

Papahānaumokuākea Marine National Monument  
Permit Application – Special Ocean Use  
OMB Control # 0648-0548  
Page 1 of 12

## **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](mailto: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.**

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## **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:** Kevin Bachar

**Affiliation:** Pangolin Pictures, National Geographic Channel

**Permit Category:** Special Ocean Use

**Proposed Activity Dates:** July 3<sup>rd</sup> 2013- July 20<sup>th</sup> 2013

**Proposed Method of Entry (Vessel/Plane):** NOAA Research Vessel OSCAR ELTON SETTE

**Proposed Locations:** French Frigate Shoals

**Estimated number of individuals (including Applicant) to be covered under this permit:** 5

**Estimated number of days in the Monument:** 12

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

a.) The proposed activity would...  
be to film wildlife sequences for a National Geographic series titled, WILD HAWAII, to be broadcasted on National Geographic Channel in August 2013.

Goals/Objectives:

1. Tiger sharks preying on albatrosses.
2. Underwater scenes of monk seals swimming and feeding.
3. Petrels, albatrosses, red-foot booby birds and the great frigatebird nesting, hatching and fledging.

b.) To accomplish this activity we would ....  
Accept an invitation from Charles Littnan of the NOAA Monk Seals Research Program to send a five-man camera crew along with them to the French Frigate Shoals aboard the NOAA Research Vessel OSCAR ELTON SETTE. Once at the FFS, our crew will encamp with the NOAA biologists, using our own pre-quarantined equipment and consumables. NOAA biologists will ferry our crew to and from the vessel and about the atoll in one of their two tenders. We will film underwater sequences near East Island and Tern Island and request to film land shots of the great frigate bird, albatross, petrel and booby bird. To film the underwater sequences with the tiger sharks we will attach a (GoPro) video camera to a pole and insert it into the water and film from

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aboard the tender. At no point will our crew interfere with the tiger sharks natural behavior or endanger themselves or the NOAA biologists.

c.) This activity would help the Monument by ... promoting the Monuments goal to "bring the place to the people, rather than people to the place" by filming a segment on the FFS showing and informing millions of its thriving yet fragile ecosystem. Our main objective is to promote awareness of the endangered species that depend on the NWHI for survival, while focusing on the research and hard work that is put forth by the Monument on conservation and education. National Geographic's mission is to inspire people to care about the environment and that mission is the essence of the Nat Geo WILD series. We believe that wildlife conservation is a critical component of a 21<sup>st</sup> century education and National Geographic is working to raise awareness so that all viewers have the opportunity to know and understand their planet.

**Other information or background:**

Founded in 1888, the National Geographic Society is one of the largest nonprofit scientific and educational organizations in the world. It reaches more than 360 million people worldwide each month through its five magazines, the National Geographic Channel, television documentaries, radio programs, films, books, videos, DVDs, maps and interactive media. Wild Hawaii will be broadcasted in many countries thus reaching a broad and international audience. Everything shot at the FFS will be filmed with the highest quality HD camera technology by a team of the most experienced wildlife cameramen, including Paul Atkins who has worked on numerous wildlife shows and feature films and has worked at the FFS previously.

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## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Kevin Bachar

Title: Director, CEO Pangolin Pictures

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

Not applicable. Applicant will be present in the Monument.

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

National Geographic Channel

#### **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):**

Kevin Bachar-Director

Paul Atkins- Director of Photography

Mark Gerismenko- Assistant Cameraman

Andy Seestedt- Producer

Jeff Wayman - Assistant Cameraman

**Section B: Project Information**

**5a. Project location(s):**

<input type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input 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"/> Other			

**Ocean Based**

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

Location Description:  
 French Frigate Shoals

Activities:  
 Filming mainly in the water with on shore activity at East Island and Tern Island.

**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:***

WILD HAWAII is a two-part blue chip Special for the National Geographic Channel. Over the next 16 months we will be filming throughout the Hawaiian Islands documenting the varied and unique creatures, which call Hawaii home. This film series will celebrate the diversity of wildlife and the struggles animals face throughout the various Hawaiian environments. We will follow animals endemic to Hawaii, creatures such as the Hawaiian Hoary bat, The Monk Seal and Nene, while also highlighting those who pay constant visits to these inviting waters; animals such as Tiger Sharks, Great Frigate Birds and Humpback Whales. We will also look at the invasive species and the threats they pose to Hawaii's unique ecosystem and the various environments these animals survive in, whether it be soaking rain forests, blistering hot lava fields, or nearly barren atolls. These two hour-long films will showcase to the viewer how important it is to look at Hawaii as a spectacularly unique ecosystem and not just a tourist destination. These hours will also employ state-of-the-art camera systems and utilize a crew who have shot in French Frigate Shoals in the past. These programs will be the most detailed look at the natural history of Hawaii ever filmed by National Geographic.

**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?

We will abide by all bio-security guidelines. All required certifications and inspections will be acquired prior to departing for the Monument. The vessel on which we have secured non-paying passage is a NOAA research vessel that is equipped to comply with all Monument regulations. We will also be traveling, working, and camping with the NOAA Monk Seal Research team who will ensure we are following all necessary ecological, conservational, and safety guidelines.

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? National Geographic's mission is to increase and diffuse geographic knowledge while promoting the conservation of the world's cultural, historical and natural resources. Its purpose is to inspire people to care about the planet. We uphold the highest regard for the research and work done on the Monument and any and all activities performed on the Monument will be a reflection of that.

We recognize that Papahānaumokuākea is considered a sacred area to Native Hawaiians and we respect the significance of the many wahi pana found in the Northwestern Hawaiian Islands. Our filming will not interrupt, prevent, interfere or affect the Native Hawaiian's cultural use of the

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Monument in any way. We will dispose and recycle of all waste accumulated by our crew when we return to Honolulu, thus not contributing to the marine debris and waste that is washed ashore on the atolls and islands. WILD HAWAII is a program based on celebrating the diversity and strength of the Hawaiian archipelago while highlighting its uniquely vulnerable ecosystem. The NWHI's are an integral part of Hawaii's culture and history, which is why the inclusion of the Northwestern Hawaiian Islands is such an important piece of this program. We feel that by showing the public the unique wildlife that depend on the NWHI for survival and discussing the importance of maintaining a protected space for these animals we will promote the conservation of the Monument's resources.

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.

We do not believe that there is a practicle alternative to filming the wildlife we are requesting to film but within the Monument. The wildlife that live on the Monument are the focus of the entire episode and the wildlife behavior that we are hoping to film is location-specific. The tiger sharks hunting albatross chicks only occurs in the Midway Atoll and East Island. We would prefer to film at East Island because the water clarity and visability is better, which will make for better footage and a safer enviroment for our cameramen.

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

We do not plan to adversely affect or impact the Monuments cultural, natural or historical resources, qualities or ecological integrity. We recognize that Papahānaumokuākea is integral to the survival of the endangered and threatened species that reside within the NWHI and take a very serious and conscious approach to filming any and all wildlife. National Geographic has been working with wildlife in their natural environments since 1888 and adheres to very strict guidelines and protocols when interacting with wild animals. Our cameramen and crew are very experienced in working with wildlife and endeavor to film with very little, to no, interference with the animals' natural behavior or habitat. This program will broadcast on National Geographic Channel and will be available in over 315 million homes in 166 countries in 34 languages. National Geographic Channel has an incredible global reach, which means that people around the world will be able to learn about the wildlife of the Northwestern Hawaiian Islands and what the Monument is doing to protect these animals. They will be informed not only of the unique ecosystem of the Northwestern Hawaiian Islands but of the cultural and historical importance these islands have to Native Hawaiians. Further promoting the Monuments goal to "bring the place to the people, rather than people to the place."

The historical resources of the Monument will not be impacted by the National Geographic film crew as we do not plan to visit the historic cultural sites of Nihoa and Mokumanamana.

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

Our shooting schedule is determined by the preexisting itinerary of the OSCAR ELTON SETTE. However, we are confident that 12 days is adequate to film the specific behaviors we seek. We've spoken to Beth Flint of the US Fish and Wildlife Service and Meg Duhr Schultz of the

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Tern Island Field Station and they've both recommended July as the best month to film with albatross chicks. We will stay no longer than needed.

Our estimated timeline is as follows:

July 3<sup>rd</sup> : Depart Honolulu aboard the SETTE  
July 5<sup>th</sup> : Arrive French Frigate Shoals  
July 17<sup>th</sup> : Depart French Frigate Shoals aboard the SETTE  
July 20<sup>th</sup> : Arrive Honolulu

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

From Antarctica to the tropical Pacific, Director of Photography, Paul Atkins has filmed the world's wildlife and cultures for National Geographic and BBC, including many of their most successful series from TRAILS OF LIFE to PLANET EARTH. His internationally acclaimed cinematography and directing have earned him numerous Emmys, British Academy Awards and a prestigious Telluride Film Festival Tribute. In recent years, Paul has turned his cinematic attention to feature films including an indie production such as CHEIFS (Sundance '08) and the LAND HAS EYES (Sundance '04 and Fiji's submission for the best Foreign Film to the Academy Awards). On a forty-two day epic voyage around Cape Horn, Paul shot the ocean storm footage for Peter Weir on MASTER AND COMMANDER which won the 2004 Academy Award for Cinematography. In 2008, Paul was 2<sup>nd</sup> Unit DP on Terrance Malick's TREE OF LIFE and continues to work for Mr. Malick as his director of photography on an upcoming IMAX theatre.

Kevin Bachar, our Director, is an Emmy award-winning Producer and Director who formed Pangolin Pictures in 1995. Before that, he was a Senior Producer at National Geographic Television. At Pangolin Pictures he has produced multiple episodes of PBS Nature, including VIOLENT HAWAII, TALL BLONDES, WHAT FEMALES WANT AND MALES WILL DO, and KILAUEA MOUNTAIN OF FIRE. Other films and series include KILLER WHALES, TARANTULAS: KING OF THE SPIDERS, and the natural history specials THE INVADERS, which looked at our concerns with invasive species all over the world. He has been a guest lecturer at numerous universities and museums, and he won a prestigious Genesis Award for his film AUDUBON'S EAGLE ADVENTURES, his PBS film WHAT FEMALES WANT AND MALES WILL DO was a finalist for Best Animal Behavior at the 2009 Jackson Hole Wildlife Film Festival. He currently is in production on his 7th PBS Nature special titled THE SECRET LIFE OF DEER and is producing this special 2-part series for National Geographic, titled WILD HAWAII.

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. Please refer to the attached insurance certificate that states our public liability insurance is valued [REDACTED] for any one occurrence.

[REDACTED]



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.

Our cameramen and crew are very experienced in working with wildlife and endeavor to film with very little, to no, interference with the animals natural behavior or habitat. We will abide by the Watchable Wildlife guidelines and maintain a set distance from monk seals, albatrosses and sea turtles on land and in the water and make sure not to interact, touch or impact their natural state in any way.

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

Yes. We are travelling as nonpaying passengers aboard the NOAA research vessel OSCAR ELTON SETTE, which is fully equipped with all necessary systems required by PMNM.

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

We do not intend to film or do anything that we have not outlined in this application.

#### 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?

Yes by demonstrating how desperate the need for protection and conservation is for the wildlife of NWHI we will be promoting how important the Monument is to their survival.

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

The purpose of the activity is to educate the public on the stuggles the wildlife of the NWHI face while highlighting the role the Monument has taken to protect them.

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. We have secured unpaid passage aboard the NOAA research vessel OSCAR ELTON SETTE.

#### FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA

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

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Filming the wildlife at the Monument will raise awareness of the endangered species that live in the NWHI, thus supporting the need for preservation and protection.

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

We will not be filming at the Midway Atoll.

**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:**

NOAA biologists will ferry us from their vessel to the shore and about the atoll in their tender. Once on shore of East Island and Tern Island we will use a long lens to film the albatross, great frigate bird, red footed booby and petrel chicks from afar. The long lens will permit us to film close up shots of the birds without needing to be close to them. We need to access the beach and seabird colonies to film the fledging chicks. We will only film from a distance that is permitted by the Tern/East Island Research crew and will not interfere with the birds' natural behavior in any way.

#### Underwater Activities:

We will be using a private tender to transport us from our vessel to shallow waters. While filming with Tiger Sharks, we will film topside activity with a camera in an underwater casing and will film underwater activity with a GoPro (an underwater HD camera) attached to pole.

All remaining underwater filming will be done with certified divers using SCUBA diving gear. The cameraman and safety diver will dive from a private tender and will remain within shallow waters. We no longer plan to dive in deep water. Please refer to the separate document for our Dive Safety Plan.

There will be no need to occupy the Monument staff's time while we are filming other than general advice about the location and permission on where we are allowed to film.

### **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 refer to the attached insurance certificate that states our public liability insurance is valued at \$1,000,000.00 for each occurrence.

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

We have been collaborating with Paul Atkins of Moana Productions, a Hawaiian based film & television production company. Paul has filmed within the Monument several times and he has been a great source of knowledge in regards to ecological filming strategies, developing underwater shot lists and underwater film plans.

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We are also collaborating with Charles Littnan of the NOAA Monk Seals Research Program. We previously filmed with Charles's team on Molokai and it is at his personal invitation that we are accompanying his biologists to the FFS. Charles and his team continue to be an excellent source of information, and we will work closely with them while in the NWHI to ensure we are working in the most sensitive manner.

Charles has asked that you feel free to contact him directly with any questions regarding our partnership with NOAA or this application:

Charles Littnan  
Lead Scientist, Hawaiian Monk Seals Research Program  
808-944-2171

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

SCUBA diving gear.

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

Not applicable.

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

Not applicable.

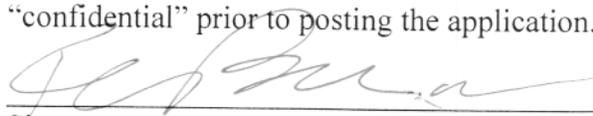
**14. List all Applicants' publications directly related to the proposed project:**

Not applicable.

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

  
\_\_\_\_\_

4/17/13

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

Papahānaumokuākea Marine National Monument Permit Coordinator  
6600 Kalaniana'ole Hwy. # 300

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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