

Papahānaumokuākea Marine National Monument Permit Requirements Guide for Research Permits

On 15 June 2006, President George W. Bush issued Presidential Proclamation 8031 (“Proclamation”) establishing the Northwestern Hawaiian Islands (NWHI) Marine National Monument under the authority of the Antiquities Act of 1906 (16 U.S.C. § 431). The NWHI Monument was later renamed Papahānaumokuākea Marine National Monument (“PMNM” or “Monument”) to reflect the importance of Native Hawaiian language and culture (72 FR 10031, March 6, 2007). The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Fish and Wildlife Service (FWS) promulgated joint implementing regulations for the Monument on August 29, 2006 (71 FR 51134, 50 CFR Part 404). These regulations codify the scope and purpose, boundary, definitions, prohibitions, and regulated activities for managing the Monument.

The Monument—a vast, remote, and largely uninhabited marine region—initially encompassed an area of approximately 139,793 square miles (362,061 square kilometers) of Pacific Ocean in the northwestern extent of the Hawaiian Archipelago. On August 31, 2016, President Barack Obama expanded the Monument through Presidential Proclamation 9478, moving the boundary from 50 nautical miles from land masses within the monument to the extent of the U.S. Exclusive Economic Zone (200 nautical miles). This expansion increased the size of PMNM to 582,578 square miles (1,508,870 square kilometers). The Monument contains a number of islands, atolls and reefs, however the amount of emergent land totals less than six square miles (16 square kilometers). While only two of the atolls are inhabited year round, several have seasonal field camps. Access to PMNM is only by surface vessel or aircraft flight into Midway Atoll. Other than Midway, there is no safe anchorage or shelter for vessels and no source of supplies, including water.

The president accordingly assigned management responsibilities to the Secretaries of Commerce and the Interior, acting through NOAA and FWS. The Monument also includes State of Hawai‘i lands and waters managed by the State through the Department of Land and Natural Resources (DLNR). These areas remain subject to applicable state laws and regulations.

Co-Management

The four principal entities with responsibility for managing lands and waters of the PMNM—NOAA, FWS, the State of Hawai‘i, and the Office of Hawaiian Affairs (collectively, the “Co-Trustees”)—work cooperatively through a Memorandum of Agreement (MOA) and consult regularly to administer PMNM. Apart from the exempted activities discussed below, no activities can occur within the PMNM boundary unless authorized by a Co-Trustee-issued PMNM permit. Activities proposed within State of Hawai‘i jurisdiction (all islands and atolls out to three nautical miles offshore except Midway) must also be approved by the State of Hawai‘i Board of Land and Natural Resources.

There are four activities within the PMNM that are exempt from the PMNM permitting process:

- (1) Emergencies;
- (2) Law enforcement activities;

- (3) Activities and exercises of the armed forces including the U.S. Coast Guard; and
- (4) Passage through the Monument without interruption.

Research Permit Application Requirements

In general, to qualify for a research permit, PMNM findings and review criteria must be met by all applicants to demonstrate that their proposed activities are consistent with the requirements of the Proclamation and the goals of PMNM. A complete list of PMNM findings and permitting criteria can be found in 50 CFR 404.11. Permit applications include requests for information that will assist the Co-Trustees in determining how the proposed activities are compatible with the conservation and management of all resources of PMNM: natural, historic and cultural.

Permit application deadlines:

Deadline	Proposed Activity Period
1 February	1 June – 31 August
1 May	1 September – 31 December
1 September	1 January – 1 May of the following year

Note: Permit applications received after the deadline dates are not guaranteed to be processed before the associated activity period commences.

Permit applications and additional information can be downloaded on the PMNM website at: <http://www.papahanaumokuakea.gov/resource/permits.html>

Permit applications must be filled out completely and submitted to nwhipermit@noaa.gov

Vessel Compliance

Another important part of the PMNM permit process is vessel compliance. This includes two primary requirements that are detailed further in PMNM regulations (50 CFR Part 404):

- (A) Vessel Monitoring System (VMS) installation and proper activation / operation; and
- (B) Vessel discharge requirements.

In addition, vessels serving as research platforms within PMNM must have the following inspections prior to departure:

- (C) Hull, ballast water, tender and gear inspection; and
- (D) Health and sanitation inspection (rodent inspection).

(A) Vessel Monitoring System

A PMNM type-approved Vessel Monitoring System is required via PMNM regulations to be carried by all vessels permitted to operate within the NWHI. A typical type approved VMS unit costs \$3,000-\$3,500 and takes at least six weeks to order and install. The point of contact for all questions related to VMS is Terry Boone (NOAA, Office of Law Enforcement) - terry.boone@noaa.gov ph: 808-203-2503.

- **Vessel Monitoring System Installation Costs and Airtime Charges:** Installation costs and airtime charges vary depending on the type of VMS and the contractor /

service provider. Contact the PMNM Permit Coordinator at 808-397-2660 or nwhipermit@noaa.gov for more information.

(B) Vessel Discharge Requirements

Vessel discharge is prohibited in State of Hawai'i waters (0-3 nm around all islands and atolls except Midway Atoll Special Management Area) and tightly regulated throughout the rest of the PMNM. Vessels must possess valid PMNM permits to discharge anywhere in the Monument.

Upon evaluation of Monument permit applications, vessels may obtain authorization for:

- Discharge of biodegradable solid waste associated with galley operations ground to 1 inch diameter (e.g. food scraps);
- Discharge of un-ground biodegradable solid waste associated with galley operations; and/or
- Gray-water discharge. (Gray water discharge is a tightly regulated activity and may be permitted upon review by the Co-Trustees. Please see page 51138 in the PMNM regulations for vessel discharge guidelines.)

(C) Hull, Ballast Water, Tender, and Gear Inspection

A hull, ballast water, tender, and gear inspection is required for all vessels approved to conduct research in the Monument in order to prevent further spread of alien or invasive species. Applicants must contact the PMNM Permit Coordinator to schedule a hull/ballast/tender/gear inspection at least six weeks prior to the vessel's scheduled departure date. The inspection is free, however, if the vessel's hull and/or equipment are deemed fouled the owner / operator will have to cover the cost to have the hull professionally cleaned and provide proof of cleaning to the PMNM Permit Coordinator. The inspection is normally conducted in Honolulu, however it may be conducted elsewhere if the inspector is available to travel and the applicant funds the inspector's travel expenses.

(D) Health and Sanitation Inspection (Rodent Inspection)

In order to prevent re-introduction of rats and other harmful invasive terrestrial animals, PMNM management has initiated a mandatory rodent vessel inspection program. Rodent inspections must be completed by a certified 3 exterminator and documentation of the inspection must include certification that the vessel is rat-free. Rodent inspections start at \$200 and increase depending on the size of the vessel. It is recommended that the vessel owner / operator schedule the inspection two to three weeks prior to departure.

Other Information

All certification documents, proof of vessel insurance, and the completed Compliance Information Sheet must satisfy all PMNM requirements and must be submitted to the PMNM Permit Coordinator before PMNM will release any pre-approved permit.

Research is an important endeavor in PMNM and must be conducted with the above safeguards and requirements to protect the resources and ecological integrity of the Monument.

(Last updated March 8, 2018)