

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

August 23, 2013

Board of Land  
and Natural Resources  
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Ms. Pelika Bertelmann, Nā Maka o Papahānaumokuākea, for Access to State Waters to Conduct Cultural Monitoring Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument Native Hawaiian practices permit to Ms. Pelika Bertelmann, Co-Founder, Nā Maka o Papahānaumokuākea, pursuant to § 187A-6, Hawaii Revised Statutes (HRS), chapter 13-60.5, Hawaii Administrative Rules (HAR), and all other applicable laws and regulations.

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

- Nihoa Island

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

The applicant is new, but the proposed activities, cultural monitoring on land and intertidal areas of Nihoa Island, are largely a renewal of work previously permitted and conducted in the Monument.

INTENDED ACTIVITIES

The Applicant proposes to conduct cultural monitoring activities on land and intertidal areas at Nihoa Island as part of the third phase of a project dedicated to documenting the cultural history of the Monument. The first two phases of the project were conducted outside the Monument. The proposed activities would strengthen cultural connections to the Northwestern Hawaiian Islands and expand and perpetuate Native Hawaiian ecological knowledge. Up to twelve (12) personnel would access the Monument via the M/V Searcher. The M/V Searcher would be anchored

offshore on sandy substrate only, and one small boat would be used to shuttle personnel to the shoreline. Proposed activity dates are September 5 to 11, 2013.

Activities on Nihoa Island would include:

1. Overnight camping for up to four nights for up to five (5) individuals;
2. Subsistence gathering of a invertebrate intertidal species for consumption within the Monument (Table 1);
3. Observing and surveying marine and terrestrial sites in order to reconfirm oral histories; and
4. Surveying of culturally significant sites.

The Applicant is proposing to collect and consume invertebrates from the intertidal zone on the Nihoa Island (Table 1). Harvesting on shoreline for subsistence will be through hand collection and, if necessary, an 'opihi knife. Invertebrate species ('opihi, hā'uke'uke, 'a'ama, and pipipi) will be collected as whole organisms, while the marine algae (limu kohu) will be pinched or cut off leaving the holdfast on the benthic substrate. After consuming the organisms, all shells will remain in the Monument.

Table 1: Proposed list of species to be collected for consumption.

Species	Proposed maximum collection limits (per person)	Total collections (for 14 people over 7 days)
'opihi or limpet ( <i>Cellana exarata</i> and <i>Cellana sandwicensis</i> )	5 (mid-range 2-4 cm) or 2 (large 4+ cm) per day	96 to 249 organisms
hā'uke'uke or helmet urchin ( <i>Colobocentrotus atratus</i> )	2 per day	96 organisms
'a'ama or rock crab ( <i>Grapsus tenuicrustatus</i> )	2 per day	96 organisms
pipipi or black nerite snail ( <i>Nerita picea</i> )	10 per day	480 organisms
limu kohu or marine algae ( <i>Asparagopsis taxiformis</i> )	one hand sized compact ball	14 balls

All surveys would be non-intrusive and no excavation activities would occur. In order to reduce human impacts to Nihoa Island, the applicant would abide by Monument Best Management Practices for Activities on Nihoa that specify camping protocols, protocols to reduce impacts to cultural and natural resources, and human presence restrictions (no more than fourteen (14) personnel shall be authorized to be on Nihoa at any one time and overnight camping is restricted to no more than five (5) individuals). Permitted personnel would be escorted at all times by an approved U.S. Fish and Wildlife Service (FWS) escort, experienced and trained to safely access Nihoa Island with no adverse impact to native species or cultural sites. Beach access at Nihoa Island would be prohibited and landing on the island would only occur in the rocky intertidal zone when no Hawaiian monk seals and sea turtles are present at the landing sites. Furthermore, all personnel would avoid all areas where Hawaiian monk seals and sea turtles haul out.

The activities proposed by the Applicant directly support the Monument Management Plan's priority management needs through 3.1.2 – Native Hawaiian Culture and History Action Plan

(Strategy NHCH-2: Conduct, support, and facilitate Native Hawaiian cultural access and research of the NWHI over the life of the plan). Within this strategy, Activity NHCH-2.6 describes “observing and reconnecting with natural and spiritual resources” and cultural monitoring activities on land and in intertidal areas of Nihoa Island fit within this strategy.

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

- Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging any living or nonliving monument resource
- Anchoring a vessel
- Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument
- Subsistence fishing (State waters only)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

#### REVIEW PROCESS:

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

#### **Comments received from the scientific community are summarized as follows:**

Scientific reviews support the acceptance of this application.

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

#### **1. How is all of their waste going to be handled?**

*The Applicant states that all waste will be removed off of the island and contained in trash bags and/or buckets.*

#### **2. How will the applicants balance the limited area accessible for harvesting intertidal species and the large number of individuals requested for harvesting (96-249 'opihi, 96 ha'uke'uke, 96 'a'ama, 480 pipipi), in order to ensure that an ecologically sufficient number of appropriately sized individuals remain?**

*The Applicant explains that the collection will be spread out across the intertidal zone selectively harvesting appropriate sizes and amounts ensuring we don't over harvest in one location or over stress a specific species. The numbers included in the permit were based on everyday harvesting*

*if time and weather allowed but they do not foresee the group harvesting and consuming every species quota, every day. Harvesting will only take place if the species and amounts taken will have minimal impact on the resource (i.e. not clearing a whole rock but selectively harvesting across a large area, harvesting not too small (saving babies) and not too large (saving key reproducers)).*

- 3. Access routes (hiking paths) as defined by this permit need more clarity, but defining them appears to be an important and acknowledged next step with the US FWS. Increased articulation of access routes with USFWS personnel will empower group and agency to avoid any potential direct, indirect and cumulative impacts of the proposed activity. Please provide clarification.**

*The Applicant explains that travel on island will be in streambeds, ridgelines, and other exposed bedrock where the ground surface is visible, and not obscured by vegetation, so as to ensure it is not occupied by a nest. The group will travel in a tight line, following escort, single file movements, stepping on each other's' footsteps.*

- 4. There is no explicit statement of a time line involving publication, but it is assumed that they will publish shortly after the access. (see 15b). There is also no description on where the information compiled during this project will be disseminated or the dissemination of findings to broader communities. Please clarify.**

*The Applicant states that no formal publications are anticipated but a series of follow up presentations on Kauai will take place at the end of the year. A final report on the access and project will be given to funders.*

- 5. We understand that the applicant has revised their request to have all 12 individuals camp on Nihoa at one time; and that instead, smaller groups (5 individuals) will be camping. Please confirm that the entire group will be on the island during the day. In addition, please describe any changes to the permitted activities resulting from this, specifically in regards to the number of transfers to and from the vessel.**

*The Applicant states marine transfers from the Searcher to landing site will be made on a small zodiac to the rocky shoreline. No shoreline with turtles and/or monk seals will be approached.*

- 6. Received the additional waiver information that only 5 people would be overnighting at Nihoa, but that 12 people would be present during the day.**

*The Applicant answers, yes only 5 will overnight on Nihoa joined in the day by the rest of the group as stated in the BMP.*

- 7. With that many people on island, it would be best to avoid any bird reproductive/mating seasons and/or periods when young birds are fledging.**

*The Applicant states that the activity will be in September when the fewest seabird eggs and small chicks are present; vegetation is at its annual minimum, making cultural sites more visible and easier to avoid; and not during the average peak monk seal breeding period.*

- 8. Nihoa is host to numerous endemic species, flora and fauna, a large number of which are endangered. The group should be accompanied by a USFWS escort during their time on the island.**

*The Applicant answers, yes a USFWS approved escort will accompany the group at all times.*

- 9. Introduction of invasive species to the island is a concern. All equipment and persons should be checked (quarantine) before arriving at Nihoa.**

*The Applicant states that all measures to ensure introduction of any invasive species will be taken. All clothing worn on island will be bought new and frozen for a minimum of 48 hours. Permittee is requesting the use of FWS and ONMS Nihoa gear.*

- 10. Received the additional waiver information that only 5 people would be overnighing at Nihoa, but that 12 people would be present during the day.**

*The Applicant answers, yes, the applicant will be adhering to all Best Management Practices for Nihoa.*

- 11. We request that this permit be carefully evaluated under ESA section 7 for individual and cumulative impacts to resting monk seals and sea turtles at both the beach and landings sites (in light of the numerous applications requesting access to Nihoa during this time period), and the applicants be fully briefed on any special conditions derived from such consultations.**

*The Applicant explains that ESA section 7 consultation has been initiated with National Marine Fisheries Service - Pacific Island Regional Office - Protected Resources Division and is awaiting a letter of concurrence.*

- 12. All activities requested in the application should be evaluated for NEPA compliance and impacts on protected species and essential fish habitat prior to issuance. For applications PMNM-2013-021 and 023, the examination of potential impacts to hauled-out monk seals and sea turtles at the beach and landings sites (both from individual access and cumulative impacts for the three permits requesting access to Nihoa during this time frame) are of particular importance. The outcome of these consultations may require the applicant to adhere other NMFS-prescribed conditions.**

*The applicant's proposed activities would be in compliance with NEPA.*

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

Cultural reviews support the acceptance of this application.

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

No comments were received from the public on this application.

**Additional reviews and permit history:**

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:

- A consultation pursuant to section 106 of the National Historic Preservation Act (NHPA) is underway to ensure that no adverse impacts to cultural sites on Nihoa Island are anticipated from the conduct of proposed activities. The outcome of this consultation may require the applicant to adhere to other Native Hawaiian cultural recommendations and/or State Historic Preservation Division-prescription conditions. Such conditions would be reflected in the Monument permit prior to permit issuance.
- A Section 7 informal consultation pursuant to the Endangered Species Act of 1973 is underway to analyze the effects of conducting cultural observations and protocol on land at Nihoa Island and subsistence gathering of invertebrates from the intertidal zone surrounding Nihoa Island on Hawaiian Monk Seals, Hawksbill Sea Turtles, Green Sea Turtles, and monk seal critical habitat. The outcome of this consultation may require the applicant to adhere to other NOAA-NMFS prescribed conditions. Such conditions would be reflected in the Monument permit prior to permit issuance.
- The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment (“DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT NATIVE HAWAIIAN PRACTICES PERMIT TO MS. PELIKA BERTELMANN, NĀ MAKA O PAPAĀNAUMOKUĀKEA, FOR ACCESS TO STATE WATERS TO CONDUCT CULTURAL MONITORING ACTIVITIES UNDER PERMIT PMNM-2013-023”)

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

If so, please summarize past permits:

- All activities proposed, including cultural monitoring activities on land and intertidal areas of Nihoa Island, have been previously permitted in the Monument for different applicants (PMNM-2007-024 Kanahahele, PMNM-2008-041 Kikiloi, PMNM-2009-021 Kikiloi-Graves, PMNM-2009-023 Kanahahele, PMNM-2011-036 Kanahahele, PMNM-2011-039 Kikiloi-Graves, PMNM-2012-038 Anthony, and PMNM-2012-052 Springer). Personnel that would be participating in these activities have participated in past approved permitted activities previously listed.

Have there been any a) violations:      Yes       No

b) Late/incomplete post-activity reports: Yes  No

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

STAFF OPINION:

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for his application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with certain special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Native Hawaiian Practices 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.

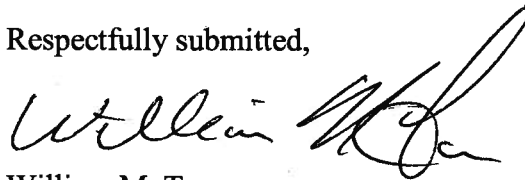
RECOMMENDATION:

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 Native Hawaiian Practices Permit to Ms. Pelika Bertelmann, Nā Maka o Papahānaumokuākea, with the following special conditions:
  - a. This permit is not to be used for nor does it authorize the sale of collected organisms. Under this permit, the authorized activities must be for noncommercial purposes not involving the use or sale of any organism, by-products, or materials collected within the Monument for obtaining patent or intellectual property rights.

- b. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
- c. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
- d. 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.
- e. No fishing is allowed in State Waters except as authorized under state law for subsistence, traditional, and customary practices by Native Hawaiians.
- f. If there is any Hawaiian monk seal or any other protected species in the area when performing any permitted activity shall cease until the animal(s) depart the area, except as permitted for specific management of that species.
- g. For all activities requiring landing on uninhabited islands an authorized staff escort trained for each particular inhabited island will be included on the landing team.

Respectfully submitted,



William M. Tam  
Acting Administrator

APPROVED FOR SUBMITTAL



William J. Aila, Jr.  
Chairperson



## **Papahānaumokuākea Marine National Monument** Native Hawaiian Practices Permit Application

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

### **ADDITIONAL IMPORTANT INFORMATION:**

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

### **INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

Send Permit Applications to:

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

Honolulu, HI 96825

nwhipermit@noaa.gov

PHONE: (808) 397-2660 FAX: (808) 397-2662

**SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR ADDITIONAL SUBMITTAL INSTRUCTIONS, SEE THE LAST PAGE.**

## **Papahānaumokuākea Marine National Monument Permit Application Cover Sheet**

This Permit Application Cover Sheet is intended to provide summary information and status to the public on permit applications for activities proposed to be conducted in the Papahānaumokuākea Marine National Monument. While a permit application has been received, it has not been fully reviewed nor approved by the Monument Management Board to date. The Monument permit process also ensures that all environmental reviews are conducted prior to the issuance of a Monument permit.

### **Summary Information**

**Applicant Name:** Pelika Bertelmann

**Affiliation:** Na Maka o Papahanaumokuakea

**Permit Category:** Native Hawaiian Practices

**Proposed Activity Dates:** 9/5/2013 – 9/11/2013

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

**Proposed Locations:** Nihoa Island

**Estimated number of individuals (including Applicant) to be covered under this permit:**  
Twelve (12) individuals are to be covered under this permit.

**Estimated number of days in the Monument:** 7 days

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

**a.) The proposed activity would...**

The proposed activities would entail conducting the third phase of Na Mo'olelo o Papahanaumokuakea project: documenting histories about Papahanaumokuakea from Kaua'i and Ni'ihau communities. Once histories are collected, cultural researchers will 'ike maka, or see for themselves, these storied places and build their relationships to the North Western Hawaiian Islands based on those histories or through the eyes of their kupuna. Activities will also help support a continued relationship between the Native Hawaiian communities and the North Western Hawaiian Islands for current and future generations.

Activities while on Nihoa and within the monument will include:

1. general observation of activities in the ocean, on island, and in the sky to gain an understanding of seasonal characteristics of place to be tracked across time and compared with other sites throughout the Hawaiian archipelago (Kure through Hawaii) that are monitored in the same way (Huli'ia).
2. Surveying of marine and terrestrial sites reconfirming oral histories and practice along with linking collected histories to physical place.

3. Conducting monitoring and assessment of various zones on the island (kahakai, pali, kula, etc) as a cultural resource within cultural contexts.
4. Mapping of agricultural terraces on the plateau between Middle and Miller valleys (Scott Kikilo'i) to document the extensive agriculture system in place on Nihoa for future restoration work or unforeseen activities (natural or human) that may impact and alter these sites.
5. Cultural use and resource gathering in regards to kilo (observers) and holomoana (voyaging) and scouting of a potential Pa nana (panana) or viewing platform to be utilized by navigators and voyagers in training.
6. Subsistence gathering to reestablish and strengthen traditional relationships to our 'aina (feeder – sustenance). Consumption feeds physical, spiritual, and cultural health rooting us in our ancestral ties and customary practices. Consumption allows us to be nurtured and nourished by place and genealogy. Our islands and the resources thriving here are older siblings and customary relationships are based on the reciprocal practice of being fed and cared for by our older siblings while we care for and “feed” them in return. Our activities while on island contribute to caring for place further supporting the traditional relationship of younger siblings caring for an elder.

The Nihoa access is a key component to the culmination of this project through the connection of stories collected by our team to our living culture and the role Nihoa still plays within our Native Hawaiian community. It is necessary for the entire group to experience this access together as one, strengthening our cultural relationship to place, attaining answers to our cultural questions, and the conducting of Native Hawaiian research. We would not be able to experience or accomplish the planned activities with expected results if our group is required to split into 2 smaller units and rotate on and off the island in shifts. We humbly ask for a waiver for our whole party of 12 to be on Nihoa at the same time collectively sharing the space, experience and research.

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

To accomplish these activities we would work as a group through our proposed 4 days on island:

1. Documenting our daily observations during evening debriefs to address seasonal characteristics of place. Observations that capture characteristics of weather, cloud and wind behavior, events associated with the sun and other celestial bodies, behavior of flora and fauna on and about the island (reproducing, migration, presence/absence, seeding, shooting, flowering), precipitation, wave action, intertidal habitat growth/reduction, congregating fish behavior, food chain observations, etc.
2. Through other proposed activities reflect on the historical accounts recorded previously to further support application and function of these histories on Nihoa and build a clearer – more tangible picture of how people lived on Nihoa and the social/natural dynamics of that lifestyle and/or experience.
3. Conducting general site based surveys of the presence and absence of elements within known Hawaiian defined zones to understand similarities/differences and potentially provide a teaching tool and resource for use in our Hawaiian communities on the natural and cultural environment of Nihoa breaking the zones up into characterizations including historic function of each zone according to the natural resources and cultural sites found.

4. Partially or completely mapping of one agriculture field system to have an extensive record of the land use and a better understanding of how the natural landscape of Nihoa was altered to best support a population, temporary or permanent.
5. Survey the island for observation platforms previously used for reading of weather in support of survival and resilience on Nihoa, navigation and voyaging.
6. Gather edible resources for subsistence and the strengthening of traditional relationships to place.

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

These activities will help the monument by explaining the function of existing habitation sites, agricultural field systems, wall structures, and other cultural sites as well as purpose and function of these cultural resources along with existing natural resources in regards to historic, Native Hawaiian history on Nihoa. It also supports and strengthens Native Hawaiian relationship with the environment, strengthening the Native Hawaiian communities tie to the North Western Hawaiian Islands and the responsibility we have in caring for our islands within the monument. These activities will also strengthen cultural and spiritual connections to the North Western Hawaiian islands and foster the expansion and perpetuation of Native Hawaiian Ecological knowledge in today's changing climate and world.

Through the various proposed activities, the monument will further be supported by addressing the four elements within Action Plan 3.1 Understanding and interpreting the NWHI management needs stated in the monument management plan: Marine conservation sciences, native Hawaiian culture and History, Historic Resources, and Maritime Heritage.

1. The desired outcome of the Marine Conservation Science Action plan will be fulfilled through contributing to understanding of the distribution, abundance and functional linkages of marine organisms and their habitats in space and time to improve ecosystem-based management. Our observation activities have been formally conducted over the past 3 years within the monument and across the entire archipelago helping us understand seasonal characteristics and natural indicators to better understand cycles in place and time helping to address conservation and management initiatives to support a healthy, balanced Hawaii.
2. The desired outcome of the Native Hawaiian Culture and History Action Plan will be fulfilled by increasing the understanding of historic activities and events within the monument as well as the understanding of cultural sites and the function of these sites in past, present and future contexts for cultural, educational, and scientific values. Our activities will further support this strategic plan by:
  - a. Identifying, prioritizing, and conducting research needs,
  - b. Conducting Native Hawaiian Access and research,
  - c. Increasing cultural resource management capacity,
  - d. Fulfilling outreach and education activities within the Native Hawaiian communities on the Main Hawaiian Islands.
3. The desired outcome of the Historic Resources Action Plan will be fulfilled by identifying and documenting historic resources within the monument through working with cultural practitioner, Dr. S. Kekuewa Kikiloi, in recording of site information,

surveying and documenting artifacts and monitoring impacts to historic sites. These activities will further support the documentation and inventorying of historic resources beyond Midway Atoll.

4. The desired outcomes of the Maritime Heritage Action Plan will be fulfilled by identifying, interpreting, and protecting maritime resources in the monument through working with cultural practitioner and pwo navigator Chadd Paishon in identifying historically used sites for training in preparation for voyages and identifying sites that can be protected for future use in training in preparation for future voyages within the monument and across the Pacific/world. The proposed product or resulting finds from these activities will also ensure the continuation of maritime activities within the monument that align with the monument management plan.

**Other information or background:**

**Section A - Applicant Information**

**1. Applicant**

Name (last, first, middle initial): Bertelmann, Pelikaokamana'o'i'o, KK

Title: Co-Founder, Na Maka o Papahanaumokuakea and Project manager

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

See above

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

Na Maka o Papahanaumokuakea – Project Lead  
Office of Hawaiian Affairs – Project funder  
Papahanaumokuakea Marine National Monument – Project Funder  
Keaholoa STEM Scholars Program – UH Hilo – Project Funder

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

Cultural Practitioner – Pelika Bertelmann  
Cultural Practitioner - Kaleo Bertelmann  
Cultural Practitioner – Nick Kealii Sagum  
Cultural Practitioner – Kauī Fu  
Cultural Practitioner – Kamealoha Forest  
Cultural Practitioner – Wiliama Kaohelaulii or alternate  
Cultural Practitioner – Carlos Andrade or alternate  
Cultural Practitioner – Kalei Nuuhiwa  
Cultural Practitioner – Chadd Paishon  
Cultural Practitioner – Dr. Scott Kekuewa Kikiloi  
Cultural Practitioner – Oiwi Representative  
Cultural Practitioner – Kalei Shintani or alternate

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

**Ocean Based**

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

Location Description:

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

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

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

The purpose of the proposed activities will be to complete the third phase of Na Mo'olelo o Papahānaumokuākea project: documenting histories about Papahānaumokuākea from Kaua'i and Ni'ihau communities AND also support a continued relationship between the Native Hawaiian communities and the North Western Hawaiian Islands for current and future generations through reconnecting Hawaiian cultural practitioners with the North Western Hawaiian Islands, Papahānaumokuākea. Through the proposed activities we hope to establish and strengthen cultural ties to these islands and increase the capacity of Hawaiian communities in the Main Hawaiian Islands to extend their commitments and responsibilities to encompass our entire Hawaiian archipelago from Hawaii Island to Kure (Holaniku) Atoll.

The proposed activities are intended to honor our islands, our genealogies, and generations to come through expanding and building on the relationships we have to these islands and continuing cultural access into the monument.

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

*The Findings are as follows:*

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

All activities proposed in this permit application were permitted in previous accesses (PMNM-2008-041 Kikiloi, PMNM-2009-021 Kikiloi-Graves, PMNM-2011-039 Kikiloi-Graves, PMNM-2012-038 Anthony, PMNM-2012-052 Springer, PMNM-2007-024 Kanahale, PMNM-2009-023 Kanahale, PMNM-2011-036 Kanahale) and have adequate safeguards on monument cultural, natural, and historic resources and ecological integrity. All participants will have had an in-depth briefing and orientation of Nihoa along with a briefing on boat safety and procedures, cultural protocols, and biological and ecological resource orientation, egg/chick avoidance, subsistence fishing, gear preparation and packing procedures safety will be given by S. Kekuewa Kikiloi or Kalei Nuuhiwa. All participants possess and have contributed to the knowledge on cultural and historic importance of the monument and have done extensive research on the cultural/historic value of Nihoa to Hawaii's history.

Participants will also abide by all quarantine and packing protocols established by the monument and undergo a section 106 National Historic Preservation Act consultations with the State Historic Preservation Division.

All participants will abide by the safety rules and guidelines pertaining to the health and welfare of the flora, fauna, and archaeological sites of Nihoa.



*b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects?*

The proposed activities align with the monument management plan and the intended purposes of the monument, which is to preserve access for Native Hawaiian cultural activities. Activities are intended to enhance our understanding of the North Western Hawaiian Islands through traditional relationships and activities. Activities are not meant for commercial purposes. All activities will be conducted by all levels of Hawaiian practitioners and will be led by knowledgeable and respected Native Hawaiian cultural practitioners. The experiences and activities will benefit the Native Hawaiian community, the communities within Hawaii and also the monument through deepening the understanding of the North Western Hawaiian islands in past, present and future contexts. No activity will deliberately cause harm or disruption to any resources on the island. All activities will increase the cultural knowledge and function of Nihoa and Papahānaumokuākea.

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

There is no other practicable alternative. This project is Nihoa (and North Western Hawaiian Island) centric. The access is to support the purpose completing the third phase of Na Mo'olelo o Papahānaumokuākea project: documenting stories about Papahānaumokuākea from Kaua'i and Ni'ihau communities AND also support a continued relationship between the Native Hawaiian communities and the North Western Hawaiian Islands for current and future generations through reconnecting Hawaiian cultural practitioners with the North Western Hawaiian Islands, Papahānaumokuākea. The activities, if done elsewhere, would not support this purpose.

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

No adverse impacts are anticipated as a result of our proposed activities. There will be minimal impact to the rocky shoreline in harvesting marine edibles for subsistence. Please see Appendix A: Harvesting Protocols for proposed methods, species and collection quantities. These impacts will not be adverse and will be done in a way to compliment and support a healthy ecosystem.

If there is any Hawaiian monk seal or any other protected species in the area when performing any permitted activity, the activity shall cease until the animal(s) depart the area. The applicant and those working under any permit issued for this activity shall be familiar with the *Human Hazards to Seabirds Briefing* (PMNM BMP #003, May 2007), *Best Practices for Minimizing the Impacts of Artificial Light on Sea Turtles* (PMNM BMP # 009, February 2008), *Marine Wildlife Viewing Guidelines* (PMNM BMP #010, May 2012), *Precautions for Minimizing Human Impacts on Endangered Land Birds* (PMNM BMP #012, December 2008), and *Best Management Practices for Activities on Nihoa* (PMNM BMP #016, January 2012) documents.

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

The time requested is sufficient enough for participants to gain insight into the cultural and historic value of Nihoa and establish a fundamental foundation to grow from.

*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 is a Hawaiian cultural practitioner able to read, write and converse in the Hawaiian language. She is continuously active within the Hawaiian Language Immersion schools, OHA, Papahānaumokuākea Marine National Monument (OHA Native Hawaiian Working Group and Reserve Advisory Council member) and greater Hawaiian community. In her current position with the University of Hilo STEM Scholars Program she cultivates and encourages the incorporation of cultural knowledge and perspective. She works to enhance participants' scholastic journeys in application to their lives, and their relationship to these islands and the broader world. She has previously been employed by Hawaii Community College as a lecturer. There she taught, developed curriculum and teaching materials for courses covering Hawaiian plant significance, Hawaiian ethnobotany, Pacific voyaging genealogy, canoe rigging and maintenance, sailing strategy, plotting, non-instrumental navigation with celestial bodies, weather, ocean conditions and other natural occurrences.

Nine of the participants have been in Papahānaumokuākea with four having previous experience on Nihoa and/or Mokumanamana (similar landscapes and needs). Collectively, the participants have the experience to safely and appropriately access Nihoa, assess and monitor the zones of Nihoa, conduct surveys of cultural sites, gather and harvest for subsistence, and establish a platform or site for observation and training in navigation and voyaging. All proposed activities have been successfully done by participants on other projects within the monument or on the Main Hawaiian Islands.

The range of participants was specifically chosen for their intelligence, knowledge, and experience. The four advisors on the project are recognized resources ("experts") on voyaging and navigation, celestial movements and ecological knowledge pertaining to traditional Hawaiian seasons, land management and use, cultural resource management and a combination of ethno-history and archeology specifically within the North Western Hawaiian islands. The four primary researchers are all genealogically tied to Kauai and Niihau and through research and previous education and experience, are qualified to participate and contribute to all the activities within this permit application. All participants have previous experience and are aware of the special protocols and conducts of visiting and interacting with culturally sensitive and protected areas.

We will consult with FWS to ensure that all activities are in accordance with the monument's BMPs. Based on these communications, appropriate preparations will be made and equipment

obtained in regards to lodging (i.e. tent cots, mummy sleep sacks, etc.), emergency preparedness, safety, communication and first-aid.

*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 has secured financial resources necessary through grants and private donor funding to secure a vessel (MV Searcher) for the duration of the trip. Resources have also been secured to initiate pre-access training and orientation sessions as well as equip all participants with the necessary resources to access Nihoa and abide by all the quarantine and packing guidelines established by the monument.

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

All activities of the permit have been performed by participants previous to the proposed access at other sites (and some within the monument) and all within the contexts mentioned within this permit application. All these activities have supported the building and strengthening of relationships between Native Hawaiians and their “natural” environment and will support the same goal with the monument, specifically Nihoa.

The proposed activities will also establish and strengthen cultural ties to these islands and increase the capacity of Hawaiian communities in the Main Hawaiian Islands to extend their commitments and responsibilities to encompass our entire Hawaiian archipelago from Hawaii Island to Kure (Holaniku) Atoll. All activities are in line with accepted cultural and western scientific methodology and procedures.

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

The MV Searcher will comply with all regulations and is outfitted with a type-approved Vessel Monitoring System.

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

None.

#### *ADDITIONAL FINDINGS FOR PROPOSED NATIVE HAWAIIAN PRACTICES*

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

Nothing will be collected on this trip except the harvesting for subsistence, which will be consumed on island and will not be removed from the monument. No organisms or parts of organisms collected for subsistence will be removed for commercial purposes or taken from the monument.

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

The proposed activities in the application will be to explore and understand already documented historic/cultural activities on Nihoa and revisit the intent, essence, and, relationship of these documented cases through first hand experience. Above and beyond understanding these historic relationships and activities, Native Hawaiians have, and continue to, observe and document the natural (familial) cycles surrounding us to better understand our role within the system so our activities and lifestyles have minimum impact on our island home, or genealogically speaking, on our elder siblings. The activities within the permit support this fundamental cultural practice of observation and connectivity to our environment and the core relationship we have to place. It also supports the deepening of understanding and responsibility we have to the North Western Hawaiian Islands. These are core foundations to traditional systems of management of our natural resources, which have sustained Native Hawaiians for over 2000 years.

We also come from an extensive history of voyaging and exploration. These historic activities are well documented through the histories of Pikoi, Hawaiiiloa, Makalii, Moikeha, Pele, Hiiaka, and in historic times, Queen Emma, King Kalakaua, Queen Liliuokalani, and crewmembers of Hokulea, Hawaiiiloa, Makalii, Hokualaka'i, and Iosepa. Our oceans tie us together and ocean highways continue to be travelled. Our journey on the ocean will follow in the wake of countless others continuing this proud legacy.

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

The proposed activities benefit the resources of the North Western Hawaiian Islands and the Native Hawaiian communities by deepening our understanding of the North Western Hawaiian Islands; naturally, spiritually, culturally, and historically. Our access will contribute to the breath of knowledge previously documented and further build our relationship to our Hawaiian archipelago. Through this deepened understanding, we also build on our cultural/traditional responsibilities to care for these islands through future initiatives and interactions.

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

The proposed activities support and advance the perpetuation of traditional knowledge and ancestral connections by ensuring the documentation and application of oral histories within the

North Western Hawaiian Islands. Through understanding already documented historic/cultural activities on Nihoa and revisiting the intent, essence, and relationship of these documented cases through first hand experience, we ensure the continuation and perpetuation of cultural relationships to place while redefining contemporary roles of these islands in a traditional/Hawaiian cultural context.

Through observation activities and documenting natural (familial) cycles surrounding us we also gain a better understand of our role within the system so our activities and lifestyles have minimum impact on our island home, or genealogically speaking, on our elder siblings. Our environment continues to shift and change and we evolve, or should, be evolving along with it. We support, advance, and honor our traditional knowledge and ancestral connections through understanding our Hawaii in 2013 ensuring a thriving-living Hawaiian culture applicable in time and place though deeply rooted foundations in our familial-traditional relationship to our islands, environment, and each other.

In regards to voyaging and participating in strengthening this practice within our proposed activities, we further support function of traditional knowledge systems and ancestral connections in this place and time continuing a legacy of growth and adaptation.

All activities stem from traditional/cultural relationships (ancestral connections) linking us to our past, to support us in the activities of today, to plan for our future.

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

Yes, all resources harvested in the monument will be consumed in the Monument.

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

Our vessel will anchor off Nihoa and our group will land on island for an estimated duration of 5 days and 4 nights. The group will conduct all activities stated in this permit application. We will deliberately observe and comply with all the policies and rules that support and maintain the healthy ecological integrity of the island's natural and cultural resources, and will conduct ourselves in a culturally appropriate manner as to avoid any damage or disruption to the health and well being of Nihoa. A ship berth has been reserved for a designated NOAA employee or representative as an escort for this trip.

Base camp for sleeping and meals: called basecamp, at the base of Miller on plateau where land starts above cliff/pali. As stated before we humbly request that the entire group of 12 individuals be allowed site access together as one to enable and enhance the fulfillment of the permitted activities' goals.

Surveys: All methods will be non-intrusive. No excavation. GPS units, Compass and removable survey flags will be used to survey agriculture field system on the mid-valley plateau between Miller and Middle. Survey flags will be placed on the perimeters and near/on the side of rocks and structures.

Other hiking and/or research sites: The idea behind the access is to experience and deepen our relationship with place through the histories collected from Kauai and Ni'ihau as well as through the experiences and knowledge of our group. To deepen our relationship with place we plan to visit sites and walk through most of the island to better understand how our ancestors lived, gain insight on the living conditions and challenges they faced while living on Nihoa, and building a deeper understanding of the cultural, spiritual, physical needs of Nihoa. Our method of choosing destinations will be determined by the interests and expertise within our group (navigation, kilo, archeology, wayfinding, native plants, malama aina) and direction we receive from kupuna and na'au. We do not expect to visit and/or tour the entire island and are certain that specific places will attract our attention, but we are unsure of exact hiking destinations at this point in time. Because of this uncertainty, we are including the entire island as potential destinations.

What we are certain of at this point is: For wayfinding, navigation, and kilo, we will be exploring high points and peaks as vantage points for observation (sunrise, sunset, visible wind lines, cloud behavior, celestial movement, etc.) We will be conducting surveys at mid-valley plateau. We plan to visit the groves of loulu palms. We will consult with FWS to ensure that all proposed activities follow required protocols as defined by the monument's BMPs.

**NOTE: If land or marine archeological activities are involved, contact the Monument Permit Coordinator at the address on the general application form before proceeding, as a customized application will be needed. For more information, contact the Monument office on the first page of this application.**

**9a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):**

Please see Appendix A: Harvesting Protocol.

Common name:

Scientific name:

Hawaiian name:

# & size of specimens:

Collection location:

Whole Organism  Partial Organism

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

All specimens will be consumed and shells will remain in the monument.

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

• General site/location for collections:

• Is it an open or closed system?  Open  Closed  
NA

• Is there an outfall?  Yes  No  
NA

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

• Will organisms be released?  
No, they will be consumed.

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

N/A

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

Cultural offerings of pa'akai (salt) and wai (water) may remain in the Monument.

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

Specialized gear and materials used for permitted activities to include: 'opihi knife, GPS units, compass, and removable survey flags. We will consult with FWS to determine camping materials and to ensure compliance with the monument's BMPs.

Based on these communications, appropriate preparations will be made and equipment obtained in regards to lodging (i.e. tent cots, mummy sleep sacks, etc.), emergency preparedness, safety, communication and first-aid.

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

N/A

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

This access is largely supported by both Papahānaumokuākea Marine National Monument NOAA office and the Office of Hawaiian Affairs. Reports will be distributed to both agencies.

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

Yes  No

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

A written summary will be completed immediately following the access.

**16. If applicable, list all Applicant's publications directly related to the proposed project:**

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

---

Signature

Date

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

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

**DID YOU INCLUDE THESE?**

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



NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

August 23, 2013

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

ESTHER KIA'AINA  
FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

TO: Division of Aquatic Resources File

THROUGH: William J. Aila, Jr., Chairperson *[Signature]*

FROM: William Tam *[Signature]*  
Water Deputy and Acting Administrator, Division of Aquatic Resources

SUBJECT:

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHAŌNAUMOKUĀKEA MARINE NATIONAL MONUMENT NATIVE HAWAIIAN PRACTICES PERMIT TO MS. PELIKA BERTELMANN, NĀ MAKA O PAPAHAŌNAUMOKUĀKEA, FOR ACCESS TO STATE WATERS TO CONDUCT CULTURAL MONITORING ACTIVITIES UNDER PERMIT PMNM-2013-023.

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

Project Title:

Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit to Ms. Pelika Bertelmann, Nā Maka o Papahānaumokuākea, for Access to State Waters to Conduct Cultural Monitoring Activities

Permit Number: PMNM-2013-023

Project Description:

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

The Applicant proposes to conduct cultural monitoring activities on land and intertidal areas at Nihoa Island as part of the third phase of a project dedicated to documenting the cultural history of the Monument. The first two phases of the project were conducted outside the Monument. The proposed activities would strengthen cultural connections to the Northwestern Hawaiian Islands and expand and perpetuate Native Hawaiian ecological knowledge. Up to twelve (12) personnel would access the Monument via the M/V Searcher. The M/V Searcher would be anchored

ITEM F-2c

offshore on sandy substrate only, and one small boat would be used to shuttle personnel to the shoreline. Proposed activity dates are September 5 to 11, 2013.

Activities on Nihoa Island would include:

1. Overnight camping for up to four nights for up to five (5) individuals;
2. Subsistence gathering of a invertebrate intertidal species for consumption within the Monument (Table 1);
3. Observing and surveying marine and terrestrial sites in order to reconfirm oral histories; and
4. Surveying of culturally significant sites.

The Applicant is proposing to collect and consume invertebrates from the intertidal zone on the Nihoa Island (Table 1). Harvesting on shoreline for subsistence will be through hand collection and, if necessary, an ‘opihi knife. Invertebrate species (‘opihi, hā‘uke‘uke, ‘a‘ama, and pipipi) will be collected as whole organisms, while the marine algae (limu kohu) will be pinched or cut off leaving the holdfast on the benthic substrate. After consuming the organisms, all shells will remain in the Monument.

Table 1: Proposed list of species to be collected for consumption.

Species	Proposed maximum collection limits (per person)	Total collections (for 14 people over 7 days)
‘opihi or limpet ( <i>Cellana exarata</i> and <i>Cellana sandwicensis</i> )	5 (mid-range 2-4 cm) or 2 (large 4+ cm) per day	96 to 249 organisms
hā‘uke‘uke or helmet urchin ( <i>Colobocentrotus atratus</i> )	2 per day	96 organisms
‘a‘ama or rock crab ( <i>Grapsus tenuicrustatus</i> )	2 per day	96 organisms
pipipi or black nerite snail ( <i>Nerita picea</i> )	10 per day	480 organisms
limu kohu or marine algae ( <i>Asparagopsis taxiformis</i> )	one hand sized compact ball	14 balls

All surveys would be non-intrusive and no excavation activities would occur. In order to reduce human impacts to Nihoa Island, the applicant would abide by Monument Best Management Practices for Activities on Nihoa that specify camping protocols, protocols to reduce impacts to cultural and natural resources, and human presence restrictions (no more than fourteen (14) personnel shall be authorized to be on Nihoa at any one time and overnight camping is restricted to no more than five (5) individuals). Permitted personnel would be escorted at all times by an approved U.S. Fish and Wildlife Service (FWS) escort, experienced and trained to safely access Nihoa Island with no adverse impact to native species or cultural sites. Beach access at Nihoa Island would be prohibited and landing on the island would only occur in the rocky intertidal zone when no Hawaiian monk seals and sea turtles are present at the landing sites. Furthermore, all personnel would avoid all areas where Hawaiian monk seals and sea turtles haul out.

The proposed activities are in direct support of the Monument Management Plan’s priority management needs through 3.1.2 – Native Hawaiian Culture and History Action Plan (Strategy NHCH-2: Conduct, support, and facilitate Native Hawaiian cultural access and research of the NWHI over the life of the plan). Within this strategy, Activity NHCH-2.6 describes “observing

and reconnecting with natural and spiritual resources” and cultural monitoring activities on land and in intertidal areas of Nihoa Island fit within this strategy. Activities such as those to be carried out by the permittee, are also addressed in the Monument Management Plan Environmental Assessment (December 2008) which resulted in a FONSI.

Consulted Parties:

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

Exemption Determination:

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

1. All activities associated with this permit, including cultural monitoring activities on land and intertidal areas of Nihoa Island, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. This permit does not involve an activity that is precedent to a later activity.

2. The Exemption Class for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and section 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. exempts the class of actions which involve “basic data collection, research, experimental management, and resource evaluation activities, which do not result in a serious or major disturbance to an environmental resource.” This exemption class has been interpreted to include Native Hawaiian cultural observations of the environment, such as proposed in this permit application.

Additionally, Exemption Class #5, Exempt Item #2 includes game and non-game wildlife surveys, photographing, recording, sampling, and collection in the field. The Native Hawaiian practices of observing and documenting natural resource states are considered data collection. DEPARTMENT OF LAND & NATURAL RESOURCES, EXEMPTION LIST FOR THE DIVISION OF FORESTRY AND WILDLIFE (June 12, 2008).

The proposed cultural monitoring activities here appear to fall squarely under the exemption class identified under HAR § 11-200-8.A.5., and are succinctly described under the former Fish and Game Division exemption list published in 1976. As discussed below, no significant disturbance to any environmental resource is anticipated in the cultural environmental

observations including subsistence harvesting of intertidal invertebrates and marine algae or hiking and camping on Nihoa Island. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

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

This study involves cultural environmental monitoring activities on land and intertidal areas on Nihoa Island. It includes the limited harvest and consumption of intertidal invertebrates and marine algae and hiking and camping for one week. Following Monument Best Management Practices for Activities on Nihoa, minimal impact to the island is expected. 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 M/V SEARCHER (PMNM-2013-001). Access to Nihoa Island will be conducted from a small boat deployed from the M/V SEARCHER.

Other permitted activities occurring prior to the Applicant’s arrival to Nihoa Island are permitted under Drs. Robert Toonen and Christopher Bird (PMNM-2012-049-A1) and Ms. Kehaunani Springer (PMNM-2012-052-A1). These applicants are permitted to collect and harvest intertidal organisms at Nihoa Island for a biodiversity assessment and cultural monitoring, respectively. Activities are expected to occur between August 1 and 31, 2013. The intertidal species type and requested number harvested for this permit were evaluated in relation to the approved permits and no significant cumulative impact is expected. Also occurring at Nihoa Island during September 2013 are activities related to the Millerbird relocation project covered under the Monument Manager’s permit (PMNM-2013-001). Other proposed activities for Nihoa Island would occur just after the Applicant’s arrival. Nianoa Thompson proposes to train apprentice navigators using non-instrumental navigation and access land on Nihoa Island in September 2013 (2013 permit pending BLNR approval no. PMNM-2013-021).

All activities on Nihoa Island would follow Monument Best Management Practice (BMP) for Nihoa Island including limited the amount of time on the island for all permittees both for individual permits and under yearly restrictions, limiting the areas visited, and guidance for

limiting interactions with Hawaiian monk seals and turtles. Activities for this permit are not anticipated to run concurrently with any of the other activities listed here. No interaction of activities are anticipated and the culmination of these permits is not anticipated to have significant cumulative impacts.

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

4. Overall Impacts will Probably be Minimal and Insignificant.

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

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

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

\_\_\_\_\_  
Date

## **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):**

Presley Juan (Cultural Practitioner & Descendent)  
William Kealakai (Cultural Practitioner & Descendent)  
Keli'I Alapai (Cultural Practitioner & Descendent)  
Pelika Bertelmann (Cultural Practitioner)  
Kaleo Bertelmann (Cultural Practitioner)  
Kealii Sagum (Cultural Practitioner)  
Kamealoha Forrest (Cultural Practitioner)  
Moani Pai (Cultural Practitioner)  
Chadd Paishon (Cultural Practitioner)  
Kamealoha 'Ohana (Cultural Practitioner)  
West Kaua'i Representative (Cultural Practitioner)  
West Kaua'i Representative (Cultural Practitioner)

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

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

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

**4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information):** This trip is fully supported by the Office of Hawaiian Affairs and NOAA/ NOS/ Office of National Marine Sanctuaries, Papahanaumokuakea Marine National Monument

ONMS-PMNM: \$40,000.00 – Travel  
OHA: \$15,000.00 - Travel

**5. Time frame:**

Activity start: 9/5/13  
Activity completion: 9/11/13

Dates actively inside the Monument:

From: 9/5/13  
To: 9/11/13

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

Personnel schedule in the Monument: all personnel will be on Nihoa for the duration of the access. We will be at Nihoa for 3 days and 2 nights. All 12 participants will be on island during the day with 5 staying on island each night.

**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: D.A.N. insurance (each participant is covered)**

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

- Vessel  
 Aircraft

Provide Vessel and Aircraft information: M/V Searcher

**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):** Documentation of all inspections will be provided prior to departure. Hull, tender, ballast water, gear/equipment inspections cannot occur until two weeks prior to departure.

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

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

Vessel name: Searcher

Vessel owner: The Medical Foundation for the Study of the Environment

Captain's name: Jonathan Littenberg

IMO#: 192

Vessel ID#: US Coast Guard 1103056

Flag: USA

Vessel type: Steel Hull

Call sign: WDA 6100

Embarkation port: Honolulu

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

Length: LOA/96 ft. Registered 78.1 ft.

Gross tonnage: 197

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

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

Total fuel capacity: 9,600 gallons

Total number of fuel tanks on ship: 6

Marine Sanitation Device: Yes

Type: II

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: All materials and fluids shall be properly stored in holdin tanks while vessel is in the Monument waters and will be properly treated and disposed of upon our exit from the Monument.

Other fuel/hazardous materials to be carried on board and amounts: Approximately 30 gallons of unleaded fuel in jerry cans for use in the skiffs.

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:

Vessel Monitoring System – Thrane & Thrane Sailor TT – 3606XP

VMS Email: 436998398@c12.stratoemobile.net

Inmarsat ID#: 4TT072E62B15

Contact: Jonathan Littenberg (808.225.8982) or Barbara Littenberg (808.221.6156)

\* 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:  
One 16 foot RHIB zodiac with Yamaha 4 stroke engine and one 16 foot inflatable Avon with Yamaha 4 stroke tiller engine

**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