

State of Hawaii  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Division of Aquatic Resources  
Honolulu, Hawaii 96813

April 25, 2008

Board of Land  
and Natural Resources  
Honolulu, Hawaii

Request for Authorization and Approval to Issue a Papahānaumokuākea Marine National Monument Conservation and Management Permit to Cynthia Vanderlip, State of Hawaii, Department of Land and Natural Resources, Division of Forestry and Wildlife, for Access to State Waters to Conduct Spinner Dolphin Monitoring Activities.

The Division of Aquatic Resources (DAR) hereby submits a request for your authorization and approval for issuance of a Papahānaumokuākea Marine National Monument conservation and management permit to Cynthia Vanderlip, Kure Atoll Wildlife Sanctuary Manager, State of Hawaii, Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife, pursuant to § 187A-6, Hawaii Revised Statutes (HRS), chapter 13-60.5, Hawaii Administrative Rules (HAR), and all other applicable laws and regulations.

The conservation and management permit, as described below, would allow entry and management activities to occur in the Papahānaumokuākea Marine National Monument (Monument), including the NWHI State Marine Refuge and the waters (0-3 nautical miles) surrounding the following sites:

- Pearl and Hermes Atoll,
- Midway Atoll,
- Kure Atoll

The activities covered under this permit would occur from May 1, 2008 through Oct 31, 2008.

The proposed activities are a renewal of work previously permitted and conducted in the Monument.

INTENDED ACTIVITIES

The applicant proposes to conduct photo-ID surveys of resident spinner dolphin populations at Kure, Midway and Pearl and Hermes Atolls. Most of the surveys will be conducted at Kure Atoll. The surveys at Midway and Pearl and Hermes Atolls will be opportunistic. The continuation of this work provides long-term data on spinner dolphin population size, inter-atoll movement patterns, residence rate, social structure, pattern of behavior, and habitat use patterns.

Specific activities include regular surveys and the documentation of survival from such factors as injuries and entanglements.

Individual photo-identification surveys would be conducted using a small outboard motor boat, and following a standard boat-survey protocol and a data collection protocol used effectively in previous studies of spinner dolphins in the NWHI. These surveys would, as much as possible, cover the entire inner lagoon. After location of a dolphin group and a scan for all other potential dolphins, the group will be approached at speeds < 2 knots. While the boat remains alongside the dolphin group, the group membership (ID photographs), size, relative cohesion, and general behavioral states will be recorded. Movement pattern will be monitored with a portable Geographic Positioning System (GPS), as will be the general features of the bottom topography. Individuals will subsequently be identified following standard laboratory procedures, and a computer-assisted individual-identification package would be used to assist with processing images and data management. The highest quality photographic images of distinctive individuals would furnish the ID-catalogue.

The proposed project promotes the Papahānaumokuākea Marine National Monument goal for the long-term conservation and management of the Hawaiian spinner dolphin

#### REVIEW PROCESS:

The permit application was sent out for review and comment to the following scientific entities: Hawaii Division of Aquatic Resources, Hawaii Division of Forestry and Wildlife, Papahānaumokuākea Marine National Monument (NOAA/NOS), NOAA Pacific Islands Regional Office (NOAA-PIRO), and United States Fish and Wildlife Service Hawaiian and Pacific Islands National Wildlife Refuge Complex Office. The Office of Hawaiian Affairs (OHA), and the Kaho'olawe Island Reserve Commission (KIRC) were also consulted.

#### **Comments received from the scientific community are summarized as follows:**

Scientific reviews support the acceptance of this application. No concerns were raised.

#### **Comments received from the Native Hawaiian community are summarized as follows:**

Cultural reviews support the acceptance of this application. No concerns were raised.

#### **Additional reviews and permit history:**

Are there other relevant/necessary permits or environmental reviews that have or will be issued with regard to this project? (e.g. MMPA, ESA, EA) Yes  No

If so, please list or explain:

- Applicant's proposed activities are authorized under MMPA/ESA permit # 774-1714, issued by the NOAA Office of Protected Resources, Southwest Fisheries Science Center.

Has Applicant been granted a permit from the State in the past? Yes  No

If so, please summarize past permits:

- The Applicant was granted permits DLNR/NWHI/06R010 and DLNR/NWHI/07C001, in 2006 and 2007, to remove marine debris at Kure Atoll
- In addition, the proposed work described in this submittal is a continuation of activities conducted under permit DLNR/NWHI/07R003, issued to Dr. Leszek Karczmarski on May 16, 2007

Have there been any a) violations: Yes  No   
 b) Late/incomplete post-activity reports: Yes  No

Are there any other relevant concerns from previous permits? Yes  No

STAFF OPINION:

DAR staff is of the opinion that Applicant has properly demonstrated valid justifications for her application and should be allowed to enter the NWHI State waters and to conduct the activities therein as specified in the application with the following special instructions and conditions, which are in addition to the Papahānaumokuākea Marine National Monument Conservation and Management Permit General Conditions. The following special conditions have been vetted through the legal counsel of the Co-Trustee agencies.

1. To prevent introduction of disease or the unintended transport of live organisms, the permittee must comply with the disease and transport protocol attached to this permit.
2. Tenders and small vessels must be equipped with engines that meet EPA emissions requirements.
3. Refueling of tenders and all small vessels must be done at the support ships and outside the confines of lagoons or near-shore waters in the State NWHI Marine Refuge.
4. No fishing is allowed in state waters except as authorized under State law for subsistence, traditional and customary practices by Native Hawaiians.

MONUMENT MANAGEMENT BOARD OPINION:

The MMB is of the opinion that the Applicant has met the findings of Presidential Proclamation 8031 and this activity may be conducted subject to completion of all compliance requirements. The MMB concurs with the special conditions recommended by DAR staff.

RECOMMENDATION:

“That the Board authorize and approve a Conservation and Management Permit to Cynthia Vanderlip, State of Hawaii, DLNR, Division of Forestry and Wildlife.”

Respectfully submitted,



DAN POLHEMUS  
Administrator

APPROVED FOR SUBMITTAL



LAURA H. THIELEN  
Chairperson