

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 March 2011**

MEMBERS PRESENT

Marcie Bilinski (Dive Community Representative)
Gary Duncan (Designee of Aaron Gross, Director of Environmental Law Enforcement)
John Hoagland (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Kevin Mooney, Deputy Director (Designee, Director of DCR Division of Waterways)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Joe Pelczarski (Designee of Bruce Carlisle, Acting Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT:

Brendan Foley (Marine Archaeologist)
Terry French (Designee of John Warner, State Archivist)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone at 1:30 PM on 31 March 2011 in the CZM Conference Room at 251 Causeway Street in Boston.

CHANGE IN THE ORDER OF BUSINESS

Victor noted that as a result of the adverse weather conditions for the Board meeting scheduled for January 27, 2011 and similar possibly for the tentative February date today's meeting agenda has a large number of action items. He stated he was going to change the order of business after the Director's Report to deal with the action items under Old Business before dealing with other agenda items.

1. MINUTES

A. Minutes 2 December 2010

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 2 December 2010. There were no comments or corrections to the minutes.

Joe Pelczarski moved to accept the minutes of the 2 December 2010 public meeting. Gary Duncan seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

A. Interns

Victor reported that the Shawn Joy, who served as an unpaid research assistant in the Fall 2010, had transferred to the University of Massachusetts at Amherst for the Spring semester. Shawn had been working on transcribing the Paul Sherman shipwreck files into the Board's shipwreck database. He had brought the list well into the letter "S". Victor estimated we have completed inputting about 80 per cent of the Sherman files.

Victor announced the Board had two unpaid interns who started working for the Board in January. He introduced Justin Bensley and Lucas Schoepner. Justin has an MS from the University of Edinburgh and a BA from University of Montana. He is serving as an unpaid Research Fellow working on the SHIPS initiative. Lucas is an undergraduate student from Northeastern University. He is serving as an unpaid

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 March 2011**

research assistant working on the nomination of the Elk Site to the National Register of Historic Places. Victor reminded the Board that the Elk Site is the former lightship in the Merrimack River that was the master's thesis topic for a former Board research fellow, Graham McKay.

CHANGE IN THE ORDER OF BUSINESS

He stated he now was going to change the order of business to deal with the action items under Old Business.

3. OLD BUSINESS

A. Underwater Discoveries Unlimited, LLC

Victor reported that Underwater Discoveries Unlimited (UDU), LCC, had submitted its reconnaissance permit renewal application and Annual Report in accordance with the Board's Regulations. Victor reminded the Board that this application is for renewal of permit number 96-001 for a potential unidentified shipwreck site off Wellfleet and not for the excavation permit for *White Squall* site. Victor noted the thorough job by UDU on their renewal package. Oscar Snow and two of his divers were in attendance to present the application on behalf of UDU.

Mr. Snow noted this reconnaissance permit area was north of UDU's excavation permit area. He said that over the winter they spent a lot of time going over numbers [magnetometer anomalies] and eliminated a number from their upcoming season. As previously reported, they have a very large anomaly and want to determine if others are associated with it. They plan on some Spring dives, depending on weather. He reported that UDU had made a number of equipment purchases to gear up for this season. They have purchased a White's metal detector with a ten inch coil, a "buddy phone" diver-diver diver-surface communication system, and underwater camera. He noted he was an old hardhat diver. While he knows little about this new equipment, his dive team is experts with it.

Mr. Snow described their proposed survey plans for the upcoming season. He showed the Board a map which depicted the anomaly locations and proposed diver survey track lines; a color copy of this map is on file with the Board. It is a compilation of the four previous magnetometer surveys of the area. Their underwater line was in three sections, 50 feet - 50 feet – 75 feet. Lines will be buoyed at either end and at the center. They will conduct a circle search along the transect line. Hopefully, the anomalies will be exposed. They will record and photograph the anomalies. They will be in constant contact with the boat. Water depth ranges from 20 feet to 50 feet.

He noted that a couple years back a large unidentified white vessel had been observed station on that location in their permit area on several occasions. This is a concern. The site is regularly monitored NPS personnel, local police, a local pilot, and others. He maintains regular communications with the staff of the National Seashore. He noted they are observed by the Park's beach patrol. He will also be notifying the town hall in the near future.

Victor asked Mr. Snow if he believed the metal detector would be sufficient for the work they proposed for this season. Mr. Snow believed it would be, but said if they could locate the anomalies through this method he would do another magnetometer survey. He noted that at one time wood could be observed protruding from the seafloor. He is quite enthusiastic about his team, new boat and equipment.

John Hoagland moved to renew reconnaissance permit No. 96-001 held by Underwater Discoveries Unlimited for its Wellfleet site with all standard conditions in effect and with the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Mr. Snow thanked the Board members.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 March 2011**

B. Neil M. Good

Victor reported that Neil M. Good had submitted his Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations for his site in his East Falmouth/Mashpee. He reminded the Board that they had extended the expiration date of the permit until today at the request of the applicant. Mr. Good was in attendance to represent his application.

Mr. Good explained the problems he was experiencing with his magnetometer. He relies on the assistance of two scientists, one in Belgium and the other in Florida. It looks like their only problem at this point is a software problem. He has the hardware ready. Victor asked if he had conducted any site work. Mr. Good said he had not while waiting on completion of his instrumentation. He knows to get in touch with WBNERR before going back out. He also noted that if he does not get the equipment working this season, his FL collaborator has a Geometrics magnetometer he hopefully can bring up to the site.

Kevin Mooney moved to grant renewal, retroactive to December 2, 2010, of the Reconnaissance Permit (00-002) held by Neil M. Good for his East Falmouth/Mashpee site with all standard conditions in effect and the further condition that the permittee coordinate his activities with the Department of Conservation and Recreation (DCR) staff at the Waquoit Bay National Estuarine Research Reserve, maintain regular communication with the DCR Office of Cultural Resources, DCR Areas of Critical Environmental Concern (ACEC) Program, the Tribal Historic Preservation Officer for the Mashpee Tribal Council and the Tribal Historic Preservation Officer for the Wampanoag Tribe of Gay Head (Aquinnah). Marcie Bilinski seconded. Unanimous vote in favor. So voted.

C. Bassings Cove Maritime Association

Victor reported that Bassings Cove Maritime Association (BCMA) had submitted its Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. He noted they had again submitted a thorough application. Unfortunately, none of the principals, Tom Mulloy, Henry Lynch, or Debra Jackson, could be in attendance today to represent BCMA. Victor said the Board could act on the renewal or extend the permit until our next meeting. He noted the Board acted on renewals absent the permittee. He recommended the Board consider renewal.

Kevin Mooney moved to grant, retroactive to January 27, 2011, renewal of the Excavation Permit (91-001) held by Bassings Cove Maritime Association for its Scituate site with all standard conditions remaining in effect and the additional condition that the permittee submit for Board approval a site assessment and detailed scope of work prepared by the project archaeologist prior to undertaking any site excavation activities relative to the removal of the main conglomerate. John Hoagland seconded. Unanimous vote in favor. So voted.

D. Raymond Hayes

Victor reported that Raymond Hayes has submitted a renewal application and annual report after the regulatory deadline. Therefore, he has requested an extension of his current Reconnaissance Permit for his Woods Hole project until the Board's next regularly scheduled meeting on 26 May 2011. Victor noted the high quality of work and reporting detailed in the renewal application. Mr. Hayes was not present to represent his request.

Kevin Mooney moved to extend the Reconnaissance Permit (07-001) held by Raymond A. Hayes for his Great Harbor, Woods Hole site until the Board's meeting on 26 May 2011. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

E. James M. Karos

Victor reported that he had finally spoken with James Karos regarding his Reconnaissance Permit renewal application and Annual Report. Vic noted he had been calling a wrong number; due to a transposition in figures, he had called a dead line and not Mr. Karos. Mr. Karos told Vic that he wanted to

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 March 2011**

renew, but was not sure the Board would be happy with his lack of progress over the past year. Vic noted the Board had two options: let the permit lapse or extend it until the next meeting. Given Mr. Karos excellent track record with the Board, this uncharacteristic lack of communication from Mr. Karos and his desire to renew, Victor recommended the Board should give this option strong consideration to his request.

John Hoagland moved to extend the expiration date of the Reconnaissance Permit (06-001) held by James M. Karos for his Chelsea Creek site (Revere/Boston) until the next regularly scheduled meeting of the Board scheduled for May 26, 2011 with all standard and special conditions remaining in effect. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

F. Matthew Lawrence, Stellwagen Bank National Marine Sanctuary

Victor reported that he had spoken Matthew Lawrence of the Stellwagen Bank National Marine Sanctuary (SBNMS). They would not be renewing this Special Use Permit. Matt had submitted their annual report which also serves as their project completion report. Victor stated that no further action is required by the Board.

4. NEW BUSINESS

A. Nicholas Snyer

Victor reported the Nicholas Snyer had submitted a Reconnaissance Permit application in accordance with the Board's regulations for an area off Gloucester near Eastern Point. The application is complete. Mr. Snyer was in attendance to present the application.

Mr. Snyer stated that he had been diving off East Gloucester. He came across an iron ring, 2 feet in diameter, and an iron strap. He stated he came to the Board's office to discuss what he found and permit process. He noted he has access to a magnetometer and side scan sonar equipment to survey the area. He did not want to undertake this activity until he received a permit. Victor said they discussed his finds, viewed the photographs, and reviewed the Board's shipwreck files, mainly the Paul Sherman files, which identified a number of possible vessels. Mr. Snyer said he would like to determine which vessel this might be from. Marcie noted the ring might be a barrel hoop.

Kevin Mooney moved to grant a Reconnaissance Permit (11-002) to Nicholas Snyer for his Gloucester site with all standard conditions in effect. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

B. Gary Esper

Victor reported the Gary Esper had submitted a Reconnaissance Permit application in accordance with the Board's regulations for an area off Beverly and Manchester-by-the-Sea. This area is immediately east of the excavation permit currently held jointly Gary Esper and Alex Bezkorovainy. The application is complete. Mr. Esper was in attendance to present the application.

Mr. Esper noted they have had their current permit for a number of years and identified artifacts materials along the top of the ledges. He believed the material may extend into deeper waters and subsequently conducted his own side can sonar survey. He stated he identified a hull-like anomaly. A copy of the record is in the application package. In looking at the record, Marcie observed another anomaly and suggested he might consider looking at that as well. Victor noted Mr. Esper was doing this permit individually and separate from his permit held jointly with Mr. Bezkorovainy.

John Hoagland asked about the permit areas depicted on the application. Victor said it should both permit held jointly with Mr. Bezkorovainy and the application area. Mr. Esper pointed to the location

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 March 2011**

of his targets on the chart. He noted a friend of his was fishing in that area and pulled some stuff up. That got him interested in that area. He noted the day he conducted his side can survey was rough.

Mr. Esper asked about the process should he want to modify this permit to excavation in the future given that he and Mr. Bezkorovainy already have an excavation permit. Victor said that since this would not be a permit area held by them jointly, this would be treated separately. If they were both parties to this permit, then the other permit would need to be modified to reconnaissance before this was modified to excavation status.

John Hoagland moved to grant a Reconnaissance Permit (11-003) to Gary Esper for his Beverly/Manchester-by-the-Sea site with all standard conditions in effect. Kevin Mooney seconded. Unanimous vote in favor. So voted.

A. Fathom Research, LLC

Victor reported that Fathom Research, LLC had submitted a Special Use Permit application for a marine archaeological reconnaissance survey as part of the NStar Boat Slip Remediation Project in New Bedford Harbor. The survey would be conducted under the direction of marine archaeologist, David Robinson. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on February 15, 2011.

Kevin asked if they were dealing with all sites depicted in the map. Victor replied the maps depicts all remediation sites, but this permit is for the boat slip remediation area only.

Kevin Mooney moved to grant Fathom Research, LLC a Special Use Permit (11-001) for the Project area (as specified in the application) with all standard conditions in effect and the further condition that Fathom Research, LLC submit its survey research design and methodology to the SHPO for review. Gary Duncan seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT (continued)

B. Society for Historical Archaeology

Victor reported that he attended the Society for Historical Archaeology's (SHA) 42th Annual Conference on Historical and Underwater Archaeology held on January 6-10 in Austin, TX. Victor noted that he and Chris Amer of the South Carolina Institute for Archaeology and Anthropology organized and chaired the Annual Government Maritime Managers' Forum. This year's forum was entitled *Government Maritime Managers' Forum XIX: Splicing the Main Brace*. Victor said he was a presenter in a symposium on the Underwater Symposium: Treasure Hunting, Archaeology, and the Law: Bridging the Gap and his paper was entitled *The Massachusetts Experience, or Can the Storm Convert the Idolator?* He also participated in the annual meeting of the SHA UNESCO Committee. Funding for this travel was personal and he used vacation time for this important professional meeting.

C. New Bedford Harbor

Victor observed the Board has been dealing with a number of projects and issues in New Bedford Harbor. There is the Superfund Site remediation, state work at the South Terminal, and NStar project. Not all projects are within the Superfund Site. John Hoagland asked which portions of the harbor were not in the Superfund Site. Kevin Mooney described a number of locations where work has or will occur that area not in the site.

Victor noted that he recently participated, along with Jonathan Patton, in a cultural heritage stakeholders meeting on March 15, 2011 sponsored by US EPA dealing with the underwater archaeology efforts in the Superfund Site. Victor stated he anticipated another special use permit for the next phase of dredging. The Superfund Site is considered a priority project and as a result he expedites his reviews.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 March 2011**

Victor noted that in addition to the unanticipated shipwreck discovery, which was subject to a previous special use permit, an admiralty type anchors were recent; discovered. USEPA plans to undertake conservation. The intent is to display it in New Bedford. Victor noted he made a point of asserting the anchor is Commonwealth property under the Board's jurisdiction. Further, that the Board would not be opposed to it remaining in New Bedford, but it must be recognized that the Commonwealth has title to all the cultural resources. Kevin Mooney suggested the anchor could be displayed at the State Fish Pier Terminal.

On the same day, Victor was unexpectedly asked by US EPA to participate in a meeting with tribal representatives concerning the New Bedford South Terminal Improvement Project. The meeting including Bettina Washington and Jonathan Perry of the Wampanoag Tribe of Gay Head (Aquinnah) and Chuckie Green of the Mashpee Wampanoag Tribe along with EEA General Counsel Gary Davis and projects consultants from APEX and Milner Associates.

D. NPS American Battlefield Protection Program

Victor reported they were making significant progress on the project. They are currently completing their first draft report for their. They still need to do the visual ground-truthing, through visual observation and photography, of several key battlefield areas. No excavation or testing is involved. In addition, a number of ad hoc public engagement activities have occurred and/or planned. Some are detailed under Outreach Subcommittee Report.

E. Estonian National Heritage Board

Victor reported that the Board had been contacted by the Estonian National Heritage Board. Five members/staff are coming to Massachusetts in May for training at Edgetech in Wareham on equipment purchased from them. They asked if they could attend our May Board meeting and meet with us during that visit. Specific details remain to be worked out at this time.

5. BOARD MEMBER REPORTS

There were no Board member reports.

6. OUTREACH SUBCOMMITTEE REPORT

A. Northeast Chapter of Massachusetts Archaeological Society

Victor reported that his presentation to the Northeast Chapter on the Board's on-going investigation of the Revolutionary War Battle of Chelsea Creek was cancelled due to snow storm on Tuesday, January 18, 2011. The talk has been tentatively rescheduled for September 20, 2011 at the R.S. Peabody Museum on the campus of Phillips Academy in Andover.

B. North Shore Frogman

Victor reported that his presentation to the Northeast Chapter on the Board's on-going investigation of the Revolutionary War Battle of Chelsea Creek was cancelled due to building renovation and storm issues on Thursday, February 3, 2011. The talk will be rescheduled later this spring. The club meets at the Palmer's Cove Yacht Club in Salem.

C. Bay State Council of Divers Meeting

Victor reported that he attended the February 9, 2011 meeting of the Bay State Council of Divers. The meeting focused on the Bay State Council's booth at Boston Sea Rovers Clinic and planning Club Dive Treasure Hunt.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 March 2011**

The next Council meeting is scheduled for May 11, 2011.

D. Boston Sea Rovers Annual Underwater Clinic

Victor informed the Board that he attended the 2011 Boston Sea Rovers Underwater Clinic held on March 4-6. Marcie was also there. This year's venue had significantly improved exhibitor space, free parking, and more affordable accommodations. It was held at the Crowne Plaza in Danvers. As in the past few years, BUAR materials were displayed at both the Division of Marine Fisheries and Bay State Council of Divers booths. Vic said he split his time between both booths.

E. Revere Society for Cultural and Historical Preservation

Victor reported that he and Chris Maio of UMass-Boston had given a presentation on the Battle of Chelsea Creek to the Revere Society for Cultural and Historical Preservation on Thursday, February 10. There were approximately 40 people in attendance.

F. Order of the Founders and Patriots of America

Victor reported that he and Craig Brown would be giving a luncheon presentation to the Order of the Founders and Patriots of America, Sons of the American Revolution, and the Society of the War of 1812 on Tuesday, May 3. It had been originally scheduled for February 23. The three groups meet jointly at the Union Club in Boston. The topic will be the Battle of Chelsea Creek.

G. Winthrop Historical Improvement Association

Victor reported that he, and possibly Craig and Chris, would be giving a presentation on the Battle of Chelsea Creek to the Winthrop Historical Improvement Association on Tuesday June 7.

Victor noted they hope to give similar presentations on their battlefield research in Chelsea and East Boston, as well as to any other interested groups, in the near future.

Marcie Bilinski moved to adjourn the meeting at 2:11 PM. John Hoagland seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director