

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:

Affiliation: Director, Joseph Van Os Photo Safaris

Permit Category: Special Ocean Use

Proposed Activity Dates: March 1-15, 2010 and March 29-April 12, 2010

Proposed Method of Entry (Vessel/Plane): Charter aircraft from Honolulu

Proposed Locations: Midway Atoll (Sand and Eastern Islands)

Estimated number of individuals (including Applicant) to be covered under this permit: 60
(15 individuals per week of activity).

Estimated number of days in the Monument: 32 days total (8 days per week of activity)

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...
...bring groups of serious amateur photographers to Sand and Eastern (1/2 day boat tour, if operating) Islands with a expert photographer/naturalist leaders to document the wildlife, cultural and historic features that are accessible under the conditions of this permit.

b.) To accomplish this activity we would
provide supervision, photographic instruction, natural history interpretation, especially of birdlife, to the guests in the field.

c.) This activity would help the Monument by ...
...promoting public awareness of the importance of the Monument, its wildlife and history, as well as of the environmental issues confronting the atoll. Many of our proposed guests regularly provide free and informative photographic presentations to nature and civic groups and camera clubs throughout the country (and the world in some cases). On Midway, our guided tours will provide our guests interpretation of the biological importance of the atoll and the Papahānaumokuākea Marine National Monument.

Other information or background: Joe Van Os brought two groups to Midway in 2009 for two weeks of intensive photography (PMNM-2009-007). All participants in the groups called their time in the atoll an extraordinary event. All had high praise for the FWS staff and the concessionaire.

Joe Van Os has been director of Joseph Van Os Photo Safaris for three decades. For 10 years he was an employee of the National Audubon Society working both as an intrepertive naturalist and as a researcher on a Gulf of Maine seabird recovery team. Joe has been the education director at the Manomet Center for Conservation Sciences (formerly Manomet Bird Observatory) in Manomet, Massachusetts. Joe taught high school biology and natural history after graduating with a BA form Rutgers University in New Jersey. He holds a Master's degree in science teaching (emphasizing ornithology) from Antioch University (New Hampshire).

Dr. Wayne Lynch is a former emergency physician who has worked for the past 30 years as a full-time science writer and photographer. He is the author of award-winning books and television documentaries, a popular guest lecturer, and Canada's best known and most widely published professional wildlife photographer. Wayne is a veteran tour leader, having led over 150 trips worldwide. He lives in Calgary, Alberta.

Our travelers to Midway Atoll are amateur photographers -- the majority are retired and pursue wildlife photography as an avocation and have a strong interest in natural history.

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Van Os, Joseph A.

Title: Director, Joseph Van Os Photo Safaris, Inc.

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

March 1-15, 2010 -- Joseph Van Os; March 29-April 15, 2010 -- Dr. Wayne Lynch.

Biography and contact information are attached.

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

Safaris, [REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

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

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

Director, Joseph Van Os Photo Safaris and expert photographer/naturalist leader.

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):

Dr. Wayne Lynch. Additional lists of group members to be submitted at a later date.

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:

Midway Atoll -- Sand Island, plus one 1/2 day boat tour to Eastern Island, if operating.

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:*

In-depth photography of Midway's natural history and historic landmarks (and the biological accommodation to human history) is the primary purpose of our proposed activities. Education of visitors through discussion of bird biology and ecology, as well as coaching on how best to photograph and present the images to the public will feature prominently in our proposed activities.

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?

With careful supervision and adherence to Monument rules, photography tourism operates in such a way as to avoid negative impacts on the environment -- a "take only pictures, leave only footprints" approach.

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?

Photography tourism should have a relatively neutral effect on the Monument resources but will play a role in public awareness of the Monument and its stated goals as visitors share their stories and images with friends, family and civic groups upon their return home. The photographs create an interest in preservation of the Monument's natural and historic features. Why should we have historic sites designated if no one can visit and care to remember them? Many of our potential trip members are old enough to remember the significance of Midway's prominence in World War II as it took place and may be attracted to this opportunity for visitation based on a parent or relative actually being stationed on Midway.

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.

There is no alternative to photographing the unique features of the Monument without visiting the Monument.

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

In theory the activity should produce minimal impact on the Monument, using the intrastucture currently in place for tourism and by following the rules and guidelines set forth in the management plan.

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

We are proposing four one-week visits to Midway Atoll (Sand Island). This provides adequate time to see, photograph and learn about the atoll's wildlife and history, and is a reasonable amount of time to spend at Midway considering the long distance and high cost of getting there from Honolulu airport. A shorter duration creates a greater visitor churn, exacerbating the "carbon footprint."

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

Joseph Van Os Photo Safaris brought two groups to Midway Atoll in 2009 -- a very memorable event for guides and guests. Joseph Van Os Photo Safaris, Inc has been in business since 1980 providing nature photography travel coupled with nature interpretation throughout the world. We are the world's premier photography tour company and our guides are considered among the top of the field. Many of our guides hold advanced or doctorate degrees in biology and the natural sciences. Our mission for travel to Midway would be to avoid potential impact before mitigation would be necessary.

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

The charter flights and room and board fees, etc. would be paid prior to our arrival and we hold a \$2 million USD general liability insurance policy.

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 provide experienced guides capable of accompanying and supervising a group of this size (maximum of 14 participants, plus one leader per week of visitation). Our guides are competent in first aid assistance (Dr. Wayne Lynch is a former emergency room doctor) in addition to being experts in photography and trained as interpretive naturalists. In essence, one of the primary responsibilities of our guides is to make sure our guests abide by the rules of the management plan.

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

N/A

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

Joseph Van Os Photo Safaris is permitted to bring photographers to numerous national and state parks and wildlife refuges under special use permits. We have an outstanding track record of compliance in every location we operate.

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?

N/A

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

N/A

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)?

N/A

FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA

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

Yes, by bringing guests who have the capability of presenting the critical habitats of the Monument to the public via talks with the use of their photography. It is this same kind of

engaged traveler who has helped to present the Arctic National Wildlife Refuge via photos to friends and civic groups that has, thus far, helped to fend off oil drilling in this critical habitat.

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

Yes.

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:

Research is not being conducted.

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:

Current liability insurance certification is included in the attachments. This will be updated with the required indemnification upon the annual renewal date at the end of October.

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

To the best of our knowledge, we are the only organization offering fully-dedicated photography travel to the Monument.

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

N/A

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

N/A

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

N/A

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

N/A

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

I understand that the Co-Trustees will consider deleting all information that I have identified as “confidential” prior to posting the application.

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