

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

August 26, 2022

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit Amendment to Ms. Michelle Lino, NOAA Fisheries, Pacific Islands Fisheries Science Center, for Access to State Waters to Conduct Hawaiian Monk Seal Management and Recovery Activities, Inclusive of the Removal of Individual Sharks at French Frigate Shoals Displaying Predatory Behavior Towards Monk Seal Pups

The Division of Aquatic Resources (DAR) hereby submits a request to amend the Board of Land and Natural Resources' (the Board) prior authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Native Hawaiian practices permit to Ms. Michelle Lino, NOAA Fisheries, Pacific Islands Fisheries Science Center, 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.

AMENDMENT REQUEST

The amendment request seeks the Board's authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Conservation and Management permit amendment to Ms. Michelle Lino, NOAA Fisheries, Pacific Islands Fisheries Science Center.

This amendment change is requested for activities in accordance with Proclamation 8031 ("Proclamation") establishing Papahānaumokuākea Marine National Monument ("Monument") under the Antiquities Act of 1906, 16 USC §431-433 ("Antiquities Act") and implementing regulations (50 CFR Part 404). All activities must be conducted in accordance with the Proclamation and implementing regulations. No activity prohibited by 50 CFR Part 404 is allowed except as specified below. Chapter 13-60.5, Hawaii Administrative Rules remains in effect for proposed activities in State waters.

This amendment is to modify and clarify language outlined in the applicant's existing permit (PMNM 2022-002) to conduct certain activities, including the following modifications and clarifications to specific condition #'s of the PMNM permit listed below:

ITEM F-2

The following amendments to permit number PMNM-2022-002 are requested as follows:

1. The number of individuals authorized to enter PMNM to conduct activities under this permit is increased to 30.

The rationale for this modification to add more people is because the project needs to switch out individuals in some of the roles on the ship team (i.e. add authorized assistants).

2. A provision to authorize refueling in nearshore waters (within the State Northwestern Hawaiian Islands Marine Refuge) for boats utilized in operations that are land-based for extended periods of time (i.e. Protected Species Division [PSD] / monk seal program field camps), will be included with condition #6 under Special Terms and Conditions of PMNM-2022-002: *Refueling of tenders and all small vessels must be done at the support ship and outside the confines of lagoons or near-shore waters in the State Northwestern Hawaiian Islands Marine Refuge.*

The Protected Species Division (PSD) personnel will adhere to the following small boat refueling procedures at the Protected Species Division field camps:

- For boats with 6 gallon tanks that can be removed from the boat (currently 2 tanks at Manawai and 1 tank at Lalo): Fuel tanks are filled on land using a hand pump from the 55 gallon gas drums directly into the boat gas tanks. Absorbent material and a spill kit are on hand at all times during fuel transfer in case of any spilling. The camps have reported that this procedure works out well with little opportunity for spilling or leaking because of the hand pump being used.
- For larger boat gas tanks (>6 gallon, currently 1 tank at Lalo), portable jerry cans are filled as described above and used to fill the boat gas tank within the boat. Absorbent material is used for this transfer.

The rationale for this modification is to outline a provision for the Protected Species Division (PSD) field camp type of situation, where there is not a larger vessel offshore (where refueling would usually occur), and instead there are just small boat operations based from shore, and therefore refueling happens in nearshore waters.

All other terms and conditions of PMNM-2022-002 are unchanged and still apply.

The Conservation and Management 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 Island
- Necker Island (Mokumanamana)
- French Frigate Shoals
- Gardner Pinnacles
- Laysan Island

- Lisianski Island
- Pearl and Hermes Atoll
- Midway Atoll
- Kure Atoll

The activities covered under this permit would be authorized to occur between April 2022 and April 2023.

The original permit was issued for the continuation of conservation and management activities by NOAA NMFS Pacific Islands Fisheries Science Center (PIFSC) Hawaiian Monk Seal Research Program (HMSRP) for monitoring and recovery of the Hawaiian monk seal (*Neomonachus schauinslandi*) in Papahānaumokuākea. All activities described in permit and amendment request are directed towards understanding the biology, ecology, and population dynamics of the Hawaiian monk seal and identifying factors that affect the survival and recovery of the species.

General information on monk seal research and recovery initiatives, methods and tools are located on pgs. 2-17 of the original BLNR submittal (April 8th, 2022) and pgs. 2-5 of the final PMNM permit (PMNM-2022-002_Lino). Detailed information on methods, protocol, consultation and the minimization of impacts of the shark predation mitigation activities are located under B) Recovery Intervention - section xii. Shark Predation Mitigation Activities (pgs. 6-12) of the original BLNR submittal. Clarification and updates of the results thus far of shark predation mitigation activities at French Frigate Shoals are located on pgs. 19-20 (questions 2 & 3) of the original BLNR submittal.

Monument Management Plan Strategies

The activity will benefit the conservation and management of the Monument by supporting the following strategies under the Monument Management Plan (PMNM MMP Vol. 1, 2008):

- *TES-1: Support Activities that advance recovery of the Hawaiian monk seal for the life of the plan.*
- *MD-1: Remove and prevent marine debris throughout the life of the plan.*

Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant.

Monument permits have been issued to this project since 2007. In addition to the main monk seal monitoring and conservation efforts, this project will continue shark removal activities that were undertaken in 2007 and 2010 to 2020, under permits PMNM-2007-025, PMNM-2010-014, PMNM-2011-007, PMNM-2012-013, and PMNM- 2013-017, PMNM-2014-023, PMNM-2015-009, PMNM-2016-008, PMNM-2018-014, PMNM-2020-006 (monk seal teams not deployed due to COVID) and PMNM-2021-015 (note: in earlier years, shark removal activities were authorized

under separate permits from monk seal activities – therefore some permit numbers differ from monk seal management permit numbers); these activities had no deleterious effects on Monument resources. Possible adverse effects on the coral reef ecosystem at French Frigate Shoals (FFS) from shark removals were investigated using the EcoSim model (Parrish, NMFS). Results from that work indicated that the removal of 20 sharks had a nearly imperceptible effect on the dynamics of the FFS ecosystem. With that in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts that would occur as a result of these activities. These activities would be conducted from the seasonal monk seal field camp based on FFS. The operation of the field camp, and associated monitoring activities, are covered under the Manager's permit PMNM-2022-001. The Department made an exemption determination for this permit in the original BLNR submittal (April 8th, 2022) in accordance chapter 343, HRS, and Chapter 11-200.1, HAR.

All else in the currently issued PMNM permit shall remain the same (See Attachment 1). This amendment (hereafter referred to as Amendment No. 1) is also subject to the same GENERAL CONDITIONS and SPECIAL CONDITIONS as the PMNM Permit (PMNM 2022-002). Amendment No. 1 shall be made a part of the PMNM permit indicated above and will be carried by the permittee(s) while engaged in activities authorized under the permit.

STAFF OPINION:

DAR staff is of the opinion that the amendment request should be approved.

MMB OPINION:

The MMB is of the opinion that the amendment request should be approved.

RECOMMENDATION:

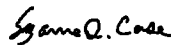
That the Board authorize and approve this request for issuance of a Papahānaumokuākea Marine National Monument research permit amendment to Ms. Michelle Lino, NOAA Fisheries, Pacific Islands Fisheries Science Center, permit PMNM-2022-002-A1.

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) PMNM Permit (PMNM 2022-002)



PAPAHĀNAUMOKUĀKEA
Marine National Monument

CONSERVATION AND MANAGEMENT PERMIT

Permittee:

Michelle Lino
NOAA/ Daniel K. Inouye Regional Center
NMFS/Pacific Islands Fisheries Science
Center/Protected Species Division
1845 Wasp Blvd., Building 176
Honolulu, HI 96818

Permit Number: PMNM-2022-002

Effective Date: April 14, 2022

Expiration Date: April 14, 2023

Project Title: Hawaiian Monk Seal Conservation and Management Activities

This permit is issued for activities in accordance with Proclamation 8031 (“Proclamation”) establishing Papahānaumokuākea Marine National Monument (“Monument or PMNM”) under the Antiquities Act of 1906, 16 USC §§ 431-433 (“Antiquities Act”) and implementing regulations (50 CFR Part 404). All activities must be conducted in accordance with the Proclamation and the regulations (attached). No activity prohibited by the Proclamation or 50 CFR Part 404 is allowed except as specified below. Chapter 13-60.5, Hawaii Administrative Rules remains in effect for activities in State waters.

The National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (FWS), State of Hawai‘i through the Department of Land and Natural Resources and the Office of Hawaiian Affairs (collectively the Co-Trustees) have reviewed and endorsed the activities listed in this permit. Based on applicable authorities, this permit hereby authorizes the permittees listed above to conduct conservation and management activities within the Monument subject to the terms and conditions enclosed herein. All activities are to be conducted in accordance with this permit. The permit application is incorporated into this permit and made a part hereof; provided, however, that if there are any conflicts between the permit application and the terms and conditions of this permit, the terms and conditions of this permit shall be controlling.

PERMITTED ACTIVITY DESCRIPTIONS:

1. The permittee and up to 25 individuals are authorized to enter PMNM to conduct activities under this permit. Permittee shall provide an updated *Compliance Information Sheet* prior to each entry into the Monument.
2. Deploying field staff at permitted activity locations listed below as necessary to perform conservation and management activities for the Hawaiian monk seal.

3. Conducting the following population monitoring activities:
 - a. Conducting seal assessments by visually identifying animals, and marking and tagging animals;
 - b. Instrumenting seals including but not limited to mounted cameras and telemetry tags.
4. Operating unmanned aircraft systems (UAS) (APH-22 hexacopter and DJI Mavic Pro GE) to assist in monitoring Hawaiian monk seal population, other fauna and flora, and marine debris (as permissible under DOI Secretarial Order 3379).
5. Traversing Mokumanamana to conduct population assessment surveys only when full surveys cannot be completed by boat landing or UAS operations.
6. Placing acoustic recording devices on submerged sandy substrate to capture underwater vocalizations of Hawaiian monk seals.
7. Installing trail cameras in terrestrial areas at Tern Island and Pearl and Hermes Atoll to monitor animal behavior.
8. Disentangling monk seals from marine debris.
9. Conducting health response, including but not limited to cutting umbilical cords, lancing abscesses, administering antibiotics and vaccinations, responding to disease outbreaks, necropsy and transferring samples for further research and diagnostic collaboration.
10. Conducting antihelminthic treatment ('deworming') by field staff, which may include monitoring to detect improvement in body condition of treated seals versus control seals. Antihelminthic medications may include various cestodocides and nematocides (e.g., praziquantel, fenbendazole, ivermectin, emodepside) applied via various routes (e.g., oral, injectable, and topical).
11. Translocating Hawaiian monk seals, consisting of the following types:
 - a. *Intra-atoll*: These translocations will include moving seals from areas of high risk where threats are imminent to safer areas and moving pups to promote maternal fostering when necessary. Field staff will perform these movements; greater resources (e.g., veterinarian care) will not typically be necessary.
 - b. *Inter-atoll*: These translocations will include transport of weaned female pups from atolls/islands of low survival to those of higher survival.
 - c. *MHI-NWHI*: These translocations will include transport of main Hawaiian Island (MHI) seals that are considered a threat to themselves or humans because they have demonstrated a pattern of interacting with humans.
 - d. *NWHI-captive care*: Seals may be taken into temporary captivity for treatment at appropriate, federally permitted rehabilitation facilities in the MHI for release back in the NWHI (i.e., permitted for captive care of injured, ill or prematurely weaned seals) (see Activity No. 12 below).
 - e. Aggressive male seal translocation to areas with no pups or juveniles (see Activity No. 13 below).

12. Reuniting nursing mothers and pups, when separated (includes instances of pup switches).
13. Mitigating male aggression towards pups and juveniles (individual and multiple male-based aggression), including utilizing all federally permitted techniques (including, but not limited to, poles, rocks, slingshots, and air horns). Mitigation tools shall be applied as appropriate for the given context (i.e., the intensity, severity and frequency of aggression and the location, with regard to other species in the area such as birds). Mitigation may include temporarily separating males from juveniles by placing either in temporary shore-pens (see below). Mitigation also may include removal of the male(s) from the area by:
 - a. Translocation to a location where no pups or juveniles will be harmed;
 - b. Placement in an appropriate, federally permitted facility that is agreeable and permitted to care for a male indefinitely; and
 - c. Lethal removal: this type of removal will only be applied when the above two options are not feasible, possible or exhausted. The preferred technique for euthanasia will be via physical means (e.g., firearm, captive bolt, etc.), in order for the carcass to remain in PMNM and for culturally appropriate and environmentally proper disposal to occur. When necessary, chemical euthanasia and removal of the carcass from PMNM will be allowed.
14. Conducting captive care of compromised seals to administer veterinary care and/or food supplementation. Captive care may include the capture and transport of seals to shore-pens (in the NWHI) or facilities in the MHI. NWHI seals under care in the MHI may be returned to the NWHI when a licensed veterinarian deems them rehabilitated and transport is feasible. The seals will then be released to the NWHI site deemed most appropriate for their subsequent survival (determined on the basis of such factors as the intensity and severity of imminent threats to the seals and recent survival trends at each atoll/island).
15. Monitoring shark activity at French Frigate Shoals. Monitoring may include camping on islets with shark incidents on nursing pups and recording shark activity and shark-seal interactions via hand-held or mounted cameras (cameras will be mounted on a pole 15' or less with no guy wires to be used only during the field season and attended daily by field staff).
16. Placing temporary shore-pens at select NWHI breeding sites to facilitate monk seal recovery activities described here within (e.g., translocations, captive care, and male aggression mitigation).
17. Removing marine debris at all locations except Pearl and Hermes atoll.
18. Anchoring and/or mooring small boats on sandy substrate.
19. Operating small boats as necessary to support conservation and management activities covered under this permit.

NOTE: Permitted Activity Numbers 19–25 are specific to the islets of French Frigate Shoals (FFS) and would be conducted by a subset of personnel listed in Activity No. 1 as directed by the permittee.

20. Possessing fishing gear in support of Permitted Activity No. 22, within a distance of 700 meters from the shorelines of Trig, Gin, Little Gin, and Round islets. All fishing gear shall be monitored closely to prevent mortality of non-target species.
21. Attracting Monument living marine resources using baited hooks, with bait to include fish parts (brought from outside the Monument), shark remains (obtained from permitted activities), and salvaged monk seal tissues (obtained from deceased monk seals at French Frigate Shoals and brought from outside the Monument).
22. Removing, moving, taking, possessing, injuring, or disturbing; or attempting to remove, move, take, possess, injure, or disturb up to **13** Galapagos sharks (*Carcharhinus galapagensis*) within a distance of 700 meters from the shorelines of Trig, Gin, Little Gin and Round islets. Only Galapagos sharks with a minimum size of 2 meters (6.5 feet) tail length or greater shall be lethally removed. Permittees are required to safely release Galapagos sharks smaller than the minimum size limit as well as all other non-target species. The following four removal methods are authorized:
 - a. Deploying a *hand-held harpoon* from shore or small boat when a targeted Galapagos shark is observed. Targeted shark shall then be hauled on shore or alongside a small boat for humane euthanasia using a .44 caliber bang stick.
 - b. Deploying a baited *handline* from shore or small boat. Targeted shark caught shall then be hauled on shore or alongside a small boat for humane euthanasia using a .44 caliber bang stick.
 - c. Deploying *bottomsets*, where each bottomset shall have a maximum of ten baited hooks and a buoy line at the top and an anchor (9-12 lb) at the bottom. All bottomset gear shall be deployed only on sandy substrate and shall be closely monitored by field project personnel.
 - d. Deploying *drumlines*, where each drumline shall consist of a single baited hook and drum-buoy with gear configuration to allow baited hook to rest on the bottom or suspended above the seafloor. All drumline gear shall be deployed only on sandy substrate and shall be closely monitored by field project personnel.
23. Placing anchors on submerged lands that are part of authorized fishing gear in Activity No. 22. All anchors shall be placed on sandy substrate and all anchors removed when fishing gear is retrieved.
24. Conducting necropsies on euthanized Galapagos sharks on Tern Island, FFS for the purpose of obtaining morphometric measurements, reproductive state, and removing samples of muscle, liver, vertebrae, and gut contents for scientific analyses.

25. Discharging of Galapagos shark remains (post-necropsy) at a distance of approximately 0.5 miles seaward from the FFS breaking reef. Global Positioning System (GPS) coordinates shall be recorded at each carcass discharge site. One carcass, including any lethal by-catch shall be disposed of at each site.
26. Transferring necropsy samples from Activity No. 24 to researchers for scientific analyses:
 - a. Diet analysis through isotope screening (vertebrae)
 - b. Diet analysis through fatty acid profiles (liver)
 - c. Ciguatera and mercury level testing (muscle and liver)
 - d. DNA analysis from fin clip and stomach contents, if available
27. Transferring biological samples (e.g., teeth and skin) for cultural purposes to practitioners shall occur only to such persons conducting protocol in PMNM.
28. Erecting temporary polyvinyl tents for housing monk seal field teams at French Frigate Shoals, Laysan, Lisianski, Pearl and Hermes Reef and Kure. One tent at each site may have a radio antenna extending upwards <10ft.
29. The MMB may monitor activities under the permit. Any member of the MMB may, for a period not to exceed 48 hours, verbally require temporary modification or cessation of activities identified in the permit if, in the opinion of the MMB member, such action is necessary to limit effects on Monument resources beyond the intended scope of the permit, to protect governmental equipment, or to ensure the safety of personnel. Such action will be followed as soon as possible by MMB emergency consideration of the temporary permit modification or temporary permit cessation. If the MMB concurs with the temporary action taken by the MMB member, the Co-Trustee signatories listed at the end of this permit may amend the permit with the necessary changes or withdraw it. A decision by the Co-Trustees to amend the permit or to allow the activity to continue unchanged will include the necessary findings that the activity and its effects satisfy Monument permit issuance criteria and do not risk the safety of governmental employees or damage to governmental equipment.

No further disturbance of the cultural or natural resources of the Monument is allowed.

PERMITTED ACTIVITY LOCATION:

Other than entrance into the Monument, the permitted activities listed above shall take place within Midway Atoll Special Management Area and the following Special Preservation Areas:

1. Nihoa Island
2. Necker Island (Mokumanamana)
3. French Frigate Shoals
4. Gardner Pinnacles
5. Laysan Island
6. Lisianski Island
7. Pearl and Hermes Atoll

8. Kure Atoll
9. Midway Atoll

GENERAL TERMS AND CONDITIONS:

In accordance with the Proclamation and applicable regulations, the permitted activities listed above are subject to the following general terms and conditions:

1. The permittee must sign and date this permit on the appropriate line below. Once signed and dated, the permittee must provide a signed original copy to the Monument official identified below. The permit becomes valid on the date the last signature is obtained and shall remain valid until the expiration date on the permit.

NOAA/Daniel K. Inouye Regional Center
NOS/ONMS/PMNM/ATTN: Permit Coordinator
1845 Wasp Blvd., Building 176
Honolulu, HI 96818

2. This permit is neither transferable nor assignable and must be carried by the permittee while engaging in any activity authorized by this permit. All other persons entering the Monument under the authority of this permit must provide the name of the permittee or the permit number to any authorized enforcement or management personnel upon request.
3. This permit may only be modified by written amendment approved by the Co-Trustee signatories listed at the end of this permit. Modifications to this permit must be requested in the same manner as the original request was made. Any modifications requested by the permittee, such as adding or changing personnel to be covered by the permit or to change the activities that are allowed, must be made in writing.
4. This permit is subject to suspension, modification, non-renewal, or revocation for violation of the Proclamation, implementing regulations, or any term or condition of the permit. Any verbal notification of a violation from an authorized Monument representative may require immediate cessation of activities within the Monument. The issuance of a permit shall not constitute a vested or property right to receive additional or future permits. This permit may, in the sole discretion of the Co-Trustee signatories listed at the end of this permit, be renewed or reissued. However, there is no right to a renewal or reissuance. Failure to fulfill permit requirements may affect consideration of future permit applications.
5. Permit terms and conditions shall be treated as severable from all other terms and conditions contained in this or any other ancillary permit. In the event that any provision of this permit is found or declared to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining terms or conditions of this permit.

6. This permit does not relieve the permittee of responsibility to comply with all federal, state and local laws and regulations. For a list of federal, state and local laws and regulations, refer to attached Papahānaumokuākea Marine National Monument Rules and Regulations document. Activities under this permit may be conducted only after any other permits or authorizations necessary to conduct the activities have been obtained.
7. The permittee may be held liable for the actions of all persons entering the Monument under the authority of this permit.
8. All persons entering the Monument under the authority of this permit are considered under the supervision of the permittee and may be liable in addition to the permittee for any violation of this permit, the Proclamation and implementing regulations in conjunction with this permit. The permittee must ensure that all such persons have been fully informed of the permit terms and conditions prior to entry into the Monument. Each such person must provide written acknowledgment to the permittee, prior to entry into the Monument, that he/she has received a copy of the permit, agrees to abide by all applicable terms and conditions, and may be liable for violations of the permit. The permittee shall maintain all signed acknowledgments and submit them with the summary report described in General Condition #22.b. An acknowledgement form is attached.
9. Notification of entry into the Monument must be provided at least 72 hours, but no longer than one month, prior to the entry date. Any updates to the list of personnel must also be provided at least 72 hours before entering the Monument. Notification of departure from the Monument must be provided within 12 hours of leaving the Monument. Notification may be made via e-mail or telephone by contacting: E-mail: nwhi.notifications@noaa.gov; Telephone: 1-866-478-6944; or 1-808-395-6944. No other methods of notification will be considered valid.
10. The permittee and any person entering the Monument under the authority of this permit shall, before entering the Monument, attend a cultural briefing or view designated cultural informational materials on Papahānaumokuākea regarding the region's cultural significance and Native Hawaiians' spiritual and genealogical connection to the natural and cultural resources. Persons entering the Monument at Midway Atoll may satisfy this requirement upon arrival.
11. All vessels (including tenders and dive boats), engines and anchor lines shall be free of introduced species prior to entry into the Monument. To ensure this, all vessels, engines and anchor lines shall be inspected for potential introduced species prior to departing the last port before entering the Monument. No later than 24 hours prior to entry, the permittee shall provide the Monument Permit Coordinator with a report prepared by the individual conducting the inspection that: a) sets forth when and where the inspection occurred; b) identifies any introduced species observed, including where found; c) summarizes efforts to remove any species observed; and d) certifies the vessel as free of all introduced species. The Monument Permit Coordinator shall review the report and, based on the review, may delay the entry into the Monument until all concerns identified by the Monument Permit Coordinator have been addressed.

12. All hazardous materials, biohazards and sharps, must be pre-approved by the Co-Trustees. For purposes of this permit, “hazardous material” has the same meaning as the definition found at 49 CFR §105.5 (U.S. Department of Transportation). All hazardous materials, biohazards and sharps must be stored, used, and disposed of according to applicable laws and Monument-approved protocols. The permittee or a designated individual entering the Monument under the authority of this permit must be properly trained in the use and disposal of all such materials proposed. Proof of appropriate training may be required by the Co-Trustees. No such material may be left in the Monument after the departure of the permittee unless it has been previously approved by Monument staff. Immediately after the project is complete the permittee must remove all such materials from the Monument. The permittee will be responsible for all costs associated with use, storage, transport, training, disposal, or HazMat response for these materials.
13. All equipment or supplies brought into the Monument, or structures of any kind built in the Monument by the permittee are the responsibility of the permittee. All materials that are brought to the Monument by the permittee must be removed by the permittee except as otherwise permitted. Any permanent structures, equipment, or supplies that require maintenance, are determined to be unserviceable, or are a safety hazard, must be immediately repaired or removed from the Monument by the permittee. No structures, equipment, or supplies may be left in the Monument following the completion of the project except as listed in the permit.
14. If Monument staff is present at the field site, the permittee must meet with them before beginning permitted activities. Even with a valid permit, authorized Monument staff may prohibit entry into any location(s) within the Monument as they may deem appropriate to conserve or manage resources, particularly in areas where cumulative impacts of permitted activities are concentrated.
15. In order to facilitate monitoring and compliance, any person entering the Monument under the authority of this permit, including assistants and ship’s crew shall, upon request by authorized Monument enforcement personnel, promptly: a) allow access to and inspection of any vessel or facility used to carry out permit activities; b) produce for inspection any sample, record, or document related to permit activities, including data, logs, photos, and other documentation obtained under, or required by, this permit; and c) allow inspection on board the vessel or at the permittee’s premises of all organisms, parts of organisms, and other samples collected under this permit.
16. It is prohibited to possess or consume alcohol in the Hawaiian Islands National Wildlife Refuge in accordance with the refuge policy. Any violations will result in immediate removal of the offender from the Monument at the individual’s own cost. Offenders may not be readmitted to the Monument.
17. All persons entering the Monument under the authority of this permit are responsible for the cost of removing themselves from the Monument at the conclusion of the term of the

permit or upon revocation or suspension of the permit. All such persons are also responsible for the cost of removing themselves from the Monument in the event of a necessary medical evacuation, emergency evacuation, including weather, or for the cost of any necessary search and rescue operation.

18. Except as expressly required by applicable law, the Co-Trustees are not liable for any damages to equipment or injuries to the permittee and persons entering the Monument under the authority of this permit. The permittee and any person entering the Monument under the authority of this permit shall release, indemnify, and hold harmless the National Oceanic and Atmospheric Administration, the Department of Commerce, the U.S. Fish and Wildlife Service, the Department of the Interior, the United States Government, the State of Hawai'i, and their respective employees and agents acting within the scope of their duties from and against any claims, demands, actions, liens, rights, subrogated or contribution interests, debts, liabilities, judgments, costs, and attorney's fees, arising out of, claimed on account of, or in any manner predicated upon the issuance of this permit or the entry into or habitation upon the Monument or as the result of any action of the permittee or persons participating in the activity authorized by this permit. In the event that a government employee, acting in his official capacity, is the permittee, or is entering the Monument under the authority of this permit, then he shall be subject to all applicable federal and State laws that pertain to claims by or against him predicated upon the issuance of this permit or entry into or habitation upon the Monument.
19. Monument managers or their designees may verbally require the permittee to modify or cease activities not identified in this permit if, in the opinion of the managers or designees, such action is necessary to limit disturbance to or protect Monument resources, to protect government equipment, or to ensure the safety of personnel. After providing such verbal instructions, the managers or designees will provide the permittee with a written modification, suspension or revocation to this permit at the earliest practicable opportunity. The failure to follow verbal instructions or modified permit terms, or to cease activities upon suspension or revocation of this permit, may constitute a violation of this permit, the Proclamation, the regulations, or other applicable law.
20. Disturbance of any cultural or historic property, including but not limited to Native Hawaiian cultural sites, burials, archaeological deposits, maritime heritage sites, and WWII structures and features, such as stone walls and mounds, stone uprights, bunkers, batteries, camp sites, hospitals, housing areas, and radio towers; or the disturbance or collection of any historic or cultural materials and artifacts, including but not limited to bottles, dishes, cartridges, hospital materials, carvings, human remains, or Native Hawaiian bone or stone implements, found within the Monument, including the sale or trade in such items, is prohibited.
21. All Monument resources within the jurisdiction of the State of Hawaii are held in trust under the Hawai'i State Constitution, Article XI, Sec. 1. The State of Hawaii and the Government of the United States reserve ownership or control, as the case may be, of Monument resources, both living and nonliving, that may be taken or derived from those found in the Monument.

22. The permittee must satisfy the following reporting requirements:

a. Within thirty (30) days after the expiration date of this permit, the permittee must submit a summary report of activities conducted under this permit. The report shall be submitted using the Monument permit report template, if applicable.

b. For permitted vessels, the permittee having authority over the vessel must maintain and submit a cruise log within thirty (30) days after the expiration date of this permit. The log shall include but is not limited to: description of cruise activities, geographic locations of those activities, anchoring locations, and small boat dive locations. The permittee shall also maintain a daily vessel discharge log, which must be submitted with the cruise log.

c. Annual Report. The comprehensive annual report is a summary of all activities undertaken, including but not limited to: dates of all arrivals and departures from islands and atolls within the Monument, names of all persons involved in permitted activities, details of all specimens collected, handled, etc., any other pertinent information, GPS locations of all samples collected, transects, etc., results of work to date, copy of all data collected, and a proposed schedule of publication or production of final work. The report shall include a concise summary or abstract for use in Monument reports. A minimum of one electronic copy (Microsoft Word preferred, but not required), must be submitted to the Co-Trustees. The annual report is due by December 31 for each calendar year the permit was in effect. Subsequent annual reports are requested each year until all data collected under research permits are fully analyzed or before a new permit is issued, whichever comes first.

d. For activities on State lands or within State waters, the permittee must submit a monthly report on the specified form.

e. The permittee may debrief the Co-Trustees following the completion of all activities in the Monument covered under this permit. The permittee may schedule the debriefing upon submitting the annual report.

f. The permittee must submit two copies of any article, publication, or other product created as a result of the information gained or work completed under this permit, including materials generated at any time in the future following expiration of this permit.

g. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted under permit number PMNM-2022-002. This requirement does not apply to publications or reports produced by the news media.

h. All required submissions (including plans, logs, reports, and publications) shall be provided to the Monument official at the address indicated in General Condition #1.

23. All data acquired or created in conjunction with this permit will be submitted with the summary report, and annual report. Photographic and video material is considered data. The permittee retains ownership of any data, (including but not limited to any photographic or video material), derivative analyses, or other work product, or other copyrightable works, but the federal government and the State of Hawai‘i retain a lifetime, non-exclusive, worldwide, royalty-free license to use the same for government purposes, including copying and dissemination, and making derivative works. The permittee will receive acknowledgment as to its ownership of the data in all future use. This requirement does not apply to data acquired or created by the news media.
24. Because photographic or video material that is created for personal use (i.e., not specifically acquired or created in conjunction with this permit) could unintentionally collect data that is also valuable for management purposes, the Co-Trustees reserve the right to request copies of any such material and the permittee agrees to provide a copy of such material within a reasonable time. The Co-Trustees may use such material for management purposes.
25. Any question of interpretation of any term or condition of this permit will be resolved by the Co-Trustees.

SPECIAL TERMS AND CONDITIONS:

1. The permittee or permittee’s designee is required to provide in writing to the Monument Management Board (MMB), a field report after any lethal removal associated with Activity Numbers 13c and 22, and lethal by-catch associated with Activity Number 22; to include species, size, and GPS coordinates of capture location within a week of capture date. If unforeseen field communications inhibit this time frame to be met, permittees shall submit field reports once communications are restored.
2. This permit is not to be used for nor does it authorize the sale of collected organisms. Under this permit, the authorized activities must be for noncommercial purposes not involving the use or sale of any organism, by-products, or materials collected within the Monument for obtaining patent or intellectual property rights.
3. The permittee may not convey, transfer, or distribute, in any fashion (including, but not limited to, selling, trading, giving, or loaning) any coral, live rock, or organism collected under this permit without the express written permission of the Co-Trustees.
4. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocols attached to this permit.
5. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.

6. Refueling of tenders and all small vessels must be done at the support ship and outside the confines of lagoons or near-shore waters in the State Northwestern Hawaiian Islands Marine Refuge.
7. The permittee provides, to the best extent possible, a summary of their Monument access, including but not limited to any initial findings to the State Department of Land and Natural Resources for use at educational institutions and outreach events.
8. 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.
9. Please coordinate with your Monument permit point of contact for the most current version of *Chondria tumulosa* mitigation measures to be followed for activities at Pearl and Hermes Atoll and Midway Atoll.
10. To ensure the protection of Monument resources, the permittee must conduct all activities in accordance with the following Monument Best Management Practices (BMP) and guidelines, as attached:
 - a. Human Hazards to Seabirds Briefing (PMNM BMP #003)
 - b. Best Management Practices for Boat Operations and Diving Activities (PMNM BMP #004)
 - c. Protocol to Reduce Impact to the Laysan Finch (PMNM BMP #005)
 - d. General Storage and Transport Protocols for Collected Samples (PMNM BMP #006)
 - e. Terrestrial Biosecurity (PMNM BMP #007)
 - f. Protocols Necessary for Conducting Trolling Research and Monitoring (PMNM BMP #008)
 - g. Best Practices for Minimizing the Impact of Artificial Light on Sea Turtles (PMNM BMP #009)
 - h. Marine Wildlife Viewing Guidelines (PMNM BMP #010)
 - i. Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (PMNM BMP #011)
 - j. Precautions for Minimizing Human Impacts on Endangered Land Birds (PMNM BMP #012)
 - k. Special Conditions and Rules for Small Boat Operations at Tern Island (PMNM BMP #013)
 - l. Reservation Requirements for Midway Flights, Lodging, and Meals (PMNM BMP #014)
 - m. Nonnative Species Inspection Requirements at Midway Atoll (PMNM BMP #015)
 - n. Best Management Practices for Activities on Nihoa (PMNM BMP #016)
 - o. Best Management Practices for Maritime Heritage Sites (PMNM BMP # 017)

11. Permittee is required to work in conjunction with the U.S. Fish and Wildlife Service, Hawaiian Islands National Wildlife Refuge and Midway Atoll National Wildlife Refuge regarding any arrangements at Nihoa Island, Necker Island, the islands of French Frigate Shoals, Gardner Pinnacles, Laysan Island, Lisianski Island, the islands of Pearl and Hermes Atoll, Midway Atoll, and with the State of Hawai'i Kure Atoll Seabird Sanctuary Manager at Kure Atoll. The Refuge Managers for the above locations listed in the Permitted Activity Locations section must be notified at least 72 hours and not more than 30 days prior to arrival. Upon departing, notification to the appropriate Refuge Manager is required. Contact information for notifications are listed below:

- a. French Frigate Shoals, Laysan Island, and Midway Atoll: Deputy Superintendent, Amanda Boyd; email Amanda_J_Boyd@fws.gov, or telephone 808-792-9488.
- b. Kure Atoll: Kure Biological Field Station Supervisor, Cynthia Vanderlip; or Matt Saunter, Natural Resources Management Technician; at kureatoll@gmail.com.

Your signature below, as permittees, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit authorizes only those activities listed above. This permit becomes valid on the date when signed by the last Monument Official. Please note that the expiration date on this permit will not be extended by a delay in your signing below.

Michelle Lino

Date

Hawaiian Monk Seal Research Program Lead Scientist

Pacific Islands Fisheries Science Center

NOAA National Marine Fisheries Service

Attachments (17):

1. Papahānaumokuākea Marine National Monument Rules and Regulations
2. Map of the Papahānaumokuākea Marine National Monument
3. Permit Acknowledgment Form
4. Human Hazards to Seabirds Briefing (PMNM BMP #003)
5. Best Management Practices for Boat Operations and Diving Activities (PMNM BMP #004)
6. Protocol to Reduce Impact to the Laysan Finch (PMNM BMP #005)
7. General Storage and Transport Protocols for Collected Samples (PMNM BMP #006)
8. Terrestrial Biosecurity (PMNM BMP #007)
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10. Marine Wildlife Viewing Guidelines (PMNM BMP #010)
11. Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment (PMNM BMP #011)
12. Precautions for Minimizing Human Impacts on Endangered Land Birds (PMNM BMP #012)
13. Special Conditions and Rules for Small Boat Operations at Tern Island (PMNM BMP #013)
14. Reservation Requirements for Midway Flights, Lodging, and Meals (PMNM BMP #014)
15. Nonnative Species Inspection Requirements at Midway Atoll (PMNM BMP #015)
16. Best Management Practices for Activities on Nihoa (PMNM BMP #016)
17. Best Management Practices for Maritime Heritage Sites (PMNM BMP # 017)

PMNM-2022-002
Lino

Suzanne Case

Apr 18, 2022

Suzanne Case
Chairperson
Board of Land and Natural Resources
Department of Land and Natural Resources
State of Hawai'i

Date



PMNM-2022-002
Lino

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

Date



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

Date

