

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Aquatic Resources
Honolulu, Hawaii 96813

August 23, 2013

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Mr. Nainoa Thompson, Polynesian Voyaging Society, for Access to State Waters to Conduct Training Sails for Apprentice Navigators Using Non-Instrumental Navigation Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Native Hawaiian practices permit to Mr. Nainoa Thompson (Applicant), President, Polynesian Voyaging Society, pursuant to § 187A-6, Hawaii Revised Statutes (HRS), chapter 13-60.5, Hawaii Administrative Rules (HAR), and all other applicable laws and regulations.

The Native Hawaiian practices permit, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Nihoa Island

The activities covered under this permit would occur between September 1, 2013 to August 31, 2014.

The Applicant and proposed training activities for apprentice navigators using non-instrumental navigation are new.

INTENDED ACTIVITIES

The Applicant proposes to conduct training sails for apprentice navigators by sailing to Nihoa Island from the Main Hawaiian Islands using non-instrumental navigation. This activity would strengthen cultural connections to the Northwestern Hawaiian Islands and perpetuate the traditional Native Hawaiian skill of wayfinding. The training sails would be aboard the HIKIANALIA, a 72 foot Native Hawaiian voyaging canoe. HIKIANALIA would be anchored on sandy substrate offshore during the day and utilize one small inflatable tender (oar powered)

to shuttle personnel to the shoreline. Proposed activity dates are between September 1 to 30, 2013.

The Applicant proposes that up to sixteen (16) crew members would enter the Monument to conduct the following activities:

1. Anchoring on sandy substrate only;
2. Swimming/snorkeling; and
3. Accessing land for cultural observations and protocol including the offering of ho'okupu (gifts of salt, water, stones, and fish caught within the Monument), oli (chants), and pule (prayer) in order to strengthen cultural connections to the place.

Crew members would stay on land for up to ten (10) hours between sunset and sunrise and not camp overnight. Personnel would access land in separate groups in order to abide by Monument Best Management Practices for Activities on Nihoa Island that specify protocols to reduce impacts to cultural and natural resources, and human presence restrictions (no more than fourteen (14) personnel shall be authorized to be on Nihoa Island at any one time). All activities would be under the direct supervision of a U.S. Fish and Wildlife Service designated biological escort. Beach access at Nihoa Island would be prohibited and landing on the island would only occur in the rocky intertidal zone when no Hawaiian monk seals and sea turtles are present at the landing sites. Furthermore, all personnel would avoid all areas where Hawaiian monk seals and sea turtles haul out.

The Applicant also proposes to conduct fishing activities in federal and state waters by trolling a lure on a single monofilament handline for 100 feet. The line would be monitored at all times and personnel would abide by Monument Best Management Practices: Seabird Protocols Necessary for Conducting Trolling Research and Monitoring to reduce impacts to seabirds. All fishing gear would be removed from the water if any Hawaiian monk seals or sea turtles are observed. All fish caught would be consumed within the Monument.

While HIKIANALIA has never entered the Monument, her sister voyaging canoe, HOKULE'A, sailed to the Northwestern Hawaiian Islands in 2004.

The activities proposed by the Applicant directly support the Monument Management Plan's (MMP) priority management needs through 3.1.2 – Native Hawaiian Culture and History Action Plan (Strategy NHCH-2: Conduct, support, and facilitate Native Hawaiian cultural access and research of the NWHI over the life of the plan). NHCH-2.6 states “[s]uch access needs may include, but not be limited to...regular access for Polynesian voyaging canoes for wayfinding, navigational, and cultural protocol training”.

The activities described above may require the following regulated activities to occur in State waters:

- Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving monument resource
- Anchoring a vessel

- Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- 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

REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since July 5, 2013, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Comments received from the scientific community are summarized as follows:

Scientific reviews support the acceptance of this application.

The following concerns were raised. Applicant responses are noted below.

- 1. Will the Polynesian Voyaging Society (PVS) solely itself use the video and stills captured by a crew member of the waka moana for educational purposes or will it be marketed to outside institutions?**

The Applicant states that there will be no marketing: PVS is not a commercial enterprise. The Applicant is an educational/cultural non-profit organization, and all of their official documentation will solely be used for those purposes.

The Applicant would be happy to make their crew members aware of restrictions on the use of their personal video and stills as well. Does the Monument Management Board (MMB) have a policy on this that we could share with our crew?

- 2. How will the video/photo coverage be used? Will the public have access to those video/photos?**

The Applicant states that they are an educational/cultural non-profit, and their video and still documentation will only be used for educational purposes. The public will have access to that documentation via their website: <http://hokulea.org>

- 3. What will be offered as ho'okupu? Will ho'okupu need to be treated in a certain way in order for it to be left on island?**

The Applicant would be offering only ho'okupu that has been offered on Nihoa and Mokumanamana in the past. This includes the possibility of (depending on the insight of their

cultural practitioners at the time): wai (fresh water); oli (chant); mele (song); pa'akai (ocean salt); pōhaku (stone) from a significant place (to connect the archipelago) – pōhaku, as before, would be thoroughly cleaned, put through a light Clorox rinse and frozen for no less than 72 hours; lā'ī (ti leaf) would be used for wrapping the pōhaku, and it would have been treated in the same manner as the pōhaku; and a red fish (such as a kūmū) caught in Paphānaumokuākea, also wrapped in a treated lā'ī (as was offered in previous cultural accesses). Please let them know if any/all of these anticipated offerings raise additional questions.

- 4. With respect to the response to Question 3 above, how concentrated will the “light” solution of bleach be? Monument Best Management Practices (BMPs) recommend ½ cup bleach per one gallon freshwater.**

The Applicant fully intends to follow the Monument BMPs and look forward to receiving them. We commit to using ½ cup bleach per one gallon fresh water, for example.

- 5. With respect to the response to Question 3 above, one concern related to is that the rock(s) would remain in the Monument and if not documented appropriately may affect future archaeological interpretations of cultural sites on island. What can be done to properly point to/reference the rock's origin and time of being brought to Nihoa? Where are they planning on leaving the rock(s)?**

The Applicant states that this is a valuable suggestion and a good question. They will bring an archaeological map with them and map where they leave any pōhaku, labeling it on the map, and documenting not only it's location, but its description, a description of the site, its placement, and its origin. Depending on the conditions of the day and the advice of the cultural practitioner, they would choose a site that has already been visited by the voyaging community or a place near the shoreline.

- 6. How will people be transported to Nihoa?**

The Applicant explains that the Hikianalia has a 10' x 46" inflatable tender, which is operated by human/oar power and will be used as the transporter of those crew members allowed to access Nihoa.

- 7. Will quarantine requirements be observed?**

The Applicant states, yes. Please inform them of those requirements as soon as possible so that they can mandate them for their crew members. They will be sailing from O'ahu to Kaua'i, and some of their crew members for the Nihoa portion of the Mālama Hawai'i voyage will be joining us in Kaua'i. Thus, they will have to let both sets of crew members know as soon as possible how to properly and respectfully prepare for protection of all of the resources as part of the perpetuation of both natural and cultural resources/knowledge.

- 8. Has the vessel already visited the Monument? It seems out of order that we would be reviewing a permit proposal after the vessel was already underway?**

The Applicant states that the proposed vessel has not already visited the Monument. The vessel requires a PMNM permit and must meet all vessel compliance requirements (hull inspection, sanitation (rat) inspection, and VMS installation) prior to entering PMNM.

COMMENTS / RECOMMENDATIONS:

- 1. Application refers to anchoring the Hikianalia; applicant should acknowledge recognition that anchoring on coral reef habitat is not allowed and that anchoring would occur on sandy substrate only.**

The Applicant notes that they only anchor on sandy substrate out of respect for the fragility of reef environments. They further commit that they will continue this practice within Papahānaumokuākea.

- 2. Applicant should acknowledge need to avoid disturbance to land- and sea-birds ashore.**

Permit Coordinator Response: As noted in their application, PVS commits to the least invasive shore visit possible by however many crew members may be allowed on shore. They will strictly avoid disturbances to all land and sea birds, as well as Hawaiian monk seals and other protected and revered living species on land and sea.

- 3. Resources are being covered within this permit application for harvesting for cultural practice but the permit is not specific as to what will be collected and in what quantities.**

Permit Coordinator Response: The applicant was not required to specify what would be collected and in what quantities for proposed fishing activities. If permitted, fishing activities would be required to be consumed within PMNM and all catch reported.

- 4. When performing on-island protocol, there might be an issue with having such a large amount of people on island.**

Permit Coordinator Response: The applicant would be required in their permit (if approved) to follow all relevant Monument Best Management Practices which include limits on the number of people allowed to access Nihoa at one time.

Comments received from the Native Hawaiian community are summarized as follows:

Cultural reviews support the acceptance of this application.

Comments received from the public are summarized as follows:

No comments were received from the public on this application.

Additional reviews and permit history:

MONUMENT MANAGEMENT BOARD OPINION:

The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

RECOMMENDATION:

Based on the attached proposed declaration of exemption prepared by the department after consultation with and advice of those having jurisdiction and expertise for the proposed permit actions:

1. That the Board declare that the actions which are anticipated to be undertaken under this permit will have little or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Upon the finding and adoption of the department's analysis by the Board, that the Board delegate and authorize the Chairperson to sign the declaration of exemption for purposes of recordkeeping requirements of chapter 343, HRS, and chapter 11-200, HAR.
3. That the Board authorize and approve a Native Hawaiian Practices Permit to Mr. Nainoa Thompson, Polynesian Voyaging Society, with the following special conditions:
 - a. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
 - b. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
 - c. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge.
 - d. No fishing is allowed in State Waters except as authorized under state law for subsistence, traditional, and customary practices by Native Hawaiians.
 - e. If there is any Hawaiian monk seal or any other protected species in the area when performing any permitted activity shall cease until the animal(s) depart the area, except as permitted for specific management of that species.

- f. For all activities requiring landing on uninhabited islands an authorized staff escort trained for each particular inhabited island will be included on the landing team.

Respectfully submitted,



William M. Tam
Acting Administrator

APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson

Papahānaumokuākea Marine National Monument
Native Hawaiian Practices 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: Nainoa Thompson

Affiliation: Polynesian Voyaging Society

Permit Category: Native Hawaiian Practices

Proposed Activity Dates: Sept. 1 - Sept. 30, 2013

Proposed Method of Entry (Vessel/Plane): Vessel

Proposed Locations: Nihoa

Estimated number of individuals (including Applicant) to be covered under this permit: 16
Estimated number of days in the Monument: 6

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...
serve multiple purposes. Hikianalia, a Polynesian voyaging canoe, began a voyage around the world on May 29, 2013 with the start of a sail around the Hawaiian Archipelago. The name of the voyage is Mālama Honua, which translates to care for the earth. Starting with Hawai'i shows our commitment and dedication to Hawai'i and allows for her people to connect with the mission of the voyage which is to navigate toward a healthy and sustainable future, recognizing the importance of culture to our well-being now and in the future. While voyaging around the world, the canoes plan to visit 23 Marine Protected Areas (including Papahānaumokuākea) to highlight their importance and significance as safe holds for the future, so we would like to start with our home Papahānaumokuākea. Coupled with these important reasons stated above, the location of Nihoa provides excellent training to apprentice navigators to practice the traditional Hawaiian/Polynesian skills of wayfinding (non-instrumental navigation). The main Hawaiian Islands are relatively too close to each other for this type of long-range navigational experience.

b.) To accomplish this activity we would

sail to Nihoa on the double-hulled, voyaging canoe Hikianalia, one of the two canoes that will be circumnavigating the world.

c.) This activity would help the Monument by ... meeting a priority within the Monument Management Plan, which includes an activity in support of regular access for Polynesian voyaging canoes for wayfinding, navigational and cultural protocol training. We also note that wayfinding training and traditional voyaging were components of Papahānaumokuākea's successful nomination as a natural and cultural World Heritage site. Having this living tradition continue should be a priority for managers of this Marine World Heritage site.

Other information or background: Our other Polynesian voyaging canoe, Hōkūle'a, has made previous, successful voyages into the kupuna islands before they were designated a Monument. This would be the first voyage Hikianalia would make into Papahānaumokuākea, and it would help to provide a stronger awareness that the entire Hawaiian Archipelago is connected, sacred and worth protecting.

Vessel name: Hikianalia
Vessel owner: Polynesian Voyaging Society
Captain's name: Nainoa Thompson
IMO#: N/A
Vessel ID#: 1681
Flag: Cook Islands
Vessel type: Traditional – Voyaging Canoe
Call sign: ESU2592
Embarkation port: Hanalei, Kaua'i, Hawai'i
Last port vessel will have been at prior to this embarkation: Hale'iwa, O'ahu, Hawai'i
Length: 22 meters
Gross tonnage: 30
Total ballast water capacity volume (m3): N/A
Total number of ballast water tanks on ship: N/A
Total fuel capacity: N/A (battery-powered engines from photovoltaic panels)
Total number of fuel tanks on ship: N/A
Marine Sanitation Device: yes
Type: 3

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Thompson, Charles N.

Title: President

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

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



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

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

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, Diver):
16 crew (maximum) for the double-hulled, Polynesian voyaging canoe Hikianalia, --
crew member names TBD on compliance information sheet.

Section B: Project Information

5a. Project location(s):

- | | | | |
|---|--|---|--|
| <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 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 type="checkbox"/> Midway Atoll | <input type="checkbox"/> Land-based | <input type="checkbox"/> Shallow water | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Kure Atoll | <input type="checkbox"/> Land-based | <input type="checkbox"/> Shallow water | <input type="checkbox"/> Deep water |
| <input type="checkbox"/> Other | | | |

Ocean Based

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

Location Description:

The intention is to navigate, using traditional methods, to Nihoa, sail around the island, close sails, anchor, and transport people to Nihoa, and then sail back to Kaua'i using traditional methods. We will finalize our sail plans before our departure to make sure that all Monument consultations and requirements are met.

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:*

Hikianalia, a Polynesian voyaging canoe, began a voyage around the world on May 29, 2013, by beginning a sail around the Hawaiian Archipelago. The name of the voyage is Mālama Honua, which translates to care for the earth. Starting with Hawai'i shows our commitment and dedication to Hawai'i and allows for her people to connect with the vision and mission of the voyage which is to navigate toward a healthy and sustainable future, recognizing the importance of culture to our well-being now and in the future.

Starting with the Hawaiian archipelago also allows the crews to 'ikemaka iā Hawai'i (see and experience firsthand Hawai'i and its people), thus deepening our connection to the places we call home and informing our understanding of the message of Mālama Honua that we will take around the world. The value and practice of 'ikemaka was probably best demonstrated by Queen Emma Kaleleonālani on her empowering journey to the summit of Maunakea in 1881. After losing the 1874 election to King David Kalākaua, Emma went to Maunakea, one of the piko (centers) of the Hawaiian world, and immersed herself in its mountain lake, Waiau. It was not enough for her to see Maunakea from a distance, but rather she had to travel to the top on horseback through a blustery storm, then get into the freezing lake and swim across it, before beginning her descent back down the trail. In other words, ua 'ikemaka 'o Emma iā Maunakea (Emma had to see and experience Maunakea up close and in person). It was this trip that reinvigorated herself physically and spiritually, validated her seniority of rank and ancestral lineage, and furthermore reaffirmed her right and capability to rule the Hawaiian nation.

As illustrated in this mo'olelo of her journey that has been documented in eight mele (songs, chants), Queen Emma Kaleleonālani teaches us that in order to truly connect with a place, one has to go there in person and experience the place up close in all the many ways it can reveal itself to us (e.g., landing on the islands, swimming in the waters, and eating from the land and sea). It is because of this teaching of our kūpuna practiced by Queen Emma that we are requesting permission to 'ikemaka iā Nihoa – land on this sacred island in order to honor the island itself, eat from the waters that surround them, honor our ancestors that reside there, and place ourselves in the living genealogy of Hawai'i that includes Papahānaumokuākea. Like Queen Emma, we hope to be reinvigorated physically and spiritually, we hope to reconnect to our kūpuna through another piko of the Hawaiian world (Papahānaumokuākea), and furthermore we hope to reaffirm our capability to journey around the world carrying the message of Mālama Honua.

While traveling around the world, the canoes plan to visit 23 Marine Protected Areas (including Papahānaumokuākea) to highlight their importance and significance as safeholds for the future, so we would like to start with our home Papahānaumokuākea. Coupled with this important reasons stated above, the location of Nihoa provides excellent training to apprentice navigators to practice the traditional Hawaiian/Polynesian skills of wayfinding (non-instrumental navigation). The main Hawaiian Islands are relatively too close to each other for this type of long-range navigational experience.

Nihoa has no artificial lighting to aid the apprentice navigator, and the island's small physical size and low-lying nature require astute observations of the sun, stars, swells, seabirds and other natural phenomena. The route from Kaua'i to Nihoa is the only one from the main Hawaiian Islands to another island in the archipelago where neither the launching point nor the target destination is visible for an extended period of time during the course of the voyage, thereby offering a close simulation of a long-distance voyage without the added dangers of testing endurance. It is also the only voyaging route that offers this simulation while being close enough to the main Hawaiian Islands to ensure safety and access to provisions. These characteristics make this route the ideal training platform for novice Hawaiian wayfinders.

Today, apprentice Hawaiian wayfinders can be considered qualified to attempt to navigate a canoe on long-distance, trans-Pacific sails after they have successfully guided a voyage from Kaua'i to Nihoa.

Papahānaumokuākea has also been named a World Heritage site for its natural and cultural significance. Our proposed activities will highlight Papahānaumokuākea as an important place for the perpetuation of Native Hawaiian cultural practices and a place that is essential in training apprentice navigators studying modern Hawaiian wayfinding aboard traditional double-hulled Hawaiian voyaging canoes.

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?

The double-hulled voyaging canoe Hikianalia will train its apprentice, non-instrument navigators by voyaging to Nihoa and may circumnavigate the island, stop, and land on Nihoa to appropriately acknowledge the cultural sites on the Island before leaving the Monument. The Hikianalia crew (a maximum of 16 people total) will be in Papahānaumokuākea for a maximum of six days at a time (only 3 days likely will be needed for the voyage to and from Nihoa, but we request buffer days for weather purposes) and will not disturb any natural, cultural or historic resources. We seek to honor our ancestors and the high significance of these two islands by presenting ho'okupu in the form of oli (chants), pule (prayers), and spiritual gifts from the main Hawaiian Islands.

We may have a videographer and/or photographer on board as a crew member, but those videos and stills would only be used for educational and management purposes for and about the cultural, natural and historic resources of Papahānaumokuākea. Also, the Hikianalia crew would accommodate one Monument staff member to travel with the group to serve as an escort while in Papahānaumokuākea to assure preservation of these precious 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 Proclamation highlights the cultural significance of Papahānaumokuākea to Native Hawaiians, and the Proclamation itself authorizes access to the area via Native Hawaiian Practices Permits. The proposed activities are compatible with the management direction of the Proclamation and the Monument Management Plan, which has prioritized the support of regular access for Polynesian voyaging canoes for wayfinding, navigational, and cultural protocol training.

As previously stated, the activities proposed herein will not impact the environment or historic resources in any negative way. All activities will be conducted in accordance with the Monument's BMPs and under direct supervision of Monument staff. For safety purposes, Hikianalia will carry communications and first-aid equipment on board. This vessel will meet the strict requirements of this permitting process.

The proposed project's activities will enhance the public's and Papahanaumokuakea management's understanding of the living cultural significance of this place, its connection to Hawaii's past and to the main Hawaiian Islands of today, and the abilities

of our younger generation of traditional navigators. Also, as part of Hōkūle'a and Hikianalia's Hawai'i-wide Sail, this leg to and from Nihoa will enjoy positive publicity in connection with the Polynesian Voyaging Society's use of the Hawai'i-wide Sail as a launch for the cultural, environmental and educational components of the Worldwide Voyage. PVS will be producing educational curriculum; connections to communities across the archipelago also working to restore coastal habitats and cultural knowledge; and trying to reach Native Hawaiian K-12 students through partnership with Bishop Museum and the University of Hawai'i College of Education, among many others.

Also, PVS's mission directly relates to and is compatible with the management direction of the Monument:

"With a legacy of ocean exploration as its foundation, the Polynesian Voyaging Society reaffirms our commitment to undertake voyages of discovery; respect and learn from our heritage and culture; and strengthen learning which integrates voyaging experiences into quality education. We are committed to nurturing communities and the leadership therein which values learning and sharing knowledge in order to foster living well on islands."

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

There is no practicable alternative to conducting the proposed activities within Papahānaumokuākea, specifically at Nihoa and Mokumanamana. As traditional teachings show us, in order to truly experience and connect with a place, we must 'ikemaka (see, experience, visit firsthand) the place. As for navigation, Nihoa and Mokumanamana has no artificial lighting to aid the apprentice navigator, and the island's small physical size and low-lying nature require astute observations of the sun, stars, swells, seabirds and other natural elements. Today, apprentice Hawaiian wayfinders can be considered qualified to attempt to navigate a canoe on long-distance, trans-oceanic sails after they have successfully guided a voyage from Kaua'i to Nihoa.

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

While we do not think that there are any adverse impacts, the proposed activities provide beneficial impacts to Papahānaumokuākea, such as explained above, and by highlighting (through example) the area as an important place for the perpetuation of Native Hawaiian cultural and spiritual practices and a place that is essential in training apprentice navigators studying modern Hawaiian wayfinding aboard traditional double-hulled Hawaiian voyaging canoes.

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

The proposed activities would take place in the Monument for only the possible six days of sailing transit required for the sighting and circumnavigation of Nihoa, with return to Kaua'i. The application is for six days in case weather conditions beyond our control cause the need for more transit time.

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

Nainoa Thompson has extensive experience as a master navigator and teacher of Hawaiian wayfinding techniques. He has been inducted into Pwo (a sacred initiation ritual) as a master navigator, and was the first Native Hawaiian to practice the ancient art of wayfinding in six centuries. He has navigated both Hōkūle'a and Hawai'iloa (double-hulled voyaging canoes) from Hawai'i to other island nations throughout Polynesia, including the NWHI, without the aid of instruments – all with only positive educational impacts to natural, historic or cultural resources. Also on board will be at least one cultural practitioner trained in Hawaiian cultural protocol.

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.

These training trips are an essential part of the Worldwide Voyage and therefore are funded by Polynesian Voyaging Society (PVS), a cultural and education not-for-profit organization, through various grants and public and private contributions. Per our operating budget for 2013, approved by our Board of Directors, we have enough funding for the Mālama Hawai'i voyage of 2013, including the voyage to Nihoa and back.

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 crews of Hōkūle'a and Hikianalia will follow all Monument BMPs, protocols and policies while operating in Papahānaumokuākea.

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

The proposed voyage would comply with the requirements of Presidential Proclamation 8031: Hikianalia will be outfitted with a working NOAA-OLE type-approved VMS for the trip.

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 which make the issuance of a permit for the proposed activities inappropriate.

ADDITIONAL FINDINGS FOR PROPOSED NATIVE HAWAIIAN PRACTICES

k. Explain how the activity is non-commercial and will not involve the sale of any organism or material collected.

The proposed activities will not result in any commercial use of any Monument resource.

l. Explain how the purpose and intent of the activity is appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice and its associated values and protocols.

Perpetuating the practice of traditional Hawaiian wayfinding is an essential component of the living Native Hawaiian culture and values. The route from Kaua'i to Nihoa is an imperative element in ensuring that the art and practice of traditional Hawaiian wayfinding is carried into the future by the younger generations of apprentice navigators and voyaging crewmembers. For both our ancestors and our future generations, we must make sure that our culture continues to thrive and is never allowed to move toward extinction again.

m. Explain how the activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community.

Besides perpetuating integral components of Native Hawaiian culture (voyaging and wayfinding), the use of traditional canoes in the Monument offers an opportunity to maintain a level of cultural integrity that is appropriate for spiritual ceremonies in Papahānaumokuākea. Equally, the ability of crewmembers to perform cultural/spiritual protocol and honor their ancestors perpetuates a centuries-old link of Native Hawaiians to their ancestors, their ancestral knowledge and their Kūpuna Islands: the NWHI.

n. Explain how the activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands.

As previously stated, Papahānaumokuākea serves a critical role in three pertinent, significant and living, Native Hawaiian traditions: 'ikemaka, voyaging, and wayfinding. The voyaging route between Kaua'i and Nihoa is used today, as it has been for generations, as a major training and testing ground for novice navigators studying modern Hawaiian wayfinding aboard traditional, double-hulled Hawaiian voyaging canoes. The activities proposed in this permit application support the perpetuation of traditional Hawaiian wayfinding and voyaging, as they serve to train apprentice navigators and test their knowledge in an environment that is a close simulation of a long-distance voyage without the added dangers of testing endurance.

o. Will all Monument resources harvested in the Monument be consumed in the Monument? If not, explain why not.

We are requesting the ability to conduct sustenance fishing activities in accordance with Monument regulations. All such catch will be consumed in Papahānaumokuākea.

8. Procedures/Methods:

The canoe will depart Kaua'i en-route to Lehua Island, with Nihoa as its final destination. The sail plan will be attached to the Compliance Information Sheet and submitted to the Monument Permit Coordinator. Once at Nihoa, Hikianalia may circumnavigate the island before returning to Kaua'i. Fishing will be done in a traditional style by dragging a monofilament handline of about 100 feet behind the canoe with a trolling lure from sun up to sun down depending on if we catch anything or not. On Nihoa, we would like to first offer chants and pule to honor the island and its significant place in our genealogy and then do a general site visit of the island, visiting places such as settlement sites to see how our kūpuna were able to survive on an island like Nihoa to put into perspective the life style of them and the life style of us today. Also appreciated from a cultural perspective, would be a trip to the top of Tanninger peak and/or Millers peak to get an overall layout of the island from an on-island perspective, as well as Middle and East valley. We are not requesting to stay over night on Nihoa, but rather to just be on island for up to 10 hours. We would like to take the entire crew of Hikianalia on island which could be upwards of 16. However, we do not want to cause adverse effects to the islands, so will reduce the number of people on island at one time, or take other steps needed to reduce the impact as the management of Papahānaumokuākea sees fit.

We consulted with Kekuewa Kikilo, former NOAA Cultural Specialist, about appropriate activities to be conducted and sites to be visited on Nihoa. His suggestions are reflected

in the explanations above. We are hoping that he and/or Keoni Kuoha, current Cultural Specialist for NOAA and PVS crewmember, will be available to accompany the wa'a and her crew to Papahānaumokuākea. It is very important to have one or both of them with the wa'a since they are so knowledgeable about the terrain as well as the cultural and spiritual significance of both islands, which is key to fully appreciating and respecting these 'āina kupuna o kākou.

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):

Common name:

We are not targetting specific fish for consumption, but whatever is caught by our trolling lures will be eaten.

Scientific name:

N/A

Hawaiian name:

N/A

& size of specimens:

N/A

Collection location:

N/A

Whole Organism Partial Organism

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

N/A

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

N/A

• General site/location for collections:

N/A

- Is it an open or closed system? Open Closed

N/A

- Is there an outfall? Yes No

N/A

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

N/A

- Will organisms be released?

N/A

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

N/A

11. Describe any fixed or semi-permanent structures or installations, or cultural offerings you plan to leave in the Monument:

Cultural practitioners will only offer culturally and biologically appropriate ho'okupu in the Monument, after consultation with Monument management, inclusive of oli (chant) and pule (prayer).

12. List all specialized gear and materials to be used in the proposed activities:

N/A

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

N/A

14. Describe collaborative activities to share samples, cultural research and/or knowledge gained in the Monument:

PVS, as part of the larger 'Ohana Wa'a (family of voyaging canoes), is creating a long-term voyaging program in collaboration with various state, federal and private entities. This navigational test will be part of the voyaging program in that it will be a high level of voyaging training. Long-term plans include the development of curriculum around such a voyage at the undergraduate level, and much of the cultural and environmental knowledge gleaned from this voyage may be added to the existing Navigating Change program, of which PVS is a founding member. We will work with Monument staff to determine appropriate partnering mechanisms.

Also, since this voyage is part of the larger Mālama Hawai'i and Worldwide Voyage, for which PVS has grants and partners to help create curriculum and educational outreach about cultural, environmental and sustainability issues, it is likely that we would try to incorporate this voyage into that messaging, especially as part of a larger message about the interconnectivity and relevance of all we have to learn from and protect throughout the Hawaiian Archipelago.

15a. Will you produce any publications, educational materials or other deliverables?

Yes No

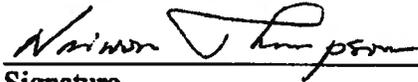
15b. Provide a time line for write-up and publication of information or production of materials:

If we do produce any educational materials based on this voyage, including potential undergraduate and K-12 curriculum, we will share it with the Monument, especially as the development of such material may well be done in collaboration with Monument staff.

16. If applicable, 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.



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 Compliance Information Sheet

1. Updated list of personnel to be covered by permit. List all personnel names and their roles here (e.g. John Doe, Diver; Jane Doe, Field Technician, Jerry Doe, Medical Assistant): TBD

2. Specific Site Location(s): (Attach copies of specific collection locations): Sailing around Nihoa, with a request to access the island wherever we are told it is safe and appropriate for the natural and cultural resources of the island, as well as for the safety of our crew members. (There will be no collection locations.)

3. Other permits (list and attach documentation of all other related Federal or State permits): None, unless we need to have an NHPA Section 106 Consultation initiated by one of the federal permitting agencies. Please let us know what we need to do if such consultation is deemed to be required.

3a. For each of the permits listed, identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation. N/A

4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information): Funding is provided by federal and state grants, as well as from individual and corporate donations.

5. Time frame:

Activity start: Approximately September 19, 2013

Activity completion: Approximately September 28, 2013

Dates actively inside the Monument:

From: Approximately either September 19, 2013, or September 26, 2013

To: Approximately either September 21, 2013, or September 28, 2013

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application:

Weather – We will be sailing a traditional voyaging canoe into Papahānaumokuākea, and will not do so unless weather dictates safe passage.

Personnel schedule in the Monument: TBD (Same as crew list; personnel will all be volunteer Polynesian Voyaging Society crew members on board Hikianalia, entering and leaving Papahānaumokuākea with Hikianalia.)

6. Indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument: All crew members will have DAN insurance as a requirement (which includes medical evacuation coverage), and the PVS office will have records of their individual health insurance on file. Hikianalia has Protection and Indemnity Insurance, and Hikianalia is also has a full hull insurance policy, covering her \$1 million replacement value. Please see attached documentation.

7. Check the appropriate box to indicate how personnel will enter the Monument:

- Vessel
 Aircraft

Provide Vessel and Aircraft information: Hikianalia, registered in the Cook Islands, owned by Polynesian Voyaging Society, a 501(c)(3) educational/cultural Hawai'i non-profit.

8. The certifications/inspections (below) must be completed prior to departure for vessels (and associated tenders) entering the Monument. Fill in scheduled date (attach documentation):

- Rodent free, Date: TBD
 Tender vessel, Date: TBD
 Ballast water, Date: N/A
 Gear/equipment, Date: TBD
 Hull inspection, Date: TBD

9. Vessel information (NOTE: if you are traveling aboard a National Oceanic and Atmospheric Administration vessel, skip this question):

Vessel name: Hikianalia

Vessel owner: Polynesian Voyaging Society

Captain's name: Nainoa Thompson

IMO#: N/A

Vessel ID#: 1681

Flag: Cook Islands

Vessel type: Traditional – Voyaging Canoe

Call sign: E5U2592

Embarkation port: Hanalei, Kaua‘i, Hawai‘i

Last port vessel will have been at prior to this embarkation: Hale‘iwa, O‘ahu, Hawai‘i

Length: 22 meters

Gross tonnage: 30

Total ballast water capacity volume (m3): N/A

Total number of ballast water tanks on ship: N/A

Total fuel capacity: N/A (battery-powered engines from photovoltaic panels)

Total number of fuel tanks on ship: N/A

Marine Sanitation Device: yes

Type: 3

Explain in detail how you will comply with the regulations regarding discharge in the Monument. Describe in detail. If applicable, attach schematics of the vessel's discharge and treatment systems:

Hikianalia has a closed holding tank for our black water; none of which will ever be discharged in Papahānaumokuākea.

Other fuel/hazardous materials to be carried on board and amounts: Two, 5-gallon propane tanks for cooking purposes only.

Provide proof of a National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement-approved Vessel Monitoring System (VMS). Provide the name and contact information of the contractor responsible for installing the VMS system. Also describe VMS unit name and type: Faria Watchdog 750

VMS Email:

Inmarsat ID#:

* Individuals MUST ENSURE that a type-approved VMS unit is installed and that its automatic position reports are being properly received by the NOAA OLE system prior to the issuance of a permit. To make sure your VMS is properly configured for the NOAA OLE system, please contact NOAA OLE at (808) 203-2503 or (808) 203-2500.

*** PERMITS WILL NOT BE ISSUED TO INDIVIDUALS ENTERING THE MONUMENT VIA VESSEL UNTIL NOAA OLE HAS CONTACTED THE MONUMENT PERMIT COORDINATOR WITH A 'POSITIVE CHECK' READING.**

10. Tender information:

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? List the number of tenders/skiffs aboard and specific types of motors:

Aside from Hikianalia, we will have one tender, which is an inflatable dingy with oars (no motor). It is approximately 10 feet by 46 inches and is kept, deflated, on board Hikianalia.

Additional Information for Land Based Operations

11. Proposed movement of personnel, gear, materials, and, if applicable, samples:
Movement would be only as approved by our guides and would be through the least impactful means possible. We would not be carrying in or away any samples.

12. Room and board requirements on island: N/A

13. Work space needs: N/A

DID YOU INCLUDE THESE?

- Map(s) or GPS point(s) of Project Location(s), if applicable
- Funding Proposal(s)
- Funding and Award Documentation, if already received
- Documentation of Insurance, if already received
- Documentation of Inspections
- Documentation of all required Federal and State Permits or applications for permits

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
ESTHER KIA'AINA
FIRST DEPUTY
WILLIAM M. TAM
DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

August 23, 2013

TO: Division of Aquatic Resources File
THROUGH: William J. Aila, Jr., Chairperson
FROM: William Tam
Water Deputy and Acting Administrator, Division of Aquatic Resources
SUBJECT:

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT
UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT NATIVE HAWAIIAN PRACTICES PERMIT
TO MR. NAINOA THOMPSON, POLYNESIAN VOYAGING SOCIETY, FOR ACCESS TO STATE WATERS
TO CONDUCT TRAINING SAILS FOR APPRENTICE NAVIGATORS USING NON-INSTRUMENTAL
NAVIGATION ACTIVITIES UNDER PERMIT PMNM-2013-021.

The following permitted activities are found to be exempted from preparation of an environmental assessment under the authority of Chapter 343, HRS and Chapter 11-200, HAR:

Project Title:

Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Mr. Nainoa Thompson, Polynesian Voyaging Society, for Access to State Waters to Conduct Training Sails for Apprentice Navigators Using Non-Instrumental Navigation Activities

Permit Number: PMNM-2013-021

Project Description:

The Native Hawaiian Practices permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters from September 1, 2013 to August 31, 2014.

The Applicant proposes to conduct training sails for apprentice navigators by sailing to Nihoa Island from the Main Hawaiian Islands using non-instrumental navigation. This activity would strengthen cultural connections to the Northwestern Hawaiian Islands and perpetuate the traditional Native Hawaiian skill of wayfinding. The training sails would be aboard the HIKIANALIA, a 72 foot Native Hawaiian voyaging canoe. HIKIANALIA would be anchored on sandy substrate offshore during the day and utilize one small inflatable tender (oar powered)

ITEM F-1c

to shuttle personnel to the shoreline. Proposed activity dates are between September 1 to 30, 2013.

The Applicant proposes that up to sixteen (16) crew members would enter the Monument to conduct the following activities:

1. Anchoring on sandy substrate only;
2. Swimming/snorkeling; and
3. Accessing land for cultural observations and protocol including the offering of ho‘okupu (gifts of salt, water, stones, and fish caught within the Monument), oli (chants), and pule (prayer) in order to strengthen cultural connections to the place.

Crew members would stay on land for up to ten (10) hours between sunset and sunrise and not camp overnight. Personnel would access land in separate groups in order to abide by Monument Best Management Practices for Activities on Nihoa Island that specify protocols to reduce impacts to cultural and natural resources, and human presence restrictions (no more than fourteen (14) personnel shall be authorized to be on Nihoa Island at any one time). All activities would be under the direct supervision of a U.S. Fish and Wildlife Service designated biological escort. Beach access at Nihoa Island would be prohibited and landing on the island would only occur in the rocky intertidal zone when no Hawaiian monk seals and sea turtles are present at the landing sites. Furthermore, all personnel would avoid all areas where Hawaiian monk seals and sea turtles haul out.

The Applicant also proposes to conduct fishing activities in federal and state waters by trolling a lure on a single monofilament handline for 100 feet. The line would be monitored at all times and personnel would abide by Monument Best Management Practices: Seabird Protocols Necessary for Conducting Trolling Research and Monitoring to reduce impacts to seabirds. All fishing gear would be removed from the water if any Hawaiian monk seals or sea turtles are observed. All fish caught would be consumed within the Monument.

The proposed activities are in direct support of the Monument Management Plan’s (MMP) priority management needs through 3.1.2 – Native Hawaiian Culture and History Action Plan (Strategy NHCH-2: Conduct, support, and facilitate Native Hawaiian cultural access and research of the NWHI over the life of the plan). NHCH-2.6 states “[s]uch access needs may include, but not be limited to...regular access for Polynesian voyaging canoes for wayfinding, navigational, and cultural protocol training”. Activities such as those to be carried out by the permittee, are also addressed in the Monument Management Plan Environmental Assessment (December 2008) which resulted in a FONSI.

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since July 5, 2013, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument’s Public Notification Policy.

Exemption Determination:

After reviewing HAR § 11-200-(8), including the criteria used to determine significance under HAR § 11-200-12, DLNR has concluded that the activities under this permit would have minimal or no significant effect on the environment and that issuance of the permit is categorically exempt from the requirement to prepare an environmental assessment based on the following analysis:

1. All activities associated with this permit, including the activities involved with training apprentice navigators using non-instrumental navigation, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. This permit does not involve an activity that is precedent to a later activity.

2. The Exemption Class for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and section 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. exempts the class of actions which involve “basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource.” Additionally, Exemption Class #5, Exempt Item #2 includes game and non-game wildlife surveys, photographing, recording, sampling, and collection in the field. This exemption class has been interpreted to include various modes of transportation to reach field areas necessary to carry out such activities. DEPARTMENT OF LAND & NATURAL RESOURCES, EXEMPTION LIST FOR THE DIVISION OF FORESTRY AND WILDLIFE (June 12, 2008).

The proposed training sails for apprentice navigators using non-instrumental navigation activities here appear to fall squarely under the exemption class identified under HAR § 11-200-8.A.5., and are succinctly described under the former Fish and Game Division exemption list published in 1976. As discussed below, no significant disturbance to any environmental resource is anticipated in the training of apprentice navigators in both the water and on land activities. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if “the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.” HAR § 11-200-8.B. To gauge whether a significant impact or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. HAR § 11-200-12. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

This activity involves training apprentice navigators by sailing to Nihoa Island from the Main Hawaiian Islands using non-instrumental navigation. Training would also include accessing Nihoa Island one day, limited to ten (10) hours, following the Monument Best Management Practices for Nihoa Island. Minimal impact to Nihoa Island is expected. Also, subsistence fishing activities would be conducted from the HIKIANALIA using a single monofilament handline following Monument Best Management Practices for Seabird Protocols When Fishing and recommendations for limiting interactions with Hawaiian monk seals and sea turtles. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities.

The activities would be conducted from the HIKIANALIA, which would have to meet vessel compliance requirements (hull inspection, sanitation (rat) inspection, and installation of a vessel monitoring system (VMS)) prior to entrance into the Monument. Access to Nihoa Island will be conducted from a small boat deployed from the HIKIANALIA.

Other permitted activities occurring prior to the Applicant's arrival to Nihoa Island are permitted under Drs. Robert Toonen and Christopher Bird (PMNM-2012-049-A1) and Ms. Kehaunani Springer (PMNM-2012-052-A1). These applicants are permitted to collect and harvest intertidal organisms at Nihoa Island for a biodiversity assessment and cultural monitoring, respectively. Activities are expected to occur between August 1 and 31, 2013. Also, Ms. Pelika Bertelmann proposes to conduct cultural monitoring activities on land and intertidal areas of Nihoa Island in September 2013, including the harvesting of intertidal species (2013 permit pending BLNR approval no. PMNM-2013-023). The Applicant proposes to subsistence fish outside the intertidal zone, therefore no significant cumulative impact is expected. Permitted activities that coincide with the Applicant's arrival to Nihoa Island are activities related to the Millerbird relocation project covered under the Monument Manager's permit (PMNM-2013-001). No significant cumulative impact is expected, though, because Monument Best Management Practices (BMPs) will be followed by both parties.

All activities on Nihoa Island would follow Monument BMPs for Nihoa Island including limiting the amount of time on the island for all permittees both for individual permits and under yearly restrictions, limiting the areas visited, and guidance for limiting interactions with Hawaiian monk seals and turtles. No interaction of activities are anticipated and the culmination of these permits is not anticipated to have significant cumulative impacts.

Since no significant cumulative impacts or significant impacts with respect to any particularly sensitive aspect of the project area are anticipated, the categorical exemptions identified above should remain applicable.

4. Overall Impacts will Probably be Minimal and Insignificant.

Again, any foreseeable impacts from the proposed activity will probably be minimal, and further mitigated by general and specific conditions attached to the permit. Specifically, all activities covered by this permit will be carried out with strict safeguards for the natural, historic, and cultural resources of the Monument as required by Presidential Proclamation 8031, other applicable law and agency policies and standard operating procedures.

Conclusion. Upon consideration of the permit to be approved by the Board of Land and Natural Resources, the potential effects of the above listed project as provided by Chapter 343, HRS and Chapter 11-200 HAR, have been determined to be of probable minimal or no significant effect on the environment and exempt from the preparation of an environmental assessment.



William J. Aila, Jr.
Chairperson, Board of Land and Natural Resources



Date