

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

April 22, 2016

Board of Land and Natural Resources
Honolulu, Hawai‘i

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Ms. Bonnie Kahape‘a-Tanner, Māna Maoli / Kānehūnāmoku Voyaging Academy, for Access to State Waters to Conduct Documentation of Halau Holomoana’s “Ola I Ke Au a Kanaloa” Voyage and Maritime Vocation Program

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument special ocean use permit to Ms. Bonnie Kahape‘a-Tanner, Program Director, Māna Maoli / Kānehūnāmoku Voyaging Academy, pursuant to § 187A-6, Hawai‘i Revised Statutes (HRS), Chapter 13-60.5, Hawai‘i Administrative Rules (HAR), and all other applicable laws and regulations.

The Special Ocean Use permit, as described below, would allow entry and 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
- Mokumanamana (Necker Island)

The activities covered under this permit would occur between June 1, 2016 and May 31, 2017.

The Applicant has previously conducted activities within the Monument, and is proposing to add the use of a UAS to the activities, pending FAA approval. UAS activities have previously been conducted within the Monument by other permittees.

INTENDED ACTIVITIES

The Applicant proposes to capture photographs and video of activities related to traditional Native Hawaiian wayfinding and voyaging by young Native Hawaiian mariners participating in the “Ola i ke au a Kanaloa” voyaging program with the Māna Maoli / Kānehūnāmoku Voyaging Academy. Photographs and video footage would be used for education, outreach, and fundraising purposes by the Māna Maoli / Kānehūnāmoku Voyaging Academy. This would be the second access to the Monument by the Hālau Holomoana training program, and would expose a new group of Native Hawaiian youth enrolled in the program to the Monument for the first time.

An application for voyaging activities is submitted under a separate Native Hawaiian Practices permit (proposed activities currently in review for Kahapea-Tanner, PMNM-2016-010). This Applicant and up to twenty-four (24) individuals would voyage to Necker Island (Mokumanamana) and Nihoa Island on the SSV MAKANI OLU from June 15 to 25, 2016.

The Applicant and the individuals covered under this permit would be capturing images and video footage both manually and through the use of a Phantom 3 Professional quadcopter unmanned aerial system (UAS) to capture images and footage remotely, maintaining a distance of 400 ft. from the shoreline.

Potential products produced from the materials collected would include greeting cards, calendars, framed or canvas pictures, and other potential products for education and outreach, and to promote the maritime program. These products would be used for fundraising purposes that would benefit both Māna Maoli / Kānehūnāmoku Voyaging Academy and the Monument in its education and outreach goals.

The activities proposed by the Applicant directly support the Monument Management Plan's (MMP) priority management needs through Ocean Ecosystem Literacy Action Plan (Strategy OEL-2: Develop and implement new tools to "bring the place to the people" (MMP Vol. 1, p290, 2008)). The Applicant would obtain photographs and video of the "Ola i ke au a Kanaloa" voyage for the purposes of creating materials for education and outreach used in fundraising for Māna Maoli / Kānehūnāmoku Voyaging Academy. These activities fit into this Strategy because fundraising products would engage an audience who has not participated in the cruise and would not otherwise access the Monument.

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

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

REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific and cultural entities: 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, the Office of Hawaiian Affairs (OHA), and the PMNM Native Hawaiian Cultural Working Group. In addition, the permit application has been posted on the Monument Web site since March 2, 2016, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument's Public Notification Policy.

Comments received from the scientific community are summarized as follows:

Scientific reviews support the acceptance of this application.

QUESTIONS:

1. While the drone is in use, how close or how far will the vessel be from any island within the Monument? Please also include in the proposal.

The Applicant responded with:

If weather permits at Nihoa and Mokumanamana, the vessel will anchor in safe depth and on sandy substrate. The vessel has anchored at Mokumanamana in 2014, and was approximately 400 feet from shore. We would plan for similar anchorage.

Proposed drone usage would be from the ship while anchored or while underway not near to any island.

2. What emergency response plan is in place should the drone crash into any island(s) and into the ocean? We request for a copy to accompany the application.

The Applicant responded with:

Drone is equipped with flotation and in the event of a drone crash, could be retrieved with the rescue launch. There is no plan to fly the drone near to land.

3. What are the specs of the drone for this proposal?

The Applicant responded by providing Attachment 1 which lists the Professional Specs for the Phantom 3.

4. What protocols are in place should any seabird begin to interact with the drone during the proposed use? We request for a copy to accompany the application.

The Applicant responded with:

In the event that a seabird begins to interact with the drone, the drone will return immediately to the ship for retrieval.

5. Will there be a resource monitor assigned to this proposal?

The Applicant responded with:

There is currently not a resource monitor assigned to this proposal.

COMMENTS:

1. If there is a strong current or the water depth is shallow (less than 3ft), snorkeling should not be allowed in those areas as there is a risk of damage to the substrate present. With that many students in the water, there is a greater risk of kicking or standing on resources.

The Applicant responded with:

Noted.

2. Prevention of the spread of invasive species. Any snorkel gear or equipment that is intended to be used in the water at the Monument should be rinsed in freshwater or bleach solution before entering the Monument.

The Applicant responded with:

All snorkel gear and equipment will be rinsed and inspected before use in the Monument.

3. As per the Monument's Special Ocean Use Permit Special Conditions for Film/Photography Activities (dated May 2012), please provide copies of the final products.

The Applicant responded with:

Noted.

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. No concerns were raised.

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 request to the National Marine Fisheries Service (NMFS) for a Section 7 informal consultation pursuant to the Endangered Species Act of 1973 is underway to analyze the effects of proposed activities within the Monument on protected species. The outcome of this

consultation may require the Applicant to adhere to other NMFS-prescribed conditions. Such conditions would be reflected in the PMNM permit, prior to issuance.

- An informal review of all aforementioned activities following section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA; 16 U.S.C. 1855(b)) was completed on March 9, 2016 by NOAA National Marine Fisheries Service (NMFS) Pacific Islands Regional Office (PIRO). NMFS PIRO concluded adequate PMNM Best Management Practices are in place for the proposed activities, thus project activities would not adversely affect Essential Fish Habitat (EFH).
- 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 PAPAĪHĀNAUMOKUĀKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO MS. BONNIE KAHAPE‘A-TANNER, MĀNA MAOLI / KĀNEHŪNĀMOKU VOYAGING ACADEMY, FOR ACCESS TO STATE WATERS TO CONDUCT PHOTOGRAPHIC AND FILMING OF OLA I KE AU A KANALOA VOYAGING ACTIVITIES UNDER PERMIT PMNM-2016-009”)

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

- The Applicant was granted permit PMNM-2007-022 in 2014 for similar work.

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

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

STAFF OPINION:

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

MONUMENT MANAGEMENT BOARD OPINION:

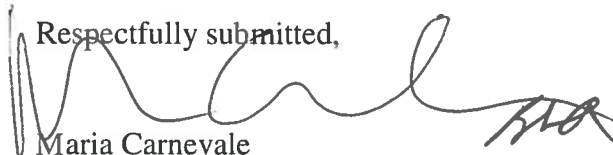
The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

RECOMMENDATION:

That the Board authorize and approve a Special Ocean Use Permit to Ms. Bonnie Kahape'a-Tanner, Māna Maoli / Kānehūnāmoku Voyaging Academy, with the following special conditions:

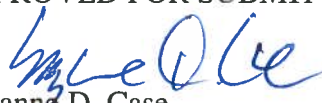
1. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
2. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State Marine Refuge.
3. No fishing is allowed in State Waters except as authorized under state law for subsistence, traditional, and customary practices by Native Hawaiians.
4. If there is any Hawaiian monk seal or any other protected species in the area when performing any permitted activity shall cease until the animal(s) depart the area, except as permitted for specific management of that species.
5. That the permittee provide, to the best extant possible, a summary of their Monument access, including, but not limited to, any initial findings to the DLNR for use at educational institutions and outreach events.

Respectfully submitted,



Maria Carnevale
State Co-Manager
Papahānaumokuākea Marine National Monument

APPROVED FOR SUBMITTAL



Suzanne D. Case
Chairperson

Papahānaumokuākea Marine National Monument
SPECIAL OCEAN USE Permit Application

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

ADDITIONAL IMPORTANT INFORMATION:

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

INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Send Permit Applications to:

NOAA/Inouye Regional Center

NOS/ONMS/PMNM/Attn: Permit Coordinator

1845 Wasp Blvd, Building 176

Honolulu, HI 96818

nwhipermit@noaa.gov

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

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

Papahānaumokuākea Marine National Monument Permit Application Cover Sheet

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

Summary Information

Applicant Name: Bonnie Kahape‘a-Tanner
Affiliation: Kānehūnāmoku Voyaging Academy

Permit Category: Special Ocean Use
Proposed Activity Dates: 6/15-6/25, 2016
Proposed Method of Entry (Vessel/Plane): Vessel SSV Makani Olu
Proposed Locations: Mokumanamana and Nihoa

Estimated number of individuals (including Applicant) to be covered under this permit:
25

Estimated number of days in the Monument:
5

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...

The proposed activity would be to document with the intent to utilize for education, outreach, and fundraising purposes any potential documentation derived from the activities of the group that voyage to PMNM as a part of Hālau Holomoana, a 30 day Native Hawaiian culture/wa‘a based maritime vocational program. The voyage will give a unique deep sea and culturally rich opportunity to 15 high school juniors & seniors and 10 professional ships‘ crew, instructional kumu, and cultural practitioners. The voyage will focus on developing a deep sense of responsibility to community and cultural practices by weaving together traditional wayfinding, cultural protocol and ceremonial practices, and maritime seamanship skills.

Papahānaumokuākea is a special place where the knowledge of our kupuna is ever present in this remote and rugged environment. Documentation will be captured in the most culturally appropriate and sensitive ways, ensuring protocols are conducted prior to entering the Monument to ensure activities (including documentation type of activities) are done in a respectful and appropriate manner.

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

Preparation for this voyage is already underway. The ship Makani Olu has been secured. Students and staff are preparing by memorizing Kanaloa protocols and engaging in discussions and research. We are also working with cultural experts in traditional navigation and cultural protocols and ceremony. Current sail plan is to leave from Kaneohe Bay, site Kauai and Niihau, and continue on to Nihoa and Mokumanamana. Once at Nihoa and Mokumanamana respectively, we will circumnavigate the island and anchor overnight, if time permits. On the return to the main Hawaiian islands, we will site Nihoa and if timing allows we will circumnavigate and anchor overnight.

All individuals onboard will have opportunities to document their experiences and capture pictures and film footage in PMNM. It is our hope that Kānehūnāmoku Voyaging Academy may be able to benefit from potential revenue generated from pictures and other video footage captured while in PMNM.

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

Supporting the output of beautiful products from PMNM (pictures, cards, calendars, etc). Such products will aid in "bringing the place to the people" by providing visual pieces and potentially other educational materials from the Monument to people who are unable to go themselves.

Other information or background:

Vessel Name: SSV Makani Olu
Vessel Owner: Marimed Foundation
Captains Name: Kalei Velasco
IMO#: DLZ065030497
Vessel ID#: 1113517
Flag: USA
Vessel Type: three-masted tall ship staysail schooner
Call sign: WDA6945
Embarkation port: Kāneʻohe Bay
Length: 96'
Gross tonnage: 68
Total ballast water capacity volume: n/a
Total fuel capacity: 421 gallons
Total number of fuel tanks on ship: 2
Marine Sanitation Device: Yes Type: Holding Tanks

Section A - Applicant Information

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):

	First Name	Last Name	Role	Affiliation	telephone number	e-mail
1	Wayne Michael	Kalei Velasco	Captain	Marimed	346-5392	kalei.velasco@marimed.org
2	Harry	Sprague	First Mate	Marimed	445-26-35	harry.sprague@marimed.org
3	Joseph	O'hara	Second Mate	Marimed		jo.ohara@marimed.org
4	Bonnie	Kahapea-Tanner	Program Director	KVA	286-4176	kahapea@gmail.com
5	Pualani	Lincoln-Maielua	Navigator	KVA	222-2944	pualanikealii@gmail.com
6	Kealii	Bertelman	Spiritual Officer	KVA	339-1287	kaualanikipuupuu@gmail.com
7	Loyal	Kekahuna Baisa	Program Coordinator	KVA	542-3637	loyal@kanehunamoku.org
8	Kelsey Ui	Malakaua	Instructor, deckhand	KVA	990-8846	ui@kanehunamoku.org
9	Rusty	Oppenheimer	Instructor, deckhand	KVA	225-3777	rusty@kanehunamoku.org
10			Instructor, deckhand	KVA		
11	Makalii	Bertelmann	Student	KVA	960-8001	pelikaok@hawaii.edu
12	Joseph Kawaiola	Enos	Student	KVA	371-8615	mahea63@gmail.com
13	Kelsey Kuulei	Fujiyama	Student	KVA	216-0114	hiapo@halaukumana.org
14	Domonic Kaya	Johnson	Student	KVA	429-7450	ugotit808@gmail.com
15	Shawwna	Opiopio	student	KVA	234-3592	johnopiopio@yahoo.com
16	Kamaha'o	Ka'ai	student	KVA	778-4515	cazysmom@gmail.com
17	Patrick James(PJ)	Kaawa	student	KVA	628-8153	jaka1ka@yahoo.com
18	Austin	Kalama	student	KVA	633-1320	kalama212@yahoo.com
19	Cory	Mahiai	student	KVA	726-3935	mahiai@halaukumana.org
20	Kahikiha'au'ena	Makua	student	KVA	542-3813	keliimakua@gmail.com
21	Paul-Bryant (Kaumana)	Naki	student	KVA	224-3742	mananaki@gmail.com
22	Kyler	Nishioka-Lani	student	KVA	205-5243	robilani@yahoo.com
23	Danielle Ka'ui	Souza	student	KVA	315-1728	kikillventura@yahoo.com
24	Conner	White	student	KVA	888-9078	Debwhite808@yahoo.com
25	Reiley Makana	Wilhelm	student	KVA	388-1058	michelewilhelm@mac.com

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

Coastal waters for both Mokumanamana and Nihoa, not to go past the high water mark.

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

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):

OHA: \$17,500

US DOE Native Hawaii Education Program: \$17,500

5. Time frame:

Activity start: 6/15/16

Activity completion: 6/25/2016

Dates actively inside the Monument:

From: 6/18/2016

To: 6/23/2015

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

Personnel schedule in the Monument:

n/a

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;

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

- Vessel
 Aircraft

Provide Vessel and Aircraft information:
See below

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

- Rodent free, Date: 4/5/16
 Tender vessel, Date: TBD
 Ballast water, Date: N/A
 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: Makani Olu
Vessel owner: Marimed Foundation
Captain's name: Kalei Velasco
IMO#:DLZ065030497
Vessel ID#:1113517
Flag: USA
Vessel type: three masted tall ship staysail schooner
Call sign: WDA6945
Embarkation port: Kāneʻohe Bay
Last port vessel will have been at prior to this embarkation: Heeia Kea Boat Harbor

Length: 96'
Gross tonnage: 68
Total ballast water capacity volume (m3): n/a
Total number of ballast water tanks on ship: n/a
Total fuel capacity: 421g
Total number of fuel tanks on ship: 2
Marine Sanitation Device: Yes
Type: Holding Tank

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:

The Makani Olu will not be discharging anything in the monument.

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

Provide proof of a National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement-approved Vessel Monitoring System (VMS). Provide the name and contact information of the contractor responsible for installing the VMS system. Also describe VMS unit name and type:

750 Faria Watchdog VMS (On loan from PMNM)

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 12FT rigid inflatables with Yamaha 20HP 4 stroke engines

Additional Information for Land Based Operations

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

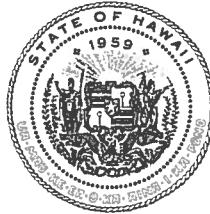
12. Room and board requirements on island:
n/a

13. Work space needs:
n/a

DID YOU INCLUDE THESE?

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

DAVID Y. IGE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

April 22, 2016

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

KEKOA KALUHIWA
FIRST DEPUTY

JEFFREY PEARSON
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING

FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

TO: Division of Aquatic Resources File

THROUGH: Suzanne D. Case, Chairperson

FROM: Maria Carnevale
Papahānaumokuākea Marine National Monument

SUBJECT:

DECLARATION OF EXEMPTION FROM THE PREPARATION OF AN ENVIRONMENTAL ASSESSMENT UNDER THE AUTHORITY OF CHAPTER 343, HRS AND CHAPTER 11-200 HAR, FOR PAPAHA NAUMOKU AKEA MARINE NATIONAL MONUMENT SPECIAL OCEAN USE PERMIT TO MS. BONNIE KAHAPE'A-TANNER, MA NA MAOLI / KANEHUNAMOKU VOYAGING ACADEMY, FOR ACCESS TO STATE WATERS TO CONDUCT DOCUMENTATION OF HALAU HOLOMOANA'S "OLA I KE AU A KANALOA" VOYAGE AND MARITIME VOCATION PROGRAM UNDER PERMIT PMNM-2016-009.

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

Project Title:

Papahānaumokuākea Marine National Monument Special Ocean Use Permit to Ms. Bonnie Kahape'a-Tanner, Program Director, Māna Maoli / Kānehūnāmoku Voyaging Academy, for Access to State Waters to Conduct Photographing and Filming of Ola I Ke Au a Kanaloa Voyaging Activities.

Permit Number: PMNM-2016-009

Project Description:

The Special Ocean Use permit application, as described below, would allow entry and activities to occur in Papahānaumokuākea Marine National Monument (Monument), including the NWHI State waters from June 1, 2016 to May 31, 2016.

The Applicant proposes to film and photograph activities related to traditional Native Hawaiian wayfinding and voyaging by young Native Hawaiian mariners participating in the "Ola i ke au a Kanaloa" voyaging program with the Māna Maoli / Kānehūnāmoku Voyaging Academy. Photographs and video footage would be used for education, outreach, and fundraising purposes by

ITEM F-2c

the Māna Maoli / Kānehūnāmoku Voyaging Academy. An application for voyaging activities was submitted under a separate Monument Native Hawaiian Practices permit (Kahapea-Tanner, PMNM-2016-010). The Applicant and up to twenty-four (24) individuals would voyage to Mokumanamana and Nihoa Island on the SSV MAKANI OLU from June 15 to 25, 2016. Collection of photographs and video footage could involve swimming or snorkeling in waters surrounding Nihoa Island and Mokumanamana. No land would be accessed.

All filming and photography activities will be performed in a culturally appropriate manner and will adhere to Monument Best Management Practices (BMP). All photography and videography will be done manually as well as remotely by using Phantom 3 Professional quadcopter unmanned aerial system (UAS). UAS footage will focus on wide shots of the crew and ship at anchor approximately 400 feet from shore. The UAS would stay within 300 feet of the vessel and not fly over land or along cliff faces, where birds may be abundant. In the unlikely event of seabird interaction, all UAS activities would cease. Approval to use the Phantom 3 Professional UAS is pending appropriate authorization from the Federal Aviation Administration for civil non-recreational use.

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

The activity benefits the Monument by “bringing the place to the people” (MMP Vol. 1, p290, 2008), increasing visibility, awareness, and educational opportunities for the Monument through still and video imagery. The project directly supports an activity in the Monument Management Plan (MMP), under the Constituency Building and Outreach (CBO) Action Plan, Activity CBO-2.3: “Support other entities’ efforts to broaden knowledge of an appreciation for Monument resources and management priorities.” (MMP Vol. 1, p. 271, 2008).

Consulted Parties:

The permit application was sent out for review and comment to the following scientific and cultural entities: Hawai‘i Division of Aquatic Resources, Hawai‘i Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office, the Office of Hawaiian Affairs (OHA), and the PMNM Native Hawaiian Cultural Working Group. In addition, the permit application has been posted on the Monument Web site since March 2, 2016, giving the public an opportunity to comment. The application was posted within 40 days of its receipt, in accordance with the Monument’s Public Notification Policy.

Exemption Determination:

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

1. All activities associated with this permit, including the activities involved with photographing and filming activities related to the “Ola i ke au a Kanaloa” voyage including water activities, have been evaluated as a single action. As a preliminary matter, multiple or phased actions, such as when a group of actions are part of a larger undertaking, or when an individual project is precedent to or represents a commitment to a larger project, must be grouped together and evaluated as a single action. HAR § 11-200-7. This permit does not involve an activity that is precedent to a later activity.

2. The Exemption Class for Basic Data Collection with no Serious or Major Environmental Disturbance Appears to Apply. Chapter 343, HRS, and section 11-200-8, HAR, provide for a list of classes of actions exempt from environmental assessment requirements. HAR §11-200-8.A.5. 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 filming and photography activities here appear to fall squarely under the exemption class #5, exempt item #2 as described under the Exemption List for the Department of Land and Natural Resources list published in June 5, 2015 as “non-destructive data collection and inventory, including field, aerial and satellite surveying and mapping.” Filming and photography are considered data collection. As discussed below, no significant disturbance to any environmental resource is anticipated in either the filming or photographing of Monument resources. Thus, so long as the below considerations are met, an exemption class should include the action now contemplated.

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

Significant cumulative impacts are not anticipated as a result of this activity, and numerous safeguards further ensure that the potentially sensitive environment of the project area will not be significantly affected. All activities will be conducted in a manner compatible with the management direction of the Monument Proclamation in that the activities do not diminish monument resources, qualities, and ecological integrity, or have any indirect, secondary, cultural, or cumulative effects.

The joint permit review process did not reveal any anticipated indirect or cumulative impacts that would occur as a result of these activities.

The following tables list additional activities that are anticipated to take place in the Monument, pending approval.

Table 1. Concurrent Projects Aboard NOAA SHIP M/V SEARCHER

Permit	Purpose and Scope	Location
PMNM-2016-001 M/V SEARCHER (approved)	The permit allows NOAA Ship M/V SEARCHER entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.	All locations
PMNM-2015-017-A1 Springer (proposed)	The Applicant would be using traditional ecological knowledge to examine intertidal ecosystems.	Nihoa, Mokumanamana, Gardner Pinnacles, French Frigate Shoals
PMNM-2015-026-A1 Bird-Toonen (proposed)	The Applicant would conduct intertidal biodiversity surveys.	Nihoa, Mokumanamana, Gardner Pinnacles, French Frigate Shoals
PMNM-2016-018 Rubinoff (proposed)	The Applicant would conduct research activities on the Hawaiian <i>Hyposmocoma</i> moth.	Gardner Pinnacles, French Frigate Shoals

Table 2. Concurrent Projects Aboard NOAA Ship HI'IALAKAI

Permit	Purpose and Scope	Location
PMNM-2016-006 NOAA Ship HI'IALAKAI	The permit allows NOAA Ship HI'IALAKAI entry into PMNM. Personnel aboard the vessel will be permitted under separate permits.	All locations
PMNM-2016-001 Co-Trustees' Permit	Activities covered under the Co-Trustees' permit will also be taking place in PMNM during spring 2016 (i.e. deployment of restoration field crews, monk seal camps, etc).	All locations

Permit	Purpose and Scope	Location
PMNM-2016-008 Parrish-Garrett (proposed)	The Applicants would be conducting shark removal activities in order to benefit Hawaiian monk seal populations.	French Frigate Shoals
PMNM-2016-011 Surgent (proposed)	The Applicant would be using photography, A/V recordings, and marine debris collections, to document her work with the Hawaiian Monk Seal Research Project to create a body of artwork about PMNM.	French Frigate Shoals, Laysan Island, Lisianski Island, Pearl and Hermes Atoll, Midway Atoll, Kure Atoll

Table 3. Concurrent Projects Aboard the SSV MAKANI OLU

Permit	Purpose and Scope	Location
PMNM-2016-010 Kahapea-Tanner (proposed)	The Applicant would be leading a group of Native Hawaiian Youth in the use of traditional seafaring methods and Native Hawaiian cultural practices.	Nihoa Island, Mokumanamana

In addition to the Applicant, the M/V SEARCHER and the HI'IALAKAI are also expected to be in Monument during this time frame. The M/V SEARCHER would facilitate activities by Springer (PMNM-2015-017-A1) for intertidal biodiversity surveys, and Rubinoff (PMNM-2016-018) for moth research activities, and the HI'IALAKAI will be transporting the Hawaiian Monk Seal Research Project (HMSRP) staff to their respective field camp (Co-Trustees PMNM-2016-001, and Surgent PMNM-2016-011), as well as Parrish-Garrett (PMNM-2016-008) to French Frigate Shoals for shark removal activities.

There are no anticipated negative impacts from overlap in activities, and therefore no associated cumulative impacts between activities from the SSV MAKANI OLU and from the other vessels. At this time, no other concurrent activities are known.

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

4. Overall Impacts will Probably be Minimal and Insignificant.

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

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

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

Date