

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

June 12, 2015

Board of Land and Natural Resources
Honolulu, Hawai'i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Mark A. Wetzler, National Oceanic and Atmospheric Administration (NOAA) Ship OKEANOS EXPLORER, for Access to State Waters to Conduct Shipboard Support Activities

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument conservation and management permit to Mark A. Wetzler, C.O., NOAA Ship OKEANOS EXPLORER, pursuant to § 187A-6, Hawai'i Revised Statutes (HRS), Chapter 13-60.5, Hawai'i Administrative Rules (HAR), and all other applicable laws and regulations.

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

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

The activities covered under this permit would occur between July 1, 2015 and June 30, 2016.

Though the OKEANOS EXPLORER is new to PMNM, the proposed activities are a renewal of work previously permitted and conducted in the Monument by the FALKOR.

INTENDED ACTIVITIES

The primary purpose of the project is to provide vessel support for separately permitted activities aboard NOAA Ship OKEANOS. Up to ninety (90) individuals aboard the OKEANOS would be authorized to enter the marine areas of the Monument. The crew would include approximately thirty (30) crew members, and twenty (20) rotating scientists/ technicians on three expeditions legs.

As the Commanding Officer of the OKEANOS, the Applicant would oversee all activities including SCUBA diving if necessary in emergency situations, discharging (outside the NWHI State Marine Refuge), and supporting the scientific team by transiting to the areas of interest or locations of ROV (Remotely Operated Vehicle) dive sites. Many of the ROV surveys will be in areas mapped during the recent FALKOR cruises and will complement mapping accomplished during those previous expeditions.

The activity would benefit the Monument as the OKEANOS would provide logistical services for a wide range of activities. Separately permitted activities may include research, conservation and management, education, special ocean use and Native Hawaiian practices. Without ship support these activities would be severely limited or cease completely. The OKEANOS supports the scientific research that will directly contribute to better understanding of deep water habitats, ecosystems and geologic history of the NWHI. Additionally, the ship's mission supports and fosters critical partnerships between multiple government agencies, both state and federal.

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

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

The activities proposed by the Applicant directly support the Monument Management Plan's priority management - 3.6: Achieving Effective Monument Operations (PMNM MMP Vol. I, p. 293, 2008), by providing an integral role in assuring research and other separately permitted activities are properly supported in the field.

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

- ☒ Discharging or depositing any material or matter into the Monument
☒ 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: Hawai'i Division of Aquatic Resources, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Pacific Islands NW Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 11, 2015, 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:

QUESTIONS:

- 1. Is this vessel staying in the Hawaiian Islands permanently? Or is it just for support for the research of Kelley Elliott and Chris Kelley?*

The vessel will be working in the Hawaiian Islands for the next few years, but not permanently. The ship is primarily operating in the Hawaiian Islands to support the research of Kelley Elliot and Chris Kelley.

COMMENTS:

- 1. If a permit is issued, OHA looks forward to sharing with the permittee on the cultural history and significance of Papahānaumokuākea and how best to incorporate these thoughts into this access.*

The ship looks forward to the cultural history training as well.

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

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

Comments received from the public are summarized as follows:

No comments were received from the public on this application.

Additional reviews and permit history:

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

If so, please list or explain:

- ☐ The proposed activities are in compliance with the National Environmental Policy Act.
- ☐ Research scientists working aboard NOAA Ship OKEANOS will apply for and be issued separate permits pertaining to their individual activities.
- ☐ The Department has made an exemption determination for this permit in accordance chapter 343, HRS, and Chapter 11-200, HAR. See Attachment ("DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT CONSERVATION AND MANAGEMENT PERMIT TO COMMANDING OFFICER MARK A. WETZLER, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) SHIP OKEANOS EXPLORER, FOR ACCESS TO STATE WATERS TO CONDUCT SHIPBOARD SUPPORT ACTIVITIES UNDER PERMIT PMNM-2015-025").

Has Applicant been granted a permit from the State in the past? Yes ☐ No ☒
 If so, please summarize past permits:

- ☐ Though the Applicant is new, the NOAA Ship OKEANOS has been granted Monument and/or DLNR permits under previous Commanding Officers (Permittee) for similar activities since 2006.

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

STAFF OPINION

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

MONUMENT MANAGEMENT BOARD OPINION

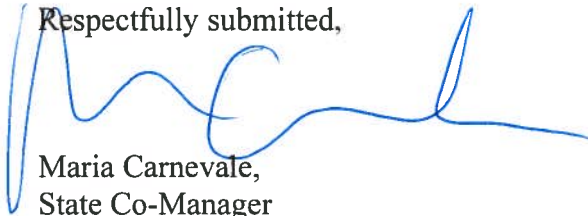
The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by PMNM staff.

RECOMMENDATION

That the Board authorize and approve a Conservation and Management Permit to Commanding Officer Mark A. Wetzler, NOAA Ship OKEANOS, 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. 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.
4. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
5. 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.
6. No fishing is allowed in State Waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

Respectfully submitted,



Maria Carnevale,
State Co-Manager
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne Case,
Chairperson

Papahānaumokuākea Marine National Monument
CONSERVATION AND MANAGEMENT Permit Application

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

ADDITIONAL IMPORTANT INFORMATION:

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

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Send Permit Applications to:

NOAA/Inouye Regional Center

NOS/ONMS/PMNM/Attn: Permit Coordinator

1845 Wasp Blvd, Building 176

Honolulu, HI 96818

nwhipermit@noaa.gov

PHONE: (808) 725-5800 FAX: (808) 455-3093

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

Papahānaumokuākea Marine National Monument Permit Application Cover Sheet

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

Summary Information

Applicant Name: CDR Mark A. Wetzler, Commanding Officer, NOAA Ship Okeanos Explorer

Affiliation: NOAA Office of Marine and Aviation Operations (OMAO)

Permit Category: Conservation and Management

Proposed Activity Dates: A subset of dates between July 1 and September 30, 2015. Current cruise dates are July 3 - July 24; July 31- August 22; September 7 - September 30, 2015. Dates may shift within the July 1- September timeframe.

Proposed Method of Entry (Vessel/Plane): Vessel, NOAA Ship Okeanos Explorer

Proposed Locations: Waters deeper than 250 m around Middle Bank, Nihoa, Westpac Bank, Twin Banks, Keoea Seamount, Necker, and French Frigate Shoals, Rogatien Banks (all), Gardner Pinnacles, Maro Reef, Laysan, North Hampton Seamounts, Kaiuli Seamount, Pioneer Bank, Lisianski, Bank 9, Pearl & Hermes, Gambia Shoals, and 4 unnamed seamounts south and east of Pearl & Hermes.

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

Estimated number of days in the Monument: 50

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...

NOAA Ship Okeanos Explorer is a 224' vessel owned and operated by the National Oceanic and Atmospheric Administration (NOAA). The vessel will act as a platform for research activities conducted within the boundaries of Papahānaumokuākea Marine National Monument. Research scientists aboard the vessel will work under separate permits from the ship.

b.) To accomplish this activity we would

Transport research scientists traveling within the Monument, act as a platform for remotely operated vehicle (ROV), multibeam mapping, and other acoustic operations.

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

Providing a data collection platform for scientists to conduct research activities to take the next major step in baseline characterization of deepwater areas within the monument. The information and data generated by projects supported on NOAA Ship Okeanos Explorer will directly contribute to a better understanding of the deep water habitats, ecosystems and geologic history of the NWHI by providing PMNM basic information about the about the rich and unique biological resources and habitats of this region. It is this understanding that provides continuous support for the monument and its protection of these resources. A separate permit request has been submitted to conduct science activities within PMNM.

Other information or background:

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial): Wetzler, Mark A.

Title: Commanding Officer, NOAA Ship Okeanos Explorer

1a. Intended field Principal Investigator (See instructions for more information):
N/A

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

3. Affiliation (institution/agency/organization directly related to the proposed project):
United States Department of Commerce/National Oceanic and Atmospheric
Administration/Office of Marine and Aviation Operations

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

CDR Mark Wetzler, Commanding Officer, NOAA Ship Okeanos Explorer,

[REDACTED]

All officers and crew of NOAA Ship Okeanos Explorer (see attachment #1)

Section B: Project Information

5a. Project location(s):

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

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

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

Location Description:

All mapping and ROV operations are expected to be in depths of 250m and deeper and will not include work within State waters. Permission to conduct CTD rosette operations in State waters is being requested.

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

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

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

The purpose of the ship's activities are to provide an at sea research platform to support ROV, multibeam mapping, and other acoustic operations for underwater deep sea ocean exploration.

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

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

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

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

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

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

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

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

The Findings are as follows:

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

The ship is routinely inspected for sanitation (i.e. rats, insects, etc.) by the Navy, and any corrective action needed is undertaken before the ship enters the PMNM. Additionally, underwater hull inspections are conducted by Monument staff prior to entering the PMNM. Divers are deployed to remove any potentially harmful biofouling agents.

The ship's crew will receive an annual cultural briefing from OHA personnel and respect the cultural significance of the NWHI.

Okeanos Explorer follows a waste management plan in compliance with all United States Coast Guard, international, and PMNM rules and regulations.

Okeanos Explorer will be fitted with a vessel monitoring system (VMS) in compliance with PMNM regulations when she arrives to Honolulu.

Okeanos Explorer follows all PMNM regulations not specifically mentioned above. The vessel supports very low impact projects that only involve collecting mapping, video, and sensor data. Any video of Federally protected species would be unintentional. A

separate permit request has been submitted to conduct science activities within PMNM (submitted by Kelley Elliott and PI Chris Kelley).

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? All operations conducted on NOAA Ship Okeanos Explorer will be activities permitted by the co-trustees of the Monument.

We are aware of the significance and cultural importance of the NWHI to Native Hawaiians. As a sacred place, and especially in the realm of Po (beyond Mokumanamana), our hope is to tread lightly and leave no footprint from our activities. Recognizing that natural resources are, in fact, cultural resources for Native Hawaiians, it is our hope that the information and data generated by the research projects supported onboard NOAA Ship Okeanos Explorer will assist PMNM by providing basic information about the rich and unique biological resources and habitats of this region. This knowledge will contribute directly to the documentation of these natural/cultural resources, and it is this understanding that allows for enhanced protection of these resources.

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

The vessel is an at sea research platform to transport scientists and scientific gear to locations throughout the Monument. Without this safe mode of transportation, research and conservation and management activities would be significantly limited or would not occur at all. The ship's mission also supports and fosters critical partnerships between multiple government agencies, both state and federal.

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

The NOAA Ship Okeanos Explorer supports scientific research that will directly contribute to a better understanding of the deep water habitats, ecosystems and geologic history of the NWHI. As noted in 7.a. (above), there are no significant anticipated impacts to PMNM cultural, natural, or historic resources. No shore access is required. In the science team's estimation, the end value of this activity far outweighs any potential impacts, thus meeting the criteria noted under Finding 1.d. in Proclamation 8031.

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

Even with a relatively large number of ship days, projects supported onboard Okeanos Explorer cannot complete the huge task of groundtruthing all of the interesting and unique deepwater seafloor features within the monument boundaries. However, this is

long enough to at least briefly investigate many of the highest priority targets identified by recent work in the area.

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

The officers and crew of Okeanos Explorer will be operating in the Papahānaumokuākea Marine National Monument for the first time and will be fully briefed on the importance of the Monument and all of the resources contained within the Monument. In order to understand all impacts and operational best practices, the officers and crew will receive instruction and SOPs from sister ships who routinely operate within the Monument. Okeanos Explorer routinely conducts undersea exploration in sensitive ecological areas and understands the critical importance of operating the ship in accordance to Monument rules and regulations to ensure the protection of the Monument and its resources.

NOAA Commanding Officers are authorized to operate NOAA Vessels in accordance with annual Sailing Orders and the Fleet Allocation Plan. NOAA ships are public vessels and comply with regulations regarding personnel qualifications and operations.

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 federal government is self insured.

Okeanos Explorer is a public vessel of the United States of America operating in the monument to support activities approved by the monument co-trustees. The U.S. government is self-insured. Funding for Okeanos Explorer originates from the federal budget of the United States of America, specifically the Department of Commerce and the National Oceanic and Atmospheric Administration.

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.

Prior to beginning our work in the Monument the ship will request to have a member of the Monument staff brief the crew on the historical and cultural significance of the Monument. Additional literature and briefing materials will be available on the ship throughout the year. Each crewmember is required to read and sign the permit abiding by the conditions set forth within the document. The crew honors and respects the cultural, spiritual, and historical significance of Papahānaumokuākea.

The only activities the ship will be conducting in support of other permitted projects are those specifically stated in the approved scientific permits.

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

No, but we have made arrangements with PMNM to borrow their 750 Faria Watchdog VMS unit and have it installed during Okeanos Explorer's inport period in Honolulu in June or early July prior to proposed work in PMNM.

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

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

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

8. Procedures/Methods:

The ship will transit from Pearl Harbor to the Monument, operating within the Monument conducting mapping and ROV operations.

Crew activities will include SCUBA as necessary for emergency operations. Primary operations will include supporting the scientific team by transiting to the areas of interest or locations of ROV dive sites.

Regarding discharge activities, the ship may discharge gray water (i.e. drainage from dishwasher, shower, laundry, bath and washbasin drains) outside of all Special Preservation Areas and the Midway Atoll Special Management Area.

NOTE: If land or marine archeological activities are involved, contact the Monument Permit Coordinator at the address on the general application form before proceeding.

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

Common name:

N/A to platform permit application

Scientific name:

& size of specimens:

Collection location:

☐ Whole Organism ☐ Partial Organism

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

N/A to platform permit application

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

N/A to platform permit application

• General site/location for collections:

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

• Is there an outfall? ☐ Yes ☐ No

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

• Will organisms be released?

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

N/A to platform permit application

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

Many of the ROV surveys will be in areas mapped during the recent Falkor cruises. Additional mapping done by Okeanos Explorer will complement mapping accomplished during previous expeditions. Okeanos Explorer has an open data policy so all data collected during the expeditions will be freely available through the NOAA Data Centers. This should ensure that there will be no duplication of this research in the future.

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

SCUBA gear if necessary for ship emergency activities

A separate permit request has been submitted to conduct science operations onboard NOAA Ship Okeanos Explorer using the following equipment:

- Kongsberg Simrad EM302 Multibeam sonar system and sound velocity profilers for calibrating the systems at different locations within the monument.
- Kongsberg Simrad EK60 singlebeam sonar.
- Knudsen Chirp 3260 Sub-bottom profiler.

- Deep Discoverer and Seirios remotely operated vehicles (ROVs), and Tracklink 10,000 Ultra Short Baseline system for tracking the location of the ROVs underwater.
- Seabird Electronics Model 9/11+ CTD in 24-position niskin rosette frame with seabird SBE-32 carousel, and ports for auxiliary sensors (Light Scattering Sensor, Oxidation – Reduction Potential, Dissolved Oxygen).

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

The Okeanos Explorer carries small quantities of hazardous materials for essential ship operations. A complete hazardous material inventory is maintained aboard the ship. Crew are trained in MSDS and proper handling of hazardous materials.

The only Hazardous Materials held in significant quantity are fuel and lubricants such as gasoline, #2 Diesel Fuel, lubrication oil, and hydraulic oil (Amounts will vary per cruise).

The list of hazardous materials is attached in list #2.

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

None

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

All data acquired on Okeanos Explorer will be provided to the public archives without proprietary rights. All data management activities shall be executed in accordance with NAO 212-15, Management of Environmental and Geospatial Data and Information [http://www.corporateservices.noaa.gov/ames/administrative_orders/chapter_212/212-15.html]. All data acquired by Okeanos Explorer are archived and publically available within 90 days of the end of each cruise via the NOAA Data Centers.

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

N/A

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

Signature

Date

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

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

DID YOU INCLUDE THESE?

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

HAZMAT LOC #9 (Upper Motor Room)						
Jun-13						
Product Name	Purpose	Loc.	Vol./Wt.	Manufacturer	QTY	
AE Impact II	Cleaner	9	1qt	Allied Enterprises Inc.	1	
Anti-Seize Advanced Formula	Lubricant	9	8oz	Permatex	1	
Anti-Seize, Copper, C5-A	Lubricant	9	4oz	Felpro	2	
Aquashield	Lubricant	9	8oz	D.A. Stuart	1	
Blue RTV	Adhesive	9	3 oz	NAPA/Permatex	3	
Grease "4" Elect. Insulating	Compound	9	5.3 oz	Dow-Corning	1	
Grease "44" Hi-Temp. Bearing	Lubricant	9	5.3 oz	Dow-Corning	1	
GT 21 Thread Sealant	Adhesive	9	50g	Perker	3	
High Vacuum Grease 6V-2055	Lubricant	9	5.29oz	CAT	1	
Hyper Lube Oil Supplement	Lubricant	9	32oz	Hyperlube Corp.	2	
Kolor Kut Water Finding Paste	Paste	9	3 oz	Kolor Kut	1	
Lectra-Clean	Cleaner	9	1lb 3oz	CRC	4	
Loctite 2 Gasket Sealant 30515	Adhesive	9	11oz	Henkel Corp.	1	
Loctite Black RTV 59330	Adhesive	9	2.7oz	Henkel Corp.	1	
Loctite Copper Anti-Seize 51144	Lubricant	9	4oz	Henkel Corp.	1	
Loctite C5-A Anti-Seize Stick	Lubricant	9	.7oz	Henkel Corp.	2	
Loctite Silver Anti-Seize Stick	Lubricant	9	.7oz	Henkel Corp.	1	
Loctite Thread Sealant w/ PTFE	Adhesive	9	16oz	Henkel Corp.	1	
Lubricant, Actuator ESL-5&10	Lubricant	9	unk	Bettis	5	
Marine Moly	Lubricant	9	1lb	Jet Lube	15	
Pipe Dope No. 5 25631	Adhesive	9	4oz	Rectorseal	4	
Pipe Dope Tru-Blu	Adhesive	9	1pt	Rectorseal	1	
Piston Lube LS-10	Lubricant	9	4oz	Titan	1	
Vacuum Pump Oil	Lubricant	9	1 gal	National Lubricants	1	
Snake Oil	Lubricant	9	1qt	General Pipe Cleaners	1	
Water Line Finder	Paste	9	3oz	Master	2	

HAZMAT LOC #10 (MSD Room Cage)						
Jun-13						
Product Name	Purpose	Loc.	Vol./Wt.	Manufacturer	QTY	
Ajax P9800915	Cleaner	10	21oz	Colgate-Palmolive	3	
Ajax 30194	Cleaner	10	28oz	Colgate-Palmolive	2	
Aqua Chem	Alk Increaser	10	12lb	Recreational Water Prod.	2	
Bleach 6%	Cleanser	10	1gal	KIK International	2	
Drain Cleaner	Acid	10	2l	Scotch Corp.	5	
Envirocare Water Treatment	Biocide	10	8oz	Ashland	50	
Envirosafe Zero FP	Cleaner	10	1gal	Anchor Chem Enviro.	1	
Fabreze	Cleanser	10	2.1qt	Proctor & Gamble	2	
Gain Hawaiian Aloha	Detergent	10	100oz	Proctor & Gamble	1	
Lysol	Cleanser	10	19oz	Lysol	18	
Purex Ultra Free & Clear	Detergent	10	50oz	Henkel Corp.	1	
Resolve Stain Remover	Cleanser	10	22oz	Reckitt Benckiser	1	
Shout Stain Remover 717365	Cleaner	10	8.7oz	SCI Johnson	2	
Tide + Bleach	Detergent	10	100oz	Proctor & Gamble	1	
Washing Machine Cleaner	Cleaner	10	1.5pt	Chlorox	1	

ACID LKR #11 (Dry Lab)						
Jun-13						
Product Name		Purpose	Loc.	Vol./Wt.	Manufacturer	QTY
Battery, 12V (small boats)		Battery	11	39lbs	Interstate Batteries	4
Battery Acid (Sulfuric)		Acid	11	2gal	Exide Corp.	2

INACTIVE ENGINEERING MSDS'S FOR ALL LOCATIONS					
Product Name	Purpose	Loc.	Vol./Wgt.	Manufacturer	QTY
3M 5200 Adhesive	Adhesive	1			0
Anti-Seize (Al/Graphite)	Lubricant	1		NAPA	0
Anti-Seize (Al/Graphite)	Lubricant	1		Permatex	0
Anti-Seize, Copper, C5A	Lubricant	1		Loctite	0
Auto. Trans. Fluid MD3	Lubricant	4		Chevron	0
Aviation Lube Oil	Lubricant	1		Royco	0
Bleach	Cleanser	3		Chlorox	0
Brake Cleaner	Cleanser	1		CAT	0
Break Away	Penetrant	1			0
CAT Liquid Gasket A	Adhesive	1		CAT	0
DAP Contact Cement	Adhesive	1		DAP	0
Epoxy Patch Resin	Epoxy	1		Hysol Engineering	0
Epoxy Putty	Epoxy	1		EP Marine	0
Epoxy Resin & Hardener	Epoxy	1		Thistlebond	0
Faststeel	Epoxy	1			0
Free Fall	Cleanser	1			0
Grease "111" Valve Lubricant	Lubricant	1	5.3 oz	Dow-Corning	0
Liquid Wrench	Lubricant	1			0
Loctite Activator 7387		1		Henkel Corp.	0
Loctite Adhesive 32530	Adhesive	1		Henkel Corp.	0
Loctite Retaining Comp. 64031		1		Henkel Corp.	0
Loctite Silver Anti-Seize 76764	Lubricant	1		Henkel Corp.	0
Loctite Thread Sealant 54531	Adhesive	1		Henkel Corp.	0
Loctite Thread Sealant 56531	Adhesive	1		Henkel Corp.	0
Loctite Thread Sealant w/ Teflon	Adhesive	1		Henkel Corp.	0
Loctite Threadlocker 24231	Adhesive	1		Henkel Corp.	0
Loctite Threadlocker 26221	Adhesive	1		Henkel Corp.	0

Loctite X-NMS	Solvent	1		Henkel Corp.	0
Nu-Calgon Degreaser	Degreaser	1	1 gal	Nu-Calgon	0
Paint Markers	Paint	1			0
Paint Thinner	Solvent	1		Home Oil Co.	0
PVC Primer, Clear	PVC Primer	1		Oatey	0
Silicone Grease	Lubricant	1		R.H. Carlson Co.	0
Silicone Sealant	Adhesive	1	11.1oz	Pro Seal	0
Silicone Sealant	Adhesive	1	9.8oz	GE Brand	0
Spray Paint, Blue, Safety	Paint	1	12 oz	Krylon	0
Spray Paint, White, Flat	Paint	1	12 oz	Barnes Distribution	0
Tapping Fluid	Lubricant	1		Rapid Tap	0
WD 40 Non Aerosol	Lubricant	1		WD 40	1

NOAA Ship OKEANOS EXPLORER ET Department MSD Inventory

Inventory Date: 03 June 2013

Last Up Date: 10 March 2014

Product Name	Manufacturer	Qty	Vol./Wgt	Purpose	Location
5200 Adhesive Sealant	3M	2	3.0 oz	Adhesive Sealant	ET shop
5200 Adhesive Sealant	3M	2	1.0 oz	Adhesive Sealant	ET shop
Denatured Alcohol	ACE	1	32 oz	Cleaner	ET Storage
Denatured Alcohol	Barr	3	32 oz	Cleaner	ET Storage
Adhesive Remover	Henkel (Duck)	1	5.45 oz	Cleaner	ET shop
Conduit Solvent Cement Clear R99	Cantex	1	1/2 Pint	Cement	ET shop
ScotchKote	3M (Partial Cans)	2	15 oz	Sealant	ET shop
Spray Paint - Hammer Black	Rust-Oleum	1	12 oz	Paint	ET shop
Spray Paint - Gloss Almond	Rust-Oleum	1	12 oz	Paint	ET shop
Spray Paint - Rust Reformer Blk	Rust-Oleum	1	10.5 oz	Paint	ET shop
Tamiya Color TS-13	Tamiya	1	100 ml	Paint	ET shop
Solder	Kester	1	1 roll	Solder	ET shop
Liquid Tape, Brush on	Gardner Bender	1	4 oz	Sealant	ET shop
Flux, soldering Pen 186	Kester	5	0.33 oz	Accelerant	ET shop
Dow Corning 111 Silicone Grease	Dow Corning Corp.	1	5.3 oz	Grease	ET shop
Dow Corning 4 Electrical Insulating Compound	Dow Corning Corp.	2	5.3 oz	Grease	ET shop
Butane	Master Appliance	1	5-1/8 oz	Soldering	ET Shop

Butane	Weller	2	2.1 oz	Soldering	ET Shop
WD-40	WD-40 Company	1	8 oz	Lubricant	ET shop
Shredder Lubricant	Office Depot	1	4 oz	Lubricant	ET shop
Fargolene GF-178 (Fargon F-17x)	Hubbel	1	8 oz	Grease	ET shop
Contact Cleaner w/silicones	MG	1	5 oz	Cleaner	ET shop
Loctite 271	LOCTITE	1	.2 oz	Sealant	ET Shop
Touch-up paint 152-107-1 blue	Equipto Electronics	1	.6 oz	Paint touch-up	ET Shop
Touch-up paint 152-107-101	Precision Color (RAABE)	1	.6 oz	Paint touch-up	ET Shop
General Purpose Epoxy	Star Bright 5 Minute Epoxy	1	1 oz Tube	Adhesive two-part	ET Shop
Loctite Super Glue	GEL	2	.07 oz	Super Glue	ET Shop
Super Glue # 308	Surehold 10g	1	.37 oz Tube	Multi-Purpose glue	ET shop
GEL Two Part EPOXY	ACE	1	.85 oz	Multi-Purpose glue	ET Shop
Plastic Welder	DEVON	1	.84 oz	Plastic Glue	ET Shop
RTV 120 Series, 122 Silicone Sealant White	GE Silicones (Momentive)	1	10 oz Tube	Adhesive Sealant	ET shop
Nitrogen Gas	Airgas	1	4 Pounds	Pressurize Cameras	ET Storage
Antifreeze	Old World Productions	1	1 Gallon	VSAT Cooling system	one in the VSAT Dome
Spray Paint - PTouch Brill Blue	Rust-Oleum	1	12 oz	VSAT Paint	ET Storage
Acetone	Klean Strip	2	1 Quart	Cleaner	ET Storage one quart used
Contact Cleaner w/silicone	MG Chemicals	2	5 oz	Cleaner	ET Storage
Loctite 271	LOCTITE	1	8.45 oz	Sealant	ET Storage

Butane	Master Appliance	10	5-1/8 oz	Soldering	ET Storage
Leak Seal/Aerosols (clear)	Rust-Oleum	1	11 oz	Sealant	ET Storage
GE Silicone II (white) Premium	GE Silicones (Momentive)	1	2.8 oz	Sealant	ET Shop
Super Met All (White)	SKM Industries	1	0.4 oz	Paint	ET Shop
Paint Marker Silver	Markal (LA-Co)	1	0.4 oz	Paint	ET Shop
RTV Silicone (Clear)	DAP	3	2.8 oz	Sealant	ET Shop
Caulk, Acrylic (white)	DAP	1	10.1 oz	Sealant	ET Shop
Caulk, Acrylic (clear)	CRC	1	10 oz	Sealant	ET Shop
Rosin Soldering Paste Flux	Radio Shack	1	2 oz	Accelerant	ET Shop
Artic Clean Heat Sink Compound Remover Pt 1	Artic Silver	1	30 ml	Cleaner	ET Shop
Artic Clean Heat Sink Compound Remover Pt 2	Artic Silver	1	30 ml	Cleaner	ET Shop
Component Cooler (aerosol)	Radio Shack	1	4.5 oz	Chemical Coolant	ET Shop
Wax, car (transducer)	Turtle Wax	1	14 oz	Sealant	ET Shop
Monster Screen Clean (Windex)	Windex	1	6.76 oz	Cleaner	ET Shop
Electric parts cleaner (spray)	NAPA	1	1lb 3oz	Cleaner	ET Shop
Aqua Shield	DA Stuart	1	8 oz	Lubricant	ET Shop
ScotchKote	3M	1	15 oz	Sealant	ET Storage

NOAA Ship *OKEANOS EXPLORER* DECK Department MSD Inventory

Location	Product Name	Quantity	Size
Bos'n Shop HazMat Locker	DAP DynaFlex 230 Caulk	3	10 oz
	Red Devil Kitchen & Bath Caulk	2	"
	Loctite PowerGrab Caulk	2	"
	Phenoseal Vinyl Adhesive Caulk	1	"
	3M 5200 Marine Sealant	2	"
	3M 4000 Marine Sealant	4	"
	Bird-X Bird Proof	1	"
	Rust-O-Leum Paint (Spray)	9	12 oz.
	Tap Magic	2	12 oz.
	Tap Magic	1	4 oz.
	Relton Rapid Tap	1	16 oz.
	PB Blaster Lubricant	2	11 oz.
	LPS 3 Lubricant	1	"
	Mil-Spec Oil (9150-00-889-3522)	1	4 oz.
	Elmer's Glue-All	1	8 oz.
	Elmer's Rubber Cement	3	4 oz.
	Zinsser Bull's Eye Shellac	1	Pint
	West System Epoxy Repair Kit	1	Various
	Goof Off	1	12 oz.
	3M Instant Adhesive (crazy glu)	3	.7 oz
	JB Weld Stik	3	2.05 oz.
	ATC 35 Tool Clenaing Oil	1	1 qt.
	AirTool Oil	1	15 oz.
Bos'n Shop Supply Shelves	Windex	1	Gallon
	Scrubbing Bubbles	2	25 oz.
	Airwick	2	6.17 oz.

	Purell Hand Sanitizer		3	8 oz.		
	enMotion Hand Sanitizer (62% Alcohol)		3	8 Oz.		
Lower Stores - B01	SuperClean Accuvision		4	16 oz.		
B02	Clorox Cleaner/Degreaser		2	Gallon		
	Scrubbing Bubbles		16	25 Oz.		
	Krud Kutter		2	Gallon		
B03	Coast Washroom Cleaner		16	Gallon		
B04	Bleach		16	Gallon		
Lower Stores - C01	Missi-N Big M Floor Stripper		2	5 Gallon		
Lower Stores - H03	Bird Proof Bird X		9	10 oz.		
	Vaseline		2	7.5 oz.		
	Permatex Anti-Sieze		1	1#		
	3M 5200 Marine Sealant		1	10 oz.		
	Fasteel - Aqua/Plumbing/Regular		3	2 oz.		
	DAP Alex Plus caulk		12	10.1 oz		
Lower Stores - J02	enMotion Hand Sanitizer		12	8 oz.		
	enMotion Foaming Hand Soap		11	8 oz.		
J03	GoJo		5	4.5#		
	Purell Hand Sanitizer		3	8 oz.		
	Airwick Spray		12	6.17 oz.		
	Lysol Spray		1	19 oz.		
Rigging Locker - VidMar	Aqua Shield		3	8 oz.		
	CRC Contact Cleaner		1	10 oz.		
	LPS 3 Lubricant		2	11 oz.		
	Mobil XHP 222 Grease		2	14.1 oz.		
	Vaseline		1	7.5 oz.		
	Silicone 111		1	5.3 oz.		
	Silicone 736		1	5.3 oz.		
	Fluid Film		3	11.75 oz.		
	ProSeal Thread Lock		2	.2 oz.		
	PB Blaster		1	11 oz.		
	Plasti-Dip		1	14.5 oz.		

Shelf	Air Tool Oil		1	15 oz.	
	Bondo filler		1	1 #	
Paint Locker	Rust-O-leum Spray Paint		3	11 Oz.	
	Valspar Chalkboard Spray Paint		1	12 Oz.	
	Moeller Marine Spray Paint		1	12 Oz.	
	Precision Color ASP11 Spray Paint		1	12 Oz.	
	Marsh Stencil Spray Paint		1	11 Oz.	
	Inland Tech EP 921 Solvent		1	Gallon	
	KleanStrip Paint Stripper		1	Gallon	
	Sherwin-Williams MEK		1	Gallon	
	T9 Thinner		3	Gallon	
	T10 Thinner		0.5	Gallon	
	WD-40		1	Gallon	
	Tite-Bond Floor Adhesive		1	Gallon	
	CRC Knock-er-Loose		1	Gallon	
	Fiberglass HI Epoxy Resin + Cure		1	ea.	
	Fluid Film		4	Gallon	
	Stran-Core Corrosion Inhibitor Lubricant		1	5 Gallon	
	Chevron EP NLGI 2		1	5 Gallon	
	Conoco Cable Lube		1	5 Gallon	
	International Paints - Interlac 665		32	Gallon	
	Devoe Paints 235		2	Gallon	
	Cure Additive		2	Pint	
	Devoe Devthane 379		8	Gallon	
	Cure Additive		0	Pint	
	Devoe Bar-Rust 231		1	5 Gallon	
	Cure Additive		1	1 Gallon	
	AmerLock 2/400		5	Gallon	
	Amercoat 400 Cure		4	1 Gal	
	Amercoat 450H		1	1 Gal	
	Cure Additive		1	1 qt.	
	Amercoat 370		6.5	1 Gal	

NOAA Ship OKEANOS EXPLORER Medical Department MSD Inventory

Product Name	Manufacturer	#	Vol/Weight	Purpose	Location as of 06/01/2013
Isopropyl alcohol pads	moore medical	1	2 oz	topical cleanser	aft cabinet in medical clinic
Isopropyl alcohol	SWAN	2	16 oz	topical cleanser	aft cabinet in medical clinic
Hydrogen Peroxide	SWAN	2	8 oz	topical cleanser	aft cabinet in medical
Hydrogen Peroxide	SWAN	1	16 oz	topical cleanser	metal cabinet near bulkhead in medical
Liqui-Nox or Cidex (activated dialdehyde)	Johnson and Johnson	1	32 oz	disinfectant solution	metal cabinet near bulkhead in medical
Oxygen cylinder, fixed, size M, G or H	Jumbo D	1	empty	medical	sick bay
Oxygen cylinder, portable, size D or E	E	4	1000 psi	medical	sick bay
(cannot be dive oxygen)	K	1	2200 psi	medical	sick bay
Povidone-Iodine solution	Triadine from Triad Group	1	4 oz	topical cleanser	metal cabinet near bulkhead in medical
Povidone-Iodine solution	Triadine from Triad Group	1	8 oz	topical cleanser	aft cabinet in medical clinic
Betasept (chlorhexadine gluconate)	Purdue Products	2	4 oz	topical cleanser	aft cabinet in medical clinic
Saniwipe-dimethyl benzyl ammonium chloride	SANI Professional	1	32 oz	surface disinfectant	metal cabinet near bulkhead in medical
HACH Permachem reagent	HACH	3	25 samples per bag	chlorine reagent	metal cabinet near bulkhead in medical
Renuzit Super odor neutralizer	Purex/Henkel	1	8 oz	deodorizer	clinic bathroom
Hibicleans (4% Chlorhexadine Gluconate)	Molnlycke Health Care	1	16 ozs	topical cleanser	clinic bathroom
Povidone-Iodine swabsticks	Medline Industries	2	50 swabs ea. box	topical cleanser	aft cabinet in medical clinic
Waterjel burn dressing	Waterjel technologies	4	indiv burn dressings	topical burn dressing	aft cabinet in medical clinic

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): Please see attached crew list.

Science personnel identified in EX-15 Project Instructions

2. Specific Site Location(s): (Attach copies of specific collection locations): Multiple sites to be dictated by scientific projects that the ship is supporting. Specific sites will be determined by the scientific party and will be covered in their permit applications.

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

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

4. Funding sources (Attach copies of your budget, specific to proposed activities under this permit and include funding sources. See instructions for more information): All funding comes from the annual budget of the United States Federal Government for National Oceanic and Atmospheric Administration.

5. Time frame:

Activity start: 07/03/2015

Activity completion: 10/1/2015

Dates actively inside the Monument:

From: 07/03/2015

To: 9/30/2015

We currently have 4 projects that will be in or near the PMNM this year.

EX-15-04 Leg 1: 7/3/2015-7/24/2015

EX-15-04 Leg 2: 7/31/2015-8/22/2015

EX-15-04 Leg 3: 8/28/2015-9/3/2015

EX-15-04 Leg 4: 9/7/2015-9/30/2015

Describe any limiting factors in declaring specific dates of the proposed activity at the time of application: The ship's schedule is subject to change to a variety of factors such as weather delays and changes in project schedules. The actual project dates within the permit time frame are tentative.

Personnel schedule in the Monument: See attached crew list which will be updated on a project by project basis.

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: US Federal Government is self-insured

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

- ☒ Vessel
☐ Aircraft

Provide Vessel and Aircraft information: NOAA ship *Okeanos Explorer*, IMO# 88

8. The certifications/inspections (below) must be completed prior to departure for vessels (and associated tenders) entering the Monument. Fill in scheduled date (attach documentation):

These inspections will be conducted periodically once the ship arrives in Hawaii in accordance with Monument regulations and prior to entering PMNM for the first time.

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

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

Vessel name: NOAA Ship *Okeanos Explorer*
Vessel owner: U.S. Department of Commerce

Captain's name: CDR Mark A. Wetzler
IMO#:8835114
Vessel ID#:369888000
Flag: United States Public Vessel
Vessel type: Oceanographic Research
Call sign: WTDH
Embarkation port: Pearl Harbor, HI
Last port vessel will have been at prior to this embarkation: Panama City, Panama
Length: 224
Gross tonnage: 1571 GRT/2062 Int'l
Total ballast water capacity volume (m³): 624.6 m³
Total number of ballast water tanks on ship: 10
Total fuel capacity: 156,879 at 95%
Total number of fuel tanks on ship: 12
Marine Sanitation Device: Omnipure Wastewater Treatment System
Type: II MSD

Explain in detail how you will comply with the regulations regarding discharge in the Monument. Describe in detail. If applicable, attach schematics of the vessel's discharge and treatment systems:

Okeanos Explorer, like any other vessel or house hold, inevitably creates waste. The ship carries up to 46 scientists and crew for 30-day periods. The waste generated is relatively small compared to a cruise ship or other larger vessels, but the issue is taken very seriously. The ship has waste management systems and plans, follows or exceeds MARPOL and USCG regulations in all waters, and has a goal to exceed Monument regulations when operating inside the Monument.

Inside the Special Preservation Areas (SPAs) the ship holds everything that flows down a drain. Outside the SPA, the ship legally discharges food scraps, which are not sanitary to store on board, treated sewage (type II MSD effluent), and diluted water from sink and shower drains (grey water) in accordance with regulations and the ship's permit.

Discharges such as engine cooling water, deck runoff, and engine exhaust are inevitable to vessel use and are allowed in all areas under the Monument regulations. The crew of *Okeanos Explorer* is understanding and respectful of the natural and cultural importance of the Monument, and will strive to minimize all discharges of any type within the Monument.

Other fuel/hazardous materials to be carried on board and amounts: See attached hazardous materials list.

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: In process of procuring Faria Watchdog 750 VMS

VMS Email:
Inmarsat ID#:

* Individuals MUST ENSURE that a type-approved VMS unit is installed and that its automatic position reports are being properly received by the NOAA OLE system prior to the issuance of a permit. To make sure your VMS is properly configured for the NOAA OLE system, please contact NOAA OLE at (808) 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: 2 Willard Marine 670 SOLAS Fast Rescue Boats (diesel jet drive engines) will only be used in an emergency or special circumstance. Small boats are not part of science operations planned in PMNM.

Additional Information for Land Based Operations

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

12. Room and board requirements on island:

13. Work space needs:

DID YOU INCLUDE THESE?

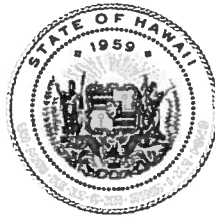
- ☐ Map(s) or GPS point(s) of Project Location(s), if applicable
- ☐ Funding Proposal(s)
- ☐ Funding and Award Documentation, if already received
- ☐ Documentation of Insurance, if already received
- ☐ Documentation of Inspections
- ☐ Documentation of all required Federal and State Permits or applications for permits

NOAA Ship *Okeanos Explorer*, March 2015 San Juan in port

Ship's Complement – 26 persons

1. Commanding Officer	CDR Mark A. Wetzler
2. Executive Officer	LCDR James Brinkley
3. Operations Officer	LT Emily Rose
4. Navigation Officer	ENS Bryan Pestone
5. Third Mate	3M Kevin Lackey
6. Environmental Compliance Officer	ENS Nikolai Pawlenko
7. Augmenting Officer	LT Fionna Matheson
8. Medical Officer	LCDR Randy Collins
9. Chief Marine Engineer	Vincent Palazzolo
10. 1 st Assistant Engineer	Ricardo Gabona
11. 2 nd Assistant Engineer	William Osborn
12. Junior Unlicensed Engineer	Christopher Taylor
13. Engine Utilityman	TBD
13. General Vessel Assistant	Pedro Lebron Jr.
14. Chief Boatswain	Tyler Sheff
15. Boatswain Group Leader	Jerrold Hozendorf
16. Able Bodied Seaman	Kelson Bracey
17. Able Bodied Seaman	Abraham McDowell
18. Able Bodied Seaman	Ryan Loftus
19. General Vessel Assistant	Daniel Freitas
20. General Vessel Assistant	Raymond Castillo
21. Chief Steward	David Fare/Omar Hudson
22. Chief Cook	Rainier Capati
23. Second Cook	Monique Brame
24. Survey Technician	Scott Allen/Allison Stone
25. Electronics Technician	Richard Conway or Kirk Andreopoulos
26. Rotating Electronics Tech	David Blessing

DAVID Y. IGE
GOVERNOR OF HAWAII



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

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

KEKOA KALUHIWA
FIRST DEPUTY

W. ROY HARDY
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

June 12, 2015

TO: Division of Aquatic Resources File

THROUGH: Suzanne Case, Chairperson

FROM: Division of Aquatic Resources

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT
UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR
PAPAHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT CONSERVATION AND MANAGEMENT
PERMIT TO COMMANDING OFFICER MARK A. WETZLER,
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)
SHIP OKEANOS EXPLORER, FOR ACCESS TO STATE WATERS TO CONDUCT CONSERVATION
AND MANAGEMENT ACTIVITIES UNDER PERMIT PMNM-2015-025

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

Project Title:

Papahānaumokuākea Marine National Monument Conservation and Management Permit to Commanding Officer Mark A. Wetzler, National Oceanic and Atmospheric Administration (NOAA) Ship OKEANOS EXPLORER, for Access to State Waters to Conduct Conservation and Management Activities

Permit Number: PMNM-2015-025

Project Description:

The conservation and management permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument, including the NWHI State waters between July 1, 2015 and June 30, 2016.

The primary purpose of the project is to provide vessel support for separately permitted activities aboard NOAA Ship OKEANOS EXPLORER. Up to ninety (90) individuals aboard the OKEANOS would be authorized to enter the marine areas of Monument. There will be thirty (30) crew members and twenty (20) rotating scientists/technicians on three expedition legs.

As the Commanding Officer of the OKEANOS, the Applicant would oversee all activities including SCUBA diving if necessary in emergency situations, discharging (outside the NWHI State Marine Refuge), and supporting the scientific team by transiting to the areas of interest or locations of ROV (Remotely Operated Vehicle) dive sites. Many of the ROV surveys will be in areas mapped during the recent FALKOR cruises and will complement mapping accomplished during previous expeditions.

All mapping and ROV operations are expected to be in depths of 250m and deeper. CTD (Conductivity, Temperature, and Depth) rosette operations are also requested in state waters.

The OKEANOS carries small quantities of hazardous materials essential for ship operations. Hazardous materials held in significant quantity are fueled and lubricants such as gasoline, #2 diesel fuel, lubrication oil, and hydraulic oil (amounts vary per cruise). See F-5a for the hazmat inventory list.

The activity would benefit the Monument as the OKEANOS would provide logistical services for a wide range of activities. Separately permitted activities for 2015 will include research and conservation and management priorities which have permits under review. Without ship support these activities would be severely limited or cease completely.

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

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

The activities proposed by the Applicant directly support the Monument Management Plan's priority management - 3.6: Achieving Effective Monument Operations (PMNM MMP Vol. I, p. 293, 2008), by providing an integral role in assuring research and other separately permitted activities are properly supported in the field. Activities to support coordinated field operations in the NWHI are addressed in the Monument Management Plan Environmental Assessment (December 2008) which resulted in a FONSI (Finding Of No Significant Impact). This EA recognizes that field operations rely on ships, and that providing transportation support has a beneficial effect on threatened and endangered species, marine mammals, and other Monument resources. (PMNM MMP Vol 2, p.26, 185, and 187).

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai'i Division of Aquatic Resources, Hawai'i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, and the Office of Hawaiian Affairs (OHA). In addition, the permit application has been posted on the Monument Web site since March 11, 2015, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Exemption Determination:

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

1. All activities associated with this permit, including ship operations, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. Since this permit involves an activity that represents a commitment to a larger project, i.e. conducting research and management activities, the categorical exemption determination here will treat all planned activities as a single action, to the extent possible.

2. The Exemption Class for Scientific Research with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and § 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR § 11-200-8.A.5. exempts the class of actions which involve "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource." The proposed activities appear to fall squarely under the exemption class #5, exempt item #2 as described under the division of Forestry and Wildlife exemption list published on June 12, 2008. This exemption class has been interpreted to include "game and non-game wildlife surveys, inventory studies, new transect lines, photographing, recording, sampling...", such as those to be supported by the proposed activities. It has also been interpreted to include various modes of transportation to reach field areas necessary to carry out such surveys. As discussed below, no significant disturbance to any environmental resource is anticipated in the sampling of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

3. Cumulative Impacts of Actions in the Same Place and Impacts with Respect to the Potentially Particularly Sensitive Environment Will Not be Significant. Even where a categorical exemption appears to include a proposed action, the action cannot be declared exempt if "the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment." HAR § 11-200-8.B. To gauge whether a significant impact

or effect is probable, an exempting agency must consider every phase of a proposed action, any expected primary and secondary consequences, the long-term and short-term effects of the action, the overall and cumulative effect of the action, and the sum effects of an action on the quality of the environment. HAR § 11-200-12. Examples of actions which commonly have a significant effect on the environment are listed under HAR § 11-200-12.

Similar activities of this type, to conduct routine support ship operations, have been permitted and undertaken in the past. The NOAA Ships HI‘IALAKAI and OSCAR ELTON SETTE have been permitted to work in the NWHI each year since 2006, as well as voyaging canoes HÖKŪLE‘A and HIKIANALIA. Additionally, in 2010 NOAA Ship McArthur II was permitted to enter the Monument. It is reasonable to expect future permit requests for similar support work. No deleterious impacts resulted from similar previous activities. With this in mind, significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities would be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects. The joint permit review process did not reveal any anticipated indirect or cumulative impacts, nor did it raise any cultural concerns, that would occur as a result of these activities.

Table 1: Concurrent projects aboard NOAA Ship HI‘IALAKAI.

Permit	Purpose and scope	Location
PMNM-2015-006 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-2015-001 Co-Trustee (approved)	This permit allows monk seal field camp operations	Kure Atoll, Midway Atoll, French Frigate Shoals
PMNM-2015-009 Parrish-Garrett (proposed)	The proposed action would involve the selective removal of up Galapagos sharks from French Frigate Shoals to mitigate predation on Hawaiian monk seals	French Frigate Shoals
PMNM-2015-013 Couch (proposed)	This proposed action would be to assess health and community structure of corals on shallow-water reefs	All locations
PMNM-2015-012 Godwin (proposed)	This proposed action would be conduct to Pacific Reef Assessment and Monitoring Program	All locations
PMNM-2015-016 Wall (proposed)	This proposed action would be to document the coral bleaching of shallow-water reefs	All locations

Permit	Purpose and scope	Location
PMNM-2015-015 Gleason (proposed)	This proposed action would conduct maritime heritage monitoring and surveying activities	All locations
PMNM-2015-019 Littnan (proposed)	This proposed action would be to conduct monitors and surveys of various areas using an Unmanned Aerial System (UAS)	Laysan, Lisianski, Pearl and Hermes, Midway Atoll
PMNM-2015-020 Meyer (proposed)	This permit would allow research activities regarding top predator feeding and movement	All locations

Table 2. Concurrent projects aboard the SEARCHER.

PMNM-2015-017 Springer (proposed)	This proposed action would be to conduct intertidal biodiversity studies using traditional ecological knowledge	Nihoa, Mokumanamana, French Frigate Shoals, Gardner Pinnacles
PMNM-2015-026 Bird-Toonen (proposed)	This proposed action entails conducting intertidal biodiversity activities	Nihoa, Mokumanamana, French Frigate Shoals, Gardner Pinnacles

Table 3. Concurrent projects aboard the OKEANOS.

PMNM-2015-018 Elliott (proposed)	This permit would conduct bathymetric mapping activities	Nihoa, Mokumanamana, French Frigate Shoals, Gardner Pinnacles, Maro Reef, Laysan, Lisianski and Pearl and Hermes
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Table 4. Concurrent project aboard the HIKIANALIA

PMNM-2015-021 Thompson (proposed)	This proposed permit would provide opportunities for apprentice navigators to practice traditional wayfinding	Nihoa, Mokumanamana, French Frigate Shoals, Gardner Pinnacles
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Table 5. Concurrent project aboard the MAKANI'OLU.

PMNM-2015-021 Kikiloi (proposed)	This proposed permit would conduct cultural archaeological research activities	Nihoa, Mokumanamana
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Table 6: Concurrent projects about NOAA ship SETTE.

Permit	Purpose and scope	Location
PMNM-2015-004 Koes SETTE (approved)	This permit allows the NOAA SETTE entry into the Monument. Personnel aboard the vessel would be permitted under separate permits	All locations
PMNM-2015-001 Co-Trustee	This permit allows monk seal field camp operations	French Frigate Shoals, Lisianski Island, Pearl and

(approved)	Hermes, Midway, Kure
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The activities of the NOAA Ship OKEANOS EXPLORER would provide support for research and management cruises. Any additional activities onboard these cruises would be applied for and permitted separately. At this time, no other concurrent activities are known. However, as in the past, the culmination of this permit, along with those that may be supported by its ship platform, is not anticipated to have significant cumulative impacts.

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

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

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

Suzanne Case
Chairperson, Board of Land and Natural Resources

Date

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

June 12, 2015

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Subject: Settlement Agreement with Sea Sport Cruises, Inc. for Coral Damage Resulting from the September 10, 2013 *Ocean Odyssey* Vessel Grounding near Ma'alaea Harbor, Maui

Summary: This submittal requests the Board to find that Sea Sport Cruises, Inc. ("SSC") violated Hawaii Administrative Rules §13-95-70 by breaking and damaging approximately 20 specimens of stony coral (or approximately 47 square meters of poor quality reef) when its vessel, the *Ocean Odyssey*, ran aground near Ma'alaea Harbor, Maui, on September 10, 2013. In satisfaction of the damage to natural resources on public lands, DAR recommends that the Board approve the proposed settlement payment from SSC to the State in the amount of \$7,000 as an agreed-upon contribution to be held in trust for the purpose of repairing and maintaining State moorings in Maui County.

Date of Incident: September 10, 2013

Against: Sea Sport Cruises, Inc.
300 Ma'alaea Rd., Suite 211
Wailuku, HI 96793

Location of Incident: Approx. ¼ mi. NE of McGregor Point, Maui County, Hawai'i

I. INTRODUCTION

On September 10, 2013, the *Ocean Odyssey*, a 149-passenger catamaran owned and operated by Sea Sport Cruises, Inc. ("SSC"), ran aground near Ma'alaea Harbor, Maui, approximately one quarter mile northeast of McGregor Point. The vessel's two pontoons dragged against the hard substrate as it ran aground, creating two visible scars extending from the shallows (about 5 – 6' deep) to the shoreline. It is estimated that approximately 20 individual coral colonies were damaged over an area of approximately 47 square meters of poor quality reef.

DAR recommends that the Board of Land and Natural Resources ("Board") approve the proposed settlement payment from SSC to the State in the amount of \$7,000 as an agreed-upon contribution to be held in trust for the purpose of repairing and maintaining State moorings in Maui County in satisfaction of the damage to natural resources on public lands. Should the Board accept DAR's recommendation, SSC agrees to waive its rights to contest the essential facts, to accept legal liability for the grounding, and to perform its obligations under the settlement.

II. FACTUAL BACKGROUND

In consideration of the settlement terms recommended by DAR, and for the sole purpose of this settlement agreement for the damage of marine resources, SSC agrees to the following facts and will decline to contest legal liability for the acts of its employees leading to the grounding of its vessel, the *Ocean Odyssey*:

A. Sea Sport Cruises, Inc. owned and controlled the *Ocean Odyssey*

The *Ocean Odyssey*, a 65-foot, 149-passenger catamaran, is owned by Sea Sport Cruises, Inc. ("SSC"). SSC leases the *Ocean Odyssey* to its own wholly owned subsidiary, Leilani Corp., which is the operator and permit holder for the vessel.

In command of the *Ocean Odyssey* on September 10, 2013 was Joshua T. Abrahamsen, a licensed captain. Capt. Abrahamsen was 32 years old at the time of the incident and had been a vessel captain with SSC since January 2010. Immediately after the grounding incident, Capt. Abrahamsen's employment was terminated.

B. The September 10, 2013 incident

On September 10, 2013, at approximately 4:30 a.m., the *Ocean Odyssey* departed Ma'alaea Harbor to drydock on Oahu for routine maintenance. Upon departing from Ma'alaea Harbor, Capt. Abrahamsen set the vessel's course a ½ turn (~ 2-3 degrees) to starboard at a speed of 16-17 knots. This heading put the vessel on a collision course with the shoreline at McGregor Point. Capt. Abrahamsen was distracted by activities and personnel onboard the vessel which caused him to neglect to steer the vessel properly or to check his heading. Approximately a quarter mile east of McGregor Point, the vessel struck a submerged rock and ran aground.

Due to the south swell and onshore winds that day, the crew determined that there was little they could do without a salvage vessel and experienced salvage team. The crew disembarked the vessel, and the *Ocean Odyssey* was intentionally flooded to minimize movement in the surf overnight. The next day, a salvage team arrived and was able to tow the *Ocean Odyssey* off the reef.

C. Ecological assessments of habitat damage

On September 11, 2013, the day after the incident, SSC staff members Josh Wittmer, Annalea Fink, and Blake Moore surveyed the area where the *Ocean Odyssey* went aground. The team documented two clear scars from the port and starboard pontoons extending from the shoreline throughout the “surge zone”, the area of breaking surf. The substrate in the surge zone consists of old dead pieces of coral rubble, coralline algae, and lava rock. No living coral specimens were found throughout the scarred area within the surge zone.

Beyond the surge zone, in the area referred to as the “shallows”, only one scar from one of the pontoons was visible. In the path of the single scar, zoanthids, coralline algae, *Porites lobata*, and *Pocillopora meandrina* composed the vast majority of the reef structure. It was observed that both the *P. lobata* and *P. meandrina* sustained damage in the scarring area. SSC staff estimated that approximately 20 coral heads were affected by the grounding.

On September 25, 2013, Maui DAR staff accompanied SSC staff to the grounding site to inspect the damage. DAR staff found one prominent scar, but was unable to determine whether the scar had been caused by the initial grounding event or the subsequent salvage operation or both. The length of the grounding scar through the coral shallows was measured at 47 m. The scar extended further shoreward, but the substrate then shifted to uncolonized hard bottom covered with mostly fleshy algae, where no corals were found. It is possible that other damage scars were present in the vicinity, but because of high surf and poor visibility neither DAR nor SSC could locate any other signs of damage.

D. Habitat damage quantification

The coral habitat impacted by the grounding can best be described as poor quality reef. The coral is very patchy and mostly crustose in morphology. Total coral cover in the area is estimated at no more than 10%, although there are some large lobe and cauliflower corals in the area. DAR staff observed two large lobe corals impacted and four cauliflower corals dislodged, but mostly still intact. Observations suggest that SSC’s estimate of 20 impacted coral colonies is a fairly accurate assessment of the damage. A more thorough DAR assessment was not conducted because by the time the sea conditions improved sufficiently to allow for a detailed assessment, turf algae had covered up the damage scars. Therefore it was decided to utilize the SSC assessment which seemed to be a reasonably accurate assessment of the damaged area.

III. LEGAL AUTHORITY FOR ENFORCEMENT

A. Statutory and regulatory protection of live coral

Stony coral is protected by Hawaii Administrative Rules (“HAR”) Title 13, Chapter 95 and by Hawaii Revised Statutes (“HRS”) section 187A-12.5. HAR §13-95-70(a)(1) states in relevant part that “it is unlawful for any person to take, break, or damage any stony coral.”

“Stony coral” is defined as “any invertebrate species belonging to the Order Scleractinia, characterized by having a hard, calcareous skeleton, that are native to the Hawaiian islands.” HAR §13-95-1.

“Break” means “to hit with, or to apply sufficient force to reduce to smaller pieces or to crack without actually separating into pieces.” HAR §13-95-1 (emphasis added).

“Damage” means “to scrape, smother, poison, or otherwise cause any physical or physiological harm to the living portion of a stony coral or live rock.” *Id.* (emphasis added).

B. Administrative fines authorized for violations of HAR Title 13, Chapter 95

HRS §187A-12.5(c) provides the administrative penalties for violations of HAR §13-95-70 and other administrative rules relating to aquatic resources: “(1) For a first violation, a fine of not more than \$1,000; (2) For a second violation within five years of a previous violation, a fine of not more than \$2,000; and (3) For a third or subsequent violation within five years of the last violation, a fine of not more than \$3,000.”

HRS §187A-12.5(e) also provides that “[i]n addition to subsection (c), a fine of up to \$1,000 may be levied for each specimen of all other aquatic life taken, killed, or injured in violation of subtitle 5 of title 12 or any rule adopted thereunder.” The definition of “aquatic life” includes coral. *See* HRS §187A-1.

HAR §13-95-2 (b) provides that for colonial stony corals, such as the *P. lobata* and *P. meandrina* colonies damaged in the grounding event, per specimen fines may be imposed on the basis of each damaged head or colony less than one square meter in surface area or, for a colony greater than one square meter in surface area, each square meter of colony surface area and any fraction remaining constituting an additional specimen.

Additionally, HRS §187A-12.5(a) authorizes the Board “to recover administrative fees and costs... or payment for damages or for the cost to correct damages resulting from a violation of” the statutes and rules pertaining to aquatic resources.

C. Settlement authority

Pursuant to HRS §171-7, it is a general duty of the Board to “recover money due the State for damage done to any public lands by wrongful entry and occupation or by wrongful removal therefrom or destruction of any property.” Further, DLNR has inherent authority to accept

moneys for the purpose of implementing its functions.¹ These monies may be placed into a trust fund² and designated for certain purposes, provided that the terms that establish the trust are not illegal.

**IV. APPLICATION OF LAW AND RECOMMENDED SETTLEMENT PURSUANT TO
CIRCUMSTANTIAL FACTORS AND DAR STAFF'S SETTLEMENT DISCUSSIONS WITH THE
RESPONSIBLE PARTY**

A. Maximum authorized fines

HRS §187A-12.5 authorizes an administrative fine of \$1,000 for a first time coral damage violation, as well as an additional \$1,000 per coral specimen injured. Given the estimated 20 coral colony specimens impacted by the *Ocean Odyssey* grounding, the maximum administrative fine authorized in this case would be \$21,000.

HRS §187A-12.5 further authorizes the Board to assess administrative fees and costs, including attorneys' fees relating to a violation of coral protection rules.

B. Factors to be considered in assessing fines

The Board has broad discretion in assessing administrative fines for a natural resource violation. Some of the factors that the Board may take into consideration include the value of the resource damaged, costs for the state to investigate and process the violation, extent of the respondent's cooperation, and voluntary actions taken by the respondent to mitigate or avoid damages.³

DAR staff classified the damaged area as low quality habitat with less than 10% coral cover. In an earlier coral damage case involving anchor damage by the *Kai Kanani* in 2007, the settlement reached by the parties resulted in a fine for comparable low quality reef habitat that equaled approximately \$140/square meter. If we utilize this same unit value, the 47 square meters damaged would have a total habitat value of \$6,580.

The cost for the state to investigate the violation was minimal, thanks to the assistance of SSC staff in conducting initial surveys of the grounding site. DLNR estimates that its administrative costs in responding to this incident totaled approximately \$500.⁴ The cost of processing the violation was also mitigated by SSC's willingness to accept responsibility for the incident and to compensate the state for the resources damaged.

Finally, SSC took prudent measures to mitigate and avoid further coral damage by flooding the vessel to minimize movement of the vessel in the surf while awaiting salvage. SSC also took responsibility for hiring a professional salvage team to remove the *Ocean Odyssey* from the reef.

¹ See AG Opinion No. 92-04

² See HRS §37-62

³ See HAW. ADMIN. R. §13-1-70

⁴ The Maui DAR Education Specialist, Russell Sparks, spent approximately one full day investigating the grounding site and assessing damages. The Maui DAR Monitoring Coordinator spent approximately 4 hours responding to the incident.

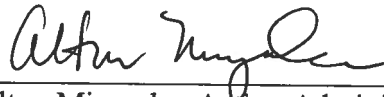
C. Recommended settlement

SSC and the State have agreed to a proposed settlement whereby SSC will make a contribution of \$7,000 to compensate the State for the habitat damaged in the incident and to cover the State's associated administrative costs. The funds will be held in trust for the purpose of repairing and maintaining State moorings in Maui County, which helps to protect coral reef habitat by reducing anchor damage in areas of heavy vessel use. Based on the considerations outlined above, DAR recommends that the Board approve the proposed settlement.

V. RECOMMENDATIONS


1. That the Board find that Sea Sport Cruises, Inc. violated HAR §13-95-70 when its vessel, the *Ocean Odyssey*, ran aground near Ma'alaea Harbor, Maui, on September 10, 2013 and damaged approximately 20 coral specimens;
2. That the Board approve the proposed settlement payment from Sea Sport Cruises, Inc. to the State in the amount of \$7,000 as an agreed-upon contribution to be held in trust for the purpose of repairing and maintaining State moorings in Maui County, to be paid in full within 30 days of the date of this submittal; and
3. That the Board delegate to the Chairperson or her designee its authority to execute all necessary documents to carry out its recommendations under this submittal.

Respectfully Submitted,



Alton Miyasaka, Acting Administrator
Division of Aquatic Resources

APPROVED FOR SUBMITTAL:


Suzanne D. Case, Chairperson
Department of Land and Natural Resources