

**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](mailto: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:** Avery Loy, Board President

**Affiliation:** Friends of Midway Atoll NWR

**Permit Category:** Special Ocean Use

**Proposed Activity Dates:** 6/1/2012-12/31/2017

**Proposed Method of Entry (Vessel/Plane):** Plane, as invited

**Proposed Locations:** Midway Atoll NWR (MANWR)

**Estimated number of individuals (including Applicant) to be covered under this permit:** 10

**Estimated number of days in the Monument:** estimated 90 person days per year

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

a.) The proposed activity would...

Operating store with sales of Midway logoed items and possibly Monument logoed items with appropriate permission from the Co-trustees or the Monument Communication Team, support for habitat restoration, environmental education and interpretive activities and marine debris studies. Other activities to support Midway Atoll NWR (MANWR) as requested by Refuge staff.

b.) To accomplish this activity we would ....

We would obtain grants for control of invasive species, on-island workshops that support engaging youth in the great outdoors and to study marine debris. We would continue to provide funds for bicycles for visitor use, funding for displays and furniture for the Midway Visitor's Center, support for special events on Midway to include the Battle of Midway Anniversary celebrations and helping with facility set up and guest services. Board members will also participate in invasive species control and marine debris monitoring. FOMA sells teeshirts, hats, books, etc. through the Midway store and 100% of all profits from these sales are returned to Midway support activities. FOMA publishes a quarterly newsletter and maintains a website and Facebook presence for Midway Atoll NWR while noting its significance within the Papahānaumokuākea Marine National Monument.

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

Providing visibility, awareness and education opportunities for the PMNM Monument as well as Midway Atoll National Wildlife Refuge through providing funds for projects and grant monies for areas of interest.

**Other information or background:** FOMA is one of about 320 National Wildlife Refuge Friends groups created to support wildlife refuges around the USA and possessions. FOMA was organized a little over 10 years ago and in that time has obtained several grants for control of invasive species, administered a \$250,000 grant to study marine debris on Midway Atoll, provided funds for bicycles for use by visitors to Midway, provided funding for interpretive displays and furniture for the Midway Visitor's Center, provided support for special events on Midway, and provided staff support by working the Battle of Midway Anniversary celebrations and helping with facility set up and guest services. Board members have also participated actively in renovation of the visitor center displays that highlight the greater Monument including its cultural significance, invasive species control and marine debris monitoring. FOMA sells teeshirts, hats, books, etc. through the Midway store and 100% of all profits from these sales are returned to Midway support activities. FOMA publishes a quarterly newsletter and maintains a website and Facebook presence for Midway Atoll NWR. This is FOMA's Mission Statement-"To support the Midway Atoll National Wildlife Refuge in its efforts to preserve, protect and restore the biological diversity and historical resources of Midway Atoll while providing opportunity for wildlife-dependent recreation, education and scientific research."

**Section A - Applicant Information**

**1. Applicant**

Name (last, first, middle initial): Loy, C. Avery

Title: Board President, FOMA

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

N/A

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

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

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

USFWS

**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):**

FOMA members to be selected from the following list: Darlene Moegerle; Bob Fields; Mike Logan; Cyndi Logan; Linda Watters; Teya Penniman; Jay Penniman; Kathleen Loy; Cindy Waddington; Jim Waddington; Rob Shallenberger; or Fern Duvall



**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 checked="" 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:

Midway Atoll Special Management Area

**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:***

To support the Midway Atoll National Wildlife Refuge in its efforts to preserve, protect and restore the biological diversity and historical resources of Midway Atoll while providing opportunity for wildlife-dependent recreation, education and scientific research. Friends of Midway Atoll (FOMA) operates a friends store that provides gift items for visitors to include reference books for the visitors. Educational products produced about Midway Atoll are currently available at the FOMA store for visitors. The proceeds from the sale of items at FOMA Store are used to support refuge projects such as marine debris surveys and wildlife guzzlers for the endangered Laysan duck. FOMA also provides direct benefit to the monument by participation in habitat restoration activities to include bunch grass planting, marine debris removal, and grant proposals to support projects at Midway Atoll NWR.

**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?

As has been done for prior ten years, FOMA will provide adequate safeguards for the \*cultural, historical and natural\* resources at Midway. When visiting FOMA members attend the cultural briefings on an annual basis and work under the direct guidance of Midway staff while at Midway. FOMA members attend the Midway orientation briefing annually and follow all of the guidelines provided by the briefing to protect the natural resources, ecological integrity, along with the historic and cultural resources.

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? This ongoing activity is compatible with the management direction of the proclamation by supporting operations at Midway Atoll NWR. Proceeds from the sale of items at Midway Store

go directly to the support of refuge operations and have provided projects to include a Marine Debris study that is providing a base line for the Japan Tsunami Marine Debris response plan and grant money for the development of wildlife guzzlers to benefit the endangered Layan duck. These projects have directly enhanced the wildlife productivity and ecological integrity of the Monument. When natural resources are enhanced so too are the cultural resources as they are intricately linked. No long term negative effects are expected from the activities of FOMA.

The activity would support the Monument Management Plan (MMP) Habitat Management and Conservation Action Plan 3.2.3 (MMP Vol. I, p. 179) through funding for projects like bunchgrass planting and wildlife guzzlers. This habitat restoration efforts would enhance the Monument resources, qualities, and ecological integrity, seabird conservation worldwide, and Laysan duck populations.

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.

No; the target group of shoppers are those who actually physically visit MANWR. FOMA's Mission Statement is "To support the Midway Atoll National Wildlife Refuge in its efforts to preserve, protect and restore the biological diversity and historical resources of Midway Atoll while providing opportunity for wildlife-dependent recreation, education and scientific research." To accomplish this mission, FOMA members \*  
\*need to visit Midway Atoll NWR to ensure \*that\* quality \*are\* products provided to visitors and to conduct habitat enhancement \*and support educational activities\* at Midway Atoll NWR.

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

No known adverse impacts are expected from the activities of FOMA. There are several positive impacts from the funding provided by FOMA in funding the development of wildlife guzzlers and supporting bunchgrass planting at Midway. These end values outweigh the insignificant effects of the store operations at Midway.

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

Continued support of NWR requires long term activity. The activity occurs during a short duration of time. The Midway store is operated by FWS contractor staff and the



Friends group sales of products is incidental to Midway store operations. The FOMA members make site visits one to two times per year and support habitat restoration \*and educational\* projects while on Midway. The daily sales of Friends products provides ongoing support to refuge operations at Midway. Additionally, FOMA is active in getting grants for restoration projects at Midway Atoll NWR.

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

Ten year history of same activities with no negative impacts from the activities. There have been several positive impacts in the last ten years such as the Marine Debris study and wildlife guzzler grant funding.

Members of FOMA board are qualified to conduct and complete the activity and mitigate potential impacts of the store operations. Many of the FOMA members are retired FWS refuge managers with several years of experience in refuge operations and conducting friends group operations. Mitigation of potential impacts to the refuge are managed by Midway Atoll NWR with the refuge manager or designee attending the Friends of Midway Atoll board meetings. The refuge manager provides guidance for all FOMA activities that support refuge operations.

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. Financial statements provided to Refuge staff monthly. Solid financial history over the last ten years of working as FOMA. Since FOMA works under the guidance of the refuge manager, all potential impacts from the operations of the FOMA store are managed by Midway Atoll NWR.

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.

Similar to activities performed by over 300 USFW Friend's groups nationwide. The activity has been found to be appropriate by Midway Atoll NWR. Nationwide the over 300 Friends groups have had minimal negative impacts on refuges.

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

N/A

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

None known.

#### 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?

N/A

l. 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?

Yes. The sales of products in the FOMA store provide funding for bunchgrass planting and wildlife guzzlers. The activities of FOMA also secure grants for habitat restoration projects at Midway Atoll NWR by providing matching dollars for grants. The grants provide for needed conservation and management equipment and supplies for Midway Atoll NWR.

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

Yes, The Director of the U.S. Fish and Wildlife Service has found the activities of friends groups nationwide are compatible with the purposes of the National Wildlife Refuge System.

**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:**

FOMA continues to operate the FOMA store as part of the Midway store. FOMA has been in operation for 10 years with no record of problems within the refuge system. The FOMA store is

operated by Midway Atoll NWR contractors in conjunction with the Midway general sundry store. The FOMA store is only open when the Midway store is open which is approximately 1 hour per night Monday through Friday and 2 hours on Saturday, or as determined by the refuge manager. FOMA members periodically audit the activities at the store to ensure good quality products are being provided. There are monthly calls with Midway Atoll staff and the FOMA Board to ensure synchronized activities that support refuge operations. Receipts from the sale of products at the FOMA store go directly into supporting refuge operations at Midway Atoll NWR. The funds generated by the sales at FOMA store are used as matching funds for habitat restoration grants. FOMA members during the periodic visits contribute to refuge operations by assisting with habitat restoration projects as well as the Marine Debris study that is ongoing.

**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:**

Liability protection is provided by Midway Atoll NWR as part the Memorandum of Agreement with the refuge.

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

There are monthly conference calls with Midway staff to coordinate the supporting activities of FOMA for Midway activities. FOMA has presented to the Hawaiian Islands Coral Reef Ecosystem Reserve Advisory Committee on the activities of FOMA.

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

N/A

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

N/A

**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:**

Gooney Gazette Newsletter, friendsofmidway.org website, FOMA Facebook page

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