The COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
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Exempted Site Nomination Process

Purpose

Where, in the Board's judgment, an underwater archaeological resource, because of its location, condition, history, or resource value, is best left in the public domain, it may declare the site exempt from the permit process. In such cases, a permit shall not be issued for such site and any major disruption of these sites is expressly prohibited.

Legal Authority

The designation of an underwater archaeological resource as an exempted site is established in Massachusetts General Law (Chapter 91, Section 63) and the Code of Massachusetts Regulations (312 CMR 2.15(2)).

Nomination Procedures

In order to petition the Board to place a site on the exempted list, any person may present a written nomination to the Board. The nomination must include, at a minimum: the name and contact information for the nominating party, the name (if known) and location of the resource, a summary of its history, physical condition, and dive condition, and a statement outlining any evidence concerning placement. Nominations must be submitted in typewritten form and received by the Board no later than ten days prior to a scheduled Board meeting for consideration at that Board meeting. The Board will allow 90 days for interested parties to comment on the proposed action, and shall, thereafter vote on the request at a meeting of the Board. All Board meetings are open to the public and subject to the State's Open meeting Law (Massachusetts General Law, Chapter 30A, Section 11A½). Any person may request, in writing, a public hearing be held regarding a petition; such request must be received by the Board no later than 40 days prior to the meeting scheduled to vote on the petition.

Evaluation Criteria

Underwater archaeological resources are declared exempt for reasons including, but not limited to: previous discovery and commonly known location, previous salvage, recreational value, educational value, or the lack of archaeological or historical value. Factors the Board will consider to revoke placement on the exempt list include, but are not limited to: historical or archaeological concerns, documentary research, environmental concerns, and the interest of public safety. The Board will not consider commercial salvage of any exempted site to form sufficient basis for revoking exempt status.

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List of Exempt Sites

A list of underwater archaeological resources declared exempt with their locations shall be maintained by and available from the Director. Once an underwater archaeological resource is declared exempt, it will be included on the list. Information on specific exempted sites included in the list will be made available by contacting the Board's Director or on the Board's webpage at: http://www.mass.gov/czm/buar/buares.htm.

Reconsideration of Exempted Status

Notwithstanding the foregoing, the Board recognizes that circumstances may exist which, if deemed compelling, may enable the Board to reconsider such placement. The Board will follow the same timeline and procedures described under the Nomination Procedures section (above) for the reconsideration of previous placement

The nomination process described above was approved by the Board at its public meeting held on December 1, 2011.