

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

June 22, 2018

Board of Land and Natural Resources  
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Ms. Haunani Hi'ilani Kāne, University of Hawai'i at Mānoa, for Access to State Waters to Conduct Cultural Practices within Papahānaumokuākea Marine National Monument

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. Haunani Hi'ilani Kāne, University of Hawai'i at Mānoa, 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:

- Nīhoa Island
- Mokumanamana (Necker Island)
- French Frigate Shoals

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

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

INTENDED ACTIVITIES

In conjunction with the field expedition to French Frigate Shoals on Vessel Searcher to conduct activities under PMNM-2018-015 and 018, Ms. Haunani Kāne requests to conduct Hawaiian fishing practices for sustenance and subsistence fishing purposes. In partnership with the other permits, practitioners on the trip will determine best use for fish caught and will utilize them in 3 ways: consumption, used for research purposes, and/or offered to Kanaloa as ho'okupu. In addition, the applicant is proposing to take measurements of fork length (tip of the nose to fork of the tail), and photos (images) of the gut contents of all fish caught. This information will supplement the fish box experiment that was conducted on Hōkūle'a's Worldwide Voyage, which analyzed pelagic fish caught and consumed by crew members.

Fishing activities would be conducted off the vessel while transiting through the Monument and in the waters at French Frigate Shoals (Lalo). All fishing activity will involve trolling a lure on monofilament handlines and/or fishing poles. Fishing efforts would occur in daylight hours only with the likeliest encounters being pelagic fish species ('ahi, ono, mahimahi, aku, kawakawa, etc). Catch will be limited to only what is needed to feed crew, and all fish caught would be consumed within the Monument. The lines would be monitored at all times and personnel would abide by – Seabird Protocols Necessary for Conducting Trolling Research and Monitoring (PMNM Best Management Practice #008) to reduce impacts to seabirds. All fishing gear would be removed from the water if any protected species are observed.

The project directly supports the Monument Management Plan's Native Hawaiian Culture and History (NHCH) Action Plan 2.6 - *Continue to Facilitate Native Hawaiian Access*.

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
- ☒ 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)

#### 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 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. Does the applicant intend to conduct any activities in the Monument expanded area?  
*Fishing will occur while transiting from Honolulu, O'ahu to French Frigate Shoals (FFS), and while at FFS.*
2. Fishing related questions:
  - a. Is the applicant proposing to use a Rod and Reel or hand line? If using a hand line, how long are the hand lines?  
*Fishing will be conducted using handline or rod/reel, monofilament line, and barbed hooks. Hand lines are typically 25-75 yards long.*
  - b. If using a hand line, how are the hand lines constructed?  
*Hand lines are made using monofilament line, synthetic line, and rubber.*
  - c. If using a hand line, do the hand lines have wire leader?  
*Wire leaders will be considered based on the situation.*
  - d. Will fishing stop if sharks are encountered?  
*Encountering sharks while fishing will result in careful consideration of whether the activity should continue or cease.*
  - e. While the 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, lines will be monitored at all times and fish will be brought in ASAP to reduce shark interactions.*
  - f. Is there a de-hooker on the vessel?  
*Yes there is a de-hooker on the vessel.*
  - g. Is there a contingency plan on how to de-hook and release a shark if it is caught on the lure?  
*Every effort will be made to "de-hook" a shark that may be caught. We will be balancing the safety of people and will determine the best course of action.*
  - h. Are the hooks traditional or made of metal?  
*Hooks are made of metal.*
  - i. If the hooks are modern and made of metal, are they barbless?  
*Hooks have a metal barb.*
  - j. What species will be targeted? Pelagic species only?

*No specific species will be targeted however we will most likely encounter pelagic species including (but not limited to) Ahi, Ono, Ulua, Mahi mahi, etc.*

- k. Will the applicant be fishing at anchor?  
*No fishing will occur while at anchor.*

**COMMENTS / RECOMMENDATIONS:**

1. Please clarify the locations where the applicant intends to conduct activities. My understanding is that fishing would occur while transiting to French Frigate Shoals (FFS) and while at FFS. Although, shallow and deep waters at Nihoa and Mokumanamana are marked in the application (page 5).

*Fishing will occur while transiting from Honolulu, O'ahu to FFS and while at FFS. Fishing will only occur off of Nihoa and Mokumanamana while transiting past these islands.*

**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 PAPA HĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT NATIVE HAWAIIAN PRACTICES

PERMIT TO MS. HAUNANI HI'ILANI KĀNE, UNIVERSITY OF HAWAI'I AT MĀNOA, FOR ACCESS TO STATE WATERS TO CONDUCT CULTURAL PRACTICES WITHIN PAPAĀHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT UNDER PERMIT PMNM-2018-030.")

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

If so, please summarize past permits:

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

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

STAFF OPINION

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for his application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument 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. Haunani Hi'ilani Kāne, University of Hawai'i at Mānoa, for Access to State Waters to Conduct Cultural Practices within Papahānaumokuākea Marine National Monument, 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,

A handwritten signature in blue ink, appearing to read 'Maria Carnevale', written in a cursive style.

Maria Carnevale  
State Co-Manager  
Papahānaumokuākea Marine National Monument

A small handwritten mark or signature in blue ink, possibly initials.

APPROVED FOR SUBMITTAL

A handwritten signature in blue ink, appearing to read 'Suzanne D. Case', written in a cursive style.

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:** Haunani Hiilani Kane

**Affiliation:** Department of Geology and Geophysics, School of Ocean and Earth Science and Technology University of Hawai'i (UH) at Mānoa

**Permit Category:** Native Hawaiian Practices

**Proposed Activity Dates:** June 2018 – May 2019

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

**Proposed Locations:** Monument waters from Nihoa to French Frigate Shoals

**Estimated number of individuals (including Applicant) to be covered under this permit:**  
15

**Estimated number of days in the Monument:** 13

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

a.) The proposed activity would...

In conjunction with the field expedition on Vessel Searcher to conduct activities under PMNM-2018-015 and 018, this request proposes to conduct Hawaiian fishing practices during the expedition. In partnership with the other permits, practitioners on the trip will determine best use for fish caught: consumption, used for research purposes, or offered to Kanaloa as ho'okupu. In addition, we propose to take measurements of fork length (tip of the nose to fork of the tail), and photos (images) of the gut contents. This information will supplement the fish box experiment that was conducted on Hōkūle'a's worldwide voyage, which analyzed pelagic fish caught and consumed by crew members.

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

Fish for pelagic species using trolling activities during the course of the expedition and utilize the fish in one of 3 ways: consumption, associated research with PMNM-2018-015, or offered to Kanaloa as ho'okupu. In the instance of consumption, all fish will be consumed in Monument waters. Fishing will be conducted using handline or rod/reel, monofilament line, and barbed hooks.

c.) This activity would help the Monument by ...  
Ensuring continued presence of Native Hawaiians within Monument activities while  
perpetuating cultural practices in conjunction with research activities.

**Other information or background:**

## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Kane, Haunani, H.

Title:

PhD candidate in Geology & Geophysics, University of Hawai'i Mānoa

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

Haunani Kane

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Dr. Charles Fletcher, [REDACTED]

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

Department of Geology and Geophysics, School of Ocean and Earth Science and  
Technology University of Hawai'i (UH) at Mānoa

### **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):**

Haunani Kane

Searcher Crew

All personnel under PMNM-2018-015

All personnel under PMNM-2018-018

Monument personnel

## Section B: Project Information

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

|                                                                  |                                     |                                                   |                                                |
|------------------------------------------------------------------|-------------------------------------|---------------------------------------------------|------------------------------------------------|
| <input checked="" type="checkbox"/> Nihoa Island                 | <input type="checkbox"/> Land-based | <input checked="" type="checkbox"/> Shallow water | <input checked="" type="checkbox"/> Deep water |
| <input checked="" type="checkbox"/> Necker Island (Mokumanamana) | <input type="checkbox"/> Land-based | <input checked="" type="checkbox"/> Shallow water | <input checked="" type="checkbox"/> Deep water |
| <input checked="" type="checkbox"/> French Frigate Shoals        | <input type="checkbox"/> Land-based | <input checked="" type="checkbox"/> Shallow water | <input checked="" type="checkbox"/> Deep water |
| <input 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                                   |                                     |                                                   |                                                |

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

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

Fishing will be conducted while in Monument waters

### 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:***

Sustenance and subsistence fishing within Monument waters is important to establish relationships to 'āina (that which feeds). The NWHI were utilized as a subsistence fishery by kupuna, and the understanding of place includes the consumption of fish resources. This request will also add to the cultural resource component of other activities occurring on this expedition (PMNM-2018-015 and 018) and will help to enhance the experience of the Native Hawaiians and other participants involved.

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

If so, please list the species you specifically intend to target.

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?

In order to ensure fishing practices are done in a respectful way, we will follow all Monument Best Management Practices that are applicable to our proposed activities. We will also only fish for what is needed to feed the crew and utilize any other parts for activities highlighted under the other permitted activities on this expedition or for ceremonial purposes.

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?

Sustenance and subsistence fishing within Monument waters is important to establish relationships to 'āina (that which feeds). The NWHI were utilized as a subsistence fishery by kupuna, and the understanding of place includes the consumption of fish resources. This request will also add to the cultural resource component of other activities occurring on this expedition (PMNM-2018-015 and 018) and will help to enhance the experience of the Native Hawaiians and other participants involved.

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 practical alternative to conducting this activity**

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

**We will limit our catch to only what is needed to feed the crew and utilize any other parts for activities highlighted under the other permitted activities on this expedition or for ceremonial purposes. This will ensure pono fishing practices and ensure minimal impacts to fisheries resources.**

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

**This activity will only occur in conjunction with PMNM-2018-015 and 018.**

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

**Haunani Kane has traveled to Papahānaumokuākea on multiple occasions, Hikianalia 2013, Intertidal Monitoring 2016. Haunani has also served as the science director of Hōkūleʻa's worldwide voyage and a crew member of the Polynesian Voyaging Society.**

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.

**This activity will be done in conjunction with permits PMNM-2018-015 and 018.**

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.

**We will limit our catch to only what is needed to feed the crew and utilize any other parts for activities highlighted under the other permitted activities on this expedition or for ceremonial purposes. This will ensure pono fishing practices and ensure minimal impacts to fisheries resources.**

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

**Vessel specifications and activities are covered under PMNM-2018-015**

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 this 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.

We will limit our catch to only what is needed to feed the crew and utilize any other parts for activities highlighted under the other permitted activities on this expedition or for ceremonial purposes. This will ensure pono fishing practices and ensure minimal impacts to fisheries resources. All fish being consumed will be done so in Monument waters.

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.

Sustenance and subsistence fishing within Monument waters is important to establish relationships to 'āina (that which feeds). The NWHI were utilized as a subsistence fishery by kupuna, and the understanding of place includes the consumption of fish resources. This request will also add to the cultural resource component of other activities occurring on this expedition (PMNM-2018-015 and 018) and will help to enhance the experience of the Native Hawaiians and other participants involved.

We will limit our catch to only what is needed to feed the crew and utilize any other parts for activities highlighted under the other permitted activities on this expedition or for ceremonial purposes. This will ensure pono fishing practices and ensure minimal impacts to fisheries resources. All fish being consumed will be done so in Monument waters. Any associated protocols will be left to the discretion of participating practitioners.

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

This request will add to the cultural resource component of other activities occurring on this expedition (PMNM-2018-015 and 018) and will help to enhance the experience of the Native Hawaiians and other participants involved. There is a need and desire from Monument managers and practitioners to conduct collaborative activities involving practitioners and researchers alike. Consuming the resources while also utilizing parts for research activities (PMNM-2018-015) fits within this need.

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

Sustenance and subsistence fishing within Monument waters is important to establish relationships to 'āina (that which feeds). The NWHI were utilized as a subsistence fishery by kupuna, and the understanding of place includes the consumption of fish resources. This request will also add to the cultural resource component of other activities occurring on this expedition (PMNM-2018-015 and 018) and will help to enhance the experience of the Native Hawaiians and other participants involved.



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

Yes

**8. Procedures/Methods:**

Fishing activities will be conducted from O'ahu to Lalo (French Frigate Shoals) using trolling methods, monofilament handlines and/or rod/reels, as well as metal hooks with ceramic/rubber lures. Wire leaders will be considered based on situation. Fishing lines will be monitored at all times to avoid entanglements with bird species or other marine protected species. In the instance of hooking a fish, care will be taken while reeling in to ensure lures are not lost within monument waters. A de-hooker or longnose pliers will be used if necessary. While there is always a possibility to catch any dangerous fish species (sharks or marlins), every effort will be made to de-hook the animal, although the need for safety of people on board will be considered a high priority in those instances. In addition, we propose to take measurements of fork length (tip of the nose to fork of the tail), and photos (images) of the gut contents. This information will also be provided to Monument managers upon completion of fishing report.

**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:

Fishing practices will be done opportunistically while trolling, however we are targeting any pelagic and deepwater reef species typical of NWHI areas (ahi, aku, ono, mahimahi, uku, etc.)

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?**

NATIVE HAWAIIAN PRACTICES

All resources will be either consumed, or left within the Monument.

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

- General site/location for collections:  
O'ahu to Lalo (French Frigate Shoals)

- 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?  
If applicable.

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

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

Any cultural offerings will follow any Monument biosecurity protocols

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

Fishing lines, rod/reels, lures, and all other gear utilized for trolling activities.

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

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

This activity is in collaboration with PMNM-2018-015 and any fish caught will be considered for activities under that permit.

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

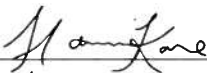
☒ Yes ☐ No

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

Within one year of activity date.

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

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

5/21/2018

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):**

All personnel under PMNM-2018-015

All personnel under PMNM-2018-018

Searcher Crew

Monument personnel

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

Proposed fishing will take place during transit between Honolulu and the sandy islets of French Frigate Shoals including Shark Island, Trig Island, East Island, Gin Island and Little Gin Island (Figure 1).

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

PMNM-2018-015

PMNM-2018-018

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

None

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

**5. Time frame:**

Activity start: June 2018

Activity completion: May 2019

Dates actively inside the Monument:

From: July 1, 2018  
To: July 12, 2018

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

Personnel schedule in the Monument:

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

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

- ☒ Vessel  
☐ Aircraft

Provide Vessel and Aircraft information:

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

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

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

Vessel name: M/V Searcher

Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

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

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:

Total fuel capacity:

Total number of fuel tanks on ship:

Marine Sanitation Device:

Type:

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

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

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

VMS Email:

Inmarsat ID#:

\* Individuals **MUST ENSURE** that a type-approved VMS unit is installed and that its automatic position reports are being properly received by the NOAA OLE system prior to the issuance of a permit. To make sure your VMS is properly configured for the NOAA OLE system, please contact NOAA OLE at (808) 725-6110 or (808) 725-6100.

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

#### **10. Tender information:**

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? List the number of tenders/skiffs aboard and specific types of motors:

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

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

Fishing will not occur from land.

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

We do not require room and board on island and instead will stay on the Searcher.

**13. Work space needs:**

None

**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



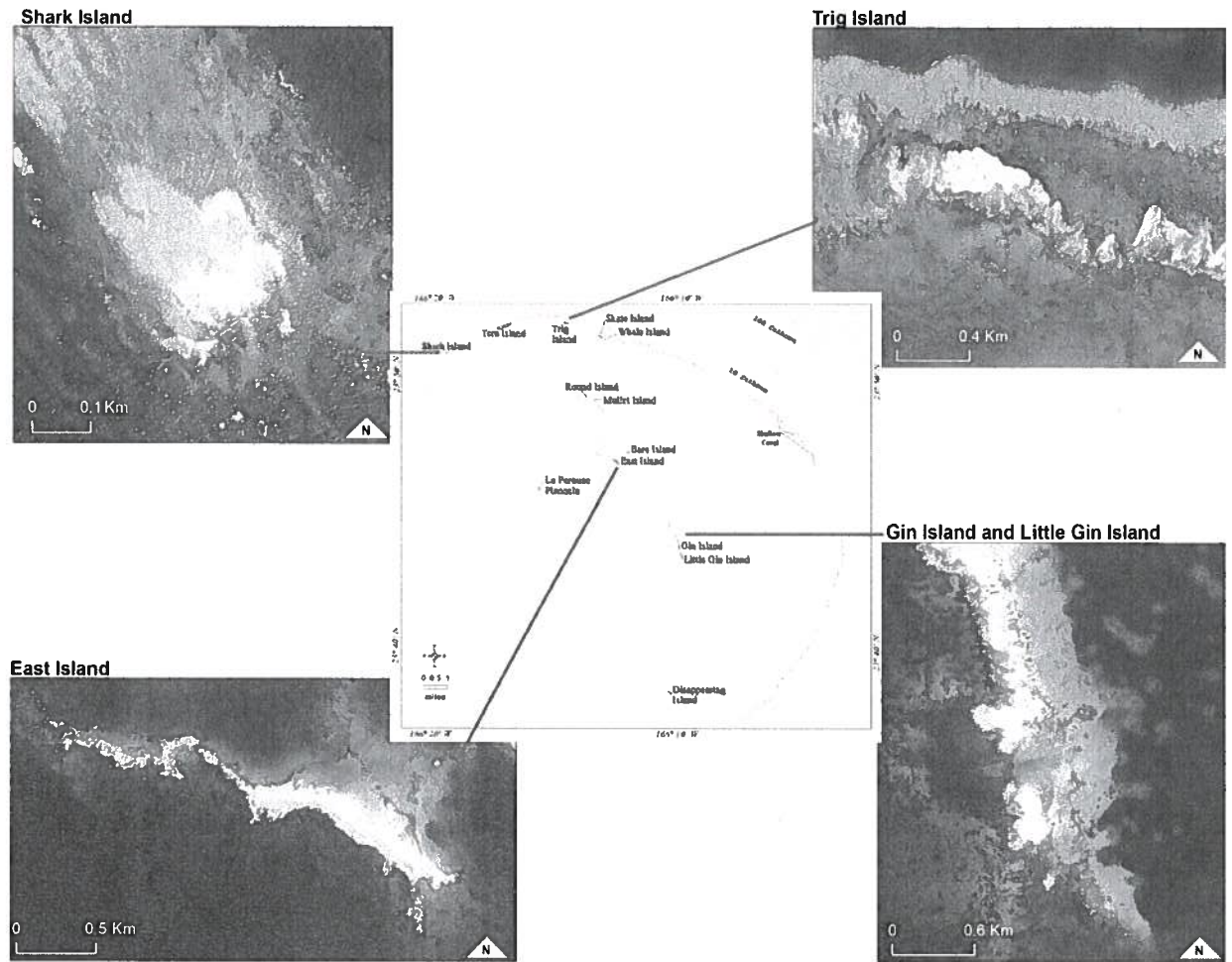
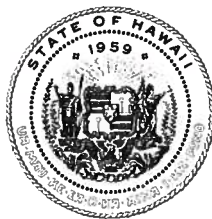


Figure 1. Potential collection sites at French Frigate Shoals.

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

June 22, 2018

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. HAUNANI HI'ILANI KĀNE, UNIVERSITY OF HAWAII AT MĀNOA, FOR ACCESS TO STATE  
WATERS TO CONDUCT CULTURAL PRACTICES WITHIN PAPAHĀNAUMOKUĀKEA MARINE NATIONAL  
MONUMENT UNDER PERMIT PMNM-2018-030

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. Haunani Hi'ilani Kāne, University of Hawaii at Mānoa, for Access to State Waters to Conduct Cultural Practices within Papahānaumokuākea Marine National Monument.

Permit Number: PMNM-2018-030

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 25, 2018 through June 24, 2019.

In conjunction with the field expedition to French Frigate Shoals on Vessel Searcher to conduct activities under PMNM-2018-015 and 018, Ms. Haunani Kāne requests to conduct Hawaiian fishing practices for sustenance and subsistence fishing purposes. In partnership with the other permits, practitioners on the trip will determine best use for fish caught and will utilize them in 3 ways: consumption, used for research purposes, and/or offered to Kanaloa as ho'okupu. In addition, the applicant is proposing to take measurements of fork length (tip of the nose to fork of the tail), and photos (images) of the gut contents of all fish caught. This information will

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

ITEM F-4c

supplement the fish box experiment that was conducted on Hōkūle‘a’s Worldwide Voyage, which analyzed pelagic fish caught and consumed by crew members.

Fishing activities would be conducted off the vessel while transiting through the Monument and in the waters at French Frigate Shoals (Lalo). All fishing activity will involve trolling a lure on monofilament handlines and/or fishing poles. Fishing efforts would occur in daylight hours only with the likeliest encounters being pelagic fish species (‘ahi, ono, mahimahi, aku, kawakawa, etc). Catch will be limited to only what is needed to feed crew, and all fish caught would be consumed within the Monument.

The lines would be monitored at all times and personnel would abide by – Seabird Protocols Necessary for Conducting Trolling Research and Monitoring (PMNM Best Management Practice #008) to reduce impacts to seabirds. All fishing gear would be removed from the water if any protected species are observed.

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 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.

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.

Similar proposed activities have been previously approved and conducted 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 permits (PMNM-2018-015 and 018) on the same cruise, have been 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 (PMNM-2018-015 and 018) would be supported by the M/V SEARCHER. In addition to the this cruise, 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 M/V SEARCHER 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.