

Prepared for:  
 National Oceanic and Atmospheric Administration  
 National Marine Fisheries Service

**Programmatic Environmental  
 Impact Statement**

**Appendix L: Papahānaumokuākea  
 Permit and Best Practices**

**Final PEIS for Hawaiian Monk Seal  
 Recovery Actions**

March 2014



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*Appendix L*  
*Part 1: PMNM 2011-001 Permit*  
*and Other Papahānaumokuākea*  
*Best Management Practices*

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**PAPAHĀNAUMOKUĀKEA**  
**Marine National Monument**

DEC 23 2010

Mr. Tom Edgerton  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Interior  
U.S. Fish and Wildlife Service

Administrator (TBD)  
Division of Aquatic Resources  
Department of Land and Natural Resources  
State of Hawaii

Mr. Paul Conry  
Administrator, Division of Forestry and Wildlife  
Department of Land and Natural Resources  
State of Hawaii

Ms. T. 'Aulani Wilhelm  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Commerce  
National Oceanic and Atmospheric Administration

**ADDRESS:**

Papahānaumokuākea Marine National Monument Office  
6600 Kalaniana'ole Hwy, Suite 300  
Honolulu, HI 96825

Dear Co-Trustee Representatives:

The National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (FWS), and the State of Hawaii (collectively, the Co-Trustees) have approved the issuance of permit number PMNM-2011-001 to conduct activities within Papahānaumokuākea Marine National Monument ("Monument") for conservation and management purposes. Activities are to be conducted in accordance with the permit application and all supporting materials submitted to the Monument, and the terms and conditions of permit number PMNM-2011-001 attached.

Your permit contains specific special conditions and reporting requirements. Please review them closely and fully comply with them while undertaking permitted activities.

If you have any questions about this permit please contact Ray Born at (808) 792-9488, Justin Rivera at (808) 397-2632, Lasha-Lynn Salbosa at (808) 397-2633 or Danielle Carter at (808) 397-2647. Thank you for your continued cooperation with NOAA, FWS, and the State of Hawaii.

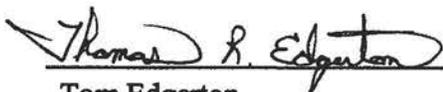
*William J. Aila Jr.*

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William J. Aila Jr.  
Interim Chairperson  
Board of Land and Natural Resources  
Department of Land and Natural Resources  
State of Hawaii

Date





12/23/10

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Tom Edgerton

Date

Superintendent, Papahānaumokuākea Marine National Monument  
Department of Interior  
U.S. Fish and Wildlife Service







**PAPAHĀNAUMOKUĀKEA**  
**Marine National Monument**

DEC 23 2010

CONSERVATION AND MANAGEMENT PERMIT

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Papahānaumokuākea Marine National Monument Co-Trustee  
Representatives:

Permit Number:  
PMNM-2011-001

Mr. Tom Edgerton  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Interior  
U.S. Fish and Wildlife Service

Effective Date:  
January 1, 2011

Expiration Date:  
December 31, 2011

Administrator (TBD)  
Division of Aquatic Resources  
Department of Land and Natural Resources  
State of Hawaii

Mr. Paul Conry  
Administrator, Division of Forestry and Wildlife  
Department of Land and Natural Resources  
State of Hawaii

Ms. T. 'Aulani Wilhelm  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Commerce  
National Oceanic and Atmospheric Administration

**ADDRESS:**

Papahānaumokuākea Marine National Monument Office  
6600 Kalaniana'ole Hwy, Suite 300  
Honolulu, HI 96825

**Project Title:** Co-Trustee conservation and management activities in Papahānaumokuākea Marine National Monument

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This permit is issued for activities in accordance with Proclamation 8031 (“Proclamation”) establishing Papahānaumokuākea Marine National Monument (“Monument”) under the Antiquities Act of 1906, 16 USC §§ 431-433 (“Antiquities Act”) and implementing regulations (50 CFR Part 404). All activities must be conducted in accordance with the Proclamation and the regulations (attached). No activity prohibited by the Proclamation or 50 CFR Part 404 is allowed except as specified below. Chapter 13-60.5, Hawaii Administrative Rules remains in effect for activities in State waters.

Subject to the terms and conditions of this permit, the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (FWS), and the State of Hawaii (collectively, the Co-Trustees) hereby authorize the permittee listed above to conduct conservation and management activities within the Monument. All activities are to be conducted in accordance with this permit. The permit application is incorporated into this permit and made a part hereof; provided, however, that if there are any conflicts between the permit application and the terms and conditions of this permit, the terms and conditions of this permit shall be controlling.

**PERMITTED ACTIVITY DESCRIPTION:**

The following activities are authorized by this permit:

1. **ENTRANCE**

Permittees, their designated agency staff and contractors necessary for the permitted activities, as well as residents of Midway Atoll, may enter the Monument. See Permitted Personnel List (attached).

All personnel must be identified and information provided to the Monument permit coordinators prior to entry to the Monument. The permittees shall ensure that any person assigned to any conservation and management activities allowed under this permit is qualified to perform the assigned role and is limited to the scope of their position and respective project, and all other applicable policies, protocols, permits, and regulations.

All activities must be consistent with existing State and federal laws. As such, management agencies will confirm compatibility and consistency prior to the conduct of individual activities under this permit.

The MMB may monitor activities under the permit. Any member of the MMB may, for a period not to exceed 48 hours, verbally require temporary modification or cessation of activities identified in the permit if, in the opinion of the MMB member, such action is necessary to limit effects on Monument resources beyond the intended scope of the permit, to protect governmental equipment, or to ensure the safety of personnel. Such action will be followed as soon as possible by MMB emergency consideration of the temporary permit modification or temporary permit cessation. If the MMB concurs with

the temporary action taken by the MMB member, the Co-Trustees may amend the permit with the necessary changes or withdraw it. A decision by the Co-Trustees to amend the permit or to allow the activity to continue unchanged will include the necessary findings that the activity and its effects satisfy Monument permit issuance criteria and do not risk the safety of governmental employees or damage to governmental equipment.

## 2. OPERATIONS

- a. Field station operations for resource conservation supported by on-site management.
- b. Facility maintenance activities for assets and facilities of the National Wildlife Refuge System and Kure Atoll and its agents necessary for meeting mission and purposes of the refuges, sanctuary, and Monument. Examples of activities to be undertaken include, but are not limited to:
  - i. Maintenance and repair/replacement (e.g. carpentry, electrical, plumbing, welding, general construction) of facilities and their components;
  - ii. Building and other facilities deconstruction and reconstruction;
  - iii. Airport maintenance, including improvements such as runway lighting replacement and taxiway maintenance (including repaving and painting/markings);
  - iv. Painting, including all preparation work such as scraping, washing, etc.; and
  - v. Lead-based paint soil remediation, including removal of sand/soil from around many or all affected buildings and proper on-site containment of this material.
- c. Field camp supply and support activities, including but not limited to delivery and removal of supplies, people, waste, and/or assets necessary for operations.
- d. Operations and on-site review of activities, including but not limited to:
  - i. Operations and on-site reviews by management and congressional personnel;
  - ii. Agency site visits and meetings for management planning and programmatic assessments; and
  - iii. On-site management and safety reviews to gauge implementation and effectiveness of Monument management programs.
- e. Operation, maintenance, and use of airfields and runways at Midway Atoll and Tern Island.
- f. Operation of vessels to provide access for conservation and management activities.
- g. Anchoring of authorized vessels on non-coral substrate only. Anchors must be lowered into place.
- h. Sustenance Fishing, as defined by 50 CFR Part 404.11 section (h); allowed only within Midway Atoll Special Management Area for on-island U.S. Fish and Wildlife Service (FWS) personnel and contractors.
- i. Activities involving personnel safety, fitness and health maintenance including, but not limited to:
  - i. Jogging at Tern Island, French Frigate Shoals, and Midway Atoll; and

- ii. Health and safety operations for personnel, volunteers, contractors, and visitors in the Monument including site safety reviews, adverse weather and emergency response procedures, safety protocols, and continuity of operations plans.

### 3. RESOURCE SURVEY AND MONITORING

Survey and monitoring of target species and habitats to evaluate status and trends for management purposes. The following activities in direct support of management, monitoring, and characterization may be conducted:

- a. Placement, installation, and maintenance of scientific equipment, devices, markers, oceanographic instrument arrays, and remote viewing camera systems;
- b. Non-lethal marking and tagging for monitoring purposes;
- c. Visual, non invasive marking and tagging for monitoring purposes;
- d. Collection of biological, chemical, climatological, or geological samples for: analysis in support of activities under approved management plans; restoration or recovery plans; base line inventory and monitoring of population trends; and habitat conservation and management;
- e. Collection of biological voucher specimens that cannot be visually identified on the spot and/or may represent new geographic records or new species;
- f. Physical surveys and collections for landfills, storage tanks, contamination, or other potentially hazardous artifacts associated with current and former occupation and use of the Northwestern Hawaiian Islands (NWHI); and
- g. Habitat mapping activities for the production of accurate, high-resolution base maps where data collection methods may include optic, acoustic, and metal detector technologies, as well as land and dive operations for ground truthing.

### 4. NATURAL RESOURCE PROTECTION, RESTORATION AND REMEDIATION

Conduct management actions to promote conservation of Monument resources. This includes activities necessary to understand and carry out protection, restoration, and remediation of species and habitats, such as carrying out existing species recovery and restoration plans or accessing the Monument to conduct federally authorized activities under the Endangered Species Act (ESA).

Examples include, but are not limited to, Hawaiian Monk Seal Recovery Plan, the Laysan Island Ecosystem Restoration Plan (1998), the short-tailed albatross attraction project on Midway, the Laysan duck reintroduction project on Midway, the Nihoa Millerbird recovery project, *Verbesina* control, cattle egret control, rat control, and other non-native species control projects. Restoration, when and where appropriate, will be undertaken using the best available information about pre-disturbance conditions to establish goals. Activities may include:

- a. Monk seal disentanglement and health response (including treatment and necropsy), translocation from areas of high risk to safer areas, reuniting nursing mothers and pups, and removal of aggressive males;
- b. Population augmentation or reestablishment activities such as capture, translocation, reintroduction, and outplanting;

- c. Invasive species controls by mechanical, chemical, and manual methods as needed; and
- d. Investigation and monitoring of contamination in abiotic or biotic resources.

Removal of marine debris, trash, and other materials (land and ocean-based) that pose threats to Monument resources, including but not limited to derelict fishing gear.

This may include:

- a. Disentanglement of threatened and endangered species by authorized personnel, debris tracking via drifter buoys and Unmanned Aerial Vehicles, and monitoring of sites that have been cleared of debris for site recovery rates and effects of removal;
- b. Location and removal of debris and hazardous materials. This may be through interagency agreements, such as the Department of Defense (DOD) Innovative Readiness Training (IRT), Formerly Used Defense Sites (FUDS), or the Base Realignment and Closure (BRAC) Programs. Efforts may include activities such as seafloor and island mapping, reconnaissance and removal of materials, and derelict vessel salvage and removal; and
- c. Removal of sessile encrusting flora and fauna associated with marine debris.

Provide Emergency Response, Injury Assessment, Mitigation, Restoration, and Monitoring and Post-Response Management:

- a. Activities as necessary for emergency response, injury assessment, mitigation, restoration, monitoring, and post-response management in coordination with appropriate federal and / or state resource agencies and as appropriate consistent with NOAA, USFWS, and State of Hawaii Damage Assessment and Restoration regulations, policies, and procedures (e.g., oil spills, ship groundings, damage assessments, monitoring alien species, monitoring coral bleaching events, collection of bleached coral or alien species); and
- b. Activities in response to an unusual mortality event (including but not limited to threatened and endangered species, marine mammals, migratory birds), mass stranding, or other urgent species response.

## 5. CULTURAL AND HISTORICAL RESOURCE IDENTIFICATION AND PROTECTION

To identify, document, interpret, preserve, and protect the Monument's cultural and historic resources, the following activities may be conducted:

- a. Collection of post-contact artifacts as needed subject to National Historic Preservation Act (NHPA) consultation when applicable;
- b. Monitoring and surveying of historic sites;
- c. Conservation of artifacts subject to NHPA consultation and appropriate approvals from other Federal agencies (e.g., U.S. Navy) when applicable;
- d. Non-commercial filming and photographic activities for the purposes of further documenting and capturing the history of the NWHI;
- e. Location of historic artifacts using passive side scan sonar, metal-detector, or (land-based) ground penetrating radar;

- f. Returning seized Monument resources to their natural environment in coordination with appropriate federal and/or state resource agencies, including the Office of Hawaiian Affairs, as appropriate;
- g. Maintenance, preservation, and perpetuation of Native Hawaiian cultural sites and practices per the National Historic Preservation Act, Native American Graves Protection and Repatriation Act, Archeological Resources Act, American Indian Religious Freedom Act and applicable sections of the Hawai'i State Constitution, Hawaii Revised Statutes and Hawaii Administrative Rules; and
- h. Maintenance and preservation of historic sites on Midway Atoll.

#### 6. OUTREACH AND EDUCATION

To cultivate an informed, involved constituency that supports and enhances conservation of the natural, cultural, and historic resources of the Monument, and to contribute to the Nation's science and cultural literacy, the following activities may be conducted:

- a. Collection of information and experiences from the Monument to develop agency web pages, Navigating Change projects, Monument projects, etc;
- b. Collection of debris and biological samples and specimens such as albatross boluses for education projects;
- c. Conduct news media and VIP site visits to enhance public knowledge and understanding of Monument resources; and
- d. Present environmental programs at Midway Atoll.

No further disturbance of the cultural or natural resources of the Monument is allowed.

#### **PERMITTED ACTIVITY LOCATIONS:**

Other than entrance into the Monument, the permitted activities listed above are allowed at the following locations:

The permittees may conduct conservation and management activities throughout Papahānaumokuākea Marine National Monument.

## **GENERAL TERMS AND CONDITIONS:**

In accordance with the Proclamation and applicable regulations, the permitted activities listed above are subject to the following general terms and conditions:

1. The permittee must sign and date this permit on the appropriate line below. Once signed and dated, the permittee must provide a signed original copy to the Monument official identified below. The permit becomes valid on the date the last signature is obtained and shall remain valid until the expiration date on the permit.

Permit Coordinator  
Papahānaumokuākea  
Marine National Monument  
6600 Kalaniana'ole Hwy. Suite 300  
Honolulu, HI 96825

2. This permit is neither transferable nor assignable and must be carried by the permittee while engaging in any activity authorized by this permit. All other persons entering the Monument under the authority of this permit must provide the name of the permittee or the permit number to any authorized enforcement or management personnel upon request.
3. This permit may only be modified by written amendment approved by the Co-Trustees. Modifications to this permit must be requested in the same manner as the original request was made. Any modifications requested by the permittee, such as adding or changing personnel to be covered by the permit or to change the activities that are allowed, must be made in writing.
4. This permit is subject to suspension, modification, non-renewal, or revocation for violation of the Proclamation, implementing regulations, or any term or condition of the permit. Any verbal notification of a violation from an authorized Monument representative may require immediate cessation of activities within the Monument. The issuance of a permit shall not constitute a vested or property right to receive additional or future permits. This permit may, in the sole discretion of the Co-Trustees, be renewed or reissued. However, there is no right to a renewal or re-issuance. Failure to fulfill permit requirements may affect consideration of future permit applications.
5. Permit terms and conditions shall be treated as severable from all other terms and conditions contained in this or any other ancillary permit. In the event that any provision of this permit is found or declared to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining terms or conditions of this permit.
6. This permit does not relieve the permittee of responsibility to comply with all federal, state and local laws and regulations. Activities under this permit may be conducted only

after any other permits or authorizations necessary to conduct the activities have been obtained.

7. The permittee may be held liable for the actions of all persons entering the Monument under the authority of this permit.
8. All persons entering the Monument under the authority of this permit are considered under the supervision of the permittee and may be liable in addition to the permittee for any violation of this permit, the Proclamation and implementing regulations in conjunction with this permit. The permittee must ensure that all such persons have been fully informed of the permit terms and conditions prior to entry into the Monument. Each such person must provide written acknowledgment to the permittee, prior to entry into the Monument, that he/she has received a copy of the permit, agrees to abide by all applicable terms and conditions, and may be liable for violations of the permit. The permittee shall maintain all signed acknowledgments and submit them with the summary report described in General Condition #22.b. An acknowledgement form is attached.
9. Notification of entry into the Monument must be provided at least 72 hours, but no longer than one month, prior to the entry date. Any updates to the list of personnel must also be provided at least 72 hours before entering the Monument. Notification of departure from the Monument must be provided within 12 hours of leaving the Monument. Notification may be made via e-mail or telephone by contacting: E-mail: [nwhi.notifications@noaa.gov](mailto:nwhi.notifications@noaa.gov); Telephone: 1-866-478-6944; or 1-808-395-6944. No other methods of notification will be considered valid.
10. The permittee and any person entering the Monument under the authority of this permit shall, before entering the Monument, attend a cultural briefing or view designated cultural informational materials on Papahānaumokuākea regarding the region's cultural significance and Native Hawaiians' spiritual and genealogical connection to the natural and cultural resources. Persons entering the Monument at Midway Atoll may satisfy this requirement upon arrival.
11. All vessels (including tenders and dive boats), engines and anchor lines shall be free of introduced species prior to entry into the Monument. To ensure this, all vessels, engines and anchor lines shall be inspected for potential introduced species prior to departing the last port before entering the Monument. No later than 24 hours prior to entry, the permittee shall provide the Monument Permit Coordinator with a report prepared by the individual conducting the inspection that: a) sets forth when and where the inspection occurred; b) identifies any introduced species observed, including where found; c) summarizes efforts to remove any species observed; and d) certifies the vessel as free of all introduced species. The Monument Permit Coordinator shall review the report and, based on the review, may delay the entry into the Monument until all concerns identified by the Monument Permit Coordinator have been addressed.
12. All hazardous materials, biohazards and sharps, must be pre-approved by the Co-Trustees. For purposes of this permit, "hazardous material" has the same meaning as the

definition found at 49 CFR §105.5 (U.S. Department of Transportation). All hazardous materials, biohazards and sharps must be stored, used, and disposed of according to applicable laws and Monument-approved protocols. The permittee or a designated individual entering the Monument under the authority of this permit must be properly trained in the use and disposal of all such materials proposed. Proof of appropriate training may be required by the Co-Trustees. No such material may be left in the Monument after the departure of the permittee unless it has been previously approved by Monument staff. Immediately after the project is complete the permittee must remove all such materials from the Monument. The permittee will be responsible for all costs associated with use, storage, transport, training, disposal, or HazMat response for these materials.

13. All equipment or supplies brought into the Monument, or structures of any kind built in the Monument by the permittee are the responsibility of the permittee. All materials that are brought to the Monument by the permittee must be removed by the permittee except as otherwise permitted. Any permanent structures, equipment, or supplies that require maintenance, are determined to be unserviceable, or are a safety hazard, must be immediately repaired or removed from the Monument by the permittee. No structures, equipment, or supplies may be left in the Monument following the completion of the project except as listed in the permit.
14. If Monument staff is present at the field site, the permittee must meet with them before beginning permitted activities. Even with a valid permit, authorized Monument staff may prohibit entry into any location(s) within the Monument as they may deem appropriate to conserve or manage resources, particularly in areas where cumulative impacts of permitted activities are concentrated.
15. In order to facilitate monitoring and compliance, any person entering the Monument under the authority of this permit, including assistants and ship's crew shall, upon request by authorized Monument enforcement personnel, promptly: a) allow access to and inspection of any vessel or facility used to carry out permit activities; b) produce for inspection any sample, record, or document related to permit activities, including data, logs, photos, and other documentation obtained under, or required by, this permit; and c) allow inspection on board the vessel or at the permittee's premises of all organisms, parts of organisms, and other samples collected under this permit.
16. It is prohibited to possess or consume alcohol in the Hawaiian Islands National Wildlife Refuge in accordance with the refuge policy. Any violations will result in immediate removal of the offender from the Monument at the individual's own cost. Offenders may not be readmitted to the Monument.
17. All persons entering the Monument under the authority of this permit are responsible for the cost of removing themselves from the Monument at the conclusion of the term of the permit or upon revocation or suspension of the permit. All such persons are also responsible for the cost of removing themselves from the Monument in the event of a

necessary medical evacuation, emergency evacuation, including weather, or for the cost of any necessary search and rescue operation.

18. Except as expressly required by applicable law, the Co-Trustees are not liable for any damages to equipment or injuries to the permittee and persons entering the Monument under the authority of this permit. The permittee and any person entering the Monument under the authority of this permit shall release, indemnify, and hold harmless the National Oceanic and Atmospheric Administration, the Department of Commerce, the U.S. Fish and Wildlife Service, the Department of the Interior, the United States Government, the State of Hawaii, and their respective employees and agents acting within the scope of their duties from and against any claims, demands, actions, liens, rights, subrogated or contribution interests, debts, liabilities, judgments, costs, and attorney's fees, arising out of, claimed on account of, or in any manner predicated upon the issuance of this permit or the entry into or habitation upon the Monument or as the result of any action of the permittee or persons participating in the activity authorized by this permit. In the event that a government employee, acting in his official capacity, is the permittee, or is entering the Monument under the authority of this permit, then he shall be subject to all applicable federal and State laws that pertain to claims by or against him predicated upon the issuance of this permit or entry into or habitation upon the Monument.
19. Monument managers or their designees may verbally require the permittee to modify or cease activities not identified in this permit if, in the opinion of the managers or designees, such action is necessary to limit disturbance to or protect Monument resources, to protect government equipment, or to ensure the safety of personnel. After providing such verbal instructions, the managers or designees will provide the permittee with a written modification, suspension or revocation to this permit at the earliest practicable opportunity. The failure to follow verbal instructions or modified permit terms, or to cease activities upon suspension or revocation of this permit, may constitute a violation of this permit, the Proclamation, the regulations, or other applicable law.
20. Disturbance of any cultural or historic property, including but not limited to Native Hawaiian cultural sites, burials, archaeological deposits, maritime heritage sites, and WWII structures and features, such as stone walls and mounds, stone uprights, bunkers, batteries, camp sites, hospitals, housing areas, and radio towers; or the disturbance or collection of any historic or cultural materials and artifacts, including but not limited to bottles, dishes, cartridges, hospital materials, carvings, human remains, or Native Hawaiian bone or stone implements, found within the Monument, including the sale or trade in such items, is prohibited.
21. All Monument resources within the jurisdiction of the State of Hawaii are held in trust under the Hawai'i State Constitution, Article XI, Sec. 1. The State of Hawaii and the Government of the United States reserve ownership or control, as the case may be, of Monument resources, both living and nonliving, that may be taken or derived from those found in the Monument.

22. The permittee must satisfy the following reporting requirements:

a. Within thirty (30) days after the expiration date of this permit, the permittee must submit a summary report of activities conducted under this permit. The report shall be submitted using the Monument permit report template, if applicable.

b. For permitted vessels, the permittee having authority over the vessel must maintain and submit a cruise log within thirty (30) days after the expiration date of this permit. The log shall include but is not limited to: description of cruise activities, geographic locations of those activities, anchoring locations, and small boat dive locations. The permittee shall also maintain a daily vessel discharge log, which must be submitted with the cruise log.

c. Annual Report. The comprehensive annual report is a summary of all activities undertaken, including but not limited to: dates of all arrivals and departures from islands and atolls within the Monument, names of all persons involved in permitted activities, details of all specimens collected, handled, etc., any other pertinent information, GPS locations of all samples collected, transects, etc., results of work to date, copy of all data collected, and a proposed schedule of publication or production of final work. The report shall include a concise summary or abstract for use in Monument reports. Two hard copies and one electronic copy (Microsoft Word preferred, but not required), must be submitted to the Co-Trustees. The annual report is due by the end of the second week of January of the calendar year that follows the year that the permit was in effect or before a new permit is issued, whichever comes first. Subsequent annual reports are required each year until all data collected under research permits are fully analyzed.

d. For activities on State lands or within State waters, the permittee must submit a monthly report on the specified form.

e. The permittee may debrief the Co-Trustees following the completion of all activities in the Monument covered under this permit. The permittee may schedule the debriefing upon submitting the annual report.

f. The permittee must submit two copies of any article, publication, or other product created as a result of the information gained or work completed under this permit, including materials generated at any time in the future following expiration of this permit.

g. Any publications and/or reports resulting from activities conducted under the authority of this permit must include the notation that the activity was conducted under permit number PMNM-2011-001. This requirement does not apply to publications or reports produced by the news media.

- h. All required submissions (including plans, logs, reports, and publications) shall be provided to the Monument official at the address indicated in General Condition #1.
23. All data acquired or created in conjunction with this permit will be submitted with the summary report, and annual report. Photographic and video material is considered data. The permittee retains ownership of any data, (including but not limited to any photographic or video material), derivative analyses, or other work product, or other copyrightable works, but the Federal Government and the State of Hawai'i retain a lifetime, non-exclusive, worldwide, royalty-free license to use the same for government purposes, including copying and redissemination, and making derivative works. The permittee will receive acknowledgment as to its ownership of the data in all future use. This requirement does not apply to data acquired or created by the news media.
24. Because photographic or video material that is created for personal use (i.e., not specifically acquired or created in conjunction with this permit) could unintentionally collect data that is also valuable for management purposes, the Co-Trustees reserve the right to request copies of any such material and the permittee agrees to provide a copy of such material within a reasonable time. The Co-Trustees may use such material for management purposes.
25. Any question of interpretation of any term or condition of this permit will be resolved by the Co-Trustees.

**SPECIAL TERMS AND 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 permittees 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 protocols 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.
7. If there is any Hawaiian monk seal or any other protected species in the area when performing any permitted activity, the activity shall cease until the animal(s) depart the area, except as permitted for specific management of that species.
8. To ensure the protection of Monument resources, the permittee must conduct all activities in accordance with the following Monument Best Management Practices and guidelines, as attached:
  - a. Protocol for Acquiring Avian Blood Samples
  - b. Human Hazards to Seabirds Briefing
  - c. Boat Operations and Diving Activities
  - d. Protocol to Reduce Impact to Laysan Finch
  - e. General Storage and Transport Protocols for Collected Samples
  - f. Special Conditions and Rules for Moving Between Islands and Atolls and Packing for Field Camps
  - g. Protocols Necessary for Conducting Trolling Research and Monitoring
  - h. Best Practices for Minimizing the Impact of Artificial Light on Sea Turtles
  - i. Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment
  - j. Precautions for Minimizing Human Impacts on Endangered Land Birds
  - k. Special Conditions and Rules for Small Boat Operations at Tern Island

9. All Permittees going to Midway will have shoes and luggage inspected for invasive species prior to departure or immediately upon arrival in Midway.
10. For all activities requiring landing on uninhabited islands an authorized staff escort trained for each particular uninhabited island will be included on the landing team.
11. Permittee is required to work in conjunction with the U.S. Fish and Wildlife Service regarding any arrangements at sites within the Hawaiian Islands and Midway Atoll National Wildlife Refuges, and with the State of Hawai'i Kure Atoll Seabird Sanctuary Manager at Kure Atoll. The Refuge Managers for the above locations listed in the Permitted Activity Locations section must be notified at least 72 hours and not more than 30 days prior to arrival. Upon departing, notification to the appropriate Refuge Manager is required. Contact information for notifications are listed below:
  - a. French Frigate Shoals: Paula Hartzell, Tern Island Deputy Refuge Manager; email Paula\_Hartzell@fws.gov, or telephone 808-792-9554.
  - b. Midway Atoll: Acting Midway Refuge Manager, John Klavitter; email John\_Klavitter@fws.gov, or telephone 808-954-4817.
  - c. Laysan Island: Laysan Biotech, Cindy Rehkemper; email Cindy\_Rehkemper@fws.gov and Laysanfws@stratosnet.com , or telephone 808-792-9487.
  - d. Kure Atoll: State Seabird Sanctuary Manager, Cynthia Vanderlip; email kureatoll.dlnr@amosconnect.com.

Your signature below, as permittee, indicates that you accept and agree to comply with all terms and conditions of this permit. This permit becomes valid on the date when signed by the last Monument Official. Please note that the expiration date on this permit will not be extended by a delay in your signing below.



12/23/10

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Mr. Tom Edgerton  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Interior  
U.S. Fish and Wildlife Service

Date

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Administrator (TBD)  
Division of Aquatic Resources  
Department of Land and Natural Resources  
State of Hawaii

Date

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Mr. Paul Conry  
Administrator, Division of Forestry and Wildlife  
Department of Land and Natural Resources  
State of Hawaii

Date

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Ms. T. 'Aulani Wilhelm  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Commerce  
National Oceanic and Atmospheric Administration

Date

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Mr. Tom Edgerton Date  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Interior  
U.S. Fish and Wildlife Service



03 JAN 11

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Date

fr Administrator (TBD)  
Division of Aquatic Resources  
Department of Land and Natural Resources  
State of Hawaii

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Mr. Paul Conry Date  
Administrator, Division of Forestry and Wildlife  
Department of Land and Natural Resources  
State of Hawaii

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Ms. T. 'Aulani Wilhelm Date  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Commerce  
National Oceanic and Atmospheric Administration

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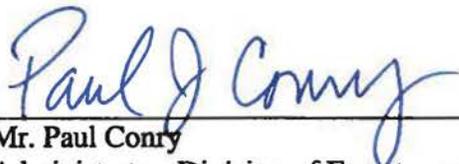
Mr. Tom Edgerton  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Interior  
U.S. Fish and Wildlife Service

Date

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Administrator (TBD)  
Division of Aquatic Resources  
Department of Land and Natural Resources  
State of Hawaii

Date



1/3/11  
Date

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Mr. Paul Conry  
Administrator, Division of Forestry and Wildlife  
Department of Land and Natural Resources  
State of Hawaii

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Ms. T. 'Aulani Wilhelm  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Commerce  
National Oceanic and Atmospheric Administration

Date

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Mr. Tom Edgerton  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Interior  
U.S. Fish and Wildlife Service

Date

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Administrator (TBD)  
Division of Aquatic Resources  
Department of Land and Natural Resources  
State of Hawaii

Date

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Mr. Paul Conry  
Administrator, Division of Forestry and Wildlife  
Department of Land and Natural Resources  
State of Hawaii

Date

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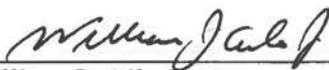
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Ms. T. 'Aulani Wilhelm  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Commerce  
National Oceanic and Atmospheric Administration

Date

Attachments (15):

1. Papahānaumokuākea Marine National Monument Rules and Regulations
2. Maps of the Papahānaumokuākea Marine National Monument
3. Permit Acknowledgment Form
4. Permitted Personnel List
5. Protocol for Acquiring Avian Blood Samples
6. Human Hazards to Seabirds Briefing
7. Boat Operations and Diving Activities
8. Protocol to Reduce Impact to Laysan Finch
9. General Storage and Transport Protocols for Collected Samples
10. Special Conditions and Rules for Moving Between Islands and Atolls and Packing for Field Camps
11. Protocols Necessary for Conducting Trolling Research and Monitoring
12. Best Practices for Minimizing the Impact of Artificial Light on Sea Turtles
13. Disease and Introduced Species Prevention Protocol for Permitted Activities in the Marine Environment
14. Precautions for Minimizing Human Impacts on Endangered Land Birds
15. Special Conditions and Rules for Small Boat Operations at Tern Island



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William J. Aila Jr.  
Interim Chairperson  
Board of Land and Natural Resources  
Department of Land and Natural Resources  
State of Hawaii



*Thomas R. Edgerton*

12/23/10

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Tom Edgerton  
Superintendent, Papahānaumokuākea Marine National Monument  
Department of Interior  
U.S. Fish and Wildlife Service



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*12-22-10*

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T. 'Aulani Wilhelm  
Superintendent  
National Oceanic and Atmospheric Administration  
Papahānaumokuākea Marine National Monument



*Appendix L*  
*Part 2: Papahānaumokuākea*  
*Marine National Monument*  
*Special Conditions, Rules for*  
*Moving Between Islands and*  
*Atolls, and Packing for Field*  
*Camps*

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The islands and atolls of the Papahānaumokuākea Marine National Monument (Monument) and the Hawaiian Islands National Wildlife Refuge are special places providing habitat for many rare, endemic plants and animals. Many of these species are formally listed as Endangered under the Endangered Species Act. Endemic plants and insects, and the predators they support, are especially vulnerable to the introduction of competing or consuming species. Such introductions may cause the extinction of island and reef endemics, or even the destruction of entire island or reef ecological communities. Notable local examples include: the introduction of rabbits to Laysan Island in 1902 which caused the extinction of numerous plant and insect species, and 3 endemic landbird species; the introduction of rats to many Pacific Islands causing the elimination of many burrowing seabird colonies; the introduction of the annual grass, sandbur, to Laysan Island where it has crowded out native bunch grass thus, eliminating nesting habitat for the Endangered Laysan finch; and, the introduction and proliferation of numerous ant species throughout the Pacific Islands to the widespread detriment of endemic plant and insect species.

Several of the islands within the Monument are especially pristine, and as a result are rich in rare and special plants and animals. Nihoa Island has at least 17 endemic and rare insect species, 5 Endangered plants and 2 Endangered birds. Necker Island has Endangered plants and 11 endemic insects. Laysan Island has Endangered plants, 9 endemic arthropods and the Endangered Laysan finch and Laysan duck. Other islands in the Monument such as Lisianski, and islets in Atolls such as Pearl and Hermes Reef and French Frigate Shoals provide homes for a variety of endemic and/or endangered species and require special protection from alien species.

Other Pacific Island such as Kure and the “high islands” (Oahu, Hawaii, Maui, Kauai, etc.) as well as, certain islands within Midway Atoll, Pearl and Hermes Reef and French Frigate Shoals have plants and/or animals that are of high risk for introduction to the relatively pristine islands discussed above. Of special concerns are snakes, rats, cats, dogs, ants and a variety of other insect and plant species. Harmful plant species of highest concern that we know of are *Verbesina encelioides*, *Cenchrus echinatus*, and *Setaria verticillata*.

The Co-trustees are responsible for the management and protection of the islands, reefs and wildlife of the Monument. No one is permitted to set foot within the Monument without the express permission of the Co-trustees through the permitting process. Because of the above concerns, the following restrictions on the movement of personnel and materials throughout the Monument exist.

*The Following Conditions and Rules apply to the all islands within the Monument with the exception of those at French Frigate Shoals and Midway Atoll:*

Definitions:

“**New**” means off the shelf and never used anywhere but the island in question.

"**Clothing**" is all apparel , shoes, socks, over and under garments.

"**Soft gear**" is all gear such as daypacks, fannypacks, packing foam or similar material, camera bags, camera/binocular straps, microphone covers, nets, holding or weighing bags, bedding, tents, luggage, or any fabric, fiber, paper or material capable of harboring seeds or insects.

1. Any personnel who will be landing boats, and staying within the boats, at any island should have clean clothes and shoes.
2. Any personnel going ashore at any island and moving inshore from the immediate area in which waves are breaking, or beyond the intertidal area, at the time of landing must have new footwear, new or island specific clothes and new or island specific soft gear. All must be frozen for at least 48 hours prior to landing.
3. Any personnel entering any vegetated area, regardless of how sparse the vegetation, must have new footwear, new clothes and new soft gear all frozen for at least 48 hours prior to landing.
4. To avoid transport of seeds from within small boats the following protocol should be followed. For islands with safe or sandy landing conditions, one should keep quarantine shoes/socks inside quarantine containers until the island is reached. One should go ashore bare foot, and then don the quarantine shoes. Non quarantine shoes should be removed in the small boat, put into a bucket or some kind of sealed container, and left enclosed in that container until the person departs the island. The sealed container, if clean on the outside, may go ashore, but should not be opened ashore. For landings which are rocky, rough, and relatively unsafe (such as Necker and Nihoa) for safety reasons, quarantine shoes should be donned when inside the small boats, but care should be taken to look for seeds and insects which may be in the small boat.
5. Soft gear may not be moved between islands. Hard gear must be thoroughly cleaned and frozen for at least 48 hours between islands.
6. During transit, clothing and gear coming off Kure, Midway, or any islet of French Frigate Shoals must be carefully sequestered to avoid contamination of gear bound for cleaner islands. Special care must be taken to avoid contaminating gear storage areas and quarters aboard transporting vessels with seeds or insects from these islands.

7. Regardless of origin or destination, inspect and clean all equipment, supplies, etc., just prior to any trip to the Monument. Carefully clean all clothing, footwear and softgear following use to minimize risk of cross contamination of materials between islands.
8. Pack supplies in plastic buckets with fitted lids or other sealable metal or plastic containers since they can be thoroughly cleaned inside and out. Cardboard is not permitted on islands. Cardboard boxes disintegrate in a short time and harbor seeds, animals, etc., which cannot be easily found or removed. Wood is not permitted unless sealed (painted or varnished) on all surfaces and frozen for 48 hours.

Wooden boxes can also harbor insects and seeds and therefore are only allowed if well constructed (tight fitting seams are required). All wood must be treated, and inside and outside surfaces must be painted or varnished to provide a smooth, cleanable finish that seals all holes.

9. Freeze or tarp and fumigate then seal all equipment (clothes, books, tents, everything) just prior to departure. Food and cooking items need not be fumigated but should be cleaned and frozen, if freezable. Cameras, binoculars, radios, and other electronic equipment must be thoroughly cleaned, including internal inspection whenever possible, but do not need to be frozen or fumigated. Such equipment can only be packed in wooden crates if treated as in #2 above. Any containers must contain new, clean packing materials and be frozen or fumigated.
10. At present, Tern Island is the singular exception to the above rule, having less stringent rules due to the large number of previously established alien species. Careful inspection of all materials and containers is still required. However, it is acceptable to use wooden and cardboard containers for transporting supplies to Tern Island. Also, there is no requirement for freezing or fumigating items disembarked at Tern. Although requirements for Tern Island are more lax, the Refuge is still concerned about the possibilities of new introductions. Do not wear clothing to Tern Island that has been worn at Pearl and Hermes, Midway Atoll or Kure Atoll.

Additional Special Conditions for Travel to Nihoa and Necker (Mokumanamana) Islands: Nihoa and Necker are the most pristine locations in the Monument. Nihoa is home to the highest number of federally listed endangered species in the Monument. Many areas of these small rugged islands are inaccessible. Introduction of any alien species could have disastrous results in a very short time. It would be almost impossible to mount any kind of control or eradication program on these islands should an alien species become established. Because of these reasons, access to Nihoa and Necker are strictly limited, and rules governing entry are more stringent.

Access to Nihoa and Necker by permittees will only be allowed under the accompaniment and supervision of a U.S. Fish and Wildlife Service (USFWS) Representative. The representative, who shall be appointed by the U.S. Fish and Wildlife Service Monument Manager will work with permittees to assure careful compliance

with all rules for inspection, handling and preparation of equipment. The USFWS Representative will have the authority to control and limit access to various parts of the island to protect animals, plants and archaeological sites, especially endangered species. The USFWS Representative will have the authority to disallow access to the island, or order an immediate departure from the island if conditions for working on the island are not met or are violated in some way.

All field equipment made out of fabric material or wood must be new, and never previously used in the Northwestern or main Hawaiian Islands. Equipment previously purchased or made for use on Nihoa and Necker that has been carefully sealed and stored while away from Nihoa and Necker, and not used elsewhere, may also be brought onto the island. Rules for freezing and/or fumigating are as described for other sites in the Monument (see above).

Clothing, footwear (shoes, slippers, socks, etc.), daypacks (soft gear) must be new, unused, or previously only used on Nihoa (or Necker) and carefully sealed and stored while off of the island. Hard gear such as camera, and equipment must be thoroughly cleaned and inspected.

Additional Special Conditions for Travel Within Pearl and Hermes Atoll: In recent years *Verbesina encelioides* has been introduced to Southeast Island within Pearl and Hermes Atoll. This noxious weed has taken over a large portion of the island. To prevent the further spread of this weed to the other islets within this atoll the following precaution must be taken:

1. Every person should have one set of quarantine gear and clothing for Southeast Island and one set of quarantine gear and clothing for all other islets in the atoll. For instance the same clothing, and if needed camping gear, may be used at north and seal kittery, but anything used at southeast needs to stay off all other islets in the atoll. Do not use the outer islet clothing and gear on Southeast Island.
2. Carefully inspect small boats and their associated equipment when traveling between islets at Pearl and Hermes Atoll. Since folks likely take one anchor ashore and put one anchor in the water there is potential for seed dispersal on anchor lines as well as from within the small boats. This needs to be watched very carefully.

Additional Special Conditions for Food: Fresh foods such as fruits, vegetables, leafy vegetables and tubers are not permitted on quarantine enforced islands (Necker, Nihoa, Laysan, Garner Pinnacles, Lisianski and Pearl and Hermes Reef). Concern is not only that certain species such as tomatoes could easily become established but that decomposing organic waste can also harbor microbes and insects and can act as an introduction vector. Soil can contain many seeds, eggs, larvae, etc., and cannot be transported to or between islands. All other food that can be safely frozen (this does not apply to food in cans or glass jars) must be packaged in air tight containers just as all other gear and frozen for 48 hours.

*Appendix L*  
*Part 3: Procedures for*  
*Minimizing Impacts to*  
*Endangered Laysan Finch*

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The following avoidance and minimization measures will reduce the risk of harm to the Laysan finch:

- To reduce the risk of inadvertent drowning of Laysan finch at the campsite:
- Buckets will always be overturned so that they cannot collect rainwater.
- Laundry buckets must have lids while laundry is soaking.
- Water-filled buckets for dish washing (or for any other purpose) will always be attended.
- Tarps (*e.g.*, those covering propane, etc.) will be tucked in tightly so that they cannot collect rainwater.
- Garbage cans used for desalinization will have netting placed between the can and the lid. Care will be taken to make sure the lids close properly; faulty positioning of hoses can interfere with proper closure.
- To minimize accidental entanglement of Laysan finches at the campsite:
- Fabric with loose threads will be burned to minimize the risk of Laysan finch entanglement. Laysan finch feet can become entangled when fabric is hung out to dry.
- Loose threads will be cut off tents and tarps.
- Anything with small mesh (*e.g.*, bird nets) will be put away to avoid Laysan finch entanglement.
- minimize impacts to Laysan finch from general camp activities and maintenance:
- Camp supplies and water jugs will be aligned with ample space between rows so that finches will not get trapped. Storage jugs will always be capped.
- Burn barrels must be attended at all times when burning trash. When not burning, any vents or rust-eaten holes in the barrel or lid will be covered (*e.g.*, with rocks).
- For stability reasons, buckets will not be stacked more than two high. Personnel will watch for leaning buckets or water jugs and level the sand beneath leaning buckets if necessary.
- Tents will be zipped at all times (day and night) so that finches cannot enter.
- Laysan finches will not be fed or allowed access to human food. Laysan finch dependency on the camp could potentially result in adverse impacts to the finches when campsites are dismantled.
- On the islands of Pearl and Hermes, Laysan finches appear to be limited by nest sites, therefore, they nest in debris (driftwood, plastic pipes, baskets, etc.). Thus, the beaches will not be cleaned or debris disturbed as this may destroy a nest. In an effort to prevent nesting in undesirable locations, camp gear must be checked daily during the nesting season (spring and summer) for signs that finches are building nests on or under gear. If it is determined nest building has begun, the nest site should be modified to prevent nest completion.

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