

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

August 10, 2012

Board of Land  
and Natural Resources  
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Na'alehu Anthony, Paliku Documentary Films, for Access to State Waters to 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 Na'alehu Anthony, Paliku Documentary Films, pursuant to § 187A-6, Hawaii Revised Statutes (HRS), chapter 13-60.5, Hawaii 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:

- Nihoa Island
- Necker Island (Mokumanamana)
- French Frigate Shoals
- Gardner Pinnacles
- Maro Reef
- Laysan Island
- Lisianski Island, Neva Shoal
- Pearl and Hermes Atoll
- Kure Atoll

The activities covered under this permit would occur between September 1, 2012 and August 31, 2013.

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

**INTENDED ACTIVITIES**

The applicant proposes to film and photograph natural and cultural elements of the Monument for the purpose of obtaining new footage to supplement and update the Monument's cultural briefing video and produce a series of short film segments intended to be used by Hawai'i News Now and O'iwi T.V. Channel 326. All footage for the current cultural briefing video was obtained in 2002 by this applicant and since that time, this video has become a requirement for all permittees entering the Monument. The cultural briefing video has been shown to a wide variety of audiences with positive impact. Time has passed and cultural knowledge has naturally evolved and expanded. As such, it is necessary to update the film footage of PMNM to ensure

engagement of audiences and maintain a clear message of the Native Hawaiian cultural significance of the Monument.

The applicant and up to 4 additional persons to act as his film crew would conduct filming activities on land at Nihoa and Mokumanamana Islands around select cultural sites, under the guidance of the FWS-approved island escort and pending any State of Hawaii Historic Preservation prescribed conditions. The applicant also proposes to conduct filming activities in the marine environment (less than 100ft) and on land, with all activities conducted under the guidance of a designated Monument escort. The applicant would not pursue or film any protected species.

The project would directly benefit the conservation and management of the Monument by bringing the place to the people and increasing ocean ecosystems literacy and promoting stewardship values in line with the Monument Management Plan's (MMP's) Ocean Ecosystems Literacy Action Plan Strategy-1, "mainstreaming Northwestern Hawaiian Islands (NWHI) and ocean ecosystem literacy" (PMNM MMP 2008 Vol. I, p. 287). In addition, the project would also "integrate Native Hawaiian values and cultural information into general outreach an educational programs," as directed in the MMP's Native Hawaiian Culture and History Action Plan 5.1 (PMNM MMP 2008 Vol. I, p. 139).

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

Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

### REVIEW PROCESS

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 21st, 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. In regards to the short video pieces mentioned in Question 7.e. (page 8), how many segments does the applicant intend to produce while aboard the NOAA Ship; and how often would these pieces be sent to proposed news stations?*

The applicant responds that he intends to produce between 3-8 segments while on board the ship. There is still a looming question of bandwidth availability and whether it is even possible to compress and send images from the ship. He would like to test this data transfer well before

departing to the Monument. If the bandwidth was available then we would also propose sending VNR's (video news releases) which is substantially different than edited finished pieces to news outlets once a week to coincide with new and interesting finds on the voyage by the scientists.

*2. Who will be the qualified guide for the land based activities at Gardner Pinnacles, Lisianski, and Pearl and Hermes Atoll since there are no people present at these locations during the time of the proposed activity?*

The applicant responds that he would like Kekuewa Kikiloa to be with our team for the duration of the voyage. It was the applicant's understanding that he was a U.S. FWS certified escort and that he would have the ability to escort us.

*3. Has the applicant met all NOAA SCUBA diving requirements in order to dive from NOAA Ship HI'IALAKAI? If not, does the applicant plan to meet all diving requirement prior to departing for the Monument?*

The applicants states, "No, he has not met all the requirements at the time of this writing but intends to do so before the departure date to the Monument".

*4. We request that all footage/film be provided to the Monument in compliance with your PMNM permit reporting requirements. All ownership/credit of footage would remain with your company.*

The applicant answered that this is his understanding as well, and that he provided copies of all material from the RAMP cruises in 2002. That material proved to be very useful in subsequent years.

*5. Please provide a copy of the pre-production shot list (that the production crew will be receiving) prior to departing to the Monument.*

The applicant responds that the list is still being generated. We only recently learned of the September window being firmed up. He is also looking at different story angles that include the artist, Solomon Enos. He is also waiting on seeing a scientist crew list to further develop character stories. This information is needed before a working shot list can be derived.

*6. Ensure that all photos correctly credit the location of the photo, i.e. Midway Atoll National Wildlife Refuge part of Papahānaumokuākea Marine National Monument.*

The applicant states, "Yes".

*7. Please re-confirm the applicant does not intend to capture any footage of marine protected species (e.g. sea turtles, monk seals, dolphins), or research activities of such species.*

Mr. Anthony states, "We have no intent to do any targeted filming of any species in the Monument".

*8. If the permit is approved, the applicant will be required to comply with a number of Monument Best Management Practices (BMPs), including but not limited to, rules for*



**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 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**

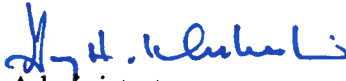
The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

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 Na'alehu Anthony, Paliku Films, 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.

Respectfully submitted,

  
Administrator

APPROVED FOR SUBMITTAL



William J. Aila, Jr.  
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:

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.**

## **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:** Na□alehu Anthony

**Affiliation:** Paliku Documentary Films DBA moe aku productions LLC

**Permit Category:** Special Ocean Use

**Proposed Activity Dates:** Our proposed activity dates are currently early June through the end of September.

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

**Proposed Locations:** Nihoa, Mokumanamana, French Frigate Shoals, Gardner Pinnacles, Laysan, Lisianski, Pearl and Hermes, Midway and Kure Atoll and their near shore waters.

**Estimated number of individuals (including Applicant) to be covered under this permit:** 4

**Estimated number of days in the Monument:** 30

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

a.) The proposed activity would...  
be videotaping animals and cultural sites to use for a new cultural briefing video that would be used to help PMNM visitors further understand the cultural richness of the region.

b.) To accomplish this activity we would ....  
shoot video in as many terrestrial sites that we can gain access to via a NOAA cruise.

c.) This activity would help the Monument by ...  
Providing for a product that can be used by all the orgs and people who enter PMNM by informing them about the cultural heritage that is preserved there.

**Other information or background:** The applicant was allowed on a NOWRAMP cruise in 2002 as the terrestrial photographer. The material that was captured in the 3 week voyage has proven invaluable for numerous video projects about the region over the past 10 years. This material needs to be refreshed in order to keep the footage relevant for future projects. All the material we collect will be high definition video, the standard for what is needed for broadcast



today. We will be working with OHA and other partners to be able to generate enough resource to be able to cover the time that we are there, the media management time, the equipment and clothing expense and the edit time needed to build these particular described products. I do not anticipate making any money above and beyond covering these expenses.

**Section A - Applicant Information**

**1. Applicant**

Name (last, first, middle initial): Anthony, Na'alehu K.

Title: Director and Photographer

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

Na'alehu K. Anthony

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

[REDACTED]

Phone:

[REDACTED]

Fax:

[REDACTED]

Email:

[REDACTED]

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

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

Paliku Documentary Films, DBA moe aku productions LLC

**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):**

Na'alehu Anthony, Director and Photographer

Amy Kalili, Producer and Writer

Lowen Rudolfo, Photographer

Kekuewa Kikilo, NFWS Monitor



**Section B: Project Information**

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

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

**Ocean Based**

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

**Location Description:**

We are planning to be berthed with a NOAA vessel on one of its cruises this year. As we are at the mercy of the needs of the cruise, the others on board, weather, and other conditions that cannot be planned for, so we will take as much land time as we can be given. Given the opportunity we would like to spend as much time as possible on Nihoa and Mokumanana but also be able to shoot material on all the atolls and basalt islands that are scheduled for stops by the NOAA vessel. We would like to be able to shoot in shallow water to help illustrate the biodiversity of the region.

**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 scope of the activities include access the terrestrial locations at PMNM to videotape the biological and cultural resources located there. The footage will be edited into a new educational cultural briefing video which will be used in place of a live person who can brief people entering PMNM about the rich cultural history that the region possess. Also we are planning to shoot a series of short segments (3-5 mins) throughout the duration of the cruise. If there is enough bandwidth available on the vessel we will be shooting, writing and editing this material while on board the vessel and sending this material back to be broadcast at a variety of venues. We have a working agreement with Hawai'i News Now (channels 5,7 and 8) and we are partners with 'Oiwitv channel 326 and both of these venues have expressed extreme interest in the material that we could collect and edit from the region. We feel this is an added value to the cruise as it would provide for positive exposure for NOAA, USFWS and the State of Hawai'i, and the scientists on board the vessel. The raw footage would be shared through the State and Federal partners to allow for new projects to be edited from.

**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?

We understand the importance of the biological and cultural protocols to ensure the purity of the sites. Also, having been to the region before, we are familiar with the cultural and biological protocols that are in place to protect the venue on multiple levels. We are happy to comply with the strict biological protocol so as to make sure that the risk to contamination is mitigated to the lowest risk possible. Our iwi Kupuna are there and we plan on making sure what we ask permission to enter with the type of cultural protocol necessary ensure successful trip. Because of the seriousness of the above protocols we have secured an agreement with a FWS approved escort, Kekuewa Kikilo.

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? We are already in the planning stage for meeting the cultural, historic, and biological protocols for this expedition. There should be no negative impacts to the region. The potential educational gain to both the community that will utilize the Cultural briefing piece as well as the public at large will be great. The applicant can also raise awareness about the region by capturing images of its cultural beauty and natural splendor hence supporting the need for special protocols and protection for the region. Further, the video segments are the best replacement for actually being there. It is the applicants intention to make the point in the video pieces that by understanding the cultural relevance of the place, all people; tourists, scientists and educators alike will come away with a deeper respect and understanding for the area.

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.

No, there is not. Because we are photographers trying to capture the uniqueness of the place, we have to go to the place to be able to capture those images. These images will allow others who will never go there to appreciate its beauty and better understand why it should be protected. We are proposing to produce a new cultural briefing video. Similarly to how the current scientific research produces new finds in the region, so does the cultural research. Scholars have been studying the region with more intensity. This research is yielding new evidence of the past relationships that Hawaiians had there. This new and exciting information should be shared with everyone who enters the area to allow for a better understanding how this region has evolved.

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

The educational potential of PMNM is immense. The people who work in the region recognize the how precious and unique this particular place really is. The hope of the project is to allow others who will never have a chance to go to PMNM to start to understand how special the place is and to become an advocate to protect it as well. I would argue that the line between the main Hawaiian Islands and PMNM didn't exist a hundred years ago and hope that we can also make the argument that the main Hawaiian islands are equally special and that people should protect our home here with as much energy and enthusiasm as we do at PMNM.

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

We are looking at spending no more than one day on each island. The challenge for us is to collect as much footage as possible given that time constraint. The rest of the time we will be aboard a NOAA ship in transit. The time on board the NOAA vessel will be

spent interviewing scientists, editing material and producing pieces that will be sent back to the news station.

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

The applicant was part of the NOWRAMP projects educational effort in 2002. We executed what many thought to be impossible. We shot, edited, and uploaded a 4 minute segment a day to provide new content to a bishop museum project about the NWHI. This was done within all the biological and cultural protocols to ensure that we minimized the impact of our being there to pursue the educational information needed to inspire students and teachers. The applicant has traveled across the Pacific on Voyaging canoes to some of the most remote place on the planet (Rapa Nui, Palau, Yap, to name a few) where mitigating impacts is also critical to the success of those places. The applicant has the qualifications through the types of projects that it produces to fit within and comply with the protocols necessary for positive results.

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 applicant is working with the Office Of Hawaiian Affairs to fund the project. We will have a FWS monitor on all the terrestrial visits. NOAA will be providing for our berths on board a NOAA vessel

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

The applicant is well versed on operating on remore regions of the Pacific and knows how to prepare and what to expect on a trip of this sort. The applicant will be methodical in the preparation and execution of the the shoot. All members of the team will be briefed on the procedures and protocols of both the ship by the ships crew and of the locations which the applicant will enter by the FWS escort. We understand that the weather contidions need to be favorable to transit from the mother ship to the islands and atolls on the smaller boats. We will be traveling with pelican cases to keep all moisture out of the gear while we are in transit to the locations. We understand that under certain circumstances we will have to either not land on the island or swim with gear to do the island. Our water avtivities will be limited to snorkeling and scuba for the purposes of capturing images of the biodiversity of the environment underwater as well



as to capture images of some of the scientists and their research while diving. We will be utilizing the small transit boats to get to and from the islands.

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

Yes, it will be a NOAA vessel.

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

At this time the applicant can conceive of no other factors that would make this proposed activity in the Monument inappropriate, but the applicant is willing to take suggestions and answer questions staff may have about the applicant's procedures or methodologies.

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

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

Yes, the products that will be edited will help to educate all those that go to PMNM. The materials will be put to DVD for the Monument to use and be available for upload to the PMNM website.

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

Yes, the core purpose of the proposed activity is to educate a broad populace of future permittees as well as people living in the main Hawaiian Islands about the cultural, biological and historical resources of Papahānaumokuākea, in part from an indigenous perspective.

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.

#### FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA

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

Yes, it gives specific information pertaining to the cultural history of the place.

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

yes

**NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project. Additionally, public notice of the application and an opportunity to provide comments is given at least 30 days prior to issuing the permit.**

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

We will bring 4-6 high definition cameras on this expedition. They will be suitable to the conditions for which we will be working on the island. All of the gear will be battery operated and there will be no need of shore power of any of the equipment that we are bringing. Each photographer will be setting up one timelapse camera and have 1-2 cameras from which they will capture high definition images from. This material will be downloaded to a double redundant drive set on board the NOAA vessel and we will insert the appropriate metadata and other tags necessary for recognition into the future. Half of the cameras will be waterproof to 100 feet the others will be carried to land in waterproof pelican cases to be opened upon terrestrial arrival. While one of the products that will come out of this expedition will be a cultural briefing video, we also intend to highlight some of the people who have made it their life's work to study and protect the region. In order to illustrate the reasons for the passion of the people working in and around PMNM, one needs to articulate the uniqueness and diversity of the region. We will need to access the widest variety of places (atolls past Nihoa and Mokumanamana) to be able to facilitate that uniqueness through the camera lens. We will be embedded with a NOAA vessel and crew and we will have a FWS escort with us for the duration of the voyage.

The pre production of the cultural briefing video has already begun. We are currently identifying the people who are researching in the region in order to develop story threads that will be shot during the trip. As these threads develop, we will develop the shot lists in tandem so as to provide the production crew with a road map of what is needed to provide for a more compelling narrative. Post production will take 90-120 days to complete after the expedition.

**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:**

yes we have a \$2,000,000 insurance policy. It is attached to this application.

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

The applicant will provide the co managers with copies of all the raw footage and the edited sequences. The cultural video helps to fulfill a requirement of the Monument Management Plan. The applicant is in conversations with 2 local television broadcast agencies ensuring that they do not have to send their own crews to this fragile location.

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

Canon video camera, Tripod, Pelican carrying cases.

**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:**

Paliku Documentary Films directed and produced the current Cultural Briefing Video for permittees accessing Papahānaumokuākea who are not able to have a live person perform their required cultural briefing before accessing the Monument. This video was used in the ceremony for the inscription of Papahānaumokuākea as a World Heritage mixed site, and is posted on 'Oiwi TV. The applicant produced the bulk of the video material that exists on the website [www.hawaiianatolls.org](http://www.hawaiianatolls.org)

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

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Signature

Date

**SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE BELOW:**

Papahānaumokuākea Marine National Monument Permit Coordinator  
6600 Kalaniana'ole Hwy. # 300  
Honolulu, HI 96825  
FAX: (808) 397-2662

**DID YOU INCLUDE THESE?**

- Applicant CV/Resume/Biography
- Intended field Principal Investigator CV/Resume/Biography
- Electronic and Hard Copy of Application with Signature
- Statement of information you wish to be kept confidential
- Material Safety Data Sheets for Hazardous Materials

## 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):** Na'alehu Anthony, Director, Producer, Photographer; Scott Kanda, Photographer; Justyn AhChong Photographer

**2. Specific Site Location(s): (Attach copies of specific collection locations):** Nihoa, Mokumanamana, French Frigate Shoals, Gardner Pinnacles, Laysan, Lisianski, Pearl and Hermes, Midway, and Kure atoll

**3. Other permits (list and attach documentation of all other related Federal or State permits):** We are in process with all permitting at this time. No permits have been granted to date.

**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.** None

**4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):**

|                                 |  |  |  |             |
|---------------------------------|--|--|--|-------------|
| Production Staff Subtotal       |  |  |  | \$33,120.43 |
| Equipment Rental Staff Subtotal |  |  |  | \$16,879.57 |

**Our total budget for this voyage is \$50,000. The funds were provided by OHA, any and all other services will be inkind.**

**5. Time frame:**

Activity start: Sept 4, 2012

Activity completion: September 24, 2012\* subject to change based on NOAA cruise schedule

Dates actively inside the Monument:

From: Sept. 5, 2012

To: Sept 23, 2012\* subject to change based on NOAA cruise schedule

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: Weather and cruise schedules are always a factor when considering the timeframe of any movement on the water

Personnel schedule in the Monument: Our team will be subject to the NOAA cruise schedule. That schedule has not been locked to our knowledge and should be taken up with monument staff.

**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:** We have a 2 million dollar general liability insurance and all team members will have DAN insurance before entering the monument. That insurance has been purchased in the past by our team members when traveling on both NOAA sanctioned cruises and while on Hokule'a. We do not foresee any complications in purchasing this insurance for this voyage.

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

- Vessel  
 Aircraft

Provide Vessel and Aircraft information: NOAA SHIP Hi'ialakai

**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):**

**It is our understanding that NOAA staff will be conducting these inspections**

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

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

Vessel name:  
Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

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

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:

Total fuel capacity:

Total number of fuel tanks on ship:

Marine Sanitation Device:

Type:

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:

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:

VMS Email:

Inmarsat ID#:

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

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

## **10. Tender information:**

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

This will be provided for by NOAA staff in charge of ship logistics



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

**11. Proposed movement of personnel, gear, materials, and, if applicable, samples:**  
We understand that the weather conditions need to be favorable to transit from the mother ship to the islands and atolls on the smaller boats. We will be traveling with pelican cases to keep all moisture out of the gear while we are in transit to the locations. We understand that under certain circumstances we will have to either not land on the island or swim with gear to do the island.

**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

## 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):** Na'alehu Anthony, Director, Producer, Photographer; Scott Kanda, Photographer; Justyn AhChong Photographer

**2. Specific Site Location(s): (Attach copies of specific collection locations):** Nihoa, Mokumanamana, French Frigate Shoals, Gardner Pinnacles, Laysan, Lisianski, Pearl and Hermes, Midway, and Kure atoll

**3. Other permits (list and attach documentation of all other related Federal or State permits):** We are in process with all permitting at this time. No permits have been granted to date.

**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.** None

**4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):**

|                                 |  |  |  |             |
|---------------------------------|--|--|--|-------------|
| Production Staff Subtotal       |  |  |  | \$33,120.43 |
| Equipment Rental Staff Subtotal |  |  |  | \$16,879.57 |

**Our total budget for this voyage is \$50,000. The funds were provided by OHA, any and all other services will be in kind.**

**5. Time frame:**

Activity start: Sept 4, 2012

Activity completion: September 24, 2012\* subject to change based on NOAA cruise schedule

Dates actively inside the Monument:

From: Sept. 5, 2012

To: Sept 23, 2012\* subject to change based on NOAA cruise schedule

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: Weather and cruise schedules are always a factor when considering the timeframe of any movement on the water

Personnel schedule in the Monument: Our team will be subject to the NOAA cruise schedule. That schedule has not been locked to our knowledge and should be taken up with monument staff.

**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:** We have a 2 million dollar general liability insurance and all team members will have DAN insurance before entering the monument. That insurance has been purchased in the past by our team members when traveling on both NOAA sanctioned cruises and while on Hokule'a. We do not foresee any complications in purchasing this insurance for this voyage.

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

- Vessel  
 Aircraft

Provide Vessel and Aircraft information: NOAA SHIP Hi'ialakai

**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):**

**It is our understanding that NOAA staff will be conducting these inspections**

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

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

Vessel name:

Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

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

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:

Total fuel capacity:

Total number of fuel tanks on ship:

Marine Sanitation Device:

Type:

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:

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:

VMS Email:

Inmarsat ID#:

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

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## **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:

This will be provided for by NOAA staff in charge of ship logistics

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

**11. Proposed movement of personnel, gear, materials, and, if applicable, samples:**  
We understand that the weather conditions need to be favorable to transit from the mother ship to the islands and atolls on the smaller boats. We will be traveling with pelican cases to keep all moisture out of the gear while we are in transit to the locations. We understand that under certain circumstances we will have to either not land on the island or swim with gear to do the island.

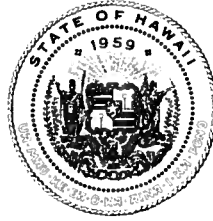
**12. Room and board requirements on island:** none

**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

August 10, 2012

TO: Division of Aquatic Resources File

THROUGH: William J. Aila, Jr., Chairperson *W. J. Aila, Jr.*

FROM: Guy Kaulukukui *Guy Kaulukukui*  
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  
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO  
NA'ALEHU ANTHONY, PALIKU FILMS, FOR ACCESS TO STATE WATERS TO CONDUCT  
PHOTOGRAPHIC ACTIVITIES UNDER PERMIT PMNM-2012-038

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 Na'alehu Anthony, Paliku Films, for Access to State Waters to Conduct Photographic Activities

Permit Number: PMNM-2012-038

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 September 1, 2012 through August 31, 2013.

The project would entail that the applicant and up to 4 additional persons (his film crew) enter PMNM and conduct filming activities on land at Nihoa and Mokumanamana Islands around select cultural sites, under the guidance of the FWS-approved island escort and pending any State of Hawaii Historic Preservation prescribed conditions. The applicant also proposes to conduct filming activities in the marine environment (less than 100ft) and on land, with all activities conducted under the guidance of a designated Monument escort. Mr. Anthony also proposes to produce a series of short segments for the R/V Hi'ialakai (PMNM-2012-009) for use by television stations.

The applicant would not pursue or film any protected species.

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

GUY KAULUKUKUI  
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

The project is in direct support of the Monument Management Plan's (MMP's) Ocean Ecosystems Literacy Action Plan Strategy-1, "mainstreaming Northwestern Hawaiian Islands (NWHI) and ocean ecosystem literacy" by increasing ocean ecosystems literacy and promoting stewardship values (PMNM MMP 2008 Vol. I, p. 287). In addition, the project would also "integrate Native Hawaiian values and cultural information into general outreach and educational programs," as directed in the MMP's Native Hawaiian Culture and History Action Plan 5.1 (PMNM MMP 2008 Vol. I, p. 139). Activities to support outreach, including "bringing the place to the people" through filmmaking and photography, as well as the television series programming to be carried out by the permittee, are addressed in the Monument Management Plan Environmental Assessment. This EA summarizes that engaging Monument constituencies through integrated communications and would result in a beneficial effect on the Monument's natural resources (PMNM MMP Vol 2, p.170).

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 March 21st 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 #4 as described under the former Fish and Game Division exemption list published in January 19, 1976. 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.

Since the designation of the Monument, nine filming and photography projects have been undertaken to date in State waters. There were no deleterious effects from the previous projects. 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 activities would be conducted from the NOAA Ship HI'IALAKAI (PMNM-2012-009) during its September cruise. The following table lists additional activities that are anticipated to take place on this cruise pending approval of permit applications.

**Table 1. Concurrent Projects Aboard NOAA SHIP HI'IALAKAI**

| Permit                                   | Purpose and Scope   | Location      |
|--|---|---------------|
| PMNM-2012-009<br>NOAA Ship<br>HI'IALAKAI | The permit allows NOAA Ship HI'IALAKAI entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.   | All locations |
| PMNM-2012-050<br>Kosaki (approved)       | The proposed action is to allow collection of fish and alien invertebrates and deployment of data loggers at mesophotic depths. | All locations |

| Permit                                   | Purpose and Scope  | Location      |
|--|--|---------------|
| PMNM-2012-038<br>Anthony (proposed)      | The proposed action is to film and photograph natural/cultural elements of PMNM to supplement and update PMNM's cultural briefing video. | All locations |
| PMNM-2012-029<br>Lammers (issued)        | The permitted action is to deploy and retrieve hydrophone arrays and 4 deep water Ecological Acoustic Recorders (EARs).                  | All locations |
| PMNM-2012-030<br>Karl (issued)           | The proposed action is to allow collection of certain coral and shallow water reef fishes.   | All locations |
| PMNM-2012-041<br>Winn and Kahng (issued) | The permitted action is to collect seawater samples to measure abiotic marine alkalinity and pH.   | All locations |
| PMNM-2012-050<br>Meyer (proposed)        | The proposed action is to allow collection of specific reef fish and top predator movements  | All locations |
| PMNM-2012-045<br>Bowen (proposed)        | The proposed action is to allow collection of specific reef fish, invertebrate and algal species   | All locations |

One additional proposed activities, Enos (PMNM-2012-053), would include filming during this time span and needs to be considered when reviewing this proposed activity. The impacts of these filming and photography activities considered both individually and together would be very minimal. Both activities are targeted at reaching the general public through different techniques- pre access training video, photographs, fine art, sketches, and paintings. As such, it would be fine to have these similar activities occurring concurrently. In addition, the diversity of these filming projects would only serve to enhance efforts to reach broad audiences with information about the Monument and its resources.

The culmination of these permits, and their disparate activities, occurring throughout the Monument over a 4-week period, is not anticipated to have significant cumulative impacts. The M/V Searcher (PMNM-2012-001) would also be in the Monument during this time frame facilitating the Intertidal Biodiversity Cruise with proposed activities by Springer (PMNM-2012-052) and Toonen-Bird (PMNM-2012-049). Since their activities would also occur in the same locations prioritized by Anthony, cumulative impacts must be considered. Being that Anthony's activities are purely observational, there would be no cumulative impact issues relating to these three permits overlapping in space and 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.

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

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Date