

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

September 11, 2009

Board of Land
and Natural Resources
Honolulu, Hawaii

Request for Approval of Special Activity Permit 2010-1 for Dr. Misaki Takabayashi of
The University of Hawaii at Hilo, Marine Science Department and Designated Assistants

The applicant proposes to conduct activities relating to research on corals at three sites on Hawaii island - outside Waiopae Marine Life Conservation District, Leleiwi Point, and Pohue Bay. These activities include the collection of 0.4-in² samples from live corals only when they have visible skeletal growth anomalies. A maximum of 104 coral samples are authorized. The collections outside of Waiopae are required because that is where the anomalies are most observed.

RECOMMENDATION:

“That the Board authorize and approve, with stated conditions, this Special Activity Permit for Dr. Misaki Takabayashi of The University of Hawaii at Hilo.”

Respectfully submitted,



DAN POLHEMUS
Administrator

APPROVED FOR SUBMITTAL:



LAURA H. THIELEN
Chairperson

SPECIAL ACTIVITY PERMIT
SAP 2010-1

State of Hawai'i
Department of Land & Natural Resources
Division of Aquatic Resources
1151 Punchbowl Street, Room 330
Honolulu, Hawai'i 96813

Issued August 26, 2009

Expires August 25, 2010

The Board of Land and Natural Resources hereby grants permission for certain collection of organisms belonging to the people of Hawai'i under the authority of Section 187A-6, Hawai'i Revised Statutes, and all other applicable laws, to:

Dr Misaki Takabayashi (permittee)
University of Hawaii at Hilo
Department of Marine Science
200 West Kawili Street
Hilo, HI 96720-4091

(808) 933-0422

This permit is issued with attached conditions to authorize the take regulated marine live rice corals, for research on skeletal growth anomalies at three sites on the Hilo side of the Big Island.

This permit, signed by authorized representative of the Department of Land and Natural Resources (the Department), authorizes the permittee, and assistants designated on the final page(s) of, or attachments to, this permit, to engage in activities otherwise prohibited by law, subject to the conditions, to **TAKE, CATCH, POSSESS, and TRANSPORT** the regulated and non-regulated marine life as listed below, from waters of the State, as follows:

TYPES	DESCRIPTION	LIMITS see Special Conditions	LOCATIONS see Special Conditions
Rice coral	<i>Montipora capitata</i>	24 samples @ Waiopae; 40 samples @ Leleiwi; 40 samples @ Pohue	Near Waiopae, Leleiwi Point, and Pohue Bay, Hawaii

CONDITIONS

PART I. GENERAL

A. This permit becomes effective when the following process is completed.

1. Each assistant must be listed at the end of this permit.

2. The permittee and each assistant must read the permit completely; and must acknowledge understanding of and agreement to abide by conditions of the permit, by signing *both* copies of the permit in the spaces provided.
 3. *Both* copies of the permit with permittee's and assistants' signatures must be returned to the Division of Aquatic Resources (the Division).
 4. **The permit becomes valid when signed by an authorized representative** of the Department; the Department will return one validated copy to the permittee.
 5. The permittee agrees to notify the Division immediately of any change in assistants. Additional persons may be added as assistants by validation: each must sign an "Attachment" form, which must be returned to the Division for validation; once approved, such persons are added to the permit.
- B. The permittee agrees to obtain written approval of the Division prior to conducting any activity that is prohibited under the permit (i.e. request in advance changes to permit conditions).
- C. This permit does not make the Board of Land and Natural Resources or State of Hawai'i liable in any way for claim of personal injury or property damage which may result from activity authorized by this permit; the permittee and all assistants agree to hold the Board and State harmless against any and all claims of injury, death or damage resulting from actions or omissions under this permit.
- D. This permit conveys authority **ONLY** of the Department relating to the Division's jurisdiction over aquatic resources: the permittee remains responsible for obtaining all other prior permission from other applicable authorities (such as owners of and tenants upon private lands; other divisions of the Department; other local, State and Federal agencies--this permit authorizes collecting organisms protected by Federal law only with appropriate Federal authorization).
- E. The permittee and also each assistant is individually responsible and accountable for his or her actions while performing activities authorized by this permit; the permittee is additionally responsible and accountable for the actions of each assistant.
- F. This permit is neither transferrable nor assignable to another person.
- G. The permittee or assistant must carry a copy of this permit on location while performing activities authorized by this permit.
- H. Authority granted by this permit ends on the "Expiration Date" on the first page of this permit; within **one month** of the expiration date, the permittee agrees to **return this permit** to the Division **with a Collecting Report completed for the full duration of this permit**, reporting results of *all* collecting under this permit on the form provided with this permit.
- I. The permittee and assistants agree to provide access to data obtained under this permit upon request of the Division, to provide the Division one copy of each report prepared with such data and published for distribution, and to allow Department staff to inspect on permittee's premises organisms collected under this permit.

- J. 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 application for this or any other permit issued by the Department. The permit may not be reissued if the permittee is not in compliance with the terms and conditions of this permit or any other permit issued to the permittee by the department of land and natural resources.

- K. The permittee may request change of a condition or conditions of this permit by writing to the Division; if approved by the Department, the Division will issue an attachment ("Amendment") that shall become part of, and amend terms of, this permit. The Department may impose additional conditions to, or restrictions of, this permit by written notice to the permittee.

PART II. SPECIAL CONDITIONS

1. **GENERAL STATEMENT:** This permit authorizes the taking of no more than 104, 1cm³ samples of live rice corals *Montipora capitata*, subject to the conditions of this permit.
 - a. All samples will be taken with hammer and chisel with additional provisions found in Special Conditions 3a.
2. **LOCATIONS:** This permit authorizes the taking of the marine life listed on the table on page 1, at only three sites – outside of the Waioape MLCD, Leleiwi Point, and Pohue Bay, on the Hilo side of Hawaii Island.
 - a. Collecting activities under this permit are limited to waters of Hawaii island and are expressly prohibited at the following locations.

<u>ISLAND OF MAUI</u>	<u>ISLAND OF O'AHU</u>	<u>ISLAND OF HAWAI'I</u>
Kahului Harbor FMA ¹	Ala Wai Canal FMA	Hilo Bay FMA
Honolua-Mokuleia MLCD ²	Coconut Island MLR	Kealahou Bay MLCD
Molokini MLCD	Diamond Head SFMA	Kailua Bay FMA
Ahihi-Kinau NAR ³	Haleiwa Harbor FMA	Kawiahae Harbor FMA
	Hanauma Bay MLCD	Old Kona Airport MLCD
	Heeiea Kea FMA	Lapakahi Bay MLCD
<u>ISLAND OF LANA'I</u>	Kapalama Canal FMA	Puako FMA
Manele Harbor FMA	Paiko Lagoon Wildlife Refuge	Waiakea PFA ⁴
Manele-Hulopoe MLCD	Pupukea MLCD	Wailea Bay MLCD
	Waialua Bay FMA	Wailuku River FMA
	Waikiki MLCD	Wailoa River FMA
<u>ISLAND OF MOLOKA'I</u>		Waioape Tidepools MLCD
Kaunakakai Harbor FMA		West Hawaii Regional Fishery Management Area (comprising 9 Fish Replenishment Areas)
<u>ISLAND OF KAUA'I</u>		
Ahukini Pier FMA		
Hanamaulu Bay FMA		
Kapaa Canal FMA		
Waikaena Canal FMA		
Waimea Pier & Bay FMA		

¹ FMA -Fisheries Management Area; ² MLCD - Marine Life Conservation District; ³NAR - Natural Area Reserve; ⁴ PFA - Public Fishing Area

3. **COLLECTING PRACTICES:** The permittee is responsible for persons engaging in activities under this permit behaving professionally and responsibly, in a manner which does not generate conflict with public or private sectors, including fishing and dive-tour operations and local communities.
 - a. Collecting activities under authority of this permit must be supervised directly, on site, by either the permittee or a designated assistant (who must be a signatory of this permit). The collecting of samples will be conducted in such a manner as to 1) minimize the take of live coral material, 2) minimize damage to the remainder of the sampled colony, 3) provide enough space between samples to minimize cumulative impacts to any one colony or site, and 4) be no closer than 30 meters from the Waiopae MLC boundary.
 - b. **Large Colonies:** No extractive or invasive sampling will be done on, or near, any intact coral colony measuring larger than 1 m x 1 m x 1 m. Specific efforts will be made to avoid damage to any large colonies of coral.
 - c. The Division may require the permittee to accommodate the presence of an observer specified by the Division during collection and research activities. A record will be kept of each collection comprising specific location, date, species and amount collected. This record will be made available to the Division upon request.
4. **NOTICE:**
 - a. Collecting generally - the permittee must give notice, in form specified by the Department, to DAR neighbor island offices *and* to the neighbor island office of the Department's Division of Conservation and Resources Enforcement (DOCARE), at least 2 hours prior to initial commencement of any collection activity under this permit targeting coral or live rock.
 - b. Mass mortality - the permittee must notify DAR O'ahu at 808-587-0100 or DOCARE at 643-3567 within one day of
 - 1) Any instance of major damage caused to coral or other marine natural resources as a result of collection or other research activities conducted under this permit; or
 - 2) Mass die-off, disease, or health problems occurring with organisms kept alive that were collected under this permit.
5. **GEAR AND METHODS**

Use of any chemical substances pursuant to Section 188-23, Hawai'i Revised Statutes, electrical shocking devices, or explosives remains expressly prohibited.
6. **USE OF ORGANISMS:** Organisms and live rock taken from Hawai'i waters under authority of this permit may be used only for research:
 - a. Organisms collected under authority of this permit may not be used for personal consumption or sale.
 - b. Written approval must be obtained from the Division prior to:
 - 1) Purchasing or acquire Hawaii regulated organisms (regardless of origin) alive from any other party; or
 - 2) Exchanging or donating any organisms collected under this permit to any other person, party or organization.

- c. The permittee may not convey in any fashion (including, but not limited to, selling, trading, or giving) any live rock to any person or party in Hawai'i that does not already have a permit from the Department authorizing possession of same and without direct, written approval from the Division.
 - d. The permittee shall return all pieces of rubble taken under this permit to the area where they were originally taken, provided that the rubble pieces are in a condition suitable for resettlement of marine life.
7. **ANNUAL REPORT:** Upon expiration, the permittee must provide to the Division a final written report summarizing results of collecting activity carried out under this permit and the analysis of the data:
- a. The annual report should provide a written explanation as to how the collection of a fully-protected marine species for scientific study is benefiting the State of Hawai'i in general and specifically, the improved management of the species.
 - b. The final report must describe, in form specified by the Department,
 - 1) Names and total numbers/quantities of all specimens collected under this permit;
 - 2) Their dispositions (e.g. on display; released/returned to the ocean; died); and
 - 3) **Description of any additional benefits** beyond the scientific analysis provided to the Division or the public during the period.
 - c. An inventory of organisms (dead or alive) present at the facility or with the permittee the end of the report period, in form acceptable to the Division, must accompany the annual report.
 - d. **The annual report is due at the Division's Honolulu office within one calendar month after expiration of the permit, and is required prior to any renewal of this permit.**

VALIDATING SIGNATURE

LAURA H. THIELEN, Chairperson

Board of Land and Natural Resources

cc: (X) DLNR Division of Conservation and Resources Enforcement
(X) DAR - Hilo

ACKNOWLEDGING SIGNATURES

By our signatures below, the Permittee and assistants, acknowledge that we have read and understand the General and Special Conditions of this Special Activity Permit and agree to comply with all of these conditions.

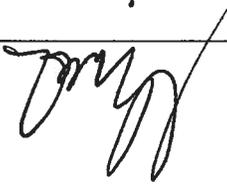
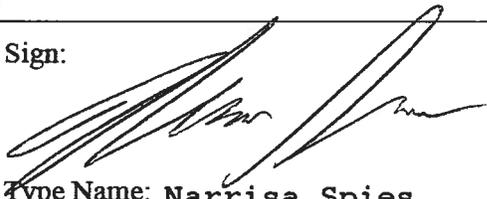


Dr Misaki Takabayashi

Permittee

Special Activity Permit

Designated Assistants

Sign:  Type Name: John Burns	Sign:  Type Name: Makani Gregg
Sign:  Type Name: Niegel Rozet	Sign:  Type Name: Narrisa Spies
Sign: Type Name:	Sign: Type Name:
Sign: Type Name:	Sign: Type Name:
Sign: Type Name:	Sign: Type Name: