

State of Hawai‘i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Papahānaumokuākea Marine National Monument  
Honolulu, Hawai‘i 96813

January 10, 2020

Board of Land and Natural Resources  
Honolulu, Hawai‘i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Tony Perry III, National Oceanic and Atmospheric Administration (NOAA) Ship OSCAR ELTON SETTE, for Access to State Waters to Conduct Shipboard Support Activities

The Papahānaumokuākea Marine National Monument program hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument conservation and management permit to Tony Perry III, Commanding Officer, NOAA Ship OSCAR ELTON SETTE, 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 conservation and management permit, as described below, would allow entry and management 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
- 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 January 10, 2020 and December 31, 2020.

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

### INTENDED ACTIVITIES

The primary purpose of the project is to provide vessel support for separately permitted activities aboard the NOAA Ship OSCAR ELTON SETTE (SETTE) Up to 24 crew members aboard the SETTE would be authorized to enter the Monument to support separately permitted activities, from January 10 – December 31, 2020. The Applicant would oversee all activities including operating small boats; swimming, snorkeling, and SCUBA diving as necessary to support proposed activities and separately permitted activities; discharges incidental to vessel use (i.e., dishwasher, shower, laundry, bath and washbasin drains; deckwash incidental to small boat tenders; discharge from approved marine sanitation device effluent, cooling water, and vessel engine exhaust) outside of the State NWHI Marine Refuge; seawater intake as necessary to support vessel operations and separately permitted activities (e.g., ship stabilization and cooling; deck, gear and small boat washdown; desalinization for consumption; support for scientific purposes in the lab spaces and on deck); anchoring on sandy substrate only, and opportunistically collecting free-floating marine-debris. Swimming, snorkeling and SCUBA are not permissible except as necessary for vessel maintenance, emergency operations, and non-recreational support of vessel activities. Personal safety, fitness and health maintenance including, but not limited to, biking, swimming, and jogging would occur only at Midway Atoll and only in approved areas open to the public.

The activity would benefit the Monument as the SETTE would provide support services for a wide range of separately permitted activities. Such activities may include research, conservation and management, education, special ocean use and Native Hawaiian practices. Without ship support, these activities would be severely limited or cease completely. The activity would help to support the Monument Management Plan (MMP), Priority Management Need 3.6: Achieving Effective Monument Operations (PMNM MMP Vol. I, p. 293, 2008), by providing an integral role in assuring research and other separately permitted activities are properly supported in the field.

All methods and procedures would be performed with the safety and welfare of personnel, the protection of Monument resources, and the accomplishment of mission objectives as top priorities. The SETTE would have all required inspections (hull fouling, gear, tender vessel, ballast water, and rat) completed before departure to the Monument. The SETTE also has a type-approved Vessel Monitoring System (VMS) on board, which meets Monument requirements, and would abide by Monument entry and exit notification requirements.

The support provided by the SETTE would not diminish Monument resources, qualities, or ecological integrity and is fully compatible with the purposes of the Proclamation including preserving and furthering understanding of Monument resources and qualities. The SETTE plays an integral role in assuring that research and conservation and management activities, which are critical management elements for the Monument, are properly supported in the field.

The activities proposed by the Applicant directly support the Monument Management Plan's priority management need 3.6 – Achieving Effective Monument Operations through action plan 3.6.3 - Coordinated Field Operations. As the SETTE would serve as a platform for a variety of other permitted activities, this permit would also support priority management needs 3.1 – Understanding and Interpreting the NWHI; 3.2 – Conserving Wildlife and Habitats; and 3.3 – Reducing Threats to Monument Resources.

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

- ☒ Anchoring a vessel
- ☒ Discharging or depositing any material or matter into the Monument
- ☒ Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- ☒ Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- ☒ Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

**REVIEW PROCESS:**

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site 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:**

**QUESTIONS:**

*none*

**COMMENT:**

*none*

**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.
- Research scientists, educators, and managers working aboard NOAA Ship SETTE will apply for and be issued separate permits pertaining to their individual activities.
- 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.
- A request is currently underway to the National Marine Fisheries Service (NMFS) to cover all proposed activities under PMNM's programmatic ESA Section 7 informal consultation. 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.
- 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 CONSERVATION AND MANAGEMENT PERMIT TO COMMANDING OFFICER TONY PERRY III, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) SHIP OSCAR ELTON SETTE, FOR ACCESS TO STATE WATERS TO CONDUCT SHIPBOARD SUPPORT ACTIVITIES UNDER PERMIT PMNM-2020-004.")

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

If so, please summarize past permits:

- The NOAA Ship OSCAR ELTON SETTE has been granted Monument and/or DLNR permits for similar activities since 2006.

Year	Permittee	Permit number
2019	Cassanova	PMNM-2019-004
2018	Beaucage	PMNM-2018-004
2017	Beaucage	PMNM-2017-004
2016	Ellis/Golden	PMNM-2016-005
2015	Koes	PMNM-2015-004
2014	Koes	PMNM-2014-003
2013	Ellis	PMNM-2013-005
2011	Caskey	PMNM-2011-009
2010	Caskey	PMNM-2010-007
2009	Caskey	PMNM-2009-020
2008	Swallow	PMNM-2008-008
2006	Groeneveld	DLNR.NWHI06S003

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

PMNM 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 Conservation and Management 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 PMNM staff.

RECOMMENDATION

That the Board authorize and approve a Conservation and Management Permit to Commanding Officer Tony Perry III, NOAA Ship OSCAR ELTON SETTE, with the following special conditions:

1. 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.
2. This permit is not to be used for nor does it authorize the sale of collected organisms. Under this permit, the authorized 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.
3. 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.
4. 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.
5. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
6. 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.
7. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

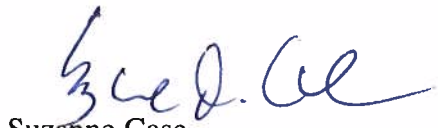
Respectfully submitted,



Maria Carnevale

Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne Case  
Chairperson

**Papahānaumokuākea Marine National Monument**  
**CONSERVATION AND MANAGEMENT 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:** Commanding Officer, NOAA Ship Oscar Elton Sette

**Affiliation:** National Oceanic and Atmospheric Administration

**Permit Category:** Conservation and Management

**Proposed Activity Dates:** TBD. Request Permit from January 1, 2020 to December 31, 2020

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

**Proposed Locations:** Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Neva Shoal, Pearl and Hermes Atoll, Midway Atoll, Kure Atoll

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

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

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

a.) The proposed activity would...

*Operate the Oscar Elton Sette, a 224' National Oceanic and Atmospheric Administration (NOAA) research vessel within the boundaries of Papahānaumokuākea Marine National Monument. The purpose of this vessel is to provide an at sea research platform support for NOAA research activities. Research scientists aboard the vessel will work under separate permits from the ship.*

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

Transport and support research scientists traveling within the Monument.

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

*Providing a data collection platform for scientists to conduct research and conservation management activities in order to preserve and sustain the scientific and cultural significance of Papahānaumokuākea.*

**Other information or background:**



## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): *Perry III, Tony.*

Title: *Commanding Officer, NOAA Ship Oscar Elton Sette*

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

**2. Mailing address (street/P.O. box, city, state, country, zip):** NOAA Ship Oscar Elton Sette, [REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

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

**3. Affiliation (institution/agency/organization directly related to the proposed project):**  
*U.S. Department of Commerce, National Oceanic and Atmospheric Administration,  
Office of Marine and Aviation Operations*

**4. Additional persons to be covered by permit. List all personnel roles and names (if known at time of application) here (e.g. John Doe, Research Diver; Jane Doe, Field Technician):**  
*Officers and crew of NOAA Ship Oscar Elton Sette (see attachment #1)*

## **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 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 checked="" 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:

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

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

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

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

The purpose of the ship's activities are to provide an at sea research platform to support small boat, diver, and educational activities in support of approved Monument permit activities including but not limited to protected species research.

\*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.

N/A

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?

*NOAA Ship Oscar Elton Sette is dedicated to studying and protecting Papahānaumokuākea Marine National Monument, and to carry out NOAA's mission of understanding the Earth's environment and managing marine resources to meet our nation's economic, social, and environmental needs. Activities conducted aboard the ship will be respectful of the natural, historical and cultural resources of the Monument. The ship receives an annual cultural briefing from OHA or designated representatives to ensure crew understand the cultural significance of Papahānaumokuākea Marine National Monument to Native Hawaiians. The crew understands that Native Hawaiians consider all natural resources as cultural resources as well and affords the utmost respect to both. Every effort is made to minimize impact to both cultural and natural resources.*

*The ship is routinely inspected for sanitation (i.e. rats, insects, etc.) by the Navy, and any corrective action needed is undertaken before the ship enters the PMNM. A thorough evaluation*

*by the USN will be conducted aboard Sette before departure from Pearl Harbor to ensure the ship is free and clear of rodents. Additionally, underwater hull inspections are conducted by monument staff prior to entering the PMNM. Divers are deployed to remove any potentially harmful biofouling agents. The ship's crew receives an annual cultural briefing from OHA personnel and respect the cultural significance of the NWHI. The Oscar Elton Sette follows a waste management plan in compliance with all United States Coast Guard, international, and PMNM rules and regulations. The Oscar Elton Sette carries a vessel monitoring system (VMS) in compliance with PMNM regulations. The Oscar Elton Sette follows all PMNM regulations not specifically mentioned above.*

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?

*All operations conducted on the NOAA Ship Oscar Elton Sette will be activities permitted by the co-trustees of the Monument. All operations will be compatible with the conservation and management goals of the Monument, NOAA, USFWS, and the State of Hawaii.*

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.

*The vessel is an at sea research platform to transport scientists and scientific gear to locations throughout the Monument. Without this safe mode of transportation, research and conservation and management activities would be significantly limited or would not occur at all. The ship's mission also supports and fosters critical partnerships between multiple government agencies, both state and federal. Without NOAA's support, USFWS and the Hawaii DLNR would have to locate other sources of logistical support for their research camps.*

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

*The NOAA Ship Oscar Elton Sette supports scientific research that helps assess and characterize the fauna of the NWHI. Some of these species are critically endangered and the NOAA Ship Oscar Elton Sette is essential in the effort to attempt to restore populations of these animals.*

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

*Federal funding for protected resources within the Agency is limited. The allocation of project time has been minimized to sustain critical operations only. For example, work within the Monument to support Monk Seal Research is one of the Agency's top priorities and is only supported at a level to sustain minimum operations which includes transit time between the islands, personnel transfers, and equipment movements. The ship's schedule is determined by OMAO's Fleet Allocation Plan. Days at Sea (DAS) for particular projects are determined by a*

*prioritization process. A combination of this process and the high demand for the ship to support other activities ensures that the ship spends no longer than needed completing projects in the PMNM.*

*The Oscar Elton Sette spends only the time allocated for the scientific mission as approved in the individual scientific permits granted and approved by the State Land Board and Monument Co-Trustees.*

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

*The officers and crew of the Oscar Elton Sette have operated in accordance with a conservation & management permit in Papahānaumokuākea Marine National Monument since early 2007. This permit is a renewal application.*

*The NOAA Ship Oscar Elton Sette has been conducting scientific operations in the area of the NWHI since being commissioned in 2003. NOAA Commanding Officers are authorized to operate NOAA Vessels in accordance the Fleet Allocation Plan. NOAA ships are public vessels and comply with regulations regarding personnel qualifications and operations.*

*The following attachment is included for review:  
Public Vessel Letter.*

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 federal government is self-insured. The Oscar Elton Sette is a public vessel of the United States of America operating in the monument to support activities approved by the monument co-trustees. The U.S. government is self-insured. Funding for Oscar Elton Sette originates from the federal budget of the United States of America, specifically the Department of Commerce and the National Oceanic and Atmospheric Administration.*

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.

*Annually the ship invites a member of the Monument staff to brief the crew on the historical and cultural significance of the Monument. Additional literature and briefing materials are available on the ship throughout the year. Each crewmember is required to read and sign the permit abiding by the conditions set forth within the document. The crew honors and respects the cultural, spiritual, and historical significance of Papahānaumokuākea.*

*The only activities the ship will be conducting in support of other permitted projects are those specifically stated in the approved scientific permits. In the past the ship has supported important biological work conducted by PIFSC personnel. Assessment of Hawaiian monk seal,*

*green sea turtle, cetacean, lobster, and fish populations are integral in establishing the health of these species, all of which are important to the marine environment in the PMNM. As these animals are protected in the PMNM, their populations can be studied and compared to those in the MHI, an environment in which overfishing and other anthropogenic factors have caused declines in populations.*

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

*Yes, the ship is equipped with a CLS America, Thrane and Thrane.  
VMS Email: captain.514518@thorium.clsamerica.com  
Inmarsat ID#: 514518*

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

*Ship's personnel will abide by the NOAA documents: "Marine Wildlife Viewing Guidelines", the "Disease and Introduction Species Prevention Protocol for Permitted Activities in the Marine Environment Papahānaumokuākea Marine National Monument". All crewmembers aboard the vessel are required to read and sign the Papahānaumokuākea Marine National Monument Conservation & Management permit and abide by all permit conditions.*

## **8. Procedures/Methods:**

*The ship will transit to the monument from Pearl Harbor, operate within the monument with various research operations, including small boat operations, diving, oceanographic data collection, and supporting authorized USF&WS and State of Hawaii land based operations. Crew activities will include small boat operations, SCUBA, snorkeling, and swimming as necessary for vessel maintenance, emergency operations, proficiency, or support of vessel and research activities. The primary operations will be small boat operations during day light hours for purposes of transporting scientists to and from islands within the Monument, conducting operations in support of marine debris removal, and other research activities.*

**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:  
N/A

Scientific name:  
N/A

# & size of specimens:

N/A

Collection location:

N/A

☐ Whole Organism ☐ Partial Organism

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

N/A

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

N/A

• General site/location for collections:

N/A

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

N/A

• Is there an outfall? ☐ Yes ☐ No

N/A

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

N/A

• Will organisms be released?

N/A

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

N/A

**11. Describe collaborative activities to share samples, reduce duplicative sampling, or duplicative research:**

N/A

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

*NOAA Ship Oscar Elton Sette carries three small boats at all times, these are:*

- a) 22' Fast Rescue Boat – Zodiac Hurricane with 315 hp diesel Steyer engine with jet drive.*
- b) 18' Achilles - inflatable boat with a single 50 hp Yamaha outboard engine*
- c) 17' Northwind – SAFEboat-typeboat with a single 90 hp Honda outboard engine*
- d) 17' Northwind – SAFEboat-type boat with a single 115 hp Yamaha outboard engine*

- e) SCUBA gear
- f) Conductivity, Temperature, Depth (CTD) Casts
- g) Towed Acoustic Array
- h) ES-60/EK-60 Echosounders
- i) Sustenance fishing will be with handlines from the vessel, and only within the Midway SMA as per Monument Management Board Policy.

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

*Ship carries diesel fuel #2 for propulsion. The ship carries Hazardous Materials for use only aboard the vessel. See attached list #2*

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

N/A

**15. Provide a time line for sample analysis, data analysis, write-up and publication of information:**

N/A

**16. List all Applicant's publications directly related to the proposed project:**

N/A

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

29 SEP 2019  
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):** Officer and Crew of NOAA Ship Oscar Elton Sette.

1. Commanding Officer: CDR Tony Perry III
2. Executive Officer: LCDR Joseph Carrier III
3. Operations Officer: LT Jared Halonen
4. Fourth Officer: TBD
5. Navigation Officer: ENS Nathaniel Park
6. Junior Officer: TBD
7. Junior Officer: TBD
8. Medical Officer: CDR Hung Tran
9. Chief Marine Engineer: TBD
10. 1<sup>st</sup> Assistant Engineer: Verne Murakami
11. 3<sup>rd</sup> Assistant Engineer: Jeffrey Baluyot
12. Junior Unlicensed Engineer: Jason Dlugos
13. General Vessel Assistant: TBD
14. Chief Boatswain: Chris Kaanaana
15. Lead Fisherman: John Mills Dunlap
16. Skilled Fisherman: Raymond Storms
17. Seaman Surveyor: Michael Murphy
18. Skilled Fisherman: William Tejada
19. Fisherman: TBD
20. General Vessel Assistant: TBD
21. Chief Steward: TBD
22. Second Cook: TBD
23. Second Cook: TBD
24. Survey Technician: Steven Eykelhoff
25. Electronics Technician: Andrew Ellis

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

Nihoa Island, Necker Island, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan Island, Lisianski Island, Pearl and Hermes Atoll, Midway Atoll, Kure Atoll.

**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):** All funding is secured on an annual basis through the United States Federal Government. No attachments are included.

**5. Time frame:**

TBD. Request Permit from January 1, 2020 to December 31, 2020

As currently schedule, most likely to be in the monument:

Activity start: 18 JAN 2012  
Activity completion: 12 FEB 2020

Activity start: 09 ARP 2020  
Activity completion: 05 MAY 2020

Activity start: 09 AUG 2020  
Activity completion: 04 SEP 2020

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

Tropical storm activity or hazardous weather may delay departure and alter dates of operation inside the monument. Updates will be forwarded as soon as possible.

Personnel schedule in the Monument: Please see section 1. A list of new permanent crew and augmenting personnel that fill vacancies can be provided on a cruise by cruise basis.

**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:**

Federal Government is self-insured.

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

- ☒ Vessel  
☐ Aircraft

Provide Vessel and Aircraft information: NOAA Ship Oscar Elton Sette

**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: Last inspection 12AUG2019 (Expected to renew Jan2020)  
☒ Tender vessel, Date: Last inspection 03JUL2019 (Expected to renew Jan2020)  
☒ Ballast water, Date: Freshwater Ballast  
☒ Gear/equipment, Date: Last inspection 03JUL2019 (Expected to renew Jan2020)  
☒ Hull inspection, Date: Last inspection 03JUL2019 (Expected to renew Jan2020)

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

Vessel name: Oscar Elton Sette

Vessel owner: National Oceanic and Atmospheric Administration

Captain's name: CDR Tony Perry III

IMO#:8835097

Vessel ID#: CG014936

Flag: USA

Vessel type: Motor Vessel

Call sign: WTEE

Embarkation port: Pearl Harbor, HI

Last port vessel will have been at prior to this embarkation: Pearl Harbor, HI

Length: 68.3 m

Gross tonnage: 2016

Total ballast water capacity volume (m3): 511

Total number of ballast water tanks on ship: 10

Total fuel capacity (m3): 617

Total number of fuel tanks on ship: 14

Marine Sanitation Device: Omnipure MSD Type: II

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:

Discharges incidental to vessel use such as deck wash, approved sanitation device effluent, cooling water, and engine exhaust will be discharged from the vessel during operations within the Monument. Approved sanitation device effluent will only be discharged outside all Special Preservation Areas, Ecological Reserves, and the Special Management Area. Galley waste will only be discharged within the Monument at a distance set forth by issued permit outside Special Preservation Areas, Ecological Reserves, and the Special Management Area.

Other fuel/hazardous materials to be carried on board and amounts:  
gasoline, hydraulic oil, lubrication oil, formalin, and 95% ethanol. Amounts will be determined by individual project requirements.

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: 436900545@c.xantic.net  
Inmarsat ID#:436900545

\* 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:

22'; Fast Rescue Boat – Zodiac Hurricane with 315 hp diesel Steyer engine with jet drive

18'; Achilles - RHIB with 50 hp Yamaha outboard

17'; Northwind - SAFEboat type vessel with 115 hp Yamaha outboard

17' Northwind – SAFEboat-type boat with a single 90 hp Honda outboard engine

Scuba Gear

Conductivity, Temperature, Depth (CTD) Casts

Towed Acoustic Array

ES-60/EK-60 Echosounders

Additional launches may be carried on a project-by-project basis.

**Additional Information for Land Based Operations**

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

**12. Room and board requirements on island:** N/A

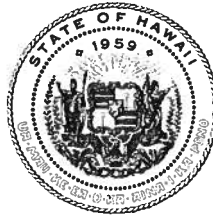
**13. Work space needs:** N/A

**DID YOU INCLUDE THESE?**

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



DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**  
POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

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

ROBERT MASUDA  
FIRST DEPUTY

JEFFREY T. 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  
KAIHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

January 10, 2020

TO: Papahānaumokuākea Marine National Monument File

THROUGH: Suzanne 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 CONSERVATION AND MANAGEMENT  
PERMIT TO COMMANDING OFFICER TONY PERRY III OCEANIC AND ATMOSPHERIC  
ADMINISTRATION (NOAA) SHIP OSCAR ELTON SETTE, FOR ACCESS TO STATE WATERS TO  
CONDUCT CONSERVATION AND MANAGEMENT ACTIVITIES UNDER PERMIT PMNM-2020-004

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 Conservation and Management Permit to Commanding Officer Tony Perry III, National Oceanic and Atmospheric Administration (NOAA) Ship OSCAR ELTON SETTE, for Access to State Waters to Conduct Conservation and Management Activities

Permit Number: PMNM-2020-004

Project Description:

The conservation and management permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters between January 10, 2020 and December 31, 2020.

The primary purpose of the project is to provide vessel support for separately permitted activities aboard NOAA Ship OSCAR ELTON SETTE (SETTE). Up to twenty-eight (28) crew members aboard the SETTE would be authorized to enter the Monument to support separately permitted activities throughout the marine areas of the Monument, from January 10 – December 31, 2020. As the Commanding Officer of the SETTE, the Applicant would oversee all activities including

operating small boats, SCUBA diving, anchoring on sandy substrate, opportunistically collecting free-floating marine-debris, discharging (outside the NWHI State Marine Refuge), and sustenance fishing (within Midway Atoll Special Management Area only). Swimming, snorkeling and SCUBA are not permissible except as necessary for vessel maintenance, emergency operations, and non-recreational support of vessel activities.

The activity would benefit the Monument as the SETTE would provide logistical services for a wide range of activities. Separately permitted activities may include research, conservation and management, education, special ocean use and Native Hawaiian practices. Without ship support these activities would be severely limited or cease completely. The activity would help to support the Monument Management Plan (MMP), Priority Management Need 3.6: Achieving Effective Monument Operations (PMNM MMP Vol. I, p. 293, 2008), by providing an integral role in assuring research and other separately permitted activities are properly supported in the field.

All methods and procedures would be performed with the safety and welfare of personnel, the protection of Monument resources, and the accomplishment of mission objectives as top priorities. The SETTE would have all required inspections (hull fouling, gear, tender vessel, ballast water, and rat) completed before departure to the Monument. The SETTE also has a type-approved Vessel Monitoring System (VMS) on board, which meets Monument requirements, and would abide by Monument entry and exit notification requirements.

The support provided by the SETTE would not diminish Monument resources, qualities, or ecological integrity and is fully compatible with the purposes of the Proclamation including preserving and furthering understanding of Monument resources and qualities. The SETTE plays an integral role in assuring that research and conservation and management activities, which are critical management elements for the Monument, are properly supported in the field.

The activities proposed by the Applicant directly support the Monument Management Plan's priority management need 3.6 – Achieving Effective Monument Operations through action plan 3.6.3 - Coordinated Field Operations. As the SETTE would serve as a platform for a variety of other permitted activities, this permit would also support priority management needs 3.1 – Understanding and Interpreting the NWHI; 3.2 – Conserving Wildlife and Habitats; and 3.3 – Reducing Threats to Monument Resources. 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 field operations rely on ships, and that providing transportation support has a beneficial effect on threatened and endangered species, marine mammals, and other Monument resources. (PMNM MMP Vol 2, p.26, 185, and 187).

#### 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, and the Office of Hawaiian Affairs

(OHA). In addition, the permit application has been posted on the Monument Web site giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Exemption Determination:

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

1. All activities associated with this permit, including ship operations, 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. Since this permit involves an activity that represents a commitment to a larger project, i.e. conducting research and management activities, the categorical exemption determination here will treat all planned activities as a single action, to the extent possible.

2. The Exemption Class for Scientific Research 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 #15 as described under the DLNR Exemption List published on June 5, 2015. This exemption class has been interpreted to include, "Game and non-game wildlife surveys, vegetation and rare plant surveys, aquatic life surveys, inventory studies, new transect lines, photographing, recording, sampling, collection, culture, and captive propagation" such as those to be supported by the proposed activities. It has also been interpreted to include various modes of transportation to reach field areas necessary to carry out such surveys. As discussed below, no significant disturbance to any environmental resource is anticipated in the sampling of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

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

Similar activities of this type, to conduct routine support ship operations, have been permitted and undertaken in the past. The NOAA Ships HI'IALAKAI and OSCAR ELTON SETTE have both been permitted to work in the NWHI each year since 2006. In addition, the NOAA Ship McArthur II and Okeanos Explorer were also permitted. It is reasonable to expect future permit requests for similar support work. No deleterious impacts resulted from similar previous activities. 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 would 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, nor did it raise any cultural concerns, that would occur as a result of these activities.

The activities of the NOAA Ship SETTE would provide support for proposed research cruises. NOAA Ship SETTE does not have set cruise dates for 2016. All research activities onboard these cruises would be applied for and permitted separately. It is anticipated that activities on these cruises would occur throughout the Monument. At this time, no other concurrent activities are known. However, as in the past, the culmination of this permit, along with those which may be supported by it, occurring throughout the Monument over a several month-long period, is not anticipated to have significant cumulative impacts.

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.