

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: Phyllis C. Greenberg

Affiliation: Private citizen; Project director, principal investor

Permit Category: Special Ocean Use

Proposed Activity Dates: May 10, 2012 through June 15, 2012

(Arrival and departure dates can be adjusted to coincide with USFWS supply plane schedule, for a total of two full weeks' time on Midway)

Proposed Method of Entry (Vessel/Plane): Entry and return via regularly scheduled USFWS supply plane.

Proposed Locations: Midway Atoll NWR, including permitted access to portions of Sand, Eastern, and Spit Islands

Estimated number of individuals (including Applicant) to be covered under this permit: 2

Estimated number of days in the Monument: 14

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...
... allow two experienced nature photographers to document Laysan and black-footed albatrosses during the period when juveniles are losing their down and growing feathers. Mrs. Greenberg has previously photographed albatrosses on Midway early in the courtship/nesting process (Feb. 1999) and when chicks are 4 to 6 weeks old (March 2011). She has a wealth of photographic material to produce a coffee table about Midway's albatrosses, but she is lacking this important part of the cycle when chicks are preparing to fledge. The proposed book will focus on Laysan and black-footed albatrosses, but will include mention of recent short-tailed albatross nesting success. It will also contain other material relevant to albatross lives, such as other seabirds, landscapes, and seascapes. All photographic access to wildlife and places within Midway Atoll National Wildlife Refuge will be subject to permit and refuge regulations. The result of this project would be to produce a book, that can be sold by Friends of Midway Atoll (FOMA) and will be a widely-distributed educational reference via print and e-book means.

b.) To accomplish this activity we would
... photograph and make notes while on Midway, in accordance with the attached book outline. We plan to consult on book content with representatives from Midway Atoll NWR and Friends of Midway Atoll (FOMA). Subject matter will include wildlife and vistas seen by typical visitors taking nature walks, traveling around developed areas via bicycle or golf cart, and participating in other approved activities.

If deemed appropriate by representatives from Midway Atoll NWR, we are also prepared to document the efforts of employees and volunteers doing seabird research, removing exotic invasive species, and otherwise protecting the natural resources of the refuge.

c.) This activity would help the Monument by ...
... creating an educational, photo-rich book to increase public awareness of albatross natural history. It will also make humans aware that their lifestyle choices can enhance albatross survival (ie, limiting use of plastic, proper recycling/disposal of plastic, insistence on sustainably-caught fish, and awareness of finite ocean resources). Since visitation to Midway Atoll is limited, this book would bring understanding about albatrosses to a much wider audience via print and especially via downloadable electronic-book formats, complying with the preserve's mandate to bring distance learning opportunities to a wider audience.

In the words of Senegalese conservationist Baba Dioum, "We will conserve only what we love, we will love only what we understand, and we understand only what we are taught." The proposed book will contain endearing and heart-warming photos of albatrosses that will convey how special they are to on-island and long-distance visitors. It will explain and promote the conservation efforts related to albatrosses that occur within Midway Atoll NWR and Papahānaumokuākea Marine National Monument. As readers learn about these specific causes, they will also gain a more general understanding of Earth's wildlife and finite resources, encouraging them to support worldwide conservation efforts.

The book would also be an excellent way to support the July 19, 2010, Executive Order: Stewardship of the Ocean, Our Coasts, and the Great Lakes, which states in part that America's stewardship of its coasts and the ocean is intrinsically linked to environmental sustainability, human health and well-being, national prosperity, and international diplomacy.

The proposed book will also provide general information about Midway Atoll NWR and Papahānaumokuākea Marine National Monument, informing a world-wide audience about these unique sites. Profits from book sales will enhance the ability of FOMA to fund vital projects and programs that support Midway Atoll NWR.

During the course of our previous book project (SOU Permit PMNM-2011-003), we shared digital photographic images of refuge personnel at work, wildlife, and tsunami recovery efforts. We also provided written research information relating to surviving WWII veterans of the Battle

of Midway. We are fully prepared to do so again under this permit, so our work may help document and promote USFWS functions on Midway Atoll NWR.

Other information or background: The principals involved in this proposal are experienced world travelers and well-known natural history photographers. Their foremost goals throughout this project are to protect the unique wildlife and natural resources of Midway Atoll NWR. At the same time, they will strive to interact with collaborating agency personnel and fellow travelers with patience and good will, providing a win-win experience for everyone involved.

Mrs. Greenberg and Mrs. Toops spent three weeks on Midway in March 2011, photographing and researching a forthcoming guidebook to visiting Midway Atoll, expected to be published in early 2012. They are happy to work cooperatively with personnel from Midway Atoll NWR and FOMA.

Phyllis Greenberg has professionally photographed nature, wildlife, and travel subjects for more than 40 years. Her images are marketed by the internationally-known stock agency Animals Animals. They have been widely published in nature and travel magazines, calendars, and books. Among her credits are cover photographs for National Geographic World and the New York Zoological Society, as well as images in National Wildlife Federation children's magazines, Birder's World, and the New York Times.

Connie Toops is an accomplished nature writer and photographer with 33 years of experience documenting natural history subjects. She is the author/principal photographer of nine nature books, including Hummingbirds: Jewels in Flight, Bluebirds Forever, Great Smoky Mountains, Florida Everglades, and National Seashores. One of Connie's essays appears in the popular Houghton Mifflin book, Good Birders Don't Wear White: 50 Tips from North America's Top Birders. She is a co-author of Peterson Field Guide/Bird Watcher's Digest Backyard Guide to Hummingbirds and Butterflies (Houghton Mifflin, 2011).

Connie's articles and photos have appeared in dozens of conservation-oriented magazines. Her stock photography has graced trade and textbooks, advertising, annual reports, calendars, cards, and museum exhibits. Connie is a contributing editor for Birder's World magazine, a frequent writer for Bird Watcher's Digest, and travels the country speaking on birding, wildlife gardening, and nature photography subjects. She is also a skilled naturalist. Before beginning her career in photojournalism, she worked at Colonial, Rocky Mountain, Shenandoah, Everglades, and Crater Lake National Parks. Connie received the first Outstanding Service Award from the North American Nature Photography Association and was a semi-finalist for the 1998 Humanitarian Photographer of the Year Award.

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Greenberg, Phyllis C.

Title: Project Director

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

Mrs. Greenberg will be directing this project on Midway, accompanied by and working in collaboration with writer/photographer Connie Toops.

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

Phyllis Greenberg

[REDACTED]

[REDACTED]

(summer address: [REDACTED])

Phone: [REDACTED]

Fax: NA

Email: [REDACTED]

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

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

NA

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):

Connie Toops, Project Collaborator: Nature writer & photographer

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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 checked="" 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 NWR, including permitted access to areas on Sand, Eastern, and Spit Is.

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:*

This project will be developed in cooperation with representatives from Midway Atoll NWR and Friends of Midway Atoll (FOMA). It will culminate in production of a coffee-table book that can be sold by FOMA, providing detailed information about albatrosses, and the refuge in general, for on-island and long-distance visitors.

Mrs. Greenberg and Mrs. Toops plan to visit Midway Atoll in May 2012, arriving and departing via regularly scheduled USFWS supply plane. They propose staying on Midway Atoll a total of 2 weeks to complete planned photography and research. To fulfill this need, they hope to rent from USFWS accommodations at the hotel (1BR/BA suite for each) for the entire period. While on the atoll, they also hope to rent a golf cart to transport Mrs. Greenberg's photography gear, and Mrs. Toops hopes to rent a bicycle and snorkeling equipment.

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:

IN ALL FINDINGS BELOW, THE PROPOSED IMPACT OF THIS PROJECT WILL HAVE NO MORE ADVERSE EFFECT UPON THE WILDLIFE, CULTURAL, OR HISTORIC RESOURCES THAN THOSE IMPACTS IMPOSED BY CURRENTLY PERMITTED DAY AND OVERNIGHT VISITORS.

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?

Photography and observation are inherently low-impact activities. The principals will adhere to all posted regulations, area closures, and other considerations developed to safeguard the Monument.

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?

Production of an educational book will enhance the value of Monument resources by increasing the availability of knowledge about the area to a wider audience of informed individuals, who will be more inclined to support and protect the Monument and similar conservation efforts.

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.

No. In order to obtain photographs and research for this book, an on-site visit is required.

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

No adverse impacts are expected. The principals will work in close coordination with USFWS and FOMA personnel to produce a quality educational publication.

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

Mrs. Greenberg first traveled to Midway Atoll in 1999. At that time she did significant photography and began formulating ideas for producing a book, or books, on the atoll. She subsequently conferred with various experts and collaborators in nature photography and nature photojournalism, and returned to Midway in March 2011 to obtain photographs and research necessary for the guidebook covered by her 2011 SOU permit. She now has the ability to produce another book, on albatrosses, by obtaining a few more photos of the pre-fledging juveniles. Given the monetary expense of travel to Midway and the impact of human visitation on the atoll, Mrs. Greenberg is well aware of making this project efficient and reasonable for all involved.

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

Phyllis Greenberg has been a professional nature photographer for more than 40 years. She has traveled to and photographed wildlife on all seven continents and markets her work through the well-known stock photo agency AnimalsAnimals. She is a Founder and Fellow with the North American Nature Photography Association, which promotes ethical field practices among its members and works closely with various conservation

agencies, including the USFWS. During the course of work on her 2011 SOU permit/guidebook project, Mrs. Greenberg has provided numerous digital images to Midway Atoll NWR and is prepared to do the same as this project develops.

Connie Toops has 33 years of experience as a professional nature photojournalist. As a former contributing editor for Nature's Best magazine, a contributing editor for Birder's World magazine, and a frequent writer for Birder Watcher's Digest, she has documented nature and tourism articles throughout North America, in Australia, southern Africa, Central America, South America, and the Caribbean. She is the author of 10 nationally-distributed nature books and a Founder and Fellow of the North American Nature Photography Association. Connie documented the post-tsunami recovery efforts at Midway Atoll NWR in March 2011, publishing her work in the August 2011 issue of National Wildlife magazine and NWF website. She has donated digital images and copies of interviews with WWII Battle of Midway survivors to Midway Atoll NWR.

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. Mrs. Greenberg and Mrs. Toops will travel to Midway Atoll on a prepaid basis, reaching the Atoll via regularly scheduled USFWS supply plane. Upon notification and confirmation of travel, Mrs. Greenberg will make financial arrangements directly with USFWS officials to pay for flights and time in quarters at the Midway hotel. Meals and incidental rentals (golf cart, snorkel equipment) will also be paid by Mrs. Greenberg.

Both principals are covered by personal liability insurance.

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.

Pre-trip research is being coordinated with representatives from Midway Atoll NWR. All of the activities covered under this proposal will be conducted according to the stated

goals and regulations of Midway Atoll NWR and Papahānaumokuākea Marine National Monument. The result will be greater educational opportunities for future visitors.

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

NA

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

All proposed activities would take place within Midway Atoll Special Management Area.

All of the activities covered under this proposal will be conducted strictly within the guidelines, and according to the stated goals and regulations, of Midway Atoll NWR and Papahānaumokuākea Marine National Monument. The principals are currently in communication with representatives of Midway Atoll NWR and expect to remain in close coordination throughout the project.

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?

NA

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

NA

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)?

NA

FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA

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

YES - especially by increasing educational opportunities for visitors

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

YES - the project is in compliance with all stated goals and regulations of the refuge.

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:

The principals will be using standard digital cameras/accessories and photographing according to the stringent ethical code promoted by the North American Nature Photography Association. No undue stress on wildlife or other impact of concern upon resources is anticipated, other than incidental effects similar to those exerted by typical day use or overnight visitors to Midway Atoll NWR.

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:

Mrs. Greenberg: Nationwide Insurance, \$2,000,000 Personal Liability Coverage.

Mrs. Toops: NC Farm Bureau Mutual Insurance Company, \$300,000 Personal Liability Coverage.

Both - Members of Diver's Alert network, covered by emergency evacuation insurance.

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

~ In consultation with John Klavitter, Midway Atoll NWR, about the logistics and feasibility of this project.

~ In consultation with Ellen Cashman, Sales Manager, Friends of Midway Atoll regarding that groups' need for publications. Have consulted with Friends of Midway Atoll Board of Directors via conference call.

~ Consulting with NOAA regarding a new book in development for the NW Hawaiian archipelago, so that we would not be duplicating other efforts.

~ Examined the current book list for University of Hawaii Press for similar products and found none. We are aware of Rob Shallenberger's book on Hawaiian seabirds, but it is not as specific to Midway as our book would be. We are also aware of a previous children's book on albatrosses by Frans Lanting, but it was published about 20 years ago and is very limited in availability.

~ Have read and studied iconic albatross references including The Albatross of Midway Island (Mildred L. Fisher), The Eye of the Albatross (Carl Safina), and numerous websites for background natural history and historical information.

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

Photographic gear: Digital SLR cameras with telephoto, wide angle, and macro lenses appropriate to capture wildlife and landscape images. Photographic accessories including several tripods, flash units, waterproof or water-resistant packs for camera gear. Digital photo storage equipment including laptop computers and portable hard drives.

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

NA

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

NA

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

Phyllis Greenberg: Existing stock photography of wildlife and landscapes on Midway Atoll NWR, is available online at the stock photo agency AnimalsAnimals. (Go to www.animalsanimals.com, then search MIDWAY ISLAND. The first 12 images are Mrs. Greenberg's.)

Greenberg & Toops: Guide to Midway Atoll, in preparation. Expected publication date, early 2012.

(signed) Phyllis C. Greenberg, August 8, 2011

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