



Marine Protected Areas Federal Advisory Committee

November 22, 2010

Dr. Jane Lubchenco
Under Secretary of Commerce for Oceans and Atmosphere, and
NOAA Administrator
Department of Commerce
1401 Constitution Avenue, NW, Rm 5810
Washington, DC 20230

Eileen Sobeck
Deputy Assistant Secretary for Fish and Wildlife and Parks
Department of the Interior
1849 C Street, NW, MIB-3156
Washington, DC 20240

Re: Recommendations of Marine Protected Areas Federal Advisory Committee on
Cultural Heritage Resources in the National System of Marine Protected Areas

Dear Under Secretary Lubchenco and Deputy Assistant Secretary Sobeck:

As the Chair and Vice Chair of the Marine Protected Areas Federal Advisory Committee (Committee), we are pleased to transmit these recommendations on the cultural heritage component of the National System of Marine Protected Areas, approved at our recent meeting of November 2-3 in Santa Barbara, California. These recommendations emphasize that the national system should encompass, and can provide benefits to, cultural resources beyond those recognized by the National Register of Historic Places, including places, objects, and knowledge important to tribal and indigenous peoples.

The conservation and management of cultural heritage resources is one of the three goals of the national system. These recommendations build on those completed by the Committee in April 2010, to expand the scope of cultural heritage resources in the purview of the national system. This approach is aligned with an increased recognition, both nationally and internationally, of the role of the living cultures of tribal and indigenous peoples as an essential component of our nation's cultural heritage.

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Caribbean Fishery Management Council

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Marine Protected Areas Federal Advisory Committee

We look forward to working with you as the Committee continues to work on its charge, addressing timely and critical issues, such as strengthening the cultural resource management role of the national system.

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Piñero-Soler".

Eugenio Piñero-Soler
Chair

A handwritten signature in blue ink, appearing to read "Lori Arguelles".

Lori Arguelles
Vice-Chair

Marine Protected Areas Federal Advisory Committee
November 2010
CULTURAL HERITAGE RESOURCES IN THE
NATIONAL SYSTEM OF MARINE PROTECTED AREAS

Recommended Technical Corrections to Cultural Heritage Resources References in the Framework for the National System of Marine Protected Areas of the United States of America

In April 2010, the Committee recommended adopting an inclusive vision for the cultural heritage component of the National System of Marine Protected Areas, as well as a number of technical corrections to the “Framework for the National System of Marine Protected Areas of the United States of America.” To build upon these, the Committee now recommends the following additional technical corrections to the Framework for the National System of Marine Protected Areas of the United States of America. These recommendations emphasize that the national system should encompass, and can provide benefits to, cultural resources beyond those recognized by the National Register of Historic Places, including places, objects, and knowledge important to tribal and indigenous peoples. Additions are shown as underlined.

Modify MPA Eligibility Criteria for the National System (Framework, p. 17)

4. Cultural heritage MPAs must conform to criteria included in the National Register of Historic Places, or be considered important by Indian Tribes and tribal communities, Alaska Natives, Native Hawaiians, and Pacific Islanders, or have the potential to provide information important to understanding cultural and natural heritage.

Modify MPA Eligibility Criteria descriptions (Framework, p. 18-21)

(iv) Cultural Heritage Criteria

Cultural resources in the national system of MPAs must comply with one or more of the following criteria:

(a) National Register of Historic Places

Given the cultural resource management community’s widespread acknowledgement of the standards developed by the National Park Service for inclusion of a cultural resource in the National Register of Historic Places (NRHP), the national system will integrate core elements of those standards into its criteria for MPAs with cultural marine resources. As such, the cultural marine resources within those MPAs must be historic and defined as at least 50 years of age, unless otherwise determined to be unique to the nation’s maritime history or traditional connections to the sea as defined by the NRHP. In addition, the resources must meet the following NRHP evaluation criteria:

“The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to the broad patterns of our history; or
2. That are associated with the lives of significant persons in our past; or

3. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
4. That have yielded or may be likely to yield, information important in history or prehistory.”

(b) Tribal and Indigenous Area Designations

As identified by oral or written record, indigenous stories, knowledge, people, places, structures, objects, and traditional practices contribute to maintaining cultural identity and/or sustainable management of the environment. The national system will include cultural and natural marine resources that are recognized as important by tribal or indigenous peoples. Some examples are, but not limited to:

1. Areas of cultural value or historic significance to tribes and indigenous peoples.
2. Traditional cultural properties, including areas of spiritual value.
3. Important Great Lakes and marine subsistence areas.
4. Important ceremonial sites and traditional activity sites.
5. Tribal usual and accustomed areas.
6. Other areas as determined important by tribal or indigenous peoples.

(c) Other Cultural Landscapes

A place where the intersection of culture and nature leaves a distinct ecological or cultural imprint, and which is imbued with lasting meaning by a particular group through contact, experience, and activities.

Modify Definitions of Key Terms in Glossary (Framework, p. 50-52)

Replace definition of **Cultural heritage**, as stated in the Framework, p. 50, which reads:
The cultural resources that reflect the nation’s maritime history and traditional cultural connections to the sea, and the uses and values they provide to present and future generations.

With the following definition of **Cultural heritage**:

The legacy of physical evidence and intangible attributes of a group or society which is inherited and maintained in the present and bestowed for the benefit of future generations.

Replace definition of [**Marine**] **Cultural resource**, as stated in the Framework, p. 50, which reads:

A tangible entity that is valued by or significantly representative of a culture, or that contains significant information about a culture and the associated environment. Cultural resources for purposes of the MPA Executive Order are tangible entities at least 50 years in age that reflect the nation’s maritime history and traditional cultural connections to the sea, such as archaeological sites, historic structures, shipwrecks, artifacts, and traditional cultural properties. Cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archaeological resources, cultural landscapes, structures, and ethnographic resources for MPA management purposes. Ethnographic resources include natural resources and sites with tribal or traditional cultural meaning, value and use.

With the following definition of [**Marine**] **Cultural resource**:

The broad array of stories, knowledge, people, places, structures, and objects, together with the associated environment, that contribute to the maintenance of cultural identity and/or reveal the historic and contemporary human interactions with an ecosystem.

Augment definition of **Tribe**, as stated in the Framework, p. 52, as follows:

A federally or state recognized American Indian or Alaska Native government, or any extant or historical tribe, band, nation, or other group or community of indigenous peoples in or associated with the United States of America.

Add definition of **Indigenous Peoples** to the Framework, p. 50:

Descendants of peoples who inhabited the area now encompassed by the United States and its territories at the time of Euro-American colonization, or the establishment of present political boundaries, and who retain some or all of their own social, economic, cultural and political institutions, irrespective of their legal status.

Add definition of **Cultural Landscape** to the Framework, p. 50:

A place where the intersection of culture and nature leave a distinct ecological or cultural imprint.