

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

July 25, 2008

Board of Land
and Natural Resources
Lihue, Kauai

Request for Approval of a Special Activity Permit for Ms. Susan Burr, AECOS, Inc., and Designated Assistants to Collect Freshwater Animals (Gobies, Invertebrates, Damsselflies) on Kauai

Submitted herewith for your consideration and approval is a Special Activity Permit as authorized in Section 187A-6, Hawaii Revised Statutes (HRS). Section 187A-6 provides that the Department may issue permits no longer than one year (from date of issue) to any person to take aquatic life, possess or use fishing gear, or engage in any feeding, watching, or other such non-consumptive activity related to aquatic resources otherwise prohibited by law for scientific, educational, management, or propagation purposes, subject also to Chapter 195D and any other restrictions the Department deems desirable.

Such permits are usually sought by University researchers and their students, professional biologists, consultants, aquariums, or public and private school teachers to either collect aquatic life otherwise considered unlawful, or to use gear otherwise considered unlawful, primarily for the purposes of study or education. Ms. Burr and AECOS, Inc. designated assistants propose to collect freshwater gobies, various invertebrates, damsselflies as part of a restoration project. The aquatic life would be collected using small mesh nets.

The Division of Aquatic Resources has reviewed the application for impact and made recommendations to conserve resources as well as to minimize impacts to those resources. Among other permit provisions, the Division will require an annual report at the end of the permit period to document the efforts of the collections or activities. This permit does not authorize any work in the Northwestern Hawaiian Islands.

This permit does not contain the designated assistants' signatures. If this permit is approved, signatures from all designated assistants will be obtained before submittal to the Chairperson for final approval.

RECOMMENDATION:

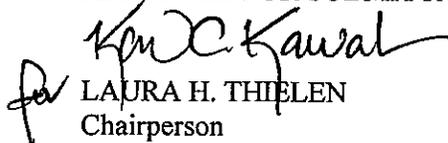
"That the Board Approve a Special Activity Permit for Ms. Susan Burr, AECOS, Inc., and Designated Assistants to Collect Freshwater Animals (Gobies, Invertebrates, Damsselflies) on Kauai."

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:


LAURA H. THIELEN
Chairperson

Department of Land & Natural Resources
DIVISION OF AQUATIC RESOURCES
1151 Punchbowl Street, Room 330
Honolulu, Hawaii 96813

Date Issued: July 25, 2008

Valid Not Longer Than
One Month From Date Issued

SPECIAL ACTIVITY PERMIT

The Board of Land and Natural Resources hereby grants permission for certain activities involving aquatic organisms belonging to the people of Hawaii, under Section 187A-6, Hawaii Revised Statutes, and other applicable laws.

The Permittees are

Name:	Susan Burr	Address:	AECOS, Inc.
Title:	Researcher		45-939 Kamehameha Hwy, #104
Affiliation:	AECOS, Inc.		Kaneohe, HI 96744

This permit is issued, subject to the general and special conditions, to use small mesh (1/4 inch stretched) to collect state resources from a gulch on Kauai to assess their numbers and other metrics associated with the Pilaa 400 wildlife restoration project. This permit allows the taking, possessing, transporting, and releasing of native aquatic life listed below. This permit does not authorize the permittee (and any assistants designated on the final page(s) of the permit) to kill any native aquatic life taken from the waters of the State.

Common Name	Scientific Name	Number Specimen	Collecting Location
Oopu or gobies	Various	As may be collected	Gulch 2
Native Invertebrates	Various	As may be collected	Gulch 2
Native damselflies	Various	As may be collected	Gulch 2

I. GENERAL CONDITIONS:

- A. This permit does not make the Board of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during any activity conducted under this permit; moreover, the permittee and all assistants agree to hold the State harmless against any and all claims of personal injury, death or property damage resulting from activities of the permittee or any assistant.
- B. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Department of Land and Natural Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.
- C. The permittee and each assistant are individually responsible and accountable for their actions while conducting activities authorized under this permit; additionally, the permittee is responsible and accountable for the actions of the permittee's assistants.
- D. This permit is not transferable or assignable. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.
- E. The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the DAR at least two weeks prior to the change. All personnel changes will require each individual to sign an "Attachment" stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department/DAR.
- F. The permittee may request to:
 - 1. Add assistants to the permit by having each assistant sign an "Attachment" and send the document to DAR;
 - 2. Add another permittee or be replaced by another permittee in the manner stated above; and
 - 3. Change the activities allowed under this permit.
- G. The permittee or their assistant(s) must have with them a copy of this permit while conducting activities authorized by this permit.
- H. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).
- I. This permit does not authorize the sale of any collected organism.

- J. This permit expires on the date indicated on Page 1. Within one month of the expiration date, the permittee must return this permit to the Division of Aquatic Resources with complete information on all activities authorized under this permit, on the attached Activity Report form.
- K. The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the Division of Aquatic Resources, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide the Division of Aquatic Resources access to organisms obtained and held under this permit for on-site inspection.
- L. A violation of any terms or condition of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as provided by law. In addition, the Department may consider any such violation as grounds for denying any future permit applications.
- M. The permittee will notify the Division of Aquatic Resources prior to the release and/or transfer of any organisms collected under the permit. The permittee will not release any organisms collected under this permit or any organisms raised in a propagation facility under the authority of this permit, without the Division of Aquatic Resources' written approval.

II. SPECIAL CONDITIONS

- A. This permit authorizes the use of fine meshed (1/4 inch mesh) screens and nets to collect aquatic life from Gulch 2 on Kauai being drained in an attempt to assess the amount of aquatic life present. No such collecting shall be conducted in state waters not specifically identified under this permit.

All native species collected shall be kept alive and returned to the stream waters in reasonably good health, as soon as practical. All non-native species collected shall not be returned to the stream waters but disposed of at the discretion of the permittee.

- B. The use of any chemical substance is expressly prohibited under this permit.
- C. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Division of Aquatic Resources (see "B", General Conditions, page 2 of this permit).
- D. This permit does not by implication authorize the primary permittee or any designated assistant to engage in any other activity that is in violation of any other State, Federal or County law, regulation or ordinance.

LAURA H. THIELEN, Chairperson
Department of Land and Natural Resources

cc: DOCARE
 Special Agent in Charge, USFWS, Honolulu
 DAR - Kauai

SIGNATURES AND AGREEMENT

By my signature below, I acknowledge receipt and understanding of the general and special conditions of this Special Activity Permit. Further, I agree to abide by all of these conditions when conducting activities authorized by this permit.

PRINCIPAL PERMITTEES: Susan Burr
Susan Burr

DESIGNATED ASSISTANTS:

Signature: _____	Signature: _____
Print Name: <u>Chad Linebaugh</u>	Print Name: <u>Carl Arume</u>
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____
Signature: _____	Signature: _____
Print Name: _____	Print Name: _____

ACTIVITY REPORT

Results of all activities performed under authority of this permit must be reported on this form (or copies) within one month after the permit expires (see first page). Use as many sheets as you need. Submit the report to the Division of Aquatic Resources at 1151 Punchbowl Street, Room 330, Honolulu, HI 96813.

Date	Location	Common or Scientific Name	Quantity Collected*	Disposition of Specimens
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Permittee Signatures

Printed name

Signature

Date

Printed name

Signature

Date

*If salvaged (collected because the specimen was dead or injured already), please detail circumstances: condition (dead, or describe extent of injury), how or from whom the specimen was obtained.

ATTACHMENT FOR DESIGNATED ASSISTANTS ONLY

Primary Permittee: Susan Burr

I, being the primary permittee, hereby acknowledge the addition of the following designated assistants.

Susan Burr

Date

ADDITIONAL DESIGNATED ASSISTANTS

We, the undersigned, have read, understand, and agree to all conditions stipulated in the above Special Activity Permit.

Signature _____

Print Name: _____

Signature _____

Print Name: _____