



CULTURAL RESOURCES



New England's history and culture are inextricably linked with the ocean. The importance of the sea to the region's economy, character, and vitality is manifest in various ways. New England fishing harbors, the Freedom Trail in Boston, summer vacations at the beach or on a small island, lobster bakes, and countless other images and activities are inseparable from the experience of living in or visiting New England, where recreation and tourism comprise about half of the region's coastal economy.¹

Tourism is a particularly seasonal phenomenon, with summer employment in the tourism and recreation sector increasing by close to 90 percent (compared with offseason employment) in certain counties in Maine and Massachusetts.² Much of this seasonal employment occurs at the region's 10,000 eating and drinking establishments (restaurants and bars), which employ 150,000 people and generate more than \$5 billion annually in GDP, and at the region's hotels and lodging places, which employ more than 30,000 people and generate more than \$2 billion annually in GDP.³

In addition to these economic figures, however, there are many intrinsic or otherwise hard-to-quantify aspects of the region's history and culture. Countless sites and properties in New England are foundational to this country's history and pay homage to those who helped shape the region and the United States. Reflecting the region's maritime tradition and continuing connection to the sea, working waterfronts and island communities continue to be vital connections between the land and ocean, supporting commercial fisheries, recreational

opportunities such as boating, fishing, and wildlife viewing, and a host of other activities for residents and visitors alike. Coastal parks, wildlife reserves, a National Marine Sanctuary, and National Park Service properties provide other opportunities to experience the New England coast. Cultural opportunities such as museums, theater, art, crafts, and music festivals abound and are not confined to the region's urban centers; many of the cultural events and institutions are known the world over and bring national and international visitors to the region.

Importantly, for far longer than the time of European settlers, Native American cultures in the Northeast have been inherently connected to the region's ocean waters. The ocean and its resources supported a variety of hunting, harvesting, fishing, and foraging activities for more than 12,000 years before the arrival of European settlers. Ocean resources remain important to the cultural fabric of present-day Native American life through sustenance, medicinal applications, and spiritual well-being as well as tribal travel, trade, recreation, and ceremonial activities. Tribal members view themselves as





caretakers of the land and waters of the region; if the land and waters are kept healthy, they will provide for future generations. Ocean planning provides tribal members an opportunity to pursue their priorities of preserving cultural sites, promoting ecosystem health, restoring fisheries and habitat to ensure sustenance, planning for a changing climate, and using traditional knowledge to strengthen partnerships.

REGULATION AND MANAGEMENT

Relevant laws, regulations, and programs

Several federal laws, regulations, and related federal, tribal, state, and local programs are directly related to consideration of cultural resources in general. For the purposes of the Plan, the following are among the most pertinent:⁴

- **Section 106 of the National Historic Preservation Act** (NHPA), which requires federal agencies to take into account the effects of their activities on historic properties that are listed or eligible for the National Register of Historic Places. It also requires federal agencies to consult with states and tribes, and, with respect to tribes, determine whether a federal activity may affect a property to which a tribe attaches religious or

cultural significance. Section 106 also requires an inventory of sites on the National Register; however, submerged areas have not been inventoried. Other laws may apply to specific types of underwater historic resources, such as the Sunken Military Craft Act, administered by the US Navy, which protects sunken military craft that are the property of the US government.

- **NEPA**, which requires federal agencies to assess the impact of a major federal action affecting the human and natural environment, including cultural and historic resources.
- Additional laws described in Chapter 4 such as the **Archaeological Resources Protection Act**, **Native American Graves Protection and Repatriation Act**, and the **American Indian Religious Freedom Act**.
- Each New England state participates in the formal protection of cultural and historic resources through designated **State Historic Preservation Officers** (SHPOs) and programs, for example, which implement state-specific laws, rules, and regulations related to the protection and conservation of historic and cultural resources, including shipwrecks. Tribes also have designated **Tribal Historic Preservation Officers** (THPOs) who are involved with the protection of tribal cultural resources.

In addition to these formal programs, countless nonregulatory, funding, or technical assistance-oriented programs provide support for protection of historic and cultural resources or are intended to help preserve aspects of community character. While there are too many of these types of federal, state, local, and tribal programs to identify in this section, working waterfront programs are particularly relevant to this Plan because of their link to offshore activities and resources. Each working waterfront program, alliance, or network is unique, but they generally seek to enhance the capacity of coastal communities and stakeholders to make informed decisions, balance diverse uses, ensure access, and plan for the future of working waterfronts and waterways.⁵ In each state, there are state-level resources such as funding and technical assistance available to help ensure that communities consider long- and short-term needs for working waterfronts. Many of these efforts are intended to help communities maintain access for traditional and economically and culturally important uses, including commercial fishing and recreation.



Environmental and regulatory review

The NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and to consult with SHPOs, and, when appropriate, THPOs. There are 10 federally recognized tribes in New England with almost all having, developing, or sharing a THPO, and each state has an SHPO. If the agency's undertaking could affect historic properties, it consults with the SHPO (and THPO[s] as appropriate) and conducts additional studies as necessary. Historic districts, sites, buildings, structures, and objects listed in the National Register of Historic Places are considered. Unlisted properties are evaluated against the National Park Service's published

criteria for a designation of "eligibility" for the National Register, in consultation with the SHPO and THPO(s) associated with tribes that may attach religious or cultural affiliation to the properties. For listed and unlisted properties, the agency consults with the SHPO/THPO and makes an assessment of adverse effects on the identified historic properties. If these state and tribal historic preservation officers agree that there will be no adverse effect, the agency proceeds with the undertaking and any agreed-upon conditions. If the officers find that there is an adverse effect, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effect. Consultation usually results in a memorandum of agreement (MOA), which outlines agreed-upon measures for the agency to take in order to avoid, minimize, or mitigate the adverse effect. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.⁶

Pursuant to NHPA regulations (36 CFR § 800), there are several considerations related to historic or cultural properties under NEPA. These considerations generally take into account NHPA responsibilities as early as possible in the NEPA process and, to the extent possible, preparation of draft environmental impact

statements that integrate impact analyses and related surveys and studies required by the NHPA. Consideration of an undertaking's likely effects on historic properties is part of an agency's determination of whether an action is a "major federal action significantly affecting the quality of the human environment," and it therefore requires preparation of an environmental impact statement under NEPA.⁷ While NHPA focuses on impacts on properties included in or eligible for the National Register of Historic Places, other authorities, such as the American Indian Religious Freedom Act (AIRFA), may require consideration of other cultural resource types from a tribal perspective. NEPA itself provides for considering all aspects of the cultural environment including, for example, the cultural use of natural resources.

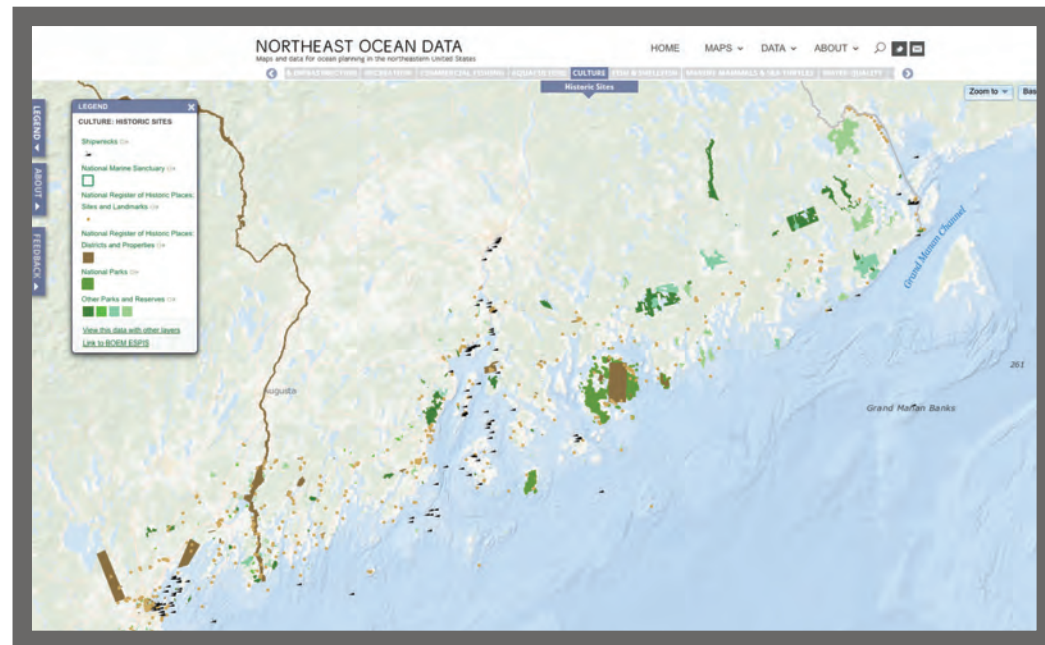


MAPS AND DATA

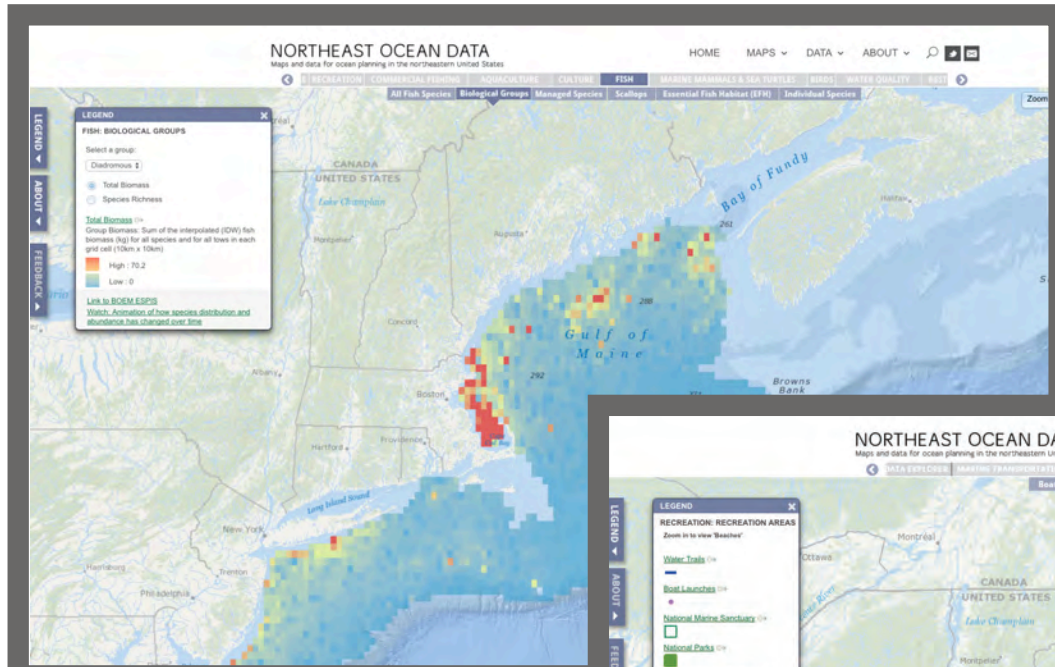
The National Park Service (NPS) maintains the National Register of Historic Places.⁸ The Culture theme on the Portal provides historic district and site location information from the National Register for Maine, Massachusetts, New York, and Rhode Island (as of 2016, other Northeast states are being updated). The states and NPS provided these data. Although project proponents are required to consult the National Register to assist in identifying potentially affected sites, they are also required to consult with the appropriate SHPO(s) and/or THPO(s), recognizing that some identified sites or properties may not be listed publicly (e.g., particularly sensitive sites that are considered confidential and thus not included in available data) or that a particular project may affect a site or property that is eligible for, but not yet listed on, the National Register.

Additionally, the Portal provides information from the Automated Wreck and Obstruction Information System (AWOIS) data layer, which can be used to identify the potential location of

some shipwrecks (although there are limitations to its use, given issues with the precision and accuracy of the underlying data). Lastly, the Portal includes layers showing NPS properties, the Stellwagen Bank National Marine Sanctuary, and other federal, state, and local parks and reserves identified based on the cultural importance of these areas.

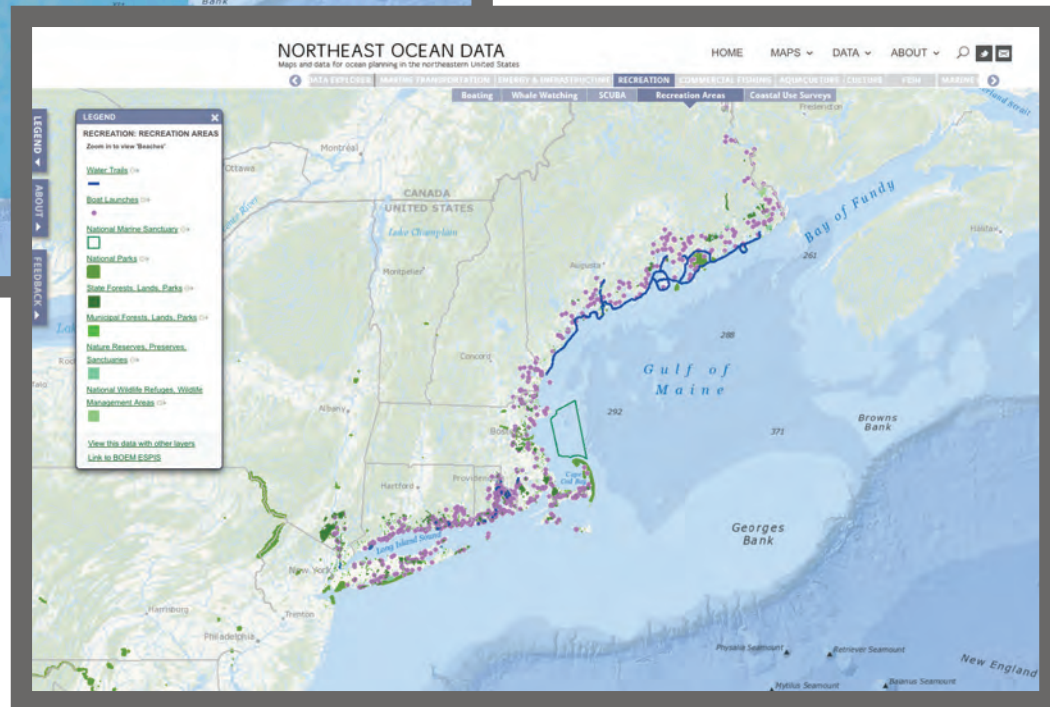


Historic properties, parks, open space, and islands along the coast of Maine



Diadromous fish biomass as caught by the federal trawl survey

Maps of historic properties, recreational areas, and wildlife populations can help identify cultural resources and connections between coastal communities and the ocean.



Coastal recreation areas and access points



OVERVIEW

ACTIONS

- CR-1 Maintain and update maps and data on the Portal
- CR-2 Incorporate additional maps and data into the Portal when available
- CR-3 Use the Plan and the Portal to identify potential impacts during environmental and regulatory review
- CR-4 Identify potentially affected tribes and stakeholders

ACTIONS: MAINTAIN AND UPDATE DATA

CR-1. Maintain and update maps and data on

the Portal: The RPB, through the NPS, states, and the Portal Working Group, will review and update the National Register site data on an annual basis. The RPB will also incorporate data about National Register sites in New Hampshire and Connecticut as information becomes available. The RPB will also maintain links to AWOIS data, as served by the Marine Cadastre (an online federal source of spatial data maintained by NOAA and BOEM).⁹

CR-2. Incorporate additional maps and data

into the Portal when available: RPB agencies will periodically review existing activities and programs to provide relevant updates to the Portal. As described in Chapter 5, BOEM, the Narragansett Indian Tribe, and the University of Rhode Island (URI) are developing methodologies to identify submerged archaeological and paleocultural resources. If these efforts result in releasable map and data products, the RPB will work with BOEM, tribes, and other interested parties to incorporate the appropriate products into the Portal.

ACTIONS: INFORM REGULATORY AND MANAGEMENT DECISIONS

CR-3. Use the Plan and the Portal to identify potential impacts during environmental and regulatory review:

RPB agencies will engage in the following specific activities to ensure the data and information in the Portal and the Plan are used to identify potential impacts to cultural resources during the environmental and regulatory review processes described above.

- RPB agencies will use the Portal to the extent practicable as an initial screening tool to help identify potentially affected historic properties under NHPA. The Portal contains information on thousands of historic properties on the National Register. While it is incomplete, data on the Portal will at least provide an initial indication of whether there are historic properties in the areas of a proposed project, especially once information for New Hampshire and Connecticut is added. Consultation with appropriate federal, state, tribal, and local officials and community groups is always required as the National Register does not identify resources that are considered confidential or are potentially eligible for designation, including areas of potential cultural resources offshore.

- As appropriate, RPB agencies will use the Portal and other information in the Plan (including the baseline assessment) to understand and describe the different factors that contribute to the connections between the ocean and the culture and the economy of island and coastal communities. For example:
 - > Maps of marine transportation, commercial fishing, and recreational activities can be used to demonstrate connections between specific communities and the ocean areas upon which local economies and culture depend.
 - > Maps showing the distribution and extent of marine life populations and important habitats can be used to show the recreational, wildlife viewing, and spiritual connections between communities and different ocean areas.
 - > Information from the baseline assessment showing the volume of fishery landings and cargo by port, ocean sector employment, economic productivity, seasonal housing, and other data can be used to demonstrate the importance of the ocean to the local economy.
- RPB tribes will use the Portal and this Plan to promote ecosystem-based management, recognizing the importance of a holistic approach to understanding the potential impact of new activities to tribal culture. RPB tribes will

overlay marine life data with information on existing and emerging human uses to analyze projects from an ecosystem perspective. In addition, RPB tribes will use the following specific datasets, representing resources that are particularly relevant to tribal culture, to inform their engagement in regulatory consultations:

- > RPB tribes will use marine life data to better understand the distribution and abundance of ecological and functional groupings of marine mammal, sea turtle, fish, and bird species when demonstrating areas of cultural significance. For example, the Portal can be used to identify potential restoration sites and to characterize the importance of fish species for historic sustenance (American eel, Atlantic salmon, shad, herring, Atlantic sturgeon, and pollock).
- > RPB tribes will use information on shellfish species (razor clams, soft shell clams, quahogs, and mussels) to demonstrate areas that are important to tribal sustenance and that might be a priority for water quality restoration projects.
- > RPB tribes will use data related to climate change (e.g., primary productivity trends, trends in marine life distribution) to help characterize the impacts of changing conditions on habitats and resources important to tribes (e.g., eelgrass beds, shellfish sites, restoration areas, and tribal cultural sites).

- RPB agencies will direct project proponents to the Portal to assist with preliminary identification of potential effects of a particular action on historic, cultural, and archaeological sites, recognizing that certain sites may not be included in public data.
- RPB agencies will use Plan information as one source of regional contextual information for characterizing cultural resources in the affected environment section of NEPA and other similar environmental documents.

CR-4. Identify potentially affected tribes and stakeholders:

RPB agencies will use the Portal and this Plan to identify tribes and stakeholders with cultural interests who may be affected by a proposed activity. This action includes using information in the Plan to help identify the range of local stakeholders representing the different environmental, cultural, or economic interests that compose the culture of coastal and island communities. This action also relates to the best practices regarding coordination with stakeholders described in Chapter 4.