



National Oceanic and Atmospheric Administration  
Section 3 Report  
Executive Order 13287

Fiscal Years 2018-2020

**Executive Order 13287, Section 3 Report on Historic Properties at NOAA  
September 2020**

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## **Executive Order 13287, Section 3 Report on Historic Properties at NOAA September 2020**

### Introduction

The Preserve America Executive Order 13287 directs federal agencies to advance the protection, enhancement, and contemporary use of federal historic properties and to promote partnerships for the preservation and use of historic properties, including through heritage tourism.

This report is submitted to the Advisory Council on Historic Preservation (ACHP) by the National Oceanic and Atmospheric Administration (NOAA) in compliance with Executive Order (EO) 13287, Preserve America. Section 3 of EO 13287 requires NOAA to submit a triennial report on its progress in identifying, protecting, and using historic properties in the Agency's ownership.

This is NOAA's third report, and the second triennial report, to be submitted. NOAA submitted a baseline report in 2004. In 2005, 2008, 2011, and 2014 the Department of Commerce undertook submission of reports to include NOAA. Subsequently the Department returned responsibility for the triennial reporting to its agencies. In 2017 and again with this report NOAA submits on its own behalf.

In March 2020 the ACHP released the Advisory Guidelines Implementing Executive Order 13287, "Preserve America" Section 3: Reporting Progress on the Identification, Protection, and Use of Federal Historic Properties. The ACHP's Advisory Guidelines contain questions directed to federal agencies with real property management responsibilities. This report responds to the 10 questions posed by the ACHP and reports on progress made by NOAA toward the goals of the Executive Order.

### Summary

A high point in NOAA's stewardship efforts has consistently been our work in the National Marine Sanctuaries. Sanctuary management is a partnership with state and local governments and private organizations. In this reporting cycle NOAA designated one new sanctuary and is working to add two more. Sanctuaries do foster heritage tourism.

NOAA's land based property holdings are high in number but are dispersed across the fifty states as well as the territories. This geographic dispersion makes tracking, evaluating, and reporting more difficult than if the properties were centrally located and centrally managed. Approximately one quarter of our properties are fifty years of age or older with the majority of properties being less than forty-five years old. Properties less than 50 years old have not previously been considered for evaluation however a discovery in this reporting period indicates a need for a shift in thinking. One of our properties less than fifty years old was recently recognized as being significant under the National Register of Historic Places' Criterion G due to its significance in the science of climate change.

**National Oceanic and Atmospheric Administration**

**RESPONSES TO**

**THE RECOMMENDED QUESTIONS FROM**

**The Advisory Council on Historic Preservation (ACHP)**

**SECTION 3: Reporting Progress on the Identification,  
Protection, and Use of Federal Historic Properties**

September, 2020

**IDENTIFYING HISTORIC PROPERTIES**

- 1. Building upon previous Section 3 reports, have your identification methods changed during this reporting period? Approximately what total percentage or portion of inventory has now been surveyed and evaluated for the National Register, and does this represent an increase from your agency's 2017 progress report?**

The majority of NOAA's inventory, approximately 77 percent of owned real property, is less than 50 years old. Of the properties 50 years and older approximately 38 percent of inventory has been evaluated. In 2017 approximately 33 percent of this inventory had been evaluated. As the inventory ages the need for evaluation will increase. Recently one of our sites less than 50 years old has been deemed eligible under Criterion G due to its importance in climate science. That awareness will have an effect on future identification methods.

Although in a trustee role, and not a part of our inventory of real property, NOAA's Office of National Marine Sanctuaries (ONMS) submitted three nominations for shipwrecks in this reporting period, the Choctaw, Joseph S. Fay, and Grecian at Thunder Bay National Marine Sanctuary (NMS).

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**2. Has your agency implemented any policies that promote awareness and identification of historic properties over the last three years?**

Please refer to the response in Question 4.

**3. How has your agency employed partnerships (with federal or non-federal partners) to assist in the identification and evaluation of historic properties over the last three years?**

**Underwater Cultural Heritage Interagency Working Group (UCH IAWG):**

NOAA's Office of General Counsel has partnered with several federal agencies to promote cooperation in the identification and protection of underwater cultural heritage by means of the Underwater Cultural Heritage Interagency Working Group (UCH IAWG). The UCH IAWG is an informal working group of Federal attorneys and cultural resources policy professionals focused on protecting and preserving submerged cultural heritage resources. The purpose of the UCH IAWG is to coordinate at a staff level to share information, discuss topics of mutual interest, and informally address issues or concerns that may later go through a more formal interagency process. The UCH IAWG originated from the Interagency Submerged Cultural Resources Working Group (ISCRWG), which began meeting in the 1990s. The ISCRWG was an informal organization of Federal attorneys and cultural resources professionals concerned with the protection and preservation of submerged heritage resources. The group worked on a number of initiatives, including the development of draft domestic legislation that would implement the international agreement called for under the RMS *Titanic* Maritime Memorial Act of 1986. The purpose of the UCH IAWG remains largely the same, focusing on issues of mutual interest regarding underwater cultural heritage. There are a number of issues pertaining to underwater cultural heritage that continue to present unique challenges to Federal agencies. Then, as now, the UCH IAWG provides an efficient and effective avenue to address and initiate dialogue around these issues.

**Coastal Zone Management Act Program Funding:**

The Coastal Zone Management Program is authorized by the Coastal Zone Management Act of 1972, and administered at the federal level by NOAA's Office of Ocean and Coastal Resource Management. NOAA's financing supports various coastal states in their redevelopment of deteriorating and urbanized waterfronts and ports, as well as providing for public access to beaches and coastal areas. State and local governments receive funding for these investments through NOAA grant expenditures, for the purpose of preservation or restoration of coastal resources and habitats. This work can potentially affect historic properties, including archaeological resources. As a resource for grants NOAA partners with grantees, state and local governments, and civic groups to effect projects with a common interest. As the agency providing funds it is incumbent on NOAA

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to partner with grantees to assure evaluation, identification, and protection of historic properties in compliance with the NHPA.

**PROTECTING HISTORIC PROPERTIES**

- 4. Have the programs and procedures your agency has in place to protect historic properties, including compliance with Sections 106 (54 U.S.C. 306108), 110 (54 U.S.C. 306101-306107 and 306109-306114), and 111 (54 U.S.C. 306121-306122) of NHPA, changed over the reporting period in ways that benefit historic properties?**

In 2019 the Department of Commerce undertook a significant rewrite of the 2012 Energy and Environmental Management Manual and renamed it the Environmental Management Manual. The chapter on cultural resource management has been completely rewritten. The document is in draft form going through the final review and approval process. Once approved our agency can adopt it and, if needed, add any agency specific policies to promote awareness, identification, and protection of historic properties. The cultural resource chapter in the 2019 draft is an improvement over the 2012 version with regards to the NHPA. It's direct, succinct, regulation and process focused, and promises to be a key building block in our program.

- 5. How has your agency employed partnerships to assist in the protection of historic properties over the reporting period?**

**National Marine Sanctuaries:**

The Office of National Marine Sanctuaries (ONMS) serves as the trustee for a network of underwater parks encompassing more than 600,000 square miles of marine and Great Lakes waters from Washington State to the Florida Keys, and from Maryland to American Samoa. The network includes a system of 13 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. In response to ongoing widespread interest from the public, NOAA launched a new, locally driven sanctuary nomination process developed with input from more than 18,000 public comments. Throughout the nomination process, NOAA will be available to answer questions and provide guidance to nominating communities and other interested parties.

**Mallows Bay:**

Five years after the state of Maryland nominated Mallows Bay in the Potomac River for consideration as a national marine sanctuary, the Mallows Bay community came together to celebrate the nation's newest national marine sanctuary. On September 3, 2019 the Mallows Bay-Potomac River National Marine Sanctuary was designated, the first national marine sanctuary in almost two decades. The Mallows Bay-Potomac River

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National Marine Sanctuary was a community effort, bringing together diverse groups from across Maryland. Mallows Bay-Potomac River National Marine Sanctuary is a result of the work of literally hundreds of community champions, government partners and elected officials.

**Lake Michigan:**

In October 2015, in response to a community-based sanctuary nomination, NOAA announced its intent to designate a new national marine sanctuary in Lake Michigan to conserve nationally-significant shipwrecks. With input from the public, industry stakeholders, and in close consultation with the state of Wisconsin, NOAA has published a final environmental impact statement and final management plan for the proposed Wisconsin Shipwreck Coast National Marine Sanctuary. The proposed 962-square-mile Wisconsin Shipwreck Coast National Marine Sanctuary would protect 36 shipwrecks that possess exceptional historic, archaeological, and recreational value. Historical research suggests that nearly 60 shipwrecks are yet to be discovered in the sanctuary. In June 2020 NOAA published a final environmental impact statement (FEIS) and final management plan for the 962-square mile Wisconsin Shipwreck Coast National Marine Sanctuary. If the sanctuary is designated, the sanctuary would be co-managed by NOAA and the state of Wisconsin, and a memorandum of agreement would be established. NOAA would also establish a Sanctuary Advisory Council made up of members from the public, with meetings open to the public, to gather input and advice on sanctuary management.

**Lake Ontario:**

In April 2019, NOAA proposed the designation of a national marine sanctuary in eastern Lake Ontario to protect historically significant shipwrecks and maritime heritage resources. The area being considered for designation as a national marine sanctuary is a region in eastern Lake Ontario that includes approximately 1,700 square miles of lake waters and bottomlands adjacent to Jefferson, Wayne, Oswego, and Cayuga counties in the State of New York. The area contains 21 known shipwrecks and one military aircraft representing events spanning more than 200 years of our nation's history. Based on historical records, an additional 47 shipwrecks and two aircraft are also likely located there. NOAA established a sanctuary advisory council for the proposed sanctuary in Lake Ontario to bring members of the local community together to provide advice to NOAA, to serve as a liaison with the nominating community, and to assist in guiding NOAA through the designation process.

**6. How has your agency used program alternatives such as Programmatic Agreements, Program Comments, and other tools to identify, manage, and protect your agency's historic properties over the last three years?**

NOAA's Office of National Marine Sanctuaries (ONMS) is seeking to optimize its compliance with Section 106 of the NHPA through development of a Section 106

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Programmatic Agreement (PA) for Florida Keys National Marine Sanctuary (FKNMS) operations, management, and permitting. Development of this PA with Florida's State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) has been a multi-year process which reached an important milestone in 2019 with the release of a draft PA for public comment. The draft PA was made available through a larger effort to solicit public review of a Draft Environmental Impact Statement, labeled "A Restoration Blueprint", that proposed changes to the sanctuary's overall management. As the Restoration Blueprint proposes changes to the way ONMS manages its historic properties, the two efforts are linked to improve the conservation of historic properties in FKNMS. During the comment period, ONMS engaged with Florida Keys sanctuary user groups interested in historic properties to make them aware of the opportunity to comment. Since the closure of the comment period in January 2020, ONMS has continued to seek consultation on the draft PA from interested community groups and Native American tribes with an interest in FKNMS. Following review of all comments and consultations, ONMS will complete the PA through further consultation with the Florida SHPO and ACHP.

**USING HISTORIC PROPERTIES**

**7. How do your agency's historic federal properties contribute to local communities and their economies, and how have their contributions changed over the reporting period?**

Our historic real properties remain in use as functional assets and are not open to the public but still contribute to the local economy in a variety of ways. They contribute to the economy as a place of employment, and they contribute to the economy as a result of their repair and maintenance needs.

National marine sanctuaries are used for recreation, such as for boating, diving, and sport fishing, and support valuable commercial industries such as fishing and kelp harvesting. Heritage tourism is actively promoted at National Marine Sanctuaries (NMS). At many of the sites access is hazardous and discouraged but NOAA actively promotes heritage tourism at the Thunder Bay NMS in Michigan and we developed the Shipwreck Trail in the Florida Keys NMS. You can find links to both of the sites from the sanctuary program web site. <https://sanctuaries.noaa.gov/welcome.html>

**8. What other laws, regulations, or requirements (other than the NHPA) most directly affect your agency's strategies to protect and use historic properties? What factors have influenced agency decision making on the continued use or re-use of historic properties during the last three years?**



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In 1972, Congress passed the Marine Protection, Research, and Sanctuaries Act in response to a growing awareness of the intrinsic environmental and cultural value of coastal waters. The Act authorized the Secretary of Commerce to designate special nationally-significant areas of the marine environment as national marine sanctuaries. These protected waters provide a secure habitat for species close to extinction, and also protect historically significant shipwrecks and prehistoric artifacts.

**9. Does your agency use, or has it considered using, Section 111 (now 54 U.S.C. § 306121) of the NHPA or other authorities to lease or exchange historic properties?**

NOAA does not use Section 111. Section 111 allows us to use the authority in one of three ways. Lease or exchange historical properties when assets are not needed for current or future use; proceeds from any lease of can be used in the operation and maintenance of other historic properties; or contract the management of agency historic properties to an outside entity. Although NOAA has not used this authority we are aware of its potential benefit and can use it if appropriate.

**10. Provide specific examples of major successes, opportunities, and/or challenges your agency has experienced in identifying, protecting, or using historic properties during the past three years.**

Challenge:

NOAA's property holdings are high in number but are physically relatively small and are dispersed across the fifty states as well as the territories. This geographic dispersion makes tracking, evaluating, and reporting more difficult than if the properties were centrally located and centrally managed. It is a challenge to obtain resources to evaluate and identify historic properties. Typically a property is evaluated only when an undertaking is being contemplated.

Success:

On September 3, 2019, NOAA designated Mallow's Bay-Potomac River as the first national marine sanctuary in nearly 20 years. The sanctuary will be jointly managed by the state of Maryland and Charles County, Maryland, for the purposes of protecting the Ghost Fleet and related cultural heritage as well as to facilitate recreational access and economic opportunity. Mallow's Bay-Potomac River National Marine Sanctuary protects and interprets the remnants of more than 100 World War I-era wooden steamships – known as the "Ghost Fleet" as well as remains of historical fishing operations and Revolutionary and Civil War battlescapes. The new sanctuary also protects other maritime resources and cultural heritage dating back nearly 12,000 years including heritage sites of the Piscataway-Conoy and other Indigenous peoples.