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

RECOMMENDATION:

That the Board authorize and approve a Special Ocean Use Permit to Ms. Bonnie Kahape'a-Tanner, Māna Maoli / Kānehūnāmoku Voyaging Academy, with the following special conditions:

1. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
2. 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.
3. No fishing is allowed in State Waters except as authorized under state law for subsistence, traditional, and customary practices by Native Hawaiians.
4. If there is any Hawaiian monk seal or any other protected species in the area when performing any permitted activity shall cease until the animal(s) depart the area, except as permitted for specific management of that species.
5. 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**  
SPECIAL OCEAN USE 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 Kahape‘a-Tanner  
**Affiliation:** Kānehūnāmoku Voyaging Academy

**Permit Category:** Special Ocean Use  
**Proposed Activity Dates:** 6/20/2018-6/30/2018  
**Proposed Method of Entry (Vessel/Plane):** Vessel 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 activity would be to document with the intent to utilize for education, outreach, and fundraising purposes any potential documentation derived from the activities of the group that voyage to PMNM as a part of Hālau Holomoana, a 30 day Native Hawaiian culture/wa‘a based maritime vocational program. The voyage will give a unique deep sea and culturally rich opportunity to 15 high school juniors & seniors and 10 professional ships‘ crew, instructional kumu, and cultural practitioners. The voyage will focus on developing a deep sense of responsibility to community and cultural practices by weaving together traditional wayfinding, cultural protocol and ceremonial practices, and maritime seamanship skills.

Papahānaumokuākea is a special place where the knowledge of our kupuna is ever present in this remote and rugged environment. Documentation will be captured in the most culturally appropriate and sensitive ways, ensuring protocols are conducted prior to entering the Monument to ensure activities (including documentation type of activities) are done in a respectful and appropriate manner.

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

Preparation for this voyage is already underway. The ship Makani Olu has been secured. Students and staff are preparing by memorizing Kanaloa and Kane protocols and engaging in discussions and research. We are also working with cultural experts in traditional navigation and cultural protocols and ceremony. Current sail plan is to leave from Kaneohe Bay, site Kauai and Niihau, and continue on to Nihoa and Mokumanamana. Once at Nihoa and Mokumanamana respectively, we will circumnavigate the island and anchor overnight, if time permits. On the return to the main Hawaiian islands, we will site Nihoa and if timing allows we will circumnavigate and anchor overnight.

All individuals onboard will have opportunities to document their experiences and capture pictures and film footage in PMNM. It is our hope that Kānehūnāmoku Voyaging Academy may be able to benefit from potential revenue generated from pictures and other video footage captured while in PMNM.

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

Supporting the output of beautiful products from PMNM (pictures, cards, calendars, etc). Such products will aid in "bringing the place to the people" by providing visual pieces and potentially other educational materials from the Monument to people who are unable to go themselves.

**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 staysail schooner  
Call sign: WDA6945  
Embarkation port: Kāne' ohe Bay  
Length: 96'  
Gross tonnage: 68  
Total ballast water capacity volume: n/a  
Total fuel capacity: 421 gallons  
Total number of fuel tanks on ship: 2  
Marine Sanitation Device: Yes Type: Holding Tanks

**Section A - Applicant Information**



**1. Applicant**

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

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]  
[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, Research Diver; Jane Doe, Field Technician):**

Name	Title
Harry Sprague	Captain
TBA	1st Mate
TBA	2nd Mate
Bonnie Kahape‘a-Tanner	Program Director
Loyal Kekahuna-Baisa	Program Coordinator
TBA	Spiritual Officer
TBA	Deckhand
TBA	Deckhand
TBA	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"/> Land-based | <input type="checkbox"/> Shallow water            | <input type="checkbox"/> Deep water            |
| <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 activity is to capture photos and other documented footage while within PMNM. This permit application is directly related to the Native Hawaiian Practices permit application submitted by Kānehūnāmoku Voyaging Academy. The purpose of that activity is to connect native Hawaiian youth to the PMNM, specifically Mokumanamana and Nihoa, by making a purposeful voyage to honor and pay tribute to Kanaloa, to practice and test traditional wayfinding skills, to develop and strengthen seamanship skills, and to nurture a sense of stewardship and kuleana in young native Hawaiian mariners.

Product outputs proposed are greeting cards using photos of PMNM, calendars, pictures (framed or canvas), video documentary, and other potential products for education, outreach, and fundraising purposes that would both benefit PMNM in its outreach/education goals as well as benefit Kānehūnāmoku Voyaging Academy via outreach and fundraising opportunities.

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

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

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

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

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

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

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

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

**The Findings are as follows:**

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

All photography and videography will take place from the ship. 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 wastewater tanks while in the Monument. Students, faculty, and crewmembers 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.

Products created as a result of this trip will be tasteful and respectful of the place and its cultural and natural resources.

**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 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 connecting of Mokumanamana to Kanaloa-Kahoolawe via this voyage can only be accomplished by actually making a voyage to these places in one single trip. 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 the these movements.

This activity would help the monument by providing this opportunity to native Hawaiian youth, a group that has not been represented formally in the monument in the past. 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. 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 aina 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 to establish a personal connection. Ceremony and protocols will be conducted during the time in the waters surrounding Mokumanamana. We only have 10 days to complete the sail from Kaneohe bay-Mokumanamana-Nihoa-Kanaloa/Kaho'olawe 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 crewmembers, 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?**

An Automatic Identification System(AIS or transceiver) has been installed on the Makani Olu.

**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.

**FOR SPECIAL OCEAN USE ACTIVITIES OUTSIDE OF MIDWAY ATOLL SPECIAL MANAGEMENT AREA, ANSWER THE ADDITIONAL THREE FINDINGS BELOW:**

**k. Explain how your activity will directly benefit the conservation and management of the Monument.**

This is an educational opportunity and commercial venture to the extent that revenue may be generated to support the mission of Kānehūnāmoku Voyaging Academy. Potential products generated as a result of the Kānehūnāmoku Voyaging Academy's activities in PMNM have potential to provide educational benefit to individuals unable to access PMNM themselves.

**l. Explain how the purpose of your activity is for research or education related to the resources or qualities of the Monument.**

Photos and any video documentation taken in the Monument may be used to promote our youth maritime training program, as well as Kānehūnāmoku Voyaging Academy. All footage will be available for use in educational materials and documentation purposes.

**m. Does the activity involve the use of a commercial passenger vessel (defined as a vessel that carries individuals who have paid for such carriage)?**

No. The Marimed Foundation will be providing sail training for all involved and this will not be a commercial passenger relationship.

**FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA, ANSWER THE ADDITIONAL TWO FINDINGS BELOW:**

**n. Explain how your activity will further the conservation and management of the Monument.**

n/a

**o. How is your activity compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?**

n/a

**NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project and will be restricted in duration. Special Ocean Use activities proposed outside the Midway Atoll Special Management Area will require public notice of the application and an opportunity to provide comments is given at least 30 days prior to issuing the permit.**

**8. Procedures/Methods:**

Majority of the photography and videography will be from the ship while underway within Monument waters and while at anchor at Nihoa and Mokumanamana. If permitted and if weather allows, underwater photography and video may be taken while snorkeling at Nihoa and Mokumanamana.

**9. Provide proof of general liability insurance, or indicate that you will be posting an equivalent bond against claims arising out of activities conducted under the permit:**

See attached COI.

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



To our knowledge, there are no other youth sail training programs engaging in the Monument.

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

Handheld DSLR cameras, GoPro's mounted on extendable stick, waterproof digital cameras, and smartphone cameras.

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

None.

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

None.

**14. List all Applicants' publications directly related to the proposed project:**

Video Documentary: Voyage: Into the Depths of Kanaloa by Ruben Carillo, Dawn Kaniaupio, and Bonnie Kahape'a-Tanner. Documents the 2014 voyage into 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

**SUBJECT:**

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHA NAUMOKU AKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO Ms. BONNIE KAHAPE'A-TANNER, MA NA MAOLI / KANEHUNAMOKU VOYAGING ACADEMY, FOR ACCESS TO STATE WATERS TO CONDUCT DOCUMENTATION OF HALAU HOLOMOANA'S "OLA I KE AU A KANALOA" VOYAGE AND MARITIME VOCATION PROGRAM UNDER PERMIT PMNM-2018-019.

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

Project Title:

Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Ms. Bonnie Kahape'a-Tanner, Program Director, Māna Maoli / Kānehūnāmoku Voyaging Academy, for Access to State Waters to Conduct Photographing and Filming of Ola I Ke Au a Kanaloa Voyaging Activities.

Permit Number: PMNM-2018-019

Project Description:

The Special Ocean Use permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters from June 20, 2018 to June 19, 2019.

The Applicant proposes to film and photograph activities related to traditional Native Hawaiian wayfinding and voyaging by young Native Hawaiian mariners participating in the "Ola i ke au a Kanaloa" voyaging program with the Māna Maoli / Kānehūnāmoku Voyaging Academy. Photographs and video footage would be used for education, outreach, and fundraising purposes by

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



the Māna Maoli / Kānehūnāmoku Voyaging Academy. An application for voyaging activities was submitted under a separate Monument Native Hawaiian Practices permit (Kahapea-Tanner, PMNM-2016-020). The Applicant and up to twenty-four (24) individuals would voyage to Mokumanamana and Nihoa Island on the SSV MAKANI OLU from June 20 to 30, 2018. Collection of photographs and video footage could involve swimming or snorkeling in waters surrounding Nihoa Island and Mokumanamana. No land would be accessed.

All filming and photography activities will be performed in a culturally appropriate manner and will adhere to Monument Best Management Practices (BMP). The Applicant does not intend to approach or film protected species, however, the Applicant proposes to conduct filming activities in areas where marine protected species (cetaceans, pinnipeds, and turtles) are present. To reduce or eliminate adverse effects on protected marine species through interactions with in-water activities, the Applicant will adhere to BMP 004 – Best Management Practices for Boat Operations and Diving Activities and BMP 010 – Marine Wildlife Viewing Guidelines. In addition, the Applicant would abide by PMNM BMP 011: Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment.

The activity benefits the Monument by “bringing the place to the people” (MMP Vol. 1, p290, 2008), increasing visibility, awareness, and educational opportunities for the Monument through still and video imagery. The project directly supports an activity in the Monument Management Plan (MMP), under the Constituency Building and Outreach (CBO) Action Plan, Activity CBO-2.3: “Support other entities’ efforts to broaden knowledge of an appreciation for Monument resources and management priorities.” (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 permit application has been posted on the Monument Web site since 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.

#### 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 activities involved with photographing and filming activities related to the “Ola i ke au a Kanaloa” voyage including water activities, 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 section 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 filming and photography activities here 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 list published in June 5, 2015 as “non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.” Filming and photography are considered data collection. As discussed below, no significant disturbance to any environmental resource is anticipated in either the filming or photographing of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

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

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.

There are no other ships anticipated in the vicinity of Mokumanamana and Nihoa during their proposed trip dates. As such, 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 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.

Again, 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 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.