

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

August 10, 2018

Board of Land and Natural Resources  
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Education Permit to Ms. Katherine Raisz, Richard Lewis Media Group, for Access to State Waters to Conduct Filming and Photography Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Education permit to Ms. Katherine Raisz, Richard Lewis Media Group to § 187A-6, Hawai'i Revised Statutes (HRS), Chapter 13-60.5, Hawai'i Administrative Rules (HAR), and all other applicable laws and regulations.

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

- Nihoa Island
- Mokumanamana (Necker)
- French Frigate Shoals
- Gardner Pinnacles
- Maro Reef
- Laysan Island
- Lisianski Island, Neva Shoal
- Pearl and Hermes Atoll
- Kure Atoll

The activities covered under this permit would occur between August 15, 2018 thru August 14, 2019.

Though this Applicant is new, the proposed activities have been previously authorized and conducted in the Monument.

### INTENDED ACTIVITIES

The applicant proposes to produce educational videos for the Smithsonian National Museum of Natural History that would highlight Papahānaumokuākea Marine National Monument (PMNM) as part of a larger focus on anthropogenic impacts to the environment and how these changes affect humans. Up to two individuals (applicant and one additional crew member) would film the environment, wildlife and research activities, as well as interview researchers. The proposed activities would occur during NOAA's annual reef assessment and monitoring program aboard a research expedition on NOAA Ship HI'IALAKAI (vessel operations separately permitted under permit no. PMNM-2018-001). The research cruise is currently scheduled for August 23, 2018 – September 16, 2018 and would visit various islands/atolls (marine areas only, except for land access at Midway Atoll) and seamounts including: French Frigate Shoals, Maro Reef, Laysan Island, Pearl and Hermes Atoll, Midway Atoll, Kure Atoll, Brooks Bank, St. Rogatien Bank, Raita Bank, Northampton Seamount, Pioneer Bank, Nero Seamount, and Ladd Seamount. Specific activities would include swimming, snorkeling and SCUBA diving, observing, and filming and photography. In order to reduce impacts to resources, all personnel would be under the direct supervision of a designated PMNM resource monitor.

To safeguard Monument resources the applicant would abide by the following PMNM Best Management Practices (BMPs) while conducting the aforementioned activities within the PMNM: Human Hazards to Seabirds Briefing (BMP #003), Reducing Light Impact to Sea Turtles (BMP #009), Marine Wildlife Viewing Guidelines (BMP #010), Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (BMP #011), Precautions for Minimizing Human Impacts on Endangered Land Birds (BMP #012), and Best Practices for Maritime Heritage Sites (BMP #017).

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

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

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

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

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

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

#### REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Pacific Islands NW Refuge Complex Office, the Office of Hawaiian Affairs (OHA), and the PMNM Native Hawaiian Cultural Working Group. In addition, the permit application has been posted on the Monument Web site since July 6, 2018, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

#### **Comments received from the scientific community are summarized as follows:**

Scientific reviews support the acceptance of this application.

#### QUESTIONS:

None.

#### COMMENTS / RECOMMENDATIONS:

1. Those covered under the permit must review and abide by the Best Management Practices for Boating Operations and Diving Activities, and the Disease and Introduced Species Prevention Protocol that are in place for the Monument.

*Noted and understood.*

2. If during the course of conducting the activities authorized by the permit there is an incident that results in the "take"<sup>1</sup> of a listed species, the permittee must make a full report of that incident (in a timely manner), to the PMNM POC (Justin Rivera). That information must then be passed on to NMFS.

*Noted and understood.*

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<sup>1</sup> "Take" is defined by the ESA as harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect any threatened or endangered species. NMFS defines "harass" as to "create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering."

3. The applicant should take good biosecurity measures for marine aquatic invasive spp. Introduction (see attached Disease and Introduced Species Prevention Protocol). Specifically, the applicant will need to clean their gear and inspect their pockets to ensure they don't have any invasive alga or other organism. Clean their gear by rinsing/soaking in a diluted bleach solution. They also need to do a bleach soak/rinse between atoll/islands/reef within the Monument.

*Noted and understood.*

4. Please confirm that all of your proposed activities are included in your permit application. If not, please describe any additional activities you propose to conduct in PMNM.

*Yes all activities are included in the permit application.*

5. If the individuals covered by this permit will be conducting any activities in the marine environment they should be accompanied by a resource monitor to ensure that they abide by the conditions in the Diving and Boating Protocols.

*Noted and understood.*

6. The applicant must be made aware that the permit issued does not convey any special access to listed species, so if the applicant wants to include video or photographs of listed species (in particular monk seals and turtles), they must maintain the appropriate distance as described in the Marine Wildlife Viewing Guidelines (see attached).

*Noted and understood.*

**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:

- A request is currently underway to the National Marine Fisheries Service (NMFS) to cover proposed in-water activities (swimming/snorkeling) under PMNM's programmatic ESA Section 7 informal consultation. The outcome of this request may require the applicant to adhere to NMFS-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.
- A request is currently underway to the US Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office (PIFWO) to initiate an informal consultation under Section 7 of the ESA for proposed land based activities at Midway Atoll. The outcome of this consultation may require the applicant to adhere to PIFWO-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.
- An informal review of all aforementioned activities following section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)) is currently underway. The outcome of this review may require the applicant to adhere to other NMFS-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.
- The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment ("DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHA NAUMOKU AKEA MARINE NATIONAL MONUMENT EDUCATION PERMIT TO MS. KATHERINE RAISZ, RICHARD LEWIS MEDIA GROUP, FOR ACCESS TO STATE WATERS FOR FILING AND PHOTOGRAPHY ACTIVITIES UNDER PERMIT PMNM-2018-33.")

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

If so, please summarize past permits:

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

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

STAFF OPINION

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for his application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Education Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

MONUMENT MANAGEMENT BOARD OPINION

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

RECOMMENDATION


That the Board authorize and approve an Education Permit Amendment to Ms. Katherine Raisz, Richard Lewis Media Group with the following special conditions:

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

Upon the finding and adoption of the department's analysis by the Board, that the Board delegate and authorize the Chairperson to sign the declaration of exemption for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR.

1. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
2. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
3. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge.
4. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.
5. That the permittee provide, to the best extent possible, a summary of their Monument access, including, but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events.

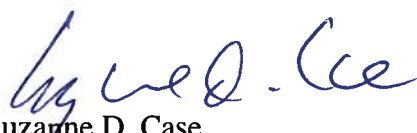
Respectfully submitted,



Maria Carnevale  
State Co-Manager  
Papahānaumokuākea Marine National Monument

*pa*

APPROVED FOR SUBMITTAL



Suzanne D. Case  
Chairperson

**Papahānaumokuākea Marine National Monument**  
EDUCATION Permit Application

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

**ADDITIONAL IMPORTANT INFORMATION:**

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

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

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

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



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

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

### **Summary Information**

**Applicant Name:** Kate (Katherine) Raisz

**Affiliation:** Raisz is working as a member of Richard Lewis Media Group for the Smithsonian National Museum of Natural History with Randall Kosaki of NOAA.

**Permit Category:** Education

**Proposed Activity Dates:** August 23<sup>rd</sup>-September 16<sup>th</sup>, 2018

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

**Proposed Locations:** : French Frigate Shoals, Maro Reef, Laysan, Lisianski, Pearl and Hermes Atoll, Midway Atoll, Kure Atoll, Brooks Bank, St. Rogatien Bank, Raita Bank, Northhampton Seamount, Pioneer Bank, Nero Seamount, Ladd Seamount

**Estimated number of individuals (including Applicant) to be covered under this permit:** 2

**Estimated number of days in the Monument:** 25

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

a.) The proposed activity would...

Be to film on NOAA ship Hi'ialakai cruise HA-18-02 in order to create educational videos for the Smithsonian National Museum of Natural History and for ONMS/PMNM's research and education teams.

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

Travel with NOAA PMNM scientists with film equipment to record their work in Papahānaumokuākea.

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

Raising public awareness of the Monument and the important research being done by NOAA. The footage would also be used for community outreach and education in Hawaii and seen by the millions of visitors at the Smithsonian National Museum of Natural History in Washington, D. C.

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Papahānaumokuākea Marine National Monument  
Permit Application - Education  
OMB Control # 0648-0548  
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**Other information or background:**

## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Katherine M. Raisz

Title: Producer

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

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

Phone: [REDACTED]

Fax:

Email: [REDACTED]

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

**3. Affiliation (institution/agency/organization directly related to the proposed project):**  
Raisz is working as a member of Richard Lewis Media Group for the Smithsonian National Museum of Natural History with Randall Kosaki of NOAA NOS ONMS PMNM.

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

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

**Ocean Based**

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

- Remaining ashore on any island or atoll (with the exception of Sand Island at Midway and field camp staff on other islands/atolls) between sunset and sunrise.

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

Location Description:

**5b. Check all applicable regulated activities proposed to be conducted in the Monument:**

- Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource
- Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands
- Anchoring a vessel
- Deserting a vessel aground, at anchor, or adrift
- Discharging or depositing any material or matter into the Monument
- Touching coral, living or dead
- Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- Attracting any living Monument resource
- Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- Subsistence fishing (State waters only)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area



**6. Purpose/Need/Scope *State purpose of proposed activities:***

We will be filming PMNM's research team at work while snorkeling, SCUBA diving, or working onboard Hi'ialakai in order to create educational films for the Smithsonian National Museum of Natural History in Washington, D.C.

\*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?

No activities will be performed in the vicinity of known historical resources. If any such resources are discovered in the course of these proposed activities, their location(s) will be noted and reported to appropriate experts and authorities. Our filming activities will cease immediately, and will be continued in another area. No wildlife will be collected, attracted, or disturbed by this work. No collections of specimens are required by this work.

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 proposed activities will support the PMNM Management Plan's Marine Conservation Science action plan, which states that PMNM will "Include an educational component in marine research expeditions" (Activity MCS-3.3). We understand that all natural resources are also cultural resources, and we believe that our activities will have no detrimental impacts to those resources. Indeed, the purpose of the proposed activity

is to highlight the special nature of the NWHI and its natural/cultural resources, and their need for the protections codified in the presidential executive orders and proclamations that created and expanded PMNM and its precursor, the NWHI Coral Reef Ecosystem Reserve.

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.  
Since we are filming specifically the story of the creation of the monument and why it is important to continue to protect it and do research, we cannot film elsewhere.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?  
Our filming will have minimal adverse impacts on the Monument, but will spread the story of the importance of the monument around the world.

e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.  
We will be traveling with a research team for the amount of time they are doing research. Our impact is lessened by traveling on the boat with them rather than using an additional vessel.

f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.  
Kate Raisz and Richard Lewis Media Group have a long history of filming natural history stories in environmentally sensitive areas and are well versed in mitigating environmental impact.

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 project is directly funded by the Smithsonian National Museum of Natural History, and both the Smithsonian and Richard Lewis Media Group have insurance.

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 be using only film and audio equipment to record video and audio of ongoing research as part of a story of the creation and importance of the Papahānaumokuākea Marine National Monument.

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

Yes

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

Since we will not be collecting samples or directly interacting with or disturbing animal or plant life during our trip, our filming of the research will only add to its benefit and the benefit of the MPA.

**8. Procedures/Methods:**

Professionally filmed video using video and sound equipment, including underwater housings for filming at depth.

**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:  
NA

Scientific name:  
NA

# & size of specimens:  
NA

Collection location: NA

Whole Organism  Partial Organism

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

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

• Specific site/location:  
NA

• Is it an open or closed system?  Open  Closed  
NA

• Is there an outfall?  Yes  No



NA

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

NA

• Will organisms be released?

NA

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

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

NA

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

There are no other videography-specific teams going with the research vessel to film this particular excursion. See bullet 2 in appended e-mail for more information.

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

Raw footage will be provided to NOAA's Office of National Marine Sanctuaries/PMNM for use in their own educational outreach. The film being created for the National Museum of Natural History will be installed in Late 2018 and the exhibit will open to the public in early 2019. See bullet 3 in appended e-mail for more information.

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

We will be using cameras, microphones, and underwater housings and lighting kits to film at depth and on the surface.

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

Rechargeable lithium batteries in camera and lighting gear.

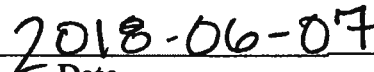
**16. Describe any fixed installations and instrumentation proposed to be set in the Monument:**

NA

**17. List all Applicants' publications/references 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

  
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



**Initial review of your PMNM permit application (no. PMNM-2018-033)**

**Amanda Wallas** [Redacted]  
To: Justin Rivera - NOAA Affiliate [Redacted]  
Cc: Kate Raisz [Redacted]

Mon, Jun 25, 2018 at 2:29 AM

Hi Justin,

To answer your questions:

- 1) While Richard Lewis Media Group has been hired to create the videos for the Smithsonian, the videos themselves will not be used to generate revenue or profit; the museum is free to the public and the videos would be part of educational exhibits. The educational videos that NOAA would create from the footage would also be for educational use.
- 2) We are aware that a researcher is also going to be filming on the vessel; we meant to state that we would be the only team on the vessel with our time spent exclusively on filming the research, rather than also performing the research. We will be using professional video equipment and years of experience as natural history story tellers to create high quality films. Of course we will also work with Keo to share footage, and to increase the availability of usable footage by coordinating camera angles, etc if we were to film the same thing at the same time.
- 3) As to the content of the films, for the Smithsonian exhibit, the film would be part of an exhibit about how humans are changing the environment they live in and how those environmental changes affect humans in the Anthropocene. We want to tell the story of how people from all parts of Hawaiian life (fisherman, activists, native Hawaiians, politicians, and scientists) came together to discuss the creation of Papahānaumokuākea and helped to turn it into a reality. We will be focusing on Randy Kosaki as one of the narrators of the film, and filming on the research vessel he is on is integral to the story we want to tell in the film. Since the Smithsonian video is only a few minutes long and we know there is so much more story to tell, we would like to give our additional footage to NOAA for the creation of more educational videos specific to the research going on on the vessel.

I hope that answers your questions adequately. Please let me know if you need any more information.

Take care,

Amanda

\_\_\_\_\_  
Amanda Wallas, *Producer*



RLMG

[Quoted text hidden]

## **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):**

Field producer/diver: Kate Raisz

Director of photography/diver: Tom Fitz

(Maybe) Producer/diver/videography assistant: Amanda Wallas

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

N/A – no collections will be made

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

N/A

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

N/A

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

Smithsonian National Museum of Natural History

**5. Time frame:**

Activity start:

Activity completion:

Dates actively inside the Monument:

From: August 23<sup>rd</sup> 2018

To: September 16<sup>th</sup> 2018

Subject to vessel availability and scheduling.

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

Personnel schedule in the Monument: All personnel will be filming daily on the vessel

**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:** Richard Lewis Media Group and the Smithsonian National Museum of Natural History have insurance.

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

- Vessel  
 Aircraft

Provide Vessel and Aircraft information: NOAA ship Hi'ialakai cruise HA-18-02

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

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

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

Vessel name:

Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

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

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:  
Total fuel capacity:  
Total number of fuel tanks on ship:  
Marine Sanitation Device:  
Type:

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

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

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

VMS Email:  
Inmarsat ID#:

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

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

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

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

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

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

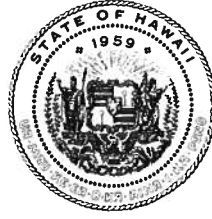
**12. Room and board requirements on island:**

**13. Work space needs:**

**DID YOU INCLUDE THESE?**

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

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

August 10, 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 EDUCATION PERMIT TO MS. KATHERINE  
RAISZ, RICHARD LEWIS MEDIA GROUP, FOR ACCESS TO STATE WATERS TO CONDUCT ACTIVITIES  
FOR FILMING AND PHOTOGRAPHY ACTIVITIES UNDER PERMIT PMNM-2018-033**

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

**Project Title:**

Papahānaumokuākea Marine National Monument Education Permit to Ms. Katherine Raisz, Richard Lewis Media Group for Access to State Waters to Conduct Filming and Photography Activities.

**Permit Number:** PMNM-2018-033

**Project Description:**

The Education permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the Northwest Hawaiian Islands (NWHI) State waters between August 15, 2018 through August 14, 2019.

The applicant proposes to produce educational videos for the Smithsonian National Museum of Natural History that would highlight Papahānaumokuākea Marine National Monument (PMNM) as part of a larger focus on anthropogenic impacts to the environment and how these changes affect humans. Up to two individuals (applicant and one additional crew member) would film the environment, wildlife and research activities, as well as interview researchers. The proposed activities would occur during NOAA's annual reef assessment and monitoring program aboard a research expedition on NOAA Ship HI'IALAKAI (vessel operations separately permitted under permit no. PMNM-2018-001). The research cruise is currently scheduled for August 23, 2018 –

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

ROBERT MASUDA  
FIRST DEPUTY

JEFFREY PEARSON P.E.  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

ITEM F-1c



August 10, 2018

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to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Exemption Determination:

After reviewing HAR § 11-200-8, including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit; including swimming; have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. This permit does not involve an activity that is precedent to a later activity.

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

All activities will be performed in a culturally appropriate manner and adhere to Monument Best Management Practices (BMP) listed earlier in this document. To minimize the potential of disease introduction or transfer during swimming and snorkeling activities, the applicant would follow Disease and Introduced Species Prevention (BMP #011). The applicant does not intend to approach or photograph protected species; however, the applicant proposes to conduct activities in areas where Hawaiian monk seals and sea turtles are present. The applicant will adhere to Best Management Practices for Boat Operations and Diving Activities (BMP #004); and Marine Wildlife Viewing Guidelines (BMP #010) to reduce or eliminate adverse effects on protected marine species through interactions with in-water activities.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not Be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if "the

cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.” HAR § 11-200-8.B. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

Activities directly under this permit would be purely observational. Similar activities have previously been approved and conducted within the Monument. No measurable impacts from similar activities have been observed in previous years and none would be expected from proposed activities. There will not be any other permits on the R/V Hi’ialakai that will be using UAS and collecting video. There is no overlap anticipated as this applicant will be telling the story of two interns conducting activities under associated permits.

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

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

4. Overall Impacts Will Probably be Minimal and Insignificant. Any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the permit. Specifically, all conservation and management activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources of the Monument as required by Presidential Proclamation 8031, other applicable law and agency policies and standard operating procedures.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.