

**Papahānaumokuākea Marine National Monument**  
CONSERVATION AND MANAGEMENT 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:** Barry Stieglitz, T. 'Aulani Wilhelm, DAR Administrator (TBD), Paul Conry

**Affiliation:** U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA), State of Hawai'i Department of Land and Natural Resources (DLNR)

**Permit Category:** Conservation and Management

**Proposed Activity Dates:** January 1, 2011 – December 31, 2011

**Proposed Method of Entry (Vessel/Plane):** vessel and plane

**Proposed Locations:** This permit application encompasses all conservation and management activities that the Co-Trustee representatives may conduct throughout the entire Monument.

**Estimated number of individuals (including Applicant) to be covered under this permit:** Variable, depending on activity type and location.

**Estimated number of days in the Monument:** There will be Monument staff in the Monument 365 days of the year. Numbers of personnel will fluctuate dependant upon the season and the management activity undertaken at any one time.

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

a.) The proposed activity would...

This Monument Conservation and Management Permit Application proposes activities that would allow the Co-Trustee Representatives of the U.S. Fish and Wildlife Service, National Oceanic and Atmospheric Administration, and State of Hawai'i Department of Land and Natural Resources to conduct management activities for the conservation and management of the Hawaiian Islands National Wildlife Refuge, Midway Atoll National Wildlife Refuge, Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Northwestern Hawaiian Islands State Marine Refuge, Kure Atoll Wildlife Sanctuary, and the Papahānaumokuākea Marine National Monument.

b.) To accomplish this activity we would ....

To accomplish the conservation and management of this ecosystem the Co-Trustees would carry out authorized activities associated with the following:

- General operations to support field activities, which includes field camp, vessel, and flight operations
- Resource survey and monitoring, which includes evaluating status and trends of target species and habitats
- Natural resource protection, restoration, and remediation, which includes predator and invasive species control, as well as marine debris removal
- Cultural and historic resource identification, evaluation, monitoring, access and protection
- Education and outreach

c.) This activity would help the Monument by ...

These activities would benefit the Monument by providing coordinated interagency management of Monument ecosystems, prevent duplicate efforts, and gain efficiencies.

**Other information or background:**

## **Section A - Applicant Information**

### **1. Applicant**

Stieglitz, Barry, Project Leader, Hawaiian and Pacific Islands National Wildlife Refuge Complex, U.S. Fish and Wildlife Service

Wilhelm, T. 'Aulani, Superintendent, Papahānaumokuākea Marine National Monument, National Oceanic and Atmospheric Administration

TBD, Administrator, Division of Aquatic Resources, State of Hawai'i Department of Land and Natural Resources

Conry, Paul, J., Administrator, Division of Forestry and Wildlife, State of Hawai'i Department of Land and Natural Resources

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

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

Stieglitz, Barry, Project Leader, Hawaiian and Pacific Islands National Wildlife Refuge Complex, U.S. Fish and Wildlife Service

Wilhelm, T. 'Aulani, Superintendent, Papahānaumokuākea Marine National Monument, National Oceanic and Atmospheric Administration

TBD., Administrator, Division of Aquatic Resources, State of Hawai'i Department of Land and Natural Resources

Conry, Paul, J., Administrator, Division of Forestry and Wildlife, State of Hawai'i Department of Land and Natural Resources

#### **Phone:**

Barry Stieglitz, [REDACTED]

T. 'Aulani Wilhelm, [REDACTED]

DAR Administrator TBD, [REDACTED]

Paul Conry, [REDACTED]

**Fax:**

Barry Stieglitz, [REDACTED]

T. 'Aulani Wilhelm, [REDACTED]

DAR Administrator, [REDACTED]

Paul Conry, [REDACTED]

**Email:**

Barry Stieglitz, [REDACTED]

T. 'Aulani Wilhelm, [REDACTED]

DAR Administrator, TBD

Paul Conry, [REDACTED]

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

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

Barry Stieglitz, Project Leader, Hawaiian and Pacific Islands National Wildlife Refuge Complex, U.S. Fish and Wildlife Service

T. 'Aulani Wilhelm, Superintendent, Papahānaumokuākea Marine National Monument, National Oceanic and Atmospheric Administration

TBD, Administrator, Division of Aquatic Resources, State of Hawai'i Department of Land and Natural Resources

Paul Conry, Administrator, Division of Forestry and Wildlife, State of Hawai'i Department of Land and Natural Resources

**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):**

**U.S. Fish and Wildlife Service -**

Hawaiian and Pacific Islands NWRC Staff to include: Deputy Project Leader, Don Palawaski; Chief of External Affairs and Visitor Services, Barbara Maxfield; Supervisory Wildlife Biologist, Elizabeth Flint; Contaminants Specialist, LeeAnn Woodward; Coral Reef Biologist,

James Maragos; Pacific Reefs Superintendent, Susan White; Administrative Officer, Stuart Sakurai; Refuge Managers: Amanda Meyer, Jim Breeden;, STEP Stefan Kropidlowski, 1 Inventory and Monitoring Biologist (TBN); Inventory and Monitoring Supervisor Jean Kenion; Refuge Zone Officer, Charlie Quitugua; Intermittent Managers, Steve Barclay and Doug McCauley ; 1 Outdoor Recreation Planner, TBN; Information and Education Specialist, Ken Foote; External Affairs Assistant, Sandra Hall; Invasive Species Coordinator, Jason Hanley; Planners, Christine Ogura and Laura Beauregard; SCEP Student Jiny Kim; SCEP Student TBN; 4 Volunteers, TBN.

FWS PMNM HQ Staff (9 total) to include: PMNM Superintendent, TBN; Permit Coordinator, Vernon R. Born; Wildlife Refuge Specialist, Ty J. Benally; Budget Officer, Pat Moriyasu; Administrative Officer, Maylanie Hipolito; Biological Science Technician, Cynthia Rehkemper; 1 Logistics Manager, TBN; 1 Wildlife Biologist, TBN; 1 Refuge Manager, TBN, 4 volunteers, TBN.

- Midway Atoll NWR Staff (15 total) includes Refuge Manager, TBN; Deputy Refuge Manager, John Klavitter; Wildlife Biologist, Pete Leary; Biological Science Technician, Greg Schubert; Maintenance Mechanic, John Miller; Refuge Law Enforcement Officer, Jason Beatty; Visitor Services Manager, Tracy Ammerman; 1 Park Ranger, TBN; 5 Biological Science Technicians or Volunteers, TBN
- French Frigate Shoals Staff (34 total) include 1 Wildlife Refuge Manager, TBN; Deputy Refuge Manager, Paula Hartzell; 2 Biological Science Technicians, TBN; 10 Biological Science Volunteers, TBN; and 20 Maintenance Staff and Contractors, TBN.
- Laysan Island Staff (10 total) include 4 Biological Science Technician, Andrea Kristoff, Ruby Hammond, Matt Stelmach, and JC Watson; and 6 Biological Science Volunteers, TBN.
- Nihoa Staff includes (4 total) 4 Biological Science Technicians or Volunteers, TBN.
- Lisianski Staff includes 2 Biological Science Technicians or Volunteers, TBN.
- Pearl and Hermes Staff includes 2 Biological Science Technicians or Volunteers, TBN
- Midway Atoll NWR Contractors (70 total) include 5 Airport staff, 3 Fuel Farm staff, 3 Water Plant staff, 3 Generator staff, 3 Transportation staff, 8 Electricians staff, 5 Kitchen staff, 2 Hotel staff, 2 Communications/IT staff, 14 Public Works staff, 1 Grounds staff, 5 Administration staff, 1 Medical staff, 16 construction workers.

Midway Federal Aviation Administration Staff including Deputy Director Jim White; two FAA staff, TBN;

FWS Ecological Services Staff to include: Field Supervisor, Loyal Meyerhoff; Deputy Field Supervisor, TBN; Assistant Field Supervisor, Jeff Newman; Coastal Conservation Program Manager, Dan Polhemus; Biologist, Mark Ramano; Fish and Wildlife Biologist, Nadiera Sukhraj; Fish and Wildlife Biologist, Kevin Foster; 1 Vertebrate Recovery Coordinator, TBN; 1 Contamination Specialist, TBN;

## **National Oceanic and Atmospheric Administration -**

Deputy Superintendent – Research and Field Operations, Dr. Randall Kosaki; Deputy Superintendent – Policy and Programs, David Swatland; Research Coordinator, Heidi Schuttenberg; Education and Technology Coordinator, Vincent Andy Collins; Administrative Officer, Moani Pai; Strategic Initiatives and Partnerships Coordinator, Naia Watson; Policy Analyst, TBN; Evaluation & GIS Coordinator, Dr. Kaylene Keller; Maritime Archaeologist, Dr. Kelly Gleason; Permit Specialist, Hoku Johnson; Policy Specialist, Justin Rivera; Policy & Permit Specialist, Lasha-Lynn Salbosa; Constituent Outreach and Development Associate, Wes Byers; Fiscal Administrator, Marlene Nonaka; Administrative/Fiscal Assistant, ‘Aulani Hall; Research Support Specialist, Elizabeth Kehn; GIS Specialist, Joey Lecky; Field Operations Specialist, TBN; Information Technology Support Specialist, John Champagne; Mokupāpapa Discovery Center Manager, Linda Schubert; Mokupāpapa Discovery Center Programs Coordinator, Yumi Yasutake; Navigating Change Curriculum Programs Coordinator, Matthew Limtiaco; Resource Protection Specialist, Loren Scott Godwin; Field Operations Coordinator, TBN; Program Associate, Stephanie LaChance, Research Support Technician, Brian Hauk; Policy Specialist, TBN; Website / Graphic Designer, Christopher Mew; Administrative Assistant, Yvonne Arquero; Executive Administrative Assistant, Jeannie Fujikawa; Strategic Initiatives Associate, Darcy Whitney; Marine Operations Coordinator, LTJG Sarah Harris; Education Specialist, Tanya DeCambra; Volunteer Coordinator, Virginia Branco; Communications Specialist, Dan Dennison. Monument Data Integration Team: Senior Program Manager, David Graham; Web/Designer: John Geyer; Senior Data Analyst, TBN; Senior GIS Analyst, Daniel Turner; Database Programmer, Eunice Summers; Junior Data Analyst, Sally Marston. NOAA Fisheries, Regional Administrator, William Robinson; Deputy Regional Administrator, Michael Tosatto; Program Officer, Margaret Akamine; Fishery Policy Analyst, Lydia Munger-Little; Natural Resources Management Specialist, Heidi Hirsh; NOAA Office of Law Enforcement staff, TBN; Ferraro-Choi architecture and engineering consultants, TBN; vessel operators, TBN; NOAA Fisheries, Coral Reef Ecosystem Marine Debris Removal Team, TBN; NOAA Fisheries, Protected Species Team, TBN; NOAA Coral Reef Ecosystem Habitat Mapping Team, TBN; NOAA Field Operations Team, TBN; NOAA National Weather Service Field Operations Team, TBN.

### **State of Hawai‘i -**

Monument Superintendent, TBD; Wildlife Manager, David Smith; Kure Wildlife Sanctuary Manager, Cynthia Vanderlip;; Research Coordinator, Cori Kane; Permit Coordinator, Danielle Carter; 3 Kure Wildlife Sanctuary Volunteers, TBN; 6 Aquatic Biologists, TBN; 6 Aquatic Nuisance Species Response Team staff, TBN; 5 Biological Science Volunteers, TBN; 1 Outreach and Education Specialist, TBN.

Members of the Monument Management Board (MMB) and the Interagency Coordinating Committee (ICC) who are comprised of, but not limited to: Environmental Protection Agency (EPA), Department of Defense (DOD), US Coast Guard (USCG), NOAA Office of Law Enforcement (OLE), USFWS OLE, DLNR Department of Conservation and Resource

Enforcement (DOCARE), Office of Hawaiian Affairs (OHA) and State of Hawai‘i Department of Health (HDOH).

Other staff, volunteers, or contractors necessary for the permitted activities may enter the Monument for conservation and management activities. Resident families of Midway Atoll may enter the Monument. Invited news media representatives may enter the Monument to provide public information of conservation and management activities. All personnel will be identified and information will be provided to the Monument permit coordinators prior to entry to the Monument.

The applicants shall ensure that any personnel assigned to any conservation and management activities allowed under this permit is qualified to perform the assigned role and is limited to the scope of their position and respective project, and all other applicable laws, policies, protocols, permits, and regulations. In addition, the applicants will ensure that all management activities are communicated and coordinated on an ongoing and regular basis.

To safeguard all the resources and ecological integrity of the Monument, early and ongoing coordination of interagency activities will occur between the action agency and interested Monument partners as soon as details of activities are identified. The goal of early coordination is the commitment to identifying, incorporating, and customizing best management practices for specific activities. Additionally, pre-access permit and cultural briefings will be conducted for all new personnel entering the Monument and annually for all.

**Section B: Project Information**

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

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

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

**Location Description:**

This permit application encompasses all conservation and management activities that the permit applicants may conduct throughout the entire Monument.

**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:***

The applicants propose activities that constitute management activities for the conservation and management of the Hawaiian Islands National Wildlife Refuge, Midway Atoll National Wildlife Refuge, Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, Northwestern Hawaiian Islands State Marine Refuge, Kure Atoll Wildlife Sanctuary, and the Papahānaumokuākea Marine National Monument. While the permit applicants will collaborate and coordinate on activities that support the management of the Monument, any activities that require separate permits and authorizations shall be subject to additional approvals. For some activities that are permitted under the Endangered Species Act (ESA), Migratory Bird Treaty Act (MBTA) and Marine Mammal Protection Act (MMPA), this application is for access to the Monument to conduct these federally authorized activities.

All activities conducted in the Monument shall be executed in accordance with Presidential Proclamation 8031 (Proclamation) and other Federal and State laws. The applicants are subject to policies, laws, and regulations associated with their management jurisdictions in addition to the Proclamation, as described in the Monument Management Plan.

To accomplish the conservation and management of the Monument, the permit applicants propose the following activities. Please note that each activity group specifies which priority management need, from the Monument Management Plan, will be addressed by conducting these activities.

**1) Operations**

***(Priority Management Need 3.6: Achieving Effective Monument Operations)***

To coordinate field activities and provide adequate infrastructure to ensure safe and efficient operations while avoiding impacts to the ecosystems of the Monument, the following activities may be conducted:

\*Field station operations for resource conservation supported by on-site management.

\* Facility maintenance activities for assets and facilities of NWRS and Kure Atoll and its agents necessary for meeting mission and purpose of refuge and monument. Examples of activities to be undertaken include, but are not limited to:

- Maintenance and repair/replacement (carpentry, electrical, plumbing, welding, general construction) of facilities and their components;
- Building and other facilities deconstruction and reconstruction;
- Airport maintenance, including improvements such as runway lighting replacement, taxiway maintenance (including repaving, painting/markings);
- Painting, including all preparation work, such as scraping, washing, etc.; and
- Lead-based paint soil remediation, which includes removal of sand/soil from around many or all affected buildings and proper on-site containment of this material.

\*Field Camp Supply and Support:

- Delivery and removal of supplies, people, waste, and/or assets necessary for operations.

\*Operations and On-site Reviews:

- Operations and on-site reviews by management and congressional personnel;
- Conduct agency site visits and meetings for management planning and programmatic assessments; and
- Conduct on-site management and safety reviews to gauge implementation and effectiveness of Monument management and programs.

\* Flight Operations:

- Operation, maintenance, and use of airfields and runways at Midway Atoll and Tern Island.

\*Vessel operations:

- Operation of vessels to provide access for conservation and management activities; and
- Anchoring of authorized vessels on non-coral substrate only.

\*Sustenance Fishing:

- Sustenance Fishing as defined by 50 CFR part 404.11 section (h) (Note: Sustenance fishing will only occur within Midway Atoll Special Management Area for on-island USFWS personnel and contractors.)

\*Personnel Safety, Fitness and Health Maintenance:

- Provide opportunities for on-site staff maintenance of personal health and fitness. This includes, but is not limited to biking and jogging at Tern Island French Frigate Shoals and Midway Atoll; and
- Provide for the health and safety of personnel, volunteers, contractors and visitors in the Monument through site safety reviews, adverse weather and emergency response procedures, establishment of safety protocols, and continuation of operation plans.

## **2) Resource Survey and Monitoring**

### ***(Priority Management Need 3.1: Understanding and Interpreting the NWHI)***

To increase understanding of the distributions and abundances of organisms and their habitats to improve ecosystem-based conservation management decisions in the Monument, the following activities or access to the Monument for the following activities may be conducted:

\*Survey and monitor target species and habitats to evaluate status and trends for management purposes. The following activities in direct support of management, monitoring, and characterization may be conducted:

- Placement, installation, and maintenance of scientific equipment, devices, markers, remote viewing cameras, and oceanographic instrument arrays;
- Non-lethal marking and tagging for monitoring purposes;
- Visual, non-invasive marking and tagging for monitoring purposes;
- Collection of biological, chemical, climatological, or geological samples for: analysis in support of activities under approved management plans; restoration or recovery plans; and for base line inventory and monitoring of population trends; for habitat conservation and management;
- Collection of biological voucher specimens that cannot be visually identified on the spot and/or may represent new geographic records or new species; and
- Physical surveys and collections for landfills, storage tanks, contamination, or other potentially hazardous artifacts associated with current and former occupation and use of the NWHI.

\*Conduct habitat mapping for the production of accurate, high-resolution base maps.

- Data collection methods may include optic, acoustic, and metal detector technologies, as well as land and dive operations for ground truthing.

### **3) Natural Resource Protection, Restoration, and Remediation** ***(Priority Management Need 3.2: Conserving Wildlife and Habitats)*** ***(Priority Management Need 3.3: Reducing Threats to Monument Resources)***

To protect, conserve, and maintain the native ecosystems and biological diversity of the Monument, including migratory birds and marine mammals, and to aid in the recovery of its threatened and endangered plants and animals, the following activities may be conducted. These include activities to reduce threats and minimize damage to Monument resources from marine debris, contaminants, disease, alien species and emergency situations.

\* Conduct management actions to promote conservation of Monument resources. This includes activities necessary to understand and carry out protection, restoration, and remediation of species and habitats, such as carrying out existing species recovery and restoration plans or accessing the Monument to conduct federally authorized activities under the ESA. Examples include, but are not limited to Hawaiian Monk Seal Recovery Plan, the Laysan Island Ecosystem Restoration Plan (1998), the short-tailed albatross attraction project on Midway, the Laysan duck reintroduction project on Midway, the Nihoa Millerbird recovery project, *Verbesina* control, cattle egret control, rat control, and other non-native species control projects. Restoration, when and where appropriate, will be undertaken using the best available information about pre-disturbance conditions to establish goals.

Activities may include:

- Monk seal disentanglement and health response (including treatment and necropsy), translocation from areas of high risk to safer areas, reuniting nursing mothers and pups, removal of aggressive males;
- Population augmentation or reestablishment activities, such as capture, translocation, reintroduction, and outplanting;
- Invasive species controls, by mechanical, chemical and manual methods as needed; and
- Investigation and monitoring of contamination in abiotic or biotic resources.

\*Remove marine debris, trash, and other materials (land and ocean-based) that pose threats to Monument resources, including but not limited to derelict fishing gear; this may include:

- Disentanglement of threatened and endangered species by authorized personnel, debris tracking via drifter buoys and Unmanned Aerial Vehicles, and monitoring sites that have been cleared of debris for recovery rates and effects of removal;
- Location and removal of debris and hazardous materials. This may be through interagency agreements, such as the DOD Innovative Readiness Training (IRT), Formerly Used Defense Sites (FUDS), or the Base Realignment and Closure (BRAC) Programs. Efforts may include activities such as seafloor and island mapping, reconnaissance and removal of materials, and derelict vessel salvage and removal; and
- Removal of sessile encrusting flora and fauna associated with marine debris.

\*Provide Emergency Response, Injury Assessment, Mitigation, Restoration, and Monitoring and Post-Response Management:

- Activities as necessary for emergency response, injury assessment, mitigation, restoration, monitoring, and post-response management in coordination with appropriate federal and/or state resource agencies and as appropriate consistent with NOAA, FWS and State of Hawaii Damage Assessment and Restoration regulations, policies, and procedures (e.g. oil spills, ship groundings, damage assessments, monitoring alien species, monitoring coral bleaching events, collection of bleached coral or alien species); and
- Activities in response to an unusual mortality event (including but not limited to threatened and endangered species, marine mammals, migratory birds) or mass stranding or other urgent species response.

#### **4) Cultural and Historical Resource Identification and Protection** *(Priority Management Need 3.1: Understanding and Interpreting the NWHI)*

To identify, document, interpret, preserve and protect the Monument’s cultural and historic resources, the following activities may be conducted:

- Collect post-contact artifacts as needed;
- Monitor and survey historic sites;

- Conservation of artifacts subject to successful Section 106 NHPA consultation and appropriate approvals from other Federal agencies (e.g., U.S. Navy);
- Non-commercial filming and photographic activities for the purposes of further documenting and capturing the history of the NWHI;
- Locate historic artifacts using passive side scan sonar, metal-detector, or (land-based) ground penetrating radar;
- Return seized Monument resources to their natural environment in coordination with appropriate federal and/or state resource agencies, including the Office of Hawaiian Affairs, as appropriate;
- Maintenance, preservation, and perpetuation of Native Hawaiian cultural sites and practices per the National Historic Preservation Act, Native American Graves Protection and Repatriation Act, Archeological Resources Protection Act, American Indian Religious Freedom Act and applicable sections of the Hawai‘i State Constitution, Hawaii Revised Statutes and Hawaii Administrative Rules;
- Maintenance and preservation of historic sites on Midway Atoll.

#### **5) Outreach and Education**

##### ***(Priority Management Need 3.5: Coordinating Conservation and Management Activities)***

To cultivate an informed, involved constituency that supports and enhances conservation of the natural, cultural, and historic resources of the Monument, and to contribute to the Nation’s science and cultural literacy, the following activities may be conducted:

- Collect information and experiences from the Monument to develop agency web pages, Navigating Change projects, Monument projects, etc.;
- Collection of debris and biological samples and specimens such as albatross boluses for education projects; and
- Conduct news media and VIP site visits to enhance public knowledge and understanding of Monument resources.

#### **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:**

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

All conservation and management activities conducted by the permit applicant will be carried out with strict safeguards for the natural, cultural and historic resources of the Monument as required by Presidential Proclamation 8031, other applicable law and agency policies and standard operating procedures. All agencies have field protocols and best management practices. These practices and procedures will minimize or eliminate disturbance to wildlife, flora, habitats, and cultural and historic resources. Long and short-term monitoring data is used to inform

management and conservation actions to maintain the ecological, cultural and historic integrity of the Monument.

To safeguard all the resources and ecological integrity of the Monument, early and ongoing coordination of interagency activities will occur between the action agency and interested monument partners as soon as details of activities are identified. For example, a joint calendar of projected activities to be covered under the manager's permit is kept and continually updated by agency staff. In addition, logistics planning and coordination meetings between all MMB agencies may be implemented to further synchronize activities. The goal of early coordination is the commitment to identifying, incorporating, and customizing best management practices for specific activities.

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

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

The activities requested are directed by Presidential Proclamation 8031 and other state and federal laws, regulations, and policies. The applicants will manage the Monument's natural, historic and cultural resources, qualities, and ecological integrity in a way that will not diminish and will likely enhance them. Indirect, secondary, and cumulative effects of management activities are always considered. Activities will be in support of the Monument Management Plan, including but not limited to priority management needs 3.1: Understanding and Interpreting the NWHI; 3.2: Conserving Wildlife and Habitats; 3.3 Reducing Threats to Monument Resources; 3.5: Coordinating Conservation and Management Activities; and 3.6: Achieving Effective Monument Operations.

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.

On June 15, 2006, President Bush established the Papahānaumokuākea Marine National Monument by issuing Presidential Proclamation 8031 (71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (16 U.S.C. 431). This proclamation designated that the Monument would be managed by Department of Commerce through NOAA, Department of the Interior through USFWS, and that the State of Hawai'i's jurisdiction in the region remained unchanged. Through the December 8, 2006 Memorandum of Agreement (MOA), NOAA, USFWS, and the State of Hawai'i Department of Land and Natural Resources became the agencies responsible for the conservation and management of the Monument, and they are working cooperatively and consulting with each other to administer the Monument. Per the MOA, the Department of Land and Natural Resources collaborates with the Office of Hawaiian Affairs (OHA) in the perpetuation of Hawaiian cultural resources in the Monument, and OHA is

a member of the Monument Management Board. The applicants have been directed to provide unified conservation and management of the lands and waters of the Monument; therefore there is no practicable alternative to conducting management activities inside 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?

The end value is to maintain all Monument resources and conduct adaptive management which will allow educated management decisions and provide for long-term protection of the Monument. By taking appropriate management actions – from monitoring to habitat enhancement and education – agencies will be able to anticipate needs, take appropriate action, and allow only activities that enhance the quality and integrity of the natural, historic and cultural resources of the Monument. Appropriate management actions prevent potential adverse impacts that include but are not limited to: invasive species outbreaks, overharvesting of natural resources; marine debris damage; avian disease outbreaks, and monk seal population declines. In addition, the applicants will employ time-tested best management practices to minimize and mitigate adverse impacts.

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

All conservation and management activities conducted by the permit applicants are conducted in the shortest possible window to prevent or eliminate disturbance to the natural, historic and cultural resources of the Monument.

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

The applicants and their representative management, biological, interpretive, law enforcement, administrative, and education and outreach staff possess high levels of expertise and knowledge of the ecosystem and locations within the Monument. These experts provide their knowledge and recommendations in all management decisions so that all impacts are minimized and mitigated if 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 applicants have adequate financial resources available to conduct the proposed management activities. Federal funding is provided through congressional appropriation. State funding is provided through State of Hawai‘i funding processes.

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.

The methods and procedures used in the conservation and management activities by the permit applicants are appropriate to achieve the proposed activity's goals. All activities proposed are required for effective management of the Monument and are conducted in a way that minimizes impact as required by law. Management activities assist the applicants to protect the Monument natural, historic and cultural resources, qualities, and ecological integrity.

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

All vessels used by the applicants that are not stationed in the Monument will be outfitted with a functional NOAA Office of Law Enforcement type-approved Vessel Monitoring System as required by Proclamation 8031.

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

There are no other factors that would make the issuance of a permit for the listed activities inappropriate.

### **8. Procedures/Methods:**

The above activities will be conducted by employees, contractors, and volunteers under the direction and control of the applicants in accordance with Presidential Proclamation 8031 and all other applicable laws and regulations.

The applicants will abide by the following policies and procedures, among others that may be developed, when operating in the Monument:

1. Disease and Introduced Species Prevention Protocols for Permitted Activities in the Marine Environment;
2. General Sampling and Transport Protocols for Collected Samples
3. Voucher Specimen Working Group Guidelines
4. Hull, tender vessel, ballast water, and gear alien species inspection;
5. Rat-free inspection;
6. Health and Safety Plans, and Emergency Response Plans;
7. All USFWS refuge policies and procedures for conduct in the two wildlife refuges (Hawaiian Islands National Wildlife Refuge and Midway Atoll National Wildlife Refuge);
8. All policies and procedures for conduct in Northwestern Hawaiian Islands Hawaii State Marine Refuge and Kure Atoll Wildlife Sanctuary;
9. Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve Executive Orders;
10. Hawaii Administrative Rules, §13-60.5, the Hawaii Revised Statutes, § 187A-6; and

11. All other applicable state and federal laws and regulations. (See attachment 1)

**NOTE: If land or marine archeological activities are involved, contact the Monument Permit Coordinator at the address on the general application form before proceeding, as a customized application will be needed. For more information, contact the Monument office on the first page of this application.**

**9a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):**

Collections will occur as necessary to support the management activities listed under Section B, Number 6. Collections will occur as needed in the following instances:

- Collecting species for propagation or translocation;
- Collecting post-contact artifacts as needed;
- Collecting biological, climatological, chemical, geological, or archaeological samples for study; and
- Collection of biological voucher specimens that cannot be visually identified on the spot and/or may represent new geographic records or new species.

Answers to the following will be dependent on specific management activities, and will be reported on per activity to document and track actual collections.

Common name:

Scientific name:

# & size of specimens:

Collection location:

Whole Organism  Partial Organism

**9b. What will be done with the specimens after the project has ended?**

Collections and specimens will be processed and archived according to agency protocols and best management practices. Some material may be provided for educational materials or museum vouchers and studies. When practicable, and desirable, collections and specimens will be returned to the Monument at the location of collection.

**9c. Will the organisms be kept alive after collection?**  Yes  No

Management activity dependent

• General site/location for collections: Throughout PMNM

• Is it an open or closed system?  Open  Closed

Management activity dependent

- Is there an outfall?  Yes  No

Management activity dependent

- Will these organisms be housed with other organisms? If so, what are the other organisms?

Management activity dependent

- Will organisms be released?

Management activity dependent

**10. If applicable, how will the collected samples or specimens be transported out of the Monument?**

Collected samples and specimens will be transported out of the Monument by approved aircraft or vessel unless used for management within the Monument. Appropriate media for preservation will be used, and are incident or specimen specific.

**11. Describe collaborative activities to share samples, reduce duplicative sampling, or duplicative research:**

Collaborative activities are always a goal, and are incident specific. Collaboration opportunities will be sought out and will be entered into as opportunities present themselves. Unnecessary duplicative sampling will be avoided.

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

All gear and materials necessary for the activities listed in Section B, Number 6 are either available on location or will be provided by the acting agency as necessary. All gear and materials will be selected and treated according to invasive species and disease prevention protocols.

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

All hazardous materials necessary for the activities listed in Section B, Number 6 are either available on location or will be provided by the acting agency as necessary. Hazardous materials will not be stored or transported in the Monument in amounts greater than that needed to complete management activities. All U.S. Department of Transportation safety measures will be followed for storage and transport of hazardous materials within the Monument.

**14. Describe any fixed installations and instrumentation proposed to be set in the Monument:** Fixed installations and instrumentation will be used in marine and terrestrial survey, monitoring, and conservation activities such as:

- Placement, maintenance, testing, and removal of measuring devices and related equipment;
- Placement of weighted floats and/or lines affixed directly to the seabed for the purposes of grounding response, or benthic surveys;

- Setting of survey stakes;
- Coring the seabed to determine adequacy of the substrate of installation of moorings, and permanent monitoring stations;
- Installation and maintenance of moorings, boundary buoys, and permanent monitoring stations; and
- Placement of scientific equipment.

All installed hardware, including but not limited to instrumentation, survey stakes, moorings, buoys, and scientific equipment, will be removed from the Monument upon completion of their respective projects.

**15. Provide a time line for sample analysis, data analysis, write-up and publication of information:** Samples and data will be analyzed as quickly as possible if they are collected, and publication of resulting information will follow. All data or a summary description will be provided in the permit reports as required by the permit resulting from this application.

**16. List all Applicant’s 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.

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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

# Papahānaumokuākea Marine National Monument Laws and Regulations

**The natural resources within the Monument are protected under numerous federal and state laws and their clarifying regulations. These include but are not limited to:**

## FEDERAL ACTIONS:

### **Statutes:**

- Antiquities Act of 1906 (16 USC 431-433)
- Migratory Bird Treaty Act of 1918, as amended (16 USC 703-712)
- Historic Sites, Buildings, Objects and Antiquities Act of 1935, 16 U.S.C. §461-462, 464-467
- Fish and Wildlife Act of 1956, as amended (16 USC 742a-742m)
- National Historic Preservation Act of 1966, as amended through 2006, 16 U.S.C. § 470 *et seq.*
- National Wildlife Refuge System Administration Act of 1966, as amended (16 USC 668dd-668ee)
- Refuge Recreation Act of 1966, as amended (16 USC 460k-460k-4)
- National Marine Sanctuaries Act of 1972, as amended (16 USC 1431-1445c)
- Coastal Zone Management Act of 1972, as amended (16 USC § 451 *et seq.*)
- Marine Mammal Protection Act of 1972, as amended (16 USC 1361-1421h)
- Endangered Species Act of 1973, as amended (16 USC 1531-1544)
- Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended (16 USC 1801-1882)
- Fish and Wildlife Improvement Act of 1978, as amended (16 USC 7421)
- Archeological Resources Protection Act of 1979 (16 U.S.C. § 470 aa-mm)
- Abandoned Shipwreck Act of 1987, 43 U.S.C. § 2101-2106
- Native American Graves Protection and Repatriation Act of 1990, as amended, 25 U.S.C. § 3001 *et seq.*
- National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. §§ 668dd-ee)
- Sunken Military Craft Act of 2004, 20 U.S.C. § 113 Note, PL 108-375, Div. A. Title XIV, §§ 1401-02, Oct. 28, 2004, 118 Stat. 2094.
- Lacey Act and Amendments of 1981 and 1988 (16 U.S.C. § 3371 *et seq.*, 18 U.S.C. § 42)

### **Regulations:**

- Northwestern Hawaiian Islands Marine National Monument, 50 CFR Part 404, August 29, 2006
- Papahānaumokuākea Marine National Monument Provisions, (PSSA Designation) Federal Register: December 3, 2008 (Vol. 73, No. 233 [Pages 73592-73605])

### **Executive Orders:**

- Executive Order 1019—Hawaiian Islands Reservation, February 3, 1909

## **Papahānaumokuākea Marine National Monument Laws and Regulations**

- Executive Order 13022—Administration of the Midway Islands, November 1, 1996 (61FR 56875)
- Executive Order 13089—Coral Reef Protection, June 11, 1998 (63 FR 32701)
- Executive Order 13112—Invasive Species, February 3, 1999 (64 FR 6183)
- Executive Order 13158—Marine Protected Areas, May 26, 2000 (65 FR 34909)
- Executive Orders 13178 and 13196—Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, December 4, 2000 (65 FR 76903) and January 18, 2001 (66 FR 7395)

### **Presidential Proclamations:**

- Presidential Proclamations 8031(71 FR 36443) – Establishment of the Northwestern Hawaiian Islands National Monument, June 15, 2006
- Presidential Proclamation 8112, (72 FR 10031) – Amending Proclamation 8031 of June 15, 2006, To Read, “Establishment of the Papahānaumokuākea Marine National Monument”, February 28, 2007

### **Other:**

- Department of the Interior Secretary’s Order 3217 – Designation of the Battle of Midway National Memorial (September 13, 2000)

### **STATE ACTIONS:**

- Hawaii Organic Act of April 30, 1900 (c339, 31 Stat.141 § 2)
- Hawaii Admission Act of March 18, 1959 (Pub. L. 86-3, 73 Stat. 4 § 2)
- Constitution of the State of Hawai‘i, Article XI, §§ 1, 2, 6, and 9 and Article XII § 7
- Hawaii Revised Statutes, Title 1 – Chapter 6E, Sections 6E-1 and 6E-7; Title 12, Chapter 171, Section 171-3, Chapter 183D, Section 183D-4, Chapter 187A, Section 187A-8, Chapter 188, Sections 188-37 and 188-53
- Hawaii Administrative Rules, Title 13, Chs. 60.5, 125, 275-284 and 300