

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
FINAL MINUTES OF (VIDEO CONFERENCE) PUBLIC MEETING – 3 December 2020**

MEMBERS PRESENT (determined by roll call):

Jack Chapin (Designee of the Director of Environmental Law Enforcement)
Michael Driscoll (Designee, Director of DCR Division of Waterways)
Mark McClanan (Dive Community Representative)
Graham McKay (Marine Archaeologist)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Dan Sampson (Designee of Lisa Berry Engler, Director of Coastal Zone Management)
John Warner (State Archivist)

David Robinson, Director (Staff for the Board)

MEMBERS ABSENT (determined by roll call):

Linda Santoro (Designee of Brona Simon, State Archaeologist)

PROCEEDINGS:

This public meeting of the Massachusetts Board of Underwater Archaeological Resources (BUAR) was convened by its Director, David Robinson (Dave R), with the assistance of co-host, MassBays Executive Director, Pam DiBona, at 12:31 PM on December 3, 2020, via Zoom's on-line video-/tele-conference remote-access meeting platform, with a quorum of 7 current members of the Board in attendance.

Dave R stated the purpose of the regularly-scheduled public meeting was to conduct the BUAR's business that requires the involvement of the full board.

Items on the agenda included:

- Approval of the September 24, 2020 Board meeting's minutes
- Director's report
- Board Member reports
- Summary of the Board's Public Engagement Activities
- Old Business – BUAR permit renewals and/or administrative extensions considered for approval, and
- New Business – new BUAR permit applications considered for approval.

Dave R explained that meeting via remote-access was necessitated by the Baker-Polito administration's March 10, 2020 Executive Order declaring a State of Emergency in response to the COVID-19 outbreak and was enabled by the administration's subsequent Executive Order of March 12, 2020, modifying certain requirements of the Open Meeting Law. These modifications allow public bodies, like the BUAR, to carry out their responsibilities while adhering to public health recommendations regarding social distancing. With this current State of Emergency and the physical closure of state offices, including those of the BUAR and its administrative host, MA CZM, non-emergency executive branch employees have been directed to work remotely and to use (where possible) available telecommunications technology to conduct agency business activities normally done in person.

Dave R reported that BUAR staff have been working remotely since March 16, 2020. All BUAR business and communications are currently being conducted primarily via e-mail, supplemented by on-line video-conferencing, limited phone calls, USPS mailings, and weekly transmittals of BUAR mail from MA CZM's offices to BUAR's remote work location.

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Dave R further noted that public bodies, like BUAR, are presently relieved from the Open Meeting Law requirement that meetings be conducted in a place that is open and physically accessible to the public, provided that BUAR makes provisions to ensure public access to the deliberations of the BUAR through adequate, alternative means, such as providing public access through telephone, internet, or satellite-enabled audio- or video-conferencing, or any other technology that enables the public to clearly follow the proceedings of the BUAR in real time. In addition, all members of the BUAR may participate in a meeting remotely, and the Open Meeting Law's requirement that a quorum of the BUAR and its chair be physically present at the meeting location is suspended.

All other provisions of the Open Meeting Law, such as the requirements regarding posting notice of meetings and creating and maintaining accurate meeting minutes, as well as the limited, enumerated purposes for holding an executive session, remain in effect and are being followed by the BUAR.

Dave R introduced Ms. DiBona and welcomed all of the Board members, permittees, and members of the public to the video-meeting. Virtual-meeting ground-rules were reviewed by Dave R and BUAR members were informed that all items voted on by the Board during the meeting would be done by a roll-call vote, as required for the remote-access video-meeting format

1. MINUTES

A. Minutes of the September 24, 2020 Meeting of the Board

Dave R asked the Board if they had any comments or corrections to the minutes of the public meeting held on September 24, 2020. There were no comments or corrections to the minutes.

John Warner moved to accept the minutes of the September 24, 2020 public meeting. Graham McKay seconded. Unanimous in favor by a roll-call vote. So voted.

2. DIRECTOR'S REPORT

A. Elections of Board Officers

The Board annually elects its two officers (Director and Deputy Director) at its December meeting. The Board can nominate whoever it would like, but the Board's past practice has been to consider and nominate its staff for these positions to facilitate administration. Prior to 2010, the Deputy Director position had been held by Board staff as well. Backfilling this other staff position does not appear likely to happen in the foreseeable future. To date, the Board has not yet held a meeting when Dave R or his predecessor (Victor Mastone), could not be in attendance. For 2020, David Robinson served as the Board's Director and the Deputy Director position was vacant. Anthony Abdal-Khabir (former Acting Director of Environmental Law Enforcement) served as the Board's most recent Deputy Director, until September 2019 and his retirement from state service. Dave R asked the Board for nominations for the Director and Deputy Director positions for the period beginning January 1 and ending December 31, 2021.

John Warner nominated David Robinson for the position of Director. Mark McClanan seconded the nomination.

Dan Sampson nominated himself for the position of Deputy Director. Graham McKay seconded the nomination.

John Warner moved to elect David Robinson as Director and Dan Sampson as Deputy Director of the Board for 2021. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

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B. Schedule of Board Meetings for 2021

Dave R proposed a continuation of the bi-monthly schedule of regular public meetings in 2021 and noted that this schedule does not preclude the Board from holding additional public meetings if there is a need. In addition, he asked the Board to consider not scheduling meetings in June, July, and August, as it is difficult achieving a quorum in the summer months. Dave R proposed scheduling meetings in 2021 for January 28, March 25, May 27, September 30, and December 2, as the last Thursday of November is Thanksgiving. He noted that while the winter and spring meetings are likely to remain remote-access in format, it is possible that regularly scheduled in-person meetings in CZM's large conference room on the 8th floor of 251 Causeway Street in Boston could resume in the fall of 2021.

Dan Sampson moved to adopt the dates of January 28, March 25, May 27, September 30, and December 2 as the Board's schedule of public meetings for 2021. Jonathan Patton seconded. Unanimous in favor by a roll-call vote. So voted.

***CHANGE IN THE ORDER OF BUSINESS**

Due to the meeting's full agenda, Dave R, as chair, announced a change in the order of business to move directly to Old Business with a return to other business planned for later in the meeting.

3. OLD BUSINESS

A. Archaeological and Historical Services, Inc. (AHS)

AHS's Special Use Permit (19-005) for their Marston Mills project area in Barnstable was up for renewal. AHS had not submitted their renewal application or communicated with BUAR regarding this permit's renewal. However, it has been the Board's practice to grant up to two extensions under these circumstances. This would be the permit's first extension. Dr. David Leslie of AHS was not in attendance to represent this permit. There was no further discussion.

Michael Driscoll moved to extend the expiration date of AHS's Special Use Permit (19-005) for their Marston Mills project area in Barnstable, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

B. William Bradbury

William Bradbury's Reconnaissance Permit (87-002) for his Gloucester (Annisquam) site in Gloucester was up for renewal. Mr. Bradbury had not submitted his renewal application or communicated with BUAR regarding this permit's renewal. However, it has been the Board's practice to grant up to two extensions under these circumstances. This will be the permit's first extension. Mr. Bradbury was not in attendance to represent this permit. There was no further discussion.

Jack Chapin moved to extend the expiration date of William Bradbury's Reconnaissance Permit (87-002) for his Gloucester (Annisquam) site in Gloucester, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

C. Joseph K. Dietlin

Joseph K. Dietlin's Excavation Permit (00-003) for his Salem Sound site in Salem was up for renewal. Mr. Dietlin had not submitted his renewal application, but did communicate with BUAR and requested an extension. It has been the Board's practice to grant up to two extensions under these

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circumstances. This will be the permit's first extension. Mr. Dietlin was not in attendance to represent his permit. There was no further discussion.

Graham McKay moved to extend the expiration date of Joseph K. Dietlin's Excavation Permit (00-003) for his Salem Sound site in Salem, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

D. Gary V. Esper

Gary V. Esper's Reconnaissance Permit (12-005) for his Wellfleet/Eastham site was up for renewal. Mr. Esper had not submitted his renewal application, but did communicate with BUAR and requested an extension. It has been the Board's practices to grant up to two extensions under these circumstances. This will be the permit's first extension. Mr. Esper was not in attendance to represent this permit. There was no further discussion.

John Warner moved to extend the expiration date of Gary V. Esper's Reconnaissance Permit (12-005) for his Wellfleet/Eastham site, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

E. Gary V. Esper

Gary V. Esper's Excavation Permit (12-006) for his Eastham site was up for renewal. Mr. Esper had not submitted his renewal application, but did communicate with BUAR and requested an extension. It has been the Board's practice to grant up to two extensions under these circumstances. This will be the permit's first extension. Mr. Esper was not in attendance to represent this permit. There was no further discussion.

Dan Sampson moved to extend the expiration date of Gary V. Esper's Excavation Permit (12-006) for his Eastham site, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

F. Gray & Pape, Inc.

Gray & Pape's Special Use Permit (17-003) was up for renewal today. Gray & Pape had not yet submitted their renewal application, but they did submit their annual report and had communicated with the Board regarding this permit's renewal and requested an extension. It has been the Board's practice to grant up to two extensions under these circumstances. This will be the second and final extension for this permit.

Ms. Kimberly Smith and Dr. Amanda Evans of Gray & Pape were not in attendance to represent this permit. There was no further discussion.

Jonathan Patton moved to extend for a second and final time the expiration date of Gray & Pape's Special Use Permit (17-003) for the Vineyard Wind Project Area in Barnstable, Martha's Vineyard, Nantucket, and Yarmouth, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. John Warner seconded. Unanimous in favor by a roll-call vote. So voted.

G. Kenneth Medeiros

Kenneth Medeiros's Reconnaissance Permit (07-003) for his Duxbury site was up for renewal. Mr. Medeiros had not submitted his renewal application or communicated with BUAR regarding this permit's renewal. It has been the Board's practice to grant up to two extensions under these

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circumstances. This will be the permit's first extension. Mr. Medeiros was not in attendance to represent this permit. There was no further discussion.

Graham McKay moved to grant an extension of the expiration date of Kenneth Medeiros's Reconnaissance Permit (07-003) for his Duxbury site, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. Dan Sampson seconded. Unanimous in favor by a roll-call vote. So voted.

H. The Public Archaeology Laboratory, Inc. (PAL)

PAL's Special Use Permit (16-003) was up for renewal. PAL had not yet submitted their renewal application and annual report, although they did communicate with the Board regarding this permit's renewal and requested an extension. It has been the Board's practice to grant up to two extensions under these circumstances. This would be the second and final extension for this permit. Mr. Jay Waller of PAL was not in attendance to represent this permit. There was no further discussion.

Jonathan Patton moved to extend the expiration date of PAL's Special Use Permit (16-003) for the New Bedford Harbor Superfund Site in Acushnet, Fairhaven, and New Bedford, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

I. SEARCH, Inc.

SEARCH, Inc.'s Special Use Permit (19-004) for the Amitie Subsea Cable project in Rockport, Gloucester, Manchester-by-the-sea, Beverly, Salem, Marblehead, Swampscott, Lynn, and Nahant was up for renewal. SEARCH, Inc. has not yet submitted their renewal application and has not communicated with the Board regarding this permit's renewal. It has been the Board's practice to grant up to two extensions under these circumstances. This would be the first extension for this permit. Dr. Barry Bleichner was not in attendance to represent this permit. There was no further discussion.

Michael Driscoll moved to extend the expiration date of SEARCH, Inc.'s Special Use Permit (19-004) for the Amitie Subsea Cable project in Rockport, Gloucester, Manchester-by-the-sea, Beverly, Salem, Marblehead, Swampscott, Lynn, and Nahant, with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for January 28, 2021. John Warner seconded. Unanimous in favor by a roll-call vote. So voted.

J. Robert Wells

Robert Wells's Reconnaissance Permit (18-001) for his Weymouth/Quincy site was up for renewal. Dave R reported that Mr. Wells had submitted a renewal application in accordance with the Board's regulations for consideration by the Board at its May 28, 2020 meeting; however, the Board voted to extend the permit at that meeting, and again at the September 24, 2020 meeting, to give Mr. Wells additional time to meet the Board's requirement to submit a detailed methodology prior to conducting any reconnaissance-level fieldwork within the permit area. This requirement was an un-met condition of the Board's initial approval of the permit in 2018, and again for its renewal in 2019. Since the last BUAR meeting, Board staff met on-site with Mr. Wells and provided him with a template or examples of the typical activities included in detailed field plan methodologies of other successful reconnaissance permittees' applications to use as a guide for developing his plan. Mr. Wells submitted a detailed methodology to supplement his application, in compliance with the condition of his permit. Mr. Wells was in attendance to represent his permit application. Mr. Wells expressed his appreciation to the Board staff for meeting with him on-site at his permit area and for their assistance in helping him develop the detailed methodology. He said he looked forward to proceeding with implementing the field plan in the coming year. Dave R noted that he would be coordinating a teleconference meeting between BUAR, the Weymouth Harbormaster, and Mr. Wells early in the new year to discuss monitoring and appropriate responses to unauthorized activities (e.g., looting or unpermitted archaeological excavation) in the permit area. There was no further discussion.

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John Warner moved to renew, retroactive to May 28, 2020, Mr. Wells's Reconnaissance Permit (18-001) for the Weymouth site with all the standard and special conditions in effect. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

4. NEW BUSINESS

A. The Public Archaeology Laboratory, Inc. (PAL)

Dave R reported that PAL had submitted a Special Use Permit Application for the archaeological walkover (reconnaissance) survey of the intertidal area in the tidal mud flats under and around the Souther Tide Mill building in Quincy, and that BUAR had provisionally granted Special Use Permit (20-004) to PAL on October 19, 2020. Activities allowed under this permit include archaeological walkover survey and subsurface probing with a steel rod to identify and record on project plans archaeological resources in the permit area. No excavations or artifact collection is planned as part of this work. Ms. Suzanne Cherau of PAL was not in attendance to represent this permit application. There was no further discussion.

Jonathan Patton moved to approve for the period of one year, effective today December 3, 2020, PAL's Special Use Permit (20-004) for the Souther Tide Mill Project Area in Quincy, with all the standard and special conditions in effect. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

B. The Public Archaeology Laboratory, Inc. (PAL)

Dave R reported that PAL had submitted a Special Use Permit Application to perform construction phase archaeological monitoring and walkover (reconnaissance) survey within the archaeologically sensitive in-water portion of the Peterson Pond Dam Removal Project impact area in Hanover and Norwell, and that BUAR had provisionally granted Special Use Permit (20-005) to PAL on October 27, 2020. Activities allowed under this permit include archaeological walkover survey to identify, document, and record the locations of any potentially significant archaeological resources that may be exposed on the ground surface of the impoundment area, and archaeological monitoring of the dam's removal and underwater spillway and brook channel during excavation of the spillway channel and earthen and masonry dam on the west side of the channel excavation to document and record any significant archaeological resources associated with mill operations that may be exposed. No excavations or artifact collection is planned as part of this work. Ms. Suzanne Cherau of PAL was not in attendance to represent this permit application. There was no further discussion.

Graham McKay moved to approve for the period of one year, effective today December 3, 2020, PAL's Special Use Permit (20-005) for the Peterson Pond Dam Removal Project area in Hanover and Norwell, with all the standard and special conditions in effect. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

***CHANGE IN THE ORDER OF BUSINESS**

Dave R, as chair, announced a change in the order of business to return back to the order in the agenda and continuing with the Director's Report.

2. DIRECTOR'S REPORT

A. MA Ocean Management Plan

BUAR staff continued to be involved in the updating of the MA Ocean Management Plan (OMP). Work on the OMP draft review document and draft technical report were ongoing through the summer.

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The draft report was completed in the fall and released to the public for comment via MEPA in November 2020. The public comment period ends December 14, 2020.

B. Fieldwork

Steep Hill Beach, Crane Estate, Ipswich – *Ada K. Damon* Shipwreck Site

Dave R reported that BUAR continued coordinating with the Trustees of Reservations at the Crane Estate property regarding near- and long-term management of the *Ada K. Damon* wreck site, and had conducted field investigations at the site on three separate occasions in September and October (i.e., Sep 25, Sep 28, and Oct 4, 2020). The Steep Hill Beach intertidal shipwreck site of the historical fishing schooner-turned-sand-schooner, *Ada K. Damon*, underwent significant changes and damages as a result of unusually high tides and seas that were caused by seasonal “King Tides” and the offshore passage of Hurricane Teddy on September 22, 2020, the effects of which were compounded by sea level rise-induced coastal erosion on the portion of Steep Hill Beach where the wreck sat undisturbed for a century.

BUAR fieldwork performed onsite included low-altitude aerial photo-documentation of the wreck, GPS mapping of site components, and initial detailed hull construction documentation. This fieldwork was completed with the assistance of Board member and marine archaeologist, Graham McKay, and BUAR volunteers Chris Wright, a licensed quad-copter pilot and certified hydrographer with CR Environmental, Inc., Jay Waller, Senior Archaeologist at PAL, and Dr. Calvin Mires, archaeologist at the WHOI.

On October 21, 2020, in celebration of MA Archaeology Month, BUAR staff gave a Zoom-talk on the site as part of the R.S. Peabody Institute of Archaeology and the Massachusetts Archaeological Society’s digital speaker series: “Diggin’ In.” Dave shared a few slides from the talk as part of his Board update and noted that the full talk was recorded and available for viewing on YouTube (https://www.youtube.com/watch?v=_iOL49KJUCY).

3. BOARD MEMBER REPORTS

There were no Board member reports.

4. PUBLIC ENGAGEMENT ACTIVITIES

A. MA Archaeology Month: Robert S. Peabody Institute of Archaeology and the Massachusetts Archaeological Society “Diggin’ In” Digital Speaker Series

On October 21, 2020, in celebration of MA Archaeology Month, BUAR staff gave a Zoom-talk as part of the R.S. Peabody Institute of Archaeology and the Massachusetts Archaeological Society’s digital speaker series: “Diggin’ In.” The series showcases live presentations with archaeologists from across the United States who also take questions directly from a live audience. The series covers a variety of topics during each 30-min episode and is intended to engage and connect with people who are interested in archaeology. The talks are recorded and then posted to YouTube. For those interested in watching the talks live, sign-up to get on the ZOOM invitation list is required. Log on to the R.S. Peabody Institute of Archaeology or the Massachusetts Archaeological Society’s website to find out more information on how to register.

B. Nantucket Historical Association Archaeological Speaker Series

BUAR staff will be giving a public lecture on submerged paleocultural landscape archaeology via Zoom at 5:30 pm on Tuesday, January 19, 2021. For more information on the talk and how to access it go to <https://nha.org/>.

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The next scheduled public meeting of the Board will be at 12:30 pm on January 28, 2021. This meeting will also be held via remote-access. Permittees and interested members of the public are encouraged to monitor the BUAR webpage's Public Meetings Information section for updates and meeting agendas with log-in information for accessing the meetings remotely.

Dave R thanked the Board, the permittees, and the members of the public for their attendance and participation in the meeting. He extended his gratitude to Ms. DiBona for her assistance in co-hosting the meeting and to the Board for their good work, cooperation, and patience during these challenging times.

Dan Sampson moved to adjourn the meeting at 1:30 PM. Jack Chapin seconded. The vote was unanimous in favor. So voted.

Respectfully submitted,

David S. Robinson
Director