COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 25 JULY 2013

MEMBERS PRESENT: Gary Duncan (Designee of Aaron Gross, Director of Environmental Law Enforcement)
Terry French (Designee of John Warner, State Archivist)
Gary Murad (Dive Community Representative)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Dan Sampson (Designee of Bruce Carlisle, Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Graham McKay (Marine Archaeologist)
Kevin Mooney, Deputy Director (Designee of Director of DCR Division of Waterways)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:35 PM on 25 July 2013 in the CZM Conference Room at 251 Causeway Street, Boston.

Victor noted they were still awaiting the arrival of one member to achieve the requisite quorum of Board members to take action. As chair, he would proceed with an informal meeting and discuss only items not requiring a vote of the Board until such time that they had achieved a quorum.

1. DIRECTOR'S REPORT

Victor reported the Board had a new unpaid intern, Blake Doherty. He is a graduate of St. Joseph's College of Maine. He will be working on the redesign of the Board's reporting forms with an eye toward simplification and on-line submission.

Victor observed that Friday, July 26th, has been designated as the third annual International Day of Archaeology.

2. BOARD MEMBER REPORTS

There were no Board member reports.

3. OUTREACH SUBCOMMITTEE

A. Bay State Council of Divers Meeting

Victor reported that he attended the 12 June 2013 meeting of the Bay State Council of Divers. The meeting focused on distributing the Bay State Council's revised Dive Flag and Club Picnic/ Treasure Hunt posters, and Board Exempt Site monitoring project. The Picnic/Treasure hunt will be held on 22 September at Stage Fort Park in Gloucester.

Victor said the Council had previously agreed to take on the monitoring of the Board's Exempt Sites as a Council sponsored club project. They discussed a one-page prototype site monitoring form prepared by Victor. He was going to make some modifications and the Council would then post it on their webpage. Vic hoped to develop an on-line filing form for this purpose in the future.

The next Council meeting is scheduled for 4 September 2013.

B. Boston Public Library Local History Lecture Series

Victor reported that he will be giving a presentation as part of the Boston Public Library's Local History Lecture Series on Wednesday, September 11 at 6 PM at the main library. The topic was the Board's study of the Battle of Chelsea Creek.

C. Central Chapter – Massachusetts Archaeological Society

Victor reported that he will be giving a presentation to the Central Chapter of the Massachusetts Archaeological Society on Saturday, November 2. They meet at the Zion Lutheran Church, 43 Whitmarsh Avenue, Worcester. The meeting starts at 7 PM with the talk commencing by 8 PM. The topic will be the on-going research on the dugout canoes in Lake Quinsigamond.

COMMENCING FORMAL MEETING

At 1:38 PM, a quorum of Board members was present and the formal meeting could begin.

4. MINUTES

A. Minutes of 30 May 2013

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 30 May 2013. There were no other comments or corrections.

Terry French moved to accept the minutes of the public meeting held on 30 May 2013. Gary Duncan seconded. Unanimous vote in favor. So voted

CHANGE THE ORDER OF BUSINESS

Victor stated that he would be changing the order of business to deal with action items first and would start with New Business.

5. NEW BUSINESS

A. Maxwell Taylor Kennedy

Victor reported the Maxwell Taylor Kennedy had submitted a Reconnaissance Permit application in accordance with the Board's regulations for an area of Hyannis Harbor, Barnstable. The application is complete. Mr. Kennedy was in attendance to present the application.

Mr. Kennedy thanked the Board for hearing his request. He explained that while diving for a lost mooring he came across what he believed to be a shipwreck from the late 19th century, possibly a schooner. He observed a lot of lime in the area and noted there were a large number of schooners bringing lime into the Hyannis Harbor at that time. He was requesting a reconnaissance permit in the hope to eventually raise parts of the schooner for display at a local museum. There does not appear to be anything of commercial value. The site was mainly ship fittings, vessel structural remains, and remnant barrel. He believed it might be the remains of the schooner S.S. Bickmore which caught fire in the winter of 1890 and was subsequently blown-up by the [U.S.] Army Corps [of Engineers] as a hazard to navigation. Mr. Kennedy noted the wooden remains appeared burned and splintered.

Victor stated that John de Bry has agreed to serves as project archaeologist and supplied a proto-type recording form. Mr. Kennedy said they would be revising the form. Victor noted it was very encouraging to have an archaeologist participating in the project at this early stage.

Victor said that prior to the meeting he and Mr. Kennedy had been discussing the permit area. They wanted to modify it from the initial submission. Victor said he was looking for the Board consent to work with the applicant to delimit the permit boundaries. This has been done with other permits. There were no objections from the Board.

Gary Murad moved to grant a Reconnaissance Permit (13-003) to Maxwell Taylor Kennedy for his Hyannis Harbor (Barnstable) site with all standard conditions in effect. Gary Duncan seconded. Unanimous vote in favor. So voted.

CHANGE THE ORDER OF BUSINESS

Victor stated that he would be changing the order of business to deal with an action item under Old Business.

3. OLD BUSINESS

A. Nicholas Snyer

Victor reported that Nicholas Snyer has requested the Board modify his permit boundary and to change the status of his permit from reconnaissance to excavation. He stated Mr. Snyer has submitted a completed excavation permit application and revised his work plan. He distributed a map depicting the requested boundary change. Victor noted that approval of these changes would not change the current end date of 28 March 2014 for the permit. Victor advised the Board that they should address the two requests in separate motions. Mr. Snyer was present to represent his requests.

Mr. Snyer said he had undertaken 14 dives last month in the permit area, mostly from shore. In some of the coves, he was finding numerous ship fasteners, small spikes, and lead sheathing. All leading him to believe the shipwreck was closer into shore. Therefore, he was requesting to move the boundary up to the low tide rather than have a buffer zone along the shore line.

Mr. Snyer stated he had conducting a magnetometer survey over half the area using a Pulse 10. To refine the search, he dove on several targets, but hand-fanning could not undercover the anomalies. He was requesting a modification from a reconnaissance permit to an excavation permit so that he could use an airlift or water lift to undercover these anomalies.

Gary Murad asked if there would be any reason why the Board would not allow Mr. Snyer to go into that area. Victor said that the Board created the original boundary based on the applicant's request and then place a buffer zone around it to keep others out of the permit area as well as protect the permittee's interests. This would not preclude the permittee from undertaking remote sensing or visual observation in the buffer zone.

Gary Duncan noted that area was very rocky. Mr. Snyer said there was a lot of ledge. Gary Duncan raised a question of the possibility of property boundaries extended into that area. Victor noted the Board's jurisdiction extends over the bottomlands up to mean high water whether or not privately held. Victor said he has not observed any structures on the water side of the road, except for access paths. Gary Duncan said there had been some issues up there, including access, and it was a large area. Victor said our action would not take away any of their property rights to the offshore land and the heritage resources are property of the Commonwealth. Gary Duncan also noted there was a lot of commercial lobster gear in that area and this involving diving makes it a tough area to work. Dan Sampson asked if there was anything that limited the permittee's access. Victor said the property owners could restrict land access, but not water access. Gary Duncan asked if everything would be done from the water side. Mr. Snyer said yes from 32 foot boat. He noted his initial dives had been from shore, but they are now from the boat. Gary Duncan asked if the lobstermen had been giving them any trouble. Mr. Snyer said not yet noting they try to avoid traps which made survey tracks like a

slalom course. Jon Patton noted this could become an issue if it extends into the inter-tidal. Victor said they would need to return to the Board in that case. He suspected such materials were likely out of context and pushed in from an offshore site.

Gary Murad moved to modify the boundary of Reconnaissance Permit (11-002) held by Nicholas Snyer for his Gloucester site as requested. Terry French seconded. Unanimous vote in favor. So voted.

Victor noted that Robert Cembrola has agreed to serve as project archaeologist. If another party was engaged to serve as project archaeologist, they would need to have that individual approved by the Board. Victor also noted he conservator [Scot Herber] was in Florida. Victor asked if any Board members had any questions of Mr. Snyer regarding his limited excavation plans. There were none.

Terry French moved to change the permit of Reconnaissance Permit (11-002) held by Nicholas Snyer for his Gloucester site from a reconnaissance permit to an excavation permit with all standard conditions in effect and the further conditions to allow only limited excavation activities as described in your work plan and that an inventory of artifacts and other items recovered must be submitted to the Board prior to transfer to any conservation facility. Dan Sampson seconded. Unanimous vote in favor. So voted.

CHANGE THE ORDER OF BUSINESS

Victor stated that he would be changing the order of business to deal with remaining action items under New Business.

2. NEW BUSINESS (continued)

B. Apex Companies – Isolated Find Exception

Victor reported that the Apex Companies (Apex) has applied for an Isolated Find Exemption for an iron anchor. The anchor was recovered from New Bedford Harbor during dredging related to the South Terminal Project. He had discussed the anchor find with Greg Harper of Apex. It was wrapped with steel wire attached to concrete and appeared to be serving as a mooring. Given the type of object and the circumstances of the recovery, Victor did not believe they constitute an archaeological site. Apex had also discussed this find with Lee Cox, who conducted the prior archaeological survey of the area and they agreed on the same interpretation. Apex was applying for the exemption at this time in anticipation of identifying an appropriate local repository for local interpretation and display. They have not as yet identified a repository and will be continuing in that effort. They would notify the Board once they have identified an appropriate repository.

Gary Murad asked to confirm the Board was taking this action because the anchor had no historical significance. Victor responded it was not historical significant, rather it was essentially just an historical curiosity. Apex was hoping to have a local historical society to take custody and display it. Victor observed that if no one wanted he thought Kevin Mooney would likely want it displayed at the state pier in New Bedford.

Dan Sampson moved to waive jurisdiction over isolated find number 2013-IF-0002 from waters of New Bedford Harbor and relinquish all rights, title and interest to the Apex Companies, LLC. Gary Duncan seconded. Unanimous vote in favor. So voted.

C. R. Christopher Goodwin and Associates, Inc.

Victor reported that R. Christopher Goodwin & Associates, Inc. (Goodwin) had submitted a Special Use Permit application for archaeological survey for the Sealink Power Cable Project from

Salisbury to Everett/Boston. These services will be provided by Goodwin's archaeologist Steve Schmidt. Victor noted the application met the requirements specified in the Board's regulations and that he provisionally issued the permit on 17 June 2013. MHC had subsequently reviewed the project and requested revisions to the initial research design and methodology. Jonathan Patton said Goodwin submitted revisions and MHC issued their permit. The revisions were also submitted to the Board. Jon Patton noted the project was now with U.S. Army Corps of Engineers. Victor said he reviewed those revisions and concurred with those changes to the scope of work.

Gary Murad moved to grant R. Christopher Goodwin & Associates, Inc. a Special Use Permit (13-002) for the project area as specified in the application for marine archaeological survey, in accordance with the revised scope of work accompanying the application with all standard conditions in effect and the further condition that R. Christopher Goodwin & Associates, Inc. submit any future changes to its research design and methodology to the State Historic Preservation Office (SHPO) as well as the Board for approval. Gary Duncan seconded. Unanimous vote in favor. So voted.

There was no other business for discussion at today's meeting.

Dan Sampson moved to adjourn the meeting at 1:59 PM. Terry French seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director