

**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.**

## **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:** James A Brooks

**Affiliation:** Amateur Radio Operator

**Permit Category:** Special Ocean Use

**Proposed Activity Dates:** 9 October - 19 October

**Proposed Method of Entry (Vessel/Plane):** Gulfstream G-1 airplane

**Proposed Locations:** Midway

**Estimated number of individuals (including Applicant) to be covered under this permit:** 3

**Estimated number of days in the Monument:** 10

**Description of proposed activities:** (complete these sentences):

a.) The proposed activity would...  
Shooting a video about a ham radio expedition to Midway Island

b.) To accomplish this activity we would ....  
Bring my video camera and film the group on the island.

c.) This activity would help the Monument by ...  
Introducing environmentally sensitive islands like Midway to a worldwide audience as well as demonstrating the worldwide emergency communications capability that amateur radio can offer to remote island refuges.

**Other information or background:**

**Section A - Applicant Information**

**1. Applicant**

Name (last, first, middle initial): Brooks, James A

Title: Mr.

**1a. Intended field Principal Investigator (See instructions for more information):**

James A Brooks

**2. Mailing address (street/P.O. box, city, state, country, zip):**

[REDACTED]

For students, major professor's name, telephone and email address:

**3. Affiliation (institution/agency/organization directly related to the proposed project):**

Midway 2009 DXpedition

**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):**

Thomas Harrell -- Amateur Radio Operator

David Johnson -- Amateur Radio Operator

**Section B: Project Information**

**5a. Project location(s):**

<input type="checkbox"/> Nihoa Island	<input type="checkbox"/> Land-based	<b><u>Ocean Based</u></b>	
<input type="checkbox"/> Necker Island (Mokumanamana)	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> French Frigate Shoals	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Gardner Pinnacles	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Maro Reef			
<input type="checkbox"/> Laysan Island	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Lisianski Island, Neva Shoal	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Pearl and Hermes Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input checked="" type="checkbox"/> Midway Atoll	<input checked="" type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Kure Atoll	<input type="checkbox"/> Land-based	<input type="checkbox"/> Shallow water	<input type="checkbox"/> Deep water
<input type="checkbox"/> Other			

NOTE: There is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

Location Description:

The beach area adjacent to the restaurant as directed by the Refuge Manager

**5b. Check all applicable regulated activities proposed to be conducted in the Monument:**

- Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging 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 a vessel
- Deserting a vessel aground, at anchor, or adrift
- Discharging or depositing any material or matter into the Monument
- Touching 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 resource
- Sustenance fishing (Federal waters only, outside of Special Preservation Areas, Ecological Reserves and Special Management Areas)
- Subsistence fishing (State waters only)
- Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or Midway Atoll Special Management Area

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

The proposed activity is to photograph and videotape the amateur radio activity occurring at the Monument during October, 2009. The resulting images will be edited and then disseminated by DVD to interested amateur radio operators throughout the world.

**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?

The photography activity will without touching or disturbing any monument resource. In particular, the applicants will not carry or use any type of flashbulb, flashlight or any other type of artificial light. The photography activity will be conducted within approved amateur radio operations area and will not occur outside of that area unless it is part of a guided tour conducted by USFWS personnel.

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?

The photography activity will leave no imprint or effect on any monument resource. There will be no approach of any wildlife. The photography activity will occur in a restricted and well defined area. The applicants will of course yield or retreat from any approach of wildlife into that area. Further, the applicant is aware of the cultural significance of the Monument to the Hawaiian people. The applicant is well aware that the Native Hawaiian relationship to Papahānaumokuākea has evolved alongwith the living Hawaiian culture and that Papahānaumokuākea continues to be considered a sacred region. Insofar as amateur radio operations are an approved activity on Midway, the applicant feels that it is important to document those activities when they occur in order to reassure everyone interested in the cultural sanctity of Midway and particularly the Native Hawaiian people as to the specific nature of the amateur radio event,

including the number and diversity of the participants, the size and character of the designated operating area, the type and extent of equipment used during the event, the nature, type and worldwide reach of communications conducted during the event, and the ability of amateur radio to supply vital communications between Midway and the rest of the world during times of emergency including power, cable, telephone, satellite and transportation outages and interruptions. People interested in the cultural sanctity of the Monument will also be interested to know more about the footprint or residue left by such an activity. This type of insight into the amateur radio event is best documented visually, and members of the amateur radio community as well as the Hawaiian community throughout the world have a genuine interest in verifying that we have been responsible stewards and representatives in conducting this event. The lack of a photographic record of this approved activity would be a hindrance in evaluating its success and usefulness to the Monument. To quote William Ailā, "The Monument region is not strictly a scientific laboratory; it is a place that has its own life force", and undoubtedly this event in this special place will be a lifelong memory for all of the participants, not just because of the purely technical demonstration but because of the setting in this unique World Heritage Site. The applicant recognizes that Papahānaumokuākea is a monument to a place where both spiritual and scientific, as well as indigenous and western values can learn to coexist, to find common cause and to care for the whole earth. Through the use of the photographic medium it will also be an important introduction and memory for everyone around the world who is able to view this activity.

Additionally, we are making significant contributions to the Monument as part of this approved activity. In particular, improvements to the electrical infrastructure of Midway are being made at our expense. We are donating at no cost for purposes to be determined by the Refuge Manager the use of two "deadhead" legs of our chartered G1 airplane which would initially be returning to Honolulu empty and coming out to the island empty to retrieve us. This is a substantial benefit to the Refuge and has a monetary value of \$29,000.00 Finally, we intend to pay for a professionally produced

and narrated version of our resulting video material to create, at the direction of the Refuge Manager or other responsible party designated by the Monument Management Board, a video that would be useful for posting, for example, on the Midway web page or to be used in some other manner by the relevant agencies (FWS, NOAA, NMFS, Office of Hawaiian Affairs and Department of Aquatic Resources, State of Hawaii) as the Monument Management Board may deem appropriate.

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 applicants have already received permission to visit Midway for the amateur radio activity. The photography activity will be incidental to the amateur radio activity. The purpose of the photography is to illustrate and describe the logistics of operating an amateur radio station at Midway Island, including the area in which the amateur radio station is permitted to operate, the specific activities and efforts involved in erecting and dismantling the station on the Monument grounds, the interaction with the USFWS personnel, the availability and use of specific facilities at the Monument that were made available to the amateur radio operators, and the specific radio propagation conditions that were encountered at the specific latitude and longitude of Midway Island at this particular moment near the beginning of the current eleven year solar activity cycle.

d. How does the end value of the activity outweigh its adverse impacts on Monument cultural, natural and historic resources, qualities, and ecological integrity?

There will be no adverse effects on the Monument, and the educational value of the photography will be substantial and enduring.

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

The photography activity will be incidental to and conducted completely within the already approved amateur radio activity. The applicants expect to shoot about seven to nine videotapes over the course of the amateur radio activity. One tape holds an hour of footage so the applicants will be videotaping for approximately one hour per day. This will permit the applicants to gather a representative sample of daily amateur radio activities and permit a record to be made of propagation variations throughout the amateur radio activity.

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

The applicant Mr. Brooks is a professional photographer as indicated on the attached resume. His activities will not create any potential for damage to the Monument. The photography will literally occur within the specific boundaries of the approved amateur radio activities. The photography will be passive in nature, that is, there is no specific item, person or occurrence that is the goal of the photography, and nothing on the monument grounds will be altered in any way to achieve any goal of the photography. Rather, the photography is intended to record only what actually occurred during the approved amateur radio operation. There is no intent, desire or need to interact with the wildlife present on the Monument in any way.

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.

The photography activities do not include any potential for harm to the monument. The applicants have already obtained MISG Insurance Policy # A 26606761 HCP, which provides worldwide coverage without any geographic exceptions to provide the policyholder with an evacuation by air if necessary.

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.

The photography activity and the worldwide distribution of the resulting presentations will enhance public awareness and support for the Monument.

i. Has your vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031?

No vessel will be used while conducting the photography activity.

j. Demonstrate that there are no other factors that would make the issuance of a permit for the activity inappropriate.

The photography activity will be confined to a small physical area as defined by the Refuge Manager.

#### 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?

- 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 SPECIAL MANAGEMENT AREA**

n. Does the activity further the conservation and management of the Monument?  
Yes. Most significantly the very existence and character of the Monument is completely unknown to the vast majority of the world population. By disseminating a photographic record of the amateur radio activity there, an entirely new audience of technically oriented people throughout the world who would otherwise remain unaware of the Monument will be introduced to a valuable world resource. As a result of this introduction to the Monument, many people will visit the Monument website and discover the role of the Monument, persons who otherwise would have remained completely uninformed as to the Monument purpose and mission and its continuing need for funding and support.

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

Yes. Insofar as the Refuge is intended to protect and conserve the indigenous wildlife that is dependent on the Midway Atoll for survival, the applicants photography will not harm or endanger any wildlife. The proposed video DVD will serve the outreach and historic preservation purposes of Midway Atoll by informing and educating a far flung segment of the world population of the history, heritage, wildlife and current status of the Refuge. Most viewers of the proposed video DVD are at present unaware of the very existence of the Midway Monument or Refuge, what it is, how it came to be, how its survival is preserved and perpetuated, and they will be finding out what Midway really is today for the first time through our efforts.

**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:**

Standard digital photography. The applicants intend to make five hundred DVDs of the edited video. Based on past experience the applicants will be able to can sell this quantity over a period of about 5 to 7 years, after which there will be no more interest in the video. The applicants will not make a profit as the production, duplication,

packaging, and shipping costs will exceed the revenue received from the small market consisting of individual amateur radio operators and amateur radio clubs.

Each DVD will also be made available at no cost to a number of amateur radio foundations and amateur radio libraries worldwide. Copies of the proposed DVD will be provided promptly to the Monument Management Board.

**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:**

A bond will be posted if required. The MISG Insurance Policy # A 26606761 HCP includes a general liability insurance. A copy of the insurance policy will be provided if you so desire.

**10. If applicable, describe how you are collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?**

The applicant is serving as the official photographer of the already approved amateur radio activity.

**11. List all specialized gear and materials to be used in this activity:**

A camera and a tripod. In particular, the equipment is as follows:

Camera:	Panasonic HVX202EN personal handycam	weight 2.5 kg
Battery:	Panasonic CGA-D54s (x 2)	weight 260 grams
Charger:	Panasonic DE-A20	weight 160 grams
Tripod:	Libec TH650DV compact tripod	
	height: 700mm	weight: 3.2 kg
Lights:	none	

The entire complement of equipment fits in a small bag.

**12. List all Hazardous Materials you propose to take to and use within the Monument:**

None

**13. Describe any fixed installations and instrumentation proposed to be set in the Monument:**

None

**14. List all Applicants' publications directly related to the proposed project:**

None

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.

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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?**

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