

State of Hawai'i  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawai'i 96813

May 24, 2019

Board of Land and Natural Resources  
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Ms. Keomailani Case, Nā Kālai Wa'a, for Access to State Waters Conduct Photographic Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument special ocean use permit for Ms. Keomailani Case, Nā Kālai Wa'a, pursuant to § 187A-6, Hawai'i Revised Statutes (HRS), Chapter 13-60.5, Hawai'i Administrative Rules (HAR), and all other applicable laws and regulations.

The special ocean use permit, as described below, would allow entry and observational 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:

- Necker (Mokumanamana)

The activities covered under this permit would occur between June 1, 2019 – May 31, 2020.

The activities being proposed are similar to other work previously permitted and conducted in the Monument.

INTENDED ACTIVITIES

Ms. Keomailani Case proposes to document activities proposed under her permit application PMNM-2019-009 through video and photography. This activity would occur in conjunction with those proposed under permit application PMNM-2019-007 with PI Pualani Kanahale and would cover participants under this permit (approval pending) as well. Filming and photography activities will be done with handheld camera equipment as well as a DJI Phantom III (multi-rotor hexacopter).

The proposed activities would be occurring concurrently with each other with overlap in personnel (34 in all); transportation amongst the three vessels; and activities covered. The Kanahale research expedition is currently scheduled for June 14, 2019 – June 23, 2019. The Case research expedition may extend until June 29, 2019 to account for the potentially slower moving traditional double-hull voyaging canoe powered by wind and wave. Other specific activities include swimming/snorkeling; filming and photography; performing cultural protocol

(oli (chants) and pule (prayers)); overnight camping (for 15 plus Monument resource monitor(s)); sustenance (federal waters) and subsistence (state waters) fishing; and anchoring in sandy substrates at the Mokumanamana Special Preservation Area. In order to reduce impacts to resources, all activities on land and the intertidal area would be under the direct supervision of at least one designated PMNM resource monitor.

All filming and photography activities will be performed in a culturally appropriate manner and will adhere to Monument Best Management Practices (BMP). All photography and videography will be done with hand held, tripod or hexacopter mounted cameras.

The applicant does not intend to approach or film protected species, however, the applicant proposes to conduct filming activities in areas where marine protected species (cetaceans, pinnipeds, and turtles) are present. To reduce or eliminate adverse effects on protected marine species through interactions with in-water activities, the applicant will adhere to BMP 004 – Best Management Practices for Boat Operations and Diving Activities and BMP 010 – Marine Wildlife Viewing Guidelines. In addition, the applicant would abide by PMNM BMP 011: Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment.

The activity benefits the Monument by bringing the place to the people, increasing visibility, awareness, and educational opportunities for the Monument through still and video imagery. The project directly supports an activity in the Monument Management Plan (MMP), under the Constituency Building and Outreach (CBO) Action Plan, Activity CBO-2.3: “Support other entities’ efforts to broaden knowledge of an appreciation for Monument resources and management priorities.” (MMP Vol. 1, p. 271, 2008).

### REVIEW PROCESS

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai‘i Division of Aquatic Resources, Hawai‘i 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 March 27, 2019, 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:

1. What distance will the drones be kept from the island and seabirds? Please define a “respectful and safe distance”

*We be monitoring the activity of drone equipment at all times, operating only during daylight, and will cease all activity should it have negative interactions with the birds of the area. We will also adhere to any recommendations for operating drones within the monument from the various agencies.*

2. Will monument management have access to video and photography for education and outreach purposes?

*Yes*

**COMMENTS:**

1. NMFS appreciates the special cultural significance Nihoa and Mokumanamana have to the Hawaiian people. Our agency must make it clear that Nihoa and Mokumanamana are also important areas to protected species, most importantly the critically endangered Hawaiian monk seal and the green sea turtle. For this reason, our agency provides the following comments which we hope will allow the permit applicants to take full advantage of the opportunity to explore their cultural heritage, but at the same time avoid or minimize interactions between the applicants and monk seals and turtles.

*Mahalo.*

2. Permit applicants should be advised to avoid areas on Nihoa and Mokumanamana that have been historically monk seal haul-out areas as much as possible. These areas are sector 1 and 2 on Nihoa (if applicants land due to bad weather) and sectors 2, 4, and 5 at Mokumanamana (please refer to the attached map).

*There is no plan to make land fall on Nihoa. We will defer to EKF and their plan for on island access for Mokumanamana.*

3. Permittees should be required to submit a report on any Hawaiian monk seal takes. Takes include anything that has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, feeding, or sheltering. A report on takes should be submitted to the PMNM Permit POC who can forward it to NMFS/PIRO (see the provided example).

*Understood*

4. NMFS wants stress that the viewing guidelines for seals are to stay at least 150 feet away from any animals to decrease the chance of disturbance. However, this is may not be possible in many areas. To otherwise reduce the risk of disturbance:
  - a. Permittees should maintain a low profile and remain out of the seal's line of sight by remaining behind it. Use rocks as visual barriers and do not walk between the seal and the water unless the seal is extremely high up the beach/shelf and there is no other route. If the seal reacts, increase distance from the seal and get out of the seal's line of sight.
  - b. Permittees should not snorkel or swim if a mother-pup pair is in the area. Mothers have attacked swimmers and several of these attacks have resulted in severe injuries. Mothers may depart a beach to attack a perceived threat in the water and can swim at a fast rate.

*Understood*

5. If gear is placed on the shoreline and a seal hauls out next to it – the gear should stay in place until the seal departs the area. No attempt should be made to retrieve gear while a seal is hauled out next to it.

*Understood*

6. For turtles, the guiding principles for turtles is to stay 3 meters (10ft) away; if turtles are responding to human presence then increase distance from turtles. If it's night time and turtles are present (basking or nesting) do not use white lights, maintain a low profile close to the beach/shore line (water / sand interface), and keep a 50ft distance from nesting turtles.

*Understood*

7. NMFS recommends at least two resource monitors for these three permit (2019-007, 009, 010). NMFS also requests that the resource monitors assigned to these permits meet with the NOAA Fisheries Pacific Islands Fisheries Science Center staff for a short training and discussion regarding best practices around seals and turtles. NMFS PIRO staff can facilitate this meeting.

*Understood*

8. While the applicant has asked for permission to fish while in the Monument, NMFS recommends that the permit conditions should include a restriction on shore-based fishing and fishing at anchor, due to the risk of hooking and entanglement of protected species. Trolling while in the Monument does not pose an unacceptable risk, and should be allowed.

*We are only requesting fishing under our Native Hawaiian Practices permit application (PMNM-2019-009) at this time.*

9. Please ensure the drone pilot is well briefed by FWS bird biologists and FWS drone pilots, due to the potential of adverse impacts on birds and other wildlife resulting from flying drones in bird colonies. Susan "Allie" Hunter, an experienced FWS drone pilot, can be reached at susan\_a\_hunter@fws.gov, or 808-284-6844.

*Understood*

10. Drones must not be launched from land on Mokumanamana due to its proposed wilderness designation. Launching from the boat is highly preferred, though deploying a drone from the intertidal area may be possible but unlikely due to the geography of the island. Launching from land also raises the bird strike hazard considerably.

*Drones will be launched from our vessels.*

11. If any drone equipment or photographic equipment including backpacks, foam, etc is brought onto Mokumanamana, please ensure it complies with PMNM biosecurity protocols (brand new, frozen for 48hrs or more, etc).

*Understood*

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

No comments were received from the Native Hawaiian community or PMNM Cultural Working Group regarding 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:**

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.
- The proposed activities are in compliance with the Endangered Species Act.
- The proposed activities are in compliance with Section 106 of the National Historic Preservation Act.
- 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 PAPAHAUNAUMOKUAKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO, MS. KEOMAILANI CASE, NA KALAI WA‘A FOR ACCESS TO STATE WATERS TO CONDUCT ART AND PHOTOGRAPHIC ACTIVITIES UNDER PERMIT PMNM-2019-010”)

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

If so, please summarize past permits:

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 the Applicant has properly demonstrated valid justifications for her 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 Special Ocean Use 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

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 special ocean use permit to April Surgent, Private Artist, 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 protocols 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.

4. That the permittee provide, to the best extant possible, a summary of their Monument access, including, but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events.

Respectfully submitted,



Maria Carnevale  
State Co-Manager  
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne D. Case  
Chairperson

**Papahānaumokuākea Marine National Monument**  
SPECIAL OCEAN USE Permit Application

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

**ADDITIONAL IMPORTANT INFORMATION:**

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

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

Send Permit Applications to:  
NOAA/Inouye Regional Center  
NOS/ONMS/PMNM/Attn: Permit Coordinator  
1845 Wasp Blvd, Building 176  
Honolulu, HI 96818  
nwhipermit@noaa.gov  
PHONE: (808) 725-5800 FAX: (808) 455-3093

**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:** W. D. Keomailani Case

**Affiliation:** Na Kalai Waa

**Permit Category:** Special Ocean Use

**Proposed Activity Dates:** June 14-29, 2019

**Proposed Method of Entry (Vessel/Plane):** Vessels: Makali'i, Alaka'i and Searcher (separate permit)

**Proposed Locations:** Mokumanamana

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

26

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

15

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

a.) The proposed activity would...

Our research would bring light to the main functions of Mokumanamana for Hawaiians historically, presently and potentially through the methodologies and frameworks established by Hawaiians and re-established by the Edith Kanaka'ole Foundation and Nā Kālai Wa'a's work. NKW has partnered with EKF, sailing Makali'i to Mokumanamana bringing two Pwo navigators and their apprentices as a rite of passage for the younger crew. This will be the first trip to Mokumanamana by Makali'i and her crew. The Master Navigators of Nā Kālai Wa'a and their students have over 100 years of accumulated studying of celestial bodies' movements over the Pacific Ocean. Makali'i will be voyaging to Nihoa and Mokumanamana as a capstone voyage for NKW's Project Hanauna Ola: sustaining the generations through voyaging. This project is funded by an Administration of Native Americans SEDS grant. NKW is partnering with EKF for this voyage to be able to assist with the study of celestial bodies over Mokumanamana, further enhancing the voyage experience for our training captains and navigators of NKW/ 'Ohana Makali'i. The end goal of this voyage partnership is to

ensure the legacies of our cultural practices for generations while securing Mokumanamana in our current practitioners universe.

According to the traditions of kupuna of Nā Kālai Wa‘a, navigators were trained at Ko‘a Holomoana, a heiau site with manamana that faces Mokumanamana in Mahukona. These navigators were tested by being taken to Mokumanamana and needing to return successfully home to Mahukona and heiau Ko‘a Holomoana.

This voyage to Mokumanamana allows Makali‘i to be the cultural vessel to carry the research team to Mokumanamana, while allowing the next generation of captains and navigators the opportunity to continue traditions of voyaging, connecting Ko‘a Holomoana with Mokumanamana.

The EKF has been the only native Hawaiian research entity that has continuously studied the manamana sites on Mokumanamana for over 10 years, then subsequently expanded the learning acquired from the Mokumanamana methodologies to the restoration and studies of other sites in the main Hawaiian Islands. The fieldwork on Mokumanamana has allowed the researchers the ability to gain great insight into the profoundly deep knowledge and accuracy of the ali‘i and kāhuna's concept of time, space, geological creation of islands, and Universal relativity. On the previous trips the researchers were able to establish baseline data utilizing the sun's movement between the Ala Polohiwa a Kāne, Piko o Wākea and Ala Polohiwa a Kanaloa. A three-year study of manamana located on Maunaloa has granted the research team the unique opportunity to study the function of manamana for a longer period of time. With the newly acquired skills the EKF would like to further that knowledge into star, planet and Milky Way alignments during the Summer solstice in June 2019. The star expertise that Nā Kālai Wa‘a will be bringing will greatly assist the EKF with the star to site alignments. Both the EKF and NKW will be bringing the next generations of Hawaiian practitioners/scholars to assure that the continuance of the great work of rediscovery continues.

As part of our Project Hanauna Ola grant we will be documenting the voyage and the research on island Mokumanamana to preserve the processes for wayfinding, relationships of celestial bodies to terrestrial places and people, and for leadership legacy development and mentor apprentice learning. Kawai Productions LLC, owned and operated by Jamie Makasobe, has been contracted to document the 3 year grant process, producing a 10 minute video for each year. The voyage to and time spent at Mokumanamana will be the capstone for Project Hanauna Ola. The video for year 3 will be focused on this capstone voyage documenting the voyage from the preparation and provisioning of Makali‘i for departure in Kawaihae to the successful arrival to and return from Mokumanana.

In addition to the video documentation, images may be used for fundraising and promotional materials for NKW in the future. This includes (but is not potentially limited to) using the images in posters, cards, fundraising brochures, books, curriculum, on our website, and other social media campaigns. The videos will be shown to the public which may require an admissions fee, depending on the venue.

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

begin our voyage to Mokumanamana in early June, 2019. Makali'i and Alaka'i will depart from Mahukona making their way using traditional navigation skills and technology to Mokumanamana by Summer Solstice. Their successful arrival to Mokumanamana using the elements and then their successful return will complete one training cycle for the next generation of leaders for Nā Kālai Wa'a, validated in the processes of our ancestors. Navigators need to pull Mokumanamana out of the sea the same way they pull the stars and the sun out every day. This voyage will be the first time that apprentice voyagers will complete the trip from Ko'a Holomoana at Mahukona, Kohala to Mokumanamana in over 200 years. Upon arrival to Mokumanamana, the team would assign five groups of three individuals on five separate locations for the purpose of observing the celestial activities in connection to the sites. The research will begin an hour prior to the sunset and will end about two hours after sunrise. Each group will consist of at least a scholar, a practitioner and a star person. Near sunset, the teams will be situated on designated areas and stay in the same location for the entire night recording observations of celestial to terrestrial alignments, compass and GPS fixes, as well as site to site alignments back towards Hawai'i (southeast), down south, northwest or beyond. The methods and technologies of observation and recording used over the years of the Mokumanamana studies combined with the newly acquired techniques from our Maunaloa studies will be applied to this research. The team is confident that new data will be acquired that will support our theories about the function of Mokumanamana's sites. The methodologies and framework used will support that Hawaiians kept track of the time by the celestial movements for geological activities, ceremonial/religious processes, political decisions, and practical benefits. It will also demonstrate that the Hawaiians already had an understanding of the movement of the sun from that point of the world and universe. That's what Mokumanamana is about. Trails of the sun, trails of the stars, these are primary sources of knowledge. The teams will go through 5 vigorous trainings prior to the arrival to be prepared with all of the information gathered from the last 10 years.

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

1. Further strengthen the voyaging traditions related to Mokumanamana by modern practitioners,
2. Fill in the missing historical gaps of the function of Mokumanamana,
3. Directly correlate historical native Hawaiian visits to the island,
4. Relate migration chants and Pule 'Aha Lanalana to Mokumanamana,
5. Link Haho, Līloa, 'Umi and other ali'i to Mokumanamana,
6. Re-establish a relationship between modern kāhuna with ancient kāhuna,
7. Pass on the last 10 years of field data to the next generation of researchers, &
8. Complete the process of research and navigation, use of celestial bodies for alignment utilizing a traditional voyaging canoe for this purpose.
9. Share our voyage to Mokumanamana with the general public for educational purposes that support the points above.

**Other information or background:**

There will be a total of 31 people. This number also includes the necessary crew of 6 for the Searcher and an individual who will be representing the resource monitor if needed. The large numbers of individuals are to allow for a few crew changes during the Makali'i sail legs. Members in the EKF research group will be traveling with the Makali'i, while some Nā Kālai Wa'a crewmembers will be traveling on the Searcher. Another escort vessel will be following Makali'i for safety purposes. NKW intends on sailing from Hawai'i Island to Mokumanamana and back to Hawai'i Island. The EKF intends on joining NKW on route from O'ahu, with researchers traveling on the Searcher as well as Makali'i canoe, and WILL travel together from there to Mokumanamana. At the arrival of Mokumanamana a crew of 15 individuals will be embarking upon the island while the rest of the crews will be anchored safely offshore. The land crew will stay on the island for 3 nights and will disembark early in the morning to begin the return back to Hawai'i. At this point the individuals on the Searcher will return directly to O'ahu while Nā Kālai Wa'a and its escort vessel will sail back to Hawai'i Island.

Weather and other extraneous circumstances may cause Makali'i and Alaka'i to depart Mokumanamana separately from the Searcher and return home on a different time schedule. The searcher will be on a 10 day contract, but Makali'i may require a few more days to sail from Mokumanamana to Kaua'i.

**Passengers on Searcher from O'ahu to Mokumanamana**

1. Chadd Paishon - NKW Pwo Master Navigator
2. Keani Kaleimamahu - NKW Trainee
3. Lanihuli Kanahela - NKW Trainee
4. Pomai Bertelmann - NKW Trainee
5. Lehua Ah Sam - NKW Trainee
6. Brandi Beaudet - NKW Trainee
7. Chelsey Dickson - NKW Trainee
8. Kaniela Anakalea-Buckley - NKW Trainee

**Crew on Alaka'i from Kaua'i to Mokumanamana:**

1. Nakoia Prejean - NKW Trainee
2. Kainalu Bertelmann - NKW Trainee
3. Keali'i Maielua - NKW Trainee
4. 'Āina Paikai - NKW Documenter

**Crew on Makali'i from Kaua'i to Mokumanamana:**

1. Milton Gervin Bertelmann - Pwo Master Navigator
2. Pualani Mai'elua Lincoln - NKW Trainee and EKF Researcher

3. Kealaka'i Kanaka'ole - NKW Trainee and EKF Researcher
4. Kalā Mossman - NKW Trainee and EKF Researcher
5. Bonnie Kahape'a - NKW Trainee
6. Patti-Anne Solomon - NKW Trainee
7. Lei Ilae-Kaleimamahu - NKW Trainee
8. Leiohu Santos-Colburn - NKW Trainee
9. Mike Manu - NKW Trainee
10. Ui Malakaua - NKW Trainee
11. Keala Kahuanui - NKW Trainee
12. Ashton Dircks Ah Sam - NKW Trainee
13. Ah Lun Yung - NKW Trainee
14. Jamie Makasobe - NKW Documenter

EKF Mokumanamana Field Researchers:

1. Kalei Nu'uhiwa - Covered Under EKF Permit
2. Pualani Lincoln-Mai'elua - Covered Under Both Permits
3. Huihui Mossman-Kanahele - Covered Under EKF Permit
4. Kalā Mossman - Covered Under Both Permits
5. Kealaka'i Kanaka'ole - Covered Under Both Permits
6. Ulalia Woodside - Covered Under EKF Permit
7. Ku'ulei Kanahele - Covered Under EKF Permit
8. Hi'ilei Kawelo - Covered Under EKF Permit
9. Ulu Keali'iakanaka'ole - Covered Under EKF Permit
10. Makali'i Crew - TBD
11. Makali'i Crew - TBD
12. Makali'i Crew - TBD
13. Makai'i Crew - TBD

The researchers from Makali'i crew will be determined by May 17, 2019.

Passengers on Searcher from Mokumanamana to O'ahu:

1. Kealaka'i Kanaka'ole - NKW Trainee and EKF Researcher
2. Kalā Mossman - NKW Trainee and EKF Researcher
3. Lei Ilae-Kaleimamahu - NKW Trainee
4. Pualani Mai'elua Lincoln - NKW Trainee and EKF Researcher
5. Ui Malakaua - NKW Trainee
6. Ah Lun Yung - NKW Trainee
7. Keala Kahuanui - NKW Trainee

Crew on Alaka'i from Mokumanamana to Kaua'i:

1. Nakoa Prejean - NKW Trainee
2. Kainalu Bertelmann - NKW Trainee
3. Ashton Dircks Ah Sam - NKW Trainee

4. ‘Āina Paikai - NKW Documenter

Crew on Makali‘i from Mokumanamana to Kaua‘i:

1. Milton Gervin Bertelmann - Pwo Master Navigator
2. Keali‘i Maielua - NKW Trainee
3. Pomai Bertelmann - NKW Trainee
4. Chadd Paishon - NKW Pwo Master Navigator
5. Lanihuli Kanahela - NKW Trainee
6. Bonnie Kahape‘a - NKW Trainee
7. Kaniela Anakalea-Buckley - NKW Trainee
8. Keani Kaleimamahu - NKW Trainee
9. Leiohu Santos-Colburn - NKW Trainee
10. Mike Manu - NKW Trainee
11. Lehua Ah Sam - NKW Trainee
12. Chelsey Dickson - NKW Trainee
13. Brandi Beaudet - NKW Trainee
14. Jamie Makasobe - NKW Documenter

**Section A - Applicant Information**

**1. Applicant**

Name (last, first, middle initial): W.D. Keomailani Case

Title: Executive Director

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

Milton G. “Shorty” Bertelmann

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

Address: [REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

Email: [REDACTED]

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

**3. Affiliation (institution/agency/organization directly related to the proposed project):**  
Edith Kanaka'ole Foundation, Nā Kālai Wa'a, and Kawehiokalani INC.

**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):**

1. Milton Gervin "Shorty" Bertelmann - Master Navigator and Captain of Makali'i, Crew on Searcher
2. Chadd Paishon - Master Navigator and Captain of Makali'i
3. Pualani Lincoln-Mai'elua - Apprentice Navigator for Makali'i, EKF Research Team (covered under EKF and NKW permit)
4. Kala Mossman - Crew for Makali'i, Research Team for EKF, Onboard First Responder (covered under EKF and NKW permit)
5. Keala Kanaka'ole - Crew for Makali'i, Research Team for EKF (covered under EKF and NKW permit)
6. Kaniela Anakalea-Buckley - Crew on Makali'i, Passenger on Searcher
7. Leiohu Colburn-Santos - Crew on Makali'i, Captain in Training on Makali'i
8. Chelsey Dickson - Crew on Makali'i, Passenger on Searcher
9. Ashton Dircks Ah Sam - Crew on Makali'i, Passenger on Searcher
10. Lehua Dircks Ah Sam (aka Kristen Dircks)- Passenger on Searcher, Crew on Makali'i
11. Brandi Beaudet - Crew on Makali'i, Passenger on Searcher
12. Kainalu Bertelmann - Working Crew on Searcher, Crew on Alakai
13. Pomai Bertelmann - Captain in Training, Apprentice Navigator on Makali'i, Passenger on Searcher
14. Lei Ilae-Kaleimamahu - Crew on Makali'i and Passenger on Searcher
15. Bonnie Kahapea - Captain in Training, Apprentice Navigator on Makali'i, Passenger on Searcher
16. Keani Kaleimamahu - Passenger on Searcher and Crew on Makali'i, La'au Healer, Lua Master
17. Keala Kahuanui - Quartermaster in Training on Makali'i Lanihuli Kanahale - Passenger on Searcher and Crew on Makali'i

18. Kealii Maielua - Captain in Training on Makali'i and Crew on Searcher
19. Jamie Makasobe - Documentor on Makali'i
20. Ui Malakaua - Captain in Training on Makali'i
21. Mike Manu - Captain in Training on Makali'i
22. Rosa Motta – crew on Makali'i, passenger on Searcher
23. 'Aina Paikai - Documentor on Searcher
24. Nakoa Prejean - Working Crew on Searcher, Crew on Alakai
25. Patti-Anne Solomon – crew on Makali'i, passenger on Searcher
26. Ah Lun Yung - Captain in Training on Makali'i

Please see Edith Kanaka'ole's permit to reference other crew members aboard the Searcher as a part of our joint venture to voyage to Mokumanamana.

If a Resource Monitor is required, we will be sharing a monitor with the EKF permit. In the case that a Resource Monitor is required, we request that a crew member from Makali'i be trained to fulfill this role. If that is not possible, then we request a member of NOAA or OHA who are also practitioners and trained as monitors to be assigned to us, as they will also be required to participate in cultural protocols.



**Section B: Project Information**

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

**Ocean Based**

- |  |  |   |  |
|--|--|---|--|
| <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 checked="" type="checkbox"/> Necker Island (Mokumanamana) | <input checked="" type="checkbox"/> Land-based | <input checked="" type="checkbox"/> Shallow water | <input checked="" 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"/> Land-based            | <input type="checkbox"/> Shallow water            | <input type="checkbox"/> Deep water            |
| <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                                   |  |   |  |

Remaining ashore on any island or atoll (with the exception of Midway & Kure Atolls and Field Camp staff on other islands/atolls) between sunset and sunrise.

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

Location Description:

**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 this trip is to confirm and complete the reconnection of Native Hawaiian cultural practitioners with this important part of Papahānaumokuākea, and to complete a 3 year process of training navigators, captains, and crew for Makali‘i as a part of Project Hanauna Ola. These activities will be jointly covered under Edith Kanaka‘ole’s and Na Kālai Wa‘a’s Native Hawaiian Practices permit applications.

ANA encourages culturally sensitive documentation of their funded projects to help record the cultural processes and impacted communities being preserved through their grants. NKW built video documentation into Project Hanauna Ola as a way to capture the impacts and beneficiaries of the project in a concise and relatable method. Kawai Productions is contracted to produce one 10-minute video for each year of the grant. The documentation taken in the monument will contribute to this final year’s video that is focusing on the capstone voyage from Kawaihae to Mokumanamana and back. The documentation materials will focus on the Makali‘i and the voyagers as they navigate to Mokumanamana and return home to Hawai‘i Island. The final product will be shared with our community via Social Media, Website, showings in classrooms and at community centers. In addition footage and images taken may be used in the future for program and organization materials which include but are not limited to future use in posters, cards, fundraising brochures, books, curriculum, on our website, and other social media campaigns.

There will be one vessel (Searcher under a separate permit application to EKF) traveling to Mokumanamana and back, a traditional Hawaiian double-hulled canoe (Makali‘i) sailing up and back down, and a radon (Alaka‘i) an escort to assist the canoe (under a separate permit application to NKW). Currently, there are no plans to go to Nihoa unless it is necessary to take shelter on the lee of the island due to inclement weather, or for ceremonial protocols.

\*Considering the purpose of the proposed activities, do you intend to film / photograph federally protected species?    Yes    No

For a list of terrestrial species protected under the Endangered Species Act visit:

<http://www.fws.gov/ endangered/>

For a list of marine species protected under the Endangered Species Act visit:

<http://www.nmfs.noaa.gov/pr/species/esa/>

For information about species protected under the Marine Mammal Protection Act visit:

<http://www.nmfs.noaa.gov/pr/laws/mmpa/>

**7. Answer the Findings below by providing information that you believe will assist the Co-Trustees in determining how your proposed activities are compatible with the conservation and management of the natural, historic, and cultural resources of the Monument:**

**The Findings are as follows:**

**a. How can the activity be conducted with adequate safeguards for the cultural, natural and historic resources and ecological integrity of the Monument?**

All participants will be participating in 3 in-depth orientations, which includes boat safety, vessel procedures, hazardous open water procedures, emergency procedures on the vessels and Mokumanamana, cultural protocols, ceremonies and religious rituals, celestial and terrestrial orientation. Site description and research/study procedures, detailed camera use and on island procedures, traditional Hawaiian measurements, previous documentation of sites, compass use and compass procedures on island, GPS, rhumb lines, other alignment techniques. Also included in the trainings will be biological and ecological resource orientation, egg/chick avoidance, subsistence fishing while underway in the designated approved areas, gear preparation and packing procedures.

The group would like to request that if a resource monitor is needed that one or two of our members be designated the resource monitor. Resource monitors should be willing to participate in training and other requirements that the rest of the crew are completing for the voyage to Mokumanamana, including protocol training and sailing of traditional voyaging canoes.

Images/film taken within the monument will be done tastefully and with the intent to solely document the process of the voyage and the studies conducted on Mokumanamana. Drone images will be shot over water and land to capture the approach and departure of Makali'i to the island, as well as images of the uprights and the practitioners utilizing them from afar. The images correlating with the uprights will help with future research and assist with alignments of uprights to our environment.

**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?**

This activity is aligned with the management direction of the Monument and with Presidential Proclamation 8031. The proposed activities are designed to enhance educational opportunities and will not be used for commercial purposes. All proposed knowledgeable and respected Native Hawaiian cultural practitioners, two navigators, and open ocean voyagers would conduct

activities. The information gleaned by this joint venture will benefit the historical and resource study materials for Papahānaumokuākea. None of the proposed activities will deliberately cause harm or disruption to any resources on the island.

**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.**

Mokumanamana is a source of the Hawaiian origins, volcanology and migrational knowledge. It is the only moku of its kind where many original concepts of time, starlore, heiau site construction in relationship to stars and volcanoes exists. For these reasons, it is why Hawaiians must go to reconnect with that knowledge and connect it to Hawai'i. Hawaiians do not have a lot of places that can be accessed that provides primary information. Sites have been built on Hawai'i which function similarly, however they are all based on what the ancestors discovered and studied from Mokumanamana. Another primary source of knowledge is Voyaging, which includes navigating, star movement, the northern and southern movement of the sun, etc. Mokumanamana has also traditionally been the testing point for traditional navigation studies conducted at Ko'a Holomoana, the piko site for Nā Kālai Wa'a and the 'ohana Makali'i in Mahukona, Kohala. Our joint venture is bringing two primary sources of knowledge together to reformulate the Hawaiian universe of erudition.

To become a functioning and prosperous ali'i nui, the primary sources of knowledge had to be maintained. The hint that maintaining primary sources is the necessity of tracking volcanic movement because the ali'i nui and kāhuna knew where they had come from and also where they were going. Pele's migration from the NW islands is a narrative that reminds us that primary sources are memorialized through chants and stories.

Storytellers weave the story to keep the story alive. However, the scientific mind had to put up manamana to get a fix on star locations to actually make the alignments with the volcanoes. Also, in the Polynesian Triangle, Mokumanamana is the only island within our Hawaiian Island chain that sits on the Ala Polohiwa a Kāne, the Tropic of Cancer. As a people who historically used the sun to navigate, make political decisions, and conduct religious ceremonies, Mokumanamana would have been a significant location. It makes sense that the first voyagers and later on kāhuna travelled to Mokumanamana intentionally to build sites upon it to track major celestial and volcanic cycles. Being able to sail to Mokumanamana and back to Hawai'i utilizing the stars, then utilizing those same stars to track time and conduct special ceremonies is extremely significant. Sailing there with Makali'i and being able to study the movements and alignments of the stars, planets and Milky Way provides an unprecedented opportunity to align chants, stories and native Hawaiian cultural remnants with one another to gain missing information from native Hawaiian history. Makali'i's successful voyage to Mokumanamana and back to Mahukona will also re-engage modern day voyagers with navigational practices that haven't been successfully conducted for over 200 years. To become navigators, traditions in the Makali'i 'ohana state that the apprentice needed to voyage to and return successfully from Mokumanana leaving from Ko'a Holomoana in Mahukona. It is pertinent that the information acquired from these field visits is then restored and practiced remaining relevant to the youth of

today. The solitude, lack of light, distance and human challenge to travel to the inhospitable island allows for potential growth of experience and expertise that is specific to the Hawaiian Islands. On this next site visit, specific stars, planets and Milky Way alignments to the various manamana will be part of the on-island studies conducted by the field team.

Images/film taken within the monument will be done tastefully and with the intent to solely document the process of the voyage and the studies conducted on Mokumanamana. It is not possible to document the voyage and studies without being in the Monument.

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

Adverse impacts are always a possibility, however the field researchers will try to minimize negative impacts. Voyaging activities to Mokumanamana and Nihoa are mainly ocean based and, with the exception of crew that are a part of the selected research team, the rest of the crew will remain onboard the vessels to minimize impact to the island itself. Continuing traditions of Mokumanamana as a place for practitioner testing and ascension of skills is necessary to the cultural relevance of voyaging, wayfinding and tracking of the movements of the skies and the islands themselves.

Within the EKF's 10-year research, the field team has seen significant degradation of the manamana due to bird activity, hurricane/storms, marine debris, and human activity through the changing climate and other movement. There is a sense of urgency to collect as much empirical data as possible before the sites are significantly changed or gone. Shapes of the manamana have changed over the years, which then changes the alignments and information acquired through observation.

It is a privilege to visit Mokumanamana, which to the team is a moku akua, a place for the gods. Humans should not go there often and only on special occasions.

All proposed activities will occur in the later afternoon and mid morning. The landing team plans to stage a base camp in a centralized area that is clear of nesting or burrowing birds. The base camp will be the point where the food and water will be staged. 5 teams of 3 individuals will camp in 5 locations and movement will be very minimal. To minimize impact the teams will stay in the designated locations to conduct the main observations.

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

The three evening time allotment requested for the on-island research in this application is sufficient to complete the activities intended for the duration of the summer solstice. The remaining 7 days of the permit are necessary for travel to and from the island.

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

Nā Kālai Wa‘a has been voyaging and training voyagers and community members since 1995. Master Navigator Shorty Bertelmann, president of Nā Kālai Wa‘a, was Papa Mau Piailug’s first student in navigation and has been navigating since 1976. Master Navigator Chadd Paishon has been voyaging since the 1980s and was inducted as a Pwo (Master Navigator) with Shorty Bertelmann by Mau Piailug in 2007. Voyagers of Nā Kālai Wa‘a have sailed on Makali‘i and other traditional voyaging canoes to Tahiti, Cook Islands, Micronesia, Japan, Aotearoa, and throughout the state of Hawai‘i.

The Kanaka'ole family has maintained unbroken through the impact and onslaught of colonization, decades of generational practices of hula, forest management, wa‘a traditions, Pele rituals, kuahu and heiau ceremonies. All of the members from the EKF research team have accessed Mokumanamana four or more times. The applicant group also possesses one hundred and eight years of combined cultural involvement between them. All participants have also been involved in both the Western & Hawaiian philosophies of academia through complex and extensive training & practice conducting ceremonies, research, collection of cultural, scientific, and historical data, translated literature from Hawaiian to English and were specifically chosen for their intelligence, passion, knowledge, physical endurance and ability to coexist while on long distanced and close quarter projects. All of the members of this participant group have been involved with Kaho‘olawe and are aware of the special protocols surrounding extremely sensitive and protected areas. Combined with the expertise and generational knowledge that NKW will bring with them, the potential to learn and collect more data is paramount to Mokumanamana's value to Hawaiians and to the peoples of Polynesia and Oceania.

Kawai Production owner and operator Jamie Makasobe has years of experience as a photographer and film producer for academic, cultural and business projects. Makasobe has been to the Monument numerous times to assist with documentation projects. She specializes in culturally appropriate documentation, and is a trained voyager. Assisting Makasobe is her associate ‘Āina Paikai who has worked with ‘Oiwī TV, and helped to document Hōkūle‘a and her World Wide Voyage, and Hikianalia’s trip to the Monument.

**g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.**

The EKF has some funding from various projects and donors, Nā Kālai Wa‘a has some funding from the Administration of Native Americans under the US Department of Health and Human Services (the voyage to Mokumanamana is the capstone in the 3 year long grant), and both organizations have started procedures to acquire the remaining funding from the Office of Hawaiian Affairs. Our OHA contacts are Keola Lindsey and Brad Wong.

**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 members of the research team are intimately familiar with various types of cultural sites throughout the Hawaiian Islands, Maupiti & Mo'orea islands in Tahiti, and Mokumanamana. The research team has studied the uses, functions and positions to the respective environment, horizontally and vertically, and will conduct their studies on the island with the same method of familiarity. Previous visits by the research team to the islands have recorded cultural sites and these records will be used as a study tool to accessing the islands. Compass points will be established, and data will be collected on the rising and setting of the sun, moon and stars and will be measured according to the manamana at the times of the summer solstice. The proposed methods and procedures are in-line with accepted cultural behaviors and scientific methodologies and procedures.

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

The vessels we will be using will be covered under a separate permit and will comply with all regulations and be outfitted with a type-approved Vessel Monitoring System prior to the proposed departure date.

**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.

**FOR SPECIAL OCEAN USE ACTIVITIES OUTSIDE OF MIDWAY ATOLL SPECIAL MANAGEMENT AREA, ANSWER THE ADDITIONAL THREE FINDINGS BELOW:**

**k. Explain how your activity will directly benefit the conservation and management of the Monument.**

This is an educational and Native Hawaiian culture joint venture. The access is strictly for educational purposes. No organisms or natural materials will be collected on this access.

**l. Explain how the purpose of your activity is for research or education related to the resources or qualities of the Monument.**

From June 14-23, 2019, the joint venture intends to go to Mokumanamana Island for the purposes of conducting Hawaiian cultural and spiritual practices and to acquire knowledge from

the site as was done in its historical past. We seek to improve the quality of the relationship Native Hawaiians have with the environment on the ocean and on Mokumanamana. The team goes to honor Kāne worship, specific to the sun, moon and star movement. The joint venture will sail a traditional double hulled canoe to the island utilizing the stars, the landing party will align the stars to the sites on the island, the researchers will connect those alignments to the various akua, ali'i and kāhuna, and the team hopes to connect all those alignments back to the main Hawaiian Islands. The information gleaned will then be recorded into a document, which will be available for all future visitors to Papahānaumokuākea.

The successful voyage to Mokumanamana and return to Ko'a Holomoana in Mahukona, Kohala will also complete the the process of assessment and evaluation for apprentice captains and navigators for Makali'i. This process has not been conducted from Ko'a Holomoana for over 200 years.

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

No, this activity does not involve the use of commercial passenger vessels.

**FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA, ANSWER THE ADDITIONAL TWO FINDINGS BELOW:**

**n. Explain how your activity will further the conservation and management of the Monument.**

n/a

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

n/a

**NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project and will be restricted in duration. Special Ocean Use activities proposed outside the Midway Atoll Special Management Area will require public notice of the application and an opportunity to provide comments is given at least 30 days prior to issuing the permit.**

**8. Procedures/Methods:**

Open Ocean Wayfinding & Papakū Makawalu

Open Ocean Wayfinding utilizes knowledge of the celestial bodies, and other natural elements to guide voyagers, and allow navigators to pull islands out of the ocean. The concept of navigation is that the navigator is the center of the universe and that the elements move around them.



Navigators practice the magic of elemental relationships to assist in successfully pulling islands out of the ocean. Their ability to commune with marine and bird life, along with the clouds, winds, ocean swells, rain, and celestial bodies allows them to always know where they are in relationship to the world that surrounds them.

Papakū Makawalu is a paradigm that comes from the cosmogonic chant called the Kumulipo that systematically organizes the accumulated knowledge obtained through observations and interactions with the natural world and the natural systems over many generations. All knowledge and understanding of the Hawaiian environment was categorized into three distinct houses of learning: Papahulihonua, Papahulilani and Papanuihānaumoku. Papahulihonua covers all natural earth phenomena and cycles; Papahulilani covers all natural atmospheric phenomena and cycles; and Papanuihānaumoku covers all organisms, and any practices and relationships necessary to their survival. As an analytical methodology, Papakū Makawalu affords the modern Hawaiian researcher the ability to thoroughly investigate any subject or topic of Hawaiian epistemologies from multiple perspectives. As a pedagogy, Papakū Makawalu provides the educator with a holistic approach to teaching any Hawaiian topic, practice, or phenomena, which in turn, offers the learner deeper insight into the meaning of the Hawaiian Universe. Mele, Mo‘olelo, Pule, and ‘Ōlelo No‘eau are deconstructed, analyzed and then reconstructed from each house of learning to examine the multiply faceted and holistic approach to understanding the mind of the ancients. Papakū Makawalu has become the methodology that the research team has been utilizing to understand Mokumanamana and the Pahu Manamana o ‘Umi on Maunaloa. We intend to use it again and will be training the new research and crewmembers this methodology for our fieldwork.

Methods for capturing images with a drone while in the monument will be done with the utmost respect for the natives of the monument and their associated natural resources, including the archaeological sites on Mokumanamana (the uprights). The drone will be used under the strictest observations of operational protocols (described in detail in question 11), and will operate with highest respect to the natives (birds, insects and plants) and the practitioners. To do so, the drone will always maintain a respectful and safe distance from individuals and from the land itself and its features. At no time will the drone or other image capturing interfere with the safety and well-being of the native flora and fauna, or with the practitioners practices of voyaging to the land and use of archaeological sites while on island.

**9. Provide proof of general liability insurance, or indicate that you will be posting an equivalent bond against claims arising out of activities conducted under the permit:**

Sending Separately

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

We are partnering with the Edith Kanaka‘ole Foundation on this voyage to Mokumanamana. Both organizations are seeking to pass on their practices through traditional processes, including

a successful voyage to Mokumanamana using indigenous techniques as well celestial observations associated with the manamana of Mokumanamana.

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

Handheld DSLR cameras, one DJI Phanom III Drone, GoPro's mounted on extendable stick, waterproof digital cameras, and smartphone cameras.

Kawai Productions will practice standard safeguards for piloting drones with additional measures to protect the wildlife and other resources of the Monument and participants. The drone will be operated in daylight hours only, in winds less than 20 mph, have a visual observer aid monitoring the drone while in the air, surveying that the area the drone is operating to alert the drone operator should the drone pose any threat to living or non-living objects in the Monument. Additionally, the drone will be operated at low speeds (<20mph) and low altitudes (<400'). Any close up footage taken of wildlife will be conducted with DSLR cameras, or other equipment that do not endanger or bother the wild-life, not the drone. Images from the drone will mainly capture panoramic shots of the voyagers sailing to Mokumanamana and their arrival and departure. Operators will also ensure that the drone is only operated in areas with low density of birds and other wild-life, will remain aware of potential movements of birds in the area of operation, and will always operate the drone within visual line of sight. In the unlikely event of a crash or runaway the operators will retrieve the drone following the appropriate procedures and protocols for land or ocean crash (including sterile clothing for land retrieval). Drones are being utilized because of the cinematic affect, and unique angles of footage that can be captured showing heading and relationship of canoe to ocean and island. This type of footage cannot be produced using other equipment.

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

None.

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

None.

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

Currently we only have plans to develop a 10 minute video focusing on the voyage to Mokumanamana as a part of our Project Hanauna Ola, a 3 year project funded by the

Administration of Native Americans. This will be the third video produced as documentation of our project by Kawai Productions, LLC.

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:**

NOAA/Inouye Regional Center  
NOS/ONMS/PMNM/Attn: Permit Coordinator  
1845 Wasp Blvd, Building 176  
Honolulu, HI 96818  
FAX: (808) 455-3093

**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):**

Milton Gervin “Shorty” Bertelmann – Master Navigator  
Chadd Paishon – Master Navigator  
Pualani Lincoln-Mai’elua – Training Captain/Navigator  
Kealii Maielua – Training Captain  
Bonnie Kahapea – Crew on Makalii  
Patti-Anne Solomon – Crew on Makalii  
Mike Manu – Crew on Makalii  
Leiohu Colburn-Santos – Crew on Makalii  
Keala Kahuanui – Crew on Makalii  
Lei Ilae-Kaleimamahu – Crew on Makalii  
Leimana Spencer – Crew on Makalii  
Ah Lun Yung – Crew on Makalii  
Mahina Paishon – Crew on Makalii  
Chelsey Dickson – Crew on Makalii  
Lanihuli Kanahale – Crew on Makalii  
Jamie Makasobe – Project Documenter  
Aina Paikai – Project Documenter  
Kristen Lehua Dircks Ah Sam – Project Director  
Nakoa Prejean – Crew on Alakai  
Kainalu Bertelmann – Crew on Alakai  
Ashton Dircks Ah Sam – Crew on Alakai

Personnel covered under Pualani Kanahale’s permit PMNM-2019-007

**2. Specific Site Location(s): (Attach copies of specific collection locations):**

Mokumanamana with the Edith Kanaka’ole Foundation. Anchorage on the South West side of the island with the EKF vessel Searcher.

Anchorage off of Nihoa (for navigation purposes)

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

Application – Special Ocean Use  
OMB Control # 0648-0548

**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):**

ANA SEDS Grant – Project Hanauna Ola  
OHA Papahānaumokuākea Program Funding \$25,000

**5. Time frame:**

Activity start: June 14, 2019

Activity completion: June 24, 2019

Dates actively inside the Monument:

From: June 15, 2019

To: June 23, 2019

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

Weather could be a limiting factor for our de

Personnel schedule in the Monument:

The entire crew listed under personnel will be in the monument during the dates stated.

**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 Personnel are covered by DAN membership insurance as well as their personal health insurance. Vessels and activities involving Makalii and Alakai are covered by Na Kalai Wa'a's insurance policies.

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

Vessel

Aircraft

Provide Vessel and Aircraft information:

Makali'i: 54' double hulled voyaging canoe

Alaka'i: 29' single hulled Radon, diesel powered twin engines. HA0449YB

**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: 6/11/19
- Tender vessel, Date: 6/11/19
- Ballast water, Date: 6/11/19
- Gear/equipment, Date: 6/11/19
- Hull inspection, Date: 6/11/19

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

Vessel name: Makali'i

Vessel owner: Nā Kālai Wa'a

Captain's name: Shorty Bertelmann

IMO#:

Vessel ID#: HAZ6237FF495-H

Flag: US

Vessel type: traditional double hulled voyaging canoe

Call sign: WCQ4292

Embarkation port: Kawaihae

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

Length: 54ft

Gross tonnage: 8 tons

Total ballast water capacity volume (m3): n/a

Total number of ballast water tanks on ship: 0

Total fuel capacity: n/a

Total number of fuel tanks on ship: n/a

Marine Sanitation Device: n/a

Type: 5

Vessel name: Alaka'i

Vessel owner: Nā Kālai Wa'a

Captain's name: Shorty Bertelmann

IMO#:

Vessel ID#: RDU280020678

Flag: US

Vessel type: Radon

Call sign:

Embarkation port: Kawaihae

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

Length: 28'

Gross tonnage: 3 tons

Total ballast water capacity volume (m3): n/a

Total number of ballast water tanks on ship: 0

Total fuel capacity: 200 gal

Total number of fuel tanks on ship: 1

Marine Sanitation Device: none

Type: 1

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:

Other fuel/hazardous materials to be carried on board and amounts:

Only diesel fuel for Alakai and gasoline for the outboard motor on Makalii

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:

Installer: Navtech

Unit Name and Type: Faria Watch Dog 750 VMS

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) 725-6110 or (808) 725-6100.

\* 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:

Any transportation of personnel or gear will be conducted with the tenders from the Searcher who is listed under the EKF permit, and accompanying Na Kalai Waa as a voyage partner to Mokumanamana.

### **Additional Information for Land Based Operations**

**11. Proposed movement of personnel, gear, materials, and, if applicable, samples:**

n/a

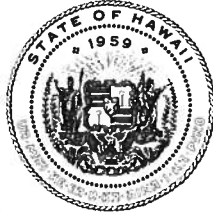
**12. Room and board requirements on island: n/a**

**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

DAVID Y. IGE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
DIVISION OF AQUATIC RESOURCES  
1151 PUNCHBOWL STREET, ROOM 330  
HONOLULU, HAWAII 96813

SUZANNE D. CASE  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

KEKOA KALUHIWA  
FIRST DEPUTY

KALEO MANUEL  
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

May 24, 2019

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson

FROM: Maria Carnevale  
Papahānaumokuākea Marine National Monument

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 SPECIAL OCEAN USE PERMIT TO Ms.  
Keomailani Case, Nā Kālai Wa'a FOR ACCESS TO STATE WATERS TO CONDUCT PHOTOGRAPHIC  
ACTIVITIES UNDER PERMIT PMNM-2019-010

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 Special Ocean Use Permit to Ms. Keomailani Case, Nā Kālai Wa'a for Access to State Waters to Conduct Photographic Activities

Permit Number: PMNM-2019-010

Project Description:

The special ocean use permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters from June 14, 2019 – June 29, 2019.

Ms. Keomailani Case proposes to document activities proposed under her permit application PMNM-2019-009 through video and photography. This activity would occur in conjunction with those proposed under permit application PMNM-2019-007 with PI Pualani Kanahale and would cover participants under this permit (approval pending) as well. Filming and photography activities will be done with handheld camera equipment as well as a DJI Phantom III (multi-rotor hexacopter).

The proposed activities would be occurring concurrently with each other with overlap in personnel (34 in all); transportation amongst the three vessels; and activities covered. The Kanahele research expedition is currently scheduled for June 14, 2019 – June 23, 2019. The Case research expedition may extend until June 29, 2019 to account for the potentially slower moving traditional double-hull voyaging canoe powered by wind and wave. Other specific activities include swimming/snorkeling; filming and photography; performing cultural protocol (oli (chants) and pule (prayers)); overnight camping (for 15 plus Monument resource monitor(s)); sustenance (federal waters) and subsistence (state waters) fishing; and anchoring in sandy substrates at the Mokumanamana Special Preservation Area. In order to reduce impacts to resources, all activities on land and the intertidal area would be under the direct supervision of at least one designated PMNM resource monitor.

All filming and photography activities will be performed in a culturally appropriate manner and will adhere to Monument Best Management Practices (BMP). All photography and videography will be done with hand held, tripod or hexacopter mounted cameras.

The applicant does not intend to approach or film protected species, however, the applicant proposes to conduct filming activities in areas where marine protected species (cetaceans, pinnipeds, and turtles) are present. To reduce or eliminate adverse effects on protected marine species through interactions with in-water activities, the applicant will adhere to BMP 004 – Best Management Practices for Boat Operations and Diving Activities and BMP 010 – Marine Wildlife Viewing Guidelines. In addition, the applicant would abide by PMNM BMP 011: Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment.

The activity benefits the Monument by bringing the place to the people, increasing visibility, awareness, and educational opportunities for the Monument through still and video imagery. The project directly supports an activity in the Monument Management Plan (MMP), under the Constituency Building and Outreach (CBO) Action Plan, Activity CBO-2.3: “Support other entities’ efforts to broaden knowledge of an appreciation for Monument resources and management priorities.” (MMP Vol. 1, p. 271, 2008).

#### Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai‘i Division of Aquatic Resources, Hawai‘i 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 February 12, 2016 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 filming and photography, 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 planned activity.

2. The Exemption Class for Basic Data Collection 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. specifically 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.” This exemption class has been interpreted to include photographing and recording activities, such as those being proposed.

The proposed filming and photography activities here appear to fall squarely under the exemption class #5, exempt item #2 as described under the Exemption List for the Department of Land and Natural Resources list published in June 5, 2015 as “non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.” Filming and photography are considered data collection. As discussed below, no significant disturbance to any environmental resource is anticipated in either the filming or photographing 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.

There were no deleterious effects from previous filming and photography projects undertaken in State waters. Permittees conducting these activities are always escorted while in the field and no collections are allowed. 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 culmination of these permits, and their disparate activities, occurring throughout the Monument, is not anticipated to have significant cumulative impacts. Being that the Applicant's activities are purely observational, there would be no cumulative impact issues relating to these four permits overlapping in time.

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 filming 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.