The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Massachusetts Historical Commission

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COASTAL ZONE MANAGEMENT
Exec. Office of Environmental Affairs

January 26, 2004

Susan F. Tierney
Chair
Massachusetts Ocean Management Task Force
Executive Office of Environmental Affairs
251 Causeway Street, Suite 900
Boston, MA 02114-2119

RE: Ocean Management Task Force Draft Principles and Preliminary Recommendations

Dear Dr. Tierney:

Staff of the Massachusetts Historical Commission (MHC) have reviewed the *Draft Principles and Preliminary Recommendations* prepared by the Ocean Management Task Force and released for comment in December, 2003. MHC would greatly appreciate receiving a copy of the final report of the Ocean Management Task Force when it becomes available. MHC offers the following comments to assist the Ocean Management Task Force in refining and further elucidating the preliminary recommendations to be consistent with and complementary to state and federal law and established policies and practices concerning cultural resource management.

The MHC, which is the State Historic Preservation Office, has broad duties in historic preservation to protect the Commonwealth's interest in historic and archaeological resources. MHC has an important role in both state and federal historic preservation laws and regulations, as part of environmental review for proposed projects that seek state or federal funding, permits, licenses, or approvals (16 USC 470f (36 CFR 800); MGL c. 9, ss. 26-27C (950 CMR 71)). In addition, the MHC is the Office of the State Archaeologist (MGL c. 9, ss. 26A-27C (950 CMR 70)). The Executive Director of the MHC and the State Archaeologist both serve on the Massachusetts Board of Underwater Archaeological Resources (MGL c. 6, s. 179). As you know, MHC also has an important role in assisting the Executive Office of Environmental Affairs (EOEA) during the MEPA review process (301 CMR 11), and for providing to EOEA technical assistance in archaeology and historic preservation during the nomination process for designating Areas of Critical Environmental Concern.

There are other federal laws and regulations that are more generally or more specifically concerned with maritime-related cultural resources. The Massachusetts Board of Underwater Archaeological Resources (BUAR) should be consulted for information about other federal and state laws and regulations that concern underwater archaeological resources, and maritime-related cultural resources in general.

MHC recommends that the final principles and recommendations of the Ocean Management Task Force explicitly recognize the significant role of the Atlantic Ocean and the coastal region of New England in the ancient and historical periods in terms of exploration, settlement, subsistence, transportation, and

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economy. In addition, the recommendations should include the protection of non-renewable cultural resources from the ancient and historic periods as part of the public trust of the Commonwealth (Massachusetts Constitution, Article XCVII).

As you are no doubt aware, vast lands that are now submerged by the Atlantic Ocean were once exposed and populated by ancient Native Americans. Twelve-thousand years ago, when the earliest known Native American explorers entered New England, the islands of Nantucket, Martha's Vineyard, and the Elizabeth Islands were hills on an expansive coastal plain that extended in some places as much as fifty miles east of the present coastline. The rise of sea levels from melting glaciers submerged these formerly exposed land areas that extended to the continental shelf. As the glaciers retreated and sea level rose, habitats changed considerably. Many species of land and marine animals were displaced or became extinct, while other species came into the region. The processes and effects of environmental and cultural changes were protracted and complex, as paleoecological and archaeological studies have just begun to identify and document.

Native American groups adapted to this ever-changing environment, moving farther inland from the encroaching ocean, but retaining their coastal orientation for settlement, subsistence and transportation. As plant and animal species became more or less available, Native Americans adapted their tools and tool forms, and their gathering, hunting, and fishing techniques. As the habitable land area decreased with the rising waters, it is likely that social organization and certain social practices also changed creatively. The coastal zone in Massachusetts contains the state's highest terrestrial archaeological site density for the ancient and early historical periods. It is expected that lands now submerged also contain evidence for settlement and land use during those times. In certain favorable circumstances, organic materials (e.g., wood or matting used for *wetuomash* (houses); wood and bone implements; wooden *mussoonash* (dugout canoes); clothing made of textiles and hides; etc.) might be better preserved at submerged ancient sites than is ordinarily the case at terrestrial sites.

Advances in geology and technology (using remote sensing, underwater equipment, core sampling of substrate, and computer modeling) have been successfully applied by archaeologists to identify land under ocean that may hold artifact deposits and intact archaeological features. Not all submerged lands will contain preserved evidence of ancient Native American sites. The dynamic nature of the ocean, including submergence, erosion, and redeposition processes have to be taken into account to identify areas that are likely to have intact ancient Native American archaeological sites in submerged lands.

In historical times, of course, Southern New England was explored and settled by ocean-going Europeans in the late 16th and early 17th centuries, drawn here by the region's prodigious marine animal resources. Many ships and lives were lost. Evidence from historical period shipwreck sites provides a window into the past, and helps to fill out many details that are lacking in documentary accounts or which could be ascertained from curated museum collections. Shipwreck sites and other kinds of historical period, maritime-related archaeological resources are part of the public trust as well. When these public resources are targeted by profit-oriented salvagers, important artifactual and scientific evidence from these sites could be lost—sold off and disbursed into private hands, rather than retained in an appropriate museum or curatorial facility for the public to enjoy. Massachusetts also has many surviving historic ships and maritime-related structures and features (e.g., lighthouses, shipyards, wharves, seawalls, etc.) many of which have been listed in the State and National Registers of Historic Places, and all of which have an important place in the Commonwealth's historic cultural environment.

Ancient and historic period Native American sites; historical period, underwater archaeological resources; historic ships; and, maritime-related structures and features—these are all non-renewable cultural

resources. Experience and formal training are required to properly investigate and record archaeological sites, in such a way as to not adversely affect fragile contextual relationships that are vital for understanding their significance and history. Great skill and attention to appropriate treatments and materials are required to properly preserve functioning historic places and things.

Any new state laws, regulations, or policies proposed by the Ocean Management Task Force should take into account existing state and federal historic preservation laws and regulations, and should be tailored to strengthen protections for cultural resources as part of the public heritage. In addition, the educational and interpretive values of maritime-related cultural resources should be fostered. One proposal advanced by the Ocean Management Task Force may be to provide the Secretary of EOEA with the authority to designate ACEC-like areas in ocean waters. EOEA consultation with the MHC and the BUAR during the nomination process for such designated areas would be appropriate.

The final recommendations should include the assessment of Massachusetts lands under the ocean that are likely to contain significant historic and archaeological resources, using state-of-the-art archaeological and geotechnical sciences and technologies; the consideration of alternatives to activities and policies that conflict with the preservation of non-renewable cultural resources; provisions and incentives to encourage the responsible study and interpretation of cultural resources in such a manner as to not adversely affect the preservation of these sites; and, increased legal protections for the Commonwealth's historic and archaeological resources from looting and profiteering.

Thank you for the consideration of these comments as you finalize your recommendations. Please feel free to contact Edward L. Bell of my staff if you have any questions or require any further information at this time.

Sincerely,

Cara H. Metz
Executive Director
State Historic Preservation Officer
Massachusetts Historical Commission

xc:
Secretary Ellen Roy Herzfelder, Executive Office of Environmental Affairs
Tom Skinner, Director, EOEA/Coastal Zone Management
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