



The COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
251 Causeway Street, Suite 800, Boston, MA 02114-2136  
Tel. (617) 626-1200 Fax (617) 626-1240 Web Site: [www.mass.gov/czm/buar/index.htm](http://www.mass.gov/czm/buar/index.htm)

## **Underwater Archaeological Preserve Nomination Process**

### Purpose

Where, in the Board's judgment, an underwater archaeological resource, because of its substantial archaeological or historical value, is best left the permanent property of the Commonwealth, it may declare the site to be an underwater archaeological preserve. In such case, any disruption of an underwater archaeological preserve is expressly prohibited, except as specifically provided under a special use permit for historical or scientific purposes. Any and all materials collected will remain the permanent property of the Commonwealth.

### Legal Authority

The designation of an underwater archaeological resource as an underwater archaeological preserve is established in Massachusetts General Law (Chapter 91, Section 63) and the Code of Massachusetts Regulations (312 CMR 2.15(3)).

### Nomination Procedures

In order to petition the Board to designate a site an underwater archaeological preserve, 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 11A<sup>1/2</sup>). 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 an underwater archaeological preserve for reasons including, but not limited to: recreational value, educational value, or the substantial archaeological or historical value. Factors the Board will consider to revoke designation as an underwater archaeological preserve 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 underwater archaeological preserve to form sufficient basis for revoking preserve status.

#### List of Underwater Archaeological Preserves

A list of underwater archaeological resources declared underwater archaeological preserves with their locations shall be maintained by and available from the Director. Once an underwater archaeological resource is declared underwater archaeological preserve, it will be included on the list. Information on specific preserve sites included in the list will be made available by contacting the Board's Director or on the Board's webpage at: [currently under construction]

#### Reconsideration of Preserve 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 28 January 2016.