

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 26 September 2019**

MEMBERS PRESENT: Mark McClanan (Dive Community Representative)
Graham McKay (Marine Archaeologist)
Gary Murad (Dive Community Representative)
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)
Nadia Waski (Designee of Brona Simon, State Archaeologist)

Victor Mastone, Director (Staff for the Board)
David Robinson, Deputy Director (Staff for the Board)

MEMBERS ABSENT: Jack Chapin (designee of the Director of Environmental Law Enforcement)
Michael Driscoll (Designee of Gregory Robbins, 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 (Vic M) at 1:32 PM on 26 September 2019 in the CZM Conference Room at 251 Causeway Street in Boston.

*[NB: There is no audio record due to tape-recorder system malfunction shortly after the start of the meeting].

1. MINUTES

A. Minutes of 30 May 2019

Vic M asked the Board if there were any comments or corrections to the minutes of the public meeting held on 30 May 2019. There were no comments or corrections to the minutes.

John Warner moved to accept the minutes of the 30 May 2019 public meeting. Jonathan Patton seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Vic M noted the Board had a very full agenda for today's meeting. He stated that as chair he would be changing the order of business at this point and move directly to Old Business.

2. OLD BUSINESS

A. Gary Esper

Vic M reported that the two permits held by Gary Esper were up for renewal today. One is for excavation (#12-005) and the other is reconnaissance (#12-006) in the Towns of Eastham and Wellfleet. Mr. Esper has requested the Board extend the expiration date for both permits until the Board's December meeting. Mr. Esper was not in attendance to represent his permit application.

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Dan Sampson moved to extend the expiration date of Excavation Permit No.12-005 held by Gary Esper for his Eastham/Wellfleet site with all standard conditions in effect, and the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore in effect until the next meeting of the Board scheduled for 5 December 2019. John Warner seconded. Unanimous vote in favor. So voted.

Jonathan Patton moved to extend the expiration date of Reconnaissance Permit No. 12-006 held by Gary Esper for his Eastham site with all standard conditions in effect and the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore effect until the next meeting of the Board scheduled for 5 December 2019. John Warner seconded. Unanimous vote in favor. So voted.

B. Gray & Pape, Inc.

Vic M reported that Gray & Pape, Inc., has requested renewal of Special Use Permit No. 17-003 for the underwater remote sensing, and archaeological reconnaissance survey and documentation related to the Vineyard Wind Project in Barnstable, Martha's Vineyard, Nantucket and Yarmouth. Kim Smith will serve as Project Archaeologist. Jonathan Patton asked Kim Smith if the Buzzards Bay routes were still being considered. Kim Smith responded they were not. Kim Smith noted that evidence of ca. 16,000 years old submerged peat bogs were found on the margins of Muskeget Channel during their survey. Gary Murad asked Kim Smith what was important about that discovery. Kim Smith and the Board's Deputy Director, Dave Robinson (Dave R), both responded that intact paleolandscapes have archaeological sensitivity for containing *in situ* cultural sites.

Dan Sampson moved to grant renewal of Special Use Permit No. 17-003 to Gray & Pape, Inc., for the underwater remote sensing and, archaeological reconnaissance survey and documentation related to the Vineyard Wind Project in Barnstable, Martha's Vineyard, Nantucket and Yarmouth for the area as specified in the application with all standard conditions in effect and special conditions remaining in effect. Mark McClanan seconded. Unanimous vote in favor. So voted.

C. Public Archaeology Laboratory, Inc.

Vic M reported that the Public Archaeology Laboratory had requested an extension for Special Use Permit No. 16-003, New Bedford Harbor Superfund Site. The permit renewal involved the intertidal archaeological sites located within the New Bedford Harbor Superfund Site in Acushnet and Fairhaven. This permit renewal was essentially to keep the permit active in the event they needed to return to the field. Vic M noted work was also being conducted under a State Archaeologist Permit. There was no further discussion.

Gary Murad moved to extend the expiration date Special Use Permit No. 16-003 held by the Public Archaeology Laboratory for archaeological reconnaissance, intensive (locational), and site examination archaeological surveys of intertidal archaeological sites located within the New Bedford Harbor Superfund Site in Acushnet and Fairhaven for the area (as specified in the application) with all standard and special conditions in effect until the next meeting of the Board scheduled for 5 December 2019. Dan Sampson seconded. Unanimous vote in favor. So voted.

D. Restoration Project

Vic M reported that Restoration Project, Inc. had not submitted its reconnaissance permit renewal application and Annual Report in accordance with the Board's regulations. Vic M stated he had not heard from Eloise Newell, Director of Restoration Project, Inc., and she was not present at this meeting. He noted it has been the Board's practice to grant up to two extensions under these circumstances and this would be the second extension. There was no further discussion.

Gary Murad moved to extend the expiration date of Reconnaissance Permit No. 10-001 held by the Restoration Project, Inc. for its Willis Pond site, Sudbury with all standard conditions in effect until the

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next meeting of the Board scheduled for 5 December 2019. John Warner seconded. Unanimous vote in favor. So voted.

Vic M noted that the Board needed to administratively extend the expiration dates for three permits as they would expire prior to the Board's next scheduled meeting on 5 December 2019. The permits are held by William Bradbury, Joseph Dietlin, and Kenneth Medeiros. These permits were previously renewed on 29 November 2018 and thus expire on 29 November 2019. There will not be a November meeting as that date would fall on the Thanksgiving Day holiday.

E. William Bradbury

Dan Sampson moved to extend the expiration date of Reconnaissance Permit No. 87-002 held by Mr. William Bradbury for his Gloucester (Annisquam) site with all standard conditions in effect until the next meeting of the Board scheduled for 5 December 2019. Nadia Waski seconded. Unanimous vote in favor. So voted.

F. Joseph K. Dietlin

Nadia Waski moved to extend the expiration date of Excavation Permit No. 00-003 held by Joseph K. Dietlin for his Salem site with all standard and special conditions in effect until the next meeting of the Board scheduled for 5 December 2019. Gary Murad seconded. Unanimous vote in favor. So voted.

G. Kenneth Medeiros

Dan Sampson moved to extend the expiration date of Reconnaissance Permit No. 07-003 held by Kenneth J. Medeiros for his Duxbury site with all standard conditions in effect until the next meeting of the Board scheduled for 5 December 2019. John Warner seconded. Unanimous vote in favor. So voted.

6. NEW BUSINESS

A. Public Archaeology Lab

Vic M reported that the Public Archaeology Lab had submitted a Special Use Permit application for archaeological walkover and monitoring of sensitive in-river and impoundment areas upstream and downstream of sluice and dam structures as part of the Jones River Restoration in Kingston. He provisionally granted Special Use Permit No. 19-003 on 8 July 2019.

Nadia Waski moved to grant Special Use Permit No. 19-003 to the Public Archaeology Lab, Inc., for archaeological walkover and monitoring of sensitive in-river and impoundment areas upstream and downstream of sluice and dam structures as part of the Jones River Restoration Project in Kingston as detailed in the technical proposal accompanying the application with all standard conditions in effect and the further condition that Public Archaeology Lab, Inc., submit its research design and methodology to the State Historic Preservation Office (SHPO) for review. Jonathan Patton seconded. Unanimous vote in favor. So voted.

B. SEARCH, INC.

Vic M reported that SEARCH, INC. had submitted a Special Use Permit application to the Board to conduct a marine archaeological reconnaissance/assessment and geotechnical survey in Rockport, Gloucester, Manchester-by-the-Sea, Beverly, Salem, Marblehead, Swampscott, Lynn, and Nahant as detailed in the research design and map accompanying the application they submitted for the AMITIE Subsea Cable System Project Archaeological Assessment.

Dave R stated that upon the Board's review of the permit application, it was noted that SEARCH, INC.'s survey team appeared lack anyone with prior experience working in Massachusetts waters or in

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submerged paleocultural landscapes/pre-contact sites archaeology. SEARCH, INC. responded by adding a qualified marine archaeologist staff member with the requisite experience to its proposed project team.

Vic M granted SEARCH, Inc. a provisional Special Use Permit No. 19-004 on July 9, 2019 with the stipulations that the survey would conform to BUAR's Regulations (312 CMR 2.00), and that the survey would be completed in accordance with the BUAR's written *Policy Guidance on Archaeological Investigations and Related Survey Standards for the Discovery of Underwater Archaeological Resources*, and its directives, standard conditions, and the Scope of Services included in the application, to determine the presence or absence of potential submerged archaeological resources within the project's permit area.

On July 11, 2019, SEARCH, INC. responded via email that they would confirm that the stipulations of the permit were met by the survey "upon receipt of data" from the project proponent's geophysical surveyor.

The Board responded via email requesting clarification about what SEARCH, Inc. meant by their statement "upon receipt of the data," which implied that the survey was already underway or completed and expressed its concern that if the data was found to be not in conformance with the permit's requirements, additional survey would be needed post-demobilization.

On July 17, 2019, SEARCH, INC. responded via email that the survey was completed, that they were awaiting data to assess conformance with the permit's requirements, and that they had informed the project proponent that additional survey might be recommended if it was not in conformance.

During the week of August 14, 2019, SEARCH, INC. contacted the Board by phone to report that: a) the survey had not been conducted in conformance with the permit's requirements; b) that they had informed the project proponent that additional survey would be necessary to meet the permit's requirements; c) to ask if it would be acceptable to modify its research design to only include geotechnical coring in areas where subbottom profiling indicated the presence of a Holocene paleolandform within project depth; and d) to use a hull-mounted multibeam sonar system instead of a towed sidescan sonar system to fill in large gaps (up to 25 km) in portions of the survey area. The Board responded that it would consider these issues and provide guidance.

On August 21, 2019, the Board responded via email that the provisional issuance of Special Use Permit 19-004 was based on SEARCH, Inc.'s previous assurances (and ERM's assurances during a subsequent meeting with MCZM that Board Staff attended) that all work performed as part of the project's marine archaeological survey would conform to the Board's permit requirements and that in order for the Board to respond and to ensure that the modified research design was included in what the Board reviewed and considered for formal approval at its September 26, 2019 regular public meeting, SEARCH, Inc. would need to submit a written request to the Board as soon as possible (but no later than September 16, 2019, ten days prior to the meeting, as per the Board's permit application requirements) specifying the proposed modifications to the research design that were being sought.

On September 13 and 16, 2019, SEARCH, INC. contacted the Board by phone to report that it would not be submitting any modifications to its research design.

On September 17, 2019, the Board responded by email noting that it was informed that the staff person with prior Massachusetts and submerged paleocultural landscape/pre-contact site identification experience was no longer on SEARCH, INC.'s staff, and requested SEARCH, INC. provide the Board with written confirmation that their research design was not being modified because the experienced staff person was either still involved in the project or had been replaced with someone similarly qualified and that a resume would be provided for this new project team member. SEARCH, INC. has not yet responded to the Board's request.

Dan Sampson moved that SEARCH, Inc. provide the Board:

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1. written confirmation that SEARCH, Inc.'s research design was not being modified, and a qualified staff person was either still involved in the project or had been replaced with a similarly qualified person, accompanied by a resume for this new project team member;
2. for activities subject to review under Section 106 of the National Historic Preservation Act, SEARCH, Inc. submit its research design and methodology to the State Historic Preservation Office (SHPO) for review; and
3. further, SEARCH, Inc. submit its research design and methodology to the Massachusetts Historical Commission for review.

John Warner seconded. Unanimous vote in favor. So voted.

Given that the Board had previously requested this information and had not yet received it or any written response, the Board members did not want to discuss formal approval of the provisional permit issued to SEARCH, Inc. Consequently, it was determined that the Board would move to table consideration of the application rather than reject it.

John Warner moved to table consideration of a motion to approve Special Use Permit No. 19-004 for marine archaeological reconnaissance/assessment and geotechnical survey in Rockport, Gloucester, Manchester-by-the-Sea, Beverly, Salem, Marblehead, Swampscott, Lynn and Nahant as detailed in the research design and map accompanying the application for AMITIE Subsea Cable System Project Archaeological Assessment until the Board's concerns were addressed and that this further condition was confirmed in writing. Nadia Waski seconded. Unanimous vote in favor. So voted.

Once the information is received from SEARCH, Inc., the Board will take up consideration of the permit's approval.

C. Isolated Find Exemption – Cape Cod Maritime Museum

Vic M said the Board was contacted in June 2019 by William Cook, Chair of the CCMM's Collections Committee, about an isolated find of an approximately 1-x-1.5 m section of wooden hull remains from the shallow nearshore waters of Lewis Bay in Yarmouth. Dave R described the remains as consisting of a stern knee and fragments of the aftermost end of a ship's keel and the lower ends of its inner and outer sternposts. Bronze and iron fasteners and rudder hardware were also partially preserved. Local oral history suggests these hull remains may be from a British ship that was burned during the War of 1812. The CCMM wants to research, exhibit, and interpret the find for public benefit. In July 2019, CCMM submitted an Isolated Find Exemption to the Board. CCMM is coordinating with the Dave R to assess the find's conservation needs and identify an appropriate archaeological conservation facility that can stabilize the find for long-term curation and public exhibition. Vic M asked the Board to give positive consideration of the request.

Mark McClanan moved to waive jurisdiction over Isolated Find No. 2019-IF-0001, wooden stern knee, and fragments of the keel and inner and outer sternposts, recovered in Lewis Bay in Yarmouth, and relinquish all rights, title and interest to the Cape Cod Maritime Museum. Gary Murad seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Vic M stated that as chair he would be changing the order of business at this point and move to Board Member Reports, Public Engagement Activities and Director's Report,

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3. BOARD MEMBER REPORTS

Jonathan Patton and Nadia Waski announced that October is Massachusetts Archaeology Month. They distributed the events calendar and archaeology month poster.

4. PUBLIC ENGAGEMENT ACTIVITIES

A. Bridgewater State University

Vic M reported that on June 6 he and Dave R met with Dr. Calvin Mires and students from Bridgewater State University's Maritime Archaeology Field School at the Waquoit Bay National Marine Estuary Reserve in Mashpee. The students had documented the shipwreck fragment in Sage Lot Pond to create a site plan. The site is readily accessible and almost completely uncovered at low tide. It is an excellent teaching site.

B. Southeast Chapter, Massachusetts Archaeological Society

Vic M reported Dave R gave a presentation to Southeast Chapter, Massachusetts Archaeological Society in Middleborough on August 17, 2019. Dave's lecture was entitled: "*Ten Years Before the Dredge: Marine Archaeology in New Bedford Harbor Superfund Site, 2009-2019.*"

C. Northeast/Eugene Winter Chapter, Massachusetts Archaeological Society

Vic M reported Dave R gave a presentation to the Northeast/Eugene Winter Chapter of the Massachusetts Archaeological Society on September 17, 2019. Dave's lecture was entitled: "*Ten Years Before the Dredge: Marine Archaeology in New Bedford Harbor Superfund Site, 2009-2019.*"

D. Massachusetts Archaeological Society 80th Annual Meeting

Vic M reported Dave R will be a speaker at the 80th Annual Meeting of the Massachusetts Archaeological Society in Middleborough on November 16, 2019. Dave's lecture will be entitled "Archaeology of Submerged Paleocultural Landscapes in Southern New England: Observations from Recent Experiences and Recommendations for Future Directions."

5. DIRECTOR'S REPORT

A. Fieldwork

1. **North River, Marshfield and Norwell** - Vic M stated that he and Dave R were asked to examine a wooden structure on the bank of the North River. Visual inspection revealed it to likely be the remains of a wooden dock separated from the main and by a change in the river channel. The also returned to examine a site of the remains of ferry barge.

2. **Middleton Dam, Middleton** - Vic M stated that he and Dave R participated on a site visit at the Ipswich River Dam at the Bostix Plant in Middleton. The dam is proposed to be removed as part of the restoration of the Ipswich River. Archaeological investigation of the uplands has been conducted by PAL. Archaeological monitoring is proposed during the drawdown of the impoundment.

3. **Cape Cod Maritime Museum, Hyannis** – Dave R stated he conducted a site visit at the museum to examine the ship timbers find and assess its condition and conservation needs. The condition of the wood is waterlogged and saturated with iron corrosion. Because of its composite nature (wood, bronze, and iron), conservation will be more challenging.

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4. **Plymouth Harbor, Plymouth** - Vic M stated that he and Dave R would be conducting a site visit in the inter-tidal zone where there may be in intact element of a paleocultural landscape in North Plymouth. The area is archaeologically sensitive.

B. Bay State Council of Divers

Vic M reported that he and Dave R attended night meetings of the Bay State Council of Divers on Wednesdays June 13, August 8 and September 5. The main topics of discussion were on-going concerns related to diver access to the water in Rockport and the upcoming annual Treasure Hunt Competition and Club Picnic. The Council held its annual Treasure Hunt Competition and Picnic on Sunday, September 15, at Stage Fort Park in Gloucester. There were estimated to be over 100 people in attendance, with approximately 60 divers participated in the scuba and snorkeling events. Vic M and Dave R distributed BUAR hand-outs and answered questions.

C. Director's Position

Vic M informed the Board that he has decided to resign from the position of the Board's Director, effective at the close of this meeting, 26 September 2019. He distributed his resignation letter to the Board and suggested that the Board immediately vote to appoint Dave R to fill the remainder of his term, which expires on 31 December 2019, rather than wait until Board elections in December. He noted that the Board's past practice is for its staff to serve in this capacity. He believed it was time for him to step down from this position and fully turn over Board operations to Dave R.

Dan Sampson moved to elect David S. Robinson as Director of the Board for the remainder of 2019, effective at the close of this meeting, 26 September 2019. Graham McKay seconded. Unanimous vote in favor. So voted.

Vic M thanked the Board for the privilege of serving them as its staff and Director.

Vic M stated that he wanted to remind the Board member that their next scheduled meeting will be held on Thursday, 5 December 2019. He noted this is the Thursday after the November 28, 2019 Thanksgiving holiday.

Dave R thanked Vic M for his 32 years of outstanding service to the Commonwealth, and for his post-retirement work since May assisting him in the transfer of duties and responsibilities of the BUAR Director and Chief Archaeologist position. Dave R thanked the Board for putting their faith in him to fulfill the role of Director.

Gary Murad moved to adjourn the meeting at 2:26 PM. Dan Sampson seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

David S. Robinson
Director