

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

Date Issued: June 30, 2023

Valid not longer than: June 29, 2024

SPECIAL ACTIVITY PERMIT

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

The Permittee is

Name:	Mr. Pi'i Laeha	Address:	Mauna Lani/Auberge Resorts Collection
Title:	Loko I'a Manager		68-1400 Mauna Lani Drive
Affiliation:	Mauna Lani/Auberge Resorts Collection - DHL Mahi OpCo, LLC		Kohala, HI
Email:	pii.laeha@aubegeresorts.com		

This permit is issued, subject to the general and special conditions, for the possession, transportation, maintenance (feeding, measuring, caring, rescuing, treating, rehabilitating), exhibition (providing educational live displays) and release of twenty-five (25) regulated organisms (live green sea turtles; *Chelonia mydas*), provided such actions are in compliance with the Endangered Species Act (ESA) and other applicable federal laws. All activities will be conducted in the regulated waters of Puakō - 'Anaeho'omalua Fish Replenishment Area and Netting Restricted Area, within the waters of West Hawaii, at the Mauna Lani, Auberge Resorts Collection in Kohala, Hawaii, except for the transportation of the turtles to and from the facilities (Sea Life Park, Oahu). This permit does not authorize the take of marine turtles from the wild, but the permittee may receive turtles from other persons or agencies (as listed on the permit) authorized to conduct work with marine turtles.

The turtles will be released to the wild as part of Sea Life Park's long-term propagation program for sea turtles in Hawai'i. Sea Life Park Hawaii turtles are "pre-act" animals; progeny of green sea turtles captured before *Chelonia mydas* was federally protected under the United States Endangered Species Act (ESA) and are thus exempt from the federal permitting requirements of ESA. There is no associated federal NMFS permit for this activity. In previous years this program was developed by and coordinated directly with NMFS turtle biologists; currently the project coordinates with in-house veterinarians and turtle biologists or veterinarians from Sea Life Park or the Cooperative Sea Turtle Research Program at Hawaii Preparatory Academy, operating under their guidelines and in compliance with the Endangered Species Act (ESA).

This permit, signed by authorized representative of the Department of Land and Natural Resources (the Department), authorizes the permittee, and assistants designated on the final page(s) of, or attachments to, this permit, to engage in activities otherwise prohibited by law, subject to the conditions, which include the **possession, transportation and release** of certain aquatic life from waters of the State, as follows below in Table 1:

Sp. Code	Sp. Description	Sp. Amt.	Morphology	Sp. Size	Island	Location	Comments
<i>Regulated organisms</i>							
616	Chelonia mydas Pacific Green sea turtle honu Chelonia mydas agassizi	25	Turtles (Juvenile/Sub-adult)	Juvenile/Sub-adult Turtles (Any Size)	Oahu and Hawaii	Sea Life Park (Oahu) and Mauna Lani (Hawaii)	Transferred from Sea Life Park (Waimanalo, Oahu) to Mauna Lani Auberge Resorts Collection Kohala (Kohala, Hawaii) (no take from wild authorized)

I. SPECIAL CONDITIONS

A. Location

All activity will occur in the regulated waters of Puakō - 'Anaeho'omalua Fish Replenishment Area and Netting Restricted Area within the waters of West Hawaii, at the Mauna Lani, Auberge Resorts Collection in Kohala, Hawaii, except for the transportation of the turtles to and from the facilities. The transportation will occur between the Sea Life Park facilities in Waimanalo, Oahu and the Mauna Lani Auberge Resorts Collection in Kohala, Hawaii, for release into the wild, from the coastal area adjacent to the hotel (Puakō - 'Anaeho'omalua FRA and NRA). This permit **does not authorize** the take of marine turtles from the wild, but the permittee may receive turtles (as listed on the permit) from other persons or agencies authorized to conduct work with marine turtles. Activities under this permit is limited to waters of the State of Hawaii and is expressly prohibited at the following locations unless listed in **bold font**:

<u>Island of MAUI</u> Kahului Harbor FMA ¹ Honolua-Mokuleia MLCD ² Ahihi-Kinohiwa NAR ³ Molokini Shoal MLCD Kahekili Herbivore FMA	<u>Island of KAUAI</u> Ahukini Pier FMA Hanamaulu Bay FMA Kapaa Canal FMA Nāwiliwili Harbor FMA Port Allen FMA Waikaena Canal FMA Waimea Pier & Bay FMA Hā'ena CBSFA ⁵	<u>Island of HAWAII</u> <u>Areas within the West Hawaii Regional Fishery Management Area (continued):</u> (1) Ka'ūpūlehu Marine Reserve (2) North Kohala Fish Replenishment Area (FRA ⁶) (3) Puakō-'Anaeho'omalua FRA (4) Kaloko-Honokōhau FRA (5) Kailua-Keauhou FRA (6) Red Hill FRA (7) Nāpo'opo'o-Hōnaunau FRA (8) Ho'okena FRA (9) Ka'ohē Beach FRA (Pebble Beach) (10) Miloli'i CBSFA (11) Kikaua Point-Mākolē'ā Point Netting Restricted Area (NRA ⁷) (12) Nenuē Point-Kealakekua Bay NRA (13) Hanamalo Point-Kanewa'a Point NRA (Part of Miloli'i CBSFA) (14) Kanonone-Kali'poa NRA
<u>Island of LANA'I</u> Manele Harbor FMA Manele-Hoopoe MLCD	<u>Island of HAWAII</u> <u>Areas within the West Hawaii Regional Fishery Management Area:</u> Hilo Bay FMA Kailua Bay FMA Kawiahae Harbor FMA Kealakekua Bay MLCD Keauhou Bay FMA Kiholo Bay FMA Kona Coast FMA Old Kona Airport MLCD Lapakahi Bay MLCD Papawai Bay FMA Puako FMA Waiakea PFA ⁵ Wailea Bay MLCD Wailuku River FMA Wailoa River FMA Wawālooli FMA	<u>Island of HAWAII</u> <u>West Hawaii Regional Fishery Management Area (WHRFMA)</u> Areas in the WHRFMA outside of all smaller FMA, MLCD, FRA and NRA
<u>Island of MOLOKA'I</u> Kaunakakai Harbor FMA		
<u>Island of KAHŌ'OLAWĒ</u> Restricted 2 nautical mile boundary Zone A and Zone B surrounding Kaho'olawe		
<u>Island of O'AHU</u> Ala Wai Canal FMA Coconut Island MLR Hanauma Bay MLCD Heiea Kea FMA Honolulu Harbor FMA Kapalama Canal FMA Paiko Lagoon Wildlife Refuge Pōka'i Bay FMA Pūpūkea MLCD Waialua Bay (Hale'iwa Harbor) Waikīkī-Diamond Head SFMA Waikīkī MLCD Wahiawā Public Fishing Area		

Table 2 – Regulated Areas – Definitions: FMA¹ = Fisheries Management Area, MLCD² = Marine Life Conservation District, NAR³ = Natural Area Reserve (DOFAW), MLR⁴ = Marine Laboratory Refuge, PFA⁵ = Public Fishing Area, FRA⁶ = Fish Replenishment Area, NRA⁷ = Netting Restricted Area, CBSFA⁸ = Community-Based Subsistence Fishing Area

B. Activities. The permit authorizes possession, transportation, maintenance (feeding, measuring, caring, rescuing, treating, rehabilitating), exhibition (providing educational live displays) and release of twenty-five (25) regulated organisms (live green sea turtles; *Chelonia mydas*). All activities will be conducted in the regulated waters of

Puakō - 'Anaeho'omalu Fish Replenishment Area and Netting Restricted Area, within the waters of West Hawaii, at the Mauna Lani, Auberge Resorts Collection in Kohala, Hawaii, except for the transportation of the turtles to and from the facilities. The transportation will occur between the Sea Life Park facilities in Waimanalo, Oahu, and the Mauna Lani Auberge Resorts Collection in Kohala, Hawaii, for release into the wild, from the coastal area adjacent to the hotel (Puakō - 'Anaeho'omalu FRA and NRA). This permit **does not authorize** the take of marine turtles from the wild but the permittee may receive turtles (as listed on the permit) from other persons or agencies authorized to conduct work with marine turtles. Sea Life Park Hawaii and Mauna Lani, Auberge Resorts Collection have an agreement whereby Sea Life Park Hawaii loans Mauna Lani Auberge Resorts Collection young turtles for display, with the condition that the interpretive focus is strongly directed toward education and conservation. The turtles will be released to the wild as part of Sea Life Park's long-term propagation program for sea turtles in Hawai'i.

Note: This permit is a renewal and a continuation of work conducted for many years; recent permits include under SAP # 2016-40, 2017-33, 2018-44, 2019-33, 2020-28, 2021-34, 2023-35. Due to an error in processing the permit at the end of June this year (resulting in a delay), this permit is being processed after the regular renewal date; in order to maintain continuity and to cover the project for work that is conducted year-round, the regular renewal dates have been maintained.

Education and Data Collection. As a part of the agreement, the turtles' growth and health will be recorded. Growth and health data collected by this program is shared with the National Marine Fisheries Service (NMFS), several national marine parks and worldwide *Chelonia* researchers. In addition the program has participated in numerous research studies; satellite tracking movement of sea turtles, fibropapilloma tumor research, comparative growth rate studies, statewide turtle monitoring station and support of coastal stranding reports. The program also conducts educational and interpretive tours with thousands of school students, local and world visitors each year, which highlight the turtles, their care, release and the types of data collection that are conducted.

Release. Release of the turtles will be conducted under the supervision of in-house veterinarians and turtle biologists or veterinarians from Sea Life Park or the Cooperative Sea Turtle Research Program at Hawaii Preparatory Academy, at times and locations deemed appropriate.

The possession and transporting of marine sea turtles is prohibited under section 13-124-3, Hawaii Administrative Rule (HAR), unless authorized by a permit issued under section 187A-6, Hawaii Revised Statutes (HRS). Sea Life Park Hawaii turtles are "pre-act" animals; progeny of green sea turtles captured before *Chelonia mydas* was federally protected under the United States Endangered Species Act (ESA) and are thus exempt from the federal permitting requirements of ESA. Therefore, there is no associated federal NMFS permit as seen with other Special Activity Permits (SAPs) issued to programs that work with ESA listed turtles. In previous years this program was developed by and coordinated directly with NMFS turtle biologists; currently the project coordinates with in-house veterinarians and turtle biologists or veterinarians from Sea Life Park or the Cooperative Sea Turtle Research Program at Hawaii Preparatory Academy, operating under their guidelines and in compliance with the Endangered Species Act (ESA).

Health of Turtles. Any health issue involving the regulated species and/or release into the wild shall be fully documented and such documentation shall be provided to the Department. In-house veterinarians and turtle biologists or veterinarians from Sea Life Park or the Cooperative Sea Turtle Research Program at Hawaii Preparatory Academy will also monitor their progress.

Distribution of Samples/Invasive Species, Disease and Parasites. The permittee will mitigate for the spread of invasive species, disease and parasites between sampling areas (if sampling or conducting activities in environmentally different areas) by utilizing best management practices, including but not limited to, ensuring that all hand tools or collection bags/containers are inspected and absent of any non-natives or invasive organisms before transportation to lab aquariums (not applicable where invasive species, disease and parasites are target species for collections) or before collection in a new area, and ensuring that all gear is disinfected or sterilized between collection areas (see General Conditions O. Other Collection Guidelines: Aquatic Invasive Species.)

Efforts will be made by permittee and authorized assistants to ensure that collection of samples is conducted in such a manner as the process does not result in any additional harm to surrounding organisms or environment. **Researcher will implement collection/sampling design that removes a sustainable proportion from the local population of target organisms and make efforts to distribute collection activities across shoreline/reef flat/benthic areas, so as not to consolidate the impacts of collection in one location (if applicable/if collecting samples).** Discretion should be used to avoid conflicts with fishers and others during authorized activities. Efforts will be made by permittee and authorized assistants to communicate with the public that have inquiries about the collection activities or methodology. Permittee and authorized assistants will clearly state the overall objective of the project, that these activities require permits, and that the methods the researchers are employing are not approved for recreational fishing but research, education, propagation or management activities ONLY.

C. Gear and Methods. This permit authorizes the following use of non-regulated gear and methodology:

Regulated Gear: N/A

Non-regulated Gear: Turtles will be released by hand.

D. Entanglement Prevention. Efforts will be made by permittee and authorized assistants to ensure activities are conducted in such a manner as the process does not result in any additional harm to surrounding organisms or to the surrounding environment. Efforts will be made by permittee and authorized assistants to utilize best management practices to eliminate any potential for incidental entanglement of any unintended marine organisms (monk seals, cetaceans, sharks, rays or other protected species) while conducting activities. Entanglement prevention practices will include but are not limited to: minimizing the number of structures or components that may potentially cause entanglement during research operations (e.g. loops, holes, slack lines), **Permittee will immediately notify DAR and the appropriate federal agency to report the entanglement of any protected species, if incidental entanglement occurs.**

E. Release. Release of the turtles will be conducted under the supervision of in-house veterinarians and turtle biologists or veterinarians from Sea Life Park or the Cooperative Sea Turtle Research Program at Hawaii Preparatory Academy, at times and locations deemed appropriate.

F. Annual Report: Upon 90 days post expiration of the permit or 30 days prior to expiration of the permit (depending on **renewal** or **non-renewal** status), the permittee must provide to DAR a final written report summarizing the results of the collection activity carried out under this permit and (if available/applicable) analysis of the data.

1. The annual report should provide a written description of the activity and objective and a written explanation as to how the collection of or activity with a fully protected or regulated marine species for scientific, education, management or propagation purposes is benefiting the State of Hawai'i in general and specifically, the improved management of the species or related species.

2. The annual report must describe the following, in form specified by the Department; access to reporting template on the DAR Permitting Portal can be found at: <https://inforps-dp.hawaii.gov/dlnraquaticpermitting/#/research-spreadsheet> or via email from permit coordinator (for info from #2. a. & c. and #3) – include all other info (#1, #2 b. & d. into a PDF report) – **consult permit coordinator for most up-to-date reporting template (if necessary):**

a. **Species name and total quantities and sizes** of all regulated and non-regulated specimens collected under this permit.

b. **Results of chemical, genetic, physiological, histological, pathological, statistical or other analysis of data** (if possible/applicable).

- c. **GPS coordinates (decimal degrees) of location of each sample taken or action conducted and associated geographic location** (e.g. windward side or east side of Patch Reef 8, or north side of Lilipuna Pier). Multiple samples collected in one single area can be geo-referenced by a single GPS point and associated geographic location.

If GPS is not available: Make accurate note of your sampling location in field and obtain GPS location from Google Earth after field sampling (**Note: Instructions are for the downloaded program - Google Earth Pro, not web version**):

- i. Click "Tools" in the top line menu and open Options.
- ii. In the "3D View" tab, **find** the "Show Lat/Long" section. Change the default from Degrees, Minutes, Seconds to **Decimal Degrees**.
- iii. Next, click the pushpin icon in the menu; click and drag the pushpin that appears to the point on the map from which you wish to obtain a GPS coordinate:

(e.g.: Lat: 21.441646, Long: -157.799076)
- iv. Enter GPS coordinate into spreadsheet with associated sampling information (species, amount, size).

- d. **Photo-documentation** of a representative example of organisms collected, methodology, and gear:
- i. Photo-documentation of **representative example of turtles upon receipt from Sea Life Park and representative example of turtles upon release into ocean**. Photo-documentation of **housing provided for turtles**. Photo-documentation of process or methodology used to **release turtles into ocean**.
 - ii. Each representative example should include the following photos: For example of turtles upon receipt from Sea Life Park, photo-documentation should include: one (1) photo of turtle upon receipt from Sea Life Park (with a scale for size). For example of turtles upon release into ocean, photo-documentation should include: one (1) photo of turtle upon release into the ocean (with a scale for size). For example of housing provided for turtles, photo-documentation should include: one (1) photo of housing provided for turtles (with scale for size). For example of process or methodology used to release turtles into ocean, photo-documentation should include: one (1) photo of assistants or volunteers releasing turtles into ocean.
3. An inventory (species list) of organisms (dead or alive) present at the facility or with the permittee the end of the report period, in form acceptable to the Division, must accompany the annual report;
4. The annual report is due at the Division's Honolulu office one month (30 days) before expiration of the permit if renewal is needed or within three months (90 days) after expiration of the permit if renewal is not needed or as otherwise instructed by the Division.

G. Use of Organisms, Parts of Organisms, Tissue Samples or other Aquatic Resources. The permittee may not convey in any fashion (including, but not limited to, selling, trading, or giving) any organisms, parts of organisms, tissue samples or other aquatic resources to any person or party in Hawai'i that does not already have a permit from the Department authorizing possession of same and without written approval from DAR. Organisms taken under authority of this permit may be used for scientific study or educational purposes **ONLY**, except as authorized by prior written approval of DAR.

a. This permit authorizes the permittee and authorized assistants to transport, receive or release live organisms as listed in Table 1, within and outside of the state of Hawai'i to the following institutions and authorizes the following institutions to transport, receive or release live organisms as listed in Table 1, from Dr. T. Todd Jones and authorized assistants:

- i. Mauna Lani, Auberge Resorts Collection in Kohala, HI
- ii. Sea Life Park, Waimanalo, Oahu, HI
- iii. Other persons or agencies (as listed on the permit) authorized to conduct work with marine turtles (contact info to be included in final report)

II. GENERAL CONDITIONS:

A. 1. Effective Date. This permit becomes effective upon the following:

- a. All persons who are actively involved in activities authorized by this permit have read this permit in total and acknowledge understanding and agreement to abide by its conditions by signing the signature sheet at the end of the permit. All authorized assistants should read, agree to the terms and conditions and sign the permit.
- b. Both copies of the signed signature sheet of the permit must be returned to the Division of Aquatic Resources (DAR).
- c. Upon approval and signature by the Chairperson of the Department, a **copy of the fully executed permit** will be returned to the applicant.

2. Authority granted by this permit ends on the "Expiration Date" on the first page of this permit.

3. The permittee must carry a copy of this permit on location while performing activities authorized by this permit.

B Validity. This permit conveys authority **ONLY** of the Department relating to its jurisdiction over aquatic resources: the permittee remains responsible for obtaining all other prior permission from other applicable authorities (such as owners of and tenants upon private lands; other divisions of the Department; other local, State and Federal agencies). This permit is valid only if accompanied by a valid National Marine Fisheries Service (NOAA Fisheries) Marine Mammal Protection Act / Endangered Species Act permit or a United States Fish and Wildlife Service (USFWS) Endangered Species Act permit. The permittee shall notify DAR of any proposed changes in research activities prior to implementing such changes for appropriate review and permit amendment. DAR may require the permittee to accommodate the presence of an observer during authorized activities.

C. Compliance with all applicable County, State, and Federal Requirements. This permit conveys a privilege to engage in only those activities under the jurisdiction of the Department of Land and Natural Resources. The permittee is responsible for complying with all applicable County, State, and Federal requirements. The permit does not convey any privilege of access over or through private property.

- D. **Liability.** This permit does not make the Department of Land and Natural Resources or the State of Hawaii liable in any way for any claim of personal injury or property damage to the permittee or assistants which may occur during any activity conducted under this permit; moreover, the permittee and all assistants agree to hold the Department and State harmless against any and all claims of injury, death or damage resulting from activities of the permittee or any assistant or from actions or omissions under this permit.
- E. **Parties Authorized under Permit.** Only the permittee and their authorized research assistants are allowed to participate in the authorized activity. The permittee and each assistant is individually responsible and accountable for his or her actions while performing activities authorized by this permit. The permittee is additionally responsible and accountable for the actions of each assistant. The permittee or their assistant(s) must have with them a copy of this permit while conducting activities authorized by this permit.
- F. **Transferability.** This permit is neither transferrable nor assignable to another person. Any person whose name does not appear on this permit and is conducting any activity described herein is subject to prosecution for violation of State laws.
- G. **Revocability.** This permit is revocable at will should the Department deem revocation necessary.
- H. **Changes to the Permit.** The permittee may request changes to the permit. Any such request to make changes to the permit must be made in writing and received by the Department at least thirty days prior to the change. The addition of new assistants will require each individual to sign the Attachment on page 11, 12, 13, 14 or 15 stating that they have read, understood, and agree to abide by all general and special permit conditions. No change may be implemented without written approval from the Department.

The permittee may request to:

1. Add assistants to the permit;
 2. Add another permittee or replace an existing permittee in the manner stated above; and
 3. Change the activities authorized under this permit.
- I. This permit authorizes collection of organisms protected by Federal law only with prior appropriate Federal authority, which must be described on Page 1 of this permit (if applicable).
- J. This permit does not authorize the sale of any collected organism.
- K. This permit expires on the date indicated on Page 1. **If no renewal is needed**, the permittee must email a PDF of this permit with all signature sheets (or a complete list of assistants if signatures are not available) and additionally email a **PDF version of a final report** (to catherine.a.gewecke@hawaii.gov) with complete information on all activities authorized under this permit (see **Special Conditions, Section F. Annual Report**) within **three months (90 days) after** the expiration date. **If renewal is needed**, permittee must submit a **PDF version of a final report** to the Division **one month (30 days) prior** to the expiration date for DAR biologists to review, in addition to turning in expired permit with signatures no later than the regular **three months (90 days) after expiry date**. If complete report cannot be submitted **one month (30 days) prior** to the expiration date, the permittee will submit a short synopsis of research conducted (PDF version- **one month (30 days) prior** to the expiration date) in past year including information on quantities, genus species and activities conducted, and submit full report no later than the regular **three months (90 days) after expiry date**.
- L. **Access to Data.** The permittee and assistants agree to provide access to data obtained under authority of this permit upon request of the from DAR or authorized agent of the Department, and to provide to the Division a copy of each report, published for distribution, prepared with data obtained under this permit. The permittee agrees to provide Department staff access to organisms obtained and held under this permit for on-site inspection of the premises.

- M. **Notification.** The permittee agrees to notify the island office of the Division of Conservation and Resources Enforcement (DOCARE – Oahu Central Office: 808-643-3567) at least 24 hours prior to any authorized activity being conducted in the field. See section P. **Other Collection Guidelines** (below) for additional requirements.
- N. **Violation of Permit Conditions.** A violation of any terms or conditions of this permit or any violation of State law not covered by this permit may result in revocation of the permit and other penalties as provided by law. In addition, the Department may consider any such violation as grounds for denying any future application for this or any other permit issued by the Department. Any person whose permit has been revoked shall not be eligible to apply for another permit until the expiration of two years from the date of revocation. See HAR § 13-124-7.1.
- O. **Coral Activities:** Activities under this permit shall abide by the following conditions (if applicable):
1. Coral - the Permittee must notify DAR Oahu (dar.sap@hawaii.gov) within 24 hours of:
 - i. Any instance of major damage caused to coral or other marine natural resources, because of collection or other research activities conducted under this permit.
 2. Fragmentation - This permit **does not authorize** fragmentation of coral colonies.
 3. Rare Species - The following *Porites* species require special permission from the Division prior to collection under this permit: *Porites pukoensis*, *Porites duerdeni*, *Porites studeri*. The following *Montipora* species require special permission from DAR prior to collection under this permit: *Montipora dilitata*. The following *Pocillopora* species require special permission from DAR prior to collection under this permit: *Pocillopora ligulata*, *Pocillopora molokensis*.
 4. **No impact-causing activities will be conducted on (or immediately adjacent to) any intact, attached coral colony measuring larger than 1 m x 1 m x 1 m. Specific efforts will be made to avoid damage to any large colonies of living coral.**
- P. **Other Collection Guidelines:**
1. Collecting generally - the Permittee must give notice, in form specified by the Department (email or phone call), to DAR (dar.sap@hawaii.gov) and to the Department's Division of Conservation and Resources Enforcement (DOCARE: 808-643-3567), at least 24 hours prior to initial commencement of any series of field collection/sampling activities taken place under this permit **or** on a schedule agreed to by DOCARE and the permittee (i.e. one call notifying of a period of time sampling that will occur across different locations throughout the year). **Permittee will provide the following info when DOCARE is notified:** SAP #, permittee name/institution, date, location, activity description (e.g. sampling or handling turtles, collection of regulated organisms, using regulated gear, etc.), description of boat being used (color, size, type of boat)(if applicable), description of vehicle on shore (if applicable), number of people involved in activity, contact info, etc.
 2. An **Aquatic Invasive Species (AIS) Mitigation Plan** will be filed with the Division prior to conducting any collection under this permit. The Plan will include methods and protocols to minimize AIS or disease movement through gear, supplies and activities of the permittee. Permittee must take actions to verify that collection tools have been disinfected before use if previously used in collection activities.

Invasive Species/Disease/Parasites: All collection gear deployed must be visually checked for invasive species/disease/parasites and disinfected with 10% bleach solution for 10 minutes before deployment in alternate location, if current or previous activities involved collecting or conducting activities between multiple watersheds/distinct reef areas/islands. If collection gear cannot be bleached, gear must be thoroughly rinsed with fresh water and dried in sun for 24 hours before deployment in alternate location, sterilized with another viable method or alternate sampling gear should be utilized. If sampling disease or anomalous growth specimens, gear should be sterilized between each specimen or new collection gear should be used. **If collecting in Kaneohe Bay or Maunalua Bay:** Kaneohe Bay: All collection gear utilized in Kaneohe Bay must be visually checked for invasive species/disease/parasites (e.g. *Kappaphycus spp.*, *Eucheuma denticulatum*, *Gracilaria salicornia* and *Mycale grandis/armata*) and disinfected with 10% bleach solution for 10 minutes before deployment in alternate location other than Kaneohe Bay. Maunalua Bay: All collection gear deployed in Maunalua Bay must be visually checked for invasive species/disease/parasites (e.g. *Avrainvillea amadelpha/lacerata* and *Gracilaria salicornia*) and disinfected with 10% bleach solution for 10 minutes before deployment in alternate location other than Maunalua Bay. The following species remain a concern to the division: Alien invasive algae (*Kappaphycus spp.*, *Eucheuma denticulatum*, *Gracilaria salicornia*, *Acanthophora spicifera*, *Hypnea musciformis* and *Avrainvillea amadelpha/lacerata*), Coral disease (*Montipora White Syndrome*, *Porites trematodiasis*, *Montipora black band disease*, *Porites tissue loss syndrome*, and *Porites spp.* and *Montipora spp.* tumors, *Montipora spp.* growth anomaly), Orange keyhole sponge (*Mycale armata/grandis*).

(If applicable) Permittee will mitigate for the spread of invasive species/disease/parasites by ensuring that all organisms (e.g. coral colonies, fragments or live rock) collected from Kaneohe Bay are absent of any algae fragments or basal attachments of the invasive alga *Kappaphycus spp.*, *Eucheuma denticulatum*, *Gracilaria salicornia*, or other invasive species/disease/parasites (unless collecting these non-native species specifically) before transporting organisms to alternative location for research.

(If applicable) Permittee will mitigate for the spread of invasive species/disease/parasites by ensuring that all organisms (e.g. coral colonies, fragments or live rock) collected in Maunalua Bay are absent of any algae fragments or basal attachments of the invasive alga *Avrainvillea amadelpha/lacerata*, *Gracilaria salicornia*, or other invasive species/disease/parasites (unless collecting these non-native species specifically) before transporting organisms to alternative location for research.

Quarantine Protocol. If transporting and holding live organisms (including live rock) in an aquarium/tank: After inspection, organisms transported to other locations on island must have a quarantine protocol involving either closed-system tanks for the entire research period or closed-system tanks for a select amount of quarantine time followed by flow-through tanks with UV lights on outfall. Organisms will be placed in placed into flow-through tanks only if observations indicate that no invasive species are present. Permittee will sacrifice any AIS/disease/parasites if found at this stage, and keep host organisms in closed system tanks for research. Length of quarantine time and type of holding tank (closed-system or open-system) will be determined based on location of collection/location of holding and type of organism collected, after consultation with DAR. Exceptions (after consultation with DAR): If quarantine process is not possible (due to capacity/lack of available closed-system tanks), the quarantine process may not be required for researchers working with organisms such as marine mammals, turtles, fish and invertebrates (other than coral) collected from areas outside of area where research tanks are located, if researchers are able to conduct initial inspection of organisms for AIS/disease/parasites before transporting organisms back to open-system (flow-through tanks) at research location. DAR will work with researchers on a case by case basis, that work with coral and live rock collected from areas outside of outside of the area where research tanks are located, but which may have limited quarantine capacity (lack of available closed-system tanks), to determine if the quarantine process is necessary.

Transport out of Kaneohe Bay/Maunalua Bay (Oahu). Any specimens collected in Kaneohe Bay should not be transported outside of Kaneohe Bay unless being moved to a closed-system aquarium, preserved or verified to be free of non-native organisms (e.g. *Kappaphycus spp.*, *Eucheuma denticulatum*, *Orange keyhole sponge (Mycale armata/grandis)*) after undergoing quarantine treatment. Any specimens collected in

Maunalua Bay should not be transported outside of Maunalua Bay unless being moved to a closed-system aquarium, preserved or verified to be free of non-native organisms (e.g. *Avrainvillea amadelpa/lacerata*) after undergoing quarantine treatment.

3. No organism other than those listed on this permit will be collected or impacted by any activities conducted under this permit.
4. Collecting and transport activities under authority of this permit must be supervised directly, on site, by either the permittee or their authorized assistants (who must be a signatory of this permit).
5. Gear and Methods: Use of any chemical substances pursuant to Section 188-23, Hawai'i Revised Statutes, electrical shocking devices, or explosives remains expressly prohibited.
6. Use of Organisms: Organisms collected under authority of this permit may not be used for personal consumption or sale; organisms collected under this permit may not be traded, bartered or loaned to other individuals, institutions or entities;
 - a. Written approval must be obtained from the Division prior to:
 - i. Purchasing or any other acquisition of regulated organisms (regardless of origin) from any other party;
 - ii. Exchanging or donating any organisms collected under this permit to any other person, party or organization (unless authorized by this permit);
7. Sampling Moratoriums: The Division may request a voluntary sampling moratorium, or in some cases, implement a mandatory sampling moratorium, for certain organisms authorized for collection under any current permit, during times of ecosystem pressure caused by natural or anthropogenic stressors. Example of ecosystem pressure may include coral bleaching events, which have occurred most recently in Hawaii during the months of July/August to November. Please take this into consideration when applying for a permit, plan your collections accordingly and be prepared to take a sampling hiatus (if necessary) until the stressor event is determined to have ended. Exemptions may be provided for studies or projects that have a research objective directly related to the naturally or anthropogenically caused stressors, which require collecting data or samples during this period, or select projects that are evaluated to not cause additional pressure during this period.

Q. **OWNERSHIP OF BIOGENETIC RESOURCES.** The State holds legal title to the natural resources and biogenetic resources gathered from state lands, including submerged lands. See Haw. Op. Atty. Gen. Opinion No. 03-03 (April 11, 2003). Biogenetic resources refer to the genetic material or composition of the natural resources and other things connected to, or gathered from public lands. See *Davis v. Green*, 2 Haw. 327 (1861); *United States v. Gerber*, 999F.2d 1112 (7th Cir. 1993).



DAWN N. S. CHANG, Chairperson
Department of Land and Natural Resources

cc: (x) DOCARE – (Oahu)
(x) DOCARE – (Hawaii)
(x) DAR – (Oahu)
(x) DAR – (Hawaii)

SIGNATURES AND AGREEMENT

By my signature below, I acknowledge receipt and understanding of the general and special conditions of this Special Activity Permit. Further, I agree to abide by all of these conditions when conducting activities authorized by this permit. In addition, the following list of designated assistants are authorized to conduct activities under this permit. All authorized assistants should read, agree to the terms and conditions and sign the permit.

PRINCIPAL PERMITTEE: 
Pi'i Laeha

DESIGNATED ASSISTANTS:

Signature:

Print Name:


DANNY AKAKA

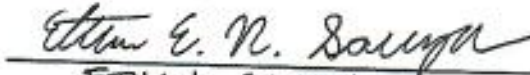
Signature:

Print Name:


MONICA HURLEY


Signature:

Print Name:


ETHAN SOUZA


Signature:

Print Name:


TERRANCE YAMASAKI

Signature:

Print Name:


KAHOKU HURLEY

Signature:

Print Name:


HANS KLETT

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DESIGNATED ASSISTANTS:

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