

Papahānaumokuākea Marine National Monument Special Ocean Use Permit Application Instructions January 2023

Introduction

On June 15, 2006, President Bush established the Papahānaumokuākea Marine National Monument (Presidential Proclamation 8031, 71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (Act) (16 U.S.C. 431). The Proclamation reserves all lands and interests in lands owned or controlled by the Government of the United States in the Northwestern Hawaiian Islands (NWHI), including emergent lands and submerged lands and waters, out to a distance of approximately 50 nautical miles (nmi) from the islands. The outer boundary of the Monument is approximately 1040 nmi long by 100 nmi wide, extending around coral islands, seamounts, banks, and shoals. The area includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge and the Northwestern Hawaiian Islands State Marine Refuge.

The three principals with responsibility for managing lands and waters of the Monument, the Department of Commerce, Department of Interior, and the State of Hawaii (collectively the Co-Trustees), work cooperatively to administer the Monument. This relationship is further described in the Memorandum of Agreement among the Co-Trustees signed on December 8, 2006.

Permit Application Deadlines

Permit applications must be received by:

- February 1: For activities occurring between June 1 and Aug 31
- May 1: For activities occurring between September 1 and December 31
- September 1: For activities occurring between January 1 and May 31

NOTE: Issuance of a Monument permit is dependent upon the completion and review of the application and Compliance Information Sheet.

Confidential Information

The Co-Trustees intend to post completed permit applications on the Internet for public review. Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA) and all applicable State law. NOAA, the U.S. Fish and Wildlife Service and the State of Hawaii attempt to protect such proprietary information, consistent with all application FOIA exemptions in 5 U.S.C. 552(b) and applicable State law. Typically exempt information includes trade secrets, commercial and financial information (5U.S.C. 552(b) (4)). Personal information affecting an individual's privacy will also be kept confidential consistent with 5 U.S.C. 552(b) (6) and applicable State

law. Unless such information is so identified, the application may be made available to the public in its entirety.

Intellectual Property

The permittee retains ownership of any data, derivative analyses or other work product, or any photographic or video material, or other copyrightable works, but the Federal Government and the State of Hawaii retain a lifetime, non-exclusive, worldwide, royalty-free license to use the same for government purposes, including copying and redissemination, and making derivative works.

Indemnification

The permittee and any person participating in any activity authorized by this permit shall release, indemnify, and hold harmless 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 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 Papahānaumokuākea Marine National Monument or as the result of any action of the permittee or persons participating in the activity authorized by this permit.

Reporting Burden

Submittal of the information requested in these guidelines is required to obtain a permit pursuant to Monument regulations (50 CFR Part 404). This data is to evaluate the potential benefits of the activity, determine whether the proposed methods will achieve the proposed results, evaluate any possible detrimental environmental impacts, and determine if issuance of a permit is appropriate. It is through this evaluation that the Co-trustees are able to use permitting as one of the management tools to protect Monument resources and qualities.

Public reporting burden for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated as:

- A. Twenty-four (24) hours per response for Special Ocean Use permits;
- B. Five (5) hours per response for General (Research, Conservation and Management, and Education), Native Hawaiian Practices, and Recreation permits;
- C. Four (4) hours per response for VMS installation and maintenance;
- D. Five (5) minutes per response for entry and exit notices and VMS certification;
- E. Five (5) seconds per response for hourly VMS reports.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NOAA/Inouye Regional Center,

OMB Control#
0648-0548

NOS/ONMS/PMNM/Attn: Permit Coordinator, 1845 Wasp Blvd, Building 176, Honolulu, HI
96818.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Directions for filling out the Monument Permit Application

1. Download the Special Ocean Use permit application form. If you are unsure of the category for your proposed project, contact the Monument Permit Coordinator (contact information below).
2. Click on the document to open.
3. You will now be able to type in all the gray text field boxes and check boxes.
4. You will not be able to alter, copy, delete or modify the permit application questions and cover page in any way.

If you have difficulty filling out the application, contact the PMNM Permit Coordinator at (808) 725-5800 or nwhipermit@noaa.gov.

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

NOTE: SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. YOU ARE ALSO REQUIRED TO SEND ONE SIGNED ORIGINAL APPLICATION VIA MAIL TO THE MONUMENT OFFICE ABOVE:

Papahānaumokuākea Marine National Monument

Special Ocean Use Permit Application Instructions

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).*

Permit Application Cover Sheet Summary Information

NOTE: The permit application cover sheet is intended to provide summary information on permit applications for activities proposed to occur in the Papahānaumokuākea Marine National Monument. Information submitted in this section will be posted on the Monument website to inform the public regarding projects proposed to occur in the Monument.

Applicant Name: Enter the name of the person who is in charge of the proposed activity and who will be responsible for all the personnel and actions under the authority of the requested Monument permit.

Affiliation: Specify the Applicant's affiliation, if any, in relation to the proposed project.

Proposed Activity Dates: Specify the dates of your activities.

Proposed Method of Entry: Specify whether you will enter the Monument via vessel or aircraft.

Proposed Locations: Provide a brief summary of the location(s) for proposed activities (e.g. French Frigate Shoals, or 300-1500 meters depth east of Twin Banks, etc.). NOTE: Specific GPS and other location information are requested in the Monument Compliance Information Sheet.

Estimated number of individuals to be covered under this permit: Provide an ESTIMATE of the number of individuals (including Applicant) to be covered under this permit.

Estimated number of days in the Monument: Provide the ESTIMATED number of days in the Monument.

Description of proposed activities: Include a brief description of the proposed activities, including the following:

- Define the objective of the proposed activity (*The proposed activity would. . .*)
- Identify what the action would entail (*To accomplish this activity we would. . .*)
- Explain the benefit of the activity to the Monument (*This activity would help the Monument by. . .*)

Other information or Background: Include any other information relevant to your proposed activity summary.

Section A: Applicant Information

1. State the name and title of the Applicant. The Applicant is the individual who is in charge of the proposed activity and, therefore, responsible for all the personnel and actions undertaken under the authority of the any Monument Permit issued pursuant to this application. Attach the Applicant's CV, resume or biography if applicable.

1a. If the Applicant will not be present in the Monument for the proposed activities in the application, provide the full name(s), affiliation(s) and contact information of the person or persons responsible for ensuring the permit conditions are followed in the Monument. Attach their respective CV, resume, or biography if applicable.

2. State the Applicant's mailing address, phone number, fax number, and email address. If the Applicant is a student, state the Major Professor's contact information in addition to his/her own.

3. Specify the Applicant's affiliation, if any, in relation to the proposed project.

4. List all personnel roles and/or names. Include first and last name and/or position (Research Diver, Field Technician, Medical Assistant, etc.), affiliation, telephone number, and email address for each individual. If specific names of all participants are not known at the time this form is submitted, then specific roles must be provided as placeholders for numbers of persons requested to enter the Monument. The Application Review Committee may request resumes, biographies, or CVs for any personnel listed, at a later date. Attach additional information if necessary.

It is the Applicant's responsibility to keep Monument staff apprised of any proposed personnel changes. Full names of personnel and roles will be required in the Monument Compliance Information Sheet prior to issuance of a permit.

Section B: Project Information

5a. Project Location: Check the boxes of all applicable locations where the proposed activities will occur. Indicate whether your project will occur on land, in the ocean, or both. Also indicate whether your project will occur in deep water or shallow water, or both. Shallow water is defined by water less than 100 meters in depth. NOTE: Include alternate locations if appropriate.

*Check the box if you intend to remain ashore on any island or atoll with the exception of Sand Island at Midway Atoll and field camp staff on any other island/atoll between sunset and sunrise.

* Location Description: Provide a description of the location of the proposed activity that includes sufficient detail. Refer to the Monument Compliance Information Sheet for information on including specific site and collection location(s).

5b. Check all applicable regulated activities proposed to be conducted in the Monument by the Applicant at any of the locations mentioned in 5a.

*Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging, or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving Monument resource.

*Drilling into, dredging, or otherwise altering the submerged lands other than by anchoring a vessel; or constructing, placing, or abandoning any structure, material, or other matter on the submerged lands.

*Anchoring means dropping anything on to the ocean bottom with the intention of holding something fast to the bottom. Generally an anchor secures a vessel, but it may also be used for a mooring or any other item.

*Deserting a vessel aground, at anchor, or adrift.

*Discharging or depositing any material into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust.

OR

*Discharging or depositing any material or other matter into the Monument, or discharging or depositing any material or other matter outside of the Monument that subsequently enters the Monument and injures any resources of the Monument, except fish parts (i.e. chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust.

*Touching any coral, living or dead.

*Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument.

*Attracting any living Monument resources.

*Sustenance Fishing means fishing for bottomfish or pelagic species within Federal waters, but outside of Special Preservation Areas, Ecological Reserves and the Midway Atoll Special Management Area, in which all catch is consumed within the Monument, and that is incidental to another activity permitted under Presidential Proclamation 8031.

*Subsistence Fishing means fishing for bottomfish or pelagic species in State waters in which all catch is for direct personal consumption within the Monument, and that is incidental to another activity permitted under Presidential Proclamation 8031.

*Swimming means entering the water and propelling oneself by movements of the limbs, without special equipment of any kind.

*Snorkeling means entering the water and swimming with the aid of a mask, snorkel, and fins, or any combination of the aforementioned equipment.

*SCUBA Diving means entering the water and submerging oneself with the aid of self-contained underwater breathing apparatus.

6. State the purpose of the proposed activities, including the goals and objectives of the activities.

*Indicate by checking yes or no, whether you intend to film or photograph federally protected species.

7. The Secretaries of Commerce and Interior are required to determine that issuing the requested permit is compatible with the Findings of Presidential Proclamation 8031. Address the Monument findings below and provide information that you believe will assist the Co-Trustees in determining your proposed activities are compatible with the conservation and management of the natural, historic and cultural resources of the Monument:

The Findings are as follows:

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

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

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

- d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?
- e. Explain how the duration of the activity is no longer than necessary to achieve its stated purpose.

- f. Provide information demonstrating that you are qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.
- g. Provide information demonstrating that you have adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct.
- h. Explain how the methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.
- i. Has your vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?
- j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

FOR SPECIAL OCEAN USE ACTIVITIES OUTSIDE OF MIDWAY ATOLL SMA

- k. Will the activity directly benefit the conservation and management of the Monument?
- l. Is the purpose of the activity for research or education related to the resources or qualities of the Monument?
- m. Does the activity involve the use of a commercial passenger vessel (defined as a vessel that carries individuals who have paid for such carriage)?

FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SMA

- n. Does the activity further the conservation and management of the Monument?
- o. Is your activity compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?

NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project. Additionally, public notice of the application and an opportunity to provide comments is given at least 30 days prior to issuing the permit.

- 8. Describe the procedures and methods you will use in performing the proposed activity while within the Monument.

Describe in detail how you will get to your work locations and specific sites (walking, climbing, wading, swimming, snorkeling, diving, boating, etc.). Will you need to enter a seabird colony? Will you need access to beaches? Will you work at night?

Will you request assistance from Monument staff to maintain the equipment or collect data in association with the proposed activity in your absence or presence? If so, describe procedures for doing so including how often it is to occur and how long it will take per maintenance/data collection event. Describe how you plan to compensate volunteers for the maintenance or data collection work.

9. Provide proof of general liability insurance, or indicate that you will be posting an equivalent bond against claims arising out of activities conducted under the permit

10. Please describe if you are collaborating with others to reduce duplicative activities in the Monument or elsewhere in the State of Hawaii or other Pacific Remote Island National Wildlife Refuges. Please also list State of Hawaii and U.S. Fish and Wildlife Service permit numbers for any relevant collaboration related to this project, including projects in the main Hawaiian Islands and Pacific Remote Islands National Wildlife Refuges. If any permit applications for related special ocean use activities are under review at any of the above agencies, please provide us with that information.

11. Provide a complete itemized list of work related gear/equipment/supplies, including camera equipment, dive equipment, etc. that will be taken into and removed from the Monument. If you wish to store any items on any island between field seasons, request so here. Indicate how and where you propose the stored items be kept. If you propose to take any work or personal items ashore that will require use of resources (electrical, power, water, or other resources) also describe that in this section.

12. For any Hazardous Materials also include the following information:

*List all hazardous materials by common name, proper shipping name, hazard class, and amount to be taken into the Monument. Provide a Material Safety Data Sheet for each hazardous material.

*Describe how each hazardous material will be contained and stored while in the Monument.

*Describe how each hazardous material will be used for the proposed activity. Describe how and when each hazardous material will be removed from the Monument.

NOTE: The Principal Investigator (Applicant) is responsible for disposal of, storage or unauthorized use of any left-over hazardous materials from any permitted activity.

13. If applicable, indicate the types of permanent or semi-permanent installments you would like to install in the Monument, and answer the following questions:

*What is it made of?

*What will be installed?

*How will it be installed?

*Where will it be installed?

*How long will it be installed?

*Will the installation require maintenance? If so, who will conduct the maintenance and how often?

*How and when will the installation be removed?

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