

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawai'i 96813

June 26, 2020

Chairperson and Members
Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Land Board Members:

SUBJECT: REQUEST FOR DELEGATION OF AUTHORITY TO THE CHAIRPERSON TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION TO CONDUCT A MARINE DEBRIS CRUISE IN THE PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT.

SUMMARY

This submittal requests approval to enter into a written Memorandum of Agreement (MOA) to conduct a marine debris cruise, between the State of Hawai'i Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) and the U.S. Department of Commerce National Oceanic and Atmospheric Administration (NOAA) Restoration Center (NOAA/RC).

The purpose of the Memorandum of Agreement (MOA) is to formalize the relationship, identify the roles and responsibilities of the Parties, and to improve collaboration in the conduct of the Fall 2020 Marine Debris Cruise. This will foster effective co-management of the PMNM through the sharing of resources, staff and expertise, which will benefit the collective missions of NOAA and the State of Hawai'i.

LOCATION:

Papahānaumokuākea Marine National Monument, northwestern Hawaiian Islands (NWHI).

BACKGROUND

Pursuant to this agreement, the Parties will partner to remove marine debris from the shorelines of the PMNM in support of their shared management responsibilities of this protected resource. PMNM and the Hawaiian Islands National Wildlife Refuge provide important habitat to Hawai'i's wildlife. This portion of the Hawaiian Archipelago is home to the primary breeding subpopulations of the endangered Hawaiian monk seal. It also serves as the nesting grounds to over 90% of Hawai'i's green sea turtles, and millions of seabirds - including several protected species. The Parties agree to use funding provided by the Restoration Plan developed to address the impact of the grounding of the *M/V Casitas* at Pearl and Hermes Atoll in 2005.

Since 1996, NOAA/PIFSC has been conducting large scale removal of derelict fishing gear and plastics from the reefs and shorelines of PMNM in order to mitigate the entanglement and ingestion threats to protected wildlife and damage to coral reefs. The 2008 PMNM management plan provided specific guidance on reducing threats to PMNM resources, such as marine debris mitigation, stating in Section 3.3.1: Marine Debris Action Plan that priority activities included “Continue working with partners to remove marine debris in the Monument and reduce additional debris entering the Monument” (Section 3.3.1, Activity MD-1.1), and to “Work with partners on marine debris studies” (Activity MD-2.1). With support from partners, NOAA/ PIFSC has provided these valuable management actions on a near-annual basis in the NWHI since 1996, prior to the establishment of PMNM, and has developed a unique operational capacity and skill set to conduct these operations. As costs rise, exploring creative and collaborative ways to share resources, costs, personnel and ship time research in the PMNM is increasingly important in order to maintain a sufficient level of mitigation of the marine debris threat and marine debris.

The latest activities from the PMNM management plan were approved by the BLNR in November 8th, 2019 (item F-1). The F-1 Submittal approved the issuance of a Co-Manager’s permit to the various cooperating agencies to conduct operations, including marine debris removal.

This project is necessary and essential to further the mission of both NOAA and the State of Hawai‘i in the co-management of the PMNM. This work addresses primary goals of the PMNM management plan, providing for cooperative conservation to achieve effective Monument operations. Further, this work directly supports key actions outlined in the Recovery Plan for the Hawaiian Monk Seal including preventing entanglements of monk seals.

NOAA has determined that this project cannot be conducted at all or undertaken as effectively without the participation of the DOFAW. Both agencies share co-management responsibilities of PMNM, and leveraging the collective assets of both agencies will be essential to ensure expanded management capabilities and improve mitigation of threats facing monk seals and other wildlife in PMNM. Resource limitations affect the number of trips (ship time, costs) to transport necessary staff and gear to this remote location for extended camps and marine debris removal efforts. These activities would be cost-prohibitive if they were solely reliant on NOAA or State of Hawai‘i resources. The DOFAW staff swap at the Kure Atoll field station field season and marine debris removal effort at the 6 islands / atolls would not be possible without the partnership of NOAA and sharing of resources, including staff, field supplies, and transport. Further, the extension of marine debris collection within PMNM would not be possible without shared ship resources with the State of Hawai‘i. Partnership with DOFAW to share cruises and financial resources is essential to a successful Kure Atoll field season and marine debris removal effort.

COVID-19 RESTRICTIONS

The MOA shall require all parties involved to follow all applicable Federal, State, and County laws with respect to the COVID-19 emergency response that apply at the time of departure and return. The State of Hawaii is not otherwise monitoring or regulating the respective parties’ compliance with COVID-19 laws and is not responsible for the health and safety of crew members or other occupants of the vessel associated with this MOA.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT

A Final Environmental Assessment covering certain subject activities was published in the OEQC's The Environmental Notice on December 23, 2008 recommending a finding of no significant impact (FONSI) with regard to the proposed management plan for the PMNM. Separately, the Federal Co-Trustee applicants assure DLNR that the proposed activities are in current federal compliance with the National Environmental Policy Act per the concurrent (Federal and State) environmental review processes completed on December 23, 2008.

An EA was prepared in 2011 for NOAA, U.S. Fish and Wildlife Service, and DLNR for the Final Damage Assessment and Restoration Plan following the 2005 grounding of the *M/V Casitas* in the NWHI. Assessment of marine debris removal actions were also completed as part of the restoration plan. The document was available here as of the writing of this submittal:

[https://darrp.noaa.gov/sites/default/files/case-documents/Final Damage Assessment and Restoration Plan and Environmental Assessment for the MV CASITAS grounding.pdf](https://darrp.noaa.gov/sites/default/files/case-documents/Final%20Damage%20Assessment%20and%20Restoration%20Plan%20and%20Environmental%20Assessment%20for%20the%20MV%20CASITAS%20grounding.pdf)

RECOMMENDATIONS

That the Board:

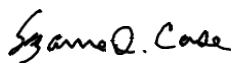
- 1) Authorize the Chairperson to enter into and sign the Memorandum of Agreement on behalf of DOFAW, providing that the Attorney General review and approve the contents of the Memorandum of Agreement to ensure compliance with all state legal requirements and in the best interests of the State.

Respectfully submitted,



David G. Smith, Administrator
Division of Forestry and Wildlife

APPROVED FOR SUBMITTAL:



Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Attachments:

- Exhibit A: Draft MOA between DOFAW and NOAA
Exhibit B: Approved BLNR Submittal, Nov. 9th, 2019, Item F-1

**MEMORANDUM OF AGREEMENT
ESTABLISHING A JOINT PROJECT**

BETWEEN THE

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
RESTORATION CENTER,**

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
PAPAHANAUMOKUAKEA MARINE NATIONAL MONUMENT PROGRAM,**

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
PACIFIC ISLANDS FISHERIES SCIENCE CENTER,**

and

**STATE OF HAWAII,
DEPARTMENT OF LAND AND NATURAL RESOURCES,
DIVISION OF FORESTRY AND WILDLIFE**

concerning

MARINE DEBRIS REMOVAL CRUISE, FALL 2020

This document constitutes an agreement (Agreement) between the National Oceanic and Atmospheric Administration Restoration Center (NOAA/RC), NOAA Papahānaumokuākea Marine National Monument (NOAA/PMNM), NOAA Pacific Islands Fisheries Science Center (NOAA/PIFSC), and State of Hawaii Department of Land and Natural Resources, Division of Forestry and Wildlife (DOFAW) (individually referred to as a Party, collectively as Parties) for conducting a marine debris removal cruise (Cruise) in the Papahānaumokuākea Marine National Monument (PMNM) in the fall of 2020. This Agreement outlines the responsibilities of each party in carrying out the Cruise.

I. PARTIES

For the purposes of this Agreement, points of contact for the Parties are as follows:

A. NOAA/RC

Matthew Parry, Ph.D.
Fishery Biologist
NOAA/ Restoration Center
matthew.parry@noaa.gov
(office): 808-725-5092

(cell): 808-349-8618

- B. NOAA/PMNM
Eric Roberts
Deputy Superintendent
Papahānaumokuākea Marine National Monument
NOAA/NOS/ONMS/PMNM
Eric.roberts@noaa.gov
(Office); (808) 725-5807
(Cell): 808-294-7470
- C. NOAA/PIFSC
Jennifer Samson, Ph.D
Supervisory Research Ecologist
NOAA / PIFSC / Ecosystem Sciences Division
jennifer.samson@noaa.gov
(Office): 808-725-5469
(Cell): 808-852-8404
- D. DOFAW
David G. Smith
Administrator,
Hawaii Division of Forestry and Wildlife
Office: (808) 587-4181
Cell: (808) 225-6614

II. AUTHORITY

NOAA/RC enters in enter into this Agreement pursuant to the authority provided to Natural Resource Trustees by the Oil Pollution Act (OPA, 33 U.S.C. §§ 2701, et seq.); the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et seq.); and, the OPA Natural Resource Damage Assessment Regulations (15 C.F.R. Part 990). NOAA/RC is party to a settlement of natural resource damages claims in the case of U.S. v. F/V North Wind, Inc., Civil No. CV 06-00272DAE, which provided NOAA/RC and its co-Trustees U.S. Fish and Wildlife Service and the State of Hawaii with \$2,857,626.48 to restore natural resources (primarily coral) injured by the grounding of the *R/V Casitas* in the PMNM. The Trustees subsequently published the *Final Damage Assessment and Restoration Plan and Environmental Assessment for the July 2, 2005, M/V Casitas Grounding at Pearl and Hermes Atoll, Northwest Hawaiian Island, Hawaiian Islands National Wildlife Refuge, Papahānaumokuākea Marine National Monument*, which identified marine debris removal as the Trustees' preferred method of coral restoration.

NOAA/PIFSC has authority to participate in the joint Marine Debris Removal Cruise in the Papahānaumokuākea Marine National Monument (PMNM) with NOAA/RC, NOAA/PMNM and DOFAW under:

A) 15 U.S.C. § 1525, the Department's Joint Project Authority, which provides that the Department may enter into joint projects with nonprofit, research, or public organizations on matters of mutual interest, the cost of which is equitably apportioned;

B) 16 U.S.C. § 1531, the Endangered Species Act (ESA), which authorizes NMFS to provide a program for conservation of threatened and endangered species;

C) 16 U.S.C. §§ 668dd-ee, the National Wildlife Refuge System Administration Act of 1966, as amended authorizes the USFWS to administer the conservation of fish, wildlife, plants and their habitats in areas designated as National Wildlife Refuge Systems;

D) 16 U.S.C. § 661, the Fish and Wildlife Coordination Act (FWCA) as amended, which authorizes NMFS to enter into cooperative programs with other Federal agencies to coordinate wildlife conservation and rehabilitation. FWCA further authorizes NMFS to make surveys and investigations of the wildlife public domain, including lands and waters or interest therein acquired or controlled by any agency of the United States;

NMFS-PIC-18-003

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E) 16 U.S.C. § 1431, the National Marine Sanctuaries Act, as amended, authorizes comprehensive and coordinated conservation and management of national marine sanctuary areas and developing and implementing coordinated plans for the protection and management of these areas with appropriate Federal agencies.

F) 16 U.S.C. § 1361, the Marine Mammal Protection Act authorizes NMFS to stop the artificial depletion of marine mammals by human activity so that the optimum number of animals for each marine mammal population stock and species can be achieved.

G) 33 U.S.C. § 1951-1958, Marine Debris Research, Prevention, and Reduction Act established, within the National Oceanic and Atmospheric Administration, a Marine Debris Prevention and Removal Program to reduce and prevent the occurrence and adverse impacts of marine debris on the marine environment and navigation safety.

The Papahānaumokuākea Marine National Monument enters into this Agreement pursuant to the authority provided to it under: Presidential Proclamation 8031 establishing the Northwestern Hawaiian Islands Marine National Monument under the authority of the Antiquities Act of 1906 (16 U.S.C. 431), and the joint implementing regulations for the Monument, which were promulgated on August 29, 2006 (71 FR 51134, 50 CFR Part 404), as well as shared general responsibilities listed previously for NOAA.

State of Hawaii Division of Forestry and Wildlife enters into this Agreement pursuant to the authority provided to it under: Presidential Proclamation 8031 establishing the Northwestern Hawaiian Islands Marine National Monument under the authority of the Antiquities Act of 1906 (16 U.S.C. 431), and the joint implementing regulations for the Monument, which were promulgated on August 29, 2006 (71 FR 51134, 50 CFR Part 404), as well as shared general responsibilities of co-management and management of State Lands.

III. PURPOSE AND SCOPE

The purpose of this Memorandum of Agreement (MOA) is to formalize the relationship, identify the roles and responsibilities of the Parties, and to improve collaboration in the conduct of the Fall 2020 Marine Debris Cruise. This will foster effective co-management of the PMNM through the sharing of resources, staff and expertise, which will benefit the collective missions of NOAA and the State of Hawaii.

Pursuant to this agreement, the Parties will partner to remove Marine Debris from the shorelines of the PMNM in support of their shared management responsibilities of this protected resource. PMNM and the Hawaiian Islands National Wildlife Refuge provide important habitat to Hawaii's wildlife. This portion of the Hawaiian Archipelago is home to the primary breeding subpopulations of the endangered Hawaiian monk seal. It also serves as the nesting grounds to over 90% of Hawaii's green sea turtles, and millions of seabirds - including several protected species.

Since 1996 NOAA/PIFSC has been conducting large scale removal of derelict fishing gear and plastics from the reefs and shorelines of PMNM in order to mitigate the entanglement and ingestion threats to protected wildlife and damage to coral reefs. The 2008 PMNM management plan provided specific guidance on marine debris mitigation, stating in Section 3.3.1: Marine Debris Action Plan that priority activities included “Continue working with partners to remove marine debris in the Monument and reduce additional debris entering the monument” (Section 3.3.1, Activity MD-1.1), and to “Work with partners on marine debris studies” (Activity MD-2.1). With support from partners, PIFSC has provided these valuable management actions on a near-annual basis in the NWHI since 1996, prior to the establishment of PMNM, and has developed a unique operational capacity and skill set to conduct these operations. As costs rise, exploring creative and collaborative ways to share resources, costs, personnel and ship time in order to maintain a sufficient level of marine debris threat mitigation and research in the PMNM is increasingly important.

This project is necessary and essential to further the mission of both NOAA and the State of Hawaii in the co-management of the PMNM. This work addresses primary goals of the PMNM management plan, providing for cooperative conservation to achieve effective Monument operations. Further, this work directly supports key actions outlined in the Recovery Plan for the Hawaiian Monk Seal including preventing entanglements of monk seals.

NOAA has determined that this project cannot be conducted at all or undertaken as effectively without the participation of the DOFAW. Both agencies share co-management responsibilities of PMNM, and leveraging the collective assets of both agencies will be essential to ensure expanded management capabilities and improve mitigation of threats facing monk seals and other wildlife in PMNM. Resource limitations affect the number of trips (ship time, costs) to transport necessary staff and gear to this remote location for extended camps and marine debris removal efforts. These activities would be cost-prohibitive if they were solely reliant on NOAA or State of Hawaii resources. The HDWF staff swap at the Kure Atoll field station field season and marine debris removal effort at the 6 islands / atolls would not be possible without the partnership of NOAA and sharing of resources, including staff, field supplies, and transport. Further, the extension of marine debris collection within PMNM would not be possible without shared ship resources with the State of Hawaii. Partnership with DOFAW to share cruises and financial resources is essential to a successful Kure Atoll field season and marine debris removal effort.

By executing this Agreement, Parties agree to undertake the tasks described below in the discussion of group and individual Party responsibilities.

IV. EXHIBITS

The following exhibits are incorporated by reference into this Agreement:

Exhibit A Final Damage Assessment and Restoration Plan and Environmental Assessment for the July 2, 2005, M/V Casitas Grounding at Pearl and Hermes Atoll, Northwest Hawaiian Island, Hawaiian Islands National Wildlife Refuge, Papahānaumokuākea Marine National Monument (Final DARP/EA)

Exhibit B

V. PROJECT DESCRIPTION AND RESPONSIBILITIES

A. Project Description

1. Parties agree to conduct a marine debris removal cruise in the PMNM with a goal of removing entanglement hazards and other marine debris that pose risks to wildlife and habitat from French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Atoll, Midway Atoll, and Kure Atoll. Parties agree that the goal is to remove 2 metric tons of marine debris per operational day, and a total amount of 24 metric tons (52,800 lb) of marine debris from the PMNM on the Cruise.
2. The Cruise will be conducted September 15 – October 8, 2020 (tentative).
3. The Cruise will take place over a minimum of 25 days at sea with a target of 14 operational days, 19 transit days, and 1 loading day.

B. Responsibilities of DOFAW

1. DOFAW will be the lead agency in organizing and implementing the Cruise.
2. DOFAW will write and execute a large vessel contract to support the Cruise using the combination of internal State Capital Improvement (CIP) funds and *M/V Casitas* settlement funds provided by NOAA/RC. DOFAW will consult with the other Parties to ensure that the contracted vessel is sufficient to carry out the purposes of the Cruise laid out in this Agreement.
3. DOFAW will provide five qualified staff to assist with shoreline marine debris removal within the PMNM.
4. DOFAW will provide to NOAA/RC an invoice or other equivalent documentation relating to the large vessel contract described above in section V.B.2, including documentation of any expenditure of funds received from NOAA/RC for the purpose of that contract. This is intended to document the use of *M/V Casitas* settlement

funds, the use of which is governed by a court-approved consent decree.

5. DOFAW shall, as necessary, secure all permits, authorizations, etc., related to implementation of the Cruise and provide any such documentation to the other Parties. DOFAW shall notify the other Parties of the expiration or termination of any permit or authorization related to implementation of the Cruise.

C. Responsibilities of NOAA/RC

1. NOAA/RC will provide \$417,000 in *M/V Casitas* settlement funds to DOFAW for the purpose of funding the large vessel contract identified above in section V.B.1.
2. NOAA/RC staff will provide technical expertise, oversight and planning of the cruise activities. NOAA/RC staff will not participate directly in the Cruise.

D. Responsibilities of NOAA/PMNM

1. NOAA/PMNM will provide 1 qualified staff during the Cruise to assist with marine debris removal.
2. NOAA/PMNM will provide assistance with loading and unloading of the large contract vessel in port in Honolulu.
3. NOAA PMNM will assist with permitted entry requirements, as needed. Vessel hull inspections will be required and conducted by NOAA PMNM staff.

E. Responsibilities of NOAA/PIFSC

1. NOAA/PIFSC will provide three staff during the Cruise to lead small boat operations (coxswains) and assist with marine debris removals (manually loading small boats and rigging loads to be craned out of small boats onto the ship).
2. NOAA/PIFSC will provide three small vessels (17-ft and 19-ft Zodiac inflatable boats outfitted with twin 30 horsepower outboard engines, specialized for marine debris removal operations) and appropriate small boat support gear (e.g., cradles, personal flotation devices and hardhats, fuel, small boat safety equipment, etc.) to operate those vessels.
3. NOAA/PIFSC will provide marine debris removal gear during the Cruise to facilitate safe marine debris removal operations (e.g. Personal Protective Equipment, cutting gear, debris containment – bulk bags, cargo nets, and

shipping containers, lifting gear, etc.).

4. NOAA/PIFSC will work with local partners and businesses in Hawaii to properly dispose of all collected marine debris.
5. NOAA/PIFSC will generate a post-cruise report documenting the effort, including tons of marine debris removed as well as person hours expended and appropriate cost documentation.

VI. TERMS AND CONDITIONS

- A. **LIMITATIONS** - Nothing in this Agreement shall be construed as obligating any of the Parties, their officers, agents or employees, to expend any funds in excess of appropriations authorized by law. The Parties' obligations shall be subject to funding and staffing limitations, but the Parties agree to make a good faith effort to implement this Agreement. However, these limitations shall not be construed to limit the remedies of the Parties set forth in Section VI.B of this Agreement.
- B. **REMEDIES FOR FAILURE TO PERFORM** - Should a Party or Parties determine that there has been a breach of the terms and conditions of this Agreement, they may require the breaching Party to take those actions necessary to cure the breach. If the breaching Party has received funds from another Party, the Party providing the funds may require the breaching Party to repay the funds provided under this Agreement. The breaching Party may, in lieu of repaying the funds, upon agreement of all the Parties, complete its obligations as laid out in this Agreement.
- C. **DISPUTE RESOLUTION** - Should a conflict arise between any of the Parties regarding implementation of the Cruise or this Agreement, the Parties will use good faith efforts to resolve the dispute in a manner consistent with the purposes of this Agreement. The Parties will first attempt to resolve any disputes at the staff level. If these efforts fail, the disputing parties will elevate the dispute to higher level agency officials. The remedies provided in this paragraph shall be the only remedies available in the event the Parties are unable to resolve a dispute under this Agreement.
- D. Any Party may contract or subcontract all or any portion of its obligations under this Agreement.
- E. Any Party shall be responsible for all acts and omissions of its contractors, subcontractors, and/or volunteers performing or furnishing any portion of the project under a direct or indirect contract, to the extent provided under applicable laws and regulations. Nothing in this Agreement shall create for the benefit of any such contractor, subcontractor, or volunteer any contractual relationship between any non-contracting Party and any such contractor, subcontractor, or volunteer, nor shall it create any obligation on the part of any non-contracting Party to pay or to see to the payment of any money due to any such contractor, subcontractor, or volunteer.

- F. Parties will make every attempt to fulfill agreed upon obligations, but in the event that one or more parties cannot participate, the cruise and debris effort will continue with staff available as long as operational requirements and safety conditions can be met.
- G. If a Party determines it is necessary to withdraw from this agreement, it may do so by providing the other parties with 30 days written notice. If DOFAW elects to withdraw or agrees to terminate this agreement as provided herein, DOFAW shall return to NOAA/RC any *M/V Casitas* settlement provided by NOAA/RC pursuant to section V.C.1 above.
- H. All data collected as a result of the Cruise is jointly owned by the Parties. All data and documents produced as result of the Cruise are subject to any applicable federal and state laws governing access to and availability of public records.
- I. Unless terminated earlier by agreement of the Parties, this Agreement will remain in effect until the completion of the Cruise and any follow-up obligations taking place after the Cruise that are identified above.
- J. The Parties will make every attempt to fulfill agreed-upon obligations, but in the event that one or more parties cannot participate, the cruise and debris effort will continue with staff available as long as operational requirements and safety conditions can all be met.
- K. This Agreement may be executed in one or more counterparts, all of which shall be considered an original.
- L. The undersigned each acknowledge that they have authority to execute this Agreement on behalf of the Party they represent. The undersigned representatives of the Parties execute this Agreement as of the date(s) below.
- M. The effective date of this Agreement is the date of the last signatory below.

Chris Doley
NOAA Restoration Center

Date

DRAFT

Eric Roberts
Deputy Superintendent
Papahānaumokuākea Marine National Monument

Date

DRAFT

David G. Smith
Administrator,
Hawaii Division of Forestry and Wildlife

Date

DRAFT

Jennifer Samson, Ph.D
Supervisory Research Ecologist

Date

DRAFT

Christopher Doley, Division Chief
Restoration Center
National Oceanic and Atmospheric Administration

Date

DRAFT

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

November 8, 2019

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 the Monument Co-Trustees: the U.S. Department of the Interior, U.S. Fish and Wildlife Service; U.S. Department of Commerce, National Oceanic and Atmospheric Administration; and the Office of Hawaiian Affairs for Access to State Waters to Conduct Conservation and Management Activities

and

Authorize General Conservation and Management Activities by the Department of Land and Natural Resources, Divisions of Aquatic Resources & Forestry and Wildlife

SUMMARY

The Papahānaumokuākea Marine National Monument (Monument) program hereby requests approval from the Board of Land and Natural Resources (BLNR) for issuance of a Monument conservation and management permit to the Monument Co-Trustees:

- the U.S. Department of the Interior, U.S. Fish and Wildlife Service;
- the U.S. Department of Commerce, National Oceanic and Atmospheric Administration, (NOAA); and
- the Office of Hawaiian Affairs (OHA)

for access and authorization to continue general conservation and management activities under State jurisdiction in the Monument. The State of Hawai'i, Department of Land and Natural Resources (DLNR), also seeks authorization to participate under the joint Co-Trustee Monument conservation and management permit to the extent any Co-Trustee agency seeks or grants logistical or other support from the State of Hawai'i for activities on Midway or other parts of the Monument not under the State's jurisdiction.

Separately, the State of Hawai'i, Divisions of Aquatic Resources & Forestry and Wildlife request authority and permission to conduct their own continuing conservation and management activities in Monument areas under state jurisdiction.

BACKGROUND

The Board of Land and Natural Resources, by its DLNR Divisions of Aquatic Resources & Forestry and Wildlife, permits certain otherwise prohibited or regulated activities on or in its

lands and waters, pursuant to Hawaii Revised Statutes (HRS) §§ 187A-6, 183D-6, and 195D-4; Hawaii Administrative Rules (HAR) §§ 13-60.5-5, 13-60.5-6, 13-126-9 and 13-126-10, and all other applicable laws and regulations.

The permit, as described below, would allow entry for general conservation and management activities to occur in the Papahānaumokuākea Marine National Monument (Monument), including the Northwestern Hawaiian Islands (NWHI) State Marine Refuge and the lands and waters (0-3 nautical miles) surrounding the following sites to the extent within the jurisdiction of the State of Hawai'i:

- Nihoa Island
- Mokumanamana Island
- French Frigate Shoals
- Gardner Pinnacles
- Maro Reef
- Laysan Island
- Lisianski Island
- Pearl and Hermes Atoll
- Kure Atoll

The activities covered under this permit would occur from January 1, 2020 through December 31, 2020.

The proposed activities are a renewal of conservation and management work previously permitted and conducted in the Monument. This permit request is substantively the same as prior BLNR-approved Co-Trustees' permits to conduct general conservation and management activities under the direction of Co-Trustee agencies and representatives. A list of authorized conservation and management activities to be approved under this permit is drawn from permitted activities conducted in years past.

PROPOSED OR INTENDED ACTIVITIES

The Co-Trustee applicants jointly propose to conduct coordinated management activities for the conservation and management of the Hawaiian Islands National Wildlife Refuge, Midway Atoll National Wildlife Refuge¹, Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Northwestern Hawaiian Islands State Marine Refuge, and Kure Atoll portions of the Hawai'i State Wildlife Sanctuary.

This submittal only addresses the facet of the joint permit for activities under State jurisdiction, but includes a request for approval for State (DLNR) personnel to conduct or assist in collaborative actions in other parts of the Monument with appropriate Co-Trustees, as specified, and activities in which a State agency may continue to conduct conservation and management activities consistent with this permit. The general conservation and management activities

¹ Although Midway is not a part of the State of Hawai'i, Midway is generally considered a central base of operations support, refueling station, or Monument port of call necessary to the Co-Trustees' conservation and management mission and actions.

described for approval, and the agencies which intend to conduct the activities, are indicated in **Attachment A**.

In the future, certain activities that were previously approved as specific Monument permits, if having a conservation or management purpose, may be included under this general conservation and management permit if deemed appropriate by the applicant and BLNR.

Permit applicant personnel are listed to promote accountability and responsibility in permitted activities and help to assess the impacts of human participation in the activities. DLNR staff and their agents, who are anticipated to conduct or assist in activities as indicated, are also as named. While some leeway for minor changes is expected in the specific personnel lists proposed for each activity, the personnel roster for all Co-Trustees is listed in **Attachment B**.

NOAA, U.S. Fish and Wildlife Service, and the Office of Hawaiian Affairs, along with DLNR, perform coordinated management of the Papahānaumokuākea Marine National Monument to ensure proper care, protection and preservation of historic, cultural, and scientific resources. Applicant representatives, for purposes of coordination and direction of Monument activities under this permit, include the Superintendent of the Monument for NOAA, Superintendent for the Monument for U.S. Fish and Wildlife Service, and the Papahānaumokuākea Program Manager for OHA, together with the State's Co-Manager to the Monument. The Co-Managers will collaborate and coordinate on activities that support the management of the Monument.

For purposes of permitting under the various jurisdictions exercised by the Co-Trustees, these permit applications are intended to cover all joint activities necessary to effectively co-manage Papahānaumokuākea Marine National Monument. Applicants describe the scope of activities in their applications for general management/conservation as follows:

1. General base and support operations to field activities, which includes field camp, vessel, and flight operations
2. General resource survey and monitoring, which includes evaluating status and trends of target species and habitats, which if not otherwise specified, to be conducted on a noninvasive and/or nonsacrificial basis
3. Natural resource protection, restoration, and remediation, which includes predator and invasive species control as specified, as well as marine debris removal and nuisance abatement
4. Cultural and historic resource identification, evaluation, monitoring, access and protection
5. Certain nondisturbance conservation-related educational activities and outreach
6. Emergency response and natural resource damage assessment support or assistance by Co-Trustee personnel and resources, as necessary to respond to emergency situations including threats to life, property, or the environment, or activities necessary for assistance for law enforcement purposes necessary for conservation and management

The activities requested fulfill duties under coordinated interagency management of the Monument ecosystems, prevent duplicate efforts, and promote efficiency. All of the above activities would be conducted by NOAA, U.S. Fish and Wildlife, and OHA employees, approved

contractors, volunteers, or other Federal employees who must remain under the direction and administrative control of the applicants while in state jurisdiction in the Monument.

REMARKS

In 2005, DLNR adopted rules creating the Northwestern Hawaiian Islands Marine Refuge, in Hawaii Administrative Rules (HAR) Chapter 13-60.5. A refuge permit under HAR § 13-60.5-6 (“Permits”), is subject to approval of appropriate activities stated in § 13-60.5-5 (“Permitted activities”) and relevant to the chapter’s purpose stated in § 13-60.5-1 (“Intent and purpose”), i.e.,

- to ensure the conservation of coral reef ecosystem resources in the marine refuge for present and future generations;
- to manage, preserve, protect, and conserve the unique refuge resources using the best available science and minimize risks of adverse effects to the region;
- by consistent resource management by restricting access to specific areas;
- support promote, and coordinate appropriate scientific research and assessment, with long-term monitoring of resources, including threats from human activities;
- allow Native Hawaiian cultural, subsistence, and religious practices consistent with applicable law and long-term conservation and protection;
- coordinate management and process permit review among DLNR, USFWS, NMFS, NOS, and other entities as appropriate to provide comprehensive conservation of the coral reef ecosystem and related resources including cleanup and prevention of marine debris, restoration or remediation of degraded or injured resources, enforcement and surveillance, management of potential tourism, recreation, and commercial activities;
- consistent with federal law where applicable.

Upon the establishment of the Monument in 2006, 50 C.F.R. 404 created six categories of Monument permits: research, educational, conservation & management, Native Hawaiian practices, special ocean use, and recreational. A conservation and management permit consistent with the objectives found in HAR chapter 13-60.5 is sought.

A revised 2017 Memorandum of Agreement (MOA) was signed by all parties, amending and superseding the prior 2006 MOA, including admitting the Office of Hawaiian Affairs as a Monument Co-Trustee. The MOA envisions developing a coordinated management plan for the Monument, and reiterates the 2006 (Monument) Proclamation and 2016 (Monument Expansion) Proclamation, by stating that nothing contained in the Proclamations shall be deemed to diminish or enlarge the jurisdiction of the State of Hawai‘i.

The joint Monument Management Plan (MMP) of 2008 anticipates a 15-year plan relating to management needs. The plan develops and implements a unified Monument permitting process and integrated permit². Under the plan, a Monument conservation and management permit includes

² All permitted activities are authorized under the issuance of a single Monument permit signed by designees of the three Co-Trustees. (MMP, p. 233)

activities associated with resource management, such as field station operations, benthic mapping, habitat characterization, marine debris removal, development and maintenance of infrastructure, species and habitat restoration, and long-term resource monitoring programs such as monitoring of endangered species and seabird populations, and terrestrial native plant communities ... [and] provide a mechanism to respond and follow up to urgent events in the Monument that may not have been anticipated, such as response to vessel groundings, coral bleaching episodes, and invasive species detection.
(MMP, p. 235)

Activities proposed by the applicants if appropriate for conservation and management and directly supportive of priority management needs referenced in the 2008 MMP Section 3.0, may include but are not limited to:

Understanding and interpreting resources in the NWHI

- protecting the ecological integrity of natural resources
- increasing our understanding and appreciation of cultural resources including Native Hawaiian history and cultural practices;
- identifying and protecting historic and maritime heritage resources;

Conserving wildlife and habitat in the Monument

- safeguarding and recovering protected plants and animals;
- conserving migratory bird populations and habitats;
- habitat management to restore native ecosystems and biological diversity;

Reducing Threats to Monument Resources

- reduce adverse effects of marine debris
- detect and control the introduction of alien species in the Monument

Managing Human Uses

Coordinating Conservation and Management Activities

- agencies to collaborate in coordinated management activities, including outreach, Native Hawaiian community involvement, and ocean ecosystems education; and

Achieving Effective Monument Operations.

(See <http://www.papahānaumokuākea.gov/permit/applicationrev.html> regarding the current 2017 Co-Trustee's permit application.)

The 2008 MMP Appendix A (Permitting) contains the joint permit general terms and conditions, including monthly and annual reporting requirements regarding activities on State lands or within State waters. Other requirements include maintaining a cruise log, debriefing Co-Trustees, and submitting copies of articles and publications, etc. See Appendix A, #22, p. A-36.

REVIEW PROCESS

The 2019 Co-Trustee permit application was sent out for review and comment to the following scientific and cultural entities (for review of activities in which the entities are not themselves an applicant): Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO); United States Fish and Wildlife Service, Hawaiian and Pacific Islands National Wildlife Refuge Complex Office; the Office of Hawaiian Affairs (OHA) and the PMNM Native Hawaiian Cultural Working Group.

This 2020 application for the time period indicated received comments as noted below.

Comments received from the scientific community are summarized as follows:

1. Include “operating autonomous marine platforms for monitoring and collecting data for conservation and management purposes” under activity #12 (page 10).

Noted.

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., HRS chapters 183C, 343; MMPA, ESA) Yes No
If so, please list or explain:

- Applicants consulted with DLNR’s Office of Conservation and Coastal Lands (OCCL) regarding any land use compliance with HRS chapter 183C (Conservation District)
- Environmental compliance with HRS chapter 343 and HAR chapter 11-200. The most recent Final Environmental Assessment covering certain subject activities was published in OEQC's The Environmental Notice on December 23, 2008 recommending a finding of no significant impact (FONSI). Separately, the Federal Co-Trustee applicants assure DLNR that the proposed activities are in current federal compliance with the National Environmental Policy Act per concurrent environmental review processes completed on December 23, 2008.
- Take of Endangered and Threatened Species; Federal Bird Banding Permit; Green Turtle Tagging Permit; Marine Mammal Permit; Depredation Permit; Migratory Bird Permit. For additional information and permit numbers see Question 3 of the attached Compliance Sheet as Exhibit A.

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

- The collective applicants were granted permits PMNM-2008-001, PMNM-2009-001, PMNM-2010-001, PMNM-2011-001, PMNM-2012-001, PMNM-2013-001, PMNM-2014-001, PMNM-2015-001, PMNM-2016-001, PMNM-2017-001, PMNM-2018-001, PMNM-2019-001 and PMNM-2020-001 in the past ten years for the purpose of managing the Monument.

Have there been any a) violations: Yes No
 b) late/incomplete post-activity reports: Yes No
 involving any of the applicant agencies or personnel?

Are there any other relevant concerns from previous permits? Yes No
 If yes, please explain.

STAFF OPINION

Department staff are of the opinion that the Co-Trustees' application for a conservation and management permit and covered personnel are justified under HAR chapter 13-60.5 criteria and should be allowed to enter state lands and waters in the Monument as indicated, and to conduct the activities as specified, subject to the Papahānaumokuākea Marine National Monument Conservation and Management Permit General Conditions, and the indicated special instructions, conditions, and protocols to be observed. Staff recommends that the BLNR approve the application as indicated below.

MONUMENT MANAGEMENT BOARD OPINION

The seven members of the Monument Management Board (MMB) were consulted and are of the opinion that the applicants have met permit procedures and criteria under the findings of Presidential Proclamation 8031, 71 Fed. Reg. 36,443 (2006) as required, and these general conservation and management activities may be conducted subject to completion of all compliance requirements recommended below. The MMB concurs with the special conditions recommended by DLNR staff.

RECOMMENDATIONS:

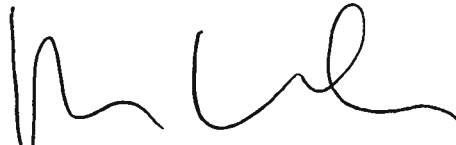
That the Board of Land and Natural Resources

A. Approve the proposed Co-Trustees' Conservation and Management Permit according to the form of the Application (**Attachment C**) and authorize and approve entry to State lands and waters of the Monument for Co-Trustees U.S. Fish and Wildlife Service; National Oceanic and Atmospheric Administration; and the Office of Hawaiian Affairs, for such conservation and management activities to be conducted as listed in Attachment A with the following additional conditions:

1. That the BLNR declare that the anticipated actions to be undertaken under this permit will have little or no significant effect on the environment except consistently with the activities covered in the 2008 Final Environmental Assessment (FEA) and FONSI. Any activities not covered in the FEA shall be addressed as further determination(s) of exemption from the preparation of an environmental assessment, with the authority delegated by the BLNR to the Chairperson to approve and sign such determinations only for purposes of this permit to be issued, and subject to recordkeeping requirements of HRS chapter 343, and HAR chapter 11-200.

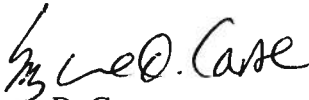
2. That the permittee provide, as required under the Monument permit general terms and conditions, a summary of their findings under this Monument access, including but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events. Any unexpected results and anomalous encounters should be included in a report or future permit applications to the BLNR to allow proper evaluation of conservation and management efforts in future permitting decisions.
 3. That all agencies and personnel covered under this Conservation and Management Permit shall abide by and obey all Monument permit general conditions and protocols, unless otherwise specifically permitted, exempted, or excluded under the terms and conditions.
- B. Authorize the DLNR Divisions of Aquatic Resources and Forestry and Wildlife to continue general conservation and management activities within the Monument, including assisting other Co-Trustees in general conservation and management activities throughout the Monument under the lead of Co-Trustee(s), as indicated on Attachment A.

Respectfully submitted,



Maria Carnevale
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne D. Case
Chairperson

Attachment A
LIST OF CONSERVATION AND MANAGEMENT ACTIVITIES
COVERED UNDER PRIOR CO-TRUSTEES' PERMITS TO BE INCLUDED

Abbreviations for purposes of this List:

BRAC = Base realignment and closure
C&M = Conservation and Management
ESA = Endangered Species Act
FUDES = Formerly used defense sites
FWS = U.S. Fish and Wildlife Service
GPS = global positioning system
IRT = Innovative readiness training
LIDAR = light detection and ranging
MASMA = Midway Atoll Special Management Area
MMB = Monument Management Board
Monument = Papahānaumokuākea Marine National Monument
NHPA = National Historic Preservation Act
NMFS = National Marine Fisheries Service
NOAA = National Oceanic and Atmospheric Administration
NWHI = Northwestern Hawaiian Islands
OHA = Office of Hawaiian Affairs
ROV = remotely operated vehicle
SCUBA = self-contained underwater breathing apparatus
SPA = special preservation areas³ as defined in 50 CFR § 404.3
STATE = State of Hawaii
UAV = unmanned aerial vehicles

Note the proposed activities listed in the final permit application have been rearranged and restated for brevity. The activities to be covered under this conservation and management permit have been previously approved in prior Co-Trustee permits under the following basic categories (in bold) as follows:

Development and Maintenance of Infrastructure

Field station operations

Field stations of National Wildlife Refuge System (FWS), Field station of SOH Kure Atoll State Wildlife Sanctuary (STATE, FWS)

Maintaining, repairing/replacing facilities by general construction: carpentry, electrical, plumbing, welding, painting (FWS, STATE)

Building and facility deconstruction and reconstruction (FWS, STATE)

Maintaining airport and airstrips

improvements re: runway lighting replacement, taxiway maintenance, repaving, painting/markings (FWS, STATE)

Lead-based paint soil remediation, including removing sand/soil from affected buildings, on-site containment of contaminated material (FWS, STATE)

³ Proclamation 8031 identifies a SPA as a discrete, biologically important area of the Monument. Uses are subject to additional conditions (e.g., avoid concentrations of uses resulting in population declines, user conflicts, and protect critical areas to sustain important marine species/habitats, or provide opportunities for scientific research.

Supporting and re-supplying field camps and stations, e.g., delivery/removal of supplies, personnel, waste, and/or operational assets (All MMB agencies)
Possession of fishing gear for sustenance fishing for pelagic species within MASMA in accordance with MMB policy (All MMB agencies)

Vessel operations

Operating authorized vessels for access to conduct C&M activities
Small boat operations, including vessel maintenance and proficiency (All MMB agencies)
Anchoring for access – sandy substrates only (All MMB agencies)
Discharges of gray water – outside SPA and MASMA (All MMB agencies)
Discharges of biodegradable solid waste – galley operations
discharges to 3 naut. miles (ground to 1 inch diameter) and
discharges to 12 naut. miles (unground) outside of
all SPA and MASMA (All MMB agencies)

Aircraft operations

Aircraft and airfield operations, incl. maintenance, use, runways at Midway Atoll, Tern Island, French Frigate Shoals (NOAA, FWS, STATE)

Onsite reviews and evaluation

Site visits, meetings, programmatic assessments by agency and other federal personnel (including Congressional personnel) (NOAA, FWS, STATE)
On-site management and safety reviews, to gauge effectiveness of Monument management and programs (NOAA, FWS, STATE)
Physical surveying & sampling of landfills, storage tanks, contamination sites, or other potentially hazardous materials associated with current or former occupation or use of the NWHI (NOAA, FWS, STATE)

Conducting health and safety assessment for personnel

Biking, swimming, jogging at Tern Island, French Frigate Shoals, and Midway Atoll (All MMB agencies)
Safety reviews, reviews of adverse weather and emergency response procedures, safety protocols, continuation of operation plans (All MMB agencies)

Resource Management Operations

General procedures and protocols
Use of snorkel, SCUBA (closed or open circuit) gear within any SPA of the MASMA, as necessary to support C&M activities (All MMB agencies)
Touching coral (live or dead), attracting any living Monument resources as necessary to support C&M activities (All MMB agencies)

Resource monitoring; Benthic mapping & Habitat characterization

Surveying and monitoring target species and habitats to evaluate trends and status for management purposes. Activities may include:
- Placing and maintaining scientific equipment or drilling into substrate to install

equipment, devices, markers, oceanographic instrument arrays, unmanned/ remotely operated or viewed camera systems on submerged or fast lands (NOAA, FWS, STATE)

- Collecting on-site climatological data (NOAA, FWS, STATE)
- Photographing/filming to document Monument resources, including federally-protected species (All MMB agencies)
- Non-lethal marking and tagging for monitoring purposes (All MMB agencies)
- Visual, non-invasive marking and tagging (All MMB agencies)
- Visual and acoustic line-transect surveys to estimate abundance and distribution of cetaceans in NWHI (NOAA, FWS, STATE)

Conducting habitat mapping for the production of accurate, high-resolution base maps with methods including:

- a. Data collection including optic, acoustic, and metal detector technologies for ground truthing, including land and dive operations, use of ROV; and
 - b. Mapping by GPS and LIDAR work.
- (All MMB agencies)

Removing, moving, taking, harvesting, possessing, injuring, disturbing biological, chemical, or geological samples for analysis for management plans, restoration or recovery plans, and base line inventory/monitoring of population trends and habitat conservation and management (All MMB agencies)

Removing, moving, taking, harvesting, or possessing a set number of any visually observable marine organism morphotype (except mammals) or terrestrial plant morphotype (including fungi) which cannot be visually identified or may represent a new species or geographic record, with the set number that may be taken, removed, or possessed based upon the cumulative abundance total of specimens present/observed during the course of the collection event per island or atoll according to this criteria:

- a. Only one (1) specimen - if no abundance assessment can be made, or less than ten (10) such specimens present, cumulative during the course of the collection event;
- b. Up to three (3) specimens - if abundance assessment of ten (10) or more such specimens is ascertained, cumulative during the course of the collection event; and
- c. For clonal organisms that cannot be visually identified or may represent a new geographic record or new species, take shall be limited to no more than half the clonal organism visually observed. Up to three (3) clonal specimens of similar morphology can be taken, removed, or possessed if an abundance assessment of ten (10) or more of such specimens is ascertained, cumulative during the course of the collection event.

(NOAA, FWS, STATE)

Natural Resource Protection, Restoration, and Remediation

Protection, restoration, remediation actions for species and habitat management,

including existing species recovery and restoration plans (except re: Hawaiian monk seals). Activities may include the following:

- a. Conducting wildlife disentanglement, health response (including treatment and necropsy), and translocation activities according to existing species recovery plans; (NOAA, FWS, STATE – requires consultation with appropriate lead agency for activities on or around endangered species)
- b. Conducting population augmentation or reestablishment activities such as capture, translocation, reintroduction, and outplanting; (All MMB agencies – but note: activities on or near endangered species will require consultation with the appropriate lead agency before taking action)
- c. Conducting invasive species controls by mechanical, chemical and manual methods as needed; (All MMB agencies – but note: activities on or near endangered species will require consultation with the appropriate lead agency before taking action) and
- d. Investigating and monitoring of contamination in abiotic or biotic resources. (NOAA, FWS, STATE – requires consultation with appropriate lead agency for activities on or around endangered species)

Marine debris removal

Removing marine debris, trash, and other materials (land and ocean-based) that pose threats to Monument resources, including but not limited to derelict fishing gear.

Activities may include:

- a. Disentangling wildlife from marine debris and other materials by authorized personnel. If involving endangered species, consultation required with appropriate lead agency (any activities on/around the Hawaiian monk seal requires a separate NMFS ESA permit).
- b. Tracking debris via drifter buoys and unmanned aerial vehicles;
- c. Monitoring of sites that have been cleared of debris for recovery rates and effects of removal;
- d. Locating and removing debris and hazardous materials. This may be through interagency agreements, such as the Department of Defense IRT, FUDS, or BRAC Programs. Efforts may include activities such as seafloor and island mapping, reconnaissance and removal of materials, and derelict vessel salvage and removal; and
- e. Removal of sessile encrusting flora and fauna associated with marine debris. (NOAA, STATE, FWS)

Urgent Response – including vessel groundings, coral bleaching episodes, invasive species detection

Providing emergency response and damage assessment, mitigation, restoration, and

monitoring post-response management. (All MMB agencies) Activities may include:

- a. Conducting damage assessment, mitigation, restoration, monitoring, and post-response management in coordination with appropriate federal and/or state resource agencies and, as appropriate, consistent with NOAA, FWS, and State of Hawaii Damage Assessment and Restoration regulations, policies, and procedures (e.g., oil spills, ship groundings, tsunami-generated marine debris, damage assessments, monitoring alien species, monitoring coral bleaching events, collection of bleached coral or alien species); (All MMB agencies) and
- b. Conducting activities in response to an unusual mortality event (including but not limited to threatened and endangered species, marine mammals, and migratory birds – with consultation with the appropriate lead agency), mass stranding, or other urgent species response. Activities on/around the Hawaiian monk seal are not included herein and require a separate PMNM and NMFS ESA permit. (NOAA, FWS, STATE – requires consultation with appropriate lead agency for activities on or around endangered species)

Cultural and Historical Resource Identification and Protection

Removing, moving, taking, harvesting, possessing, injuring, disturbing post-contact artifacts as needed, subject to NHPA consultation when applicable, for the purpose of identifying, documenting, interpreting, preserving, and protecting Monument cultural and historic resources. (All MMB agencies)

Monitoring and surveying historic sites. (All MMB agencies)

Conducting or allowing for the preservation and conservation of artifacts subject to successful NHPA Section 106 consultation and appropriate approvals from other Federal agencies (e.g., U.S. Navy), when applicable. (All MMB agencies)

Non-commercial filming and photographic activities for the purposes of further documenting and capturing the history of the NWHI. (All MMB agencies)

Locating historic artifacts using passive side scan sonar, metal-detector, or (land-based) ground penetrating radar. (All MMB agencies)

Returning seized Monument resources to their natural environment in coordination with federal and/or state resource agencies (including OHA), as appropriate. (All MMB agencies)

Recording atmospheric, celestial, biological and other environmental observations for the purpose of developing and understanding natural trends, changes and cycles. (All MMB agencies)

Conducting native Hawaiian cultural protocols and ceremonies including offering of culturally and biologically appropriate ho'okupu in accordance with Monument regulations and best management practices. (All MMB agencies)

Removing, moving, taking, harvesting, possessing, injuring, disturbing non-living culturally significant natural materials acquired during Monument operations and activities for cultural ceremonies and practices. (All MMB agencies)

Transferring culturally significant natural materials acquired during Monument operations and activities to Hawaiian cultural practitioners, in coordination with appropriate federal and state resource agencies/OHA, subject to transfer documents/required permits. (All MMB agencies)

Maintaining, preserving, and perpetuating Native Hawaiian cultural sites and practices per the NHPA, Native American Graves Protection and Repatriation Act, Archeological Resources Protection Act, American Indian Religious Freedom Act and applicable sections of the Hawaii State Constitution, Hawaii Revised Statutes and Hawaii Administrative Rules. (All MMB agencies)

Conducting activities necessary for maintaining and preservation historic sites on Midway Atoll. (All MMB agencies)

Outreach and Education Related to Conservation and Management

Gathering information and experiences from personnel within the Monument to develop agency web pages, Navigating Change projects, and other Monument educational outreach products. (All MMB agencies)

Removing, moving, taking, harvesting, possessing, injuring, disturbing non-living debris and biological samples and specimens such as albatross boluses and carcasses for educational and/or outreach projects. (All MMB agencies)

Transfers of educational and outreach materials (e.g., albatross boluses or other non-living debris or biological samples) shall be according to one of the following categories, subject to all applicable permits and Monument Management Board (MMB)-approved transfer documents:

- a. *Internal transfers.* Transfers among the MMB agencies provided such educational and/or outreach material shall remain within the custody of the MMB.
- b. *External transfers.* Transfers outside of the MMB agencies if authorized in writing, to government agencies and accredited educational institutions, for the purpose of cultivating, informing, or involving constituencies that support or enhance conservation of the natural, cultural, and historic resources of the Monument.
- c. *Loan Transfers.* Loans of biological samples or specimens, which must be returned to the MMB with a specified time frame and are subject to conditions stipulated in writing, to government agencies and accredited educational institutions for the purpose of supporting educational or outreach projects that enhance conservation of the natural, cultural, and historic resources of the Monument.

(All MMB agencies)

Conducting news media and VIP site visits to enhance public knowledge and understanding of Monument resources. (All MMB agencies)

Conducting environmental, cultural, and historical education programs throughout the Monument by designated agency staff and contractors. (All MMB agencies)

Attachment B

PERSONNEL COVERED UNDER
THE CO-TRUSTEES' CONSERVATION & MANAGEMENT PERMIT

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):

U.S. Fish and Wildlife Service (FWS)

- Supervisor of Pacific Islands Refuges and Monuments, TBN;
- Deputy of of Pacific Islands Refuges and Monuments , TBN;

Pacific Islands Refuges and Monuments Office staff to include:

- Superintendent of Pacific Remote Islands Marine National Monument, Kate Toniolo;
- Deputy Superintendent of Pacific Remote Islands Marine National Monument, Diesha Norwood;
- Supervisory Wildlife Biologist, Elizabeth Flint;
- Chief Administrative Officer, Donna Mohler;
- Business Team, Eloise Wong;
- Business Team, Danny Ramos;
- Buisness Team, Tina Marzen;
- Contaminants Specialist, LeeAnn Woodward;
- Marine Monument Lead Planner, Mike Marxen;
- Biological Science Technician, Susan Allie Hunter;
- Biological Science Technician, Elyse Sachs;
- Education and Outreach Specialist, TBN;
- Wildlife Biological Technician, Aisha Rickli-Rahman;
- Biological Science Technician, Margeayx Wayne;
- Inventory and Monitoring Program Lead, Amanda Pollock;
- Inventory and Monitoring Biologist, Rachel Rounds;
- Inventory and Monitoring Biologist, Bret Wolfe;
- Inventory and Monitoring Data Manager, Patrick Grady;
- Palmyra Manager, Stefan Kropidlowski;
- Biological Technician, Danielle Burnett;
- Marine Ecologist, Timothy Clark;
- Refuge Zone Officer, Charlie Quitugua;
- Invasive Species Coordinator, Jason Hanley;
- Emergency Manager, Laura Beauregard;
- Public Affairs Officer, Megan Nagel;
- Public Affairs Officer, Holly Richards;
- Public Affairs Officer, TBN;
- 3 Presidential Management Fellows, TBN;
- 4 KUPU interns, TBN and
- 4 Volunteers, TBN.

FWS PMNM HQ Staff to include:

- Superintendent of Papahānaumokuākea Marine National Monument, Jared Underwood;
- Deputy Superintendent of Papahānaumokuākea Marine National Monument, TBN;
- Wildlife Refuge Specialist, Amanda Boyd esq.;
- Biological Science Technician, Daniel Link;
- Budget Officer, Marnie Meuser;
- Administrative Officer, Maylanie Hipolito;
- Biological Science Technician, Cynthia Rehkemper;
- Wildlife Biologist, TBN;
- Ecologist, Kauaoa Fraiola;
- Refuge Manager, TBN;
- Visitor Services Manager, TBN;
- 4 Volunteers, TBN.

FWS Midway Atoll NWR to include:

Refuge Staff (15 total) includes

- Refuge Manager, Robert Peyton;
- Deputy Refuge Manager, Stephen Barclay;
- Wildlife Biologist, Kelly Goodale;
- Biological Science Technician, Joseph Latsha;
- Budget Officer, Angela Burwell;
- Biological Science Technician, TBN;
- Biological Science Technician, TBN;
- Maintenance Mechanic, TBN;
- 1 Park Ranger, TBN;
- 12 Volunteers or KUPU Interns, TBN

Midway Atoll Contractors (70 total) includes

- 45 DBSI contract support personnel for airport operations, logistics, facilities, medical, communications, and task orders; and
- 25 construction workers.

Midway Federal Aviation Administration Staff (6 total) including

- 2 Honolulu Air Traffic Organization, Dave Washino and Kevin Inouye;
- 2 Airports District Office, Honolulu, Ron V. Simpson and Tyson Price;
- 4 FAA staff, TBN.

FWS Hawaiian Islands NWR Staff to include:

French Frigate Shoals Staff (34 total) includes

- Wildlife Refuge Manager, TBN;
- Deputy Refuge Manager, TBN;
- 2 Biological Science Technicians, TBN;
- 10 Biological Science Volunteers, TBN; and
- 20 Maintenance Staff, Volunteers or Contractors, TBN.

Laysan Island Staff (10 total) includes

- 4 Biological Science Technicians, TBN; and
- 6 Biological Science Volunteers, TBN.

Nihoa Staff includes (4 total)

- 4 Biological Science Technicians or Volunteers, TBN.

Lisianski Staff includes

- 2 Biological Science Technicians or Volunteers, TBN.
- Pearl and Hermes Staff includes
- 2 Biological Science Technicians or Volunteers, TBN

FWS Ecological Services Staff to include:

- Field Supervisor, TBN;
- Deputy Field Supervisor, Gregory Koob;
- Deputy Field Supervisor, Katherine Mullett;
- Aquatics Ecosystem Conservation Program Manager, Dan Polhemus;
- Oahu/Kauai/Northwestern Hawaiian Islands Geographic Team Program Manager, Aaron Nadig;
- Fish and Wildlife Biologist, Nadiera Sukhraj-McCarthy;
- Fish and Wildlife Biologist, John Vetter;
- Fish and Wildlife Biologist, Tony Montgomery;
- Fish and Wildlife Biologist, Jiny Kim;
- Fish and Wildlife Biologist, Annie Marshall;
- Fish and Wildlife Biologist, Leila Nagatani;
- 2 Fish and Wildlife Biologists, TBN;
- Botanist, James Kwon;
- Coastal Program Coordinator, Sheldon Plentovich;
- Contaminants Specialist, Michael Fry.

National Oceanic and Atmospheric Administration (NOAA)

- National Ocean Service (NOS), Office of National Marine Sanctuaries (ONMS)

- Deputy Superintendent for Policy and Programs, TBN;
- Deputy Superintendent for Research and Field Operations, Randall Kosaki;
- Research Coordinator, TBN;
- Education and Technology Coordinator, Vincent Andy Collins;
- Administrative Officer, Paige Moani Pai;
- Strategic Initiatives Coordinator, TBN;
- Planning and Evaluation Coordinator, TBN;
- Planning and Evaluation Specialist, Alyssa Miller;
- Permits and Policy Coordinator, TBN;
- Policy and Permit Specialist, Justin Rivera;
- Constituent Outreach Specialist, TBN;
- Fiscal Administrator, TBN;
- Administrative Assistant, Lucy Kaneshiro;
- Research Specialist, TBN;
- GIS Specialist, TBN;
- Field Operations Coordinator, Jason Leonard;
- Information Technology Support Specialist, Alan Lum;
- Senior Information Technology Specialist, TBN;
- Mokupāpapa Discovery Center Manager, TBN;
- Monument Outreach and Volunteer Coordinator, Virginia Branco;
- Mokupāpapa Discovery Center Education Associate, Justin Umholtz;
- Mokupāpapa Discovery Center Events and Facilities Associate, Clayton Watkins;
- Mokupāpapa Discovery Center Aquarist, Michael Caban II-Akamai Stephens;

- O‘ahu Outreach and Education Coordinator, Jennifer Crawford;
- Resource Protection Manager, Brian Hauk;
- Graphic and Web Designer, Gardner Kahi Fujii;
- Office Assistant, TBD;
- Executive Administrative Assistant, TBN;
- Strategic Initiatives Associate, TBN;
- Vessel Operations Coordinator, Terril Efird;
- West Coast/Pacific Islands Media Coordinator, Sarah Marquis;
- Native Hawaiian Program Coordinator, TBN;
- Native Hawaiian Program Specialist, Vernon Kalani Quiocho Jr.;
- Native Hawaiian Research Associate, TBN;
- Data Integration Manager, David Graham;
- Database Administrator, TBN;
- Web Developer/GIS II, TBN;
- Web Applications Developer, TBN;
- GIS Developer, TBN;
- Data Documentation and Outreach Specialist, TBN;
- Senior Data Analyst, TBN;
- Marine Scientist, Jon Martinez;
- Field Logistics Technician, Keolohilani Lopes;
- Senior Policy and Programs Advisor, Naomi McIntosh;
- Science Operation Associate, Stephen Matadobra;
- Ecological Research Statistician, Atsuko Fukunaga; and
- 5 volunteers/interns TBN,

– National Ocean Service (NOS), Center for Operational Oceanographic Products and Services (CO-OPS)

- field staff, TBN.

– National Marine Fisheries Service (NMFS), Pacific Islands Regional Office (PIRO)

- Pacific Islands Regional Administrator, Michael Tosatto;
- Deputy Regional Administrator, Sarah Malloy;
- Media and Outreach Coordinator, Michelle Mansker;
- Management Analyst, Pua Kamaka;
- Operations, Management, and Information staff, TBN;
- Protected Resources staff, TBN;
- Habitat Division staff, TBN;
- Assistant Regional Administrator Habitat Conservation Division, Gerry Davis;
- Restoration Center staff, TBN;
- Marine National Monument Program: Management and Program Officer, Malia Chow;
- Fishery Policy Analyst, Richard Hall;
- Natural Resources Management Specialist, Heidi Hirsh; and
- Natural Resource Policy Management Specialist, Hoku Ka‘aekuahiwi; and
- Office of Law Enforcement staff, TBN.

– National Marine Fisheries Service (NMFS), Pacific Islands Fisheries Science Center (PIFSC)

- Science Center Director, Michael Seki;
- Deputy Director, Evan Howell;
- Program Analyst, Tia Brown;
- Graphic Designer & Scientific Content Coordinator, Amanda Dillon,

Science Operations Division Staff:

- Division Director, Noriko Shoji;
- Operations Manager, Kyle Koyanagi;
- Science Operations Coordinator, Russell Reardon;
- Supervisory Natural Resource Management Specialist, Hoku Johnson;
- Management and Program Analyst, TBN;
- Engineer, Ruhul Amin;
- Supervisory Data Application Developer, Jesse Abdul;
- Monument Science Coordinator, TBN;
- Logistics Management Specialist, Chad Yoshinaga;
- Natural Resource Management Specialist, Risa Oram;
- Marine Scientist, Kimberly Lowe;
- Biological Science Technician, Jamie Barlow;
- Biological Science Technician, Louise Giuseffi;
- Biological Science Technician, TBN;
- Biological Science Technician, Rory Driskell;
- NOAA Corps Officer, David McVay;
- NOAA Corps Officer, TBN;
- Natural Resource Management Specialist, Eric Cruz;
- Natural Resource Management Specialist, Michael Trianni;
- NOAA Corps Officer, Laura Rock;
- Science Operations Specialist, TBD
- Science Operations Technician, Jessica Shem;
- Insular Fisheries Associate, Christopher Demarke;
- Insular Fisheries Associate, Dianna Miller;
- Insular Fisheries Specialist, TBN;
- Insular Fisheries Specialist, Audrey Rollo;
- Advanced Survey and Technology Developer, Jeremy Taylor;
- GIS Specialist, TBN;
- Dive Center/Laboratory Research Manager, Kerry Reardon;
- other Science Operations Staff, TBN;
-

Fisheries Research and Monitoring Division Stock Assessment Program Staff:

- Supervisory Research Mathematical Statistician, Felipe Carvalho;
- Math Statistician, John Brodziak;
-
- Math Statistician, Brian Langseth;
- Research Fish Biologist, Benjamin Richards;
- Research Fish Biologist John Syslo;
- Supervisory PIFSC Scientist, Mark Nadon;

Life History Program Staff: Supervisory Research Biologist, Joseph O'Malley;

- Research Fish Biologist, Ryan Nichols;
- Bio-Sampling Technician, Erin Reed;
- Biologist (Ret.) Robert Humphries.

International Fisheries Program Staff:

- Supervisory Research Fish Biologist, Keith Bigelow;
- Research Fish Biologist Yonant Swimmer;
- Fish Monitoring Associate, Matthew Carnes;
- Fish Bycatch Researcher, Melanie Hutchinson;
- Research Ecologist, John Wang.

Ecosystem Sciences Division Staff:

- Division Director, Frank Parrish;
- Sociology Research Associate, M. Iwane
- Oceanographic Research Specialist, K. Lowder

Habitat and Living Marine Resources Program Staff:

- Student Trainee, Mollie Asbury;
- Marine Ecosystem Research Coordinator Frances Lichowski;
- Optical Mapping Specialist, Rhonda Suka;
- Marine Ecosystem Research Technician, Morgan Winston
- Research Fish Biologist, Donald Kobayashi;
- Research Ecologist, Thomas Oliver;
- Research Fish Biologist, Ivor Williams;
- Research Associate, Hannah Barkley;
- Coral Reef Researcher Courtney Couch;
- Marine Ecosystem Research Specialist, Andrew Gray;
- Coral Reef Researcher, Tye Kindinger;
- Marine Ecosystem Research Specialist, Kaylyn McCoy;
- Coral Ecology Researcher, Bernardo Vargas-Angel

Ocean Synthesis and Human Dimensions Program Staff:

- Supervisory Economist, Justin Hospital;
- Research Oceanographer, Jamison Gove;
- Pelagic Ecologist, Ryan Rykaczewski
- Research Technician, Emily Contreras;
- Graduate Assistant, Aviv Suan;
- Pelagic Ecologist, Johanna Wren;
- Research Fisheries Biologist, Mariska Weijerman
- Social Scientist, Kirsten Leong;
- Research Oceanographer, Phoebe Woodworth-Jefcoats;
- Marine Ecosystem Research Specialist, Jacob Asher;
- Marine Ecosystem Research Specialist, Ariel Halperin;
- Social Research Associate, Rebecca Ingram;
- Marine Ecosystems Project Coordinator, Megan Moews-Asher;
- Marine Ecosystem Research Specialist, Noah Pomeroy;
- Marine Ecosystem Research Project Manager, Molly Timmers;
- Research Technician, Jonathan Whitney

Operations and Data Management Program Staff:

- Supervisory Research Ecologist, Jennifer Samson;
- Data Management Specialist, Brooke Olenski;
- Marine Biologist, Raymond Boland;
- Web Administrator/Database Assistant, Michael Akridge;
- Field Logistics Associate, Joao Garriques;
- Program Manager (JIMAR), Brittany Huntington;
- Field Logistics Specialist, James Morioka;
- Data Management Specialist, Kevin Trick;
- ;
- Field Logistics Specialist, Tate Wester;
- .

Operations, Management and Information Division staff, TBN.

Protected Species Division Staff:

- Director, Charles Littnan;
- Biologist, Siri Hakala.

Marine Turtle Biology and Assessment Program (MTBAP) Staff:

- Supervisory Research Biologist, T. Todd Jones;
- Biological Science Technician, Shandell Brunson;
- Research Ecologist, Summer Martin;
- Biologist, Shawn Murakawa;
- Student Trainee-Pathways, Alexandra Reininger;
- Supervisory Marine Biological Researcher, Camryn Allen;
- Student Assistants Lindsey Bull, Taylor Williams, Marina Praet;
- Marine Ecological Researcher, Alexander Gaos;
- Marine Sciences Technician, Marylou Staman.
- 5 Temp Field Biologists, TBN

Hawaiian Monk Seal Research Program (HMSRP) Staff:

- Supervisory Program Lead/Veterinarian, Michelle Barbieri;
- ;
- Ecologist, Stacie Robinson,
- Marine Biologist, Thea Johanos-Kam;
- 2 Research Marine Biologists, Jason Baker and Jessica Lopez Bohlander;
- Biological Science Technician, Brenda Becker;
- Biological Technician, Tracy Mercer;
- 2 Biological Research Associates, Mark Sullivan and Hope Ronco;
- 2 Veterinary Assistants/Technicians, Claudia Cedillo and TBN;
- Logistics/Research/Technicians TBN;
- Veterinarian, TBN;
- 12 Temp Field Biologists, TBN.

Cetacean Research Program (CRP) Staff:

- Supervisory Research Ecologist, Erin Oleson;
- Research Oceanographer, Ann Allen;
- Research Ecologist, Amanda Bradford;

- Graduate Assistant, Yvonne Barkley;
- Cetacean Specialist, Ali Bayless;
- Cetacean Specialist, Andrea Bendlin;
- Cetacean Research Program Supervisor (JIMAR), Marie Hill;
- Passive Acoustic Technician, Jennifer Keating;
- Operations Manager, Erik Norris;
- Cetacean Specialist, Adam U;
- Cetacean Research Associate, Kym Yano;
- Cetacean Acoustician, Karlina Merkens;
- Cetacean Acoustician, Anne Simonis.
-

State of Hawai'i, Department of Land and Natural Resources (DLNR)

- DLNR Chairperson, TBN,
- DLNR First Deputy, TBN;
- Water Deputy, TBN;
- Division of Aquatic Resources (DAR) Administrator, Brian Neilson;
- Division of Forestry and Wildlife (DOFAW) Administrator, David Smith;
- Division of Conservation and Enforcement (DOCARE), TBN,
- State Historic Preservation Division (SHPD), TBN,
- 6 Members of the Board of Land and Natural Resources (BLNR), TBN;
- PMNM Program Specialist, TBN, Permit Coordinator, TBN;
- Wildlife Manager, Jason Misaki;
- Kure Atoll State Wildlife Sanctuary Manager, Cynthia Vanderlip;
- Kure Atoll State Wildlife Sanctuary Field Camp Leader, Naomi Worcester;
- Kure Atoll State Wildlife Sanctuary Field Camp Leader, Matthew Saunter;
- Offshore Island Biologist, TBN;
- DOFAW Oahu Branch Manager, Marigold Zoll;
- 6 Kure Atoll State Seabird Sanctuary Volunteers and Technicians, TBN;
- 6 Aquatic Biologists, TBN;
- 6 Aquatic Alien Invasive Species (AIS) Team staff, TBN;
- 5 Biological Science Volunteers, TBN;
- 2 Outreach and Education Specialist, TBN;
- other DLNR Administrators, program managers and staff, TBN.

Office of Hawaiian Affairs (OHA)

- 9 Board of Trustees, Chair Collette Machado, Robert K Lindsey Jr., Brendan Kaleiaina Lee, William Keli'i Akina, Lei Ahu Isa, Carmen Hulu Lindsey, Dan Ahuna, John D. Waihee IV, Kalei Akaka;
- 20 BOT staff, TBN;
- Interim Chief Executive Officer/Ka Pouhana, Syliva Hussey;
- Interim Chief Operating Officer/Ka Pounui, Lisa Watkins-Victorino;
- Chief Advocate, Keola Lindsey;
- 4 Line of Business Directors, Mehana Hind, Jim Patterson, Miles Nishijima, and Gloria Li;
- 4 Executive Office staff, Momilani Lazo, Laura Kamalani-Paikai, Leona Castillo, and 1 TBN;

- Chief Counsel, Raina Gushiken;
- 2 Corporation Counsel staff, Shirley Okamoto, Everette Ohta;
- Papahānaumokuākea Program Specialist, Brad Ka'aleleo Wong;
- Policy Program Manager, Jocelyn Doane;
- 5 Policy Program staff, Wayne Tanaka, Kamaile Maldonado, Monica Morris, Jenifer Jenkins;
- Washington D.C. Bureau Chief, Keone Nakoa;
- 2 Washington D.C. Bureau staff, TBN;
- Compliance Program Manager, Kai Markell;
- 4 Compliance Program staff, Kamakana Ferreira, Kathy Keala, Jerome Yasuhara, Lauren Morowski;
- Land, Culture, and History Program Manager, Pulama Lima;
- GIS Specialist, Zachary Smith
- 3 Land, Culture, and History Research Analysts, Wahineaipohaku Tong, Leona Kalima, Kale Hannahs;
- Digital Print and Media Manager, Alice Silbanuz;
- 2 Digital Media Specialists, Jason Lees and Kawena Lei Carvalho-Mattos;
- 3 Communications Specialists, Kaleena Patcho, Ikaika Hussey, and 1 TBN
- Land and Property Manager, Jonathan Ching;
- 2 Land and Property Staff, Brutus La Benz and Taylor Asao;

Senior Executive Board (SEB), Members of the Monument Management Board (MMB), and the Interagency Coordinating Committee (ICC) which are comprised of, but not limited to: Environmental Protection Agency (EPA), Department of Defense (DOD), US Coast Guard (USCG), NOAA Office of Law Enforcement (OLE), USFWS OLE, DLNR Department of Conservation and Resource Enforcement (DOCARE), Office of Hawaiian Affairs (OHA) and State of Hawai'i Department of Health (HDOH).

Other staff, volunteers, cultural liaisons, or contractors necessary for the permitted activities may enter the Monument for conservation and management activities. Resident families of Midway Atoll may enter the Monument. Invited news media representatives may enter the Monument to provide public information of conservation and management activities. All personnel will be identified and information will be provided to the Monument Permit Coordinators prior to each entry into the Monument.

The applicants shall ensure that all personnel assigned to any conservation and management activity allowed under this permit are qualified to perform in the assigned role and are limited to the scope of their position and respective project, and shall comply with all other applicable laws, policies, protocols, permits, and regulations. In addition, the applicants will ensure that all management activities are communicated and coordinated on an ongoing and regular basis.

To safeguard all the resources and ecological integrity of the Monument, early and ongoing coordination of interagency activities will occur between the action agency and interested Monument partners as soon as details of activities are identified. The goal of early coordination is the commitment to identifying, incorporating, and customizing best management practices for specific activities. Additionally, pre-access permit and cultural briefings will be conducted for all new personnel entering the Monument and annually for all.

Papahānaumokuākea Marine National Monument
CONSERVATION AND MANAGEMENT Permit Application

NOTE: This Permit Application (and associated Instructions) is 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/Daniel K. Inouye Regional Center

NOS/ONMS/Papahānaumokuākea Marine National Monument

Attention: 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: Jared Underwood, Athline Clark, Maria Carnevale, Keola Lindsey
Affiliation: U.S. Fish and Wildlife Service (FWS), National Oceanic and Atmospheric Administration (NOAA), State of Hawai‘i Department of Land and Natural Resources (DLNR), Office of Hawaiian Affairs (OHA)

Permit Category: Conservation and Management

Proposed Activity Dates: January 1, 2020 – December 31, 2020

Proposed Method of Entry (Vessel/Plane): Vessel and plane

Proposed Locations:

This permit application encompasses all conservation and management activities that the Co-Trustees may conduct throughout the entire Monument.

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

Variable, depending on activity type and location.

Estimated number of days in the Monument:

There will be Monument staff in the Monument 365 days of the year. Numbers of personnel will fluctuate depending upon the season and the management activity undertaken at any one time.

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...

This Monument Conservation and Management Permit Application proposes activities that would allow the Co-Trustee Representatives of the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, the State of Hawai‘i through the Department of Land and Natural Resources, and the Office of Hawaiian Affairs to conduct management activities for the conservation and management of Papahānaumokuākea Marine National Monument including the Hawaiian Islands National Wildlife Refuge, Midway Atoll National Wildlife Refuge, Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Northwestern Hawaiian Islands State Marine Refuge, and Kure Atoll State Seabird Sanctuary.

b.) To accomplish this activity we would

To accomplish the conservation and management of this ecosystem the Co-Trustees would carry out authorized activities associated with the following:

1. General operations to support field activities, which includes field camp, vessel, and flight operations
2. Resource survey and monitoring, which includes evaluating status and trends of target species and habitats
3. Natural resource protection, restoration, and remediation, which includes predator and invasive species control, as well as marine debris removal
4. Cultural and historic resource identification, evaluation, monitoring, access and protection
5. Education and outreach

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

These activities would benefit the Monument by providing coordinated interagency management of Monument ecosystems, prevent duplicate efforts, and gain efficiencies.

Other information or background:

A conservation and management permit of this nature has been issued annually, pending a stringent review process, to the Monument Co-Trustee agencies since 2008 for the purpose of conducting cooperative and effective management of Monument resources. For example, the NOAA NMFS PIFSC Marine Turtle Research Program has worked successfully within the U.S. Fish and Wildlife Service, Hawaiian Islands National Wildlife Refuge for 40 consecutive seasons, resulting in great success for the species. Such collaborative work would benefit other Monument programs.

Section A - Applicant Information

1. Applicant

Underwood, Jared: Superintendant for Papahānaumokuākea Marine National Monument, Department of the Interior, U.S. Fish and Wildlife Service

Clark, Athline: Superintendent, Papahānaumokuākea Marine National Monument, National Oceanic and Atmospheric Administration

Carnevale, Maria: State Co-Manager, Papahānaumokuākea Marine National Monument, State of Hawai‘i Department of Land and Natural Resources

Lindsey, Keola: Ka Poukihi Kū, Chief Advocate, Office of Hawaiian Affairs

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

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

Underwood, Jared: Superintendant, Papahānaumokuākea Marine National Monument, Department of the Interior, U.S. Fish and Wildlife Service, [REDACTED]
[REDACTED]

Clark, Athline: Superintendent, Papahānaumokuākea Marine National Monument, Department of Commerce, National Oceanic and Atmospheric Administration

Carnevale, Maria: State Co-Manager, Papahānaumokuākea Marine National Monument, State of Hawai‘i Department of Land and Natural Resources; [REDACTED]

Lindsey, Keola: Ka Poukihi Kū, Chief Advocate, Office of Hawaiian Affairs, [REDACTED]
[REDACTED]

Phone:

Jared Underwood: [REDACTED]

Athline Clark: [REDACTED]

Maria Carnevale: [REDACTED]

Keola Lindsey: [REDACTED]

Fax:

Jared Underwood: [REDACTED]

Athline Clark: [REDACTED]

Maria Carnevale: [REDACTED]

Keola Lindsey: [REDACTED]

Email:

Jared Underwood: [REDACTED]

Athline Clark: [REDACTED]

Maria Carnevale: [REDACTED]

Keola Lindsey: [REDACTED]

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

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

Underwood, Jared: Superintendent for Papahānaumokuākea Marine National Monument, Department of the Interior, U.S. Fish and Wildlife Service

Clark, Athline,: Superintendent, Papahānaumokuākea Marine National Monument, National Oceanic and Atmospheric Administration

Carnevale, Maria: State Co-Manager, Papahānaumokuākea Marine National Monument, State of Hawai'i Department of Land and Natural Resources

Lindsey, Keola: Ka Poukihi Kū, Chief Advocate, Papahānaumokuākea Program Manager, Office of Hawaiian Affairs

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):

Variable. Staff, volunteers, cultural liaisons, or contractors necessary for the permitted activities may enter the Monument for conservation and management activities. Resident families of Midway Atoll may enter the Monument. Invited news media representatives may enter the Monument to provide public information of conservation and management activities. All personnel will be identified and information will be provided to the Monument Permit Coordinators prior to each entry into the Monument.

The applicants shall ensure that all personnel assigned to any conservation and management activity allowed under this permit are qualified to perform in the assigned role and are limited to the scope of their position and respective project, and shall comply with all other applicable

laws, policies, protocols, permits, and regulations. In addition, the applicants will ensure that all management activities are communicated and coordinated on an ongoing and regular basis.

To safeguard all the resources and ecological integrity of the Monument, early and ongoing coordination of interagency activities will occur between the action agency and interested Monument partners as soon as details of activities are identified. The goal of early coordination is the commitment to identifying, incorporating, and customizing best management practices for specific activities. Additionally, pre-access permit and cultural briefings will be conducted for all new personnel entering the Monument and annually for all.

Section B: Project Information

5a. Project location(s):

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

Ocean Based

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

Location Description:

This permit application encompasses all conservation and management activities that the permit applicants may conduct throughout the entire Monument.

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*

ENTRANCE

1. The permit applicants, their designated agency staff, volunteers, contractors, and Midway Atoll National Wildlife Refuge residents necessary for permitted activities may enter Papahānaumokuākea Marine National Monument (see Attachment #1, Permitted Personnel List). All personnel must be identified and information provided to the Monument permit coordinators prior to each entry into the Monument. The permit applicants shall ensure that all personnel assigned to conduct conservation and management activities authorized under this permit are fully qualified to perform in the assigned role(s) and shall be limited to the scope of action set forth in this permit and all other applicable policies, protocols, permits, and regulations. (ALL MMB AGENCIES)

OPERATIONS

2. Operating field stations of the National Wildlife Refuge System (NWRS) and the State of Hawai'i Kure Atoll State Wildlife Sanctuary, necessary for meeting mission and purposes of refuges and the Monument in support of on-site management and resource conservation including by not limited to: (STATE) (FWS)
 - a. Maintaining and repairing/replacing facilities and their components (e.g., carpentry, electrical, plumbing, welding, general construction); (STATE) (FWS)
 - b. Building and other facilities deconstruction and reconstruction; (STATE) (FWS)
 - c. Maintaining airport and airstrips, including improvements such as runway lighting replacement, taxiway maintenance (including repaving, and painting/markings); (STATE) (FWS)
 - d. Painting, including all preparation work such as scraping, washing, etc.; (STATE) (FWS) and
 - e. Lead-based paint soil remediation, including removing sand/soil from around many or all affecting buildings and proper on-site containment of this material. (STATE) (FWS)
3. Supporting and re-supplying field camps and field stations, including but not limited to, delivery and removal of supplies, people, waste, and/or assets necessary for operations. (ALL MMB AGENCIES)
4. Operating vessels to provide access for conservation and management activities. Authorized vessel operations shall include, but are not limited to:
 - a. Operating small boats for vessel maintenance and proficiency; (ALL MMB AGENCIES)
 - b. Anchoring of the authorized vessels on sandy substrate only, and all anchors must be lowered into place; (ALL MMB AGENCIES)
 - c. Discharging gray water outside of all Special Preservation Areas and the Midway Atoll Special Management Area. (ALL MMB AGENCIES)
 - d. Discharging biodegradable solid waste associated with galley operations restricted to 3 nautical miles (ground to 1 inch in diameter) and 12 nautical miles

(unground) outside of all Special Preservation Areas and the Midway Atoll Special Management Area. (ALL MMB AGENCIES)

5. Possessing fishing gear to conduct sustenance fishing for pelagic species within Midway Atoll Special Management Area (MASMA) in accordance with the Monument Management Board Policy on Sustenance Fishing (Attachment #2). (ALL MMB AGENCIES)
6. Operating aircraft and airfields, including necessary maintenance and use of airfields and runways at Midway Atoll and Tern Island, French Frigate Shoals. (FWS)
7. Conducting on-site reviews and operational evaluations including, but not limited to: (ALL MMB AGENCIES)
 - a. On-site reviews by management and congressional personnel; (ALL MMB AGENCIES)
 - b. Agency site visits and meetings for management planning and programmatic assessments; and (ALL MMB AGENCIES)
 - c. On-site management and safety reviews to gauge implementation and effectiveness of Monument management and programs. (ALL MMB AGENCIES)
8. Conducting personnel safety, fitness, and health maintenance including, but not limited to: (ALL MMB AGENCIES)
 - a. Biking, swimming, and jogging at Tern Island, French Frigate Shoals, and Midway Atoll; and (ALL MMB AGENCIES)
 - b. Conducting health and safety activities for all personnel, including but not limited to: site safety reviews, adverse weather and emergency response procedures, safety protocols, and continuation of operation plans. (ALL MMB AGENCIES)

RESOURCE SURVEY AND MONITORING

9. Swimming, snorkeling, and closed or open circuit SCUBA diving within any Special Preservation Area of the Midway Atoll Special Management Area, necessary to support conservation and management activities covered under this permit. (ALL MMB AGENCIES)
10. Touching coral, living or dead, necessary to support conservation and management activities covered under this permit. (ALL MMB AGENCIES)
11. Attracting any living Monument resource, necessary to support conservation and management activities covered under this permit. (ALL MMB AGENCIES)

12. Surveying and monitoring target species and habitats to evaluate trends and status for management purposes. Activities in direct support of management, monitoring, and characterization may include: (ALL MMB AGENCIES)
 - a. Placing scientific equipment or drilling into submerged and emergent lands in order to install scientific equipment, devices, markers, oceanographic instrument arrays, unmanned aerial systems, remotely operated camera systems, and remote viewing camera systems on submerged or emergent lands, and performing necessary maintenance activities on such equipment; (NOAA) (STATE) (FWS)
 - b. Collecting climatological data and necessary scientific information from on-site equipment; (NOAA) (STATE) (FWS)
 - c. Photographing and filming as necessary to document Monument resources; (ALL MMB AGENCIES)
 - d. Non-lethal marking and tagging for monitoring purposes; (ALL MMB AGENCIES)
 - e. Visual, non-invasive marking and tagging for monitoring purposes; (ALL MMB AGENCIES) and
 - f. Physical surveying of and sampling from landfills, storage tanks, contamination sites, or other potentially hazardous materials associated with current and former occupation and use of the Northwestern Hawaiian Islands (NWHI). (NOAA) (STATE) (FWS)
 - g. Visual and acoustic line-transect surveys to estimate the abundance and distribution of cetaceans in the NWHI. Note: Prior to authorization to conduct cetacean surveys, which may result in the “take” of a protected species, a separate ESA/MMPA permit is required. (NOAA) (STATE) (FWS)

13. Removing, moving, taking, harvesting, possessing, injuring, disturbing; or attempting to remove, move, take, harvest, possess, injure, or disturb biological, chemical, or geological samples for analysis in support of activities under approved management plans, restoration or recovery plans, and for base line inventory and monitoring of population trends and habitat conservation and management. (ALL MMB AGENCIES)

14. Removing, moving, taking, harvesting, possessing, or attempting to remove, move, take, harvest, or possess a set number of any visually observable marine organism morphotype (except mammals) or terrestrial plant morphotype (including fungi), which cannot be visually identified or may represent a new geographic record or new species, with the set number based upon the per island/atoll abundance criteria below: (NOAA) (STATE) (FWS)
 - a. One (1) specimen can be taken, removed, or possessed if in abundance assessment cannot be ascertained, or less than ten (10) such specimens are present, cumulative during the course of the collection event per island and atoll; (NOAA) (STATE) (FWS)
 - b. Up to three (3) specimens can be taken, removed, or possessed if an abundance assessment of ten (10) or more such specimens is ascertained, cumulative during the course of the collection event per island or atoll; (NOAA) (STATE) (FWS) and

- c. For clonal organisms that cannot be visually identified or may represent a new geographic record or new species, take shall be limited to no more than half the clonal organism visually observed. Up to three (3) clonal specimens of similar morphology can be taken, removed, or possessed if an abundance assessment of ten (10) or more of such specimens is ascertained, cumulative during the course of the collection event per island or atoll. (NOAA) (STATE) (FWS)
15. Conducting habitat mapping for the production of accurate, high-resolution base maps with methods to include: (ALL MMB AGENCIES)
- a. Data collecting to include optic, acoustic, and metal detector technologies, as well as land and dive operations, including the use of a remotely operated vehicle (ROV), for ground truthing; (ALL MMB AGENCIES) and
 - b. Global Positioning System (GPS) mapping and Light Detection and Ranging (LIDAR) work. (ALL MMB AGENCIES)

NATURAL RESOURCE PROTECTION, RESTORATION, AND REMEDIATION

16. Conducting management actions necessary to understand and carry out protection, restoration, and remediation of species and habitats, such as carrying out existing species recovery and restoration plans (ALL MMB AGENCIES). Activities on/around the Hawaiian monk seal will be separately permitted and are not covered herein. Activities may include the following for all flora and fauna species present in PMNM, except the Hawaiian monk seal (which requires a separate NMFS ESA permit):
- a. Conducting wildlife disentanglement, health response (including treatment and necropsy), and translocation activities according to existing species recovery plans; (NOAA) (STATE) (FWS) Note: Activities on or around species on the Endangered Species list, the appropriate lead agency shall be consulted prior to taking action)
 - b. Conducting population augmentation or reestablishment activities such as capture, translocation, reintroduction, and outplanting; (ALL MMB AGENCIES) Note: Activities on or around species on the Endangered Species list, the appropriate lead agency shall be consulted prior to taking action)
 - c. Conducting invasive species controls by mechanical, chemical and manual methods as needed; (ALL MMB AGENCIES) Note: Activities on or around species on the Endangered Species list, the appropriate lead agency shall be consulted prior to taking action) and
 - d. Investigating and monitoring of contamination in abiotic or biotic resources. (NOAA) (STATE) (FWS) Note: Activities on or around species on the Endangered Species list, the appropriate lead agency shall be consulted prior to taking action)
17. Removing marine debris, trash, and other materials (land and ocean-based) that pose threats to Monument resources, including but not limited to derelict fishing gear. Activities may include: (NOAA) (STATE) (FWS)

- a. Disentangling wildlife (activities on/around the Hawaiian monk seal requires a separate NMFS ESA permit) from marine debris and other materials by authorized personnel; (NOAA) (STATE) (FWS) Note: Activities on or around species on the Endangered Species list, the appropriate lead agency shall be consulted prior to taking action)
 - b. Tracking debris via drifter buoys and Unmanned Aerial Vehicles; (NOAA) (STATE) (FWS)
 - c. Monitoring of sites that have been cleared of debris for recovery rates and effects of removal; (NOAA) (STATE) (FWS)
 - d. Locating and removing debris and hazardous materials. This may be through interagency agreements, such as the Department of Defense (DOD) Innovative Readiness Training (IRT), Formerly Used Defense Sites (FUDS), or the Base Realignment and Closure (BRAC) Programs. Efforts may include activities such as seafloor and island mapping, reconnaissance and removal of materials, and derelict vessel salvage and removal; (NOAA) (STATE) (FWS) and
 - e. Removal of sessile encrusting flora and fauna associated with marine debris. (NOAA) (STATE) (FWS)
18. Providing emergency response and damage assessment, mitigation, restoration, and monitoring post-response management. (ALL MMB AGENCIES) Activities may include:
- a. Conducting damage assessment, mitigation, restoration, monitoring, and post-response management in coordination with appropriate federal and/or state resource agencies and, as appropriate, consistent with NOAA, FWS, and State of Hawai'i Damage Assessment and Restoration regulations, policies, and procedures (e.g., oil spills, ship groundings, tsunami-generated marine debris, damage assessments, monitoring alien species, monitoring coral bleaching events, collection of bleached coral or alien species); (ALL MMB AGENCIES) and
 - b. Conducting activities in response to an unusual mortality event (including but not limited to threatened and endangered species, marine mammals, and migratory birds) mass stranding or other urgent species response. Activities on/around the Hawaiian monk seal are not included herein and therefore would require a separate PMNM and NMFS ESA permit. (NOAA) (STATE) (FWS) Note: For activities on or around species on the Endangered Species list, the appropriate lead agency shall be consulted prior to taking action.

CULTURAL AND HISTORICAL RESOURCE IDENTIFICATION AND PROTECTION

19. Removing, moving, taking, harvesting, possessing, injuring, disturbing; or attempting to remove, move, take, harvest, possess, injure, or disturb post-contact artifacts as needed, subject to National Historic Preservation Act (NHPA) consultation when applicable, for the purpose of identifying, documenting, interpreting, preserving, and protecting the Monument's cultural and historic resources. (ALL MMB AGENCIES)
20. Monitoring and surveying historic sites. (ALL MMB AGENCIES)

21. Conducting or allowing for the preservation and conservation of artifacts subject to successful NHPA Section 106 consultation and appropriate approvals from other Federal agencies (e.g., U.S. Navy), when applicable. (ALL MMB AGENCIES)
22. Non-commercial filming and photographic activities for the purposes of further documenting and capturing the history of the NWHI. (ALL MMB AGENCIES)
23. Locating historic artifacts using passive side scan sonar, metal-detector, or (land-based) ground penetrating radar. (ALL MMB AGENCIES)
24. Returning seized Monument resources to their natural environment in coordination with appropriate federal and/or state resource agencies, including the Office of Hawaiian Affairs (OHA), as appropriate. (ALL MMB AGENCIES)
25. Recording of atmospheric, celestial, biological and other environmental observations for the purpose of developing and understanding natural trends, changes and cycles. (ALL MMB AGENCIES)
26. Conducting native Hawaiian cultural protocols and ceremonies including offering of culturally and biologically appropriate ho‘okupu in accordance with Monument regulations and Best Management Practices. (ALL MMB AGENCIES)
27. Removing, moving, taking, harvesting, possessing, injuring, disturbing; or attempting to remove, move, take, harvest, possess, injure, or disturb non-living culturally significant natural materials acquired during Monument operations and activities for cultural ceremonies and practices. (ALL MMB AGENCIES)
28. Transferring culturally significant natural materials acquired during Monument operations and activities to Hawaiian cultural practitioners, in coordination with appropriate federal and/or state resource agencies, including OHA, and with the appropriate transfer documents and required permits. (ALL MMB AGENCIES)
29. Maintaining, preserving, and perpetuating Native Hawaiian cultural sites and practices per the NHPA, Native American Graves Protection and Repatriation Act, Archeological Resources Protection Act, American Indian Religious Freedom Act and applicable sections of the Hawai‘i State Constitution, Hawai‘i Revised Statutes and Hawai‘i Administrative Rules. (ALL MMB AGENCIES)
30. Conducting activities necessary for maintaining and preserving historic sites on Midway Atoll. (ALL MMB AGENCIES)

OUTREACH AND EDUCATION

31. Gathering information and experiences from personnel within the Monument to develop agency web pages, Navigating Change projects, and other Monument educational outreach products. (ALL MMB AGENCIES)

32. Removing, moving, taking, harvesting, possessing, injuring, disturbing; or attempting to remove, move, take, harvest, possess, injure, or disturb non-living debris and biological samples and specimens such as albatross boluses and carcasses for educational and/or outreach projects. (ALL MMB AGENCIES)
33. Transferring educational and outreach materials (e.g., albatross boluses or other non-living debris or biological samples) shall be according to one of the following categories, subject to all applicable permits and Monument Management Board (MMB) approved transfer documents: (ALL MMB AGENCIES)
- a. *Internal transfers.* Transfers among the MMB agencies provided such educational and/or outreach material shall remain within the custody of the MMB. (ALL MMB AGENCIES)
 - b. *External transfers.* Transfers outside of the MMB agencies if authorized in writing, to government agencies and accredited educational institutions, for the purpose of cultivating, informing, or involving constituencies that support or enhance conservation of the natural, cultural, and historic resources of the Monument. (ALL MMB AGENCIES)
 - c. *Loan Transfers.* Loans of biological samples or specimens, which must be returned to the MMB with a specified time frame and are subject to conditions stipulated in writing, to government agencies and accredited educational institutions for the purpose of supporting educational or outreach projects that enhance conservation of the natural, cultural, and historic resources of the Monument. (ALL MMB AGENCIES)
34. Conducting news media and VIP site visits to enhance public knowledge and understanding of Monument resources. (ALL MMB AGENCIES)
35. Conducting environmental, cultural, and historical education programs throughout the Monument by designated agency staff and contractors. (ALL MMB AGENCIES)

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

For a list of terrestrial species protected under the Endangered Species Act visit:
<http://www.fws.gov/endangered/>

For a list of marine species protected under the Endangered Species Act visit:
<http://www.nmfs.noaa.gov/pr/species/esa/>

For information about species protected under the Marine Mammal Protection Act visit:
<http://www.nmfs.noaa.gov/pr/laws/mmpa/>

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

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

All conservation and management activities conducted by the permit applicants will be carried out with strict safeguards for the natural, cultural and historic resources of the Monument as required by Presidential Proclamation 8031, and other applicable law and agency policies and standard operating procedures. All agencies have field protocols and best management practices. These practices and procedures will minimize or eliminate disturbance to wildlife, flora, habitats, and cultural and historic resources. Long and short-term monitoring data is used to inform management and conservation actions to maintain the ecological, cultural and historic integrity of the Monument.

To safeguard all the resources and ecological integrity of the Monument, early and ongoing coordination of interagency activities will occur between the action agency and interested Monument partners as soon as details of activities are identified. For example, a joint calendar of projected activities to be covered under the manager's permit is kept and continually updated by agency staff. In addition, logistics planning and coordination meetings between all Monument Management Board (MMB) agencies may be implemented to further synchronize activities. The goal of early coordination is the commitment to identifying, incorporating, and customizing best management practices for specific activities.

Additionally, pre-access permit and cultural briefings will be conducted for all new personnel entering the Monument and annually for all.

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 activities requested are directed by Presidential Proclamation 8031 and other state and federal laws, regulations, and policies. The applicants will manage the Monument's natural, historic and cultural resources, qualities, and ecological integrity in a way that will not diminish and will likely enhance them. Indirect, secondary, and cumulative effects of management activities are always considered. Activities will be in support of the Monument Management Plan (2008), including but not limited to priority management needs 3.1: Understanding and Interpreting the NWHI; 3.2: Conserving Wildlife and Habitats; 3.3 Reducing Threats to Monument Resources; 3.5: Coordinating Conservation and Management Activities; and 3.6: Achieving Effective Monument Operations.

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.

On June 15, 2006, President George W. Bush established Papahānaumokuākea Marine National Monument by issuing Presidential Proclamation 8031 (Proclamation; 71 FR 36443, June 26,

2006) under the authority of the Antiquities Act (16 U.S.C. 431), with codifying regulations in 50 CFR Part 404. This Proclamation designated that the Monument would be managed by Department of Commerce through NOAA, Department of the Interior through FWS, and that the State of Hawai‘i’s jurisdiction in the region remained unchanged. Through the December 8, 2006 and the January 10, 2017 Memorandums of Agreement (MOA), NOAA, FWS, and the State of Hawai‘i through the Department of Land and Natural Resources, and the Office of Hawaiian Affairs (OHA), became the agencies responsible for the conservation and management of the Monument. The applicants have been directed to provide unified conservation and management of the lands and waters of the Monument; therefore there is no practicable alternative to conducting management activities inside the Monument.

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 end value is to maintain all Monument resources and conduct adaptive management which will allow educated management decisions and provide for long-term protection of the Monument. By taking appropriate management actions – from monitoring to habitat enhancement and education – agencies will be able to anticipate needs, take appropriate action, and allow only activities that enhance the quality and integrity of the natural, historic and cultural resources of the Monument. Appropriate management actions prevent potential adverse impacts that include but are not limited to: invasive species outbreaks, overharvesting of natural resources; marine debris damage; avian disease outbreaks, and monk seal population declines. In addition, the applicants will employ time-tested best management practices to minimize and mitigate adverse impacts.

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

All conservation and management activities conducted by the permit applicants are conducted in the shortest possible window to prevent or eliminate disturbance to the natural, historic and cultural resources of the Monument.

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

The applicants and their representative management, biological, interpretive, law enforcement, administrative, and education and outreach staff possess high levels of expertise and knowledge of the ecosystem and locations within the Monument. These experts provide their knowledge and recommendations in all management decisions so that all impacts are minimized and mitigated if necessary.

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 applicants have adequate financial resources available to conduct the proposed management activities. Federal funding is provided through congressional appropriation. State funding is provided through State of Hawai‘i funding processes.

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.

The methods and procedures used in the conservation and management activities by the permit applicants are appropriate to achieve the proposed activity's goals. All activities proposed are required for effective management of the Monument and are conducted in a way that minimizes impact as required by law. Management activities assist the applicants to protect the Monument natural, historic and cultural resources, qualities, and ecological integrity.

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

All vessels used by the applicants that are not stationed in the Monument will be outfitted with a functional NOAA Office of Law Enforcement type-approved Vessel Monitoring System as required by 50 CFR Part 404.5 and stated in the Proclamation.

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

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

8. Procedures/Methods:

The above activities will be conducted by employees, contractors, and volunteers under the direction and control of the applicants in accordance with Presidential Proclamation 8031 and all other applicable laws and regulations.

The applicants will abide by the following policies and procedures, among others that may be developed, when operating in the Monument:

1. Marine Alien Species Inspection Standards for Maritime Vessels
2. Protocol for Acquiring Avian Blood Samples
3. Precautions for Minimizing Human Hazards to Seabirds
4. Best Management Practices for Boat Operations and Diving Activities
5. Protocols to Reduce Impact to the Laysan Finch
6. General Sampling and Transport Protocols for Collected Samples;
7. Special Conditions and Rules for Moving Between Islands / Atolls and Packing for Field Camps
8. Seabird Protocols Necessary for Conducting Trolling Research and Monitoring in Papahānaumokuākea Marine National Monument
9. Best Practices for Minimizing the Impact of Artificial Light on Sea Turtles
10. Marine Wildlife Viewing Guidelines

11. Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment
12. Precautions for Minimizing Human Impacts on Endangered Land Birds
13. Nonnative Species Inspection Requirements at Midway Atoll
14. Best Management Practices for Activities on Nihoa and Mokumanamana
15. Best Management Practices for Maritime Heritage Sites
16. Hull, tender vessel, ballast water, and gear inspections for alien species;
17. Rodent Prevention and Inspection Standards for Permitted Vessels;
18. Health and Safety Plans, and Emergency Response Plans;
19. All FWS refuge policies and procedures for conduct in the two wildlife refuges (Hawaiian Islands National Wildlife Refuge and Midway Atoll National Wildlife Refuge);
20. All policies and procedures for conduct in Northwestern Hawaiian Islands Hawai'i State Marine Refuge and Kure Atoll State Seabird Sanctuary;
21. Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Executive Orders;
22. Hawai'i Administrative Rules, § 13-60.5, the Hawai'i Revised Statutes, § 187A-6; and
23. All other applicable state and federal laws and regulations.

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):

Collections will occur as necessary to support the management activities listed under Question 6, Number 2 (Resource Survey and Monitoring). Collections will occur as needed in the following instances:

- Collecting species for propagation or translocation;
- Collecting post-contact artifacts as needed;
- Collecting biological, climatological, chemical, geological, or archaeological samples for study;
- Collection of biological voucher specimens that cannot be visually identified on the spot and/or may represent new geographic records or new species;
- Collection of culturally significant natural materials for cultural ceremonies and practices;
- Collection of specimens and biological samples for educational outreach activities; and
- Collection of specimens and biological materials for monitoring and research purposes to include organisms found dead and non-lethal biological samples, if such collection supports stated research or monitoring needs. (For example: birds collected to determine cause of death; birds and other samples collected for other information (e.g. genetic or isotope analyses); plastic pollution studies; and feather and egg samples for genetic and isotope sampling.)

Answers to the following will be dependent on specific management activities, and will be reported on per activity to document and track actual collections.

Common name:

Scientific name:

& size of specimens:

Collection location:

Whole Organism Partial Organism

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

Collections and specimens will be processed and archived according to agency protocols and Monument Best Management Practices. Some material may be provided for educational use or for museum vouchers and studies. Cultural materials may be provided to Hawaiian cultural practitioners when applicable, in coordination with appropriate federal and/or state resource agencies, including OHA. When practicable, and desirable, collections and specimens will be returned to the Monument at the location of collection.

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

Management activity dependent

- General site/location for collections:

Management activity dependent

- Is it an open or closed system? Open Closed

Management activity dependent

- Is there an outfall? Yes No

Management activity dependent

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

Management activity dependent

- Will organisms be released?

Management activity dependent

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

Collected samples and specimens will be transported out of the Monument by approved aircraft or vessel unless used for management within the Monument. Appropriate media for preservation will be used, and are incident or specimen specific.

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

Collaborative activities are always a goal, and are incident specific. Collaboration opportunities will be sought out and will be entered into as opportunities present themselves. Monument Co-Trustee representatives and the Monument Management Board will work collaboratively to achieve the desired results, thus reducing duplicative sampling.

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

All gear and materials necessary for the activities listed in Section B, Number 6 are either available on location or will be provided by the acting agency as necessary. All gear and materials will be selected and treated according to invasive species and disease prevention protocols.

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

All hazardous materials necessary for the activities listed in Section B, Number 6 are either available on location or will be provided by the acting agency as necessary. Hazardous materials on the islands will be used in amounts that will sustain an approved activity for an appropriate time period. Inventory of hazardous materials will be conducted annually to reduce or minimize long term storage in order to reduce spills or accidents per OSHA standards. Unused and old hazardous materials brought into the Monument will be removed appropriately for disposal. All U.S. Department of Transportation safety measures will be followed for storage and transport of hazardous materials within the Monument.

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

Fixed installations and instrumentation will be used in marine and terrestrial survey, monitoring, and conservation activities such as:

- Placement, maintenance, testing, and removal of measuring devices and related equipment;
- Placement of weighted floats and/or lines affixed directly to the seabed for the purposes of grounding response, or benthic surveys;
- Setting of survey stakes;
- Coring the seabed to determine adequacy of the substrate for installation of moorings, and permanent monitoring stations;
- Installation and maintenance of moorings, boundary buoys, and permanent monitoring stations; and
- Placement of scientific equipment.

All installed hardware, including but not limited to instrumentation, survey stakes, moorings, buoys, and scientific equipment, will be removed from the Monument upon completion of their respective projects.

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

Samples and data will be analyzed as quickly as possible if they are collected, and publication of resulting information will follow. All data or a summary description will be provided in the permit reports as required by the permit resulting from this application.

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.

Jared Underwood Date
Superintendent
Papahānaumokuākea Marine National Monument
U.S. Department of the Interior, U.S. Fish and Wildlife Service

Athline Clark Date
Superintendent
Papahānaumokuākea Marine National Monument
U.S. Department of Commerce, National Oceanic and Atmospheric Administration

Maria Carnevale Date
State Co-Manager
Papahānaumokuākea Marine National Monument
State of Hawai‘i, Department of Land and Natural Resources

Keola Lindsey Date
Ka Poukihi Kū
Chief Advocate
Office of Hawaiian Affairs

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

Papahānaumokuākea Marine National Monument Permit Coordinator
6600 Kalaniana'ole Hwy. # 300
Honolulu, HI 96825

FAX: (808) 397-2662 **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