

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:

Papahānaumokuākea Marine National Monument Permit Coordinator

6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

nwhipermit@noaa.gov

PHONE: (808) 397-2660 FAX: (808) 397-2662

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: Stephen Dunleavy

Affiliation: Humble Bee Films Limited

Permit Category: Special Ocean Use

Proposed Activity Dates: Nov 2012- July 2013

Proposed Method of Entry (Vessel/Plane): Plane for Midway

Proposed Locations: Midway

Estimated number of individuals (including Applicant) to be covered under this permit: 3-6

Estimated number of days in the Monument: 80-90 across the proposed activity dates.

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...
aim to produce a high quality High Definition television documentary about the Laysan albatross and in particular Wisdom. As part of the story we will also feature other wildlife on the islands. The documentary will be distributed to broadcasters globally.

b.) To accomplish this activity we would
need to film at various key moments across the year to capture the full behaviour of the albatross colony and the spectacular story of Wisdom.

c.) This activity would help the Monument by ...
bringing to a wide audience a film with an educational narrative about the extraordinary lives of these birds and the need to protect them. Wisdom's success as a mother is an extraordinary story and reflects the significance of the Monument as a haven for breeding seabirds.

Other information or background:

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Dunleavy, Stephen

Title: Mr.

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

Stephen Dunleavy (Lead Producer/Director)

[REDACTED]
[REDACTED]

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

[REDACTED]

Phone:

[REDACTED]

Fax:

Email:

[REDACTED]

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

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

Humble Bee Films

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):

5 additional persons - 3xCameramen, Assistant Producer and Sound
Recordist/Assistant Cameraman. Unknown at this stage but will be experienced, award-
winning natural history film-makers.

Section B: Project Information

5a. Project location(s):

<input type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<u>Ocean Based</u>	
<input type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> French Frigate Shoals	<input type="checkbox"/> Land-based	<input 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 checked="" type="checkbox"/> Midway Atoll	<input checked="" 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"/> Other			

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

Location Description:

Filming albatross colonies and other birds on Midway.

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

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

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

Our purpose is to produce an entertaining and informative high quality blue-chip one hour documentary about the lives of the Laysan albatrosses and in particular the amazing story of Wisdom and her success as a mother. The target audience is family viewing and would appeal across all ages. Our initial audience will be across Europe - via Servus TV network but the programme will be distributed internationally so audiences across USA, Far East, Australasia and South America will be able to view. We cannot say at this stage who the international broadcasters/carriers will be in those international territories.

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

The Findings are as follows:

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

Our team consists of highly experienced wildlife film-makers who have filmed in sensitive and ecologically important areas before (including McNeil River Sanctuary and Admiralty Island). We believe excellent field skills are key to little or no disturbance to our animal subjects. This ensures we record real wild behaviour. We always work closely with local rangers and experts to ensure our approach is correct for that subject and that environment.

We would aim to include the native peoples' stories of the albatross and its significance to their culture within our film, thus reflecting the local indigenous perspective of this bird. We would if necessary employ the assistance of native people to advise us on the cultural aspects of Midway and thus ensure we film sensitively and with due safeguards. Our primary focus is the albatross but the life of the Laysan albatross is intrinsically linked to the people and history Midway, and we would aim to reflect that in the film.

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? We will work closely with local rangers to ensure we film in a sensitive manner and minimize our impact. Our proposed filming consists of 4 trips between Nov 2012-July 2013. Our crew are all experienced naturalists and by keeping crew numbers low (2 or 3 people) we hope each filming trip will be minimal in disturbance. I hope this minimal impact will be offset by the outreach aims of the Monument to bring the unique nature of the protected area to a wider public.

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.

Our story focuses on Wisdom and, as she nests on Midway, this is the only place to achieve our goal. Midway is also by far the best place to film the Laysan albatross given the numbers that breed there.

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

As highly experienced field naturalists and wildlife filmmakers we are well practiced and have field skills that put the animal subjects first. So I believe the reach of our TV documentary and its ability to appeal to a wide audience with no means or access to the Monument will far outweigh the minimal impact we will have. Our audience is across the globe - viewers in Europe will see our film via the specialist wildlife channel Servus TV and the programme will be distributed via broadcasters in USA, Asia, Australasia and South America. We hope the end value to our audience will be an appreciation and understanding of the life cycle and biology of the Laysan albatross and the unique nature of their home on Midway.

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

We need to allow a full season to cover the story of the arrival of the albatrosses through to courtship, egg laying and then hatching and fledging. We are applying for a permit from Nov 2012 - end of July 2013 with discrete trips during that period to ensure we cover the whole story.

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

My CV is attached demonstrating my professional qualifications and achievements to date as a wildlife film-maker. With some twenty years experience, I have led many

productions in ecologically sensitive locations and have the training and expertise to manage filming activities in a manner that mitigates against negative impact on a location. Inevitably our very presence on the island will have an impact but with local advice and knowledge and our extensive experience filming wild animals we would aim to ensure our impact to the animals and their environment is minimal. While we strive to minimize our impact we will have in place insurance that allows us to make claims to rectify any negative impact on the Monument - if needs be by employing expert personnel to oversee restoration or rehabilitation of impacted area.

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. Our project is backed and funded by a major European broadcaster called Terra Mater - based in Vienna in Austria. We are contracted by Terra Mater to produce a 50 minute programme for them and we are totally financed by them. Our contract funds several filming trips and the whole project will carry insurance - see attached insurance letter.

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 specialise in wildlife film-making and the key members of the team have more than twenty years experience filming in remote and sensitive locations including other US National Monuments. Our primary focus is always the wellbeing of the animal subject and their environment. This includes the use of well practiced field skills to film the subject with minimal disruption. We follow the guidance and regulations of local rangers and always seek their expert advice on best approach and procedures to achieve our goals with minimal impact on the Monument. Inevitably our activities will have some impact to the Monument. In the event that this impacts historic, cultural or ecological resources we have insurance in place to employ expert help to rectify or mitigate as much as possible any such impacts.

Night time filming: See Film plan below. To mitigate against impact we would aim to be in location at sunset and will be using infra red camera/night vision goggles so as not to disturb wildlife with lights. Night filming will only be carried out on a couple of nights and mainly for landscape/starscape views.

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

Not Applicable

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

By working closely with rangers and staff and abiding by their instructions and advice I cannot foresee any other factors that would make issuance of a permit inappropriate.

FOR SPECIAL OCEAN USE ACTIVITIES OUTSIDE OF MIDWAY ATOLL SPECIAL MANAGEMENT AREA

k. Will the activity directly benefit the conservation and management of the Monument?

l. Is the purpose of the activity for research or education related to the resources or qualities of the Monument?

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)?

FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA

n. Does the activity further the conservation and management of the Monument?

I hope the resulting film will appeal to wide audience that would never get the opportunity to visit Midway and the other islands. I hope this will help people to understand the importance of the Monument as a conservation area and will therefore be in keeping with Goal 5 of table 2.1 in the Management Plan and will help achieve some of the Education and Outreach aims of the Monument

o. Is your activity compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?

I hope that by filming Wisdom's extraordinary story we will highlight the importance of the Wildlife Refuge as a secure place for these birds to nest. Wisdom's success must in part be thanks to the protection afforded to these islands. As part of the Papahānaumokuākea Marine National Monument, one of the goals of Midway Atoll National Wildlife Refuge is to "bring the place to the people rather than people to the place" and I hope that our film will help that goal by reaching a global audience of millions.

NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project. Additionally, 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:

All filming will be on Midway. For filming on Midway we will primarily be walking to and from our filming locations. As we have some bulky equipment access to golf carts, trolleys to help transport larger pieces of kit would be useful.

As highly experienced wildlife filmmakers our approach to filming varies depending on the species and the individual animals involved. Different individuals of the same species can react differently to film crews and this can change from day to day. So we regularly monitor and change our approach in the field, depending on the individual animals.

However, our general film plan would be as follows:

We will need to film in and around nesting Laysan albatrosses and other birds and on beaches and possibly on Sand Island (we would require use of local boat to get across). Most filming will be on Midway and may involve some late evening and early night time filming (e.g. star timelapses of stars moving overhead with silhouettes of birds below.)

Daytime Filming:

Depending on behaviour, weather and the birds we envisage most filming will be on HD video camera with long lens and tripod. Positions will be decided each day and equipment will be carried into place on foot (usually by a single cameraperson and director). Once in place they will stand or sit and film quietly for up to several hours at a time.

We would expect to change the location several times across the day as light changes on the colony. These changes will be made in consultation with local Midway personnel.

Landscape/wide views - For each season we would plan to do wide/ landscape shots of the colony/island. We may need to use a small jib (mini-crane) to do moves up from birds to reveal whole colony. The minijib rests on a standard tripod so has the same "footprint" as a tripod and will be removed once shots are completed.

Timelapse photography. A standard Digital SLR camera will be left taking one shot every few seconds on a tripod. We will leave this for no more than 2-3 hours at a time. We would plan to repeat timelapse photography at several locations across the island.

In some situations it is helpful to let animals get used to equipment by putting it in position for a few hours (unmanned). We will seek advice from Midway personnel to see if this is thought to be a good idea. It's a technique we have used successfully in the past. Aside from this, we would not leave video cameras unattended throughout the whole day or whole night. We may however erect a blind (hide) and leave that out for a period of several days. Again we would need to talk to Midway personnel to see if this would help us to get close to and minimise disturbance to the birds. But a blind may also reduce the effect of strong winds on filming, as long-lens filming is difficult in windy conditions. If this is deemed unnecessary or not suitable then we will work without a blind.

Night Time Filming:

Any night time filming will be done with infra red cameras and no lights will be required for filming. We do not envisage doing more than a 2-3 night's filming. Again guidance on when and how best to achieve this without disturbing the birds will be done in consultation with Midway personnel, eg. it might be best for us to choose a location for night filming prior to sunset and wait until dark in that position before proceeding to film, thus avoiding trying to establish a position in the dark. This will minimise disturbance to the birds.

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:

Every production carries its own insurance through our insurers Quartz Insurance in the UK. Each policy is tailored to the needs of that production and the specifications of the parties involved. So we would ensure our policy takes into consideration the recommendation of the Monument in regard to liability coverage.

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

We talk to major broadcasters across the globe and wherever possible seek co-production. Different regions have different cultural approaches to documentary film-making so it is not

always possible to collaborate. At this point in time we are not in collaboration with other film crews.

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

1x Panasonic Varicam P2 HD camera or similar HD camera
1XCanon HJ 11 lens
1x Canon HJ 40 lens
1X tall tripod + bowl
1x small tripod legs
1xHD monitor
Set of camera batteries
2x cases of sound gear including microphones and recorder
2x GoPro small remote HD cameras
1x Miscellaneous camera tools kit
Set of Mirrored hard drives and 2xLaptops to download footage
1 x light weight camera mini crane (N.B This will not be used regulalry - for scenics on one or two trips)
1x set of camera tracks for moving shots (again for specific shots)
1x cable dolly system - (for one trip - this thin wire system carries the camera to do moving shots)
Timelapse kit (consisitng of Canon 5D stills cameras and lenses)

We will need access to a mains power source every evening to recharge camera batteries and electronic equipment. We may also wish to store some items between trips these would need to be stored in a dry, secure room.

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 Monument:

None

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

See CV for list of films

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as “confidential” prior to posting the application.

Signature

Date

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

Papahānaumokuākea Marine National Monument Permit Coordinator
6600 Kalaniana'ole Hwy. # 300
Honolulu, HI 96825
FAX: (808) 397-2662

DID YOU INCLUDE THESE?

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