



**UNITED STATES DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**NATIONAL OCEAN SERVICE**

**Office of National Marine Sanctuaries**

1305 East-West Highway  
Silver Spring, Maryland 20910

Suzanne D. Case  
Chairperson  
Board of Land and Natural Resources  
Commission on Water Resource Management  
PO Box 621  
Honolulu, HI 96809

January 26, 2016

Dear Ms Case,

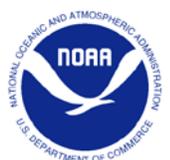
Thank you for your letter of January 22, 2015, regarding the future of the Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS). Your letter captures well the salient points of our discussions and the concerns of both the State of Hawaii and the Office of National Marine Sanctuaries (ONMS) with regard to the proposal we made in March 2015. That proposal contemplated a move from a single species national marine sanctuary that focuses solely on the humpback whale and its habitat to a national marine sanctuary with a broader ecosystem scope. However, there are several points I feel are important to reiterate regarding NOAA's views.

I believe it is important to underscore our view on including habitat as part of an expanded national marine sanctuary. We believe your proposal to expand the national marine sanctuary by only including certain additional marine mammals - without reference to their habitat - is inconsistent with our enabling legislation, the National Marine Sanctuaries Act (NMSA). It is our view that the definition of "sanctuary resource" (16 U.S.C. § 1432) does not allow us to exclude habitat since habitat clearly "contributes to the value of the sanctuary." This view of the definition is consistent with the March 2015 Draft Environmental Impact Statement (DEIS) which analyzed our proposal to expand the purpose of the national marine sanctuary.

In the DEIS, under the section "Alternatives Considered but Eliminated," ONMS considered the option of adding limited additional species to the definition of sanctuary resource. In that analysis, this option was determined not feasible because it would not meet the purpose and need for the expanded national marine sanctuary and was inconsistent with the purpose of the NMSA that calls for a "comprehensive approach to the conservation and management of special areas of the marine environment" (16 U.S.C. § 1431 et seq.).

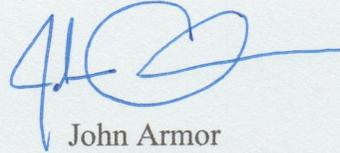
Additionally, as you note, when Congress designated the sanctuary in 1992, the Hawaiian Islands National Marine Sanctuary Act (sections 2301-2307 of Pub. L. 102-587) explicitly included protection of humpback whales and their habitat as a purpose of the Act. Habitat has always been seen as a critical element of managing and protecting species under the NMSA.

In light of our recent discussions we concur that the best way forward is to continue the HIHWNMS in its present form. To that end we will publish a notice in the *Federal Register* detailing our intent to not move forward with the March 2015 proposal.



In closing, I would like to express my sincere appreciation to you and your team for all of the time and effort you have put into this discussion with me, my staff, and the HIIHWNMS advisory council. We look forward to continuing our partnership and working together enhancing the natural and cultural resources in the sanctuary.

Sincerely,

A handwritten signature in blue ink, consisting of a stylized 'J' and 'A' followed by a horizontal line.

John Armor  
Acting Director