

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

December 13, 2013

Board of Land  
and Natural Resources  
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Michael F. Ellis and Lieutenant Commander Daniel M. Simon, National Oceanic and Atmospheric Administration (NOAA) Ship HI'IALAKAI, for Access to State Waters to Conduct Shipboard Support Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument conservation and management permit to Michael F. Ellis, Commanding Officer, and Daniel M. Simon, Lieutenant Commander, NOAA Ship HI'IALAKAI, pursuant to § 187A-6, Hawaii Revised Statutes (HRS), chapter 13-60.5, Hawaii Administrative Rules (HAR), and all other applicable laws and regulations.

The conservation and management permit, as described below, would allow entry and management 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
- Necker Island (Mokumanamana)
- French Frigate Shoals
- Gardner Pinnacles
- Maro Reef
- Laysan Island
- Lisianski Island, Neva Shoal
- Pearl and Hermes Atoll
- Kure Atoll State Wildlife Sanctuary

The activities covered under this permit would occur between January 1, 2014 and December 31, 2014.

The proposed activities are a renewal of work previously permitted and conducted in the Monument.

### INTENDED ACTIVITIES

The primary purpose of the project is to provide vessel support for separately permitted activities aboard NOAA Ship HI'IALAKAI (HI'IALAKAI). Up to twenty-eight (28) crew members aboard the HI'IALAKAI would be authorized to enter the Monument to support separately permitted activities throughout the marine areas of the Monument, from January 1 – December 31, 2014. As the Commanding Officer of the HI'IALAKAI, the applicant would oversee all activities including operating small boats, SCUBA diving, anchoring on sandy substrate, opportunistically collecting free-floating marine-debris, discharging (outside the NWHI State Marine Refuge), and sustenance fishing (within Midway Atoll Special Management Area only). Swimming, snorkeling and SCUBA are not permissible except as necessary for vessel maintenance, emergency operations, and non-recreational support of vessel activities.

The activity would benefit the Monument as the HI'IALAKAI would provide logistical services for a wide range of activities. Separately permitted activities may include research, conservation and management, education, special ocean use and Native Hawaiian practices. Without ship support these activities would be severely limited or cease completely. The activity would help to support the Monument Management Plan (MMP), Priority Management Need 3.6: Achieving Effective Monument Operations (PMNM MMP Vol. I, p. 293, 2008), by providing an integral role in assuring research and other separately permitted activities are properly supported in the field.

All methods and procedures would be performed with the safety and welfare of personnel, the protection of Monument resources, and the accomplishment of mission objectives as top priorities. The HI'IALAKAI would have all required inspections (hull fouling, gear, tender vessel, ballast water, and rat) completed before departure to the Monument. The HI'IALAKAI also has a type-approved Vessel Monitoring System (VMS) on board, which meets Monument requirements, and would abide by Monument entry and exit notification requirements.

The support provided by the HI'IALAKAI would not diminish Monument resources, qualities, or ecological integrity and is fully compatible with the purposes of the Proclamation including preserving and furthering understanding of Monument resources and qualities. The HI'IALAKAI plays an integral role in assuring that research and conservation and management activities, which are critical management elements for the Monument, are properly supported in the field.

The activities proposed by the applicant directly support the Monument Management Plan's priority management need 3.6 – Achieving Effective Monument Operations through action plan 3.6.3 - Coordinated Field Operations. As the HI'IALAKAI would serve as a platform for a variety of other permitted activities, this permit would also support priority management needs 3.1 – Understanding and Interpreting the NWHI; 3.2

– Conserving Wildlife and Habitats; and 3.3 – Reducing Threats to Monument Resources.

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

- Anchoring a vessel
- 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, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Pacific Islands NW Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since September 11, 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. Are the applicants requesting ship's crew be authorized to conduct personnel safety, fitness, and health maintenance at Midway Atoll (including, but not limited to biking, swimming, or jogging)?**

*The Applicants state that the ship's crew follows all appropriate rules and regulations within the monument. If required to additionally request authorization to conduct personnel safety, fitness, and health maintenance at Midway Atoll (including, but not limited to biking, swimming, or jogging), the applicants would so request this authorization.*

- 2. We appreciate that the ship will monitor other vessel traffic and report any illegal activities to NOAA OLE. I would include USCG be notified in the case of illegal activities.**

*The Applicants agree with this recommendation.*

- 3. Is it common for research vessels to conduct sustenance fishing within the Monument?**

*The Applicants state that sustenance fishing is only conducted within the Midway Atoll Special Management Area (MASMA). The Applicants will abide by all applicable*

*regulations regarding sustenance fishing and Monument Management Board policies regarding sustenance fishing. Since 2007, 26 permits were issued authorizing sustenance fishing at MASMA; of these, 14 permits were issued to NOAA vessels.*

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

Cultural reviews support the acceptance of this application. No concerns were raised.

**Comments received from the public are summarized as follows:**

No comments were received from the public on this application.

**Additional reviews and permit history:**

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA) Yes  No

If so, please list or explain:

- The proposed activities are in compliance with the National Environmental Policy Act.
- Research scientists, educators, and managers working aboard NOAA Ship HI'IALAKAI will apply for and be issued separate permits pertaining to their individual activities.
- The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment ("DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT CONSERVATION AND MANAGEMENT PERMIT TO COMMANDING OFFICER MICHAEL F. ELLIS AND LIEUTENANT COMMANDER DANIEL M. SIMON, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) SHIP HI'IALAKAI, FOR ACCESS TO STATE WATERS TO CONDUCT SHIPBOARD SUPPORT ACTIVITIES UNDER PERMIT PMNM-2014-005.")

Has Applicant been granted a permit from the State in the past? Yes  No

If so, please summarize past permits:

- The NOAA Ship HI'IALAKAI has been granted Commanding Officer Ellis and previous Commanding Officers Monument and/or DLNR permits for similar activities since 2006.

Year	Permittee	Permit number
2013	Ellis	PMNM-2013-005
2011	Caskey	PMNM-2011-009
2010	Caskey	PMNM-2010-007
2009	Caskey	PMNM-2009-020

Year	Permittee	Permit number
2008	Swallow	PMNM-2008-008
2006	Groeneveld	DLNR.NWHI06S003

Have there been any a) violations: Yes  No   
 b) Late/incomplete post-activity reports: Yes  No

Are there any other relevant concerns from previous permits? Yes  No

STAFF OPINION

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for his application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Conservation and Management Permit General Conditions. All suggested special conditions have been vetted through the legal counsel of the Co-Trustee agencies (see Recommendation section).

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.

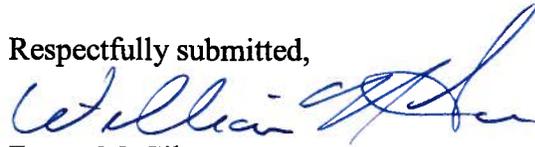
RECOMMENDATION

That the Board authorize and approve a Conservation and Management Permit to Commanding Officer Michael F. Ellis and Lieutenant Commander Daniel M. Simon, NOAA Ship HI'IALAKAI, with the following special conditions:

1. 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.
2. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
3. 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.

4. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

Respectfully submitted,



Frazer McGilvray  
Administrator

APPROVED FOR SUBMITTAL



William Aila Jr.  
Chairperson

**Papahānaumokuākea Marine National Monument**  
CONSERVATION AND MANAGEMENT Permit Application

**NOTE: *This Permit Application (and associated Instructions) are to propose activities to be conducted in the Papahānaumokuākea Marine National Monument. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, provide all information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Papahānaumokuākea Marine National Monument (Monument).***

**ADDITIONAL IMPORTANT INFORMATION:**

- Any or all of the information within this application may be posted to the Monument website informing the public on projects proposed to occur in the Monument.
- In addition to the permit application, the Applicant must either download the Monument Compliance Information Sheet from the Monument website OR request a hard copy from the Monument Permit Coordinator (contact information below). The Monument Compliance Information Sheet must be submitted to the Monument Permit Coordinator after initial application consultation.
- Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

Send Permit Applications to:

Papahānaumokuākea Marine National Monument Permit Coordinator  
6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

[nwhipermit@noaa.gov](mailto: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.**

ITEM F-3a

## **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 Names:**

Commander Michael F. Ellis, NOAA

Lieutenant Commander Daniel M. Simon, NOAA (oncoming Commanding Officer)

**Affiliation:** U.S. Department of Commerce

National Oceanic and Atmospheric Administration (NOAA)

Office of Marine and Aviation Operations

NOAA Ship *Hi`ialakai*

**Permit Category:** Conservation and Management

**Proposed Activity Dates:** January 1, 2014 - December 31, 2014

**Proposed Method of Entry (Vessel/Plane):** NOAA Ship *Hi`ialakai*

**Proposed Locations:** All areas

**Estimated number of individuals (including Applicant) to be covered under this permit:** 28

**Estimated number of days in the Monument:** 100

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

a.) The proposed activity would...  
allow NOAA Ship *Hi`ialakai* to safely support scientific activities approved through the permit process. *Hi`ialakai* provides the base "mother ship" for small boat, diving, mapping, cultural, and other activities approved by the Monument Co-Trustees and the NOAA fleet allocation process. Without ship support, these activities would not be possible.

b.) To accomplish this activity we would ....  
operate the ship in accordance with applicable Monument, Federal, and State regulations. The ship will support approved activities while respecting the cultural significance of the area and making as minimal an impact on the environment as possible.

c.) This activity would help the Monument by ...  
supporting permitted science and cultural activities with respect to environmental stewardship.  
The activities support the understanding and protection of Monument resources and education  
and outreach to the public.

**Other information or background:**

**Section A - Applicant Information**

**1. Applicant**

Name (last, first, middle initial): Ellis, Michael F. CDR, NOAA

Title: Commanding Officer - NOAA Ship *Hi`ialakai*

Name (last, first, middle initial): Simon, Daniel M. LCDR, NOAA

Title: Commanding Officer - NOAA Ship *Hi`ialakai*

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

CDR Michael F. Ellis, NOAA

LCDR Daniel M. Simon, NOAA

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

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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

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

U.S. Department of Commerce

National Oceanic and Atmospheric Administration

Office of Marine and Aviation Operations

**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):**

Officers and crew of NOAA Ship *Hi'ialakai* (positions below; names will be provided in Attachment 1 and updated throughout the permit period):

Commanding Officer	
Executive Officer	Chief Boatswain
Operations Officer	Boatswain Group Leader
Navigation Officer	Seaman Surveyor
Junior Officer	Seaman Surveyor
Junior Officer	Able Seaman
General Vessel Assistant	Able Seaman
Medical Officer	Able Seaman
Chief Engineer	Able Seaman
First Engineer	General Vessel Assistant
Third Engineer	Chief Steward
Junior Engineer	Chief Cook
Engine Utility	Second Cook
General Vessel Assistant	Electronics Technician
Survey Technician	Chamber Operator

**Section B: Project Information**

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

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

Ship will operate throughout the Monument in support of activities approved in various other Monument permits.

**5b. Check all applicable regulated activities proposed to be conducted in the Monument:**

- Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving Monument resource
- Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands
- Anchoring a vessel
- Deserting a vessel aground, at anchor, or adrift
- Discharging or depositing any material or matter into the Monument
- Touching coral, living or dead
- Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- Attracting any living Monument resource
- Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- Subsistence fishing (State waters only)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

**6 Purpose/Need/Scope *State purpose of proposed activities:***

The purpose of the ship's activities are to provide an at sea research platform to support diver, small boat, multibeam mapping, and education activities in support of approved Monument permits. All operations are for activities permitted by the co-trustees of the Monument as being compatible with the conservation and management goals of the Monument, NOAA, USF&WS, and the State of Hawaii. Activities will be respectful of the natural, historical and cultural resources of the Monument.

*Hi`ialakai* is dedicated to studying and protecting the Papahānaumokuākea Marine National Monument, and to carrying out NOAA's mission of understanding the Earth's environment and managing marine resources to meet our nation's economic, social and environmental needs.

**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 activity will be conducted with adequate safeguards for the resources and ecological integrity of the Monument. *Hi`ialakai* and all respective tender vessels will anchor on sandy substrate only. All sustenance fishing activities conducted aboard the *Hi`ialakai* will be within Midway Atoll Special Management Area. *Hi`ialakai* will follow guidelines set forth by USFWS Refuge.

*Hi`ialakai* has a Type II Marine Sanitation Device capable of treating black water and a holding tank capable of holding sewage and grey-water. The *Hi`ialakai* has a waste management plan which meets or exceeds the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and U.S. Coast Guard regulations and Monument regulations.

*Hi`ialakai* also has a working Vessel Monitoring System installed capable of tracking all movement within the Monument, per the requirements of Proclamation 8031, signed by the President on June 15, 2006. NOAA Ship *Hi`ialakai* will maintain up to date inspections: Rat free inspection, hull and tender inspection and cleaning, and ballast water inspection.

Each year *Hi`ialakai* invites a member of the Monument staff to brief the crew on the historical and cultural significance of the Monument. The ship understands Native Hawaiian cultural concerns that natural resources are considered cultural resources and any activity will be conducted with adequate safeguards as described above. Additionally, DVDs of the cultural lecture and briefing materials of the natural and cultural resources of the Monument are available to crew and scientific personnel at any time.

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?

*Hi`ialakai* is the support vessel to conduct activities authorized in other permits. All support activities will be conducted in accordance with regulations and in a manner to reduce any impact to the environment and with respect cultural resources.

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.

*Hi`ialakai* is one of the most capable dive research vessels in the world. The ship has a record of safe mission support, embracing environmental stewardship, and respecting cultural resources of the Monument. Because of this, the ship is the support vessel of choice to conduct activities authorized in other permits.

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

*Hi`ialakai* is the support vessel to conduct activities authorized in other permits as beneficial to the management goals of the Monument. The activities cannot occur without a support vessel.

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

*Hi`ialakai* will spend no additional time in the Monument than necessary to support operations authorized in individual permits for each cruise.

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

NOAA Commanding Officers are authorized to operate NOAA Vessels in accordance with annual sailing orders and the fleet allocation plan. NOAA ships are public vessels of the United States and conform with regulations for personnel qualifications and operations. The NOAA Ship *Hi`ialakai* spends approximately one hundred days a year in the Papahānaumokuākea Marine National Monument. The applicant is well qualified to conduct and complete the activity and mitigate any potential impacts resulting from the activity.

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.

*Hi`ialakai* is public vessel operating in the Monument to support activities approved by the Monument co-trustees. As such, the ship is part of the Monument management team and the U.S. Government.

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.

All activities will be conducted to support work permitted in individual research permits for each cruise and with respect to environmental stewardship and the cultural heritage of the Monument. Applicable Monument, federal, and state regulations will be followed.

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

NOAA Ship *Hi`ialakai* is equipped with a Monument type-approved NOAA OLE Vessel Monitoring System (Specifications below).

Sailor TT 3606 XP - Thrane & Thrane  
VMS Email: 436902144@c.xantic.net  
Inmarsat ID#:436902144

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

*Hi`ialakai* has supported research and cultural activities within the Papahānaumokuākea Marine National Monument for several years. The ship and crew have a strong record of safe operations, mission accomplishment, and respect for the environmental and cultural resources of the Monument.

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

The ship will transit to the monument from Pearl Harbor, operate within the monument with various research and education operations, including small boat operations, diving, snorkeling, multibeam sonar mapping, oceanographic data collection, and supporting authorized USF&WS or State of Hawaii land based operations.

Crew activities will include small boat operations, SCUBA, snorkeling, and swimming necessary for vessel maintenance, emergency operations, proficiency, and non-recreational support of vessel and research activities.

The ship will monitor other vessel traffic in the vicinity of operations and report movement to the NOAA Office of Law Enforcement.

The ship will typically perform small boat operations during the day and mapping or oceanography at night.

Monument personnel will typically be on board and in charge of the scientific party.

All methods and procedures will be performed with the safety and welfare of personnel, the protection of Monument natural and cultural resources, and the accomplishment of mission objectives as top priorities.

Ship's personnel will abide by Papahānaumokuākea Marine National Monument Best Management Practices: "Marine Wildlife Viewing Guidelines", the "Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment Papahānaumokuākea Marine National Monument" for in water activities, and the "Best Practices for Minimizing Impact of Artificial Light on Sea Turtles".

*Hi`ialakai*, like any other vessel or house hold, inevitably creates waste. The ship carries up to 50 scientists and crew for 30-day periods. The waste generated is relatively small compared to a cruise ship or other larger vessels, but the issue is taken very seriously. The ship has waste management systems and plans, follows or exceeds MARPOL and USCG regulations in all waters, and has a goal to exceed Monument regulations when operating inside the Monument.

Inside the Special Preservation Areas (SPAs) the ship holds everything that flows down a drain. Outside the SPA, the ship legally discharges food scraps, which are not sanitary to store on board, treated sewage (type II MSD effluent), and diluted water from sink and shower drains (grey water) in accordance with regulations and authorizations in the ship's permit. Water saving equipment has been installed to reduce the amount of drain water generated each day, substantially reducing the amount of waste water requiring treatment each day.

Discharges such as engine cooling water, deck runoff, and engine exhaust are inevitable to vessel use and are allowed in all areas under the Monument regulations.

The crew of *Hi`ialakai* is understanding and respectful of the natural and cultural importance of the Monument, and will strive to use best practices to minimize all discharges of any type within the Monument.

**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:

n/a - individual science permits will cover.

Scientific name:

# & size of specimens:

Collection location:

Whole Organism  Partial Organism

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

n/a - individual science permits will cover.

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

n/a - individual science permits will cover.

• General site/location for collections:

• Is it an open or closed system?  Open  Closed

• Is there an outfall?  Yes  No

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

• Will organisms be released?

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

n/a - individual science permits will cover.

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

n/a - individual science permits will cover.

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

Small boats, multibeam sonar, and ROV. All other gear will be specified in individual science permits.

**13. List all Hazardous Materials you propose to take to and use within the Monument:**  
Fuel / Lubricants: Gasoline, #2 Diesel Fuel, Lubrication Oil & Hydraulic Oil (Amounts will vary per cruise).

Hazardous Materials (MSDS Inventory):

Antifoulant Device	EP-921 (cleaning solvent)
Aqua-Sol 20/20 Marine	Estesol Gold (skin cleanser)
AS-175 Anti-Slip Coating	Eyesaline Concentrate (eyewash)
Various Types of Batteries	First Step
CCX-77	Gasket Remover Aerosol
Cleaner / Degreaser 5G	Gleem Metal Polish
Clorox Bleach	Paints (Various)
LPS CFC – Contact Cleaner	Qurox
Silicone Aerosol	Simple Green (Cleaner / Degreaser)
WD-40	Wedac

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

n/a - individual science permits will cover.

**15. Provide a time line for sample analysis, data analysis, write-up and publication of information:**

n/a - individual science permits will cover.

**16. List all Applicant's publications directly related to the proposed project:**

n/a

With knowledge of the penalties for false or incomplete statements, as provided by 18 U.S.C. 1001, and for perjury, as provided by 18 U.S.C. 1621, I hereby certify to the best of my abilities under penalty of perjury of that the information I have provided on this application form is true and correct. I agree that the Co-Trustees may post this application in its entirety on the Internet. I understand that the Co-Trustees will consider deleting all information that I have identified as “confidential” prior to posting the application.

**ELLIS.MICHAEL.FREDERICK.**  
**1118145549**

Digitally signed by ELLIS.MICHAEL.FREDERICK.1118145549  
DN: c=US, o=U.S. Government, ou=DoD, ou=PKI,  
ou=NOAA, cn=ELLIS.MICHAEL.FREDERICK.1118145549  
Date: 2013.08.30 12:32:34 -10'00'

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 (Hard Copy to follow)
- 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):** A Crew List will be provided if PMNM project is scheduled.

**2. Specific Site Location(s): (Attach copies of specific collection locations):** No projects in PMNM are planned for FY14 at this time due to budget and schedule uncertainties.

**3. Other permits (list and attach documentation of all other related Federal or State permits):** N/A

**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):** All funding comes from an annual budget of the United States Federal Government for the National Oceanic and Atmospheric Administration

**5. Time frame:**

Activity start: 01/01/14

Activity completion: 12/31/14

Dates actively inside the Monument: No projects in PMNM are planned for FY14 at this time due to budget and schedule uncertainties.

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: The *Hi`ialakai`*'s schedule is subject to change for a variety of factors such as weather delays and budget.

Personnel schedule in the Monument: To be provided if PMNM project scheduled

**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:** The US Federal Government is self-insured

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

- Vessel  
 Aircraft

Provide Vessel and Aircraft information: NOAA Ship *Hi`ialakai* IMO # 8835619

**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):** These inspections will be conducted again before *Hi`ialakai* would depart for the first PMNM project of the year.

- Rodent free, Date: 05-09-13  
 Tender vessel, Date: 08-27-13  
 Ballast water, Date: 11-12-13  
 Gear/equipment, Date: TBD but will be prior to entry into Monument  
 Hull inspection, Date: 08-27-13

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

Vessel name: NOAA Ship *Hi`ialakai*

Vessel owner: U.S. Govt.

Captain's name: CDR Michael F. Ellis

IMO#: 8835619

Vessel ID#: 369961000

Flag: U.S. Public Vessel

Vessel type: Oceanographic Research

Call sign: WTEY

Embarkation port: Pearl Harbor

Last port vessel will have been at prior to this embarkation: Pearl Harbor

Length: 224'

Gross tonnage: 1914

Total ballast water capacity volume (m3): 563 LT

Total number of ballast water tanks on ship: 10

Total fuel capacity: 232,0978 gallons

Total number of fuel tanks on ship: 15

Marine Sanitation Device: Omnipure MSD 12

Type: Type II MSD

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: *Hi`ialakai*, like any other vessel or house hold, inevitably creates waste.

The ship carries up to 50 scientists and crew for 30-day periods.

The crew of *Hi`ialakai* is understanding and respectful of the natural and cultural importance of the Monument, and will strive to minimize all discharges of any type within the Monument. The waste generated is relatively small compared to a cruise ship or other larger vessels, but the issue is taken very seriously. The ship has waste management systems and plans, follows or exceeds MARPOL and USCG regulations in all waters, and has a goal to exceed Monument regulations when operating inside the Monument. Discharges such as engine cooling water, deck runoff, and engine exhaust are inevitable to vessel use and are allowed in all areas under the Monument regulations.

Inside the Special Preservation Areas (SPAs) the ship holds everything that flows down a drain. Outside the SPA, the ship legally discharges food scraps, which are not sanitary to store on board, treated sewage (type II MSD effluent), and diluted water from sink and shower drains (grey water) in accordance with regulations and the ship's permit. Water saving equipment was installed in 2007 to reduce the amount of drain water generated each day, substantially reducing the amount of waste water requiring treatment each day.

Other fuel/hazardous materials to be carried on board and amounts: Hazardous Materials (Chemical Inventory sent as separate attachment, examples follow):

Antifoulant Device	EP-921 (cleaning solvent)
Aqua-Sol 20/20 Marine	Estesol Gold (skin cleanser)
AS-175 Anti-Slip Coating	Eyesaline Concentrate (eyewash)
Various Types of Batteries	First Step
CCX-77	Gasket Remover Aerosol
Cleaner / Degreaser 5G	Gleem Metal Polish
Clorox Bleach	Paints (Various)
LPS CFC – Contact Cleaner	Quorox
Silicone Aerosol	Simple Green (Cleaner / Degreaser)
WD-40	Wedac
ZEP Rust Remover	

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: Sailor TT 3606 XP - Thrane & Thrane

VMS Email: 436902144@c.xantic.net  
Inmarsat ID#:436902144

\* 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:

NOAA Ship *Hi`ialakai* has the following tenders which will be deployed.

- 8m – Jetboat Launch – 270 hp Yanmar (Diesel)
- 10m – Jetboat Launch – (2) 357 hp Cummins (Diesel)
- Rescue Boat - Four Stroke 115 hp (Gas)
- Northwinds RHIB – single outboard engine (Four Stroke 90hp)
- Additionally, *Hi`ialakai* may carry one or more of the following science party provided tenders:
- 19' Safeboat – twin outboard engines (Four Stroke 60 hp each)
- 19' Safeboat – twin outboard engines (Four Stroke 75 hp each)
- 19' Safeboat - AHI multibeam sonar survey launch – Volvo inboard/outboard Diesel (236 hp)
- (2) Avon inflatable boat – single outboard engine (Four Stroke 50hp)
- 10m console boat – twin outboard engines (Four Stroke 90 hp each)

**Additional Information for Land Based Operations**

**11. Proposed movement of personnel, gear, materials, and, if applicable, samples:**  
The ship may use tenders to transport personnel, gear, and materials to shore in support of USF&WS & State of Hawaii sponsored land based operations

**12. Room and board requirements on island: None**

**13. Work space needs: None**

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  
DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813  
Telephone: 587-0100

WILLIAM J. AILA, JR.  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

ESTHER KIA'AINA  
FIRST DEPUTY

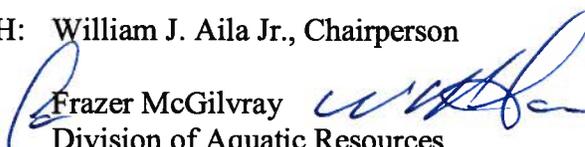
WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

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

December 13, 2013

TO: Division of Aquatic Resources File

THROUGH: William J. Aila Jr., Chairperson

FROM:  Frazer McGilvray  
Division of Aquatic Resources

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHA NAUMOKU AKEA MARINE NATIONAL MONUMENT CONSERVATION AND MANAGEMENT PERMIT TO COMMANDING OFFICER MICHAEL F. ELLIS AND LIEUTENANT COMMANDER DANIEL M. SIMON, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) SHIP HI'IALAKAI, FOR ACCESS TO STATE WATERS TO CONDUCT CONSERVATION AND MANAGEMENT ACTIVITIES UNDER PERMIT PMNM-2014-005

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 Conservation and Management Permit to Commanding Officer Michael F. Ellis and Lieutenant Commander Daniel M. Simon, National Oceanic and Atmospheric Administration (NOAA) Ship HI'IALAKAI, for Access to State Waters to Conduct Conservation and Management Activities

Permit Number: PMNM-2014-005

Project Description:

The conservation and management permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters between January 1, 2014 and December 31, 2014.

The primary purpose of the project is to provide vessel support for separately permitted activities aboard NOAA Ship HI'IALAKAI (HI'IALAKAI). Up to twenty-eight (28) crew members aboard the HI'IALAKAI would be authorized to enter the Monument to support separately permitted activities throughout the marine areas of the Monument, from January 1 – December 31, 2014. As the Commanding Officer of the HI'IALAKAI, the applicant would oversee all activities including operating small boats, SCUBA diving, anchoring on sandy substrate, opportunistically collecting free-floating marine-debris, discharging (outside the NWHI State Marine Refuge), and sustenance fishing (within Midway Atoll Special Management Area only). Swimming, snorkeling

and SCUBA are not permissible except as necessary for vessel maintenance, emergency operations, and non-recreational support of vessel activities.

The activity would benefit the Monument as the HI'IALAKAI would provide logistical services for a wide range of activities. Separately permitted activities may include research, conservation and management, education, special ocean use and Native Hawaiian practices. Without ship support these activities would be severely limited or cease completely. The activity would help to support the Monument Management Plan (MMP), Priority Management Need 3.6: Achieving Effective Monument Operations (PMNM MMP Vol. I, p. 293, 2008), by providing an integral role in assuring research and other separately permitted activities are properly supported in the field.

All methods and procedures would be performed with the safety and welfare of personnel, the protection of Monument resources, and the accomplishment of mission objectives as top priorities. The HI'IALAKAI would have all required inspections (hull fouling, gear, tender vessel, ballast water, and rat) completed before departure to the Monument. The HI'IALAKAI also has a type-approved Vessel Monitoring System (VMS) on board, which meets Monument requirements, and would abide by Monument entry and exit notification requirements.

The support provided by the HI'IALAKAI would not diminish Monument resources, qualities, or ecological integrity and is fully compatible with the purposes of the Proclamation including preserving and furthering understanding of Monument resources and qualities. The HI'IALAKAI plays an integral role in assuring that research and conservation and management activities, which are critical management elements for the Monument, are properly supported in the field.

The activities proposed by the applicant directly support the Monument Management Plan's priority management need 3.6 – Achieving Effective Monument Operations through action plan 3.6.3 - Coordinated Field Operations. As the HI'IALAKAI would serve as a platform for a variety of other permitted activities, this permit would also support priority management needs 3.1 – Understanding and Interpreting the NWHI; 3.2 – Conserving Wildlife and Habitats; and 3.3 – Reducing Threats to Monument Resources. Activities to support coordinated field operations in the NWHI are addressed in the Monument Management Plan Environmental Assessment (December 2008) which resulted in a FONSI, or a Finding of No Significant Impact. This EA recognizes that field operations rely on ships, and that providing transportation support has a beneficial effect on threatened and endangered species, marine mammals, and other Monument resources. (PMNM MMP Vol 2, p.26, 185, and 187).

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 September 11, 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 ship operations, 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. Since this permit involves an activity that represents a commitment to a larger project, i.e. conducting research and management activities, the categorical exemption determination here will treat all planned activities as a single action, to the extent possible.

2. The Exemption Class for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and § 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.” The proposed activities appear to fall squarely under the exemption class #5, exempt item #2 as described under the division of Forestry and Wildlife exemption list published on June 12, 2008. This exemption class has been interpreted to include “game and non-game wildlife surveys, inventory studies, new transect lines, photographing, recording, sampling...”, such as those to be supported by the proposed activities. It has also been interpreted to include various modes of transportation to reach field areas necessary to carry out such surveys. As discussed below, no significant disturbance to any environmental resource is anticipated in the sampling of Monument resources. 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.

Similar activities of this type, to conduct routine support ship operations, have been permitted and undertaken in the past. The NOAA Ships HI‘IALAKAI and OSCAR ELTON SETTE have both been permitted to work in the NWHI each year since 2006. In addition, the NOAA Ship McArthur II was permitted in 2010. It is reasonable to expect future permit requests for similar support work. No deleterious impacts resulted from similar previous activities. 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 would 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 of the NOAA Ship HI'IALAKAI would provide support for proposed research cruises. NOAA Ship HI'IALAKAI does not have set cruise dates for 2014. All research activities onboard these cruises would be applied for and permitted separately. It is anticipated that activities on these cruises would occur throughout the Monument. At this time, no other concurrent activities are known. However, as in the past, the culmination of this permit, along with those which may be supported by it, occurring throughout the Monument over a several month-long period, 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 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 conservation and management 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