

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

October 24, 2008

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Approval of Special Activity Permit 2009-30 for Dr. Charles Birkeland,
University of Hawaii at Manoa, Hawaii Cooperative Fisheries Research Unit, and
Designated Assistants

The applicant proposes to use small meshed nets to collect marine life specimen from State waters for use in research programs. Dr. Birkeland requires this permit because State law prohibits the use of nets with mesh of smaller than 2 inches. He requires such nets to collect juvenile and smaller species. All specimen collected will meet legal requirements.

The Division of Aquatic Resources has reviewed this application and supports the work of the Hawaii Cooperative Fisheries Research Unit.

RECOMMENDATION:

“That the Board authorize and approve, with stated conditions, this Special Activity Permit for Dr. Charles Birkeland.”

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:

Valid Not Longer Than
One Year From Date Issued

SPECIAL ACTIVITY PERMIT

The Department 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 Permittee is

Name: Charles E Birkeland	Address: Hawaii Cooperative Fisheries
Title: Associate Professor	Research Unit
Affiliation: University of Hawaii	2538 The Mall
	Honolulu, HI 96822

This permit is issued, subject to the general and special conditions, to use small meshed nets and traps to collect unregulated marine life specimens for the purpose of fisheries research. This permit allows the use of nets and traps with mesh less than the legal minimum mesh size of two inches to take only legal marine life, in legal areas.

I. GENERAL CONDITIONS:

- A. This permit does not make the Department 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.

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- 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 Department at least thirty days prior to the change. The addition of new assistants will require each individual to sign the Attachment on page 6 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.
- F. The permittee may request to:
 - 1. Add assistants to the permit;
 - 2. Add another permittee or replace an existing permittee in the manner stated above; and
 - 3. Change the activities authorized 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 address listed on the upper left corner of page 1 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.

II. SPECIAL CONDITIONS

- A. This permit authorizes the use of small mesh nets and traps to take various unregulated aquatic life.
- B. The use of any chemical substance to take fish is expressly prohibited under this permit.

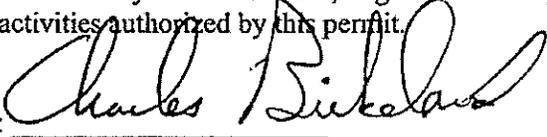
- C. The primary permittee and designated assistants are required to obtain permission before entering upon lands or waters not under the jurisdiction of the Department (see "C", General Conditions, page 1 of this permit).
- D. This permit does not by implication authorize the primary permittee or any 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

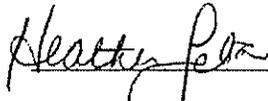
cc: DOCARE
 Special Agent in Charge, USFWS, Honolulu
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SIGNATURES AND AGREEMENT

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: 
Charles E Birkeland

DESIGNATED ASSISTANTS:

Signature:  Signature: _____
Print Name: Heather Leba Print Name: _____

Signature: _____ Signature: _____
Print Name: _____ Print Name: _____

Signature: _____ Signature: _____
Print Name: _____ Print Name: _____

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Signature: _____ Signature: _____
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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
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Printed name	Signature	Date
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*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: Charles E Birkeland

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

Charles E Birkeland

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: _____