

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: Michael L. Walther

Affiliation: Owner, Oahu Nature Tours

Permit Category: Special Ocean Use

Proposed Activity Dates: March - May 2012 and October 2012; dates pending due to flight schedules

Proposed Method of Entry (Vessel/Plane): Aircraft

Proposed Locations: Midway Atoll National Wildlife Refuge

Estimated number of individuals (including Applicant) to be covered under this permit: 18

Estimated number of days in the Monument: 21 days: 7-days per trip; three trips total

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...
allow a small birding group to explore the birdlife on Sand and Eastern Islands of Midway Atoll National Wildlife Refuge.

b.) To accomplish this activity we would
coordinate with refuge staff regarding logistics, accommodations, restoration volunteering, and birding access areas.

c.) This activity would help the Monument by ...
educating the public on the natural history of Midway Atoll and important actions provided by the United States Fish and Wildlife Service for the resident and migrant wildlife species (seabirds, shorebirds, monk seals and sea turtles).

Other information or background: Oahu Nature Tours (ONT) has been in operation for 14 years. We were founded in 1995 as the original nature adventure company on Oahu. We provide the finest ecotours and best prices available. ONT provide professional, knowledgeable, and friendly guides to narrate each location visited while exploring the beautiful island.

We specialize in small group size to see Hawaii's unique native bird and plant species. Spectacular scenery, excellent photographic opportunities, and information about the geology, archaeology, mythology, and history of Hawaii are available on our fun and educational tours. Whether you are interested in rainforest waterfall hike, a Diamond Head crater adventure, Green sea turtles, or colorful tropical birds and flowers; or simply would like to learn fun and interesting facts about the natural history of Hawaii, ONT has always been the adventure travelers' and travel agents' choice for quality ecotours. ONT donates to The Nature Conservancy, Audubon, Conservation Council of Hawaii, and Lyon Arboretum.

ONT adventure tours include:

DIAMOND HEAD CRATER ADVENTURE: Enjoy a guided walk to the 760-foot of the world's most famous crater where breathtaking 360 degree views await you. On this adventure you will learn interesting information about the crater's geology, history, archaeology, flora, and fauna.

TALE OF TWO PALACES ADVENTURE: Step back in time on this unforgettable and exciting adventure as you visit the historic highlights of the Kingdom of Hawaii. The lush Nu'uuanu Valley, Queen Emma Summer Palace, Hawaii's sacred Royal Mausoleum, inside visit of the only Royal Palace in the United States, Iolani Palace, King Kamehameha statue, and unique Kawaihao Church.

HAWAIIAN WATERFALL HIKING ADVENTURE: Spectacular 2000-foot jagged cliffs tower above as you walk into the lush Koolau mountains that rise above Kaneohe Bay. We visit a picturesque rainforest waterfall and enjoy Hawaii's unique rainforest plants and birds. **NATURAL HIGHLIGHTS OF OAHU ADVENTURE:** Visit Paiko Lagoon Wildlife Sanctuary, world famous Hanauma Bay, "From here to eternity" beach, Halona blowhole, Makapuu Lookout, Kaupo lava flow and tide pools, Waimanalo Bay, Enchanted Lake bird refuge, ancient Hawaiian temple...

MOUNTAIN RAINFOREST ADVENTURE: Journey to the scenic mountains high above the shimmering waters of Pearl Harbor to a place that time has passed by. In this beautiful setting we walk into a forest that includes Hawaiian honeycreepers, scarlet-flowered Ohia and majestic Koa trees... **VALLEY OF THE RAINBOWS ADVENTURE:** Travel with us to the enchanting, lush rainforest located deep within the beautiful Valley of the Rainbows. Here, nestled below towering jungle trees, one of the world's premier botanical gardens, Lyon Arboretum awaits you...

PEARL HARBOR, USS ARIZONA, PUNCHBOWL, HONOLULU HISTORICAL SIGHTS: Visit Hawaii's most famous location, Pearl Harbor and USS Arizona Memorial. We will also take you to many other sights around Honolulu: Punchbowl ("The hill of sacrifice"), the statue of King Kamehameha, Iolani Palace (the only royal palace in the United States), and Kawaiahao Church ("the Westminster Abbey of Hawaii")...

NORTH SHORE ADVENTURE: An exciting journey of discovery to the famous North Shore of Oahu. Over the Koolau Mountains to the windward side, then onwards to the North Shore featuring Byodo Temple, wetlands, Banzai Pipeline, historic village of Haleiwa and much more...

MANOA WATERFALL ADVENTURE: This adventure will fulfill all your fantasies of Hawaii's lush rainforests, giant ferns, cascading tropical waterfalls, picturesque streams and unique species that can be found nowhere else on Earth..

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Walther, Michael, L.

Title: Owner, Oahu Nature Tours, Inc.

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

Tanino, Lance T.

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

[REDACTED]

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

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

Oahu Nature Tours, Inc.

[REDACTED]

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):

Michael Walther, Owner and Guide, Oahu Nature Tours, Inc.

Lance Tanino, Manager – Birding Tour Development and Guide, Oahu Nature Tours, Inc.

Client (1)

Client (2)

Client (3)

Client (4)

Client (5)

Client (6)

Client (7)

Client (8)

Client (9)

Client (10)

Client (11)

Client (12)

Client (13)

Client (14)

Client (15)

Client (16)

Section B: Project Information

5a. Project location(s):

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

Sand and Eastern Islands of Midway Atoll NWR and pelagic birding (if available) in deep water from Midway Atoll NWR. By pelagic birding, we are interested in chartering a boat (if one is available) for the purpose of searching for uncommon migratory seabirds (petrels and shearwaters) 20-30 miles from Midway Atoll.

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 purpose is to conduct birding and natural history tours at Midway Atoll National Wildlife Refuge. We are interested in allowing our group to participate in service projects (I.e. land-based marine debris removal, bird counts, or invasive plant species removal, etc.).

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?

Birding tours will be conducted with adequate safeguards by coordinating and working closely with refuge management staff and with close supervision of the public while on the island and focus on daily reminders. We are interested in allowing our group to participate in service projects (I.e. land-based marine debris removal, bird counts, or invasive plant species removal, etc.).

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?

Birding tours will be conducted in a manner compatible with the refuge management by providing educational interpretation focusing on the importance of protecting the Monument's cultural, natural and historic resources and maintain its ecological integrity on a daily basis.

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.

Birding tours must be conducted in the Monument because the public is very interested in experiencing Midway Atoll's native wildlife first-hand.

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 values of conducting birding tours on Midwa Atoll National Wildlife Refuge will have minimal adverse impacts on the Monument's resources, qualities, and ecological integrity because the tours provide an educational function.

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

The duration of the activity will be no longer than necessary to achieve our stated purpose of conducting birding tours on Midway

Atoll because we will be on schedule for the following aircraft flight out.

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

Michael Walther (Owner, Oahu Nature Tours) and Lance Tanino (Manager – Bird Tour Development, Oahu Nature Tours) are both professional bird tour leaders. Oahu Nature Tours is covered by general liability insurance. Lance has previously served as a Volunteer Biologist for an entire summer and earned a USFWS volunteer certificate in 1993 and served as a Sierra Club National Outings trainee for a week in 2001.

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 air, charter, lodging and guide will be built into the budget and program fees and expenses will be paid by visitors.

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.

Birding tour methods and procedures will be primarily educational and thus have minimal impact to Monument cultural, natural and historic resources, qualities, and ecological integrity. Our groups will have no more than 18 participants and our group and guide objectives purely educational focusing on natural history and bird photography as well as emphasizing the role of the USFWS efforts in seabird conservation.

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.

There are no other factors that would make the issuance of a permit for birding tours inappropriate. Birding and photography will be the focus of these tours.

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?
Birding tours will further the conservation and management of the Monument by providing educational tours to the public.

o. Is your activity compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?
Yes, with coordination and joint planning efforts with refuge staff, the birding tours will be compatible with the purposes designated by Midway Atoll National Wildlife 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:

On the birding/photography trips we will mostly be land-based which include a short boat trip from Sand Island to Eastern Island with arrangements made with FWS staff. Our potential list of target species include to observe and photograph include seabirds, monk seals, and sea turtles.

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:

Certificate of Liability Insurance

Producer: Insurance Associates, Inc., [REDACTED]

Insurer A: Philadelphia Indemnity Ins. Co.

Insurer B: National Interstate Ins. Co.

See attached copy of certificate.

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

N/A

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

Our group and guides will anticipate bringing with them binoculars, cameras, spotting scopes, and tripods.

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