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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:
Papahānaumokuākea Marine National Monument Permit Coordinator
6600 Kalaniana'ole Hwy. # 300
Honolulu, HI 96825
nwhipermit@noaa.gov

PHONE: (808) 397-2660 FAX: (808) 397-2662

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

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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: Peter Seligmann **Affiliation:** Conservation International

Permit Category: Special Ocean Use

Proposed Activity Dates: June 14th 2008 to June 21st 2008 **Proposed Method of Entry (Vessel/Plane):** Vessel and Plane **Proposed Locations:** Midway Atoll Special Management Area

Estimated number of individuals (including Applicant) to be covered under this permit: 21 (note 15 of those to be covered here are also covered under a Visitor Permit and will be staying on shore in the US Fish and Wildlife Facilities

Estimated number of days in the Monument: 6

Description of proposed activities: (complete these sentences):

a.) The proposed activity would...
provide a high-quality visitor experience by enabling the visitors to participate in wildlife
observation and photography as well as a learning experience with regards to the important
historical and cultural significance of the Northwestern Hawaiian Islands. Finally, the proposed
activities would provide an opportunity to learn about and understand the importance of the
unique biodiversity and ecological resources of the NWI in order to help foster an understanding
of the interconnectedness of these important characteristics of the Monument to the Main
Hawaiian Islands (MHI).

b.) To accomplish this activity we would

Provide an intimate Monument compatible, wildlife-dependant, educational and recreational experience. As part of this effort, CI will provide background material and information to those engaging in the proposed activities in the months prior to departure, providing educational interactions while on the MHI, and providing wildlife viewing and photography experiences while in the NWI. CI looks forward to working with Monument staff (and contributing whenever and whereever we can) - without placing additional burdens on the staff - to ensure the visit and

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the information that is conveyed in preparation for the visit, and the information obtained during the visit for communication to a broader audience, is appropriate, suitable, and furthers the management goals of the Monument.

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

By providing an experience that encompasses the natural, historical, and cultural attributes of the Monument thereby enabling CI and its partners to help further the mission and vision of the Monument by providing a quality educational and wildlife viewing opportunity for members of the public. Additionally, CI will seek to obtain wildlife footage and pictures to use as education and communication tools to continue to press upon a global audience the importance of the Northwestern Hawaiian Islands as a global, national and local resource valuable for its cultural, historic, and natural treasures with a communication message that is deemed suitable by Monument staff.

Other information or background: CI is a non-profit organization well experienced in the communication and conservation of biological and cultural resources. CI is one of the only, if not the only international NGO to have indegenous cultural representation on its Board as an example of how highly appreciative and respectful CI is in ensuring that cultural heritage is protected side by side with natural heritage efforts. This is a principal upon which CI was founded.

It is worth noting that CI will receive no renumeration for this trip above and beyone the direct costs associated with the proposed activities. This is not intended as a revenue generating experience.

For more information about CI please visit our website at http://www.conservation.org

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Section A - Applicant Information

1. Applicant
Name (last, first, middle initial): Seligmann, Peter
Title: Mr.
1a. Intended field Principal Investigator (See instructions for more information): Dr. Jamie D. Bechtel
2. Mailing address (street/P.O. box, city, state, country, zip): Conservation International c/o Dr. Jamie D. Bechtel
Phone:
Fax:
Email:
For students, major professor's name, telephone and email address: n/a
3. Affiliation (institution/agency/organization directly related to the proposed project):

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

- 1. Peter Seligmann, Diver; Conservation International
- 2. Rob Walton, Diver; Wal-Mart Stores, Inc.
- 3. Enki Tan, Diver; GITI Group

Conservation International

- 4. Jeff Gale, Diver; Gale Force Studios,
- 5. Federico Lopez, Diver; First Gen Corp,
- 6. Steve McCormick, Diver; Gordon and Betty Moore Foundation
- 7. Rod Mast, Diver; VP Conservation International,
- 8. Jamie Bechtel, Diver; Conservation International,
- 9. Mark Feldman, Diver, L&L Manufacturing

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- 10. Diver TBD
- 11. Diver TBD
- 12. Diver TBD
- 13. Diver TBD
- 14. Keoki Stendor, Dive Master,
- 15. Yuko O Stender, Dive Master,
- 16. Mr. Jonathan Littenberg, Captain Searcher, The Medical Foundation,
- 17. Dr. Richard Littenberg, Ship Dr. Searcher, The Medical Foundation,
- 18. Christian Werjeffe, Crew Searcher The Medical Foundation,
- 19. Noah Nugent, Crew- Searcher, The Medical Foundation,20. Crew TBD- Searcher, The Medical Foundation,
- 21. Crew TBD Searcher, The Medical Foundation,
- 22. Boat Cook TBD Searcher, The Medical Foundation,

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Section B: Project Information

5a. Project location(s):		Ocean Based	<u>[</u>
☐ Nihoa Island	Land-based	Shallow water	Deep water
Necker Island (Mokumanamana)	Land-based	Shallow water	Deep water
French Frigate Shoals	Land-based	Shallow water	Deep water
Gardner Pinnacles	Land-based	Shallow water	Deep water
Maro Reef			
Laysan Island	Land-based	Shallow water	Deep water
Lisianski Island, Neva Shoal	Land-based	☐ Shallow water	Deep water
Pearl and Hermes Atoll	Land-based	☐ Shallow water	Deep water
Midway Atoll	□ Land-based	Shallow water	Deep water
☐ Kure Atoll	Land-based	☐ Shallow water	Deep water
Other			
NOTE: There is a fee schedule for povessel and aircraft.	eople visiting Midwa	y Atoll National Wildli	fe Refuge via
Location Description: Please see attached dive map for special will occur within and around Midway exceed 130ft.			
5b. Check all applicable regulated Removing, moving, taking, harve living or nonliving Monument resour Drilling into, dredging, or otherw vessel; or constructing, placing, or all	esting, possessing, injuce itse altering the subm	uring, disturbing, or da erged lands other than l	maging any by anchoring a
submerged lands			
Anchoring a vessel			
Deserting a vessel aground, at an	· ·		
Discharging or depositing any ma	aterial or matter into	the Monument	
Touching coral, living or dead			
Possessing fishing gear except w		vailable for immediate	use during
passage without interruption through			
Attracting any living Monument			
Sustenance fishing (Federal water		ecial Preservation Area	s, Ecological
Reserves and Special Management A	,		
Subsistence fishing (State waters	• /		
Swimming, snorkeling, or closed			pecial
Preservation Area or Midway Atoll S	Special Management	Area	

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

Conservation International seeks to further the educational value of the monument and engage in special use activities in order to provide an opportunity to discover, enjoy, and appreciate the Northwestern Hawaiian Islands through wildlife dependent activities such as SCUBA and wildlife photography. This activity will also serve as an educational and awareness building effort both directly and indirectly as it presents the opportunity to gather information and communication materials such as photographs. These materials will enable CI to communicate to a broader audience the importance of the Monument as a global treasure.

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

The Findings are as follows:

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

Conservation International is a conservation organization focused on protecting the integrity of ecosystems and biodiversity, including marine systems. CI's employees and those associated with CI work to establish effective management strategies and protected areas, such as the management strategy governing the Monument, as a means for achieving the goal of protecting Earth's biodiversity. Consequently, the divers embarking on this trip are highly vested in and knowledgeable as to the issues and reasons that management protocols are in place and are eager to abide by the recommendations and rules put in place in the Monument that were established to protect the natural, historical and cultural integrity of the Monument. All divers participating on the trip are experienced divers and are aware of the potential negative impact that diving can have on an ecosystem if not managed properly. All dive gear will be decontaminated before entering the Monument. All divers will abide by eco-friendly diving strategies. A low ratio of no more than 1 diversaster to 4 divers will be maintained at all times. With regards to the vessel being used to support dive activities - The Searcher and its crew are experienced at navigating the waters of Midway and the waters within the Monument generally. The captain and crew of the Searcher understand and respect the specific requirements and concerns regarding protecting the integrity of Monument ecosystems particularly with regards to the introduction of alien species, the transportation of hazardous materials, damage from anchoring, and damage from diving impacts.

With regard to natural and cultural resources that are found on the island and the critical need to maintain these resources for the long term - CI is one of the only, if not the only international NGO to have indigenous cultural representation on its Board as an example of how highly appreciative and respectful CI is in ensuring that cultural heritage is protected side by side with natural heritage efforts. This is a principal upon which CI was founded. CI will ensure that all participants respect the cultural and historic integrity of the island. Participants will abide by all rules governing these resources and will ensure that participants are informed and appreciative of the importance of these resources. As part of the effort to make participants aware and informed

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with regard to the Monument, prior to departing from Honolulu, participants will be meeting with Mr. Nainoa Thompson to interact and become better acquainted with the cultural and historical significance of the valuable resources found within the Monument.

b. How will the activity be conducted in a manner compatible with the management direction of this proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument cultural, natural and historic resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects? All proposed activities will be conducted in a manner that seeks to be entirely compatible with the management concerns and implemented strategies of the Monument. The Searcher will not need to anchor at any point in activities and will seek to use skiffs whenever appropriate. The Searcher is familiar with the management direction of the Monument and has an outstanding record of ensuring laws and management strategies are respected and followed. While SCUBA and wildlife viewing have the potential to diminish the integrity of the Monument if not conducted properly, all participants involved in the proposed activities are experienced individuals highly committed to protecting the cultural and natural history of ecosystems and biodiversity resources such as those found in the Monument. Divers will in no way engage in attracting, harassing, or otherwise endanger animals which the Monument seeks to protect. Divers will refrain from touching the reef and/or engaging in any activities, such as taking, harvesting or collecting resources as these activities will directly threaten species found within the reef. There is minimal risk of grounding particularly given the experience the Searcher has in navigating the waters of the Monument. Further, all activities will cease and The Searcher will be docked at least one hour prior to sunset is mandated.

The Searcher has no ballast capacity and will not be discharging any waste materials within the Monument. All divers will work with CI to ensure dive gear is decontaminated and no alien species are inadvertently introduced.

In the long-term, the activity may enhance Monument resources, qualities, and ecological integrity because it will generate awareness of the issues surrounding the Hawaiian archipelago. The activity has the objective of educating and making participants aware of the marine conservation activities ongoing throughout the archipelago including the establishment of the MHI Seascape Strategy, a ten year plan to improve the health of the nearshore marine environment in the MHI. The Seascape Strategy has the quadruple-bottom line approach aiming for prosperity in ecological, social, and cultural aspects of the nearshore environment. The connectivity of ecosystems throughout the Archipelago as well as the economical, social, and cultural integrity of the NHI is critical to building an understanding of the importance of the Seascape strategy for the entire Hawaiian archipelago.

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

The Papahanaumokuakea Marine National Monument was created in the spirit of protecting and understanding the unique ecological and cultural resources of the Hawaiian Islands. A great benefit of this remote protected area is that it can inspire preservation and protection of the same resources in the adjacent, populated Hawaiian Islands. The Northwestern Hawaiian Islands

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provide a unique perspective; they allow us to simultaneously see the past and future of Hawaii's marine resources. The Midway Atoll Special Monument Area is the only remote island national wildlife refuge in the Pacific to provide the public the opportunity to witness and learn about the history, cultural and natural resources contained herein. Further, the Monument waters and lands contain species that are no longer found in the Main Hawaiian Islands (MHI) and that are found no where else in the world. The opportunity to view and photograph these organisms is unique to the Monument. Essentially, the Monument is a living museum for what the populated islands once were. The Monument also shows us what the MHI could be like in the future if we take greater steps to protect the marine environment. There is nowhere else in the world that can provide this glimpse into the past and future of MHI. The Monument exclusively can provide inspiration to restore lost functions and species and to enhance the health of the entire Hawaiian archipelago.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity? First, By undertaking the proposed activity, the participants will be motivated to support the Main Hawaiian Islands Seascape Strategy which will improve the holistic health of the MHI nearshore environment. The participants are themselves capable of dramatically increasing the resources available to marine conservation in Hawaii.

Secondly, Conservation International has and extraordinary ability to communicate the message of the importance and uniqueness of the Northwestern Hawaiian Islands and the MHI to a wide array of audiences ranging from government officials to corporate partners to stakeholders to the public at large. In doing so, CI will be facilitating the goals of the Monument to communicate suitable information and key issues with off-site audiences.

Finally, CI will be providing an educational and awareness building activity as well as a recreational and wildlife viewing/photography opportunity that will further the management goals of the Monument in a no-impact/low-impact manner.

The institutions involved are highly experienced in facilitating this type of work (including the organizing partner - CI - the vessel used for transporting and supporting dive activities - the Searcher - and the divemaster who has worked extensively in the past at Midway.

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

The amount of time that has been proposed to conduct this activity, particularly considering the amount of time that each participant will invest in getting to the resource, is the minimum amount of time deemed necessary to gain first hand knowledge of the uniqueness of the cultural, historical and natural resources of the Monument. The amount of time being proposed is in fact of some risk given the potential for inclement weather and/or seas that are not compatible for diving and wildlife viewing. Additionally, because divers are not allowed to dive within 24 hours of flying, there are approximately 6 days or less in which divers can engage in an SCUBA activity.

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

Conservation International is a well recognized conservation organization which specializes in the establishment of improving the management of protected areas and marine protected areas around the world. CI is familiar and experienced with conducting this type of wildlife viewing including the education and awareness activities that make activities such as those proposed here successful. CI is an NGO leader in communicating the importance and uniqueness of resources such as the cultural, natural and historical resources found in the Monument (please see enclosed CI materials). CI will actively work to share images, experiences, and the importance of the Northwestern Hawaiian Island wildlife viewing experience.

The Searcher has successfully demonstrated it is qualified to conduct the proposed activities though its numerous trips to the Monument with little or no long term impact on the resources contained therein.

The diversaters that are being contracted to lead SCUBA activities have extensive experience diving generally and specifically has approximately 18 months diving at Midway. Please see attached resume of the lead Diversater.

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. CI has attached a copy of its most recent financial statement. CI also has adequate insurance coverage in the event of unforeseen circumstances. Documentation of this coverage has been attached. CI will maintain the presence of an estimated two private aircrafts in Honolulu should any evacuation be necessary - this capacity is in addition to the evacuation insurance CI carries through SOS. Please see attached documentation.

h. Explain how your methods and procedures are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument cultural, natural and historic resources, qualities, and ecological integrity.

All participants will engage in eco-friendly diving protocols including observing proper buoyancy control, refraining from touching, removing or handling any resources, observance of all laws, regulations and policies that apply to marine wildlife viewing including most notably marine mammals and turtles. Additionally, all divers will be in small groups observing a 1 to 4 diver ratio to ensure that divers are able to properly manage their dive protocols and divers do not aggregate thereby the risk of bumping into benthic structures are not disrupted or injured. In addition to these measures, divers will ensure that no resources will be removed from the Monument including no taking, harvesting or collecting of any species. CI will ensure that all dive gear of participants is decontaminated prior to departure from Honolulu.

The Searcher will ensure that all vessel test and maintained is completed in a timely fashion and documentation is submitted to ensure that no contamination or introduction of species inadvertently occurs.

The Searcher will not need to anchor when in the Monument or Midway Atoll Special Management Area. Further, all skiffs will have tenders on them and will not need to anchor. Proposed activities will be conducted by skiff whenever possible.

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No waste materials will be released while in the Monument. All trash will be stored and returned to Honolulu.

Participants will abide by all laws and regulations governing interaction with species including especially mammals and sea turtles.

Please see dive plan for details and specifics regarding further dive protocols. It is important to note with regard to the dive plan:

- 1) We will have a jet standing by on Midway that is capable of pressurizing to sea level and transiting to Honolulu in the event of an emergency.
- 2) We are working with a diver to dive master ratio of 1:4
- 3) All of the Dive masters that we will have are certified well beyond divemaster and all have extensive experience (none have fewer than 5000 dives)
- 4) Keoki Stender is well known on the Midway and spent 2 years diving there. He has extensive knowledge of Midway, the dive sites, and dive conditions unique to Midway.
- i. Has your vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031? Yes, Please see attached Compliance Information Sheet and VMS documentation sheet
- j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

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 SPECIAL MANAGEMENT AREA

- k. Will the activity directly benefit the conservation and management of the Monument?
- 1. Is the purpose of the activity for research or education related to the resources or qualities of the Monument?

n/a

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)?
 n/a

FOR SPECIAL OCEAN USE ACTIVITIES WITHIN MIDWAY ATOLL SPECIAL MANAGEMENT AREA

n. Does the activity further the conservation and management of the Monument? By providing an experience that encompasses the natural, historical, and cultural attributes of the Monument thereby enabling CI and its partners to help further the mission and vision of the Monument by providing a quality educational and wildlife viewing opportunity for members of the public who are focused on conservation and management as a priority concern.

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First, By undertaking the proposed activity, the participants will be motivated to support the Main Hawaiian Islands Seascape Strategy which will improve the holistic health of the MHI nearshore environment. The participants are themselves capable of dramatically increasing the resources available to marine conservation in Hawaii. Because of the interconnectedness of these ecosystems, NHI may directly benefit from such investments.

Secondly, Conservation International has an extraordinary ability to communicate the message of the importance and uniqueness of the Northwestern Hawaiian Islands and the MHI to a wide array of audiences ranging from government officials to corporate partners to stakeholders to the public at large. In doing so, CI will be facilitating the goals of the Monument to communicate suitable information and key issues with off-site audiences for conservation and management purposes. Communication efforts such as these are often important components of conservation and management strategies.

Finally, CI will be providing an educational and awareness building activity as well as a recreational and wildlife viewing/photography opportunity that will further the management goals of the Monument in a no-impact/low-impact manner. Education and awareness efforts such as these are often important to the overall conservation efforts of a resource.

o. Is your activity compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?

Yes - as noted above - the proposed activites will provide a high-quality visitor experience by enabling the visitors to participate in wildlife observation and photography as well as a learning experience with regards to the important historical and cultural significance of the Northwestern Hawaiian Islands. The proposed activities would also provide an opportunity to learn about and understand the importance of the unique biodiversity and ecological resources of the NWI in order to help foster an understanding of the interconnectedness of these important characteristics of the Monument to the Main Hawaiian Islands (MHI). Finally, the activities will enable the communication of the importance of the Hawaiian archipelago to a broad off-site audience.

All of these activities and ancillary benefits are in keeping with the purposes and vision of the Midway Atoll National Wildlife Refuge designation.

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. Procedures/Methods:

All participants will engage in eco-friendly diving protocols including proper buoyancy control, proper wildlife viewing that is in accordance with all laws and policies. Additionally: No resources will be removed from the Monument including no taking, harvesting or collecting of any species.

CI will ensure that all dive gear of participants is decontaminated prior to departure from Honolulu

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CI will ensure a diver to diversater ratio of no greater than 1:4 is maintained.

All dive activities will be completed at least 1 hour before sunset to ensure time for any search and rescue activities.

The Searcher will ensure that all vessel test and maintaence is completed in a timely fashion and documentation is submitted.

The Searcher will not need to anchor when in the Monument or Midway Atoll Special Management Area, all skiffs will be tendered and not need to anchor.

Proposed activities will be conducted by skiff whenever possible.

No waste materials will be released while in the Monument. All trash will be stored and returned to Honolulu.

Participants will abide by all laws and regulations governing interaction with species including especially mammals and sea turtles.

Please see dive plan for details and specifics regarding dive protocols.

- 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: Please see attached certificates of insurance
- 10. If applicable, describe how you are collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere? n/a
- 11. List all specialized gear and materials to be used in this activity:

SCUBA gear is to be used. No other specialized gear is necessary to conduct proposed activities.

- **12.** List all Hazardous Materials you propose to take to and use within the Monument: approximately 40 gallons of gasoline to run skiffs for diving. MSDS # 9950.
- 13. Describe any fixed installations and instrumentation proposed to be set in the Monument:

n/a

14. List all Applicants' publications directly related to the proposed project: n/a

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

Signature Date

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

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

FAX: (808) 397-2662

DID YOU INCLUDE THESE?

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