

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic
Resources Honolulu,
Hawaii 96813

May 14, 2021

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Jordan Manley, Narrows Media and Patagonia Films, for Access to State Waters to Film a Documentary about the Polynesian Voyaging Society Conducting Non-Instrument Navigation Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Jordan Manley, Narrows Media and Patagonia Films, pursuant to §187 A-6, Hawai 'i Revised Statutes (HRS), Chapter 13-60.5, Hawai 'i Administrative Rules (HAR), and all other applicable laws and regulations.

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

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

The activities covered under this permit would be authorized to occur between May 2021 and April 2022.

INTENDED ACTIVITIES

The proposed activity would involve filming for a documentary about non-instrument navigation in Papahānaumokuākea. The film will document the activities of the Polynesian Voyaging Society (PVS) permitted under Native Hawaiian Practices Permit PMNM-2021-004. The film will focus on the training and testing of the next generation of young apprentice navigators, as well as the cultural ancestry of the Monument. The film proposes to take deep dive into the ancestral tradition of finding a way based solely on nature's clues, and the lessons of navigation for a more sustainable path forward.

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The film crew will consist of two filmmakers: Jordan Manley (filmmaker/cinematographer) and an additional underwater cinematographer (the project is still in the process of securing this underwater camera operator). To accomplish the activity proposed, the film crew will sail on Hōkūle‘a from Honolulu to the northeastern end of Ni‘ihau, where they will document the apprentice navigators back-sighting Paniau. From there the canoes will attempt to navigate to Nihoa where the filmmakers will document sailing and the underwater topography and ocean life in the 15-50 foot depths in the small lee on the west side of Nihoa. Additionally, the filming of crewmembers free diving, snorkeling and possibly scuba diving may occur. From Nihoa, the film crew will document the voyage attempting to sail past Mokumanamana and arrive at French Frigate Shoals. At French Frigate Shoals, the filmmakers propose to film underwater at Rapture reef and La Perouse Pinnacle and on-land at Tern Island. Land access at Tern Island will include 2-4 crew members, up to a maximum of 4 days for up to 4 hours per day and contingent upon a qualified the company of an approved Resource Monitor from the NOAAs Marine Turtle Biology and Assessment Program who is familiar with French Frigate Shoals and stationed on Tern Island.

All vessel access and information is authorized under the Native Hawaiian Practices Permit PMNM-2021-004 (approved at the April 9th, 2021 BLNR Meeting). As outlined under this associated permit, the Polynesian Voyaging Society is proposing to sail two voyaging canoes, the Hōkūle‘a (16 crew max) and the Hikianalia (16 crew max) and one escort vessel (6 crew max), or a combination thereof, to the islands of Nihoa, Mokumanamana (Necker Island), and Lalo (French Frigate Shoals) for up to a 20-day voyage as a way to perpetuate traditional wayfinding and voyaging practices. The possible escort vessel will provide important safety support for the vessel(s) in the instance an emergency or other unforeseen circumstance occurs. The islands within Papahānaumokuākea are regarded as an important training area for apprentice navigators, and any voyage to these islands will be regarded as such. While at any of these locations, cultural protocols will be performed and anchoring on sandy substrate is requested as well as swimming and snorkeling in the vicinity of the canoe. Subsistence and sustenance fishing have been authorized and the crew will continue to examine the gut content and size of fish caught by handline, continuing this practice from the 2013-2018 Worldwide Voyage.

Tentative voyaging dates are from May 2021 – April 2022. Specific dates are still being determined based on weather and other PVS initiatives. An updated sailplan and schedule will be submitted via Monument point of contact and the PMNM compliance form.

The Malama Honua Worldwide Voyage (WWV) began in 2013 with a Malama Hawai‘i sail across the Hawaiian archipelago, and continued through 2018 with a new generation of navigators taking the helm and guiding Hōkūle‘a and Hikianalia back to Polynesia after circumnavigating the globe, and again voyage around Hawai‘i's home archipelago.

The Polynesian Voyaging Society is preparing and planning an around-the-Pacific voyage in the coming years. In order to train the requisite crew, navigators, and captains for this endeavor, training within the Hawaiian Archipelago is necessary. Utilizing the islands within Papahānaumokuākea gives crew, especially navigators, an opportunity to navigate to islands small in stature with no light pollution. They must utilize and understand ancestral knowledge in their observations of the sun, stars, swells, seabirds and other natural phenomena. The routes from Kaua‘i to Nihoa and beyond provide for open ocean sailing not normally experienced in the Hawaiian archipelago - the launching point nor the target destination are visible for an extended period of time during the course of the voyage, thereby offering a close simulation of a long-distance voyage without the added dangers of testing endurance. It is also the only voyaging route that offers this simulation while being close enough to the main

Hawaiian Islands to ensure safety and access to provisions. These characteristics make this route the ideal training platform for novice Hawaiian wayfinders.

Today, apprentice Hawaiian wayfinders can be considered qualified to attempt to navigate a canoe on long-distance, trans-Pacific sails after they have successfully guided a voyage from Kaua'i to Nihoa.

The canoe(s) will depart Kaua'i en route to Lehua Island, with Nihoa as its initial landmark. The film crew may film the underwater marine environment at Lehua (after coordination/consultation with Hawaii Film Office)-no access to land will occur. Crew will utilize traditional wayfinding and navigation while on their voyage. Once at Nihoa, the crew will spend a day for cultural protocols at the island. If the vessels subsequently continue to Mokumanamana, the vessel will anchor for the day in the lee of the island to do cultural protocol and for planning the return sail to the main Hawaiian Islands. If the weather and schedule permits, a sail to Lalo (French Frigate Shoals) is requested. East Island at Lalo was assessed for sea level research under PMNM 2018-018; it is being requested to do a post-assessment of the island due to its changing nature. The ship will enter from the southwestern portion of the atoll and anchor near La Perouse Pinnacle in sandy substrate.

Additional locations were requested and approved through an amendment when presenting PVS permit (PMNM-2021-004) at the April 9th, 2021, BLNR Meeting. The amendment authorized additional anchoring and potential docking at Tern Island and/or East Island within the French Frigate Shoals (FFS). PMNM-2021-004 already included authorization for navigation around French Frigate Shoals, but at different areas of the shoal system, such as La Perouse Pinnacle.

The reasoning for adding these locations of Tern Island and/or East Island is because the filmmakers would like to capture footage on these two islands, including both terrestrial and marine environment filming.

French Frigate Shoals (Tern Island and/or East Island): The filmmakers will document underwater at Rapture reef, in order to document the impacts from by Hurricane Walaka. The importance of capturing these images lies in the comparison with documentation of the abundant coral heads and ocean life prior Hurricane Walaka. The filmmakers also have interest of diving near La Perouse Pinnacle off East Island to document the marine environment there, while capturing the young Hōkūle'a navigators diving and experiencing their first encounter with this unique marine environment, never before seen by them.

The filmmakers will go on shore at French Frigate Shoals Tern Island to capture footage of various wildlife, which may include, Laysan and Blackfooted Albatross, Green Sea Turtles, Hawaiian Monk Seals, Great Frigate birds, Red-footed boobies, and Sooty Terns. The crew's camera equipment is minimal and can be carried in one backpack (cameras and tripod; no drone or ROV will be utilized unless authorized in writing at a later date).

The stated purposes from the film crew to go on shore are two-fold. One purpose is to document the apprentice navigators experiencing their first encounter with this unique terrestrial environment, while developing an understanding and relationship with the ocean and with the Hawaiian islands, particularly where and how their culture and history intersect with nature. The second purpose is to document the terrestrial wildlife and environment on Tern Island.

The filmmakers may also film portions of East Island (if unsubmerged) to document the current state of the island having been degraded by Hurricane Walaka and any associated wildlife such as Green Sea Turtles; a resource monitor may be available for these activities.

The filmmaker's hope is that by filming at the Monument, they can share the beauty and importance of ocean conservation. By capturing the navigators immersed in such a unique and culturally important place, there is an opportunity to demonstrate the depth to which Hawaiian culture and the environment are intertwined. Capturing these activities on film would bring attention to the importance of this area culturally and environmentally and the need to preserve it. This film is funded by Patagonia Films, which has a mission aligned with these values. The films Patagonia produces have a significant following; through film festivals around the world, streaming services, and television, the film is also expected to reach an audience beyond Patagonia Films' already significant following. Also, the Polynesian Voyaging Society intends to make this film available to local audiences in Hawai'i, in particular to teachers, for it to be shown in public and private school classrooms.

All proposed activities will follow 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. These practices and procedures will minimize or eliminate disturbance to wildlife, flora, habitats, and cultural and historic re-sources. Additionally, pre-access permit and cultural briefings will occur for all personnel entering the Monument.

Activities associated with this permit would not occur in the vicinity of any known maritime heritage or Native Hawaiian archaeological sites within the Monument. If any such archaeological sites are observed, locations of these resources would be immediately provided to the Monument Management Board and appropriate authorities.

In addition, the following Best Management Practices (BMP's) will followed:

- Marine Alien Species Inspection Standards for Maritime Vessels (BMP #001)
- Human Hazards to Seabirds Briefing (BMP #003)
- Best Management Practices for Boat Operations and Diving Activities (BMP #004)
- Special Conditions and Rules for Moving Between Islands / Atolls and Packing for Field Camps (BMP #007)
- Best Practices for Minimizing the Impact of Artificial Light on Sea Turtle (BMP #009)
- Marine Wildlife Viewing Guidelines (BMP #010)
- Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (BMP #011)
- Best Practices for Maritime Heritage Sites (BMP #017)
- Rodent Prevention and Inspection Standards for Permitted Vessels (BMP #018)

The proposed activities coincide with the Monument's goal to bring the place to the people and would directly support the Monument Management Plan (MMP) by targeting a variety of actions and strategies, including:

- Activity CBO-2.3: Support other entities' efforts to broaden knowledge of and appreciation for Monument resources and management priorities.
- Native Hawaiian Culture and History (NHCH) Action Plan 2.6 - Continue to Facilitate Native Hawaiian Access.

MMB Agency Reviewer Questions and Applicant Responses:

QUESTIONS:

1. What mechanism(s) does Patagonia and/or the Polynesian Voyaging Society plan to use to distribute this film to local schools?

Patagonia's distribution plan generally involves a YouTube release available to the public and thus available. Patagonia's distribution plan has not yet been finalized for this film, however. The Polynesian Voyaging Society (PVS) has a wide range of partners, including with public and private schools. It is through these partnerships that PVS would be able to bring this film to their attention.

2. While not a requirement, would it be possible for co-managing agencies to have a link available to the public on our websites to watch your film?

In the case that the film is released publicly via YouTube by Patagonia, this will be possible.

3. Co-managing agencies are interested in obtaining a minimum amount of B-roll (both video and still images) of navigation taking place within the Monument for education and outreach purposes. Would you be willing to provide this?

We will have to check with Patagonia directly about this. The Polynesian Voyaging Society would be supportive of Patagonia providing b-roll.

4. Land access will be limited only to those individuals needed for filming. At any one time, up to how many people do you estimate would be needed on land for the terrestrial film component?

Two minimum, 4 maximum, including camera person.

5. Your application cites Best Management Practice (BMP) documents for Midway Atoll. Do you intend to access Midway Atoll?

No we do not. We apologize, that was a mistake. We are not intending to go to Midway Atoll.

6. What protocols do you intend to follow to mitigate risk of COVID-19 transmission on this expedition?

PVS complies with all recommendations by the CDC, state, county and other regulatory agencies, including with those by the agencies involved with the monument. PVS will, by June, have a vaccination plan in place. As of right now, 75 percent of the crew being considered are already vaccinated. PVS does not require crew members to be vaccinated, but if they are not vaccinated, they will have to provide proof of a 10-day quarantine prior to departure. PVS also has testing days scheduled for all crew members, vaccinated

or not, leading up to departure as well as along the way on the canoes. PVS will have a medical doctor on board as well as qualified life-saving personnel, and the voyaging canoe Hikianalia has engines with the capacity to make 8 knots from anywhere we are at. PVS' procedures in the event of medical evacuations are spelled out and linked thru the Coast Guard.

7. Accessing and moving on land after dark in these areas poses significant risks to both wildlife and human safety. Land access will not be permitted after dark.

We understand and will respect that.

8. Could you provide NOAA ONMS any additional B-roll video of Hōkūle‘a, the crew, scenery, Randy and Nainoa, etc. that we could use without restriction for education and outreach purposes.

We have to check with and OK this with Patagonia. PVS would be supportive.

COMMENTS / RECOMMENDATIONS:

1. DOI secretarial order 3379, issued on January 29th 2020, temporarily ceases all UAS flights “which take off or land on FWS lands and waters” including those within the Papahānaumokuākea Marine National Monument (PMNM). UAS activities included in the permit application may be included within the agency review process with the understanding that UAS activity within PMNM is forbidden unless the DOI order is rescinded, and only after written approval by the PMNM USFWS Superintendent. UAS may be brought and used to obtain shots of voyaging, but only while outside of Monument boundaries.
2. Both Tern and East Island are crucial habitats to green sea turtles and Hawaiian monk seals, as well as a multitude of species of seabirds – most of which will be abundant and breeding in the proposed timeframe. Persons must be well experienced in working in these areas in order to mitigate negative impacts to wildlife. Tern Island specifically also poses serious human safety risks, as it is in a severely degraded state after the impacts of a violent microburst in 2012, Hurricane Walaka in 2018, and the diminished human presence that followed. Because of these factors, access to land areas at French Frigate Shoals is contingent upon a qualified the company of an approved Resource Monitor who is familiar with French Frigate Shoals. Unfortunately, due to COVID restrictions and lack of availability, no qualified Resource Monitors are available to accompany this expedition. However, NOAAs Marine Turtle Biology and Assessment Program (MTBAP) staff who are present on Tern Island may have limited capacity to work with a small film crew on Tern Island. Due to limited time and resources, access to land at East Island would be prohibited and access to Tern Island would be limited to a maximum of 4 days for up to 4 hours per day. Please coordinate with Dan Link (Daniel_Link@fws.gov, USFWS) and Yonat Swimmer (Yonat.Swimmer@noaa.gov, NOAA-MTBAP) to outline the parameters and COVID procedures involved with this visit.

3. Due to the severely degraded state of Tern Island, including around the landing area, docking the Hōkūle‘a is not advised. There have been multiple instances in recent history of vessels smaller than the Hōkūle‘a attempting to tie up at Tern but instead pulling out cleats or parts of the seawall. Anchoring in sandy substrate may be permitted as an alternative.

****We understand and will not dock at Tern Island. PVS would appreciate any guidance or information regarding the best areas for safe anchor at French Frigate Shoals in different wind conditions.***

4. If SCUBA activities are planned during this expedition, please submit a dive plan which includes detailed emergency procedures.

PVS will develop a plan that both PVS and we will submit.

5. Please detail your potential plans regarding underwater ROV device, including a make/model if possible.

PVS had brought up this possibility. We are discussing and will get the information to you ASAP

6. Access to terrestrial areas comes with unique biosecurity protocols aimed at preventing the accidental introduction of harmful plants or animals to these environments. Please pay special attention in reviewing BMP#7 “Special Conditions and Rules for Moving between Islands/Atolls and Packing for Field Camps” in detail, as these protocols will impact your work plan. For example, all “soft gear” such as clothing and backpacks must be either new or only ever used on those islands and frozen for 48hrs prior to accessing land. If land access is permitted your Monument POC and/or Dan Link (Daniel_Link@fws.gov, USFWS) to discuss terrestrial biosecurity.
7. This film aims to showcase voyaging and navigation, while highlighting the current situation at French Frigate Shoals. The USFWS supports this endeavor.
8. Even though not planning for land access at Mokumanamana and Nihoa please review the BMPs for these area for overall awareness. These are found at the following link, bottom of page (<https://www.papahanaumokuakea.gov/permit/bestmanagement.html>).
9. Given the potential for monk seals and sea turtles to be hauled out on East Island at French Frigate Shoals, and considering the relatively small size of the island, access to conduct activities on East Island should be determined based on local conditions and in consultation with the designated resource monitor and field staff present. Please be aware if there is a high presence of monk seals and sea turtles at East Island, it could possibly prevent or delay access to East Island until conditions become more favorable. If the team is able to document the vegetation and appearance of East island without landing on shore, that would be preferable.

10. Applicant should also be aware of the threat of mom seals to personnel who may be filming in waters close to mom/pup pairs. Mom seals can and have attacked people in waters adjacent to areas where they are hauled out.
11. Land access to Tern Island should be limited to the minimum number of people necessary for the activities to be conducted. Landing on the island should be done at the boat ramp or pier on the west side of the island.
12. The applicant should be aware of and abide by the minimum viewing distances in the Marine Life Viewing Guidelines for protected species while in the Monument.
13. It is recommended prior to departure, that the applicant and/or designated resource monitor contact the Hawaiian Monk Seal Research Program (Michelle Barbieri at Michelle.Barbieri@noaa.gov) and Marine Turtle Biology and Assessment Program (Yonat Swimmer at Yonat.Swimmer@noaa.gov) to discuss preventing/minimizing impacts to Hawaiian monk seals and turtles as well as coordinating with the turtle team currently stationed at Tern to ensure personnel safety with respect to COVID.

COVID QUESTIONS

1. What measures are you taking to comply with the U.S. Centers for Disease Control and Prevention current COVID-19 guidelines for keeping all listed personnel safe?

PVS meets with and consults its team of doctors (including the designated doctor who will be on this voyage) regularly to ensure all crew members, including filmmakers, are conducting themselves and will conduct this voyage in full compliance with CDC guidelines.

2. What measures are you taking to comply with the State of Hawaii's and City and County of Honolulu's current COVID-19 requirements, and the Board of Land and Natural Resources' current COVID-19 guidelines?

PVS also meets with and consults its team of doctors (including the designated doctor who will be on this voyage) regularly to ensure all crew members, including filmmakers, are conducting themselves and will conduct this voyage in full compliance with state, county and any other related agency's guidelines, including that of Hawai'i's Land Department as they pertain to private vessel sailing.

3. What are your specific COVID-19 safety plans for departing from and/or returning to Hawaii? PVS complies with all recommendations by the CDC, state, county and other regulatory agencies, including with those by the agencies involved with the monument.

PVS will, by June, have a vaccination plan in place. As of right now, 75 percent of the crew being considered are already vaccinated. PVS does not require crew members to be vaccinated, but if they are not vaccinated, they will have to provide proof of a 10-day quarantine prior to departure. PVS also has testing days scheduled for all crew members, vaccinated or not, leading up to departure as well as along the way on the canoes. PVS will have a medical doctor on board as well as qualified life-saving personnel, and the voyaging canoe Hikianalia has engines with the capacity to make 8

knots from anywhere we are at. PVS' procedures in the event of medical evacuations are spelled out and linked thru the Coast Guard.

4. Does your proposed vessel have professionally trained medical personnel on board?

Yes, a medical doctor will be on board.

5. What are your proposed vessel's capabilities/protocols in the event a medical evacuation is required?

PVS's medical evacuation procedures are spelled out with and linked through the U.S. Coast Guard. Also, the voyaging canoe Hikianalia is outfitted with engines with the capacity to make 8 knots back to Kaua'i or O'ahu. PVS would be interested in seeing any Monument document that lays out its emergency protocols in the case of medical evacuations, in order to perhaps supplement its own.

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

- Anchoring a vessel (covered under Native Hawaiian Practices Permit PMNM-2021-004; approved at the April 9th, 2021 BLNR Meeting)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March, 2021, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Additional reviews and permit history:

Environmental Compliance:

NEPA / HEPA: (check-one)

Categorical Exclusion / Exempt Class _____

EA _____

EIS _____

Other Consultations: (ESA/MMPA Section 7; NHPA Section 106, etc.)

- An informal review of all aforementioned activities following section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)) is currently underway. The outcome of this review may require the applicant to adhere to other NMFS-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.
- A request is currently underway to the National Marine Fisheries Service (NMFS) to cover all proposed activities under PMNM's programmatic ESA Section 7 informal consultation. The outcome of this consultation may require the applicant to adhere to other NMFS-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.

The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment (“DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO JORDAN MANLEY, NARROWS MEDIA AND PATAGONIA FILMS, FOR ACCESS TO STATE WATERS TO FILM A DOCUMENTARY ABOUT THE POLYNESIAN VOYAGING SOCIETY CONDUCTING NON-INSTRUMENT NAVIGATION ACTIVITIES UNDER PERMIT PMNM-2021-017”)

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

If so, please summarize past permits:

Have there been any a) violations: Yes No

b) Late/incomplete post-activity reports: Yes No

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

STAFF OPINION:

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

MONUMENT MANAGEMENT BOARD OPINION:

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

RECOMMENDATION:

Based on the attached proposed declaration of exemption prepared by the department after consultation with and advice of those having jurisdiction and expertise for the proposed permit actions:

1. That the Board declare that the actions which are anticipated to be undertaken under this permit will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Upon the finding and adoption of the department's analysis by the Board, that the Board delegate and authorize the Chairperson to sign the declaration of exemption for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR.
3. That the Board authorize and approve a Special Ocean Use Permit to Jordan Manley, Narrows Media and Patagonia Films, with the following special conditions:
 - a. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
 - b. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
 - c. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge.
 - d. No fishing is allowed in State Waters except as authorized under state law for subsistence, traditional, and customary practices by Native Hawaiians.
 - e. If there is any Hawaiian monk seal or any other protected species in the area when performing any permitted activity shall cease until the animal(s) depart the area, except as permitted for specific management of that species.
 - f. For all activities requiring landing on uninhabited islands an authorized staff escort trained for each particular inhabited island will be included on the landing team.
 - g. No direct interaction with, disturbance of, impact to or placement of camera equipment, remotely operated vehicle (ROV), or other gear or equipment will

occur on coral or live rock (defined as any natural hard substrate to which marine life is visibly attached or affixed).

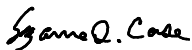
- h. The permittee is required to follow all applicable Federal, State, and County laws with respect to the COVID-19 emergency response that apply at the time of departure and return. In issuance of this permit, the State of Hawaii is not otherwise monitoring or regulating permittee's compliance with COVID-19 laws and is not responsible for the health and safety of crew members, researchers or other occupants of the vessel associated with this permit.

Respectfully submitted,



Brian J. Neilson, Administrator
Division of Aquatic Resources

APPROVED FOR SUBMITTAL

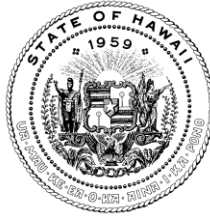


Suzanne D. Case, Chairperson
Board of Land and Natural Resources

Attachments:

- 1) Declaration of Exemption ("DE") from the Preparation of an Environmental Assessment under the Authority of Chapter 343, HRS & Chapter 11-200 HAR
- 2) PMNM Application
- 3) PMNM Compliance Information Sheet ("CIS Form")

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

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

ROBERT K. MASUDA
FIRST DEPUTY

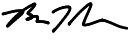
M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

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

May 14, 2021

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson

FROM: Brian J. Neilson, Administrator 
Division of Aquatic Resources

SUBJECT:

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR A PAPAHAŪNAUMOKUĀKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO JORDAN MANLEY, NARROWS MEDIA AND PATAGONIA FILMS, FOR ACCESS TO STATE WATERS TO FILM A DOCUMENTARY ABOUT THE POLYNESIAN VOYAGING SOCIETY CONDUCTING NON-INSTRUMENT NAVIGATION ACTIVITIES UNDER PERMIT PMNM-2021-017.

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

Project Title: Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Jordan Manley, Narrows Media and Patagonia Films, for Access to State Waters to Film a Documentary about the Polynesian Voyaging Society Conducting Non-Instrument Navigation Activities.

Permit Number: PMNM-2021-017

Project Description: The proposed activity would involve filming for a documentary about non-instrument navigation in Papahānaumokuākea. The film will document the activities of the Polynesian Voyaging Society (PVS) permitted under Native Hawaiian Practices Permit PMNM-2021-004. The film will focus on the training and testing of the next generation of young apprentice navigators, as well as the cultural ancestry of the Monument. The film proposes to take deep dive into the ancestral tradition of finding a way based solely on nature's clues, and the lessons of navigation for a more sustainable path forward.

The film crew will consist of two filmmakers: Jordan Manley (filmmaker/cinematographer) and an additional underwater cinematographer (the project is still in the process of securing this underwater camera operator). To accomplish the activity proposed, the film crew will sail on Hōkūle‘a from Honolulu to the northeastern end of Ni‘ihau, where they will document the apprentice navigators back-sighting Paniau. From there the canoes will attempt to navigate to Nihoa where the filmmakers will document sailing and the underwater topography and ocean life in the 15-50 foot depths in the small lee on the west side of Nihoa. Additionally, the filming of crewmembers free diving, snorkeling and possibly scuba diving may occur. From Nihoa, the film crew will document the voyage attempting to sail past Mokumanamana and arrive at French Frigate Shoals. At French Frigate Shoals, the filmmakers propose to film underwater at Rapture reef and La Perouse Pinnacle and on-land at Tern Island. Land access at Tern Island will include 2-4 crew members, up to a maximum of 4 days for up to 4 hours per day and contingent upon a qualified the company of an approved Resource Monitor from the NOAA's Marine Turtle Biology and Assessment Program who is familiar with French Frigate Shoals and stationed on Tern Island.

All vessel access and information is authorized under the Native Hawaiian Practices Permit PMNM-2021-004 (approved at the April 9th, 2021 BLNR Meeting). As outlined under this associated permit, the Polynesian Voyaging Society is proposing to sail two voyaging canoes, the Hōkūle‘a (16 crew max) and the Hikianalia (16 crew max) and one escort vessel (6 crew max), or a combination thereof, to the islands of Nihoa, Mokumanamana (Necker Island), and Lalo (French Frigate Shoals) for up to a 20-day voyage as a way to perpetuate traditional wayfinding and voyaging practices. The possible escort vessel will provide important safety support for the vessel(s) in the instance an emergency or other unforeseen circumstance occurs. The islands within Papahānaumokuākea are regarded as an important training area for apprentice navigators, and any voyage to these islands will be regarded as such. While at any of these locations, cultural protocols will be performed and anchoring on sandy substrate is requested as well as swimming and snorkeling in the vicinity of the canoe. Subsistence and sustenance fishing have been authorized and the crew will continue to examine the gut content and size of fish caught by handline, continuing this practice from the 2013-2018 Worldwide Voyage.

Tentative voyaging dates are from May 2021 – April 2022. Specific dates are still being determined based on weather and other PVS initiatives. An updated sailplan and schedule will be submitted via Monument point of contact and the PMNM compliance form.

The Malama Honua Worldwide Voyage (WWV) began in 2013 with a Malama Hawai‘i sail across the Hawaiian archipelago, and continued through 2018 with a new generation of navigators taking the helm and guiding Hōkūle‘a and Hikianalia back to Polynesia after circumnavigating the globe, and again voyage around Hawai‘i's home archipelago.

The Polynesian Voyaging Society is preparing and planning an around-the-Pacific voyage in the coming years. In order to train the requisite crew, navigators, and captains for this endeavor, training within the Hawaiian Archipelago is necessary. Utilizing the islands within Papahānaumokuākea gives crew, especially navigators, an opportunity to navigate to islands small in stature with no light pollution. They must utilize and understand ancestral knowledge in their observations of the sun, stars, swells, seabirds and other natural phenomena. The routes from Kaua‘i to Nihoa and beyond provide for open ocean sailing not normally experienced in the Hawaiian archipelago - the launching point nor the target destination are visible for an extended period of time during the course of the voyage, thereby offering a close simulation of a long-distance voyage without the added dangers of testing endurance. It is also the only voyaging

route that offers this simulation while being close enough to the main Hawaiian Islands to ensure safety and access to provisions. These characteristics make this route the ideal training platform for novice Hawaiian wayfinders.

Today, apprentice Hawaiian wayfinders can be considered qualified to attempt to navigate a canoe on long-distance, trans-Pacific sails after they have successfully guided a voyage from Kaua'i to Nihoa.

The canoe(s) will depart Kaua'i en route to Lehua Island, with Nihoa as its initial landmark. The film crew may film the underwater marine environment at Lehua (after coordination/consultation with Hawaii Film Office)-no access to land will occur. Crew will utilize traditional wayfinding and navigation while on their voyage. Once at Nihoa, the crew will spend a day for cultural protocols at the island. If the vessels subsequently continue to Mokumanamana, the vessel will anchor for the day in the lee of the island to do cultural protocol and for planning the return sail to the main Hawaiian Islands. If the weather and schedule permits, a sail to Lalo (French Frigate Shoals) is requested. East Island at Lalo was assessed for sea level research under PMNM 2018-018; it is being requested to do a post-assessment of the island due to its changing nature. The ship will enter from the southwestern portion of the atoll and anchor near La Perouse Pinnacle in sandy substrate.

Additional locations were requested and approved through an amendment when presenting PVS permit (PMNM-2021-004) at the April 9th, 2021, BLNR Meeting. The amendment authorized additional anchoring and potential docking at Tern Island and/or East Island within the French Frigate Shoals (FFS). PMNM-2021-004 already included authorization for navigation around French Frigate Shoals, but at different areas of the shoal system, such as La Perouse Pinnacle.

The reasoning for adding these locations of Tern Island and/or East Island is because the filmmakers would like to capture footage on these two islands, including both terrestrial and marine environment filming.

French Frigate Shoals (Tern Island and/or East Island): The filmmakers will document underwater at Rapture reef, in order to document the impacts from by Hurricane Walaka. The importance of capturing these images lies in the comparison with documentation of the abundant coral heads and ocean life prior Hurricane Walaka. The filmmakers also have interest of diving near La Perouse Pinnacle off East Island to document the marine environment there, while capturing the young Hōkūle'a navigators diving and experiencing their first encounter with this unique marine environment, never before seen by them.

The filmmakers will go on shore at French Frigate Shoals Tern Island to capture footage of various wildlife, which may include, Laysan and Blackfooted Albatross, Green Sea Turtles, Hawaiian Monk Seals, Great Frigate birds, Red-footed boobies, and Sooty Terns. The crew's camera equipment is minimal and can be carried in one backpack (cameras and tripod; no drone or ROV will be utilized unless authorized in writing at a later date).

The stated purposes from the film crew to go on shore are two-fold. One purpose is to document the apprentice navigators experiencing their first encounter with this unique terrestrial environment, while developing an understanding and relationship with the ocean and with the Hawaiian islands, particularly where and how their culture and history intersect with nature. The second purpose is to document the terrestrial wildlife and environment on Tern Island.

The filmmakers may also film portions of East Island (if unsubmerged) to document the current state of the island having been degraded by Hurricane Walaka and any associated wildlife such as Green Sea Turtles; a resource monitor may be available for these activities.

The filmmaker's hope is that by filming at the Monument, they can share the beauty and importance of ocean conservation. By capturing the navigators immersed in such a unique and culturally important place, there is an opportunity to demonstrate the depth to which Hawaiian culture and the environment are intertwined. Capturing these activities on film would bring attention to the importance of this area culturally and environmentally and the need to preserve it. This film is funded by Patagonia Films, which has a mission aligned with these values. The films Patagonia produces have a significant following; through film festivals around the world, streaming services, and television, the film is also expected to reach an audience beyond Patagonia Films' already significant following. Also, the Polynesian Voyaging Society intends to make this film available to local audiences in Hawai'i, in particular to teachers, for it to be shown in public and private school classrooms.

All proposed activities will follow 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. These practices and procedures will minimize or eliminate disturbance to wildlife, flora, habitats, and cultural and historic resources. Additionally, pre-access permit and cultural briefings will occur for all personnel entering the Monument.

Activities associated with this permit would not occur in the vicinity of any known maritime heritage or Native Hawaiian archaeological sites within the Monument. If any such archaeological sites are observed, locations of these resources would be immediately provided to the Monument Management Board and appropriate authorities.

In addition, the following Best Management Practices (BMP's) will followed:

- Marine Alien Species Inspection Standards for Maritime Vessels (BMP #001)
- Human Hazards to Seabirds Briefing (BMP #003)
- Best Management Practices for Boat Operations and Diving Activities (BMP #004)
- Special Conditions and Rules for Moving Between Islands / Atolls and Packing for Field Camps (BMP #007)
- Best Practices for Minimizing the Impact of Artificial Light on Sea Turtle (BMP #009)
- Marine Wildlife Viewing Guidelines (BMP #010)
- Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (BMP #011)
- Best Practices for Maritime Heritage Sites (BMP #017)
- Rodent Prevention and Inspection Standards for Permitted Vessels (BMP #018)

The proposed activities coincide with the Monument's goal to bring the place to the people and would directly support the Monument Management Plan (MMP) by targeting a variety of actions and strategies, including:

- Activity CBO-2.3: Support other entities' efforts to broaden knowledge of and appreciation for Monument resources and management priorities.
- Native Hawaiian Culture and History (NHCH) Action Plan 2.6 - Continue to Facilitate Native Hawaiian Access.

MMB Agency Reviewer Questions and Applicant Responses:

QUESTIONS:

1. What mechanism(s) does Patagonia and/or the Polynesian Voyaging Society plan to use to distribute this film to local schools?

Patagonia's distribution plan generally involves a YouTube release available to the public and thus available. Patagonia's distribution plan has not yet been finalized for this film, however. The Polynesian Voyaging Society (PVS) has a wide range of partners, including with public and private schools. It is through these partnerships that PVS would be able to bring this film to their attention.

2. While not a requirement, would it be possible for co-managing agencies to have a link available to the public on our websites to watch your film?

In the case that the film is released publicly via YouTube by Patagonia, this will be possible.

3. Co-managing agencies are interested in obtaining a minimum amount of B-roll (both video and still images) of navigation taking place within the Monument for education and outreach purposes. Would you be willing to provide this?

We will have to check with Patagonia directly about this. The Polynesian Voyaging Society would be supportive of Patagonia providing b-roll.

4. Land access will be limited only to those individuals needed for filming. At any one time, up to how many people do you estimate would be needed on land for the terrestrial film component?

Two minimum, 4 maximum, including camera person.

5. Your application cites Best Management Practice (BMP) documents for Midway Atoll. Do you intend to access Midway Atoll?

No we do not. We apologize, that was a mistake. We are not intending to go to Midway Atoll.

6. What protocols do you intend to follow to mitigate risk of COVID-19 transmission on this expedition?

PVS complies with all recommendations by the CDC, state, county and other regulatory agencies, including with those by the agencies involved with the monument. PVS will, by June, have a vaccination plan in place. As of right now, 75 percent of the crew being considered are already vaccinated. PVS does not require crew members to be vaccinated, but if they are not vaccinated, they

will have to provide proof of a 10-day quarantine prior to departure. PVS also has testing days scheduled for all crew members, vaccinated or not, leading up to departure as well as along the way on the canoes. PVS will have a medical doctor on board as well as qualified life-saving personnel, and the voyaging canoe Hikianalia has engines with the capacity to make 8 knots from anywhere we are at. PVS' procedures in the event of medical evacuations are spelled out and linked thru the Coast Guard.

7. Accessing and moving on land after dark in these areas poses significant risks to both wildlife and human safety. Land access will not be permitted after dark.

We understand and will respect that.

8. Could you provide NOAA ONMS any additional B-roll video of Hōkūle‘a, the crew, scenery, Randy and Nainoa, etc. that we could use without restriction for education and outreach purposes.

We have to check with and OK this with Patagonia. PVS would be supportive.

COMMENTS / RECOMMENDATIONS:

1. DOI secretarial order 3379, issued on January 29th 2020, temporarily ceases all UAS flights “which take off or land on FWS lands and waters” including those within the Papahānaumokuākea Marine National Monument (PMNM). UAS activities included in the permit application may be included within the agency review process with the understanding that UAS activity within PMNM is forbidden unless the DOI order is rescinded, and only after written approval by the PMNM USFWS Superintendent. UAS may be brought and used to obtain shots of voyaging, but only while outside of Monument boundaries.
2. Both Tern and East Island are crucial habitats to green sea turtles and Hawaiian monk seals, as well as a multitude of species of seabirds – most of which will be abundant and breeding in the proposed timeframe. Persons must be well experienced in working in these areas in order to mitigate negative impacts to wildlife. Tern Island specifically also poses serious human safety risks, as it is in a severely degraded state after the impacts of a violent microburst in 2012, Hurricane Walaka in 2018, and the diminished human presence that followed. Because of these factors, access to land areas at French Frigate Shoals is contingent upon a qualified the company of an approved Resource Monitor who is familiar with French Frigate Shoals. Unfortunately, due to COVID restrictions and lack of availability, no qualified Resource Monitors are available to accompany this expedition. However, NOAAs Marine Turtle Biology and Assessment Program (MTBAP) staff who are present on Tern Island may have limited capacity to work with a small film crew on Tern Island. Due to limited time and resources, access to land at East Island would be prohibited and access to Tern Island would be limited to a maximum of 4 days for up to 4 hours per day. Please coordinate with Dan Link (Daniel.Link@fws.gov, USFWS) and Yonat Swimmer (Yonat.Swimmer@noaa.gov, NOAA-MTBAP) to outline the parameters and COVID procedures involved with this visit.

3. Due to the severely degraded state of Tern Island, including around the landing area, docking the Hōkūle‘a is not advised. There have been multiple instances in recent history of vessels smaller than the Hōkūle‘a attempting to tie up at Tern but instead pulling out cleats or parts of the seawall. Anchoring in sandy substrate may be permitted as an alternative.

****We understand and will not dock at Tern Island. PVS would appreciate any guidance or information regarding the best areas for safe anchor at French Frigate Shoals in different wind conditions.***

4. If SCUBA activities are planned during this expedition, please submit a dive plan which includes detailed emergency procedures.

PVS will develop a plan that both PVS and we will submit.

5. Please detail your potential plans regarding underwater ROV device, including a make/model if possible.

PVS had brought up this possibility. We are discussing and will get the information to you ASAP

6. Access to terrestrial areas comes with unique biosecurity protocols aimed at preventing the accidental introduction of harmful plants or animals to these environments. Please pay special attention in reviewing BMP#7 “Special Conditions and Rules for Moving between Islands/Atolls and Packing for Field Camps” in detail, as these protocols will impact your work plan. For example, all “soft gear” such as clothing and backpacks must be either new or only ever used on those islands and frozen for 48hrs prior to accessing land. If land access is permitted your Monument POC and/or Dan Link (Daniel_Link@fws.gov, USFWS) to discuss terrestrial biosecurity.
7. This film aims to showcase voyaging and navigation, while highlighting the current situation at French Frigate Shoals. The USFWS supports this endeavor.
8. Even though not planning for land access at Mokumanamana and Nihoa please review the BMPs for these area for overall awareness. These are found at the following link, bottom of page (<https://www.papahānaumokuākea.gov/permit/bestmanagement.html>).
9. Given the potential for monk seals and sea turtles to be hauled out on East Island at French Frigate Shoals, and considering the relatively small size of the island, access to conduct activities on East Island should be determined based on local conditions and in consultation with the designated resource monitor and field staff present. Please be aware if there is a high presence of monk seals and sea turtles at East Island, it could possibly prevent or delay access to East Island until conditions become more favorable. If the team is able to document the vegetation and appearance of East island without landing on shore, that would be preferable.

10. Applicant should also be aware of the threat of mom seals to personnel who may be filming in waters close to mom/pup pairs. Mom seals can and have attacked people in waters adjacent to areas where they are hauled out.
11. Land access to Tern Island should be limited to the minimum number of people necessary for the activities to be conducted. Landing on the island should be done at the boat ramp or pier on the west side of the island.
12. The applicant should be aware of and abide by the minimum viewing distances in the Marine Life Viewing Guidelines for protected species while in the Monument.
13. It is recommended prior to departure, that the applicant and/or designated resource monitor contact the Hawaiian Monk Seal Research Program (Michelle Barbieri at Michelle.Barbieri@noaa.gov) and Marine Turtle Biology and Assessment Program (Yonat Swimmer at Yonat.Swimmer@noaa.gov) to discuss preventing/minimizing impacts to Hawaiian monk seals and turtles as well as coordinating with the turtle team currently stationed at Tern to ensure personnel safety with respect to COVID.

COVID QUESTIONS

1. What measures are you taking to comply with the U.S. Centers for Disease Control and Prevention current COVID-19 guidelines for keeping all listed personnel safe?

PVS meets with and consults its team of doctors (including the designated doctor who will be on this voyage) regularly to ensure all crew members, including filmmakers, are conducting themselves and will conduct this voyage in full compliance with CDC guidelines.

2. What measures are you taking to comply with the State of Hawaii's and City and County of Honolulu's current COVID-19 requirements, and the Board of Land and Natural Resources' current COVID-19 guidelines?

PVS also meets with and consults its team of doctors (including the designated doctor who will be on this voyage) regularly to ensure all crew members, including filmmakers, are conducting themselves and will conduct this voyage in full compliance with state, county and any other related agency's guidelines, including that of Hawai'i's Land Department as they pertain to private vessel sailing.

3. What are your specific COVID-19 safety plans for departing from and/or returning to Hawaii? PVS complies with all recommendations by the CDC, state, county and other regulatory agencies, including with those by the agencies involved with the monument.

PVS will, by June, have a vaccination plan in place. As of right now, 75 percent of the crew being considered are already vaccinated. PVS does not require crew members to be vaccinated, but if they are not vaccinated, they will have to provide proof of a 10-day quarantine prior to departure. PVS also has testing days scheduled for all crew members, vaccinated or not, leading up to departure as well as along the way on the canoes. PVS will have a medical doctor on board as well as qualified life-saving

personnel, and the voyaging canoe Hikianalia has engines with the capacity to make 8 knots from anywhere we are at. PVS' procedures in the event of medical evacuations are spelled out and linked thru the Coast Guard.

4. Does your proposed vessel have professionally trained medical personnel on board?
Yes, a medical doctor will be on board.

5. What are your proposed vessel's capabilities/protocols in the event a medical evacuation is required?

PVS's medical evacuation procedures are spelled out with and linked through the U.S. Coast Guard. Also, the voyaging canoe Hikianalia is outfitted with engines with the capacity to make 8 knots back to Kaua'i or O'ahu. PVS would be interested in seeing any Monument document that lays out its emergency protocols in the case of medical evacuations, in order to perhaps supplement its own.

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

- Anchoring a vessel (covered under Native Hawaiian Practices Permit PMNM-2021-004; approved at the April 9th, 2021 BLNR Meeting)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March, 2021, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Additional reviews and permit history:

Environmental Compliance:

NEPA / HEPA: (check-one)

Categorical Exclusion / Exempt Class _____

EA _____

EIS _____

Other Consultations: (ESA/MMPA Section 7; NHPA Section 106, etc.)

- An informal review of all aforementioned activities following section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)) is currently underway. The outcome of this review may require the applicant to adhere to other NMFS-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.
- A request is currently underway to the National Marine Fisheries Service (NMFS) to cover all proposed activities under PMNM's programmatic ESA Section 7 informal consultation. The outcome of this consultation may require the applicant to adhere to other NMFS-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.

This activity is exempt from the preparation of an environmental assessment under the Authority of Chapter 343, HRS and Chapter 11-200, HAR. In accordance with the revised Exemption List For The Department Of Land And Natural Resources (Concurred on by the Environmental Council on November 10, 2020), this activity does not require a declaration of exemption or "exemption notice" as this activity falls under "**Part 1**" of its exemption class. This revision separates exemption lists into categories listed in §11-200.1-16 (a)(1) and (2). Activities categorized as "**Part 1**" will fall under §11-200.1-16 (a) (1). **Activities categorized as "Part 2" will require an exemption notice** and fall under §11-200.1-16 (a) (2). However, in order to be transparent for BLNR review purposes, this exemption notice had been drafted.

Consulted Parties:

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

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

1. All activities associated with this permit have been evaluated as a single action. Since this permit involves an activity that is precedent to a later planned activity, i.e., the same study methodology used throughout the permit period, the categorical exemption determination here will treat all planned activities as a single action under §11-200-7, HAR.

2. The General Exemption Type #5 for Basic Data Collection, Research and Experimental Management with no Serious or Major Environmental Disturbance Appears to Apply. §11-200.1-16 (a) (1) and §11-200.1-16 (a) (2), HAR, exempts the class of actions that involve "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major

disturbance to an environmental resource.” This exemption type has been interpreted to include the filming of the terrestrial and marine environment for a documentary about non-instrument navigation in Papahānaumokuākea, such as those being proposed.

The proposed activities here appear to fall squarely under the general exemption type identified under HAR §11-200.1-16 (a) (1) and as described under the revised 2020 DLNR Exemption List (Concurred on by the Environmental Council on November 10, 2020), under the general exemption type #5 (Part 1), item #15, which includes, the conducting of “game and non-game wildlife surveys, vegetation and rare plant surveys, aquatic life surveys, inventory studies, new transect lines, photographing, recording, sampling, collection, culture, and captive propagation.”

The General Exemption Type #8 for Continuing Administrative Activities Appears to Apply. §11-200.1-16 (a) (1), HAR, exempts the class of actions that involve “continuing administrative activities.” This exemption type have been interpreted to include the filming of educational activities consisting of a navigational and cultural curriculum, such as those being proposed.

The proposed activities here appear to fall squarely under the general exemption type identified under HAR §11-200.1-16 (a) (1) and as described under the revised 2020 DLNR Exemption List (Concurred on by the Environmental Council on November 10, 2020), under the general exemption type #8 (Part 1), item #5, which includes, “training, environmental interpretation, public safety efforts and other educational activities.”

As discussed below, no significant disturbance to any environmental resource is anticipated. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

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

The expedition that the filmmakers will be accompanying (authorized under Native Hawaiian Practices Permit PMNM-2021-004; approved at the April 9th, 2021 BLNR Meeting), was undertaken in previous years (most recently 2017) in State Waters. There were no deleterious effects from the previous expedition. In addition, a resource monitor may be present during certain portions of the expedition, which will further minimize potential impacts. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish, but rather enhance monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any

anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities.

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

4. Overall Impacts will Probably be Minimal and Insignificant.

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

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

Papahānaumokuākea Marine National Monument
SPECIAL OCEAN USE Permit Application

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

ADDITIONAL IMPORTANT INFORMATION:

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

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

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

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

Papahānaumokuākea Marine National Monument Permit Application Cover Sheet

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

Summary Information

Applicant Name: Narrows Media Inc, Jordan Manley

Affiliation: Filmmaker/Narrows Media Inc.

Permit Category: Special Ocean Use

Proposed Activity Dates: TBD targeting June 6, 2021 - June 22, 2021

Proposed Method of Entry (Vessel/Plane): Vessels

Hōkūle‘a and Hikianalia

Double-hulled deep sea sailing canoes. Hikianalia is also out-fitted with engines for use when/if needed.

Proposed Locations: Nihoa, Mokumanamana, French Frigate Shoals

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

2 filmmakers and ~24 total crew members

Estimated number of days in the Monument: ~12

Description of proposed activities: (complete these sentences):

- a) The proposed activity would involve filming for a documentary about non-instrument navigation, its deep connection to and reliance on nature and the need to preserve both. In particular, this part of the documentary to be shot in Papahānaumokuākea will focus on the training and testing of the next generation of young apprentice navigators as they attempt to find Nihoa from Ni‘ihau, as well as the cultural ancestry of these islands. It would also take our audience under water at French Frigate Shoals to expose the brilliance of nature at her best as well as what may very well be the damage recently inflicted by Hurricane Walaka. The film is a deep dive into the ancestral tradition of finding a way based solely on nature’s clues, and the lessons of navigation that might be applied to making a more sustainable path forward. The focus when filming on Papahānaumokuākea is to relay a hopeful story about the future of this art form, the culture, and the beauty and magic of our home, planet earth.
- b) To accomplish this activity we would sail on Hōkūle‘a from Honolulu to off the north-eastern end of Ni‘ihau, where we will document the apprentice navigators back-sighting Paniau. From there they will attempt to navigate to Nihoa. We will then film as we sail by Mokumanamana and arrive at French Frigate Shoals. There, our intention is to film crew members free diving, snorkeling and possibly scuba diving to no more than a depth of 100 feet, with a focus on the underwater environment. We will be using cameras, an

underwater camera and possibly a drone and ROV for various parts of this voyage and while we will primarily be shooting on Hōkūle‘a, we will likely transfer to Hikianalia for some filming while in the Monument as well.

- c) Our hope is that by filming at the Monument, we can share the beauty and importance of caring for the oceans. By capturing the navigators immersed in such a unique and culturally important place, we have an opportunity to demonstrate the depth to which Hawaiian culture and the environment are intertwined. It would bring attention to the importance of this area culturally and environmentally and the need to preserve it. This film is funded by Patagonia Films, which has a mission aligned with these values. The films Patagonia produces have a significant following, and typically reach viewers in the millions, through Patagonia’s channels. Through film festivals around the world, streaming services, and television, the film is also expected to reach an audience beyond Patagonia Films’ already significant following. Also, the Polynesian Voyaging Society intends to make this film available to local audiences in Hawai’i, in particular to teachers, for it to be shown in public and private school classrooms.

Other information or background:

I am a filmmaker and photographer from Vancouver, British Columbia. My films typically explore various human relationships with nature across a range of cultures, and the idea that humans are a part of nature, not separate from it.

For the last decade I have made films for outdoor brands Patagonia and Arc'teryx. Among my other clients over the last 18 years as a photographer and filmmaker, are: Gore, Destination BC, Powder Magazine, Bike Magazine, Outside Magazine, booooooom.

I am also a lifelong sailor. Sailing is where I feel most connected to the earth. Most of the films that I have worked on are efforts to probe people’s relationship with their environment. I have long had a deep interest in individuals and communities who, by necessity and curiosity, are driven to study their environment so intensely that they develop a preternatural sensitivity towards the natural world, and in turn, an extraordinary understanding about their place in it. Within that scope of interest, the story of Hōkūle‘a and non-instrument navigation sit on a peak. It is a story that boldly defines the human ability to survive on earth, but also how we might live harmoniously with it. But this is also a story of a cultural journey, what is at stake, and the strength regained after once on the precipice of extinction.

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Manley, Jordan,

Title: Mr.

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

Jordan Manley, Film Director/Cinematographer

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

PLEASE SEE ORIGINAL APPLICATION FOR CONTACT INFO

Phone: PLEASE SEE ORIGINAL APPLICATION FOR CONTACT INFO

Fax: None

Email: PLEASE SEE ORIGINAL APPLICATION FOR CONTACT INFO

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

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

Narrows Media
Patagonia Films
Polynesian Voyaging Society

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):

Jordan Manley - Filmmaker, Cinematographer
Underwater Cinematographer - We are in the process of securing this UW camera operator
Nainoa Thompson - Hōkūle'a captain as well as one of the subjects of this film
Apprentice navigators - to be determined

Section B: Project Information

5a. Project location(s):

		<u>Ocean Based</u>	
<input checked="" type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> French Frigate Shoals	<input checked="" type="checkbox"/> Land-based	<input checked="" type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Maro Reef			
<input type="checkbox"/> Laysan Island	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Lisianski Island, Neva Shoal	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Pearl and Hermes Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Midway Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Kure Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Monument Expansion Area			
<input type="checkbox"/> Other			

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

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

We will be sleeping on the canoe; however, we would like permission to go ashore on French Frigate Shoals’ Tern Island and East Island which may include the hours between sunset and sunrise. We are also requesting permission to document underwater at French Frigate Shoals and Nihoa.

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

Location Description:

Nihoa: We would like to document the underwater topography and ocean life in the 15-50 foot depths in the small lee on the west side of Nihoa. We would not be going on land at Nihoa, rather dive off Hokule’a.

French Frigate Shoals: We would like to document under water at Rapture reef, which we understand, has been devastated by Hurricane Walaka. Its importance lies in the comparison with the abundant coral heads and ocean life prior Walaka. We would also like to dive near La Perouse Pinnacle off East Island to document the ocean life there. A crucial part of this underwater photography is to capture the young Hokule’a navigators diving and being exposed to this environment, never before seen.

We are also requesting to go on shore at French Frigate Shoals' East and Tern Islands and could limit the number of people who go on shore if necessary. Our camera equipment is minimal and can be carried in one backpack (camera, tripod and drone, if allowed).

Our purposes to go on shore are two-fold. Firstly, our goal is to tell the story of Hokele'a's apprentice navigators developing an understanding and relationship with the ocean and with the Hawaiian islands, particularly where and how their culture and history intersect with nature. If they are allowed to go ashore at Tern and East Islands, they will have the opportunity to witness an abundance of life that is new to them, essentially taking a step back in time while reflecting on their own role as navigators and stewards of Island Earth. In order to convey this encounter and the meaning of the visit, we hope to document the rich and abundant life on land in the Monument. On Tern island that would include Laysan and Blackfooted Albatross, Green Sea Turtles, Hawaiian Monk Seals, Great Frigate birds, Red-footed boobies, and Sooty Terns. Our intention is to be extremely careful of and sensitive to their environment and have a minimal footprint that would not infringe on them or their immediate surroundings. Our needs in this respect are not extensive, but we wish to capture the wildlife to the extent that it paints a compelling portrait of the natural history and character of the Monument.

On East Island we would like to document the current state of the island having been degraded by Hurricane Walaka. We would hope to see some regrowth in vegetation and the return of species such as Green Sea Turtles, but their absence due to climate is also a story to tell.

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 (TBD)

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 **FOR FILMING PURPOSES at French Frigate Shoals and Nihoa**

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

To film non-instrument navigation, training, and voyaging to and among these historically and spiritually significant islands, as well as above and below water at French Frigate shoals, all of

which will help to immerse the audience of our documentary in this culturally, spiritually and environmentally pristine and significant area, as well as in the traditional practice of non-instrument navigation.

*Considering the purpose of the proposed activities, do you intend to film / photograph federally protected species beyond the protocols provided in PMNM Best Management Practices (<https://www.papahanaumokuakea.gov/permit/bestmanagement.html>)? **NO**

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

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

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

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

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

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

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

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

This project is produced and funded by Patagonia/Patagonia Films, which is dedicated to telling stories with the express purpose of protecting our home, planet earth. We are also grateful to have the full cooperation and support of the Polynesian Voyaging Society.

The Findings are as follows:

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

All proposed activities 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. These practices and procedures will minimize or eliminate disturbance to wildlife, flora, habitats, and cultural and historic resources. Additionally, pre-access permit and cultural briefings will be conducted for all personnel entering the Monument.

Activities associated with this permit would not occur in the vicinity of any known maritime heritage or Native Hawaiian archaeological sites within the Monument. If any such archaeological sites are observed, locations of these resources would be immediately provided to the Monument Management Board and appropriate authorities

In addition, the following Best Management Practices (BMP's) will followed:

- Marine Alien Species Inspection Standards for Maritime Vessels (BMP #001)
- Human Hazards to Seabirds Briefing (BMP #003)
- Best Management Practices for Boat Operations and Diving Activities (BMP #004)
- Special Conditions and Rules for Moving Between Islands / Atolls and Packing for Field Camps (BMP #007)
- Best Practices for Minimizing the Impact of Artificial Light on Sea Turtle (BMP #009)
- Marine Wildlife Viewing Guidelines (BMP #010)
- Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (BMP #011)
- Midway Reservation Requirements (BMP#014)
- Nonnative Species Inspection Requirements at Midway Atoll (BMP # 015)
- Best Practices for Maritime Heritage Sites (BMP #017)
- Rodent Prevention and Inspection Standards for Permitted Vessels (BMP #018)

All activities in the Monument would be done under the oversight of a designated resource monitor. The resource monitor will provide on-site instruction for following all permit terms and conditions.

b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects?

The proposed activities are observational and non-invasive. Given the safeguards listed in question 7a response there would be no significant impacts or diminishment on the resources or integrity of the Monument.

The proposed activities coincide with the Monument’s goal to bring the place to the people and would directly support the Monument Management Plan (MMP) by targeting a variety of actions and strategies, including:

- Strategy MCS-3: Communicate results of research and monitoring over the life of the plan; and
- Activity CBO-2.3: Support other entities’ efforts to broaden knowledge of and appreciation for Monument resources and management priorities.

By adhering to all aforementioned BMP’s and safeguards, these activities would have no detectable effect to diminish Monument resources, nor have any known indirect, secondary or cumulative effects on Monument resources; and as such, the activities can be conducted in a manner compatible with the purposes of the Proclamation.

All activities in the Monument would be done under the oversight of a designated resource monitor. The resource monitor will provide on-site instruction for following all permit terms and conditions.

Additionally, permittee and authorized individuals would be required to comply with Monument Best Management Practices to preserve the resources and ecological integrity of PMNM.

These safeguards include, but are not limited to

- Marine Alien Species Inspection Standards for Maritime Vessels (BMP #001)
- Human Hazards to Seabirds Briefing (BMP #003)
- Best Management Practices for Boat Operations and Diving Activities (BMP #004)
- Special Conditions and Rules for Moving Between Islands / Atolls and Packing for Field Camps (BMP #007)
- Best Practices for Minimizing the Impact of Artificial Light on Sea Turtle (BMP #009)
- Marine Wildlife Viewing Guidelines (BMP #010)
- Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (BMP #011)
- Midway Reservation Requirements (BMP#014)
- Nonnative Species Inspection Requirements at Midway Atoll (BMP # 015)
- Best Practices for Maritime Heritage Sites (BMP #017)
- Rodent Prevention and Inspection Standards for Permitted Vessels (BMP #018)

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.

These are the islands of voyaging ancestors past, with cultural, historical, environmental and spiritual significance unlike any other. Navigating to Nihoa is a significant step in training future navigators with the Polynesian Voyaging Society and is just far enough (unlike the 8 lower Hawaiian Islands) to be out of sight of land to test their burgeoning skills. Documenting this training is an important component within the larger story of navigation and succession of navigational skills within the Hawaiian culture. Further, French Frigate Shoals is essential as an example of what was in the 8 lower Hawaiian Islands and what is possible if we take great care of our oceans. Also, seeing the student navigators exposed to this ocean life in their own backyard would only deepen their connection to nature and this earth, and that too is something we would like to capture.

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

Our hope is that this film will reach a significant global audience that will be moved to deep respect for Hawaiian culture, traditions, and environment, and appreciation for our oceans and nature on planet earth. We also hope they are moved to action, to care for the only home we all have.

All proposed activities 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. These practices and procedures

will minimize or eliminate disturbance to wildlife, flora, habitats, and cultural and historic resources.

The proposed activities coincide with the Monument’s goal to bring the place to the people and would directly support the Monument Management Plan (MMP) by targeting a variety of actions and strategies, including:

- Strategy MCS-3: Communicate results of research and monitoring over the life of the plan; and
- Activity CBO-2.3: Support other entities’ efforts to broaden knowledge of and appreciation for Monument resources and management priorities.

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

We have no plans to step off the canoes at Nihoa and Mokumanamana or to stay longer than it is necessary to find Nihoa. We plan stay at French Frigate Shoals for one to three nights, depending on time of arrival and as decided by the captains of Hokule’a and Hikianalia. We will only be in the Monument for the time necessary to achieve the intended activities of the Polynesian Voyaging Society.

Nihoa: We would like to document the underwater topography and ocean life in the 15-50 foot depths in the small lee on the west side of Nihoa. We would not be going on land at Nihoa, rather dive off Hokule’a. Dive time will be limited to the minimum amount needing to gather footage.

French Frigate Shoals: We would like to document under water at Rapture reef, which we understand, has been devastated by Hurricane Walaka. Its importance lies in the comparison with the abundant coral heads and ocean life prior Walaka. We would also like to dive near La Perouse Pinnacle off East Island to document the ocean life there. A crucial part of this underwater photography is to capture the young Hokule’a navigators diving and being exposed to this environment, never before seen.

We are also requesting to go on shore at French Frigate Shoals’ East and Tern Islands and could limit the number of people who go on shore if necessary. Our camera equipment is minimal and can be carried in one backpack (camera, tripod and drone, if allowed).

Our purposes to go on shore are two-fold. Firstly, our goal is to tell the story of Hokele’a’s apprentice navigators developing an understanding and relationship with the ocean and with the Hawaiian islands, particularly where and how their culture and history intersect with nature. If they are allowed to go ashore at Tern and East Islands, they will have the opportunity to witness an abundance of life that is new to them, essentially taking a step back in time while reflecting on their own role as navigators and stewards of Island Earth. In order to convey this encounter

and the meaning of the visit, we hope to document the rich and abundant life on land in the Monument. On Tern island that would include Laysan and Blackfooted Albatross, Green Sea Turtles, Hawaiian Monk Seals, Great Frigate birds, Red-footed boobies, and Sooty Terns. Our intention is to be extremely careful of and sensitive to their environment and have a minimal footprint that would not infringe on them or their immediate surroundings. Our needs in this respect are not extensive, but we wish to capture the wildlife to the extent that it paints a compelling portrait of the natural history and character of the Monument.

On East Island we would like to document the current state of the island having been degraded by Hurricane Walaka. We would hope to see some regrowth in vegetation and the return of species such as Green Sea Turtles, but their absence due to climate is also a story to tell.

Dive time and land access at French Frigate Shoals will be limited to the minimum amount needed to gather footage.

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

I have 18 years experience as a filmmaker and photographer, with my primary focus being the relationships between people and nature. I have had the opportunity to document mountain culture in many places around the world, including Iran, Kosovo, Northern China, Kashmir, Chile, Guatemala, Iceland, Baffin Island, Japan and the unceded territories of First Nations in British Columbia — with the permission and guidance of representatives from each place. My experiences and encounters have allowed me to develop the sensitivity and flexibility required to achieve creative objectives under what are often challenging and complex circumstances in remote areas. I have planned and executed numerous remote, multi-week and multi-modal film expeditions where the objective is to safely, effectively, and respectfully navigate often hazardous landscapes and weather, with self-supported, small crews that leave as little footprint as possible. As a non-indigenous filmmaker, I approach this project with great humility. It is only with permission, gratitude and a sense of responsibility that I am able to document this story and share it with a wide audience. I have great appreciation and respect for the kinds of ecosystems and natural heritage that exist in the Monument, and am excited by the opportunity to learn more about how we may be able to visit in a respectful way, while being able to share that experience with a wide audience.

g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.

This film is solely and adequately funded by Patagonia Films, through its parent firm Patagonia, a well-known global company dedicated to preserving planet earth. The production is insured for the kinds of activities proposed here to the Papahānaumokuākea Marine National Monument. Patagonia's mission is closely aligned with sustainability and protection of wild places such as Bears Ears National Monument and Arctic National Wildlife Refuge, as evidenced in its work.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

We intend to follow the navigational activities and actions of crew members aboard Hōkūle‘a and Hikianalia, and at French Frigate Shoals.

The proposed activities coincide with the Monument’s goal to bring the place to the people and would directly support the Monument Management Plan (MMP) by targeting a variety of actions and strategies, including:

- Strategy MCS-3: Communicate results of research and monitoring over the life of the plan; and
- Activity CBO-2.3: Support other entities’ efforts to broaden knowledge of and appreciation for Monument resources and management priorities.

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

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

Both Hokule‘a and Hikianalia will have VHF radios, satellite phones and technology, respective EPIRBs and AIS equipment and capabilities.

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

Our intentions are purely to document the cultural practices of voyaging and non-instrument navigation, and the beauty - above water and below water - of these ancestral islands. We will be in the company and guidance of an organization with a history of respectfully visiting this area and which is well-versed in rules and regulations in place at the Monument.

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

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

As filmmakers for Patagonia, we have the opportunity to be the eyes and ears for many people around the world who do not know or share an appreciation for the Monument — it’s beauty and how it plays an important role in the Hawaiian cultural tradition. By giving viewers an immersive look at the ecosystem above and below water, and the ties to culture, we

hope the film is an invitation to witness the respect and even reverence for the Monument that these navigators have and will build upon during their visit. We hope to translate that experience for the audience, and that it might move them to a similar respectfulness and reverence, whether by action, support or caring for the land and ocean near them.

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

Our purpose is for public education by way of a film that follows the journey of non-instrument navigators who rely wholly on nature and their understanding of it. This portion of the film will show succession and perpetuation of an art, skill, and cultural practice once lost for 600 years, providing hope for the future of Hawaiian and Polynesian navigation. Further, it is a celebration and invitation to acknowledge the preservation of this special area of historical, spiritual and cultural significance, a part of the navigators' own home and heritage. Our interest is to capture a place and cultural relationship that provides hope for the future of our oceans and this planet by showing the immense beauty of the Monument. Our intent is for this film to be shown at film festivals, globally through a streaming channel, on-line at Patagonia Films, as well as locally in Hawai'i as the Polynesian Voyaging Society will make it available for it to be shown in public and private school classrooms.

- m. Does the activity involve the use of a commercial passenger vessel (defined as a vessel that carries individuals who have paid for such carriage)? NO

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

- n. Explain how your activity will further the conservation and management of the Monument.
- o. How is your activity compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?

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

8. Procedures/Methods:

We will be on the voyaging canoes Hōkūle'a and Hikianalia, which will depart from Honolulu's Marine Education and Training Center and arrive just off the northeastern end of Niihau. From

there the apprentices will navigate to Nihoa aboard Hōkūle‘a - about a one-day voyage. Hikiana-
lia will act as escort vessel and follow behind. From Nihoa both canoes will sail to French Frig-
ate Shoals with the intention of docking at Tern Island. From there, the two camera crew and
some navigational crew members will follow the lead of Nainoa Thompson and enter the water
where we will use an underwater camera. We intend to film the crew members as well as the
beauty of the natural environment without disturbance to life on land and under water.
Hokule‘a will be captained by Nainoa Thompson who has prior experience docking Hokule‘a at
Tern Island and diving in the area off shore.

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

Please see attached Certificate of Insurance

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

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

Sony A7SIII Camera in Nauticam Housing (for underwater filming)
Sony FX6 Camera for above water
Stereo, lav, and boom microphones for above water filming
DRONE/UAS, Model TBD
ROV, Model TBD

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

NONE

**13. Describe any fixed installations and instrumentation proposed to be set in the Monu-
ment: NONE**

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

Patagonia Films has a history of successfully completing documentaries focused on a variety of
aspects involving culture and the environment with a hope of fostering deeper appreciation of
earth and life. I have included links to a sample of those documentaries, the first of which is a
film I made for Patagonia Films, called “Treeline.”

<https://www.patagonia.com/stories/treeline/video-79268.html>
<https://www.youtube.com/embed/MHdE2YCRjck?feature=oembed>
<https://www.patagonia.com/stories/voices-for-the-ocean/video-79274.html>
<https://www.patagonia.com/stories/lessons-from-jeju/video-86362.html>
<https://www.youtube.com/embed/ulibP6JqWdE?feature=oembed>
<https://www.patagonia.com/stories/a-net-plus/video-88657.html>

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.



Feb 25, 2021 _____

Signature

Date

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

NOAA/Inouye Regional Center
NOS/ONMS/PMNM/Attn: Permit Coordinator
1845 Wasp Blvd, Building 176
Honolulu, HI 96818
FAX: (808) 455-3093

DID YOU INCLUDE THESE?

Applicant CV/Resume/Biography
Intended field Principal Investigator CV/Resume/Biography
Electronic and Hard Copy of Application with Signature
Statement of information you wish to be kept confidential
Material Safety Data Sheets for Hazardous Materials

Papahānaumokuākea Marine National Monument Compliance Information Sheet

1. Updated list of personnel to be covered by permit. List all personnel names and their roles here (e.g. John Doe, Diver; Jane Doe, Field Technician, Jerry Doe, Medical Assistant):

Jordan Manley – Filmmaker, Cinematographer

Nainoa Thompson – Captain Hōkūle‘a

16 maximum for wa‘a kaulua Hikianalia; 16 crew maximum for wa‘a kaulua Hōkūle‘a; 6 crew maximum on a TBD escort vessel

2. Specific Site Location(s): (Attach copies of specific collection locations): Nihoa, Mokumanamana, Lalo (French Frigate Shoals) – Access to Tern island

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

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

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

5. Time frame:

Activity start: May 1st, 2021

Activity completion: April 30, 2022

Dates actively inside the Monument:

From: Tentative 3 week period beginning in June 2021

To:

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: Weather, completion of drydock and sea trials for both vessels, and completion of other training sails prior to PMNM departure.

Personnel schedule in the Monument:

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

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

- Vessel
 Aircraft

Provide Vessel and Aircraft information: wa‘a kaulua Hōkūle‘a; wa‘a kaulua Hikianalia; power escort vessel TBD

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

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

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

Vessel name: Hōkūle‘a
Vessel owner: Polynesian Voyaging Society
Captain's name: Nainoa Thompson or other TBD
IMO#:
Vessel ID#:571798
Flag: U.S.
Vessel type: Traditional Double-Hulled Sailing Canoe
Call sign: WDH 4295

Embarkation port: Honolulu
Last port vessel will have been at prior to this embarkation: Honolulu
Length: 62' (19m)
Gross tonnage: 7.0 TONS
Total ballast water capacity volume (m3): n/a
Total number of ballast water tanks on ship: n/a
Total fuel capacity: n/a
Total number of fuel tanks on ship: n/a
Marine Sanitation Device: n/a
Type:

Vessel name: Hikianalia
Vessel owner: Polynesian Voyaging Society
Captain's name: Bruce Blankenfeld
IMO#:
Vessel ID#: 1300423
Flag: U.S.
Vessel type: Double-Hulled Sailing Canoe
Call sign: E5U 2592
Embarkation port: Honolulu
Last port vessel will have been at prior to this embarkation: Honolulu
Length: 72'
Gross tonnage: 37-tons
Total ballast water capacity volume (m3): n/a
Total number of ballast water tanks on ship: n/a
Total fuel capacity: 435-gal
Total number of fuel tanks on ship: 4
Marine Sanitation Device: (2) Type III electric w/lockout
Type:

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

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

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

VMS Email:
Inmarsat ID#:

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

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

10. Tender information:

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

Additional Information for Land Based Operations

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

12. Room and board requirements on island:

13. Work space needs:

DID YOU INCLUDE THESE?

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