



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
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BOARD OF
UNDERWATER
ARCHAEOLOGICAL
RESOURCES

February 12, 2004

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

RE: Ocean Management Task Force *Draft Principles and Preliminary Recommendations*

Dear Dr. Tierney:

The staff of the Massachusetts Board of Underwater Archaeological Resources (BUAR) has completed its review of the *Draft Principles and Preliminary Recommendations* prepared by the Massachusetts Ocean Management Task Force. The BUAR provides the following comments to guide the Task Force in the further development of its policy recommendations pertaining to the numerous submerged cultural resources in the coastal waters of Massachusetts.

Established in 1973, the BUAR is the sole trustee of the Commonwealth's underwater heritage, protecting and promoting the public's interests in these resources for recreational, economic, environmental and historical purposes. Under Massachusetts General Law (Chapter 6, sections 179-180, and Chapter 91, section 63), the BUAR is charged with the responsibility of encouraging the discovery and reporting, as well as the preservation and protection, of underwater archaeological resources. Such resources include not only an estimated three thousand shipwrecks, but also features and artifacts comprising prehistoric Native American sites that might be found on the ubiquitous inundated land formations in the coastal waters of the Commonwealth. These known and potential submerged cultural resources represent the opportunity to acquire tremendous knowledge concerning our use of the ocean over a course of thousands of years.

The BUAR recommends that it be included in the planning and implementation of any new policy or legislation that might result from the passage of a new Ocean Resource Management Act, as detailed under Recommendation #1 in the Framework Issues section of the above referenced document. It is critical to the success of the BUAR in meeting its responsibilities to the Commonwealth and federal government that any new policy or legislation consider existing state and federal historic preservation laws, maintain archaeological site protection and increase public awareness of these non renewable resources. Furthermore, the BUAR recommends the effort to identify and assess archaeological/cultural resources be included as a common element of the ocean resource management plans authorized by any future Ocean Resource Management Act.



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The BUAR notes that it currently possesses the statutory authority to designate underwater archaeological preserves or areas of increased site protection when, in its judgment, particular underwater archaeological resources exhibit substantial archaeological or historical value. In order to maintain consistency with this authority, the BUAR asks that the Task Force include ocean areas exhibiting particular cultural or historical significance in its eligibility criteria for special protection as described in Recommendation #9, under the heading of Policy Issues. The BUAR further advises the Task Force recognize that, under the conditions of the federal Abandoned Shipwreck Act (PL 100-298), public access to shipwrecks must be guaranteed.

The BUAR concurs with Recommendation #10 (Data Trends and Needs) that a comprehensive ocean resources monitoring and research plan should be developed as a basis for sound ocean management. The BUAR recommends that such a plan include the monitoring and research of submerged cultural resources in addition to the types of resources currently listed.

Concerning Recommendation #11's (Data Trends and Needs) call for an increase in the public dissemination of certain data collected on the Commonwealth's ocean resources, the BUAR asks that the Task Force recognize the BUAR's need to ensure the confidentiality of some site files. Submerged cultural resources, particularly shipwrecks, frequently suffer irreparable damage at the hands of unscrupulous divers and looters. Furthermore, much of the data regarding shipwreck locations are provided by the fishing and recreational diving community only with BUAR's assurance that this information remain confidential.

The BUAR recommends that the Final Principals and Recommendations of the Task Force include explicit recognition of the significance of the Atlantic Ocean and coastal New England in terms of national and regional maritime heritage. This could be accomplished by the inclusion of a Native American and Euro-American cultural context that incorporates such themes as land use patterns, exploration, settlement, transportation, fishing and economic development for coastal Massachusetts and the New England region.

The BUAR appreciates the opportunity to provide these comments and looks forward to working with the Task Force in promoting public awareness and appreciation of the valuable, yet finite cultural and historical resources in the coastal waters of the Commonwealth. It is the BUAR's hope that a cooperative effort will result in an increase in site protection, interpretation and stewardship for generations to come. Should you have any questions regarding these comments, please do not hesitate to contact me at the address above or by telephone at (617) 626-1141.

Sincerely,



Victor T. Mastone
Director

VTM/dwt

Cc: Cara H. Metz, Executive Director, MA Historical Commission
Tom Skinner, Director, MA Office of Coastal Zone Management
John Peters, Jr., Executive Director, MA Commission on Indian Affairs