

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Date 04/24/2007

Department of Commerce
National Oceanic and Atmospheric Administration
FOR CERTIFYING OFFICIAL: Barry West
FOR CLEARANCE OFFICER: Diana Hynek

In accordance with the Paperwork Reduction Act, OMB has taken action on your request received 01/31/2007

ACTION REQUESTED: Extension without change of a currently approved collection
TYPE OF REVIEW REQUESTED: Regular
ICR REFERENCE NUMBER: 200701-0648-002
TITLE: Northwestern Hawaiian Islands National Marine Monument
LIST OF INFORMATION COLLECTIONS: See next page

OMB ACTION: Approved without change
OMB CONTROL NUMBER: 0648-0548

The agency is required to display the OMB Control Number and inform respondents of its legal significance in accordance with 5 CFR 1320.5(b).

EXPIRATION DATE: 04/30/2010

DISCONTINUE DATE:

BURDEN:	RESPONSES	HOURS	COSTS
Previous	190,734	1,028	54,604
New	190,663	1,456	55,224
Difference			
Change due to New Statute	0	0	0
Change due to Agency Discretion	0	0	0
Change due to Agency Adjustment	-71	428	620
Change Due to Potential Violation of the PRA	0	0	0

TERMS OF CLEARANCE:

OMB Authorizing Official: John F. Morrall III
Acting Deputy Administrator,
Office Of Information And Regulatory Affairs

List of ICs

IC Title	Form No.	Form Name	CFR Citation
Permit reporting for nonprofits	NA	Application and VMS certification	50 CFR 404
Permit reporting for state and local governments	NA	Application and VMS certification	50 CFR 404
Entry and exit notification for commercial vessels			50 CFR 404
VMS purchase, installation, maintenance and activation checklist - commercial fishing vessels	NA	Application and VMS certification	50 CFR 404
VMS Purchase, Installation, Maintenance and Activation Checklist for Nonprofits	NA	Application and VMS certification	50 CFR 404
VMS Purchase, Installation, Maintenance and Activation Checklist for State and Local Governments	NA	Application and VMS certification form	50 CFR 404
VMS hourly reporting for commercial fishing vessels			50 CFR 404
VMS hourly reporting for State and Local Government vessels			50 CFR 404
VMS hourly reporting for nonprofits			50 CFR 404

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

<p>1. Agency/Subagency originating request</p>	<p>2. OMB control number b. <input type="checkbox"/> None a. _____ - _____</p>
<p>3. Type of information collection (<i>check one</i>)</p> <p>a. <input type="checkbox"/> New Collection</p> <p>b. <input type="checkbox"/> Revision of a currently approved collection</p> <p>c. <input type="checkbox"/> Extension of a currently approved collection</p> <p>d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired</p> <p>e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired</p> <p>f. <input type="checkbox"/> Existing collection in use without an OMB control number</p> <p>For b-f, note Item A2 of Supporting Statement instructions</p>	<p>4. Type of review requested (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Regular submission</p> <p>b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____</p> <p>c. <input type="checkbox"/> Delegated</p>
	<p>5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
	<p>6. Requested expiration date</p> <p>a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____</p>
<p>7. Title</p>	
<p>8. Agency form number(s) (<i>if applicable</i>)</p>	
<p>9. Keywords</p>	
<p>10. Abstract</p>	
<p>11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>)</p> <p>a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms</p> <p>b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government</p> <p>c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government</p>	<p>12. Obligation to respond (<i>check one</i>)</p> <p>a. <input type="checkbox"/> Voluntary</p> <p>b. <input type="checkbox"/> Required to obtain or retain benefits</p> <p>c. <input type="checkbox"/> Mandatory</p>
<p>13. Annual recordkeeping and reporting burden</p> <p>a. Number of respondents _____</p> <p>b. Total annual responses _____</p> <p> 1. Percentage of these responses collected electronically _____%</p> <p>c. Total annual hours requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>	<p>14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>)</p> <p>a. Total annualized capital/startup costs _____</p> <p>b. Total annual costs (O&M) _____</p> <p>c. Total annualized cost requested _____</p> <p>d. Current OMB inventory _____</p> <p>e. Difference _____</p> <p>f. Explanation of difference</p> <p> 1. Program change _____</p> <p> 2. Adjustment _____</p>
<p>15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>)</p> <p>a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management</p> <p>b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research</p> <p>c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance</p> <p>d. <input type="checkbox"/> Audit</p>	<p>16. Frequency of recordkeeping or reporting (<i>check all that apply</i>)</p> <p>a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure</p> <p>c. <input type="checkbox"/> Reporting</p> <p> 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly</p> <p> 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually</p> <p> 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____</p>
<p>17. Statistical methods</p> <p>Does this information collection employ statistical methods</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>18. Agency Contact (person who can best answer questions regarding the content of this submission)</p> <p>Name: _____</p> <p>Phone: _____</p>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)

Signature

Date

Signature of NOAA Clearance Officer

Signature

Date

**SUPPORTING STATEMENT
NORTHWESTERN HAWAIIAN ISLANDS NATIONAL MARINE MONUMENT
OMB CONTROL NO. 0648-0548**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

President Bush established the Northwestern Hawaiian Islands Marine National Monument by issuing Presidential Proclamation 8031 on June 15, 2006 (71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (Act) (16 U.S.C. 431). The Proclamation reserves all lands and interests in lands owned or controlled by the Government of the United States in the Northwestern Hawaiian Islands (NWHI), including emergent and submerged lands and waters, out to a distance of approximately 50 nautical miles (nmi) from the islands. The outer boundary of the Monument is approximately 100 miles wide and extends approximately 1200 miles around coral islands, seamounts, banks, and shoals. The area includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, and the Battle of Midway National Memorial.

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), has primary responsibility regarding the management of the marine areas of the Monument, in consultation with the Secretary of the Interior. Similarly, the Secretary of the Interior, through the Fish and Wildlife Service (FWS), has sole responsibility for management of the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce.

The Proclamation includes restrictions and prohibitions regarding activities in the Monument consistent with the authority provided by the Act. The Proclamation prohibits access to the Monument except when passing through the Monument without interruption or as allowed under a permit issued by the agencies. Vessels passing through the Monument without interruption are required to notify the agencies upon entering into and leaving the Monument. Individuals wishing to access the Monument to conduct certain regulated activities must first apply for and be granted a permit issued by the agencies pursuant to the Proclamation. Applicants must certify compliance with certain vessel monitoring system requirements.

On August 29, 2006, NOAA and FWS published a final rule in the *Federal Register* (71 FR 51134) codifying the provisions of the Proclamation at 50 CFR Part 404. The agencies have since worked extensively with the State to ensure the permitting requirements and processes of all three entities are sufficiently coordinated to ensure applicants for permits for Monument activities require only a single application and receive one, combined agency permit.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information submitted by permit applicants will be used by the agencies' staff to decide whether to approve or deny a permit application. In making this decision, the agencies will consider such factors as:

- the professional qualifications and financial ability of the applicant as related to the proposed activity;
- the duration of the activity and its effects;
- the appropriateness of the methods and procedures proposed by the applicant for the conduct of the activity;
- the extent to which the conduct of the activity may diminish or enhance the qualities for which the Monument was designated;
- the end value of the activity; and
- other such matters as agency staff deem appropriate.

In addition to informing the agencies' decisions on permit applications, information submitted in permit applications and reports submitted pursuant to permit conditions may also be used by the agencies to, in some circumstances, inform—

- administrative appeals of permit decisions;
- decisionmaking on a permit amendment request or another permit application; or
- other management actions (e.g., emergency response and enforcement).

In terms of frequency of use, the information submitted in permit applications will, in general, only be used at the time the application is submitted to make a final decision on the application. Some of the information may also be used subsequent to the initial decisionmaking to inform management actions or decisionmaking. For example, a survey of a project location by one permit applicant may be used by the agencies in the future to respond to a vessel grounding in the same area in addition to facilitating the agencies' decision on that application. Information submitted in a report will be used to periodically assess the permittee's compliance with permit terms and conditions and to assist in evaluating the appropriateness of the permitted activity.

As explained in the preceding paragraphs, the information gathered has utility. The agencies will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA and FWS standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Publication is not planned; however, prior to any dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

All permit-related guidance and documents will be found on the Monument website. In addition, the agencies are currently developing an Internet-based permit tracking system. This system will ultimately allow permit applicants to submit their permit applications, logs, and final reports via the Internet. In addition, the agencies will accept electronic permit applications, logs, and reports via email. Individuals passing through the Monument without interruption can provide the required notification via email as well. Certifications of vessel monitoring systems (VMS) must be faxed.

4. Describe efforts to identify duplication.

The agencies and the State have developed a fully coordinated and integrated permitting system for the Monument that minimizes duplication wherever possible. Applicants will be required to submit only a single application for a combined permit that meets the requirements of both the agencies and the State.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection of information has minimal impact on small entities such as small businesses, organizations, or government bodies. The majority of permit applications are for activities conducted by large institutions (such as academic institutions), individuals, and government agencies. There may be some small impact on small businesses that wish to conduct commercial activities within the Monument; however this impact is not likely to include a significant financial burden.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information collection is not conducted, or is conducted less frequently, then it is likely that the management objectives of the agencies could not be met. The agencies must be able to allow the conduct of otherwise prohibited activities to facilitate important research, education and management activities. Furthermore, the permit process allows these activities to take place under controlled conditions to ensure that the primary mandate of resource protection is fulfilled.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

No special circumstances exist, are foreseen or anticipated requiring the collection of information to be conducted in a manner inconsistent with the OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The agencies published a final rule in the *Federal Register* on August 29, 2006, which codified the provisions of the Proclamation (71 FR 51134). No public comments on the information collection requirements set forth in the rule were received. In addition, most of these information requirements were subject of public input during the preceding sanctuary designation process.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payments or gifts will be provided to any respondents.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

Permit applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA). The agencies will make all possible attempts to protect such proprietary information, consistent with all applicable FOIA exemptions in 5 U.S.C. 552(b). Typically exempt information includes trade secrets, commercial and financial information (5 U.S.C. 552(b)(4)). For all permit types, personal information affecting an individual's privacy will be kept confidential consistent with 5 U.S.C. 552(b)(6).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

This collection of information has six different categories distinguished by the number of responses per permit and the time per response. Please see the Applicant Burden table following this support statement for response and burden totals. Annual responses total 190,637. Annual hours total 1456. The form and instructions to applicants that will be used to collect most categories of information (as specified below) is included in this request.

(a) General Permits:

Scope of this category. This category includes all permits not specifically addressed in other permit types listed below; typically permit applications for scientific research, education, and management activities permits fall into this category.

Burden estimate. Each respondent will submit an application for a permit, a cruise log (or some other form of activity report) and a final summary report after the activity is complete for an average of three responses per permit. On average, each response is expected to take the respondent 5 hours to complete (longer for the application, shorter for the logs/reports). The agencies estimate that it will process approximately 33 permit applications under this category (99 responses) annually resulting from the final rule. The total burden hours from this rule would be 495 burden hours annually under this category.

Applicant guidelines. The form (with instructions containing guidance on what is required) to be used to collect this information was developed cooperatively between the agencies and the State.

(b) Special Ocean Use Permits:

Scope of this category. This category includes all permit applications processed for special ocean uses pursuant to the Proclamation.

Burden Estimate. For special ocean use permits an application, a final report, and a financial report is required for each permit (total of 3 responses per permit). An average response time of 24 hours is estimated for each of these activities. Financial reports (due on December 31 of each year) may take less time but the application will take more time particularly if additional NEPA documentation is required and prepared by the respondent. As a result of the proposed rule, the agencies expect a total of 5 permit applications under this category each year for a total of 15 responses and 360 burden hours annually.

Applicant guidelines. The form (with instructions containing guidance on what is required) to be used to collect this information was developed cooperatively between the agencies and the State.

(c) Native Hawaiian Practice Permits:

Scope of this category. This category includes all permit applications for the conduct of Native Hawaiian practices within the Monument.

Burden Estimate. For this category, an average time of 5 hours is estimated for each response (more for the application, less for the reports). The agencies estimate it will process approximately 3 permit applications in this category each year for a total of 6 responses and 30 burden hours annually.

Applicant guidelines. The form (with instructions containing guidance on what is required) to be used to collect this information was developed cooperatively between the agencies and the State.

(d) Recreation Permits:

Scope of this category. This category includes all requests to conduct non-extractive recreational activities within the Midway Atoll Special Management Area of the Monument.

Burden Estimate. For this category, each respondent will submit an application for a permit, an activity report, and a final summary report after the activity is complete for an average of three responses per permit. The agencies estimate an applicant would require an average of 5 hours per response (more for the applicant, less for the reports). The agencies estimate a total of 2

permit applications under this category each year, for a total burden hour estimate of 30 hours annually.

Applicant guidelines. The form (with instructions containing guidance on what is required) to be used to collect this information was developed cooperatively between the agencies and the State.

(e) Entry and Exit Notification:

Scope of this category. This category includes all notices to the agencies of entry into and exit from the Monument. This category includes notification by persons conducting legal commercial bottomfishing and persons engaged in passage without interruption.

Burden Estimate. The agencies estimate there would be approximately 37 respondents passing through the proposed sanctuary without interruption and an additional 8 individuals making 100 commercial fishing trips each year, for a total of 137 responses annually. Each respondent would have to provide notification twice (one entry and one exit notification), for a total of 274 responses. For this category, the agencies estimate each response would require 5 minutes, for a total of 1,370 minutes (23 hours) per year.

Applicant guidelines. The procedures for providing notice are included in the final rule as well as the Proclamation itself.

(f) VMS Installation:

Scope of this category. This category includes all holders of Monument permits (42), as well as the eight permitted fishing vessels fishing in the Monument area (8).

Burden Estimate. Installation takes an average of 4 hours (annualized over 4 years, the life of the unit, burden time is 1 hour. Thus, the total annualized burden would be 50 hours.

Applicant guidelines. Installation instructions would be obtained from Thrane & Thrane, the manufacturer.

(g) VMS Maintenance:

Scope of this category. All owners of VMS units, per (f).

Burden Estimate. Annual maintenance of VMS units averages 4 hours.

Applicant guidelines. Maintenance guidelines would be obtained from Thrane & Thrane, the manufacturer.

(h) VMS Unit Certification:

Scope of this category. This category includes all certifications to NOAA's Office of Law Enforcement (OLE) that an installed VMS complies with the applicable requirements.

Burden Estimate. The agencies estimate there would be approximately 50 respondents subject to this certification requirement, on a one-time basis. This estimate includes all applicants for general permits, special ocean permits, Native Hawaiian Practice permits, recreational activities permits, and commercial fishing vessels annually. Each certification would take 5 minutes to complete, for a total of 4 hours per year.

Applicant guidelines. Information on the applicant's VMS certification is requested as part of the attached permit application form and instructions.

(i) Hourly VMS Reports:

Scope of this category. This category includes all Monument and bottomfish permit holders who have purchased a VMS unit for use in the Monument.

Burden Estimate. Hourly transmission of position takes 5 seconds. The current estimate is that a vessel would average 159 days per year in the Monument, with 24 transmissions per day. *Applicant guidelines.* Having the unit on, and transmitting the vessel's position, is required from a vessel's entrance into the Monument until its exit. No further guidance to applicants is required.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).

The cost of the Thrane & Thrane Sailor specified unit is \$3,596 (annualized over 4 years, the life of the unit = \$899). Transmission costs are \$1.28 per day. The current estimate is that a vessel would average 159 days per year in the Monument. Copying, mailing and faxing of other reports total \$174 annually.

The estimated annual costs are \$55,224 (\$44,950 in capital costs and \$10,274 operations and maintenance costs). Please see the Applicant Burden table following this support statement.

14. Provide estimates of annualized cost to the Federal government.

The cost to the Federal government for each of the permit types is listed in the attached table. All costs are for time to process applications and reports. Hours estimated annually are 1318, at \$13 per hour, with the total cost \$17,132.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

The number of respondents and hours listed in item 13 of OMB 83-I have been adjusted based on the actual experience gathered by agency and state staff during the Monument's first research season. There are fewer than expected commercial vehicle trips involving entering and exiting the Monument, resulting in a decrease of 6 burden hours. However, the time for completion of general, Native Hawaiian practices and recreation permits and reports had been underestimated; adjusted estimates result in an increase of 434 burden hours. The net burden hour increase is thus 428.

The costs are as estimated previously (minus \$10 from VMS certification due to an earlier calculation error). The costs approved by OMB were \$630 less than the figures in the supporting statement, as at the time of submission, there was no allowance for more than two decimal places in the cost per response. The net adjusted increase in cost is \$620.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The information collected will not be published.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

The expiration date for OMB approval of the information collection will be displayed.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

Applicant Burden

Permit type	Permits and other Reporting per Year	Responses per Requirement	Total Responses	Avg. Hours/Response	Total Hours	Annual Recordkeeping/Reporting Cost per Response (\$)	Total Annual Cost (\$)
(a) General	33	3	99	5	495	\$1.00	\$99
(b) Special Ocean Use	5	3	15	24	360	\$1.00	\$15
(c) Native Hawaiian Practices	3	2	6	5	30	\$1.00	\$6
(d) Recreation	2	3	6	5	30	\$1.00	\$6
(e) Entry & Exit Notice	137	2	274	5 minutes	23	\$0.00	\$0
(f) Purchase and installation of VMS*	50	NA	NA	4	50	\$899 (initial cost: \$3595)	\$44,950
(g) VMS maintenance	50	NA	NA	4	200	\$0	\$0
(h) VMS Certification	50	0.25	12.5	5 minutes	4	\$0.25	\$3
(i) Hourly VMS reports	50	3805	190,250	5 seconds	264	\$1.28/day	\$10,145
TOTAL	380**		190,663		1456		\$55,224

* VMS installation and activation hours and purchase costs are annualized by dividing by 4 years, the expected service life.

** Total *respondents* are only 87 (42 permittees (a)-(d), plus 37 individuals transiting without interruption, plus 8 bottomfishers).

Federal Government Burden

Permit type	Responses per year	Hours per permit	Total hours	Labor cost per hour (\$)	Total annual cost (\$)
(a) General	99	10	990	13	\$12,870
(b) Special Ocean Use	15	12	180	13	\$2340
(c) Native Hawaiian Practices	4	10	40	13	\$520
(d) Recreation	6	10	60	13	\$780
(g) Entry & Exit Notice	274	5 minutes	23	13	\$297
(f) VMS Certification	50	30 minutes	25	13	\$325
TOTAL	448		1318		\$17,132

Northwestern Hawaiian Islands Marine National Monument Permit Application

NOTE: This Permit Application (and associated Instructions) are for activities to be conducted in the Northwestern Hawaiian Islands Marine National Monument, including Hawaiian Islands National Wildlife Refuge, the Midway Atoll National Wildlife Refuge, Battle of Midway National Memorial, Northwestern Hawaiian Islands State Marine Refuge, Kure Atoll Hawaii State Seabird Sanctuary, and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, please 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, historical and cultural resources of the NWHI Marine National Monument (Monument).

Summary Information

Applicant name:

Permit categories:

- Research – Please fill out Sections A-D (as applicable) and Appendix A
- Conservation and Management - Please fill out Sections A-D (as applicable) and Appendix A
- Education - Please fill out Sections A-D (as applicable) and Appendix B
- Native Hawaiian Practices - Please fill out Sections A-D (as applicable) and Appendix C
- Recreation (Midway ONLY) - Please fill out Sections A-D (as applicable) and Appendix D
- Special Ocean Use - Please fill out Sections A-D (as applicable) and Appendix E

Briefly describe permit activity:

- This application is for a RENEWAL of an existing permitted project.
- This application is for a NEW project.

When will the activity take place?

From: _____ To: _____

NOTE: INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED

Please Send Permit Applications to:

NWHI Marine National Monument Permit Coordinator

6600 Kalaniana'ole Hwy. # 300

Honolulu, HI 96825

Hoku.johnson@noaa.gov

PHONE: (808) 397-2660 FAX: (808) 397-2662

NOTE: SUBMITTAL VIA ELECTRONIC MAIL IS PREFERRED BUT NOT REQUIRED. FOR ADDITIONAL SUBMITTAL INSTRUCTIONS, PLEASE SEE PG 7.

Section A - Applicant Information

1. Applicant

Name (last, first, middle initial):

Title:

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

Phone:

Fax:

Email:

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

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

4. Additional persons to be covered by permit:

Section B: Project Information

5a. Project location(s):

- | | | |
|---|-------------------------------------|--------------------------------------|
| <input type="checkbox"/> Nihoa Island | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> Necker Island (Mokumanamana) | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> French Frigate Shoals | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> Gardner Pinnacles | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> Maro Reef | | |
| <input type="checkbox"/> Laysan Island | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> Lisianski Island, Neva Shoal | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> Pearl and Hermes Atoll | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> Midway Atoll | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> Kure Atoll | <input type="checkbox"/> Land-based | <input type="checkbox"/> Ocean-based |
| <input type="checkbox"/> Other | | |

NOTE: Please note there is a fee schedule for people visiting Midway Atoll National Wildlife Refuge via vessel and aircraft.

Location Description:

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:*

7. As explained further in the instructions, please provide any 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, historical and cultural resources of the Monument:

8. Procedures:

Section C: Logistics

9. Other permits (list and attach documentation of all other related Federal or State permits):

9a. For each of the permits listed, please identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Please explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation.

10. Funding sources (Please attach copies of your budget, specific to proposed activities under this permit and include funding sources. Please see instructions for more information):

11. Time frame:

Activity start:

Activity completion:

Dates actively inside the Monument:

From:

To:

Please describe any limiting factors in declaring specific dates of the proposed activity at the time of application:

Personnel schedule in the Monument:

12. Please indicate (with attached documentation) what insurance policies, bonding coverage, and/or financial resources are in place to pay for or reimburse the Monument trustees for the necessary search and rescue, evacuation, and/or removal of any or all persons covered by the permit from the Monument:

13. Please check the appropriate box to indicate how personnel will enter the Monument:

- Vessel
 Aircraft

Provide Vessel and Aircraft information:

14. What certifications/inspections do you have scheduled for your vessel? Please fill in scheduled date (attach documentation):

- Rodent free, Date:
 Tender vessel, Date:
 Ballast water, Date:
 Gear/equipment, Date:
 Hull inspection, Date:

15. Vessel information (NOTE: if you are traveling aboard a National Oceanic and Atmospheric Administration vessel, skip this question):

Vessel name:

Vessel owner:

Captain's name:

IMO#:

Vessel ID#:

Flag:

Vessel type:

Call sign:

Embarkation port:

Last port vessel will have been at prior to this embarkation:

Length:

Gross tonnage:

Total ballast water capacity volume (m3):

Total number of ballast water tanks on ship:

Total fuel capacity:

Total number of fuel tanks on ship:

Marine Sanitation Device:

Type :

How will you comply with the 'No Discharge' regulations stipulated in Presidential Proclamation 8031? Describe in detail. If applicable, please attach schematics of the vessel's discharge and treatment systems:

Other fuel/hazardous materials to be carried on board and amounts:

Please provide proof of a National Oceanic and Atmospheric Administration (NOAA) Office of Law Enforcement-approved Vessel Monitoring System (VMS). Please provide the name and contact information of the contractor responsible for installing the VMS system. Please also describe unit name and type:

VMS Email:
Inmarsat ID#:

16. Tender information:

On what workboats (tenders) will personnel, gear and materials be transported within the Monument? Please list the number of tenders/skiffs aboard and specific types of motors:

Section D: Additional Information for Land Based Operations

17. Proposed movement of personnel, gear, materials, and, if applicable, samples:

18. Room and board requirements on island:

19. Work space needs:

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.

Signature

Date

PLEASE SEND ONE SIGNED APPLICATION VIA MAIL TO THE MONUMENT OFFICE BELOW:

NWHI 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
- Electronic and Hard Copy of Application with Signature
- Map(s) or GPS point(s) of Project Location(s), if applicable
- Funding Proposal(s)
- Funding and Award Documentation, if already received
- Documentation of Insurance, if already received
- Documentation of Inspections
- Documentation of all required Federal and State Permits or applications for permits
- Statement of information you wish to be kept confidential

Appendix A: Research OR Conservation and Management Application

NOTE: If land or marine archeological activities are involved, please contact the Monument Permit Coordinator at the address on the general application form before proceeding, as a customized application will be needed. For more information, please contact the Monument office on the first page of this application.

1a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name:

Scientific name:

& size of specimens:

Collection location:

Whole Organism Partial Organism

1b. What will be done with the specimens after the project has ended?

1c. Will the organisms be kept alive after collection? Yes No

• Specific site/location:

• Is it an open or closed system? Open Closed

• Is there an outfall? Yes No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

2. If applicable, how will the collected samples or specimens be transported out of the Monument?

3. Describe collaborative activities to share samples, reduce duplicative sampling, or duplicative research:

4a. Gear and materials:

4b. Please list all Hazardous Materials you propose to take to and use within the Monument:

5. Fixed installations and instrumentation:

6. Provide a time line for sample analysis, data analysis, write-up and publication of information:

7. List all publications directly related to the proposed project:

DID YOU INCLUDE THESE?

Material Safety Data Sheets for Hazardous Materials

Appendix B: Education Application

1. Are you collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?

2. Gear and materials:

3. Fixed installations and instrumentation:

4. Is your proposed activity based on a State Department of Education Standards Based Curriculum? If so, please describe:

5. What materials, products or deliverables will be developed as a result of your proposed activity? Provide a time line for write-up and publication of information or production of educational materials:

6. List all publications/references directly related to the proposed project:

7a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name:

Scientific name:

& size of specimens:

Collection location:

Whole Organism Partial Organism

7b. What will be done with the specimens after the project has ended?

7c. Will the organisms be kept alive after collection? Yes No

• Specific site/location:

• Is it an open or closed system? Open Closed

• Is there an outfall? Yes No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

8. If applicable, how will the collected samples be transported out of the Monument?

Appendix C: Native Hawaiian Practices Application

1. Please state how the purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols:

2. Please state how the activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community:

3. Please state how the activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands:

4. Will you be collecting any Monument resource? Yes No
If so, please provide the following information:

4a. Collection of specimens - collecting activities (would apply to any activity): organisms or objects (List of species, if applicable, attach additional sheets if necessary):

Common name and/or Scientific name:

& size of specimens:

Collection location:

Whole Organism Partial Organism

4b. What will be done with the specimens after the Native Hawaiian cultural practice is complete?

4c. Will organisms be kept alive after collection? Yes No

• Specific site/location:

• Is it an open or closed system? Open Closed

• Is there an outfall? Yes No

• Will these organisms be housed with other organisms? If so, what are the other organisms?

• Will organisms be released?

NOTE: Any Monument resource harvested from the Monument for the purpose of Native Hawaiian practices will be consumed in the Monument.

5. Are you collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?

6. Gear and materials:

7. Will you erect any Native Hawaiian cultural structures or leave any offerings in the Monument? Yes No

If so, please describe:

8. Will you produce any publications, educational materials or other deliverables?
 Yes No

Provide a time line for write-up and publication of information or production of materials:

Appendix D: Recreation Application

For Activities in the Midway Atoll Special Management Area Only

- 1. Please explain how the activity is for the purpose of recreation as defined: An activity conducted for personal enjoyment that does not result in the extraction of Monument resources and that does not involve a fee-for-service transaction:**
- 2. Other Associated Monument Permits:**
- 3. Gear and materials:**
- 4. Fixed installations and instrumentation:**

Appendix E: Special Ocean Use Application

NOTE: If this is a first time Special Ocean Use activity, it will be subject to a pilot project.

1. Please 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:

2. Are you collaborating with others in any way to reduce duplicative activities in the Monument or elsewhere?

3. Gear and materials:

4. Fixed installations and instrumentation:

5. List all publications directly related to the proposed project:

For projects occurring with the Midway Atoll Special Management Area answer the following questions:

6. Please explain how your activity has been found compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated?

7. Please explain how your activity meets the requirement of furthering conservation and management of the Monument:

For projects occurring outside of the Midway Atoll Special Management Area answer the following questions:

8. Please explain how the proposed activity will directly benefit the conservation and management of the Monument:

9. Please explain how the purpose of the proposed activity is for research and education related to resources or qualities of the Monument:

NOTE: SPECIAL OCEAN USE PERMITS OUTSIDE THE MIDWAY ATOLL SPECIAL MANAGEMENT AREA DO NOT ALLOW THE USE OF A COMMERCIAL PASSENGER VESSEL. A commercial passenger vessel is defined by the monument regulations as a vessel that carries individuals who have paid for such carriage.

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**Northwestern Hawaiian Islands Marine National Monument
Joint Permit Application Instructions
January 2007**

Introduction

On June 15, 2006, President Bush established the Northwestern Hawaiian Islands Marine National Monument by issuing Presidential Proclamation 8031 (71 FR36443, June 26, 2006) under the authority of the Antiquities Act (Act)(16 U.S.C. 431). The Proclamation reserves all lands and interests in lands owned or controlled by the Government of the United States in the Northwestern Hawaiian Islands (NWHI), including emergent and submerged lands and waters, out to a distance of approximately 50 nautical miles (nmi) from the islands. The outer boundary of the Monument is approximately 950nmi long (1200 miles) and 100nmi wide extending around coral islands, seamounts, banks, and shoals. The area includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge.

The three principal entities with responsibility for managing lands and waters of the Monument, the Department of Commerce, Department of Interior, and the State of Hawaii (collectively the Co-Trustees), are working cooperatively to administer the Monument. This relationship is further described in the Memorandum of Agreement among the Co-Trustees signed on December 8, 2006.

Permit Application Deadlines

Permit applications must be postmarked by:

- February 1: For activities occurring between June 1 and Aug 31
- May 1: For activities occurring between September 1 and December 31
- October 1: For activities occurring between January 1 and May 31

Confidential Information

Applicants are requested to indicate any information that is considered proprietary business information. Such information is typically exempt from disclosure to anyone requesting information pursuant to the Freedom of Information Act (FOIA) and all applicable State law. NOAA, the U.S. Fish and Wildlife Service and the State of Hawaii attempt to protect such proprietary information, consistent with all application FOIA exemptions in 5 U.S.C. 552(b) and applicable State law. Typically exempt information includes trade secrets, commercial and financial information (5U.S.C. 552(b) (4)). Personal information affecting an individual's privacy will also be kept confidential consistent with 5 U.S.C. 552(b) (6)) and applicable State law. Unless such information is so identified, the application may be made available to the public in its entirety.

Intellectual Property

The permittee retains ownership of any data, derivative analyses or other work product, or any photographic or video material, or other copyrightable works, but the Federal Government and the State of Hawaii retain a lifetime, non-exclusive, worldwide, royalty-free license to use the same for government purposes, including copying and redissemination, and making derivative works.

Indemnification

The permittee and any person participating in any activity authorized by this permit shall release, indemnify, and hold harmless National Oceanic and Atmospheric Administration, the Department of Commerce, the U.S. Fish and Wildlife Service, the Department of the Interior, the United States Government, the State of Hawaii, and their respective employees acting within the scope of their duties from and against any claims, demands, actions, liens, rights, subrogated or contribution interests, debts, liabilities, judgments, costs, and attorney's fees, arising out of, claimed on account of, or in any manner predicated upon the issuance of this permit or the entry into or habitation upon the NWHI Marine National Monument or as the result of any action of the permittee or persons participating in the activity authorized by this permit.

Reporting Burden

Submittal of the information requested in these guidelines is required to obtain a permit pursuant to Monument regulations (50 CFR Part 404). This data is to evaluate the potential benefits of the activity, determine whether the proposed methods will achieve the proposed results, evaluate any possible detrimental environmental impacts, and determine if issuance of a permit is appropriate. It is through this evaluation that the Co-trustees are able to use permitting as one of the management tools to protect Monument resources and qualities.

Public reporting burden for this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information is estimated as:

- A. Twenty-four (24) hours per response for Special Ocean Use permits;
- B. Five (5) hours per response for General (Research, Conservation and Management, and Education), Native Hawaiian Practices, and Recreation permits;
- C. Four (4) hours per response for VMS installation and maintenance;
- D. Five (5) minutes per response for entry and exit notices and VMS certification;
- E. Five (5) seconds per response for hourly VMS reports.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NWHI Marine National Monument Permit Coordinator, 6600 Kalaniana'ole Hwy. # 300, Honolulu, HI 96825.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Northwestern Hawaiian Islands Marine National Monument

Permit Application Instructions

NOTE: *This Permit Application (and associated Instructions) are for activities to be conducted in the Northwestern Hawaiian Islands Marine National Monument, including Hawaiian Islands National Wildlife Refuge, the Midway Atoll National Wildlife Refuge, Battle of Midway National Memorial, Northwestern Hawaiian Islands State Marine Refuge, Kure Atoll Hawaii State Seabird Sanctuary, and the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve. The Co-Trustees are required to determine that issuing the requested permit is compatible with the findings of Presidential Proclamation 8031. Within this Application, please 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, historical and cultural resources of the NWHI Marine National Monument (Monument).*

Summary Information

Applicant Name: Please enter the name of the person who is in charge of the proposed activity and who will be responsible for all the personnel and actions under the authority of the requested Monument Permit.

Permit categories: Please check the category of permit for which you wish to apply. Below are the permit categories as defined by Presidential Proclamation 8031.

***Research:** Research Permits may be issued for non-revenue generating scientific research that is designed for further understanding of Monument resources and qualities, and that are compatible with the purposes of Presidential Proclamation 8031. To apply for a Research Permit, please fill out Sections A-C, D if applicable, and Appendix A.

***Conservation and Management:** Conservation and Management Permits may be issued for activities that assist in the conservation and management of the Monument and are compatible with the purposes of Presidential Proclamation 8031. To apply for a Conservation and Management Permit, please fill out Sections A-C, D if applicable, and Appendix A.

***Education:** Education Permits may be issued for non-revenue generating educational activities that will further the educational value of the Monument and that are compatible with the purposes of Presidential Proclamation 8031. To apply for an Education Permit, please fill out Sections A-C, D if applicable, and Appendix B.

***Native Hawaiian Practices:** Native Hawaiian Practice Permits may be issued for the purpose of pursuing cultural activities. Cultural activities are activities conducted for the purposes of perpetuating traditional knowledge, caring for and protecting the environment, and strengthening cultural and spiritual connections to the Northwestern

Hawaiian Islands and have demonstrable benefits to the Native Hawaiian community and are compatible with the purposes of Presidential Proclamation 8031. To apply for a Native Hawaiian Practices Permit, please fill out Sections A-C, D if applicable, and Appendix C.

***Recreation (Midway Atoll Special Management Area ONLY):** Recreation Permits may be issued for activities conducted for personal enjoyment that do not result in the extraction of Monument resources and that do not involve for-hire operations, and are compatible with the purposes of Presidential Proclamation 8031. To apply for a Recreation Permit, please fill out Sections A-C, D if applicable, and Appendix D.

***Special Ocean Use:** Special Ocean Use Permits may be issued for an activity or use of the Monument to generate revenue or profits for one or more of the persons associated with the activity or use, and does not destroy, cause the loss of, or injure Monument resources, and are compatible with the purposes of Presidential Proclamation 8031. To apply for a Special Ocean Use Permit, please fill out Sections A-C, D if applicable, and Appendix E.

*Please include a brief summary of the proposed activities.

* Please specify whether you are applying for a permit for a new project or for the renewal of an existing permitted project.

* Please specify the dates that your activities will occur.

Section A: Applicant Information

1. Give the name and title of the Applicant. The Applicant is the individual who is in charge of the proposed activity and therefore responsible for all the personnel and actions undertaken under the authority of the requested Monument Permit. Attach his/her CV, resume or biography if applicable.

2. Give the Applicant's mailing address, phone number, fax number and email address. If the Applicant is a student, give his/her Major Professor's contact information in addition to his/her own.

3. Specify the Applicant's affiliation, if any, in relation to the proposed project.

4. List all personnel participating in the proposed activity. Please include first and last name, affiliation, telephone number, and email address for each individual. The Application Review Committee, on its own initiative, may request resumes, biographies, or CVs for any of these personnel at a later date. Please attach additional information if necessary. It is the Applicant's responsibility to keep Monument staff apprised of any personnel changes.

Section B: Project Information

5a. Project Location: Check all applicable locations where the proposed activity will occur. Please also indicate whether your project will occur on land, in the ocean, or both. NOTE: Please include alternate locations if appropriate.

*Location Description: For each of the locations, if an activity is ocean-based, please specify the exact GPS location, depth and habitats of the proposed activity. Instead of listing locations here, you may have the option upload a list, Excel or Shape file which contains this information. If the activity is land-based please describe the specific island(s), and areas of the islands where the proposed activity is to occur.

5b. Check all applicable regulated activities proposed to be conducted in the Monument by the Applicant at any of the locations mentioned in 5a.

*Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging, or attempting to remove, move, take, harvest, possess, injure, disturb, or damage 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 means dropping anything on to the ocean bottom with the intention of holding something fast to the bottom. Generally an anchor secures a vessel, but it may also be used for a mooring or any other item.

*Deserting a vessel aground, at anchor, or adrift.

*Discharging or depositing any material into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust.

OR

*Discharging or depositing any material or other matter into the Monument, or discharging or depositing any material or other matter outside of the Monument that subsequently enters the Monument and injures any resources of the Monument, except fish parts (i.e. chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust.

*Touching any 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 resources.

*Sustenance Fishing means fishing for bottomfish or pelagic species within Federal waters, but outside of Special Preservation Areas, Ecological Reserves and the Midway Atoll Special Management Area, in which all catch is consumed within the Monument, and that is incidental to another activity permitted under Presidential Proclamation 8031.

*Subsistence Fishing means fishing for bottomfish or pelagic species in State waters in which all catch is for direct personal consumption within the Monument, and that is incidental to another activity permitted under Presidential Proclamation 8031.

*Swimming means entering the water and propelling oneself by movements of the limbs, without special equipment of any kind.

*Snorkeling means entering the water and swimming with the aid of a mask, snorkel, and fins, or any combination of the aforementioned equipment.

*SCUBA Diving means entering the water and submerging oneself with the aid of self-contained underwater breathing apparatus.

6. Please state the purpose of the proposed activities. Please also state the goals and objectives of the activity.

7. The Co-Trustees are required to determine that issuing the requested permit is compatible with the Findings of Presidential Proclamation 8031. Please provide any 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, historical and cultural resources of the Monument.

The Findings are as follows:

- a. The activity can be conducted with adequate safeguards for the resources and ecological integrity of the Monument;
- b. The activity will 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 resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects;
- c. There is no practicable alternative to conducting the activity within the Monument;
- d. The end value of the activity outweighs its adverse impacts on Monument resources, qualities, and ecological integrity;
- e. The duration of the activity is no longer than necessary to achieve its stated purpose;

- f. The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
- g. The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
- h. The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument resources, qualities, and ecological integrity;
- i. The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of Presidential Proclamation 8031; and
- j. There are no other factors that would make the issuance of a permit for the activity inappropriate.

8. Please describe the procedures you will use in performing the proposed activity while within the Monument. Please also address how the methods and procedures you will use are appropriate to achieve the goals of the proposed activity in relation to their impacts to Monument resources, qualities, and ecological integrity.

Please describe in detail how you will get to your work locations and specific sites (walking, climbing, wading, swimming, snorkeling, diving, boating, etc.). Will you need to enter a seabird colony? Will you need access to beaches? Will you work at night?

Will you request assistance from Monument staff to maintain the equipment or collect data or samples in association with the proposed activity in your absence or presence? If so, describe procedures for doing so including how often it is to occur and how long it will take per maintenance/data/sample collection event. Describe how you plan to compensate volunteers for the maintenance or data/sample collection work.

Section C: Logistics

9. Please list here and reference permit numbers for all other related Federal or State Permits for which you have applied or received. These may include, but are not limited to, a Bird Banding Lab Migratory Bird Banding Permit, State of Hawaii Department of Land and Natural Resources Division of Forestry and Wildlife Permit, State Conservation District Use Permit, Endangered Species Act consultations, Marine Mammal Protection Act Permit, International Animal Care and Use Committee, or any University permits. Please attach copies of permits already received. You will be required to provide copies of all required permits to the Monument Permit coordination personnel prior to departure for the Monument.

Please also list all permits which you have received on previous occasions for the same or similar activities from any State or Federal entity.

9a. For each of the permits listed, please identify any permit violations or any permit that was suspended, amended, modified or revoked for cause. Please explain the circumstances surrounding the violation or permit suspension, amendment, modification or revocation.

10. Please include a budget and funding sources specific to the proposed activities. **Salary information and detailed program budgets are not necessary.** Please also list any in-kind contributions awarded for the proposed activities.

NOTE: The Monument Permit Coordinators reserve the right to request additional budget information.

11. The “Activity Start” and “Activity Completion” must reflect the entire time span of the proposed activity. In other words, these dates must indicate if the proposed activity is a multi-year activity and how many years the proposed activity is expected to be conducted in the Monument. NOTE: Multi-year projects do NOT guarantee the issuance of additional permits in subsequent years.

The “Dates Actively in the NWHI Marine National Monument” must reflect the dates during the current calendar year in which this Permit Application is proposing work within the Monument.

If specific dates cannot be determined at the time of application, please explain why the dates are pending (e.g., ship schedules, flight schedules). At a minimum, you must describe the intervals of time you wish to visit the Monument, e.g. during a specific nesting season or quarterly, and you must describe how long you wish to stay.

In the text box allotted for Personnel Schedule, please list who will be located where in the Monument and for what periods of time. Attach additional documentation if necessary.

12. All persons covered under the permit are responsible for the cost of removing themselves from the Monument at the conclusion of the term of the permit or upon revocation of the permit. Additionally, persons covered under the permit are also responsible for the cost of removing themselves from the Monument in the event of a necessary medical evacuation, emergency evacuation, including weather, or for the cost of any necessary search and rescue operation. Please demonstrate that all persons covered under the permit have either appropriate insurance coverage, have been adequately bonded, or have the independent financial resources to pay for or reimburse the Monument Co-Trustees for the cost of their necessary search and rescue and/or removal from the Monument.

NOTE: The State of Hawaii requires permittees to carry general liability insurance.

13. Please check the appropriate box to indicate how personnel will enter the Monument. Note in the text box which vessel(s) or aircraft(s) will be used to transport personnel. If entering by a vessel which is not already permitted to enter the Monument in support of your proposed activity, you must include that respective vessel and its crew on this permit application, or the vessel must apply separately for its own permit. If entering by a vessel which is already permitted to enter the Monument in support of your proposed activity, please note the vessel's Monument Permit number here.

14. Please check the relevant inspections that you will conduct prior to departure for the Monument. Include the dates of scheduled inspections. Upon completion of the inspections and any required cleaning operations, you will be required to provide proof of inspections and cleaning to Monument Permit coordination personnel.

All vessels must have at a minimum a Rodent Free Inspection, Hull Inspection, and Ballast Water Record Inspection no more than 14 days prior to departure for the Monument. If any small boat operations are proposed to occur within the Monument, then a Tender Vessel Fouling Inspection must occur in this time frame as well. If any gear will be placed or used in the water or on land, you must schedule an inspection of these items before departing for the Monument. For more information on who to contact to arrange these inspections please visit the Monument website at <http://hawaiiireef.noaa.gov/>

NOTE: Results of inspections may require cleaning operations such as rodent eradication, hull cleaning, or ballast water maintenance at your own cost before departing for the Monument. If proposed gear or materials are found to be contaminated with alien species you may be required to conduct specific cleaning measures or complete replacement of contaminated items at your own cost before departing for the Monument. Re-inspection may be required.

15. Please list all vessel information: Vessel name, owner, captain's name, vessel type, length, gross tonnage and vessel identification number. Please also list vessel International Maritime Organization Number (if applicable), flag of origin, Chief Scientist, call sign, port of embarkation, total ballast water capacity volume (m³), total number of fuel tanks on ship, total number of tanks on ship, total fuel capacity and last port the vessel will have been prior to this embarkation.

Please also indicate if the vessel has a Marine Sanitation Device (MSD) and describe the type of MSD on board the vessel. Please explain in detail how you will comply with the 'No Discharge' regulations stipulated in Presidential Proclamation 8031. If applicable, please attach schematics of the vessel's discharge and treatment systems.

Please list all other fuel and hazardous materials to be carried on board for vessel or tender vessel use and their respective amounts.

Does the vessel have a NOAA Office of Law Enforcement (OLE)-approved Vessel Monitoring System (VMS)? Please provide the name and contact information of the contractor responsible for installing the VMS system. For more information on NOAA OLE-approved VMS systems, please refer to Federal Register Notice 71 FR No. 135 Published July 14, 2006. <http://hawaiireef.noaa.gov/PDFs/VMSfedreg.pdf>

Please also describe the make and model of the VMS to be used while conducting activities in the Monument.

NOTE: Per Presidential Proclamation 8031, all vessels entering the Monument MUST have an NOAA OLE-approved VMS System installed PRIOR to entering the Monument, “An owner or operator of a vessel that has been issued a permit for accessing the Monument must ensure that such a vessel has an operating vessel monitoring system (VMS) on board, approved by the OLE in the National Oceanic and Atmospheric Administration in the Department of Commerce when voyaging within the Monument.”

Please include the following information in this section: VMS Email address and Inmarsat ID #.

* NOTE: This question is not required if you are traveling aboard a NOAA vessel.*

16. Please list all workboats (tenders) which will be use to transport personnel, gear and materials within the Monument. Please include information on the number of tenders/skiffs aboard the vessel and the specific types of motors on each tender/skiff.

Section D: Additional Information for Land Based Operations

ANSWER QUESTIONS IN THIS SECTION IF YOU WISH TO CONDUCT ACTIVITIES ON LAND

17. Please answer the following questions:

*If personnel, gear and materials are to be transported to the Monument by vessel, how will personnel, gear and materials be transported between ship and shore?

*If applicable, how will personnel be transported between islands within any one atoll?

*Provide a time line of all significant transportation events for arrivals and departures.

18. Describe where personnel will sleep/eat/bathe while on the island(s). Note how many personnel will be using U.S. Fish and Wildlife Service and/or State of Hawaii supplied accommodations and for how long.

19. Describe office/desk/workbench/workshop/lab space you expect to use during the proposed activity on the island(s). Describe all electrical and water needs you expect to use during the proposed activity on the island(s). Describe what disposal route all of the water and hazardous materials will take (e.g., laboratory sink, drains, flow-through aquaria) and where these materials will ultimately end up.

NOTE: charging batteries, rinsing gear, cleaning tools, painting and maintaining equipment, etc., all take space and resources. Requesting use of these resources should be done in this section.

Appendix A – Research OR Conservation and Management Application Instructions

NOTE: If you do not intend to collect specimens, you may enter “N/A” for questions 1-3 and skip to question 4.

1a. Please list all specimens (organisms or objects) that you plan to collect. If applicable, please list each species common name, scientific name, number to be collected, maximum size of specimens to be collected, amount taken and the size of the organism from which you will take any sample(s) and collection location corresponding to coordinates requested in #5a (primary application). Please also indicate whether you will be taking the whole organism or a subsample thereof.

1b. Please list what will be done with specimens upon completion of the project. Also state what will be done with the parts of samples that are not used in your initial analysis?

1c. Please check the appropriate box to indicate if the organisms will be kept alive after collection. If the organisms are to be kept alive, where will they be housed? Provide the specific site and/or location. Also check the appropriate box to indicate if there is an open or closed system for maintaining living organisms and if there is an outfall or discharge. If applicable, please note whether the organisms will be kept with other species and if so, the species names of the other organisms. Will any organisms be released? If so, where?

2. How will the collected samples be transported out of the Monument? Will they be transported by vessel or aircraft? Will they be transported frozen, in formalin, in alcohol, or other media?

3. Please describe if you are collaborating with others to reduce duplicative activities in the Monument or elsewhere in the State of Hawaii or other Pacific Remote Island National Wildlife Refuges. If you are collecting samples for someone else, stipulate to whom the samples will be provided and give their Monument permit number. Please also list State of Hawaii and United States Fish and Wildlife Service permit numbers for any relevant collaborations or research related to this project, including projects in the main Hawaiian Islands and Pacific Remote Island National Wildlife Refuges. If any permit applications for related research are under review at any of the above agencies, please provide us with that information.

4a. Provide a complete itemized list of work related gear/equipment/supplies, including collecting equipment, radio isotopes, dive equipment, etc., that will be taken into and removed from the Monument. If you wish to store any items on any island between field seasons, please request so here. Please indicate how and where you propose the stored items be kept. If you are proposing to take any work or personal items ashore that will require use of resources (electrical power or water supplies) also describe that in this section.

4b. For any Hazardous Materials also include the following information:

*List all hazardous materials by common name, proper shipping name, hazard class, and amount to be taken into the Monument. Provide a Material Safety Data Sheet for each hazardous material.

*Describe how each hazardous material will be contained and stored while in the Monument.

*Describe how each hazardous material will be used for the proposed activity. Describe how and when each hazardous material will be removed from the Monument.

NOTE: The Co-Trustees will not be responsible for disposal of, storage, or unauthorized use of any left-over hazardous materials from any permitted activity.

5. If applicable, please indicate the types of permanent or semi-permanent installments you would like to install in the Monument, and answer the following questions:

*What is it made of?

*What will be installed?

*How will it be installed?

*Where will it be installed?

*How long will it be installed?

*Will the installation require maintenance? If so, who will conduct the maintenance and how often?

*How and when will the installation be removed?

6. In addition to reports required by all Monument Permits, please provide information regarding the projected completion dates of the following: sample analysis, write-up and publication of information gathered within the Monument.

7. List all publications directly related to the proposed project:

Appendix B - Education Permit Instructions

1. Please describe if you are collaborating with others to reduce duplicative activities in the Monument or elsewhere in the State of Hawaii or other Pacific Remote Island National Wildlife Refuges. Please also list State of Hawaii and U.S. Fish and Wildlife Service permit numbers for any relevant collaborations or education activities related to this project, including projects in the main Hawaiian Islands and Pacific Remote Island National Wildlife Refuges. If any permit applications for related education activities are under review at any of the above agencies, please provide us with that information.

2. Provide a complete itemized list of work related gear/equipment/supplies, including collecting equipment, radio isotopes, dive equipment, etc., that will be taken into and removed from the Monument. If you wish to store any items on any island between field seasons, please request so here. Please indicate how and where you propose the stored items be kept. If you are proposing to take any work or personal items ashore that will require use of resources (electrical power or water supplies) also describe that in this section.

3. If applicable, please indicate the types of permanent or semi-permanent installments you would like to install in the Monument, and answer the following questions:
 - *What is it made of?
 - *What will be installed?
 - *How will it be installed?
 - *Where will it be installed?
 - *How long will it be installed?
 - *Will the installation require maintenance? If so, who will conduct the maintenance and how often?
 - *How and when will the installation be removed?

4. Is your proposed activity based on a State Department of Education Standards Based Curriculum? If so, please describe.

5. What materials, products or deliverables will be developed as a result of your proposed activity? Provide a time line for write-up and publication of information or production of educational materials

6. List all publications directly related to the proposed project:

NOTE: If you do not intend to collect specimens, you may enter "N/A" for questions 7a-7c.

7a. Please list all specimens (organisms or objects) that you plan to collect. If applicable, please list each species common name, scientific name, number to be collected, maximum size of specimen(s) to be collected, amount taken and the size off the organism from which you will take any sample(s), and collection location(s) corresponding to

coordinates requested in #5a (primary application). Please also indicate whether you will be taking the whole organism or a subsample thereof.

7b. Please list what will be done with specimens upon completion of the project. Also state what will be done with the parts of samples that are not used in the proposed education activity?

7c. Please check the appropriate box to indicate if the organisms will be kept alive after collection. If the organisms are to be kept alive, where will they be housed? Provide the specific site and/or location. Also check the appropriate box to indicate if there is an open or closed system for maintaining living organisms and if there is an outfall or discharge. If applicable, please note whether the organisms will be kept with other species and if so, the species names of the other organisms. Will any organisms be released? If so, where?

8. How will the collected samples be transported out of the Monument? Will they be transported by vessel or aircraft? Will they be transported frozen, in formalin, in alcohol, or other media?

Appendix C – Native Hawaiian Practices Application Instructions

1. Please state how the purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols.
2. Please state how the activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community.
3. Please state how the activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands.
4. Please indicate whether or not you will be collecting any Monument resource for use in any Native Hawaiian cultural practice in the course of your proposed activity.

NOTE: If you do not intend to collect specimens, you may enter “N/A” for questions 4a – 4c, and skip to question 5.

4a. Please list all resources (organisms or objects) that you plan to collect. If applicable, please list each species common name and/or scientific name, number to be collected, maximum size to be collected, and collection location(s) corresponding to coordinates requested in #5a (primary application form). Please also indicate whether you will be taking the whole organism or a subsample thereof. What will be done with the parts of samples that are not used?

4b. Please list what will be done with specimens upon completion of the native Hawaiian cultural practice is complete.

4c. Please check the appropriate box to indicate if the organisms will be kept alive after collection. If the organisms are to be kept alive, where will they be housed? Provide the specific site and/or location. Also check the appropriate box to indicate if there is an open or closed system for maintaining living organisms and if there is an outfall or discharge. If applicable, please note whether the organisms will be kept with other species and if so, the species names of the other organisms. Will any organisms be released? If so, where?

NOTE: Any Monument resource harvested from the Monument for the purpose of Native Hawaiian practices will be consumed in the Monument.

5. If you are collaborating with any other groups or individuals permitted to conduct Native Hawaiian practices in the Monument, please describe how your efforts are being collaborated. Please also list State of Hawaii and Monument permit numbers for any relevant collaboration related to this project, including projects in the main Hawaiian

Islands. If any permit applications for related Native Hawaiian practices are under review, please provide us with that information.

6. Provide a complete itemized list of work related gear/equipment/supplies, including collecting equipment, radio isotopes, dive equipment, etc., that will be taken into and removed from the Monument. If you wish to store any items on any island between field seasons, please request so here. Please indicate how and where you propose the stored items be kept. If you are proposing to take any work or personal items ashore that will require use of resources (electrical power or water supplies) also describe that in this section.

7. If applicable, please indicate the types of permanent or semi-permanent installments (such as ahu or other stone structure) you would like to install in the Monument, and answer the following questions:

*What is it made of?

*What will be installed?

*How will it be installed?

*Where will it be installed?

*How long will it be installed?

*Will the installment require maintenance? If so, who will conduct the maintenance and how often?

*How and when will the installation be removed?

*Will you be making any offerings in the Monument? If so, please describe.

8. Will you be producing any publications, educational materials, or other deliverables? Please provide a time line for write-up and publication of the information or production of materials.

Appendix D – Recreation Application Permit Instructions

For Activities in the Midway Atoll Special Management Area Only

NOTE: If you are visiting the Midway Atoll Special Management Area and entering the Monument via aircraft for the purpose of conducting recreational activities, you are not required to complete this application form.

1. Please explain how the activity is for the purpose of recreation as defined: “An activity conducted for personal enjoyment that does not result in the extraction of Monument resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.”
2. Please also list Monument permit numbers for any associated activities related to the proposed activity. This should include any Research Permits, Conservation and Management Permits, Education Permits, Native Hawaiian Practices Permits, Recreation Permits or Special Ocean Use Permits that may be related to the proposed Recreation activities. If any Monument permit applications for related activities are under review, please provide that information.
3. Provide a complete itemized list of work related gear/equipment/supplies, including collecting equipment, radio isotopes, dive equipment, etc., that will be taken into and removed from the Monument. If you wish to store any items on any island between field seasons, please request so here. Please indicate how and where you propose the stored items be kept. If you are proposing to take any work or personal items ashore that will require use of resources (electrical power or water supplies) also describe that in this section.
4. If applicable, please indicate the types of permanent or semi-permanent installments you would like to install in the Monument, and answer the following questions:
 - *What is it made of?
 - *What will be installed?
 - *How will it be installed?
 - *Where will it be installed?
 - *How long will it be installed?
 - *Will the installation require maintenance? If so, who will conduct the maintenance and how often?
 - *How and when will the installation be removed?

Appendix E – Special Ocean Use Application Instructions

NOTE: If this is a first time Special Ocean Use activity, it will be considered a pilot project.

1. Please 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.
2. Please describe if you are collaborating with others to reduce duplicative activities in the Monument or elsewhere in the State of Hawaii or other Pacific Remote Island National Wildlife Refuges. Please also list State of Hawaii and U.S. Fish and Wildlife Service permit numbers for any relevant collaboration related to this project, including projects in the main Hawaiian Islands and Pacific Remote Islands National Wildlife Refuges. If any permit applications for related education activities are under review at any of the above agencies, please provide us with that information.
3. Provide a complete itemized list of work related gear/equipment/supplies, including collecting equipment, radio isotopes, dive equipment, etc., that will be taken into and removed from the Monument. If you wish to store any items on any island between field seasons, please request so here. Please indicate how and where you propose the stored items be kept. If you are proposing to take any work or personal items ashore that will require use of resources (electrical power or water supplies) also describe that in this section.
4. If applicable, please indicate the types of permanent or semi-permanent installments you would like to install in the Monument, and answer the following questions:
 - *What is it made of?
 - *What will be installed?
 - *How will it be installed?
 - *Where will it be installed?
 - *How long will it be installed?
 - *Will the installation require maintenance? If so, who will conduct the maintenance and how often?
 - *How and when will the installation be removed?
5. List all publications directly related to the proposed project.

For projects occurring with the Midway Atoll Special Management Area, answer the following questions:

6. Please explain how your activity has been found compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated.
7. Please explain how your activity meets the requirement of furthering conservation and management of the Monument.

For projects occurring outside of the Midway Atoll Special Management Area, answer the following questions:

8. Please explain how the proposed activity will directly benefit the conservation and management of the Monument.
9. Please explain how the purpose of the proposed activity is for research and education related to resources or qualities of the Monument.

NOTE: SPECIAL OCEAN USE PERMITS OUTSIDE THE MIDWAY ATOLL SPECIAL MANAGEMENT AREA DO NOT ALLOW THE USE OF A COMMERCIAL PASSENGER VESSEL. A commercial passenger vessel is defined by the monument regulations as a vessel that carries individuals who have paid for such carriage.



Federal Register

**Monday,
June 26, 2006**

Part V

The President

**Proclamation 8031—Establishment of the
Northwestern Hawaiian Islands Marine
National Monument**

Presidential Documents

Title 3—

Proclamation 8031 of June 15, 2006**The President****Establishment of the Northwestern Hawaiian Islands Marine National Monument****By the President of the United States of America****A Proclamation**

In the Pacific Ocean northwest of the principal islands of Hawaii lies an approximately 1,200 nautical mile stretch of coral islands, seamounts, banks, and shoals. The area, including the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway National Wildlife Refuge, the Hawaiian Islands National Wildlife Refuge, and the Battle of Midway National Memorial, supports a dynamic reef ecosystem with more than 7,000 marine species, of which approximately half are unique to the Hawaiian Island chain. This diverse ecosystem is home to many species of coral, fish, birds, marine mammals, and other flora and fauna including the endangered Hawaiian monk seal, the threatened green sea turtle, and the endangered leatherback and hawksbill sea turtles. In addition, this area has great cultural significance to Native Hawaiians and a connection to early Polynesian culture worthy of protection and understanding.

WHEREAS Executive Order 13089 of June 11, 1998, Executive Order 13178 of December 4, 2000, and Executive Order 13196 of January 18, 2001, as well as the process for designation of a National Marine Sanctuary undertaken by the Secretary of Commerce, have identified objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States in the area of the Northwestern Hawaiian Islands;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the “Antiquities Act”) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it would be in the public interest to preserve the marine area of the Northwestern Hawaiian Islands and certain lands as necessary for the care and management of the historic and scientific objects therein,

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Northwestern Hawaiian Islands Marine National Monument (the “monument” or “national monument”) for the purpose of protecting the objects described above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described on the accompanying map entitled “Northwestern Hawaiian Islands Marine National Monument” attached to and forming a part of this proclamation. The Federal land and interests in land reserved includes approximately 139,793 square miles of emergent and submerged lands and waters of the Northwestern Hawaiian Islands, which is the smallest

area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby appropriated and withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Secretary of Commerce, through the National Oceanic and Atmospheric Administration (NOAA), will have primary responsibility regarding management of the marine areas, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the Fish and Wildlife Service (FWS), will have sole responsibility for management of the areas of the monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce.

The Secretary of Commerce and the Secretary of the Interior (collectively, the "Secretaries") shall review and, as appropriate, modify the interagency agreement developed for coordinated management of the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, signed on May 19, 2006. To manage the monument, the Secretary of Commerce, in consultation with the Secretary of the Interior and the State of Hawaii, shall modify, as appropriate, the plan developed by NOAA's National Marine Sanctuary Program through the public sanctuary designation process, and will provide for public review of that plan. To the extent authorized by law, the Secretaries, acting through the FWS and NOAA, shall promulgate any additional regulations needed for the proper care and management of the objects identified above.

The Secretary of State, in consultation with the Secretaries, shall take appropriate action to enter into negotiations with other governments to make necessary arrangements for the protection of the monument and to promote the purposes for which the monument is established. The Secretary of State, in consultation with the Secretaries, shall seek the cooperation of other governments and international organizations in furtherance of the purposes of this proclamation and consistent with applicable regional and multilateral arrangements for the protection and management of special marine areas. Furthermore, this proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the State of Hawaii.

The establishment of this monument is subject to valid existing rights and use of the monument shall be administered as follows:

Access to the Monument

The Secretaries shall prohibit entering the monument except pursuant to permission granted by the Secretaries or their designees. Any person passing through the monument without interruption must notify an official designated by the Secretaries at least 72 hours, but no longer than 1 month, prior to the entry date. Notification of departure from the monument must be provided within 12 hours of leaving. A person providing notice must provide the following information, as applicable: (i) position when making report; (ii) vessel name and International Maritime Organization identification number; (iii) name, address, and telephone number of owner and operator; (iv) United States Coast Guard (USCG) documentation, State license, or registration number; (v) home port; (vi) intended and actual route through the monument; (vii) general categories of any hazardous cargo on board; and (viii) length of vessel and propulsion type (e.g., motor or sail).

Vessel Monitoring Systems

1. As soon as possible but not later than 30 days following the issuance of this proclamation, NOAA shall publish in the **Federal Register** a list of approved transmitting units and associated communications service providers for purposes of this proclamation. An owner or operator of a vessel that has been issued a permit for accessing the monument must ensure that such a vessel has an operating vessel monitoring system (VMS) on board, approved by the Office of Legal Enforcement in the National Oceanic and Atmospheric Administration in the Department of Commerce (OLE) when voyaging within the monument. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and OLE as provided by an OLE-approved communication service provider.
2. Only a VMS that has been approved by OLE may be used. When installing and activating the OLE-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must:
 - a. Follow procedures indicated on an installation and activation checklist, which is available from OLE; and
 - b. Submit to OLE a statement certifying compliance with the checklist, as prescribed on the checklist.
3. No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.
4. When a vessel's VMS is not operating properly, the owner or operator must immediately contact OLE, and follow instructions from that office. If notified by OLE that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by OLE the vessel's positions or returning to port until the VMS is operable.
5. As a condition of authorized access to the monument, a vessel owner or operator subject to the requirements for a VMS in this section must allow OLE, the USCG, and their authorized officers and designees access to the vessels position data obtained from the VMS. Consistent with applicable law, including the limitations on access to, and use, of VMS data collected under the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), the Secretaries may have access to, and use of, collected data for scientific, statistical, and management purposes.
6. OLE has authority over the installation and operation of the VMS unit. OLE may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit, when deemed appropriate by OLE.
7. The Secretaries shall prohibit any person from conducting or causing to be conducted:
 - a. Operating any vessel without an approved transmitting device within the monument area 45 days after the publication of the list of approved transmitting devices described in paragraph (1) above;
 - b. Failing to install, activate, repair, or replace a mobile transceiver unit prior to leaving port;
 - c. Failing to operate and maintain a mobile transceiver unit on board the vessel at all times;
 - d. Tampering with, damaging, destroying, altering, or in any way distorting, rendering useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel;
 - e. Failing to contact OLE or follow OLE instructions when automatic position reporting has been interrupted;
 - f. Registering a VMS or mobile transceiver unit registered to more than one vessel at the same time;

g. Connecting or leaving connected additional equipment to a VMS unit or mobile transceiver unit without the prior approval of OLE;

h. Making a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a VMS unit or mobile transceiver unit or communication service provider.

Restrictions

Prohibited Activities

The Secretaries shall prohibit persons from conducting or causing to be conducted the following activities:

1. Exploring for, developing, or producing oil, gas, or minerals within the monument;
2. Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a monument resource;
3. Introducing or otherwise releasing an introduced species from within or into the monument; and
4. Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope.

Regulated Activities

Except as otherwise provided in this proclamation, the Secretaries shall prohibit any person from conducting or causing to be conducted within the monument the following activities:

1. Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving monument resource;
2. 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;
3. Anchoring a vessel;
4. Deserting a vessel aground, at anchor, or adrift;
5. Discharging or depositing any material or other matter into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust;
6. Discharging or depositing any material or other matter into the monument, or discharging or depositing any material or other matter outside of the monument that subsequently enters the monument and injures any resources of the monument, except fish parts (i.e., chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust;
7. Touching coral, living or dead;
8. Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the monument;
9. Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or the Midway Atoll Special Management Area; and
10. Attracting any living monument resources.

Emergencies and Law Enforcement Activities

The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes.

Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws.
2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.
3. All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on monument resources and qualities.
4. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the USCG, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the monument resource or quality.

Commercial Fishing

1. The Secretaries shall ensure that any commercial lobster fishing permit shall be subject to a zero annual harvest limit.
2. Fishing for bottomfish and pelagic species. The Secretaries shall ensure that:
 - a. Commercial fishing for bottomfish and associated pelagic species may continue within the monument for not longer than 5 years from the date of this proclamation provided that:
 - (i) The fishing is conducted in accordance with a valid commercial bottomfish permit issued by NOAA; and
 - (ii) Such permit is in effect on the date of this proclamation and is subsequently renewed pursuant to NOAA regulations at 50 CFR part 660 subpart E as necessary.
 - b. Total landings for each fishing year may not exceed the following amounts:
 - (i) 350,000 pounds for bottomfish species; and
 - (ii) 180,000 pounds for pelagic species.
 - c. Commercial fishing for bottomfish and associated pelagic species is prohibited in the monument after 5 years from the date of this proclamation.

General Requirements

The Secretaries shall ensure that any commercial fishing within the monument is conducted in accordance with the following restrictions and conditions:

1. A valid permit or facsimile of a valid permit is on board the fishing vessel and is available for inspection by an authorized officer;
2. No attempt is made to falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other required record or report;
3. Only gear specifically authorized by the relevant permit issued under the Magnuson-Stevens Fishery Conservation and Management Act is allowed to be in the possession of a person conducting commercial fishing under this section;
4. Any person conducting commercial fishing notifies the Secretaries by telephone, facsimile, or electronic mail at least 72 hours before entering the monument and within 12 hours after leaving the monument;
5. All fishing vessels must carry an activated and functioning VMS unit on board at all times whenever the vessel is in the monument;
6. All fishing vessels must carry an observer when requested to do so by the Secretaries; and

7. The activity does not take place within any Ecological Reserve, any Special Preservation Area, or the Midway Atoll Special Management Area.

Permitting Procedures and Criteria

Subject to such terms and conditions as the Secretaries deem appropriate, a person may conduct an activity regulated by this proclamation if such activity is specifically authorized by a permit. The Secretaries, in their discretion, may issue a permit under this proclamation if the Secretaries find that the activity: (i) is research designed to further understanding of monument resources and qualities; (ii) will further the educational value of the monument; (iii) will assist in the conservation and management of the monument; (iv) will allow Native Hawaiian practices; (v) will allow a special ocean use; or (vi) will allow recreational activities.

Findings

1. The Secretaries may not issue any permit unless the Secretaries find:
 - a. The activity can be conducted with adequate safeguards for the resources and ecological integrity of the monument;
 - b. The activity will 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 resources, qualities, and ecological integrity, any indirect, secondary, or cumulative effects of the activity, and the duration of such effects;
 - c. There is no practicable alternative to conducting the activity within the monument;
 - d. The end value of the activity outweighs its adverse impacts on monument resources, qualities, and ecological integrity;
 - e. The duration of the activity is no longer than necessary to achieve its stated purpose;
 - f. The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
 - g. The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;
 - h. The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to monument resources, qualities, and ecological integrity;
 - i. The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of this proclamation; and
 - j. There are no other factors that would make the issuance of a permit for the activity inappropriate.
2. *Additional Findings for Native Hawaiian Practice Permits.* In addition to the findings listed above, the Secretaries shall not issue a permit to allow Native Hawaiian practices unless the Secretaries find:
 - a. The activity is non-commercial and will not involve the sale of any organism or material collected;
 - b. The purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (pono), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols;
 - c. The activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community;
 - d. The activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands; and

- e. Any monument resource harvested from the monument will be consumed in the monument.
3. *Additional Findings, Criteria, and Requirements for Special Ocean Use Permits*
- a. In addition to the findings listed above, the following requirements apply to the issuance of a permit for a special ocean use:
- (i) Any permit for a special ocean use issued under this section:
- (A) Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the monument is designated and with protection of monument resources;
- (B) Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed by the Secretaries;
- (C) Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure monument resources; and
- (D) Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims; and
- (ii) Each person issued a permit for a special ocean use under this section shall submit an annual report to the Secretaries not later than December 31 of each year that describes activities conducted under that permit and revenues derived from such activities during the year.
- b. The Secretaries may not issue a permit for a special ocean use unless they determine that the proposed activity will be consistent with the findings listed above for the issuance of any permit.
- c. Categories of special ocean use being permitted for the first time under this section will be restricted in duration and permitted as a special ocean use pilot project. Subsequent permits for any category of special ocean use may be issued only if a special ocean use pilot project for that category has been determined by the Secretaries to meet the criteria in this proclamation and any terms and conditions placed on the permit for the pilot project.
- d. The Secretaries shall provide public notice prior to requiring a special ocean use permit for any category of activity not previously identified as a special ocean use.
- e. The following requirements apply to permits for a special ocean use for an activity within the Midway Atoll Special Management Area.
- (i) The Secretaries may issue a permit for a special ocean use for activities within the Midway Atoll Special Management Area provided:
- (A) The Secretaries find the activity furthers the conservation and management of the monument; and
- (B) The Director of the United States Fish and Wildlife Service or his or her designee has determined that the activity is compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated.
- (ii) As part of a permit, the Secretaries may allow vessels to transit the monument as necessary to enter the Midway Atoll Special Management Area.
- f. The Secretaries may issue a permit for a special ocean use for activities outside the Midway Atoll Special Management Area provided:
- (i) The Secretaries find the activity will directly benefit the conservation and management of the monument;
- (ii) The Secretaries determine the purpose of the activity is for research or education related to the resources or qualities of the monument;
- (iii) The Secretaries provide public notice of the application and an opportunity to provide comments at least 30 days prior to issuing the permit; and

(iv) The activity does not involve the use of a commercial passenger vessel.

4. *Additional Findings for Recreation Permits.* The Secretaries may issue a permit only for recreational activities to be conducted within the Midway Atoll Special Management Area. In addition to the general findings listed above for any permit, the Secretaries may not issue such permit unless the Secretaries find:

- a. The activity is for the purpose of recreation as defined in regulation;
- b. The activity is not associated with any for-hire operation; and
- c. The activity does not involve any extractive use.

Sustenance Fishing

Sustenance fishing means fishing for bottomfish or pelagic species that are consumed within the monument, and is incidental to an activity permitted under this proclamation. The Secretaries may permit sustenance fishing outside of any Special Preservation Area as a term or condition of any permit issued under this proclamation. The Secretaries may not permit sustenance fishing in the Midway Atoll Special Management Area unless the activity has been determined by the Director of the United States Fish and Wildlife Service or his or her designee to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Sustenance fishing must be conducted in a manner compatible with this proclamation, including considering the extent to which the conduct of the activity may diminish monument resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects. The Secretaries will develop procedures for systematic reporting of sustenance fishing.

Definitions For purposes of this proclamation:

Attract or Attracting means luring or attempting to lure a living resource by any means, except the mere presence of human beings (e.g., swimmers, divers, boaters).

Bottomfish Species means bottomfish management unit species as defined at 50 CFR 660.12.

Commercial Bottomfishing means commercial fishing for bottomfish species.

Commercial Passenger Vessel means a vessel that carries individuals who have paid for such carriage.

Commercial Pelagic Trolling means commercial fishing for pelagic species.

Deserting a vessel means:

1. Leaving a vessel aground or adrift:
 - (i) Without notifying the Secretaries of the vessel going aground or adrift within 12 hours of its discovery and developing and presenting to the Secretaries a preliminary salvage plan within 24 hours of such notification;
 - (ii) After expressing or manifesting intention to not undertake or to cease salvage efforts; or
 - (iii) When the Secretaries are unable, after reasonable efforts, to reach the owner/operator within 12 hours of the vessels condition being reported to authorities.
2. Leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

Ecological Reserve means an area of the monument consisting of contiguous, diverse habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the monument.

Ecological Integrity means a condition determined to be characteristic of an ecosystem that has the ability to maintain the function, structure, and abundance of natural biological communities, including rates of change in response to natural environmental variation.

Fishing Year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

Introduced Species means:

1. A species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystem(s) protected by the monument; or
2. Any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

Landing means offloading fish from a fishing vessel or causing fish to be offloaded from a fishing vessel.

Midway Atoll Special Management Area means the area of the monument surrounding Midway Atoll out to a distance of 12 nautical miles, established for the enhanced management, protection, and preservation of monument wildlife and historical resources.

Mobile Transceiver Unit means a vessel monitoring system or VMS device installed on board a vessel that is used for vessel monitoring and transmitting the vessel's position as required by this proclamation.

Native Hawaiian Practices means cultural activities conducted for the purposes of perpetuating traditional knowledge, caring for and protecting the environment, and strengthening cultural and spiritual connections to the Northwestern Hawaiian Islands that have demonstrable benefits to the Native Hawaiian community. This may include, but is not limited to, the non-commercial use of monument resources for direct personal consumption while in the monument.

Ocean-Based Ecotourism means a class of fee-for-service activities that involves visiting the monument for study, enjoyment, or volunteer assistance for purposes of conservation and management.

Pelagic Species means Pacific Pelagic Management Unit Species as defined at 50 CFR 660.12.

Pono means appropriate, correct, and deemed necessary by traditional standards in the Hawaiian culture.

Recreational Activity means an activity conducted for personal enjoyment that does not result in the extraction of monument resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.

Special Preservation Area (SPA) means discrete, biologically important areas of the monument within which uses are subject to conditions, restrictions, and prohibitions, including but not limited to access restrictions. SPAs are used to avoid concentrations of uses that could result in declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research.

Special Ocean Use means an activity or use of the monument that is engaged in to generate revenue or profits for one or more of the persons associated with the activity or use, and does not destroy, cause the loss of, or injure monument resources. This includes ocean-based ecotourism and other activities such as educational and research activities that are engaged in to generate revenue, but does not include commercial fishing for bottomfish or pelagic species conducted pursuant to a valid permit issued by NOAA.

Stowed and Not Available for Immediate Use means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck

or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear guns).

Sustenance Fishing means fishing for bottomfish or pelagic species in which all catch is consumed within the monument, and that is incidental to an activity permitted under this proclamation.

Vessel Monitoring System or VMS means a vessel monitoring system or mobile transceiver unit approved by the Office for Law Enforcement for use on vessels permitted to access the monument, as required by this subpart.

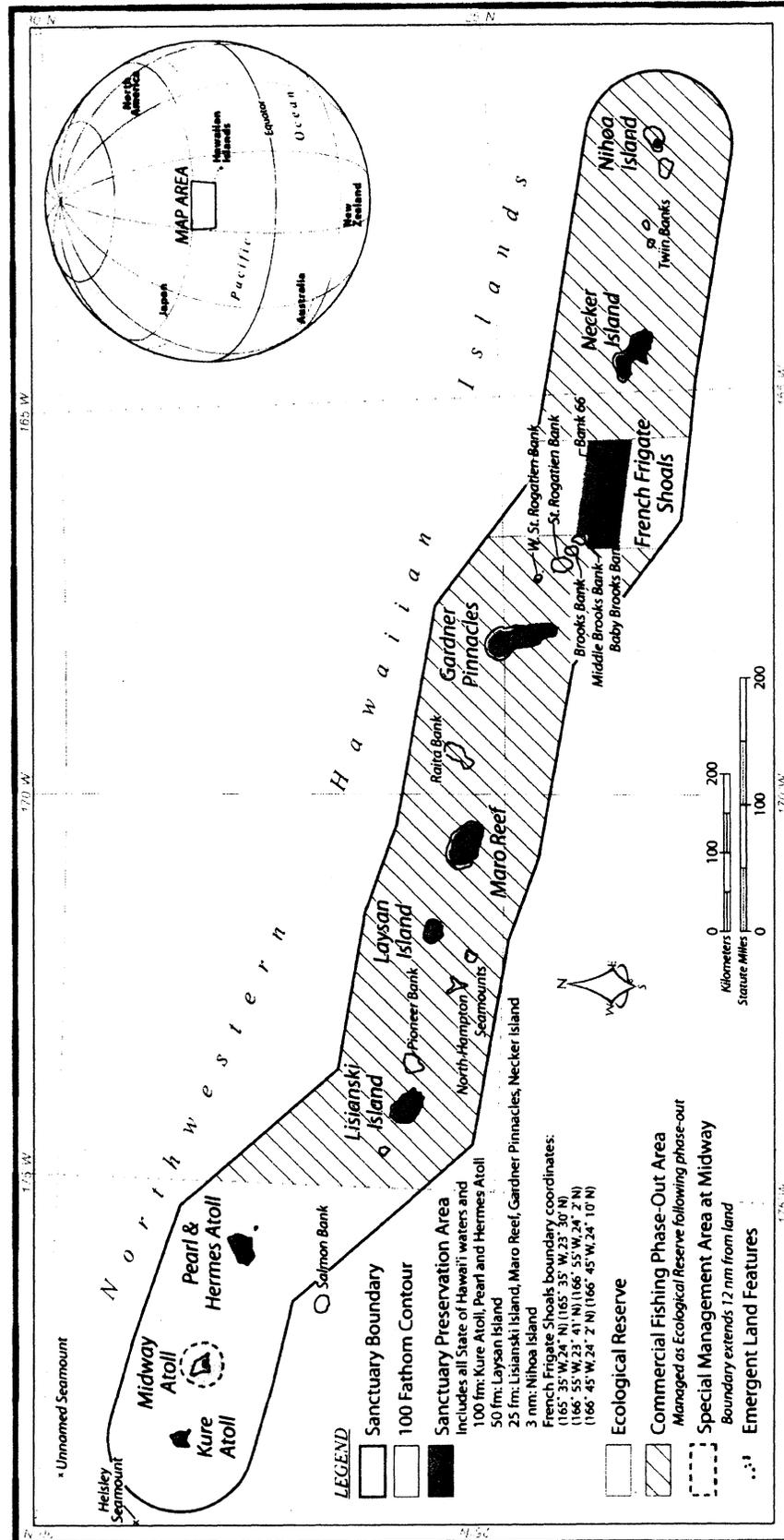
Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be the dominant reservation.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of June, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirtieth.

A handwritten signature in black ink, appearing to read "G. W. Bush". The signature is fluid and cursive, with a large initial "G" and a stylized "W".

Northwestern Hawaiian Islands Marine National Monument



Northwestern Hawaiian Islands Marine National Monument Boundary Coordinates

[Coordinates listed are unprojected (Geographic) and based on the North American Datum of 1983.]

Point	Latitude	Longitude
1	28.437480	-175.177660
2	28.267840	-175.000000
3	26.848220	-173.513200
4	26.600050	-171.628460
5	26.591570	-171.564050
6	26.584980	-171.514000
7	26.567910	-171.458490
8	26.555880	-171.419340
9	26.237590	-170.384040
10	25.842570	-167.964750
11	25.816640	-167.805960
12	25.784980	-167.612000
13	25.664070	-167.441430
14	25.585060	-167.329980
15	25.173930	-166.750000
16	24.681970	-166.056000
17	24.594130	-165.583330
18	24.399760	-164.537400
19	23.880420	-161.742420
20	23.868390	-161.686790
21	23.853160	-161.632100
22	23.834780	-161.578570
23	23.813320	-161.526420
24	23.788880	-161.475860
25	23.761550	-161.427080
26	23.731440	-161.380290
27	23.698680	-161.335660
28	23.663380	-161.293370
29	23.625700	-161.253600
30	23.585780	-161.216500
31	23.543790	-161.182210
32	23.499890	-161.150870
33	23.454250	-161.122600
34	23.407070	-161.097510
35	23.358510	-161.075690
36	23.308790	-161.057240
37	23.258090	-161.042210
38	23.206620	-161.030670
39	23.154580	-161.022660
40	23.102170	-161.018200
41	23.049610	-161.017300

42	22.997110	-161.019980
43	22.944850	-161.026200
44	22.893070	-161.035950
45	22.841950	-161.049190
46	22.791700	-161.065840
47	22.742520	-161.085860
48	22.694600	-161.109150
49	22.648120	-161.135620
50	22.603270	-161.165160
51	22.560230	-161.197660
52	22.519160	-161.232980
53	22.480220	-161.270990
54	22.443560	-161.311530
55	22.409340	-161.354440
56	22.377670	-161.399560
57	22.348690	-161.446710
58	22.322500	-161.495710
59	22.299220	-161.546350
60	22.278920	-161.598460
61	22.261680	-161.651810
62	22.247580	-161.706210
63	22.236670	-161.761450
64	22.228990	-161.817300
65	22.224580	-161.873560
66	22.223430	-161.930000
67	22.225570	-161.986410
68	22.230990	-162.042570
69	22.238520	-162.090980
70	22.239660	-162.098260
71	22.753090	-164.860380
72	22.837820	-165.583330
73	22.925010	-166.327230
74	22.932210	-166.388720
75	22.956970	-166.600000
76	23.062650	-166.750000
77	23.091440	-166.790850
78	24.211550	-168.380720
79	24.211630	-168.380830
80	24.211670	-168.381050
81	24.596330	-170.739990
82	24.604970	-170.793000
83	24.619830	-170.839640
84	24.629360	-170.869580
85	24.937290	-171.836510
86	25.276970	-174.414000
87	25.830690	-175.000000
88	27.246110	-176.497940
89	27.415860	-177.555230

90	27.597840	-178.498430
91	27.610780	-178.565510
92	27.625520	-178.622110
93	27.643380	-178.677580
94	27.664280	-178.731700
95	27.688140	-178.784270
96	27.714880	-178.835070
97	27.744380	-178.883910
98	27.776540	-178.930610
99	27.811230	-178.974960
100	27.848320	-179.016810
101	27.887650	-179.055990
102	27.929090	-179.092340
103	27.972460	-179.125720
104	28.017600	-179.155980
105	28.064330	-179.183020
106	28.112470	-179.206730
107	28.161840	-179.226990
108	28.212230	-179.243740
109	28.263450	-179.256890
110	28.315300	-179.266400
111	28.367580	-179.272220
112	28.412080	-179.274000
113	28.420080	-179.274320
114	28.430370	-179.274000
115	28.472580	-179.272690
116	28.524900	-179.267320
117	28.576810	-179.258240
118	28.628110	-179.245480
119	28.678610	-179.229070
120	28.728090	-179.209090
121	28.776360	-179.185600
122	28.823240	-179.158700
123	28.868520	-179.128480
124	28.912040	-179.095060
125	28.953610	-179.058580
126	28.993080	-179.019170
127	29.030280	-178.977000
128	29.065060	-178.932220
129	29.097280	-178.885010
130	29.126820	-178.835570
131	29.153560	-178.784090
132	29.177380	-178.730770
133	29.198200	-178.675830
134	29.215930	-178.619490
135	29.230490	-178.561970
136	29.241830	-178.503520
137	29.249910	-178.444360

138	29.254680	-178.384730
139	29.256140	-178.324870
140	29.254270	-178.265030
141	29.249080	-178.205450
142	29.240600	-178.146360
143	29.057970	-177.201300
144	29.042570	-177.121570
145	28.649370	-175.591270
146	28.644570	-175.572600
147	28.581980	-175.329000
148	28.437480	-175.177660

Ecological Reserves Boundary Coordinates

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Table B-1 Ecological Reserve West of 175 degrees West Longitude

Point ID	Latitude	Longitude
1	29.042570	-177.121570
2	28.649370	-175.591270
3	28.644570	-175.572600
4	28.581980	-175.329000
5	28.437480	-175.177660
6	28.267840	-175.000000
7	25.830690	-175.000000
8	27.246110	-176.497940
9	27.415860	-177.555230
10	27.610780	-178.565510
11	27.625520	-178.622110
12	27.643380	-178.677580
13	27.664280	-178.731700
14	27.688140	-178.784270
15	27.714880	-178.835070
16	27.744380	-178.883910
17	27.776540	-178.930610
18	27.811230	-178.974960
19	27.848320	-179.016810
20	27.887650	-179.055990

21	27.929090	-179.092340
22	27.972460	-179.125720
23	28.017600	-179.155980
24	28.064330	-179.183020
25	28.112470	-179.206730
26	28.161840	-179.226990
27	28.212230	-179.243740
28	28.263450	-179.256890
29	28.315300	-179.266400
30	28.367580	-179.272220
31	28.412080	-179.274000
32	28.430370	-179.274000
33	28.472580	-179.272690
34	28.524900	-179.267320
35	28.576810	-179.258240
36	28.628110	-179.245480
37	28.678610	-179.229070
38	28.728090	-179.209090
39	28.776360	-179.185600
40	28.823240	-179.158700
41	28.868520	-179.128480
42	28.912040	-179.095060
43	28.953610	-179.058580
44	28.993080	-179.019170
45	29.030280	-178.977000
46	29.065060	-178.932220
47	29.097280	-178.885010
48	29.126820	-178.835570
49	29.153560	-178.784090
50	29.177380	-178.730770
51	29.198200	-178.675830
52	29.215930	-178.619490
53	29.230490	-178.561970
54	29.241830	-178.503520
55	29.249910	-178.444360

56	29.254680	-178.384730
57	29.256140	-178.324870
58	29.254270	-178.265030
59	29.249080	-178.205450
60	29.240600	-178.146360
61	29.057970	-177.201300
62	29.042570	-177.121570

Table B-2 French Frigate Shoals Ecological Reserve

Point ID	Latitude	Longitude
1	24.594130	-165.583330
2	23.499970	-165.583330
3	23.999970	-165.583330
4	24.166640	-166.750000
5	25.173930	-166.750000
6	24.681970	-166.056000
7	24.594130	-165.583330
8	23.740820	-166.927560
9	23.687790	-166.928170
10	23.666640	-166.750000
11	23.499970	-165.583330
12	22.837820	-165.583330
13	22.956970	-166.600000
14	23.062650	-166.750000
15	23.196210	-166.938090
16	23.740960	-166.929090
17	23.740820	-166.927560

Special Preservation Areas Boundary Coordinates

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Table C-1 French Frigate Shoals Special Preservation Area

Point ID	Latitude	Longitude
1	23.999970	-165.583330
2	23.499970	-165.583330
3	23.666640	-166.750000
4	23.687790	-166.928170

5	23.740820	-166.927560
6	24.036510	-166.924170
7	24.034000	-166.752270
8	24.166640	-166.750000
9	23.999970	-165.583330

Table C-2 Gardner Pinnacles Special Preservation Area

Point ID	Latitude	Longitude
1	25.069550	-167.932070
2	25.041750	-167.925060
3	25.013260	-167.941650
4	24.941640	-167.941660
5	24.906030	-167.922730
6	24.881740	-167.901230
7	24.849970	-167.891660
8	24.747630	-167.897660
9	24.629080	-167.872660
10	24.590720	-167.873600
11	24.563150	-167.866590
12	24.491640	-167.875000
13	24.448290	-167.890630
14	24.428440	-167.901840
15	24.411150	-167.954400
16	24.419790	-167.989680
17	24.438010	-168.003690
18	24.508310	-168.016660
19	24.574980	-168.050000
20	24.591640	-168.083330
21	24.699970	-168.125000
22	24.774970	-168.133330
23	24.816640	-168.150000
24	24.883310	-168.150000
25	24.949970	-168.225000
26	25.008310	-168.266660
27	25.065400	-168.277990
28	25.093010	-168.267940
29	25.103750	-168.250890
30	25.165870	-168.225750
31	25.181750	-168.196320
32	25.191640	-168.141660
33	25.192730	-168.086360
34	25.174040	-168.041280
35	25.124980	-167.983330
36	25.069550	-167.932070

Table C-3 Kure Atoll Special Preservation Area

Point ID	Latitude	Longitude
1	28.392840	-178.429820

2	28.399910	-178.436410
3	28.415160	-178.446280
4	28.432200	-178.448290
5	28.455370	-178.441200
6	28.478140	-178.430830
7	28.496460	-178.413240
8	28.500820	-178.406980
9	28.506480	-178.398860
10	28.514860	-178.380810
11	28.519980	-178.357030
12	28.521950	-178.334820
13	28.521950	-178.334800
14	28.525880	-178.330960
15	28.529600	-178.322670
16	28.546060	-178.307530
17	28.544020	-178.296510
18	28.522790	-178.285740
19	28.502900	-178.282050
20	28.502890	-178.282030
21	28.499380	-178.276340
22	28.487070	-178.260900
23	28.475690	-178.250260
24	28.471030	-178.245900
25	28.450220	-178.238690
26	28.416860	-178.231260
27	28.397060	-178.232420
28	28.378270	-178.238260
29	28.363050	-178.245720
30	28.362280	-178.246630
31	28.362270	-178.246650
32	28.351660	-178.238800
33	28.343860	-178.228570
34	28.341350	-178.214180
35	28.328300	-178.211250
36	28.320980	-178.215800
37	28.318750	-178.226820
38	28.326780	-178.233600
39	28.332160	-178.261690
40	28.342560	-178.262560
41	28.346030	-178.266850
42	28.343860	-178.269830
43	28.336310	-178.286080
44	28.335300	-178.315410
45	28.340220	-178.363860
46	28.344070	-178.381090
47	28.323940	-178.406220
48	28.321250	-178.428370
49	28.367630	-178.432740

50	28.392840	-178.429820
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Table C-4 Pearl and Hermes Atoll Special Preservation Area

Point ID	Latitude	Longitude
1	27.757750	-176.036520
2	27.768320	-176.040880
3	27.768320	-176.040880
4	27.770100	-176.048300
5	27.782320	-176.065490
6	27.840940	-176.037040
7	27.855580	-176.034410
8	27.874110	-176.034890
9	27.892740	-176.027240
10	27.899910	-176.012850
11	27.910770	-175.983500
12	27.910800	-175.983470
13	27.919710	-175.976620
14	27.927980	-175.967410
15	27.935100	-175.956890
16	27.939420	-175.946360
17	27.943320	-175.937810
18	27.950350	-175.926920
19	27.963550	-175.906130
20	27.974710	-175.888940
21	27.981650	-175.875480
22	27.987800	-175.860460
23	27.997110	-175.839520
24	28.004660	-175.823330
25	28.008440	-175.813830
26	28.010980	-175.803790
27	28.011520	-175.793180
28	28.011060	-175.781740
29	28.010310	-175.770160
30	28.009350	-175.764210
31	28.009350	-175.764180
32	28.011110	-175.761890
33	28.021650	-175.734510
34	28.007620	-175.715020
35	27.989730	-175.708650
36	27.989710	-175.708630
37	27.982190	-175.698330
38	27.976630	-175.691710
39	27.973990	-175.688570
40	27.967780	-175.681600
41	27.962560	-175.676580
42	27.955580	-175.672400
43	27.945870	-175.667950
44	27.935150	-175.664330

45	27.923930	-175.662390
46	27.914190	-175.661560
47	27.899720	-175.661860
48	27.883490	-175.664100
49	27.869160	-175.669150
50	27.859160	-175.672680
51	27.848250	-175.675300
52	27.836260	-175.678940
53	27.828010	-175.682580
54	27.818010	-175.688990
55	27.811250	-175.690970
56	27.805500	-175.693210
57	27.805240	-175.693310
58	27.795260	-175.697130
59	27.783750	-175.704120
60	27.776490	-175.709430
61	27.771010	-175.713510
62	27.770990	-175.713520
63	27.763470	-175.710490
64	27.755510	-175.719930
65	27.755160	-175.725020
66	27.749210	-175.729550
67	27.744440	-175.735410
68	27.739890	-175.743640
69	27.735130	-175.754680
70	27.732590	-175.766400
71	27.731290	-175.779240
72	27.730230	-175.795430
73	27.731050	-175.816390
74	27.732360	-175.825560
75	27.733580	-175.833100
76	27.734560	-175.837560
77	27.735040	-175.841750
78	27.732280	-175.845940
79	27.727480	-175.852770
80	27.722740	-175.861850
81	27.717130	-175.874800
82	27.709340	-175.894910
83	27.702570	-175.913780
84	27.699260	-175.929970
85	27.697450	-175.945320
86	27.697660	-175.956490
87	27.699370	-175.966810
88	27.703320	-175.976850
89	27.710260	-175.989680
90	27.720440	-176.003340
91	27.732370	-176.017010
92	27.741820	-176.025930

93	27.746800	-176.029970
94	27.749030	-176.031780

Table C-5 Lisianski Island Special Preservation Area

Point ID	Latitude	Longitude
1	25.940390	-173.790690
2	25.910770	-173.795060
3	25.910770	-173.795060
4	25.871480	-173.850890
5	25.879490	-173.891610
6	25.879980	-173.943990
7	25.963710	-174.108790
8	25.979580	-174.120000
9	26.000210	-174.142570
10	26.040550	-174.157290
11	26.122730	-174.154820
12	26.174970	-174.133330
13	26.212150	-174.085540
14	26.217240	-174.050590
15	26.212430	-173.982900
16	26.183310	-173.933330
17	26.142200	-173.896560
18	26.119380	-173.861860
19	26.085600	-173.822290
20	26.041640	-173.799990
21	26.008310	-173.766660
22	25.988250	-173.752100
23	25.971020	-173.752830

Table C-6 Laysan Island Special Preservation Area

Point ID	Latitude	Longitude
1	25.716670	-171.650000
2	25.700000	-171.666670
3	25.691670	-171.700000
4	25.700000	-171.708330
5	25.700000	-171.733330
6	25.691670	-171.750000
7	25.691670	-171.783330
8	25.708330	-171.816670
9	25.758330	-171.850000
10	25.791670	-171.866670
11	25.833330	-171.875000
12	25.866670	-171.850000
13	25.883330	-171.833330
14	25.900000	-171.800000
15	25.900000	-171.766670
16	25.883330	-171.675000
17	25.866670	-171.625000

18	25.833330	-171.600000
19	25.791670	-171.591670
20	25.766670	-171.600000
21	25.741670	-171.616670
22	25.725000	-171.633330
23	25.716670	-171.650000

Table C-7 Maro Reef Special Preservation Area

Point ID	Latitude	Longitude
1	25.566690	-170.517140
2	25.466690	-170.408800
3	25.375020	-170.350470
4	25.258350	-170.408800
5	25.250020	-170.425470
6	25.258350	-170.542140
7	25.283350	-170.592140
8	25.300020	-170.650470
9	25.316690	-170.767140
10	25.333350	-170.800470
11	25.358350	-170.808800
12	25.391690	-170.867140
13	25.450020	-170.892140
14	25.525020	-170.900470
15	25.550020	-170.900470
16	25.583350	-170.875470
17	25.625020	-170.808810
18	25.633350	-170.775470
19	25.633350	-170.708800
20	25.616690	-170.683810
21	25.591690	-170.575470
22	25.566690	-170.517140

Table C-8 Necker Island Special Preservation Area

Point ID	Latitude	Longitude
1	23.642160	-164.551780
2	23.613240	-164.535150
3	23.588260	-164.530180
4	23.550990	-164.527340
5	23.522830	-164.509770
6	23.490850	-164.451480
7	23.480450	-164.441650
8	23.462880	-164.393270
9	23.463220	-164.368120
10	23.449040	-164.327110
11	23.431280	-164.304620
12	23.396860	-164.282330
13	23.357080	-164.270620
14	23.308700	-164.250210

15	23.289700	-164.256760
16	23.279120	-164.267160
17	23.256820	-164.275850
18	23.235370	-164.298150
19	23.232530	-164.336710
20	23.238010	-164.369100
21	23.256190	-164.395600
22	23.263000	-164.457020
23	23.270370	-164.470630
24	23.291640	-164.483330
25	23.308310	-164.525000
26	23.308870	-164.596130
27	23.299420	-164.630360
28	23.300400	-164.641120
29	23.313770	-164.639170
30	23.323870	-164.629710
31	23.326810	-164.618950
32	23.342460	-164.621560
33	23.353870	-164.609170
34	23.406430	-164.588630
35	23.444900	-164.579500
36	23.455990	-164.605580
37	23.466750	-164.609170
38	23.479950	-164.622600
39	23.490020	-164.651170
40	23.496910	-164.695970
41	23.496540	-164.733520
42	23.484440	-164.769800
43	23.502770	-164.782090
44	23.509200	-164.799290
45	23.523370	-164.810810
46	23.537360	-164.832550
47	23.567430	-164.847030
48	23.600880	-164.834360
49	23.616190	-164.819810
50	23.622430	-164.801100
51	23.621480	-164.768400
52	23.631120	-164.738540
53	23.650580	-164.687890
54	23.663250	-164.624580
55	23.656440	-164.575820
56	23.642160	-164.551780

Table C-9 Nihoa Island Special Preservation Area

Point ID	Latitude	Longitude
1	23.099610	-161.971310
2	23.100370	-161.970570
3	23.101120	-161.969810

4	23.101850	-161.969040
5	23.102580	-161.968250
6	23.103290	-161.967450
7	23.103990	-161.966630
8	23.104680	-161.965800
9	23.105350	-161.964950
10	23.106020	-161.964090
11	23.106670	-161.963220
12	23.107310	-161.962340
13	23.107930	-161.961440
14	23.108540	-161.960530
15	23.109140	-161.959610
16	23.109720	-161.958670
17	23.110290	-161.957730
18	23.110850	-161.956770
19	23.111390	-161.955800
20	23.111910	-161.954820
21	23.112420	-161.953830
22	23.112920	-161.952830
23	23.113400	-161.951820
24	23.113870	-161.950800
25	23.114320	-161.949770
26	23.114750	-161.948740
27	23.115170	-161.947690
28	23.115580	-161.946640
29	23.115970	-161.945570
30	23.116340	-161.944500
31	23.116700	-161.943420
32	23.117040	-161.942340
33	23.117360	-161.941250
34	23.117670	-161.940150
35	23.117960	-161.939050
36	23.118240	-161.937940
37	23.118500	-161.936820
38	23.118740	-161.935700
39	23.118970	-161.934580
40	23.119170	-161.933450
41	23.119370	-161.932320
42	23.119540	-161.931180
43	23.119700	-161.930040
44	23.119840	-161.928900
45	23.119960	-161.927750
46	23.120070	-161.926610
47	23.120160	-161.925460
48	23.120230	-161.924310
49	23.120290	-161.923150
50	23.120320	-161.922000
51	23.120350	-161.920850

52	23.120350	-161.919690
53	23.120340	-161.918540
54	23.120300	-161.917390
55	23.120260	-161.916240
56	23.120190	-161.915090
57	23.120110	-161.913940
58	23.120010	-161.912790
59	23.119890	-161.911640
60	23.119760	-161.910500
61	23.119610	-161.909360
62	23.119440	-161.908230
63	23.119250	-161.907090
64	23.119050	-161.905970
65	23.118830	-161.904840
66	23.118600	-161.903720
67	23.118350	-161.902610
68	23.118080	-161.901500
69	23.117790	-161.900400
70	23.117490	-161.899300
71	23.117170	-161.898210
72	23.116840	-161.897130
73	23.116490	-161.896050
74	23.116190	-161.895200
75	23.116120	-161.894980
76	23.115770	-161.894010
77	23.115740	-161.893920
78	23.115340	-161.892870
79	23.114930	-161.891820
80	23.114500	-161.890790
81	23.114050	-161.889760
82	23.113590	-161.888740
83	23.113110	-161.887740
84	23.112620	-161.886740
85	23.112120	-161.885750
86	23.111600	-161.884770
87	23.111070	-161.883810
88	23.110520	-161.882850
89	23.109950	-161.881910
90	23.109380	-161.880970
91	23.108780	-161.880050
92	23.108180	-161.879150
93	23.107560	-161.878250
94	23.106930	-161.877370
95	23.106280	-161.876500
96	23.105630	-161.875640
97	23.104950	-161.874800
98	23.104270	-161.873970
99	23.103580	-161.873160

100	23.102870	-161.872360
101	23.102150	-161.871570
102	23.101420	-161.870800
103	23.100670	-161.870040
104	23.099920	-161.869300
105	23.099160	-161.868580
106	23.098380	-161.867870
107	23.097960	-161.867500
108	23.097590	-161.867180
109	23.096790	-161.866500
110	23.095990	-161.865840
111	23.095170	-161.865200
112	23.094350	-161.864570
113	23.093510	-161.863960
114	23.092670	-161.863370
115	23.091810	-161.862790
116	23.090950	-161.862240
117	23.090080	-161.861700
118	23.089200	-161.861170
119	23.088320	-161.860670
120	23.087420	-161.860180
121	23.086530	-161.859720
122	23.085620	-161.859270
123	23.084700	-161.858840
124	23.083780	-161.858420
125	23.082860	-161.858030
126	23.081930	-161.857660
127	23.080990	-161.857300
128	23.080040	-161.856970
129	23.079100	-161.856650
130	23.078140	-161.856350
131	23.077190	-161.856080
132	23.076220	-161.855820
133	23.075260	-161.855580
134	23.074290	-161.855360
135	23.073320	-161.855160
136	23.072350	-161.854990
137	23.071370	-161.854830
138	23.070390	-161.854690
139	23.069410	-161.854570
140	23.068430	-161.854470
141	23.067440	-161.854390
142	23.066450	-161.854330
143	23.065470	-161.854290
144	23.064480	-161.854280
145	23.063490	-161.854280
146	23.062510	-161.854300
147	23.061520	-161.854340

148	23.060530	-161.854400
149	23.059550	-161.854490
150	23.058570	-161.854590
151	23.057580	-161.854710
152	23.056600	-161.854850
153	23.055630	-161.855020
154	23.054650	-161.855200
155	23.053670	-161.855400
156	23.052710	-161.855620
157	23.051740	-161.855860
158	23.050780	-161.856120
159	23.049820	-161.856410
160	23.048870	-161.856710
161	23.047910	-161.857030
162	23.046970	-161.857360
163	23.046030	-161.857720
164	23.045100	-161.858100
165	23.044170	-161.858500
166	23.043240	-161.858910
167	23.042330	-161.859350
168	23.041420	-161.859800
169	23.040510	-161.860270
170	23.039620	-161.860760
171	23.038730	-161.861260
172	23.037850	-161.861790
173	23.036980	-161.862330
174	23.036110	-161.862890
175	23.035250	-161.863470
176	23.034400	-161.864070
177	23.033570	-161.864680
178	23.032740	-161.865310
179	23.031910	-161.865960
180	23.031100	-161.866620
181	23.030310	-161.867300
182	23.029510	-161.868000
183	23.028730	-161.868710
184	23.027960	-161.869430
185	23.027200	-161.870180
186	23.026460	-161.870940
187	23.025720	-161.871710
188	23.025000	-161.872500
189	23.024280	-161.873300
190	23.023580	-161.874120
191	23.022900	-161.874950
192	23.022220	-161.875790
193	23.021560	-161.876650
194	23.020910	-161.877520
195	23.020270	-161.878410

196	23.019650	-161.879310
197	23.019030	-161.880220
198	23.018440	-161.881140
199	23.017860	-161.882070
200	23.017290	-161.883020
201	23.016730	-161.883980
202	23.016190	-161.884940
203	23.015670	-161.885920
204	23.015150	-161.886910
205	23.014660	-161.887910
206	23.014170	-161.888920
207	23.013710	-161.889940
208	23.013260	-161.890970
209	23.012820	-161.892010
210	23.012400	-161.893060
211	23.012000	-161.894110
212	23.011610	-161.895170
213	23.011230	-161.896240
214	23.010880	-161.897320
215	23.010540	-161.898410
216	23.010210	-161.899500
217	23.009900	-161.900590
218	23.009610	-161.901700
219	23.009340	-161.902810
220	23.009080	-161.903920
221	23.008840	-161.905040
222	23.008610	-161.906170
223	23.008400	-161.907300
224	23.008210	-161.908430
225	23.008160	-161.908750
226	23.008030	-161.909560
227	23.007880	-161.910700
228	23.007740	-161.911850
229	23.007610	-161.912990
230	23.007550	-161.913660
231	23.007510	-161.914140
232	23.007420	-161.915290
233	23.007340	-161.916440
234	23.007290	-161.917590
235	23.007250	-161.918740
236	23.007230	-161.919900
237	23.007230	-161.921050
238	23.007240	-161.922210
239	23.007270	-161.923360
240	23.007270	-161.923360
241	23.007320	-161.924510
242	23.007380	-161.925660
243	23.007470	-161.926810

244	23.007570	-161.927960
245	23.007680	-161.929100
246	23.007820	-161.930240
247	23.007970	-161.931380
248	23.008140	-161.932520
249	23.008320	-161.933650
250	23.008520	-161.934780
251	23.008740	-161.935900
252	23.008980	-161.937020
253	23.009230	-161.938140
254	23.009500	-161.939240
255	23.009780	-161.940350
256	23.010080	-161.941440
257	23.010400	-161.942530
258	23.010740	-161.943620
259	23.011090	-161.944690
260	23.011460	-161.945760
261	23.011840	-161.946820
262	23.012240	-161.947880
263	23.012650	-161.948920
264	23.013080	-161.949960
265	23.013520	-161.950980
266	23.013990	-161.952000
267	23.014460	-161.953010
268	23.014950	-161.954010
269	23.015460	-161.955000
270	23.015980	-161.955970
271	23.016510	-161.956940
272	23.017060	-161.957900
273	23.017620	-161.958840
274	23.018200	-161.959770
275	23.018790	-161.960690
276	23.019400	-161.961600
277	23.019480	-161.961720
278	23.019600	-161.961890
279	23.020010	-161.962500
280	23.020650	-161.963380
281	23.021290	-161.964250
282	23.021950	-161.965100
283	23.022620	-161.965950
284	23.023300	-161.966770
285	23.024000	-161.967590
286	23.024710	-161.968390
287	23.025430	-161.969170
288	23.026160	-161.969950
289	23.026900	-161.970700
290	23.027650	-161.971440
291	23.028420	-161.972170

292	23.029200	-161.972870
293	23.029980	-161.973570
294	23.030780	-161.974240
295	23.031590	-161.974900
296	23.032400	-161.975550
297	23.033230	-161.976170
298	23.034060	-161.976780
299	23.034910	-161.977380
300	23.035760	-161.977950
301	23.036620	-161.978510
302	23.037490	-161.979050
303	23.038370	-161.979570
304	23.039260	-161.980080
305	23.040150	-161.980560
306	23.041050	-161.981030
307	23.041960	-161.981480
308	23.042870	-161.981910
309	23.043790	-161.982320
310	23.044720	-161.982710
311	23.045650	-161.983090
312	23.046590	-161.983440
313	23.047530	-161.983780
314	23.048480	-161.984090
315	23.049430	-161.984390
316	23.050390	-161.984670
317	23.051350	-161.984930
318	23.052320	-161.985160
319	23.053290	-161.985380
320	23.054260	-161.985580
321	23.055230	-161.985760
322	23.056210	-161.985920
323	23.057190	-161.986060
324	23.058170	-161.986180
325	23.059150	-161.986280
326	23.060130	-161.986350
327	23.061120	-161.986410
328	23.062110	-161.986450
329	23.063090	-161.986470
330	23.064080	-161.986470
331	23.065070	-161.986450
332	23.066060	-161.986400
333	23.067040	-161.986340
334	23.068030	-161.986260
335	23.069010	-161.986160
336	23.069990	-161.986030
337	23.070970	-161.985890
338	23.071950	-161.985730
339	23.072930	-161.985550

340	23.073900	-161.985350
341	23.074870	-161.985120
342	23.075830	-161.984880
343	23.076800	-161.984620
344	23.077760	-161.984340
345	23.078710	-161.984040
346	23.079660	-161.983720
347	23.080610	-161.983380
348	23.081550	-161.983020
349	23.082480	-161.982650
350	23.083410	-161.982250
351	23.084330	-161.981830
352	23.085250	-161.981400
353	23.086160	-161.980950
354	23.087060	-161.980480
355	23.087960	-161.979990
356	23.088850	-161.979480
357	23.089730	-161.978960
358	23.090600	-161.978410
359	23.091470	-161.977850
360	23.092320	-161.977270
361	23.093170	-161.976680
362	23.094010	-161.976060
363	23.094840	-161.975430
364	23.095660	-161.974790
365	23.096470	-161.974130
366	23.097270	-161.973450
367	23.098060	-161.972750
368	23.098840	-161.972040

Midway Atoll Special Management Area Boundary Coordinates

[Coordinates listed in this Appendix are unprojected (Geographic) and based on the North American Datum of 1983.]

Point	Latitude	Longitude
1	27.997920	-177.312670
2	27.991240	-177.363420
3	27.992160	-177.417620
4	27.999620	-177.470820
5	28.015160	-177.518750
6	28.036610	-177.553930
7	28.068170	-177.594240
8	28.105720	-177.620360
9	28.148620	-177.643950
10	28.201340	-177.655070
11	28.214300	-177.656000
12	28.236740	-177.650280

13	28.258770	-177.651870
14	28.297350	-177.637040
15	28.316240	-177.625190
16	28.338040	-177.607680
17	28.369970	-177.595290
18	28.404180	-177.565440
19	28.436280	-177.526610
20	28.460440	-177.490130
21	28.475910	-177.445680
22	28.482310	-177.424090
23	28.484800	-177.378720
24	28.481280	-177.324120
25	28.464920	-177.265700
26	28.442740	-177.218650
27	28.412680	-177.172550
28	28.376800	-177.137820
29	28.332440	-177.115740
30	28.268790	-177.089450
31	28.214270	-177.087250
32	28.179270	-177.084890
33	28.156690	-177.093630
34	28.125950	-177.109140
35	28.097800	-177.124810
36	28.067810	-177.150600
37	28.039860	-177.186770
38	28.021050	-177.222070
39	28.005720	-177.264920
40	27.997920	-177.312670

[FR Doc. 06-5725

Filed 6-23-06; 8:45 am]

Billing code 3195-01-C

S6.1.4.1 Vehicles manufactured on or after September 1, 1998 and before September 1, 2007 are not required to comply with the requirements specified in S7.

S6.1.4.2 Vehicles manufactured on or after September 1, 2007 shall comply with the requirements specified in S7.

* * * * *

Issued on: August 22, 2006.

Nicole R. Nason,

Administrator.

[FR Doc. E6-14259 Filed 8-28-06; 8:45 am]

BILLING CODE 4910-59-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 404

[Docket No. 060824225-6225-01]

RIN 0648-AU82

Northwestern Hawaiian Islands Marine National Monument

AGENCIES: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC); United States Fish and Wildlife Service (USFWS), Department of the Interior (DOI).

ACTION: Final rule.

SUMMARY: NOAA and the USFWS are issuing final regulations for the Northwestern Hawaiian Islands Marine National Monument. This action codifies the prohibitions and management measures set forth in Presidential Proclamation 8031 establishing the Monument. The rule is effective immediately.

DATES: *Effective date:* These regulations are effective August 25, 2006. Written comments on the information collection requirement must be received by October 30, 2006.

ADDRESSES: Submit written comments regarding the burden-hour estimates or other aspects of the information collection requirements contained in this proposed rule by e-mail to Diana Hynek at dHynek@noaa.gov.

Coordinates for the outer boundary of the Monument, the Special Preservation Areas, the Ecological Reserves, and the Midway Atoll Special Management Area can be found at: <http://hawaiireef.noaa.gov/management/>.

FOR FURTHER INFORMATION CONTACT: NOAA contact: T. Aulani Wilhelm, Monument Superintendent (NOAA); 6600 Kalanianaʻole Highway, #300, Honolulu, HI 96825; (808) 397-2657.

FWS contact: Barry Stieglitz, Monument Project Leader (USFWS); Hawaiian and Pacific Islands NWR Complex, 300 Ala Moana Boulevard, Box 50167, Honolulu, HI 96850-5000; 808-792-9540.

State of Hawaii contact: Athline Clark, Special Projects Manager, Department of Land and Natural Resources, Division of Aquatic Resources; 1151 Punchbowl Street, Room 330, Honolulu, HI 96813; (808) 587-0099.

SUPPLEMENTARY INFORMATION: On June 15, 2006, President Bush established the Northwestern Hawaiian Islands Marine National Monument by issuing Presidential Proclamation 8031 (71 FR 36443, June 26, 2006) under the authority of the Antiquities Act (Act) (16 U.S.C. 431). The Proclamation reserves all lands and interests in lands owned or controlled by the Government of the United States in the Northwestern Hawaiian Islands (NWHI), including emergent and submerged lands and waters, out to a distance of approximately 50 nautical miles (nmi) from the islands. The outer boundary of the Monument is approximately 100 nmi wide and extends approximately 1200 nmi around coral islands, seamounts, banks, and shoals. The area includes the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve, the Midway Atoll National Wildlife Refuge/Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge.

The Proclamation appropriated and withdrew the area from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, including, but not limited to, withdrawal from location, entry, and patent under mining laws, and from disposition under all laws relating to mineral and geothermal leasing.

The Proclamation provides that the Secretary of Commerce, through NOAA, has primary responsibility regarding the management of the marine areas of the Monument, in consultation with the Secretary of the Interior. The Secretary of the Interior, through the USFWS, has sole responsibility for management of the areas of the Monument that overlay the Midway Atoll National Wildlife Refuge, the Battle of Midway National Memorial, and the Hawaiian Islands National Wildlife Refuge, in consultation with the Secretary of Commerce. Further, the Proclamation

provides that nothing in the Proclamation diminishes or enlarges the jurisdiction of the State of Hawaii. The Monument includes state waters, including the Northwestern Hawaiian Islands State Marine Refuge and Kure Atoll Wildlife Sanctuary. The State currently holds the submerged and ceded lands of the NWHI in trust. This public trust is overseen by the Office of Hawaiian Affairs through an amendment to the Constitution of the State of Hawaii. The State of Hawaii has primary responsibility for managing the State waters of the Monument.

The three principal entities with responsibility for managing lands and waters of the Monument—NOAA, USFWS, and the State of Hawaii (collectively, the Co-Trustees)—are working cooperatively and will consult to administer the Monument. The Co-Trustees have established a goal to provide unified management in the spirit of cooperative conservation. This relationship will be further described in a Memorandum of Agreement among the Co-Trustees.

The Proclamation requires restrictions and prohibitions regarding activities in the Monument consistent with the authority provided by the Act. The Proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law. NOAA and USFWS are promulgating as final regulations the management measures and prohibitions set forth in the Proclamation to codify them in the Code of Federal Regulations. This action will provide additional notice to the public and other interested parties of the terms of the Proclamation and activities that are prohibited or regulated and thereby facilitate improved compliance. Interested parties may view Hawaii Administrative Rules also applicable within the Monument at http://www.hawaii.gov/dlnr/dar/fish_regs/nwhi.htm.

These regulations address the requirement in the Proclamation that the Secretaries shall ensure, in addition to other things, that commercial fishing for bottomfish and other associated pelagic species may continue in the Monument for no more than 5 years. Section 404.10 sets out the conditions under which such fishing may continue to be conducted. However, commercial fishing remains prohibited in areas of the Monument not open to such fishing prior to issuance of the Proclamation.

Classification

Administrative Procedure Act

The Secretaries find good cause to waive notice and comment on these regulations, pursuant to 5 U.S.C. 533(b)(B), and the 30-day delay in effective date pursuant to 5 U.S.C. 553(d). Notice and comment are unnecessary and contrary to the public interest because these regulations do not expand on the action already taken by the President in the Proclamation. The Proclamation became effective upon issuance on June 15, 2006. These regulations codify the prohibitions and management measures set forth in the Proclamation. Therefore, these regulations are being published as final

regulations and are effective August 25, 2006.

E.O. 12866

This rule has been determined to be significant for purposes of E.O. 12866.

Paperwork Reduction Act

This rule contains a collection-of-information requirement that was submitted to OMB for emergency approval under the Paperwork Reduction Act (PRA). The collection-of-information requirement was approved by OMB and granted OMB control number 0648-0548 which expires on February 28, 2007. We are now requesting comment on this information collection requirement for OMB's

subsequent review and approval on a non-emergency basis.

The public reporting burden for this information collection is described in the table below. The public reporting burden for permit applications and associated reporting requirements is estimated to average 1 hour per response. The public reporting burden for entry and exit notification is expected to average 15 minutes per response. The public reporting burden for VMS checklist certification is estimated to average 5 minutes per response. Each of these public reporting burdens includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

APPLICANT BURDEN

Permit type	Permits and other reporting per year	Responses per requirement	Total responses	Hours/response	Total hours	Annual record-keeping/reporting cost per response (dollar)	Total annual cost (dollar)
(a) General	33	3	99	1	99	1.00	99.00
(b) Special Ocean Use	5	3	15	24	360	1.00	15.00
(c) Native Hawaiian Practices.	2	2	4	4	16	1.00	4.00
(d) Recreation	2	3	6	1	6	1.00	6.00
(e) Entry & Exit Notice	174	2	348	5 minutes	29	0.00	0.00
(f) Purchase and installation of VMS.	50	NA	NA	4 hours	50	899 (initial cost: \$3595).	44,950.00
(g) VMS maintenance	50	NA	NA	4 hours	200	0	0
(h) VMS Certification	50	0.25	12.5	5 minutes	4	0.25	13.00
(i) Hourly VMS reports	50	3805	190,224	5 seconds	264	1.28/day	10,145.00
Total	124	190,709	1028	55,232.00

Note: VMS installation and activation hours and purchase costs are annualized by dividing by 4 years, the expected service life.

Public comment is sought regarding: whether this collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the burden estimate; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information, including through the use of automated collection techniques or other forms of information technology. Send comments on these or any other aspects of the collection of information to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230, or via e-mail at dHynek@noaa.gov.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject

to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

List of Subjects in 50 CFR Part 404

Administrative practice and procedure, Coastal zone, Fish, Fisheries, Historic preservation, Intergovernmental relations, Marine resources, Monuments and memorials, Natural resources, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Dated: August 24, 2006.

Conrad C. Lautenbacher Jr.,
Vice Admiral, U.S. Navy (Ret.),
Undersecretary of Commerce for Oceans and Atmosphere.

Dated: August 24, 2006.

David M. Verhey,
Acting Assistant Secretary for Fish and Wildlife and Parks.

■ Accordingly, NOAA and USFWS add part 404, title 50 of the Code of Federal Regulations as follows:

PART 404—NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT

- Sec.
- 404.1 Scope and purpose.
- 404.2 Boundary.
- 404.3 Definitions.
- 404.4 Access to the Monument.
- 404.5 Requirements for a vessel monitoring system.
- 404.6 Prohibited activities.
- 404.7 Regulated activities.
- 404.8 Emergencies and law enforcement activities.
- 404.9 Armed Forces actions.
- 404.10 Commercial fishing.
- 404.11 Permitting procedures and criteria.
- 404.12 International law.
- Appendix A to Part 404—Map of the Monument Outer Boundary and Ecological Reserves, Special Preservation Areas, and Midway Atoll Special Management Area
- Appendix B to Part 404—Approved Vessel Monitoring Systems

Authority: 16 U.S.C. 431 *et seq.*; 16 U.S.C. 460k-3; 16 U.S.C. 1801 *et seq.*; 16 U.S.C. 742f, 16 U.S.C. 742l, and 16 U.S.C. 668dd-

ee; 16 U.S.C. 1361 *et seq.*; 16 U.S.C. 1531 *et seq.*, Pub. L. No. 106–513, § 6(g) (2000).

§ 404.1 Scope and purpose.

The regulations in this part codify the provisions of Presidential Proclamation 8031, and govern the administration of the Northwestern Hawaiian Islands Marine National Monument. These regulations are jointly implemented by the Secretaries of the Interior, through the U.S. Fish and Wildlife Service (USFWS), and Commerce, through the National Oceanic and Atmospheric Administration (NOAA). Nothing in these regulations shall be deemed to diminish or enlarge the jurisdiction of the State of Hawaii.

§ 404.2 Boundary.

The Northwestern Hawaiian Islands Marine National Monument consists of all lands and interest in lands owned or controlled by the Government of the United States within the boundaries of the Monument, including emergent and submerged lands and waters of the Northwestern Hawaiian Islands. The map in Appendix A to this part 404 depicts the outer boundary of the Monument, which consists of the geodetic lines connecting the coordinates specified in the Proclamation.

§ 404.3 Definitions.

The following definitions are applicable only to this Part.

Attract or Attracting means luring or attempting to lure a living resource by any means, except the mere presence of human beings (e.g., swimmers, divers, boaters).

Bottomfish Species means Bottomfish management unit species as defined at 50 CFR 665.12.

Commercial Bottomfishing means commercial fishing for bottomfish species.

Commercial passenger vessel means a vessel that carries individuals who have paid for such carriage.

Commercial pelagic trolling means commercial fishing for pelagic species.

Deserting a vessel means:

(1) Leaving a vessel aground or adrift:
(i) Without notifying the Secretaries of the vessel going aground or adrift within 12 hours of its discovery and developing and presenting to the Secretaries a preliminary salvage plan within 24 hours of such notification;

(ii) After expressing or manifesting intention to not undertake or to cease salvage efforts; or

(iii) When the Secretaries are unable, after reasonable efforts, to reach the owner/operator within 12 hours of the vessel's condition being reported to authorities.

(2) Leaving a vessel at anchor when its condition creates potential for a grounding, discharge, or deposit and the owner/operator fails to secure the vessel in a timely manner.

Ecological Reserve means the areas of the Monument, identified in the Proclamation, consisting of contiguous, diverse habitats that provide natural spawning, nursery, and permanent residence areas for the replenishment and genetic protection of marine life, and also to protect and preserve natural assemblages of habitats and species within areas representing a broad diversity of resources and habitats found within the Monument. Specific coordinates for Ecological Reserves within the Monument are found in the Proclamation, and the Ecological Reserves consist of the areas within the geodetic lines connecting these coordinates. The Ecological Reserves are depicted on the map in Appendix A to part 404.

Ecological integrity means a condition determined to be characteristic of an ecosystem that has the ability to maintain the function, structure, and abundance of natural biological communities, including rates of change in response to natural environmental variation.

Fishing year means the year beginning at 0001 local time on January 1 and ending at 2400 local time on December 31.

Introduced Species means:

(1) A species (including, but not limited to, any of its biological matter capable of propagation) that is non-native to the ecosystem(s) protected by the Monument; or

(2) Any organism into which genetic matter from another species has been transferred in order that the host organism acquires the genetic traits of the transferred genes.

Landing means offloading fish from a fishing vessel or causing fish to be offloaded from a fishing vessel.

Midway Atoll Special Management Area means the area of the Monument surrounding Midway Atoll out to a distance of 12 nautical miles, established for the enhanced management, protection, and preservation of Monument wildlife and historical resources. The geographic coordinates of this area, which consists of the area within the geodetic lines connecting these coordinates, are found in the Proclamation. The Midway Atoll Special Management Area is depicted on the map in Appendix A to part 404.

Mobile transceiver unit means a vessel monitoring system or VMS device, as described in Appendix E to this Part, installed on board a vessel that is used

for vessel monitoring and transmitting the vessel's position as required by this Part.

Monument means the Northwestern Hawaiian Islands Marine National Monument.

Native Hawaiian Practices means cultural activities conducted for the purposes of perpetuating traditional knowledge, caring for and protecting the environment and strengthening cultural and spiritual connections to the Northwestern Hawaiian Islands that have demonstrable benefits to the Native Hawaiian community. This may include, but is not limited to, the non-commercial use of Monument resources for direct personal consumption while in the Monument.

Ocean-based ecotourism means a class of fee-for-service activities that involves visiting the Monument for study, enjoyment, or volunteer assistance for purposes of conservation and management.

Office for Law Enforcement (OLE) refers to NOAA, National Marine Fisheries Service, Office for Law Enforcement.

Pelagic Species means Pacific Pelagic Management Unit Species as defined at 50 CFR 665.12.

Pono means appropriate, correct, and deemed necessary by traditional standards in the Hawaiian culture.

Proclamation means Presidential Proclamation 8031, dated June 15, 2006 (71 FR 36443).

Recreational activity means an activity conducted for personal enjoyment that does not result in the extraction of Monument resources and that does not involve a fee-for-service transaction. This includes, but is not limited to, wildlife viewing, SCUBA diving, snorkeling, and boating.

Secretaries means the Secretary of Commerce and the Secretary of the Interior or their designees.

Special Preservation Area (SPA) means discrete, biologically important areas of the Monument, identified in the Proclamation, within which uses are subject to conditions, restrictions, and prohibitions, including but not limited to access restrictions. SPAs are used to avoid concentrations of uses that could result in declines in species populations or habitat, to reduce conflicts between uses, to protect areas that are critical for sustaining important marine species or habitats, or to provide opportunities for scientific research. Specific coordinates for Special Preservation Areas within the Monument are found in the Proclamation, and the Special Preservation Areas consist of the areas within the geodetic lines connecting these coordinates. The Special

Preservation Areas are depicted on the map in Appendix A to part 404.

Special ocean use means an activity or use of the Monument that is engaged in to generate revenue or profits for one or more of the persons associated with the activity or use, and does not destroy, cause the loss of, or injure Monument resources. This includes ocean-based ecotourism and other activities such as educational and research activities that are engaged in to generate revenue, but does not include commercial fishing for bottomfish or pelagic species conducted pursuant to a valid permit issued by NOAA.

Stowed and not available for immediate use means not readily accessible for immediate use, e.g., by being securely covered and lashed to a deck or bulkhead, tied down, unbaited, unloaded, or partially disassembled (such as spear shafts being kept separate from spear guns).

Sustenance fishing means fishing for bottomfish or pelagic species in which all catch is consumed within the Monument, and that is incidental to an activity permitted under this part.

Vessel monitoring system or VMS means a vessel monitoring system or mobile transceiver unit as described in § 404.5 and approved by Office for Law Enforcement for use on vessels permitted to access the Monument, as required by this Part.

§ 404.4 Access to the Monument.

(a) Entering the Monument is prohibited and thus unlawful except:

- (1) As provided in §§ 404.8 and 404.9;
- (2) Pursuant to a permit issued under §§ 404.10 or 404.11; or

(3) When conducting passage without interruption in accordance with paragraph (b) of this section.

(b) Any person passing through the Monument without interruption is subject to the prohibitions in §§ 404.5, 404.6, and 404.7 and must provide notification prior to entering and after leaving the Monument. Notification of entry must be provided at least 72 hours, but no longer than 1 month, prior to the entry date. Notification of departure from the Monument must be provided within 12 hours of leaving. Notification under this paragraph may be made via e-mail, telephone or fax by contacting:

(1) E-mail:
nwhi.notifications@commat.noaa.gov;
or

(2) Telephone: 1-866-478-NWHI (6944); or (808) 395-NWHI (6944).

(c) A person providing notice under this paragraph must provide the following information, as applicable:

(1) Position when making report.

(2) Vessel name and International Maritime Organization identification number.

(3) Name, address, and telephone number of owner and operator.

(4) USCG documentation, state license, or registration number.

(5) Home port.

(6) Intended and actual route through the Monument.

(7) General categories of any hazardous cargo on board.

(8) Length of vessel and propulsion type (e.g., motor or sail).

§ 404.5 Requirements for a vessel monitoring system.

(a) *Requirement for use.* Effective August 28, 2006, an owner or operator of a vessel that has been issued a permit for accessing the Monument must ensure that such vessel has an OLE-approved, operating VMS on board when voyaging within the Monument. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and OLE as provided by an OLE-approved communication service provider. Appendix B to this part 404 provides information regarding OLE-approved transmitting units.

(b) *Installing and activating the VMS.* Only a VMS that has been approved by OLE may be used. When installing and activating the OLE-approved VMS, or when reinstalling and reactivating such VMS, the vessel owner or operator must:

(1) Follow procedures indicated on an installation and activation checklist, which is available from OLE; and

(2) Submit to OLE a statement certifying compliance with the checklist, as prescribed on the checklist.

(c) *Interference with the VMS.* No person may interfere with, tamper with, alter, damage, disable, or impede the operation of the VMS, or attempt any of the same.

(d) *Interruption of operation of the VMS.* When a vessel's VMS is not operating properly, the owner or operator must immediately contact OLE, and follow instructions from that office. If notified by OLE that a vessel's VMS is not operating properly, the owner and operator must follow instructions from that office. In either event, such instructions may include, but are not limited to, manually communicating to a location designated by OLE the vessel's positions or returning to port until the VMS is operable.

(e) *Access to position data.* As a condition of authorized access to the Monument, a vessel owner or operator subject to the requirements for a VMS in this section must allow OLE, the USCG,

and their authorized officers and designees access to the vessel's position data obtained from the VMS. Consistent with other applicable laws, including the limitations on access to, and use of, VMS data collected under the Magnuson-Stevens Fishery Conservation and Management Act, the Secretaries may have access to, and use of, collected data for scientific, statistical, and management purposes.

(f) *Authority for installation and operation.* OLE has authority over the installation and operation of the VMS unit. OLE may authorize the connection or order the disconnection of additional equipment, including a computer, to any VMS unit when deemed appropriate by OLE.

(g) *Activities Regarding Vessel Monitoring Systems.* Effective August 28, 2006, the following activities regarding vessel monitoring systems are prohibited and thus unlawful for any person to conduct or cause to be conducted:

(1) Operating any vessel within the Monument without an OLE type-approved mobile transceiver unit described in this section;

(2) Failing to install, activate, repair, or replace a mobile transceiver unit prior to leaving port;

(3) Failing to operate and maintain a mobile transceiver unit on board the vessel at all times as specified in this section;

(4) Tampering with, damaging, destroying, altering, or in any way distorting, rendering useless, inoperative, ineffective, or inaccurate the VMS, mobile transceiver unit, or VMS signal required to be installed on or transmitted by a vessel as specified in this section;

(5) Failing to contact OLE or follow OLE instructions when automatic position reporting has been interrupted as specified in this section;

(6) Registering a VMS or mobile transceiver unit to more than one vessel at the same time;

(7) Connecting or leaving connected additional equipment to a VMS unit or mobile transceiver unit without the prior approval of OLE; and

(8) Making a false statement, oral or written, to an authorized officer regarding the installation, use, operation, or maintenance of a VMS unit or mobile transceiver unit or communication service provider.

§ 404.6 Prohibited activities.

The following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted:

(a) Exploring for, developing, or producing oil, gas, or minerals within the Monument;

(b) Using or attempting to use poisons, electrical charges, or explosives in the collection or harvest of a Monument resource;

(c) Introducing or otherwise releasing an introduced species from within or into the Monument; and

(d) Anchoring on or having a vessel anchored on any living or dead coral with an anchor, anchor chain, or anchor rope.

§ 404.7 Regulated activities.

Except as provided in §§ 404.8, 404.9 and 404.10, the following activities are prohibited and thus unlawful for any person to conduct or cause to be conducted within the Monument without a valid permit as provided for in § 404.11:

(a) Removing, moving, taking, harvesting, possessing, injuring, disturbing, or damaging; or attempting to remove, move, take, harvest, possess, injure, disturb, or damage any living or nonliving Monument resource;

(b) 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;

(c) Anchoring a vessel;

(d) Deserting a vessel aground, at anchor, or adrift;

(e) Discharging or depositing any material or other matter into Special Preservation Areas or the Midway Atoll Special Management Area except vessel engine cooling water, weather deck runoff, and vessel engine exhaust;

(f) Discharging or depositing any material or other matter into the Monument, or discharging or depositing any material or other matter outside the Monument that subsequently enters the Monument and injures any resources of the Monument, except fish parts (i.e., chumming material or bait) used in and during authorized fishing operations, or discharges incidental to vessel use such as deck wash, approved marine sanitation device effluent, cooling water, and engine exhaust;

(g) Touching coral, living or dead;

(h) Possessing fishing gear except when stowed and not available for immediate use during passage without interruption through the Monument;

(i) Swimming, snorkeling, or closed or open circuit SCUBA diving within any Special Preservation Area or the Midway Atoll Special Management Area; and

(j) Attracting any living Monument resource.

§ 404.8 Emergencies and law enforcement activities.

The prohibitions in this part do not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for law enforcement purposes.

§ 404.9 Armed Forces actions.

(a) The prohibitions in this part do not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard) that are consistent with applicable laws.

(b) These regulations shall not limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

(c) All activities and exercises of the Armed Forces shall be carried out in a manner that avoids, to the extent practicable and consistent with operational requirements, adverse impacts on Monument resources and qualities.

(d) In the event of threatened or actual destruction of, loss of, or injury to a Monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretaries for the purpose of taking appropriate actions to respond to and mitigate the harm and, if possible, restore or replace the Monument resource or quality.

§ 404.10 Commercial fishing.

(a) *Lobster fishing.* Any commercial lobster fishing permit is subject to a zero annual harvest limit condition.

(b) *Fishing and bottomfish and pelagic species.* (1) Notwithstanding the prohibitions in § 404.7(a) and (h), commercial fishing for bottomfish and associated pelagic species may continue within the Monument subject to paragraph (c) of this section, until June 15, 2011, provided that:

(i) The fishing is conducted in accordance with a valid commercial bottomfish permit issued by NOAA; and

(ii) Such permit was in effect on June 15, 2006, and is subsequently renewed pursuant to NOAA regulations at 50 CFR part 665, subpart E as necessary.

(2) Total landings for each fishing year from fishing allowed under paragraph (b)(1) of this section may not exceed the following amounts:

(i) 350,000 pounds for bottomfish species; and

(ii) 180,000 pounds for pelagic species.

(3) Commercial fishing for bottomfish and associated pelagic species is prohibited in the Monument after June 15, 2011.

(c) *General requirements.* Any commercial fishing within the Monument shall be conducted in accordance with the following restrictions and conditions:

(1) A valid permit or facsimile of a valid permit shall be on board the fishing vessel and available for inspection by an authorized officer;

(2) No attempt is made to falsify or fail to make, keep, maintain, or submit any logbook or logbook form or other required record or report.

(3) Only gear specifically authorized by the relevant permit issued under the Magnuson-Stevens Fishery Conservation and Management Act is allowed to be in the possession of a person conducting commercial fishing under this section;

(4) Any person conducting commercial fishing notifies the Secretaries by telephone, facsimile, or electronic mail at least 72 hours before entering the Monument and within 12 hours after leaving the Monument in accordance with § 404.4(b) and (c);

(5) All fishing vessels must carry an activated and functioning VMS unit on board at all times whenever the vessel is in the Monument;

(6) All fishing vessels must carry an observer when requested to do so by the Secretaries;

(7) The activity does not take place within any Ecological Reserve, any Special Preservation Area, or the Midway Atoll Special Management Area.

§ 404.11 Permitting procedures and criteria.

(a) *Issuance.* Subject to such terms and conditions as the Secretaries deem appropriate, a person may conduct an activity prohibited by § 404.7 if such activity is specifically authorized by a permit issued under this section.

(b) *Application requirements.* Applicants for permits under this section shall submit applications to: Northwestern Hawaiian Islands Marine National Monument, 6600 Kalanianaʻole Highway, Suite 300, Honolulu, HI 96825.

(c) *Permit Types.* A permit under this subpart may be issued if the Secretaries find that the activity:

(1) Is research designed to further understanding of Monument resources and qualities;

(2) Will further the educational value of the Monument;

(3) Will assist in the conservation and management of the Monument;

(4) Will allow Native Hawaiian practices subject to paragraph (e) of this section;

(5) Will allow a special ocean use subject to paragraph (f) of this section; or

(6) Will allow recreational activities subject to paragraph (g) of this section.

(d) *Findings.* A permit may not be issued under this section unless the Secretaries find:

(1) The activity can be conducted with adequate safeguards for the resources and ecological integrity of the Monument;

(2) The activity will be conducted in a manner compatible with the purposes of the Proclamation, considering the extent to which the conduct of the activity may diminish or enhance Monument resources, qualities, and ecological integrity, any indirect, secondary or cumulative effects of the activity, and the duration of such effects;

(3) There is no practicable alternative to conducting the activity within the Monument;

(4) The end value of the activity outweighs its adverse impacts on Monument resources, qualities, and ecological integrity;

(5) The duration of the activity is no longer than necessary to achieve its stated purpose;

(6) The applicant is qualified to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;

(7) The applicant has adequate financial resources available to conduct and complete the activity and mitigate any potential impacts resulting from its conduct;

(8) The methods and procedures proposed by the applicant are appropriate to achieve the proposed activity's goals in relation to their impacts to Monument resources, qualities, and ecological integrity;

(9) The applicant's vessel has been outfitted with a mobile transceiver unit approved by OLE and complies with the requirements of § 404.5; and

(10) There are no other factors that would make the issuance of a permit for the activity inappropriate.

(e) *Additional findings for Native Hawaiian practice permits.* In addition to the findings listed in paragraph (d) of this section, a permit to allow Native Hawaiian practices under paragraph (c)(4) of this section, may not be issued unless:

(1) The activity is non-commercial and will not involve the sale of any organism or material collected;

(2) The purpose and intent of the activity are appropriate and deemed necessary by traditional standards in the Native Hawaiian culture (*pono*), and demonstrate an understanding of, and background in, the traditional practice, and its associated values and protocols;

(3) The activity benefits the resources of the Northwestern Hawaiian Islands and the Native Hawaiian community;

(4) The activity supports or advances the perpetuation of traditional knowledge and ancestral connections of Native Hawaiians to the Northwestern Hawaiian Islands; and

(5) Any Monument resource harvested from the Monument will be consumed in the Monument.

(f) *Additional findings, criteria, and requirements for special ocean use permits.* (1) In addition to the findings listed in paragraph (d) of this section, the following requirements apply to the issuance of a permit for a special ocean use under paragraph (c)(5) of this section:

(i) Any permit for a special ocean use issued under this section:

(ii) Shall authorize the conduct of an activity only if that activity is compatible with the purposes for which the Monument is designated and with protection of Monument resources;

(A) Shall not authorize the conduct of any activity for a period of more than 5 years unless renewed;

(B) Shall require that activities carried out under the permit be conducted in a manner that does not destroy, cause the loss of, or injure Monument resources; and

(iii) Shall require the permittee to purchase and maintain comprehensive general liability insurance, or post an equivalent bond, against claims arising out of activities conducted under the permit and to agree to hold the United States harmless against such claims;

(iv) Each person issued a permit for a special ocean use under this section shall submit an annual report to the Secretaries not later than December 31 of each year which describes activities conducted under that permit and revenues derived from such activities during the year.

(2) In addition to the findings listed in paragraph (d) of this section, a permit may not be issued for a special ocean use unless the activity has been determined to be consistent with the findings made pursuant to paragraph (f) of this section.

(3) Categories of special ocean use being permitted for the first time under this section will be restricted in duration and permitted as a special ocean use pilot project. Subsequent permits for any category of special

ocean use may only be issued if a special ocean use pilot project for that category meets the requirements of this section, and any terms and conditions placed on the permit for the pilot project.

(4) Public notice shall be provided prior to requiring a special ocean use permit for any category of activity not previously identified as a special ocean use.

(5) The following requirements apply to permits for a special ocean use for an activity within the Midway Atoll Special Management Area.

(i) A permit for a special ocean use for activities within the Midway Atoll Special Management Area may be issued provided:

(A) The activity furthers the conservation and management of the Monument; and

(B) The Director of the United States Fish and Wildlife Service or his or her designee has determined that the activity is compatible with the purposes for which the Midway Atoll National Wildlife Refuge was designated.

(ii) As part of a permit issued pursuant to this paragraph (f)(5), vessels may be allowed to transit the Monument as necessary to enter the Midway Atoll Special Management Area.

(6) A permit for a special ocean use for activities outside the Midway Atoll Special Management Area may be issued provided:

(i) The activity will directly benefit the conservation and management of the Monument;

(ii) The purpose of the activity is for research or education related to the resources or qualities of the Monument;

(iii) Public notice of the application and an opportunity to provide comments is given at least 30 days prior to issuing the permit; and

(iv) The activity does not involve the use of a commercial passenger vessel.

(g) *Additional findings for recreation permits.* A permit for recreational activities under paragraph (c)(6) of this section may be issued for activities to be conducted within the Midway Atoll Special Management area if, in addition to the findings listed in paragraph (d) of this section:

(1) The activity is for the purpose of recreation as defined in section 404.3;

(2) The activity is not associated with any for-hire operation; and

(3) The activity does not involve any extractive use.

(h) *Sustenance fishing.* Sustenance fishing, as defined in 404.3, may be allowed outside of any Special Preservation Area as a term or condition of any permit issued under this part. Sustenance fishing in the Midway Atoll

Special Management Area shall not be allowed unless the activity has been determined by the Director of the U.S. Fish and Wildlife Service or his or her designee to be compatible with the purposes for which the Midway Atoll National Wildlife Refuge was established. Sustenance fishing must be conducted in a manner compatible with the Proclamation and this part, including considering the extent to which the conduct of the activity may

diminish Monument resources, qualities, and ecological integrity, as well as any indirect, secondary, or cumulative effects of the activity and the duration of such effects. Sustenance fishing is subject to systematic reporting requirements when developed by the Secretaries.

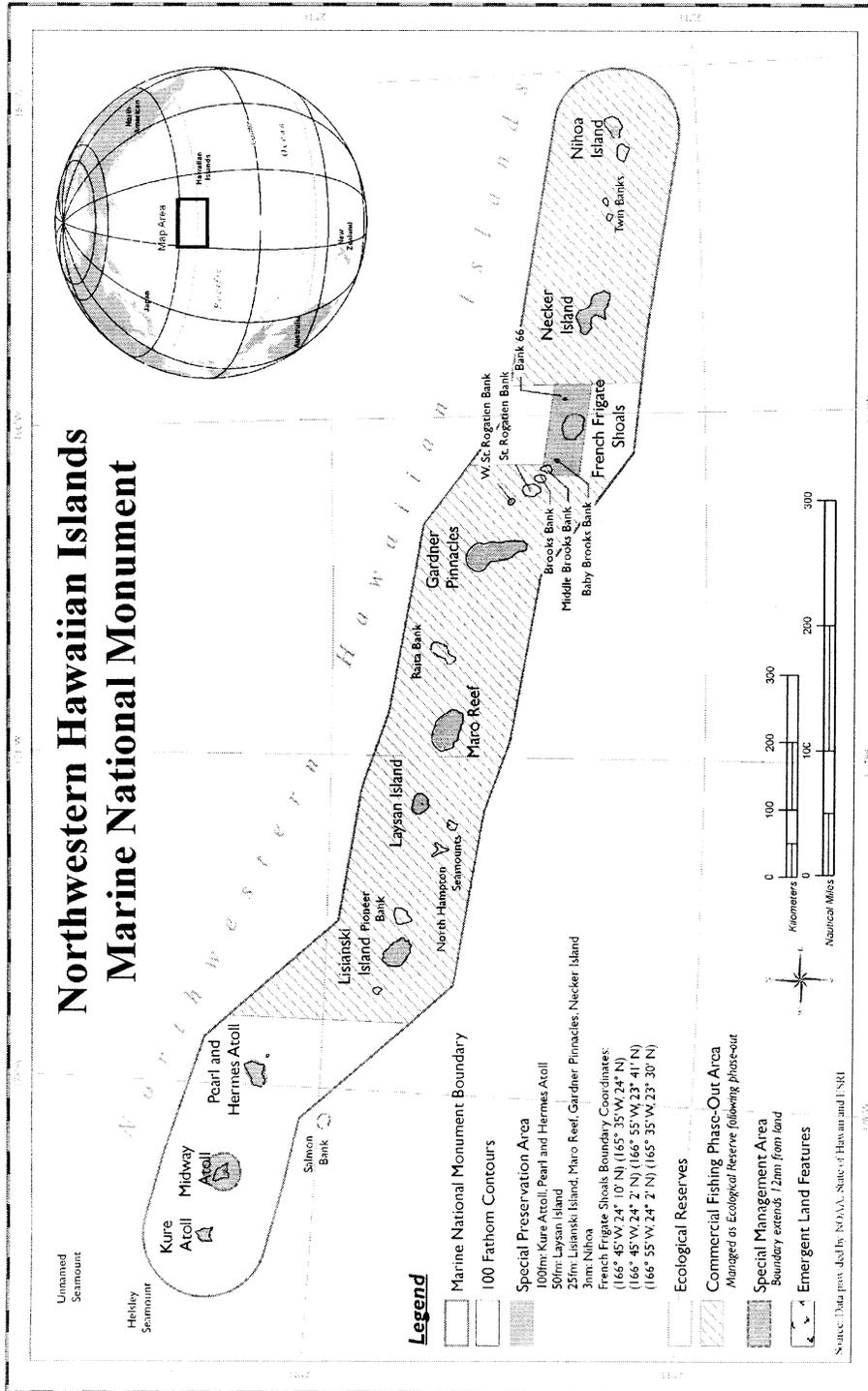
§ 404.12 International law.

These regulations shall be applied in accordance with international law. No restrictions shall apply to or be enforced

against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Appendix A to Part 404—Map of the Monument Outer Boundary and Ecological Reserves, Special Preservation Areas, and Midway Atoll Special Management Area

BILLING CODE 3510-NK-P



BILLING CODE 3510-NK-C

Appendix B to Part 404—Approved VMS

I. VMS Mobile Transceiver Unit

Thrane & Thrane Sailor 3026D Gold VMS

The Thrane & Thrane Sailor 3026D Gold VMS (TT-3026D) has been found to meet the minimum technical requirements for vessels issued permits to operate in the Northwestern Hawaiian Islands Marine National Monument. The address for the Thrane & Thrane distributor contact is provided in this notice under the heading VMS Provider Address.

The TT-3026D Gold VMS features an integrated GPS/Inmarsat-C unit and a marine grade monitor with keyboard and integrated mouse. The unit is factory pre-configured for NMFS VMS operations (non-Global Maritime Distress & Safety System (non-GMDSS)). Satellite commissioning services are provided by Thrane & Thrane personnel.

Automatic GPS position reporting starts after transceiver installation and power activation onboard the vessel. The unit is an integrated transceiver/antenna/GPS design using a floating 10 to 32 VDC power supply. The unit is configured for automatic reduced position transmissions when the vessel is stationary (i.e., in port). It allows for port stays without power drain or power shut down. The unit restarts normal position transmission automatically when the vessel goes to sea.

The TT-3026D provides operation down to +/- 15 degree angles. The unit has the capability of two-way communications to send formatted forms and to receive e-mail and other messages. A configuration option is available to automatically send position reports to a private address, such as a fleet management company.

A vessel owner may purchase this system by contacting the entity identified in this notice under the heading "VMS Provider Address". The owner should identify himself or herself as a vessel owner issued a permit to operate in the Northwestern Hawaiian Islands Marine National Monument, so the transceiver set can be properly configured. To use the TT-3026D the vessel owner will need to establish an Inmarsat-C system use contract with an approved Inmarsat-C communications service provider. The owner will be required to complete the Inmarsat-C "Registration for Service Activation for Maritime Mobile Earth Station." The owner should consult with Thrane & Thrane when completing this form.

Thrane & Thrane personnel will perform the following services before shipment: (1) Configure the transceiver according to OLE specifications for vessels issued permits to operate in the Northwestern Hawaiian Islands Marine National Monument; (2) download the predetermined NMFS position

reporting and broadcast command identification numbers into the unit; (3) test the unit to ensure operation when installation has been completed on the vessel; and (4) forward the Inmarsat service provider and the transceiver identifying information to OLE.

II. Inmarsat-C Communications Providers

It is recommended, for vendor warranty and customer service purposes, that the vessel owner keep for his or her records and that Telenor and Xantic have on record the following identifying information: (1) Signed and dated receipts and contracts; (2) transceiver serial number; (3) Telenor or Xantic customer number, user name and password; (4) e-mail address of transceiver; (5) Inmarsat identification number; (6) owner name; (7) vessel name; (8) vessel documentation or registration number; and (9) mobile earth station license (FCC license).

The OLE will provide an installation and activation checklist that the vessel owner must follow. The vessel owner must sign a statement on the checklist certifying compliance with the installation procedures and return the checklist to OLE. Installation can be performed by an experienced crew or by an electronics specialist, and the installation cost is paid by the owner.

The owner may confirm the TT-3026D operation and communications service to ensure that position reports are automatically sent to and received by OLE before leaving on a trip under VMS. The OLE does not regard the vessel as meeting requirements until position reports are automatically received. For confirmation purposes, contact the NOAA Fisheries Office for Law Enforcement, 8484 Georgia Ave., Suite 415, Silver Spring, MD 20910, phone 888-219-9228, fax 301-427-0049.

Telenor Satellite Services

Inmarsat-C is a store-and-forward data messaging service. Inmarsat-C allows users to send and receive information virtually anywhere in the world, on land, at sea, and in the air. Inmarsat-C supports a wide variety of applications including Internet, e-mail, position and weather reporting, a free daily news service, and remote equipment monitoring and control. Mariners can use Inmarsat-C free of charge to send critical safety at sea messages as part of the U.S. Coast Guard's Automated Mutual-Assistance Vessel Rescue system and of the NOAA Shipboard Environmental Acquisition System programs. Telenor Vessel Monitoring System Services is being sold through Thrane & Thrane, Inc. For the Thrane & Thrane and Telenor addresses, look inside this notice under the heading "VMS Provider Address".

Xantic

Xantic is a provider of Vessel Monitoring Services to the maritime industry. By

installing an approved OLE Inmarsat-C transceiver on the vessel, vessels can send and receive e-mail, to and from land, while the transceiver automatically sends vessel position reports to OLE, and is fully compliant with the International Coast Guard Search and Rescue Centers. Xantic Vessel Monitoring System Services are being sold through Thrane & Thrane, Inc. For the Thrane & Thrane and Xantic addresses, look in this notice under the heading "VMS Provider Address".

For Telenor and Xantic, Thrane & Thrane customer service supports the security and privacy of vessel accounts and messages with the following: (a) Password authentication for vessel owners or agents and for OLE to prevent unauthorized changes or inquiries; and (b) separation of private messages from OLE messages. (OLE requires VMS-related position reports, only.)

Billing is separated between accounts for the vessel owner and the OLE. VMS position reports and vessel-initiated messaging are paid for by the vessel owner. Messaging initiated from OLE operations center is paid for by NOAA.

Thrane & Thrane provides customer service for Telenor and Xantic users to support and establish two-way transmission of transceiver unit configuration commands between the transceiver and land-based control centers. This supports OLE's message needs and, optionally, the crew's private message needs.

The vessel owner can configure automatic position reports to be sent to a private address, such as to a fleet management company.

Vessel owners wishing to use Telenor or Xantic services will need to purchase an Inmarsat-C transceiver approved for vessels issued permits to operate in the Northwestern Hawaiian Islands Marine National Monument. The owner will need to complete an Inmarsat-C system use contract with Telenor or Xantic, including a mobile earth station license (FCC requirement). The transceiver will need to be commissioned with Inmarsat according to Telenor or Xantic's instructions. The owner should refer to and follow the configuration, installation, and service activation procedures for the specific transceiver purchased.

III. VMS Provider Address

For TT-3026D, Telenor, or Xantic information, contact Ronald Lockerby, Marine Products, Thrane & Thrane, Inc., 509 Viking Drive, Suite K, L & M, Virginia Beach, VA 23452; voice: 757-463-9557; fax: 757-463-9581, e-mail: rdl@tt.dk.com; Web site: <http://www.landseasystems.com>.

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