

**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:** Wyland

**Affiliation:** Wyland Foundation

**Permit Category:** Special Ocean Use

**Proposed Activity Dates:** July 15, 2012 - December 31, 2016

**Proposed Method of Entry (Vessel/Plane):** Plane

**Proposed Locations:** Midway Atoll NWR

**Estimated number of individuals (including Applicant) to be covered under this permit:** 8

**Estimated number of days in the Monument:** 16 per year

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

a.) The proposed activity would...

Promote public awareness of the Monument highlighting conservation actions and larger global issues. Both renown artist Wyland and spokesperson and well-known author for ocean conservation, Dr. Sylvia Earle, have international public appeal and a board reach with audiences unaware of the Monument or its conservation issues. Their visit to Midway will increase awareness of Midway Atoll National Wildlife Refuge as a window of opportunity to experience and thus grasp the full spectrum and magnitude of the Papahānaumokuākea Marine National Monument. The culminating educational outreach products include a documentary, various video segments including interviews linked to websites and Q and A conferencing with Dr. Earle into a Navigating Change career workshop on O`ahu.

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

Spend eight days on Midway at two separate times each year to learn about Papahānaumokuākea, and the conservation issues and management of Midway Atoll National Wildlife Refuge by working directly with Refuge and Monument staff on Midway. Interviews will be conducted and restoration work will be accomplished alongside management and research staff. During the visit Wyland and Earle will collect images and HD video of wildlife on land and underwater to be used in creating educational video segments and a documentary about Papahānaumokuākea that will convey ocean and island conservation success stories while

also addressing large scale threats to the Monument such as climate change. Interviews will be also be conducted to capture footage for a potential TED segment, in addition a Q and A teleconference will take place between Dr. Earle and the classrooms.

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

The proposed visit to Midway will bring additional attention to previously unaware audiences including bringing awareness of the Monument to National Geographic and Discovery Channel directors as they have already shown interest. Both Wyland and Earle are life-long, passionate advocates for marine conservation and work with international audiences as they garner broad public attention through the arts, lectures and video medium. In addition, the State of Hawai'i Department of Land and Natural Resources staff plans to tie into this Midway experience by utilizing video segments that will compare and contrast Midway Atoll with other off-shore protected islands in the main Hawaiian Islands, inspiring people to take better care of their islands closer to home.

**Other information or background:** Wyland and Earle will draw from their expertise and life experiences to convey the importance of the Monument as they emphasize the connections we all share to these special places and inspire everyday changes in behavior. Wyland's non-profit Foundation focuses on environmental conservation and teaching stewardship through the medium of art. Of special note and intent, Wyland has elected to spend the latter part of his career almost solely on developing marine conservation educational programs and products that support his Foundation. As a side note, he is also the selected artist for upcoming 2012 Summer Olympics.

"Founded by renowned environmental artist Wyland, the Wyland Foundation has helped children and families around the nation to rediscover the importance of healthy oceans and waterways through public art programs, classroom science education, and live events. The foundation gives children the tools they need to become more creative, positive, and solution-oriented. The foundation is a 501(c)(3) non-profit organization."

Sylvia A. Earle is an oceanographer with a B.S. degree from Florida State University (1955), M.S. and PhD. From Duke University (1956, 1966) and honorary degrees from the Monterey Institute (1990), Ball State University (1991), Washington College (1992), Duke University (1993), Ripon College (1994), University of Connecticut (1994), University of Rhode Island (1996), Plymouth State College (1996), Simmons College (1997), Florida International University (1998), and St. Norbert's College (1998). She was Curator of Phycology at the California Academy of Sciences (1979-1986) and a Research Associate at the University of California Berkeley (1969-1981), Radcliff Institute Scholar (1967-1969) and Research Fellow or Associate at Harvard University (1967-1981). From 1980 to 1984 she served on the President's Advisory Committee on Oceans and Atmosphere (1980-1984). In 1990 she was appointed as Chief Scientist of NOAA (National Oceanic and Atmospheric Administration) where she served until 1992. In 1992 she founded Deep Ocean Exploration and Research (D O E R), to design, operate, support and consult on manned and robotic sub sea systemstion and has worked directly

with more than one million children since its inception in 1993." She currently is a National Geographic Explorer in Residence. For more go to: <http://literati.net/Earle/sylvia-earle-books.htm>

Dr. Sylvia Earle and Wyland bring to the table different talents and knowledge, one embedded in the sciences the other specialized in the arts. By blending their skills and wisdom they make a powerful dynamic duo to help bring awareness to the state of our oceans. They have already worked in tandem on numerous educational projects. For instance, Earle helped create messaging to use music to inspire water conservation through Wyland's new Blues Planet music album.

## **Section A - Applicant Information**

### **1. Applicant**

Name (last, first, middle initial): Wyland, No first name

Title: Artist/Conservationist

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

Cynthia McArthur, USDA Forest Service National Partnership Coordinator

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

[REDACTED]

Phone:

[REDACTED]

Fax:

Email:

[REDACTED]

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

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

Wyland Foundation, the Co-Trustees of the Monument, U.S. Forest Service, State of Hawai'i Department of Forestry and Wildlife.

#### **4. Additional persons to be covered by permit. List all personnel roles and names (if known at time of application) here (e.g. John Doe, Research Diver; Jane Doe, Field Technician):**

Dr. Sylvia Earle - National Geographic Explorer in Residence

Michelle Goram Jones - State of Hawai'i, DLNR, Public Information and Education

Cynthia McArthur - US Forest Service - Youth Engagement to Outreach Support

TBD - 3 resource advisors

**Section B: Project Information**

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

<input type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<b><u>Ocean Based</u></b>	
<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 - Sand, Eastern Island and lagoon.

**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:***

Access to Papahānaumokuākea is needed in order for Dr. Earle and Wyland to immerse themselves in this place and film wildlife and conservation efforts so they in turn can outreach to a diverse and large audience. Mr. Wyland will also be working on sketches of art during his visit. There is always the need to highlight the special attributes and qualities of the Monument to new audiences in this case, Wyland and Dr. Earle have relationships with ocean conservation efforts worldwide. Footage collected by members of this expedition will utilize video technology and new media (such as the potential to creation of TED segments) to captivate and engage both adults and the next generation of natural resource stewards. Dr. Earle will also be interviewed live through Q and A back to the classes on the main Hawaiian Islands. The Wyland Foundation will be crafting a documentary on the trek for posting on their website and other partners. In addition, both National Geographic and the Discovery Channel have expressed an interest in utilizing some of the footage. All raw footage segments will be made available to for use by the Monument, U.S. Forest Service and The State of Hawai'i DLNR to create outreach products.

**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?

All activities will be conducted in the presence and under the direct guidance of Monument and Refuge personnel. Participants would like to schedule a meeting with Monument cultural specialists prior to the trip to enhance their understanding of the cultural significance and relevance to their journey. They will watch the Cultural Briefing video prior to arrival at Midway for each trip and will also work with Monument cultural staff on ways to incorporate cultural messages in any products produced and to maximize cultural understanding while on Midway. In addition, one of the participants, Cindy McArthur has been trained as an Archeology Technician with the USDA Forest Service.

All field activities that involve entering any closed areas of Midway Atoll National Wildlife Refuge will occur only when escorted by a Monument or Refuge employee assuring safeguards are in place including care in positioning people when filming anywhere that is not on a paved surface.

To safeguard the cultural and historical resources, all visitors would attend an orientation briefing upon arrival at Midway to include the Cultural Briefing. Wyland and Earle have a deep respect for the cultural values of Papahānaumokuākea MNM and will take all measures to ensure the safeguarding of the valuable resources.

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 Monument was established to protect the cultural, historic and scientific features of the Northwestern Hawaiian Islands and to enhance visitation in a special area around Midway Atoll. This activity is directly compatible with the educational purposes of the Monument through offering the opportunity for gifted people with outreach potential a chance to peer in and experience a small portion of the larger Monument at the only permissible point of entry at Midway Atoll. These visitors will then educate many others based on their experiences. Cumulative effects of the project will include a positive increase in the amount of habitat restored, outreach products to people, and enhanced visibility of the Monument.

c. Is there a practicable alternative to conducting the activity within the Monument? If not, explain why your activities must be conducted in the Monument.

There is not a practicable alternative. Wyland and Dr. Sylvia Earle are artists and they create their products from what they personally see and experience. Immersing all their senses in the ecosystem allows them to illuminate wildlife with a quality and accuracy that conveys the true essence of the wildlife or ecosystem. In addition, a visit by Dr. Sylvia Earle will greatly enhance her ability to continue to advocate by experiencing this place from a first hand experience. Dr. Sylvia Earle will be able to take the story of Papahānaumokuākea MNM and Midway Atoll NWR forward to audiences to provide the window into the monument in talks to audiences throughout the world. Return trips are necessary to film seasonal changes and lifecycle interactions among terrestrial, aquatic and human inhabitants of the atoll. The team is specifically interested in capturing extensive underwater footage that was not possible to film during the winter months.

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

Presidential Proclamation 8031 reinforced the importance of Midway as a vital link to the Northwestern Hawaiian Islands ecosystem, especially as an opportunity for visitors to experience, learn about and appreciate Papahānaumokuākea MNM. Although no adverse impacts are foreseen in this activity, it is understood that mere presence among the fragile wildlife and habitats of the Monument presents an impact. However, the adverse impacts are greatly minimized due to the fact that most activity will take place on pavement or designated trail areas or under the direct guidance of service divers while in the water. Wyland and Dr. Sylvia Earle have established a positive reputation and relationships with audiences worldwide. Their influence with other audiences reaches far beyond the boundary of the Monument and thus will bring about awareness and support while not physically impacting the Monument. The impact to cultural and historic resources will be minimal due to the work being conducted on pavement or designated trail areas under the guidance of Monument staff. To ensure cultural accuracy the group will consult with Cultural Working Group members and Office of Hawaiian Affairs prior to developing and releasing educational materials.

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

The two visits per year will allow to gather information at different times on Papahanumokuakea for presentation to school groups and to refresh the knowledge and enhance understanding of the values of Papahānaumokuākea. The duration of each visit is determined by the minimum stay on Midway within flight scheduling.

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

The administration and management of Midway Atoll NWR as part of Papahanumokuakea MNM is guided by principals of minimizing impacts and restoring habitats for wildlife. All activities will be guided and/or led by Refuge or Monument staff throughout the each stay. Also, Wyland and Earle have been fully exposed and sensitized to the careful vigilance needed to visit fragile places while leaving wildlife and habitat undisturbed as evidenced by their other remote worldwide wilderness experiences. To mitigate any potential impacts from the activity the field PI will work directly with Monument staff to minimize impacts and reduce potential impacts.

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. Financial commitments have already been solidified by U.S. Forest Service, Dr. Sylvia Earle, Wyland, State of Hawai'i and the Monument to support this activity. Wyland Foundation has a Liability Insurance policy with a \$1,000,000 policy limit to mitigate impacts from the activity if there are any.

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.

Methods involve filming interviews, field work and underwater footage within the Monument. Filming is a non-invasive, very minimized activity when done appropriately. Most days we will be following the activities of the Refuge staff and therefore will create little to no additional disturbance and perhaps less of an impact than 18 visitors to the island would create. Methods will be in line with protocols for low impact walking, observing, and will snorkel only if deemed safe by Refuge staff. All diving activities will be conducted under an approved dive safety plan that will be included with the compliance form submitted prior to each trip. All activities will occur again under the direction of Monument and Refuge staff that have years of experience working on Midway Atoll National Wildlife Refuge. The film crew and all participants will defer to FWS guidance at all times.

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 arriving by air

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 issuing this permit inappropriate.

FOR SPECIAL OCEAN USE ACTIVITIES OUTSIDE OF MIDWAY ATOLL SPECIAL MANAGEMENT AREA

k. Will the activity directly benefit the conservation and management of the Monument?

N/A

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

N/A

m. Does the activity involve the use of a commercial passenger vessel (defined as a vessel that carries individuals who have paid for such carriage)?

N/A

FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA

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

Yes, a critical education goal is to inspire others to further conservation action. Midway Atoll has become an icon of a learning laboratory of adaptive management that can exemplify island restoration success stories. By Wyland and Dr. Earle voicing their enthusiasm and support for protection of the Monument will help inspire public support for this place that so few get to experience. We expect these efforts to also attract talented volunteers to apply that can directly help restoration operations on Midway Atoll.

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

The Monument Management Plan, Midway Visitor Service Plan 3.4.3, specifically details the need for activities that offers visitors opportunities to discover, enjoy, appreciate, protect and honor the unique natural, cultural and historic resources of PMNM (MMP Vol. I, pp. 253-258, 2008). All of the aforementioned strategies are management needs which the proposed activity would help to fulfill. Considering the extent and conduct of the proposed activity, no adverse, indirect, secondary or cumulative effects are anticipated.

**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:**

Filming, interviews, teleconferencing, underwater and land based video photography and experiential hands-on learning. The crew will spend eight days on Midway on each trip to learn about Papahānaumokuākea MNM and Midway Atoll NWR, conservation issues, and management of Midway Atoll National Wildlife Refuge by working directly with the PI and other Refuge and Monument staff on Midway. Interviews will be conducted and restoration

work will be accomplished alongside management and research staff. During the visit Wyland and Earle will collect images and HD video of wildlife on land and underwater to be used in creating educational video segments and a documentary about Papahānaumokuākea that will convey ocean and island conservation success stories while also addressing large scale threats to the Monument such as climate change. Interviews will be also be conducted to capture footage for a potential TED segment, in addition a Q and A teleconference will take place between Dr. Earle and the Navigating Change career workshop participants.

Daily diving will be conducted with two dives per day as weather allows and within the guidance of the approved dive safety plan and under the oversight of two service divers. Live or dead coral may be touched during the diving or snorkeling activities. Access to diving will be via FWS boats or shore based diving as conditions and personnel allow. No diving will be conducted 24 hours prior to returning from Midway to Honolulu.

**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:**

A copy of the current valid liability certificate will be provided prior to each trip with the compliance form. Wyland Foundation has a Liability Insurance policy with a \$1,000,000 policy limit.

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

This activity directly involves working on-site at Midway Atoll with select representatives from the three Monument Co-Trustees with review of purpose, cultural protocol and suggestions provided by OHA.

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

Underwater camera gear

Dive equipment to include BC, regulatory, mask, fins, snorkle and all needed safety equipment.

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

None

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

None

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

1. Dr. Earle's most current book "The World is Blue, How Our Fate and the Ocean's Are One" published by National Geographic has a specific section on Papahānaumokuākea, pg 249-253. She actually describes the dinner and meetings with Bush prior to it's designation. Books authored by Dr. Sylvia Earle include: Fathoming the Ocean, Defying the Ocean's End, National Geographic Atlas of the Ocean and the list goes and on. Included in her repertoire are numerous

children's books about coral reefs and ocean critters. For a complete list and more information go to:<http://literati.net/Earle/sylvia-earle-books.htm>

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