

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

May 9, 2014

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Authorization and Approval to Issue an Amendment to Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit, PMNM-2013-023, issued 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 an amendment to a Papahānaumokuākea Marine National Monument research permit no. PMNM-2013-023 issued 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 was approved by the BLNR on August 23, 2013 for activities occurring between September 1, 2013 to August 31, 2014.

The amendment, as described below, would continue to 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
- Necker Island (Mokumanamana)
- French Frigate Shoals
- Gardner Pinnacles

The activities covered under this amendment would occur between June 1 to August 31, 2014.

The amendment request is largely a continuation of work previously permitted and conducted in the Monument with the addition of conducting activities at Necker Island (Mokumanamana), French Frigate Shoals, and Gardner Pinnacles; conducting trolling and near-shore spearfishing; and harvesting edible macroalgae (limu).

INTENDED ACTIVITIES

The amendment request involves the following activities which support the original approved permit project's goals and objectives as follows:

1. Perform general observations 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 to Hawai‘i Island) that are monitored the same way (Huli‘ia);
2. Conduct monitoring and assessment of various zones on the island (focusing on the intertidal zone) as a cultural resource with cultural contexts; and
3. Conduct subsistence gathering and fishing to reestablish and strengthen traditional relationships (feeder to sustenance relationship).

In the amendment, the applicants propose to continue with their research objectives and permitted activities on Nihoa Island, and include observation and monitoring activities on Necker Island (Mokumanamana), French Frigate Shoals, and Gardner Pinnacles. On Nihoa Island, the applicant would collect the remaining intertidal organisms currently permitted. Additionally, they are requesting to subsistence fish in shallow waters and pelagic waters at all four island locations. Requested fishing activities include trolling (hook and line fishing while the vessel is moving) and near-shore spearfishing (free-diver using a three-prong spear) for reef fish (Table 1). There would be eleven (11) people authorized to perform activities under this permit amendment. Each person would be permitted to catch and consume one (1) fish per day during transit and two (2) fish per day per island.

Table 1: Proposed individual fish collections for each island, outlined in the amendment.

Species	Gathering type	During transit¹	Nihoa	Necker Island	French Frigate Shoals	Gardner Pinnacles
Pelagic fish (various species)	Trolling	10	0	0	0	0
Reef fish (various species)	Near-shore spearfishing	0	22	22	22	22

The time period request, twelve (12) days, would coincide with proposed permits for Drs. Bird and Toonen (PMNM-2014-026) and Shauna Kēhaunani Springer (PMNM-2014-020). This project would be a collaboration of efforts from Na Mamo o Muole‘a, The Nature Conservancy, Hawai‘i Institute of Marine Biology, Na Maka o Papahānaumokuākea, Conservation International-Hawaii Fish Trust, Texas A&M and the NOAA Papahānaumokuākea Marine National Monument. This activity would benefit the management of the Monument as it facilitates cultural access, use, and understanding of the place.

The activities proposed by the Applicant directly support the Monument Management Plan’s priority management needs 3.1 – Understanding and Interpreting the NWHI, 3.1.2 – Native Hawaiian Culture and History Action Plan, Activity NHCH-2.6 describes “observing and reconnecting with natural and spiritual resources” and cultural monitoring activities on land and in intertidal areas of all four island locations fits within this strategy.

¹ Trolling would occur between the four island locations within State and Federal waters of the Monument.

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 with a Special Preservation Area or Midway Atoll Special Management Area

REVIEW PROCESS:

The permit application for the original permit 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 was 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.

The amendment was also sent out for review and comment to the agencies listed. Amendments to approved permits are not required to be posted on the Monument Web site.

Comments received from the scientific community are summarized as follows:

Scientific reviews support the acceptance of this amendment.

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

- 1. Both hook and handline (table) and trolling (text) are mentioned as methods to capture pelagic fish. Will both methods be used?**

The applicant states that hook and handline will be used while trolling. The applicant will not fish via hook & handline when the vessel is anchored or stopped, only while trolling.

- 2. The number of fish requested for harvest seems high for per person consumption potential for 3 fish per person, per day).**

The applicant states that the amount was a high estimate if all 11 participants ate 2 fish per person per day. That is only if the applicant has time to collect reef fish and only if the applicant is successful in our collection.

- 3. Will assisted breathing devices (e.g., SCUBA) be used for the 3-prong collection? (not recommended)**

The applicant states that spear fishing will be conducted while free-diving only. No breathing devices will be used.

- 4. If memory serves correctly, the driving objective of the original permit was to conduct a “field study” to support/reinforce information gathered during ethnographic surveys of the communities of Ni‘ihau and Kaua‘i regarding Nihoa; the idea being that cultural researchers and practitioners would travel exclusively to Nihoa to collect that data. As the amendment requests to extend the geographic range of the permit, has the permittee found information regarding those islands in past ethnographic surveys that increases the desire to investigate on-the-ground at Mokumanamana, FFS, and Gardner Pinnacles?**

The applicant states that, yes the driving objective was to conduct “field study” and the applicant concentrated on Nihoa because most of their histories collected were about Nihoa BUT not limited to Nihoa. The applicant does have oral histories that address the North Western Hawaiian Islands in general and islands such as Moku Manamana specifically but in their past access (field study) to Nihoa, their budget limited them to a few number of days, which they chose to spend on Nihoa and not in transit.

- 5. The description of the need for the proposed activities doesn’t provide a level of detail that will enable managers to understand the reasons for the proposed activities. Please articulate the connection between this amendment request and the original permit to align and clarify the goals and outcomes of the proposed activities (currently permitted and new request).**

The applicant states that subsistence gathering is necessary to reestablish and strengthen traditional relationships to our aina (feeder – source of sustenance). Consumption feeds physical, spiritual, and cultural health rooting them in their ancestral ties and customary practices. Consumption allows them to be nurtured and nourished by place and genealogy. Their 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 their older siblings while they care for and “feed” them in return. The applicant’s activities while in the monument contribute to caring for place (on all levels of health) further supporting the traditional relationship of younger siblings caring for an elder sibling.

The applicant requests to please see answer to question #4 for further clarification.

- 6. What are the benefits to the resource or management of the resource should the requested activity be approved?**

The applicant states that their activities support and strengthen Native Hawaiian relationship with the environment; strengthening the Native Hawaiian communities tie to Papahānaumokuākea and the responsibility we have in caring for our islands within the monument. These activities will also strengthen cultural and spiritual connections to Papahānaumokuākea 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*

7. How would consumption data be measured and recorded?

The applicant states that all harvested “fish” will be processed through western and traditional methods. Data collection, at minimum, will be the recording of species and amount. To further support our understanding of place, productivity of place, and the “microscopic” lens of place, we will also be utilizing the tools of western science to measure, weigh, do gut content, reproductive analysis, etc of all “fish” collected to better support their understanding of the “community” of Papahānaumokuākea and the natural cycles of place. As is their practice here in the MHI, they also process all their “fish” in this way (before consumption) so they can add to their broader bank of knowledge and understanding of our archipelago... our elders.

8. How does spear fishing relate to your kuleana in the NWHI? Please describe the reciprocity in this relationship between you and the resource.

The applicant states that spear fishing is a means to sustain ourselves. Subsistence is the kuleana and spear fishing is the tool to accomplish this.

The applicant states that subsistence gathering is necessary to reestablish and strengthen traditional relationships to our aina (feeder – source of sustenance) supporting a reciprocal relationship between family members i.e. ‘aina (older siblings) and kanaka (younger siblings). Consumption feeds physical, spiritual, and cultural health rooting us in our ancestral ties and customary practices. Consumption allows them 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 in the monument

contribute to caring for place (on all levels of health) further supporting the traditional relationship of younger siblings caring for an elder sibling.

COMMENTS / RECOMMENDATIONS:

- 1. Request that the applicant restrict reef fish harvest to adult fish over L50 or consistent with legal size for the State of Hawaii.**

The applicant states that they will harvest consistent with legal size for the State of Hawaii.

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

Cultural reviews support the acceptance of this amendment.

Comments received from the public are summarized as follows:

No comments were received from the public on this application.

Additional reviews and permit history:

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

If so, please list or explain:

- The proposed activities are in compliance with the National Environmental Policy Act.
- The proposed activities are in compliance with the National Historic Preservation Act.
- A Section 7 consultation pursuant to the Endangered Species Act of 1973 completed on July 22, 2013 and a NMFS letter of concurrence was received on August 23, 2013. The consultation analyzed the effects of subsistence gathering of invertebrates from the intertidal zone on Hawaiian Monk Seals, Hawksbill Sea Turtles, Green Sea Turtles and monk seal designated critical habitat and potential entanglement hazards while trolling with a hook and hand line during transit. Proposed activities under this amendment request were considered in the June 22, 2013 consultation request. All NMFS-prescribed conditions were reflected in permit PMNM-2013-023 and will continue to apply to this amendment, if issued.
- 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 AMENDMENT TO PAPAĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT RESEARCH PERMIT ISSUED 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:

- Similar activities, including cultural monitoring activities on land and intertidal areas, have been previously permitted in the Monument for different applicants (PMNM-2007-024 Kanahale, PMNM-2008-041 Kikiloi-Graves, PMNM-2009-021 Kikiloi-Graves, PMNM-2009-023 Kanahale, PMNM-2009-047 Kawelo, PMNM-2011-036 Kanahale, PMNM-2011-039 Kikiloi-Graves, PMNM-2011-040 Tom, PMNM-2012-038 Anthony, PMNM-2012-052 Springer, and PMNM-2013-026 Anthony). 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 approved permit and amendment 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:

That the Board authorize and approve an amendment to approved Native Hawaiian Practices Permit issued to Mr. Pelika Bertelmann, Nā Maka o Papahānaumokuākea, with the following special conditions:

1. 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.

2. The permittee may not convey, transfer, or distribute, in any fashion (including, but not limited to, selling, trading, giving, or loaning) any coral, live rock, or organism collected under this permit without the express written permission of the Co-Trustees.
3. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
4. 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.
5. No fishing is allowed in State Waters except as authorized under state law for subsistence, traditional, and customary practices by Native Hawaiians.
6. 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.

Respectfully submitted,



Frazer McGilvray
Administrator

APPROVED FOR SUBMITTAL



William J. Aila, Jr.
Chairperson

Aloha mai,

I would like to make some amendments to my Native Hawaiian Practices permit #PMNM 2013-023 (Na Mo'olelo o Papahānaumokuākea).

I would like to extend the Location from Nihoa Island to include Moku Manamana (Necker), French Frigate Shoals, and Garner Pinnacles. For all four locations to be land-based and shallow water.

The proposed/planned access is June 2014 to all 4 locations for a total of 12 days.

I would like to add persons to this permit who will be on the June 2014 intertidal cruise. Participants TBD

Our existing activities in permit for Nihoa would remain the same. For the other islands we are requesting to do 3 of our proposed 6 activities:

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. Conducting monitoring and assessment of various zones on the island (focusing on the intertidal zone) as a cultural resource within cultural contexts.
3. 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.

We would also like to amend harvesting for subsistence and sustenance within the monument intertidal, shallow waters, and pelagic. We are requesting to include trolling, near-shore spear fishing for reef fish, and harvesting of edible limu in the intertidal and shallows along with our existing harvest of 'Opihi, Ha'uke'uke, 'a'ama, and pipipi within the intertidal.

Please let me know if there is more information you will need to make these amendments to our current permit. Mahalo nui loa.

Pelika Bertelmann

2014 Fish Collection List

Species	Gathering Type	During Transit	Nihoa	Mokumanamana	Mokupāpapa (French Frigate Shoals)	Pūhāhonu (Gardner Pinnacles)
Pelagic Fish (Ahi, 'Ono, Mahimahi, Swordfish, Marlin, etc)	Hook & Handline	10	0	0	0	0
Reef Fish (kole, uhu, aweoweo, mimpachi, aholehole, taape, etc)	3-prong spear	0	22	22	22	22

Notes:

Pelagic Fish: up to 1 fish per day = 10 total fish

Reef Fish: 11 participants; up to 2 fish/person/island = 22 fish/island.

2013 Collection Table

Species	Hawaiian Name	Collection Limits (per person)	Total (calculated for 12 people for 3 days)	Collections in 2013	Remaining collections under permit
<i>Cellana exarata & Cellana sandwicensis</i>	Opihi	5 (medium) or 2 (large) per day	72-180	75	0
<i>Colobocentrotus atratus</i>	Ha'uke'uke	2 per day	72	19	53
<i>Grapsus tenuicrustatus</i>	A'ama	2 per day	72	4	68
<i>Nerita picea</i>	Pipipi	10 per day	360	0	360
<i>Asparagopsis taxiformis</i>	Limu Kohu	hand sized compact ball	12 balls	0	12 balls

Notes:

- Opihi (Both): 5 (2-4cm) or 2 (4+cm) per person per day
- Haukeuke & Aama: 2 per person per day
- Pipipi: up to 10 per person per day
- Limu Kohu: hand sized compact ball per person

The amendment request is not for additional collections in the intertidal zones outside of Nihoa.

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.

ITEM F-4b

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 Kikilo'i, 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 – Kai 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 Kekuwa Kikilo
Cultural Practitioner – Owi 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 Kanahēle, PMNM-2009-023 Kanahēle, PMNM-2011-036 Kanahēle) 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 Pikoī, 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

Appendix A

Harvesting protocols

‘Opihi (*Cellana exarata* & *Cellana sandwicensis*) - 5 (mid-range 2-4 cm) or 2 (large 4+ cm)/per person/per day

Hā‘uke‘uke (*Colobocentrotus atratus*) - 2 max/per person/per day

‘A‘ama (*Grapsus tenuicrustatus*) - 2 max/per person/per day

Pipipi (*Nerita picea*) - 10 max/per person/per day

Limu kohu (*Asparagopsis taxiformis*) – hand sized compact ball/ per person

Harvesting on shoreline for subsistence will be through hand collection and if necessary an ‘opihi knife. Invertebrate species (‘opihi, hā‘uke‘uke, ‘a‘ama, pipipi and limu kohu) will be collected as whole organisms while limu kohu will be pinched or cut off leaving the holdfast on the benthic substrate. Harvest amounts are approximated at the maximum harvested for daily consumption for invertebrates and for entire consumption for the limu kohu, but it is dependant on harvesting days and individual needs. We may not be able to harvest everyday and when we do harvest, not everyone will choose to consume their maximum quota. After consumption of the invertebrate organisms, all shells will remain in the monument.

Harvests will be from the intertidal zone and will most likely focus on the areas along Adam Bay and the south-west slopes of Nihoa. However, should favorable conditions present themselves, harvesting may occur at other coastal areas such as near the north-west corner of the island near Miller Peak.

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, Papahānaumokuākea 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:

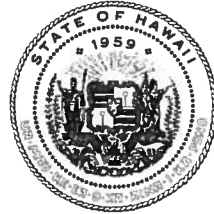
n/a

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



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 9, 2014

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

JESSE K. SOUKI
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
KAIKOOLAWA ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TO: Division of Aquatic Resources File

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

FROM: Frazer McGilvray *F*
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 AN AMENDMENT TO PAPAHA NAUMOKU AKEA MARINE NATIONAL MONUMENT NATIVE HAWAIIAN PRACTICES PERMIT ISSUED TO MS. PELIKA BERTELMANN, NA MAKA O PAPAHA NAUMOKU AKEA, 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:

Amendment to Papahānaumokuākea Marine National Monument Native Hawaiian Practices Permit, PMNM-2013-023, issued to Ms. Pelika Bertelmann, Co-Founder, Nā Maka o Papahānaumokuākea, for Access to State Waters to Conduct Cultural Monitoring Activities

Permit Number: PMNM-2013-023

Project Description:

The amendment to 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 June 1 through August 31, 2014.

In the amendment, the applicants propose to continue with their research objectives and permitted activities on Nihoa Island and add the following additional locations and activities:

1. Conduct cultural monitoring, environmental observations, and subsistence gathering on Necker Island (Mokumanamana), French Frigate Shoals, and Gardner Pinnacles; and

2. Conduct trolling for pelagic fish and near-shore spearfishing for reef fish in State waters surrounding Nihoa Island, Necker Island (Mokumanamana), French Frigate Shoals, and Gardner Pinnacles.

All surveys would be non-intrusive and no excavations activities would occur. Permitted personnel would be escorted at all times by an approved US Fish and Wildlife (USFWS) escort, experienced and trained to safely access all four island locations 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 in the amendment are in direct support of the Monument Management Plan's priority management need 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 the 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 for the original permit 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.

The amendment was also sent out for review and comment to the agencies listed. Amendments to approved permits are not required to be posted on the Monument Web site.

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, and fishing activities, at the proposed locations; have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to

a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. Since this permit involves an activity that is precedent to a later planned activity, i.e. the continuation of nearshore cultural monitoring and sampling, the categorical exemption determination here will treat all planned activities as a single action.

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.” The proposed activities appear to fall squarely under the exemption class #5, exempt item #2 as described under the division of Forestry and Wildlife exemption list published on June 12, 2008. This exemption class has been interpreted to include “new transect lines, recording, sampling, and collection...”, such as those to be supported by the proposed activities. It has also been interpreted to include Native Hawaiian natural resource observations, such as those proposed. As discussed below, no significant disturbance to any environmental resource is anticipated in observing and sampling of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

All surveys would be non-intrusive and no excavations activities would occur. Permitted personnel would be escorted at all times by an approved US Fish and Wildlife (USFWS) escort, experienced and trained to safely access all four island locations with no adverse impact to native species or cultural sites. Trolling lines would be removed around protected species and birds. All personnel would avoid all areas where Hawaiian monk seals and sea turtles haul out. The applicant would follow Monument Best Management Practices (BMP) 016 – Activities on Nihoa, BMP 013 – Special Conditions and Rules for Small Boat Operations and Tern Island, BMP 008 – Seabird Protocols when Fishing, and BMP 004 – Boat Operations and Diving Activities.

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.

The proposed project would be supported by the NOAA contracted vessel, R/V SEARCHER (PMNM-2014-001), from June 19 to July 2, 2014. There would be two other proposed activities that are anticipated to take place on this vessel pending approval of these permit applications.

This study involves cultural environmental monitoring activities on land and intertidal areas on Nihoa Island, Necker Island (Mokumanamana), French Frigate Shoals, and Gardner Pinnacles; and limited consumption of intertidal organisms and pelagic and near-shore reef fish. The other proposed activities, Bird-Toonen (PMNM-2014-026) and Springer (PMNM-2014-020) would also take place in the intertidal areas of these islands at the same time. Bird-Toonen proposes to use western scientific methods to examine biodiversity of the Hawaiian intertidal and shallow subtidal ecosystem, and study the basic ecology of ‘opihi populations at the four island locations. Springer proposes to conduct Native Hawaiian environmental monitoring of ‘opihi and intertidal ecosystems. The three proposed activities, while differing in their approach to understanding this habitat, are the result of collaborations with the same goal of adding to a greater total knowledge base for this region. As such, there would be no duplicative sampling of resources or organisms.

There is the potential that two ships may be in the Monument during this time frame. The NOAA Ship HI‘IALAKAI (PMNM-2014-001) (Table 1) and SSV MAKANI OLU (applications currently in review for Bonnie Kahapea-Tanner, PMNM-2014-013 and PMNM-2014-022) (Table 2). There is no anticipated overlap in activities and therefore no associated cumulative impacts between activities from the SEARCHER and activities from the three other vessels. At this time, no other concurrent activities are known. The culmination of this permit, occurring throughout the Monument over several months, is not anticipated to have significant cumulative impacts. The following tables outline the proposed activities on the three vessels:

Table 1: Concurrent projects aboard NOAA Ship HI‘IALAKAI

Permit	Purpose and scope	Location
PMNM-2014-005 Ellis-Simon HI‘IALAKAI (approved)	This permit allows the NOAA Ship HI‘IALAKAI entry into the Monument. Personnel aboard the vessel would be permitted under separate permits	All locations
PMNM-2014-001 Co-Trustee (approved)	This permit allows monk seal field camp operations.	Kure Atoll, Midway Atoll, French Frigate Shoals
PMNM-2014-027 Jacobs (proposed)	The proposed action is to collect video data on marine mammal, marine turtle, seabird colony population dynamics using unmanned aircraft systems (UAS).	Nihoa, Necker Island (Mokumanamana), French Frigate Shoals
PMNM-2014-014 Meyer (proposed)	This proposed action is to conduct top predator research consisting of fishing for various shark and fish species.	All locations

Table 2: Concurrent projects aboard SSV MAKANI OLU.

Permit	Purpose and scope	Location
PMNM-2014-013 Kahape'a-Tanner (proposed)	The proposed action would allow Native Hawaiian youth enrolled in the Hālau Holomoana training program to participate in the voyage of the SSV MAKANI OLU to Mokumanamana and Nihoa.	Nihoa Island, Necker Island (Mokumanamana)
PMNM-2014-022 Kahape'a-Tanner (proposed)	The proposed action would capture still photograph and video footage of activities covered under proposed permit no. PMNM-2014-013 for education and outreach purposes.	Nihoa Island, Necker Island (Mokumanamana)

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 research 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