

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
FINAL MINUTES OF PUBLIC MEETING – March 25, 2021**

MEMBERS PRESENT (ROLL CALL):

Michael Driscoll (Designee of Gregory Robbins, Director, DCR Division of Waterways)
Vincent Malkoski (Dive Community Representative [organization])
Mark McClanan (Dive Community Representative [at large])
Graham McKay (Marine Archaeologist)
Jonathan Patton (Designee of Brona Simon, Executive Director, MA Historical Commission)
Dan Sampson (Designee of Lisa Berry Engler, Director, Coastal Zone Management)
John Warner (State Archivist)

David Robinson, Director (Staff for the Board)

MEMBERS ABSENT:

Jack Chapin (Designee of Saun Santos, Director of Environmental Law Enforcement)
Brona Simon (State Archaeologist)

PROCEEDINGS:

This virtual 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 March 25, 2021, with a quorum of seven (7) current members of the Board in attendance.

Dave R stated the purpose of today's 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 January 28, 2021 Board meeting's minutes
- Director's report
- Board Member reports
- Summary of the Board's Public Engagement Activities
- Old Business – BUAR permit expirations, renewals, and/or 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

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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 BUAR members, permittees, and members of the public to the video-meeting. Dave R also acknowledged and welcomed the BUAR's newest member, Vincent Malkoski, appointed by Governor Baker to serve as the BUAR's recreational diving community's "organizational" representative. Mr. Malkoski is a Senior Marine Fisheries Biologist and the Diving Safety Officer/Chief Diver at the MA Division of Marine Fisheries (DMF). He brings to the BUAR a wealth of underwater experience from decades of involvement and leadership in the local, state, national, and international recreational and scientific diving communities. Among the thousands of dives and many underwater research projects he has participated in over the course of his long career, Mr. Malkoski worked with BUAR most recently on the Nipmuc Nation's "Project Mishoon." He has been instrumental in helping BUAR (and CZM) develop an MOA with DMF allowing BUAR and CZM to conduct future scientific diving operations under the auspices of DMF's scientific diving program. Mr. Malkoski is a long-standing member of the Bay State Council of Divers' Board of Directors, the Boston Sea Rovers, and the American Academy of Underwater Sciences.

Virtual-meeting ground-rules were reviewed by Dave R and BUAR members were informed that all items voted on by the BUAR 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 January 28, 2021 Meeting of the Board

Dave R asked if the BUAR had any comments or corrections to the minutes of the BUAR's public meeting of January 28, 2021. There were no comments or corrections to the minutes. Graham McKay moved to accept the minutes of the January 28, 2021 public meeting. Vin Malkoski seconded. Unanimous in favor by a roll-call vote. So voted.

2. DIRECTOR'S REPORT

A. WHOI Proposal

Dave R reported that BUAR was invited to be part of a research team from the Woods Hole Oceanographic Institute (WHOI), DMF, and the Stellwagen Bank National Marine Sanctuary (SBNMS), on a recent proposal that was prepared and submitted to Woods Hole Sea Grant by Dr. Kristin Meyer-Kaiser of WHOI. If awarded, the proposed research will examine artificial reefs as fish habitats in Cape Cod and Massachusetts Bays. The Commonwealth is interested in utilizing artificial reefs as fisheries management tools by enhancing structured habitats in specific areas. Understanding how artificial reefs function as habitats will improve the management, design, and placement of these structures. To date, analyses of reef function and productivity have been limited in scope and duration. Reefs are impacted by fishing activities and entangled "ghost gear," so it is also important to understand these impacts. The proposed research leverages the hundreds of sunken structures in Massachusetts's waters – shipwrecks – which function as "unplanned artificial reefs," in order to understand how size, age, construction, location, depth, and fishing impacts on a reef influence the fish communities that inhabit them over time. The study will inform artificial reef installations in Massachusetts and aid in the management of the state's underwater archaeological resources.

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B. NOAA Office of Coast Survey Webinar on Changes to Sensitive Data Policy

Dave R reported that on February 24, 2021 BUAR staff participated in a NOAA Office of Coast Survey Sensitive Data Policy webinar presenting proposed changes to the Office of Coast Survey's sensitive data policy. Currently, Coast Survey redacts entire survey areas in response to concerns state historic preservation offices have regarding protecting identified submerged historic properties. Over the past several years, this approach has resulted in large gaps in publicly-available digital survey data, which, ironically, may inadvertently reveal the presence of historic properties within them. This approach also prevents the Coast Survey from providing the public with the most recent and accurate digital hydrographic data products. To address these issues, Coast Survey has developed an application to "spot redact" information in their digital data before it is released to the public. This allows large expanses of surveyed areas without historic properties to be released while continuing to protect historic properties. Although BUAR is not part of the Massachusetts State Historic Preservation Office, because of its statutory jurisdictional authority and responsibilities in Massachusetts waters, BUAR requested that it be included in the Coast Survey's SHPO contact list, so that it is informed of underwater archaeological resources that are identified in Massachusetts's waters during Coast Survey mapping surveys.

C. Ada K. Damon Shipwreck Stakeholders Meeting

Dave R reported that on March 3, 2021, BUAR staff participated in a virtual stakeholders' meeting between MHC staff, Trustees of Reservations staff, and Essex-based shipwright, Harold Burnham, to discuss the future management of the *Ada K. Damon* shipwreck site. The site was broken apart by a combination of coastal erosion caused by climate change-induced sea level rise, King Tides, and the passage of Hurricane Teddy off the coast of Massachusetts in late September of 2020. BUAR plans to work with the Trustees' staff and volunteers, BUAR volunteers, and Harold Burnham, on site monitoring and documentation, public educational outreach, and exhibit development for the Trustees' planned new visitors' center in the coming months.

D. MA Ocean Management Plan

Dave R reported that BUAR staff continue to be involved in the work to update the MA Ocean Management Plan (OMP) and will be completing this month the draft text for the OMP's Baseline Assessment update and cultural heritage science priorities that CZM plans to address over the next five years.

3. BOARD MEMBER REPORTS

A. Graham McKay

Graham McKay, Executive Director and Educational Programming Manager of Lowell's Boat Shop, a National Historic Landmark and American's oldest continuously operating boat shop specializing in building fishing dories and recreational watercraft, reported that the boat shop was recently featured on WCVB's Chronicle news program. To see the program, go to: <https://www.wcvb.com/article/main-streets-back-roads-route-1a-keeping-the-legacy-of-wooden-boat-building-alive-in-amesbury/35621821?fbclid=IwAR0yzS1TwNRvwRNdS39hOncuhSYqP6tyNhAPeH5Vql3NmuRgFakc2uc0QuY>.

B. Vincent Malkoski

Vincent Malkoski reported that DMF was going to be working this summer with the SBNMS and WHOI to remove entangled fishing nets from the SBNMS's F/V *Patriot* shipwreck.

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4. PUBLIC ENGAGEMENT ACTIVITIES

A. Trustees of Reservations Crane Estate Volunteers Meeting

On March 3, 2021, BUAR staff gave the virtual presentation “Massachusetts Coastal Resources at Risk: *Ada K. Damon* Shipwreck on Steep Hill Beach, Ipswich,” during the March meeting of the Trustees of Reservations Crane Estate Coastal Volunteers. BUAR will be working with the Trustees and their volunteers to document and monitor changes to the *Ada K. Damon* wreck site over the next year, and to interpret the site to the public.

B. BOEM Tribal Oceans Summit

On March 4 and March 16, 2021, BUAR staff gave two invited virtual presentations and participated in two separate panel discussions (“Underwater Paleolandscapes and Cultural Heritage” and “Meaningful Consultation – Tribal Perspectives and Experiences”) held during the Bureau of Ocean Energy Management’s (BOEM) Tribal Oceans Summit. Organized and conducted with the assistance of the Udall Foundation and coastal Tribes from the U.S.’s East, West, and Gulf coasts, Hawaii, and Alaska, this national virtual Tribal Oceans Summit was the first of its kind. The goal of the summit was to enable a mutual exchange of information and learning to improve working relationships and meaningful consultation practices going forward between Tribes and agencies.

5. OLD BUSINESS

A. William Bradbury

William Bradbury’s Reconnaissance Permit (87-002) for his Gloucester (Annisquam) site was up for renewal. Mr. Bradbury was granted a second extension of his permit’s expiration date by the BUAR at its January 28, 2021 public meeting. Unfortunately, when BUAR staff recently tried to contact Mr. Bradbury, we learned from his family that, sadly, he had passed away in October of last year. Consequently, his permit was not renewed and was allowed to expire naturally.

The BUAR acknowledged Mr. Bradbury for his long-held interest in and support of BUAR’s mission to preserve the underwater heritage of Massachusetts through its permitting process, recognized him as BUAR’s longest-standing permittee (34 years!), and remembered him with a brief moment of silence.

B. Raymond Hayes

Dr. Raymond L. Hayes’s Reconnaissance Permit (07-001) for his Great Harbor site in Woods Hole was up for renewal. Dr. Hayes submitted a renewal application; however, it was received outside of the requisite 60-to-30-day submittal prior to expiration time-frame, so could not be accepted. Since Dr. Hayes wished to renew his permit and it has been the BUAR’s practice to grant up to two extensions under these circumstances, Dave R recommended that the BUAR vote to extend the permit’s expiration date until the Board’s next meeting on May 27, 2021. This would be the permit’s first extension. Dr. Hayes was not in attendance to represent this permit. There was no further discussion.

Michael Driscoll moved to extend the expiration date of Dr. Hayes’s Reconnaissance Permit 07-001 for his Great Harbor site in Woods Hole with all the standard conditions in effect, until the next meeting of the BUAR on May 27, 2021. Dan Sampson seconded. Unanimous in favor by a roll-call vote. So voted.

C. 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 was granted a first extension of his permit’s

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expiration date by the Board at the January 28, 2021 meeting. Mr. Karos had submitted a complete renewal application and Annual Report in accordance with the Board's regulations. In previous years, Mr. Karos has researched, surveyed, photographed, and created photomosaics of three wrecks located within his permit area; however, last year he was only able to continue with archival research conducted on-line from his home due to the COVID-19 pandemic. Mr. Karos reported in his application that he was hopeful that he would be able to continue his archival research and fieldwork in 2021, measuring, drawing, and photo-documenting the site's "Wreck B." Mr. Karos was not in attendance to represent this permit. There was no further discussion.

Graham McKay moved to renew Mr. Karos's Reconnaissance Permit (06-001) for his Chelsea Creek Site in Boston/Chelsea/Revere with all standard and special conditions in effect for the period of one year, retroactive to January 28, 2021. John Warner seconded. Unanimous in favor by a roll-call vote. So voted.

D. Kenneth Medeiros

Kenneth Medeiros's Reconnaissance Permit (07-003) for his Duxbury site was up for renewal. Mr. Medeiros was granted a second extension of his permit's expiration date by the BUAR at the January 28, 2021 meeting. Mr. Medeiros submitted a complete renewal application and Annual Report in accordance with the Board's regulations. Mr. Medeiros reported in his application that health issues prevented him from doing any fieldwork in his permit area last year and that he hoped to resume fieldwork this year. Mr. Medeiros was not in attendance to represent this permit. There was no further discussion.

Michael Driscoll moved to renew Kenneth Medeiros's Reconnaissance Permit (07-003) for his Duxbury site, with all the standard and special conditions in effect, for the period of one year, retroactive to December 3, 2020. Mark McClanan seconded. Unanimous in favor by a roll-call vote. So voted.

6. NEW BUSINESS

A. The Public Archaeology Laboratory, Inc.

The Public Archaeology Laboratory, Inc. (PAL) submitted a complete application in accordance with the Board's regulations for a Special Use Permit to conduct archaeological monitoring/recordation and walkover (reconnaissance) survey of a pond draw-down and in-river work areas in support of the Monaquot River Restoration, Armstrong and Ames Pond Dam Removal Project in Braintree. On February 11, 2021, the Board's Director issued the PAL Provisional Special Use Permit 21-001. Activities allowed under this permit include archaeological monitoring and walkover survey to identify and record on project plans archaeological resources in the permit area. No artifact collection is planned as part of this work. Suzanne Cherau from PAL was in attendance to represent PAL's permit application. Ms. Cherau stated that the fieldwork would start in late Spring or early Summer of 2021 and that the project would probably take more than a year to complete. Ms. Cherau also stated that the site was the former location of an early nineteenth century copperworks where bronze bells were made for, among other purposes, use on board ships. There was no further discussion.

Vincent Malkoski moved to grant PAL Special Use Permit (21-001) for their Monaquot River Restoration, Armstrong and Ames Pond Dam Removal Project area in Braintree, with all the standard and special conditions in effect, for the period of one year from today's date, March 25, 2021. Jonathan Patton seconded. The vote was unanimous in favor by a roll-call vote. So voted.

The next scheduled public meeting of the Board will be at 12:30 pm on May 27, 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 BUAR members and permittees for their attendance and participation in the meeting and thanked the BUAR members, in particular, for their continued effort, cooperation, and patience during these challenging times, and wished everyone continued good health and safety.

Vincent Malkoski moved to adjourn the meeting at 1:02 PM. Dan Sampson seconded. Unanimous in favor by a roll-call vote. So voted.

Respectfully submitted,

David S. Robinson
Director