

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
FINAL MINUTES OF PUBLIC MEETING – 28 January 2021**

MEMBERS PRESENT (ROLL CALL):

Jack Chapin (Designee of the Director of Environmental Law Enforcement)
Michael Driscoll (Designee, Director of DCR Division of Waterways)
Graham McKay (Marine Archaeologist)
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:

Mark McClanan (Dive Community Representative)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Vacancy (Dive Community Representative [nominated by a dive club])
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 January 28, 2021, via remote-access, with a quorum of five (5) 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 December 3, 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.

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

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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 December 3, 2021 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 December 3, 2020. There were no comments or corrections to the minutes. Graham McKay moved to accept the minutes of the December 3, 2020 public meeting. John Warner 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 and New Business with a return to other business planned for later in the meeting.

2. 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 was granted an extension of their permit's expiration date at the Board's December 3, 2020 meeting. AHS submitted a complete renewal application and Annual Report in accordance with the Board's regulations. AHS reported in their application that the GPR survey they conducted in their permit area identified a submerged and buried landform that appeared to be a flat terrace on the margin of the now submerged Marston Mills riverbed. Based on AHS's research, they determined this area has archaeological sensitivity for potentially containing both pre- and post-contact period archaeological deposits. AHS recommended avoidance or intensive underwater archaeological testing to identify archaeological deposits. Dr. David Leslie of AHS was attendance to represent this permit. Dr. Leslie noted that he was pleased with the GPR's ability to delineate buried geological strata in a submerged context, something that does not appear to have been tried before during an archaeological survey in New England.

Graham McKay moved to renew AHS's Special Use Permit (19-005) for their Marston Mills Project Area in Barnstable with all the standard and special conditions in effect for the period of one year, retroactive to December 5, 2020. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

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B. Bassings Cove Maritime Association (BCMA)

The BCMA's Excavation Permit (91-001) for their Scituate site was up for renewal. The BCMA had submitted its renewal application, fee, and Annual Report in accordance with the Board's regulations. BCMA reported in their application that they conducted multiple monitoring dives at the site, but were unable to conduct their normal educational outreach programming due to the COVID-19 pandemic. BCMA plans to resume diving on the site this spring. Neither Mr. Tom Mulloy, Ms. Debra Jackson, nor Mr. Hank Lynch were present to represent the BCMA's permit. There was no further discussion.

Dan Sampson moved to renew the BCMA's Excavation Permit (91-001) for their Scituate site with all the standard and special conditions in effect for the period of one year, effective today January 28, 2021. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

C. William Bradbury

William Bradbury's Reconnaissance Permit (87-002) for his Gloucester (Annisquam) site was up for renewal. Mr. Bradbury was granted an extension of his permit's expiration date by the Board at the December 3, 2020 meeting. Mr. Bradbury had not submitted his renewal application or communicated with the 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 second extension. Mr. Bradbury was not in attendance to represent this permit. There was no further discussion.

John Warner moved to extend the expiration date of William Bradbury's Reconnaissance Permit (87-002) for his Gloucester (Annisquam) site with all the standard and special conditions in effect, until the next meeting of the Board, scheduled for March 25, 2021. Graham McKay seconded. Unanimous in favor by roll call vote. So voted.

D. Joseph K. Dietlin

Joseph K. Dietlin's Excavation Permit (00-003) for his Salem Sound site in Salem was up for renewal. Mr. Dietlin was granted an extension of his permit's expiration date by the Board at the December 3, 2020 meeting. Mr. Dietlin submitted his renewal application, fee and Annual Report in accordance with the Board's regulations. As part of his application, Mr. Dietlin requested modifying his excavation permit to a Reconnaissance Permit. Mr. Dietlin's 2020 field activities had to be postponed due to the COVID-19 pandemic, but he plans to conduct remote sensing survey in his permit area in 2021, if circumstances allow for it. Mr. Dietlin was present to represent his permit. Dan Sampson thanked Mr. Dietlin for his thorough and hard work over the years on his project. There was no further discussion.

Jack Chapin moved to modify Joseph K. Dietlin's Excavation Permit (00-003) for his Salem Sound Site in Salem to Reconnaissance Permit and to renew Permit 00-003 with all the standard and special conditions in effect, for the period of one year, retroactive to December 5, 2020. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

E. Gary V. Esper

Gary V. Esper's Reconnaissance Permit (12-005) for his Wellfleet/Eastham site was up for renewal. Mr. Esper was granted an extension of his permit's expiration date by the Board at the December 3, 2020 meeting. Mr. Esper submitted his renewal application, fee and Annual Report in accordance with the Board's regulations. Mr. Esper was present to represent his permit. Mr. Esper summarized his research activities in 2020 and recent efforts to renew his US Army Corps of Engineers' Permit for the Wellfleet/Eastham site. Michael Driscoll asked Mr. Esper if he was coordinating with other agencies to ensure that his planned work was in compliance with other state and federal requirements. Mr. Esper said that he was and that the US Army Corps of Engineers was assisting with that coordination. There was no further discussion.

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Michael Driscoll moved to renew Gary V. Esper's Reconnaissance Permit (12-005) for his Wellfleet/Eastham site, with all the standard and special conditions in effect and the further conditions that no excavation activities be conducted within the Reconnaissance (12-005) permit area and the permittee coordinate all field activities with the staff of the Cape Cod National Seashore, for the period of one year, retroactive to December 5, 2020. Dan Sampson seconded. Unanimous in favor by a roll-call vote. So voted.

F. Gary V. Esper

Gary V. Esper's Excavation Permit (12-006) for his Eastham site was up for renewal. Mr. Esper was granted an extension of his permit's expiration date by the Board at the December 3, 2020 meeting. Mr. Esper submitted his renewal application, fee and Annual Report in accordance with the Board's regulations. Mr. Esper was present to represent his permit. Mr. Esper summarized his work on the project during 2020 and his plans for the upcoming 2021 field season which include investigating marine magnetometer targets that were identified in his Eastham permit area. Mr. Esper described his current efforts to renew his US Army Corps of Engineers permit for both his 12-006 and 12-005 permit areas. Dave R requested that in addition to coordinating all field activities with the staff of the Cape Cod National Seashore, that Mr. Esper coordinate with the Board prior to initiating these field activities. Mr. Esper confirmed that he would. There was no further discussion.

Michael Driscoll moved to renew Gary V. Esper's Excavation Permit (12-006) for his Eastham site, with all the standard and special conditions in effect and the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore and coordinate with the Board prior to initiating those field activities, for the period of one year, retroactive to December 5, 2020. Dan Sampson seconded. Unanimous in favor by roll-call vote. So voted.

G. Gray & Pape, Inc.

Gray & Pape, Inc.'s (Gray & Pape) Special Use Permit (17-003) was up for renewal. Gray & Pape was granted a second and final extension of their permit's expiration date by the Board at the December 3, 2020 meeting. Gray & Pape submitted their complete renewal application and annual report, containing additional information the Board had requested as a condition of the second extension, in accordance with the Board's regulations. Ms. Kimberly Smith and Dr. Amanda Evans were present to represent their permit. Dave R thanked Gray & Pape for providing the additional information in their annual report and asked several follow-up questions regarding survey schedule, procedures, the avoidance plan, geoarchaeological core analyses, and core spacing, and noted the need for all survey activities, coring activities, and the avoidance plan for the Board-permitted portion of the project area to conform with the Board's regulations and published policy guidance. Ms. Smith and Dr. Evans confirmed that they do and will. Dave R noted that the Board will be looking for written notice that Gray & Pape has formally withdrawn their Special Use Permit Application for the marine archaeological survey of the Vineyard Wind Connector 2 Offshore Export Cable Corridor Survey, given that the area is already covered by the Board-approved modifications to Gray & Pape's Special Use Permit 17-003 area. Ms. Smith confirmed that Gray & Pape would provide written notice of their withdrawal of their application. Graham McKay asked if the route of the offshore export cable corridor was still planned to go through Muskeget Channel. Ms. Smith and Dr. Evans confirmed that it is. Dan Sampson expressed concern about the Board getting the necessary information it needs to make decisions about permitted project activities and anticipated project impacts. Ms. Smith and Dr. Evans committed to keeping channels of communication open re: the project survey's progress and results. There was no further discussion.

Dan Sampson moved to renew Gray & Pape's Special Use Permit (17-003) for the Vineyard Wind 1 (and Vineyard Wind Connector 2) Offshore Export Cable Corridor in Barnstable, Martha's Vineyard, Nantucket, and Yarmouth, with all the standard and special conditions in effect for the period of one year, retroactive to September 26, 2020. Michael Driscoll seconded. Unanimous in favor by roll call vote. So voted.

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H. James M. Karos

James M. Karos's Reconnaissance Permit (06-001) for his Chelsea Creek Site in Boston/Chelsea/Revere was up for renewal. Mr. Karos contacted the Board to request the Board extend the expiration date of his permit until the Board's next meeting on March 25, 2021. Mr. Karos was not present to represent his permit. There was no further discussion.

Jack Chapin moved to extend the expiration date of Mr. Karos's Reconnaissance Permit (06-001) for his Chelsea Creek Site in Boston/Chelsea/Revere with all the standard and special conditions in effect until the next meeting of the Board on March 25, 2021. Michael Driscoll seconded. Unanimous in favor by roll-call vote. So voted.

I. Kenneth Medeiros

Kenneth Medeiros's Reconnaissance Permit (07-003) for his Duxbury site is up for renewal. Mr. Medeiros was granted an extension of his permit's expiration date by the Board at the December 3, 2020 meeting. 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 circumstances. This will be the permit's second extension. Mr. Medeiros was not present to represent his 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 March 25, 2021. Dan Sampson seconded. Unanimous in favor by roll-call vote. So voted.

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

PAL's Special Use Permit (16-003) for their New Bedford Harbor Superfund Site project area in Acushnet/Fairhaven/New Bedford was up for renewal. PAL was granted a second and final extension of their permit's expiration date by the Board at the December 3, 2020 meeting. PAL submitted a complete renewal application and Annual Report in accordance with the Board's regulations. PAL's Mr. Jay Waller was present to represent PAL's permit. Mr. Waller provided a summary of the archaeological services PAL has been providing to Jacobs Engineering at the Superfund Site, and explained the need for PAL to renew their permit to cover any archaeological work in the coming year that may be required as a result of an unanticipated discovery of archaeological materials while the US EPA wraps up its remediation activities in New Bedford. There was no further discussion.

John Warner moved to renew PAL's Special Use Permit (16-003) for their New Bedford Harbor Superfund Site project area in Acushnet/Fairhaven/New Bedford, with all the standard and special conditions in effect, for the period of one year, retroactive to September 27, 2020. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

K. SEARCH, Inc.

SEARCH, Inc.'s (SEARCH) Special Use Permit (19-004) for the Amitie Subsea Cable project in Rockport/ Gloucester/Manchester-by-the-sea/Beverly/Salem/Marblehead/Swampscott/Lynn/Nahant was up for renewal. SEARCH was granted an extension of their permit's expiration date by the Board at the December 3, 2020 meeting. SEARCH has submitted a complete renewal application and Annual Report in accordance with the Board's regulations. SEARCH's Dr. Barry Bleichner was present to represent SEARCH's permit. Dr. Bleichner summarized the results of the survey and the status of the project. Dave R noted that it was good that SEARCH was renewing their permit, as it would cover any additional marine archaeological work that may be necessary in the event of an unanticipated discovery during the project's construction. There was no further discussion.

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Dan Sampson moved to renew SEARCH, Inc.'s Special Use Permit (19-004) for their Amitie Subsea Cable project area in Rockport/Gloucester/Manchester-by-the-sea/Beverly/Salem, Marblehead/Swampscott/Lynn/Nahant, with all the standard and special conditions in effect for the period of one year, retroactive to December 5, 2020. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

3. NEW BUSINESS

There was no new business.

4. DIRECTOR'S REPORT

A. Society for Historical Archaeology Annual Conference

BUAR staff attended the first-ever virtual annual conference of the Society for Historical Archaeology held from January 6-9, 2021. BUAR staff served as a panelist during the Annual Government Maritime Managers' Forum representing state, federal, and foreign government programs. The forum, appropriately titled "Adjust the Sails!", was organized and chaired by Maryland State Underwater Archaeologist, Dr. Susan Langley, of the Maryland Historical Trust. Approximately 35 people attended. BUAR staff gave a virtual presentation and led a discussion on the threat to coastal heritage resources in Massachusetts from erosion caused by climate-change induced sea level rise.

B. BOEM Office of Renewable Energy Programs' Workshop for SHPOs: NEPA Substitution for NHPA Section 106 Reviews of Construction and Operations Plans

On January 12, 2021, BUAR staff attended a virtual workshop hosted by BOEM's Office of Renewable Energy Program. The purpose of the workshop was to inform SHPOs (and state underwater archaeologists) with whom BOEM consults, that BOEM's Office of Renewable Energy Programs (OREP) will now be using NEPA substitution for Section 106 review of Construction and Operations Plans (COPs). BOEM shared their implementation strategy, default schedules and approaches for the change, and provided guidance on where to find relevant information to support consultation. The workshop also provided an opportunity for SHPOs and state underwater archaeologists to ask questions, get answers, and discuss the change with BOEM's historic preservation professionals and NEPA experts.

C. NOAA Climate Change and Heritage Resource Management Meeting

On January 14, 2021, BUAR staff participated in a meeting on climate change and heritage resource management organized by Dr. Hans Van Tilburg, NOAA's Office of National Marine Sanctuaries Maritime Heritage Coordinator, Pacific Islands Region. The purpose of the meeting was to continue conversation on the topic that had begun at the SHA maritime managers' meeting, and to discuss and share information, and strategize on how to best coordinate between federal and state agencies and other organizations to develop best practices/policy on addressing and responding to threats to cultural heritage resources from climate change-induced sea level rise and coastal erosion.

D. MA Ocean Management Plan

BUAR staff continued to be involved in the work to update the MA Ocean Management Plan (OMP), and co-chaired a January 15, 2021 meeting of the Cultural and Recreational Work Group to review and revise the science priorities identified by the group. Work on the Draft OMP update will continue through the winter and into the spring.

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E. Fieldwork

Souther Mill, Quincy, MA: On January 21, 2021, BUAR staff met with the City of Quincy's Director of Historic and Heritage Resources to conduct a site visit at the location of the early nineteenth century Souther Tide Mill. Archaeological assessment of the Town River's intertidal zone beneath the tide mill is currently being conducted by PAL under BUAR permit. The City is seeking funds and partners to assist it in preserving the tide mill and promoting public interest through educational programs interpreting the tide mill, and its associated wharf, saw mill, canal lock, and shipyard.

5. BOARD MEMBER REPORTS

There were no Board member reports.

6. PUBLIC ENGAGEMENT ACTIVITIES

A. Bay State Council of Divers Meeting

BUAR participated in a remote-access meeting of the Bay State Council of Divers (BSC) on January 20, 2021. Topics of discussion during the meeting included: a status update on a lawsuit filed in federal court by a group of Rockport property owners against the town regarding activities of scuba divers on the beach in front of their homes; the schedule and format of the 2021 Boston Sea Rovers Show (October 2 and 3); a book on the wreck of the German WWII submarine U-853 by Capt. Bill Palmer; and a series of dive club-led beach clean-ups on the North Shore. The next remote-access Council meeting is scheduled for May 12, 2021.

B. Sea Scouts/SALTY Program Presentation

On January 12, 2021 BUAR staff gave a virtual presentation to the Sea Scouts (Ship 91) and their counselors who are affiliated with the SALTY (Seamanship And Leadership Training for Youths) Program. The talk focused on the underwater archaeological investigation of a nineteenth century ship graveyard at the mouth of the Seekonk River.

C. Nantucket Historical Association University Virtual Lecture

On January 19, 2021 BUAR staff presented "*The Archaeology of Submerged Paleolandscapes: Nantucket Sound and Beyond*" as part of the Nantucket Historical Association University's Virtual Lecture Series. The talk provided an overview of past research in Nantucket Sound and recent research in Rhode Island focused on locating submerged paleolandscapes drowned by post-glacial global sea level rise.

D. Salem Sound Coastwatch

On January 27, 2021 BUAR staff presented the virtual lecture "Massachusetts Coastal Resources at Risk: *Ada K. Damon* Shipwreck on Steep Hill Beach, Ipswich" as part of the Underwater in Salem Sound Lecture Series. The presentation focused on the recent dramatic impacts to the wreck site of the 1875 schooner *Ada K. Damon* caused by coastal erosion resulted from the confluence of climate change-induced sea level rise, seasonal "King Tides," and the passage of Hurricane Teddy off the Massachusetts coast. The increasing vulnerability of the Commonwealth's coastal cultural resources to coastal erosion was also discussed.

The next scheduled public meeting of the Board will be at 12:30 pm on March 25, 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.

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Dave R thanked the Board and permittees 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, and wished everyone continued good health and safety.

Graham McKay moved to adjourn the meeting at 1:27 PM. Jack Chapin seconded. Unanimous in favor by a roll-call vote. So voted.

Respectfully submitted,

David S. Robinson
Director