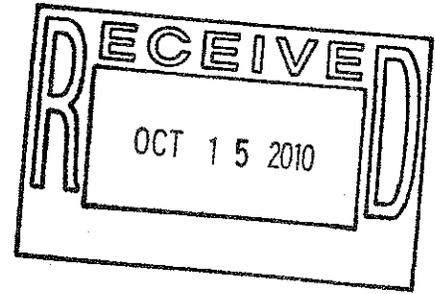




*Preserving America's Heritage*



October 15, 2010

Mr. Allen Tom  
Sanctuary Manager  
Hawaiian Islands Humpback Whale National Marine Sanctuary  
6600 Kalaniana'ole Highway, Suite 301  
Honolulu, HI 96825

Dear Mr. Tom:

I am writing to express the Advisory Council on Historic Preservation's support for extending NOAA's management responsibilities at the Hawaiian Islands Humpback Whale National Marine Sanctuary to include historic properties and submerged cultural resources that lie within the Sanctuary.

We believe they deserve consideration in the operation of the sanctuary because they help illustrate its history and their management is subject to Section 110 of the National Historic Preservation Act (NHPA) which calls for federal agencies to exercise their stewardship responsibilities on historic properties "owned or controlled" by the agency, or "under its jurisdiction." Submerged lands within the Sanctuary fall into these categories. Section 110 first states that "The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency." It then calls for federal agencies to establish preservation programs "for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties." Section 110(a)(2)(B) requires these preservation programs to ensure that historic properties "under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 106 and gives special consideration to the preservation of such values in the case of properties designated as having National significance."

Further, the National Marine Sanctuaries Act (NMSA) and implementing regulations make clear that NOAA has "control" over the lands and waters within the boundaries of the marine sanctuaries. While sanctuary management may be limited under the NMSA to whales, NOAA has authority and control over the sanctuary, and is thus also subject to the requirements of the NHPA including Sections 106 and 110. This management responsibility includes the responsibility to identify historic properties in the "submerged lands" within the sanctuary boundaries in order to inventory and manage any that may lie within the sanctuary.

The ACHP has a long and productive relationship working with NOAA in the management of historic properties within the National Marine Sanctuary System, and in fact we are currently working with NOAA on stewardship of the historic properties within the Papahānaumokuākea National Marine

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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Monument in Hawai'i. We would be happy to assist your office in ensuring that historic properties and submerged cultural resources within the Hawaiian Islands Humpback Whale National Marine Sanctuary are properly considered in the operation of the sanctuary.

If you have any questions, do not hesitate to contact Dr. Tom McCulloch at 202-606-8554 or via e-mail at [tmcculloch@achp.gov](mailto:tmcculloch@achp.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Reid J. Nelson", with a long horizontal flourish extending to the right.

Reid J. Nelson  
Director  
Office of Federal Agency Programs