

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 28 MAY 2015**

MEMBERS PRESENT: Terry French (Designee of John Warner, State Archivist)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
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)
Graham McKay (Marine Archaeologist)
Kevin Mooney, Deputy Director (Designee of Director of DCR Division of Waterways)
Roger Thurlow (Designee of James McGinn, Director of Environmental Law Enforcement)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:35 PM on 28 May 2015 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 26 March 2015

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 26 March 2015. There were no other comments or corrections.

Dan Sampson moved to accept the minutes of the public meeting held on 26 March 2015. Gary Murad seconded. Unanimous vote in favor. So voted

Change the Order of Business

Victor announced that he would be exercising the power of the chair and changing the order of business. He stated he would go to Old Business.

2. OLD BUSINESS

Victor stated that before starting with today's action item under Old Business he was taking the opportunity to remind the permittees of their need to fully comply with the Board's regulations. Given that most permittee field activities occur during the summer months, he noted that the Board's regulations clearly state, under 2.09(3)(a) Maintenance of Records, permittees need to submit "... monthly reports during periods of field investigation." While some permittees tend to provide updates via telephone, such communications should be followed-up with written reporting which may be via email transmission. He noted that at today's meeting the Board has received a written update from Mr. Victor Ricardo.

In addition, Victor said the Board's regulations were particularly clear regarding permittees entering into financial and technical services arrangements. When a permittee is offering an interest in the permit to others, regulation 2.09(6) Subcontracting states "A permittee may subcontract the rights under the permit or any portion thereof upon approval of the Board." Victor said this is a clear statement that such arrangements require approval of the Board prior to taking effect. However, the Board has not required review of any purchase of services arrangements, such as remote sensing,

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vessel lease, etc., which do not entail subcontracting of rights. He noted that even with subcontracting arrangements, the original permittee remains fully responsible for compliance with the regulations.

A. Nipmuc National – Tribal Historic Preservation Office

Victor reported that the permit held by the Nipmuc National – Tribal Historic Preservation Office is up for renewal at today's meeting. The renewal application and Annual Reports have been submitted in accordance with the Board's regulations. The Project Director, Cheryl Stedtler, was not able to be in attendance due to vehicle problems. Victor stated he wanted to take this opportunity to again compliment them on the excellent quality of their report. Victor said their plans were coordinate some additional survey work and dive this summer, including the steam launch and to confirm if anomalies were dugout canoes.

Victor asked if any Board members had questions. Gary Murad asked how many canoes have they found. Victor responded three have been identified and he believed they had an equal number of side scan sonar targets that might be canoes. Gary asked if we knew that dates for the other canoes. Victor noted he had recently spoken with David Robinson, the Project Archaeologist, who said they would need to take new wood samples for dating.

There was no further discussion.

Terry French moved to renew the Reconnaissance Permit (01-001) held by the Nipmuc Nation Tribal Historic Preservation Office for its Worcester/Shrewsbury site with all standard conditions in effect. Dan Sampson seconded. Unanimous vote in favor. So voted.

B. Restoration Project

Victor reported that Restoration Project, Inc. had submitted its reconnaissance permit renewal application and Annual Report in accordance with the Board's regulations. Eloise Newell, Director of Restoration Project, Inc. was not present today. The Project Archaeologist, David Robinson, has confirmed he will continue in that capacity. They hope to dive some of the previously identified anomalies in the near future.

There was no further discussion.

Gary Murad moved to renew Reconnaissance Permit (10-001) held by the Restoration Project, Inc. for its Willis Pond Sudbury site with all standard conditions in effect. Terry French seconded. Unanimous vote in favor. So voted.

C. David S. Robinson & Associates, Inc.

Victor reported that David S. Robinson & Associates, Inc. had requested an extension of special use permit 14-001 until the Board's next meeting on September 24. He needed additional time to complete and submit his renewal application and annual report. This permit is related to dredge spoil monitoring for the New Bedford Harbor Superfund Site Remediation. Victor noted this would be a second extension and he would remind the permittee of the Board's policy regarding extensions.

There was no further discussion.

Dan Sampson moved to extend the expiration date of Special Use Permit No. 14-001 held by David S. Robinson and Associates for the New Bedford Harbor Superfund Site Remediation Project for the area designated in his permit with until 24 September 2015, with all standard and special conditions remaining in effect. Jonathan Patton seconded. Unanimous vote in favor. So voted.

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D. Victor Ricardo

Victor reported that the reconnaissance permit held by Victor Ricardo is up for renewal and that Mr. Ricardo had submitted his renewal application and Annual Report in accordance with the Board's regulations. Mr. Ricardo was in attendance to represent his application.

Mr. Ricardo noted he had submitted an update. Vic Mastone said he had distributed it to the Board members present. Mr. Ricardo stated he spent much time and effort to find a partner for his project. He found GME Inc. (Global Marine Exploration) of Tampa, Florida. He has met with them and checked them out. They may become his partner. Noting he has had his permit for many years, he wanted to review he varies activities since gaining his permit. He initially had a permit challenge by another party. He had several boat accidents and troubles. His wife passed away. During video survey of the bottom, he observed a skeleton visible on his footage. That discovery was reported to the State Police; they conducted a diver survey of the area, found nothing, but never returned his video tape. He stated a large beach nourishment project, over 80 million cubic feet, was undertaken by U.S. Army Corps of Engineers which essentially buried the site area. One of his divers, Bob Emerson, quit after a dive problem in Florida. Mike Starkey, his master diver, died in auto accident in Brentwood, NH. A few years ago, he had contacted American Underwater Search and Survey for a survey proposal of his permit area. The proposal was for \$145,000. He had a potential backer at the time, but he left saying that was too expensive. He said it was for these reasons he keeps coming back without making much progress.

Mr. Ricardo said he wanted to GME, Global Marine Exploration, of Tampa, Florida, and the owner is Robert Pritchard. He noted he had submitted five reports from GME to show their capability. He reviewed GME's equipment and experience. He visited the offices in Tampa twice. He noted that NASA contracted with GME to recover the booster rockets from Shuttle launches. They are currently pursuing possible work in Haiti and Cuba, and completed a 16th century shipwreck project in the Dominican Republic. They had planned to undertake a survey of his permit area in April at no cost. GME are currently working on Army Corps permit, but were informed by the Corps it would take the 30 days to review and an additional 120 days period before a permit could be issued. Mr. Ricardo said that eliminates work this summer taking them into next year. He said Jim Sinclair will serve as their project archaeologist and GME will be based in Salisbury for the project and conservation lab. He would like the Board to approve a joint venture between him and GME with the permit reading Victor Ricardo/GME.

Victor Mastone explained GME could undertake the remote sensing survey which is a non-intrusive survey before getting the permit from the Army Corps. The Corps permit would be required for when they started excavating, disturbing the bottom. Since remote sensing does not include bottom disturbance, they should be able to undertake that effort this year. With respect to a modification of the permit's status from reconnaissance to excavation, Vic Mastone said that would require a formal request which would include an archaeological research design and detailed work plan. Finally, in terms of entering into a relationship with them the Board would need to see the actual terms and review those for us to act on. In reviewing the regulations, you certainly subcontract all or part of your rights but you would still be named on the permit and would be the responsible party. Mr. Ricardo responded that he understands. Vic Mastone the Board we need to approve that relationship prior to it having any force before the Board.

Mr. Ricardo asked if GEM could still undertake the survey. Vic Mastone said that would be fine as long as they did not disturb the bottom that is no excavation or mechanical bottom penetration. This would give sufficient time to come back with a research design and detailed work plan. Mr. Ricardo stated that Mr. Pritchard had agreed to follow his directions. Vic Mastone said the Board would still need to see the written agreement. Mr. Ricardo said there was no written agreement right now. Vic Mastone said the Board would not pre-approve any [subcontracting] relationship. Mr. Ricardo said the way he was looking at it was that he was getting a survey and saving him \$145,000. Vic Mastone he did not want Mr. Ricardo to lose his and also needed to protect the state's interest.

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Dan Sampson summarized that it would that Mr. Ricardo would present a draft contract for review and with our approval he could then sign it. Vic Mastone noted that whether or not Mr. Ricardo signed it before or after our review/approval any contracting of rights would not have any force until the Board approved it.

There were no further discussion.

Gary Murad moved to grant renewal of the Reconnaissance Permit (94-001) held by Victor Ricardo for his Salisbury site with all standard conditions in effect and the further conditions that Mr. Ricardo coordinate with the Department of Conservation and Recreation (DCR) facility (Salisbury Beach State Reservation) staff and the DCR Office of Historic Resources for any on site activities; the DCR staff determine when activities on site take place; no excavation activities take place under this permit; and that no cultural materials leave the boundaries of the Commonwealth of Massachusetts except with the prior written approval of the Board. Terry French seconded. Unanimous vote in favor. So voted.

Vic Mastomne noted these were the same special conditions since the permit was originaly issued. The intent was to insure field operation did not interfere with recreation use of the beach.

RECESS

Victor recessed the meeting at 1:55 PM. He stated he was taking a brief recess to check to see if Mr. Snyder was waiting to enter the floor. He reconvened the meeting at 1:57 PM.

E. Nicholas Snyder

Victor reminded the Board that Nicholas Snyder had requested an extension of his excavation permit until the Board's meeting on May 28. He needed additional time to complete and submit his excavation permit renewal application and annual report which he has done. Victor stated that from his last conversation Mr. Snyder that he planned to attend today's meeting. Mr. Snyder was not present to represent his request.

Victor stated the current permit conditions allow only limited excavation. He noted that Mr. Snyder had verbally communicated to him that he was considering a joint venture with another party. This similar to what is being proposed by Mr. Ricardo. This may necessitate a future meeting.

There was no further discussion.

Gary Murad moved to grant, retroactive 26 March 2015, renewal of Excavation Permit No. 11-002 held Nicholas Snyder for his Gloucester site with all standard 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.

Several Board members commented that it was unusual for Mr. Snyder to miss a meeting.

Change the Order of Business

Victor announced that he would be exercising the power of the chair and changing the order of business to the original agenda.

3. DIRECTOR'S REPORT (continued)

A. Summer Recess

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Victor reminded the Board that they generally hold no regularly scheduled meetings over the Summer months of June, July, and August. He noted it has been typically too difficult to achieve a quorum during those months due to constraints on member availability. The Board's next scheduled meeting will be on 25 September 2014.

He noted that the statute requires the Board take action on complete permit applications within 30 days of receipt. In the event such action is needed during the summer, the Board must hold a special meeting.

B. NASOH Conference

Victor reported that he attended the annual conference of the North American Society for Oceanic History from May 13-17, 2015 in Monterey, CA. This conference was held jointly with the Society for the History of Navy Medicine and the Naval Historical Foundation. It is hosted by the Naval Post Graduate School. Victor served as conference co-program chair and the theme is "Pacific – the Peaceful Ocean?", but included papers from other regions. Victor said he used vacation time and personal funds to attend the conference. The next conference will be held May 11-14, 2016 in Portland, Maine.

C. U.S. Army Corps of Engineers - Boston Harbor Industrial Waste Site

Victor stated that he had been asked by the New England District of U.S. Army Corps of Engineers to review the survey undertaken by the U.S. EPA for the Boston Harbor Industrial Waste Site. EPA and Corps plan to cap this site with dredge spoils from the Boston Harbor Federal Navigation Project. He reviewed the survey methodology and compared it to BUAR standards and that of other federal and state programs. He participated in a meeting of Corps staff on April 22 to discuss his findings.

D. DCR Dighton Rock State Park

Victor stated he had been invited by DCR Staff Archaeologist Ellen Berkland to observe 3D laser scanning imaging of Dighton Rock on April 28. This was part of a BBC documentary project with David Keys on Portuguese exploration of the world. Victor noted that he was on-hand to assist DCR in answering any questions pertaining to vessels of exploration (should they be asked). He met with the film crew, Scott Wolter (whom they were also filming at the site) and observed the laser scanning.

E. Field Activities

Victor noted he had been busy with some unexpected field investigations of two beach shipwreck sites since the last Board meeting. He anticipated this activity would continue throughout the summer. He had hoped to be assisted by a doctoral student from East Carolina University, but she has been thus far unable to secure funding support to work up here; she would like to use such sites in Massachusetts as a case study for her dissertation. Victor described the two possible sites:

a. Salisbury Beach

Victor stated he had received an email from Brona Simon, State Archaeologist, on April 22 alerting him to a possible shipwreck site exposed on Salisbury Beach. He immediately drove to Salisbury, but the rising tide had covered the possible site. Over the following two days, I was able to inspect, photograph, and records two sections of hull. He was assisted by Board member Graham McKay with volunteers from Lowell's Boat Shop, and Mr. Ricardo. He also noted these remains were on the beach adjacent to Victor Ricardo's permit area (permit # 94-001).

Victor described the remains are two upper hull section which appear to go together and represent the starboard stern section from the waterline to the deck level. The wood appears to be

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white oak. Both round and octagonal trunnels were observed. Only a few metal fasteners were evident; many had been removed and the holes capped with wooden plugs. Since the sections were no longer in context, Victor said that he would not characterize these hull sections as an archaeological site. These sections are disarticulated structural remains originating from a recently exposed offshore wreck, possibly near Breaking Rocks. He noted there was almost no marine growth on the remains. He received a request from DCR interpretive services to utilize either or both sections as part of a temporary interpretive display as the Park's visitor's center. Additionally, he has authorized the park supervisor to remove and dispose of these sections if they should become safety hazards.

b. Nantasket Beach

Victor stated he had received an email from Victoria (Vicki) Stevens, Hull Lifesavings Museum regarding a shipwreck becoming exposed at the north end of Nantasket Beach. It was outside the state reservation, near Kenberma Road. He visited the site on May 7th. He was assisted by Vicki and some local volunteers they removed the sand overburden to expose approximately 60 feet of the outline of the vessel. Victor noted he authorized Vicki, under explicit instructions, to continue their efforts to expose the site. Using volunteers from the nearby U.S. Coast Guard Station, they continued work on May 9th. Victor noted the site gets reburied with each tidal cycle. He stated that he and Vicki will again attempt to expose and delineate the shipwreck on June 8th and 9th. The Hull Lifesavings Museum will assist in assembling volunteers. Victor noted there was some concern of possible site vandalism, but they had received significant support in on-going monitoring of the site by both the Hull Police Department and the Massachusetts Environmental Police.

4. BOARD MEMBER REPORTS

There were no Board member reports.

5. PUBLIC ENGAGEMENT

A. Bay State Council of Divers Meeting

Victor reported that he attended the meeting of the Bay State Council of Divers on 29 April 2015. The meeting focused on the Bay State Council's planning the annual Club Dive/Treasure Hunt and Picnic, beach access issues, and Board projects. The annual picnic will be held on 20 September 2015 at State Fort Park in Gloucester.

B. Conference on New England Archaeology

Victor noted that both Jonathan Patton and he attended the annual Conference on New England Archaeology on May 9. It was held at Old Sturbridge Village. It was a great opportunity to connect with archaeologists from the New England region. The topic was the growing collection curation problem.

C. Phillips Academy (Andover) Pecos Pathways Program

Victor stated would be participating in Phillips Academy's Pecos Pathways Program. The program involves 10 high students from Phillips Academy, Pueblo of Jemez students and the town of Pecos. These students travel together to learn about ancestral and contemporary native communities, and archaeology. BUAR was asked to participate during the final week (last field day) by providing the unique opportunity to experience maritime archaeology hands on (without diving) on June 23, 2015. We plan to use a shipwreck site on the North Shore with beach access.

D. Salem State University Summer Institute - Maritime Archaeology of the North Shore

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Victor reported he will be co-leading a summer institute (workshop) which is essentially a one-week field school in collaboration with Dr. Calvin Mires and Captain Laurel Seaborn, both of the Seafaring Education and Maritime Archaeological Heritage Program. Victor noted he will using vacation leave. Participants will receive three undergraduate credit hours from Salem State University and a certificate from the Nautical Archaeology Society. This workshop will use one or two shipwreck sites on the North Shore with beach access. It is intended to be a starting point for training citizen scientist volunteers.

E. Barnstable Senior Center

Victor said he would be giving a presentation at the Barnstable Senior Center on September 17, 2015.

F. Archaeology Month 2015/AIA-MOS Archaeology Fair

Victor reported that October will be Massachusetts Archaeology Month. The Coffins Beach shipwreck will be featured on this year's poster. The Board will again be participating in the Museum of Science/Archaeological Institute of America Archaeology Fair on Friday and Saturday, October 16th and 17th. The first day is for school groups and the second day is for family groups. We will be doing our usual hands-on shipwreck activity. Victor also noted that Saturday, October 17th, is designated as the International Day of Archaeology.

6. NEW BUSINESS

There was no new business.

Terry French moved to adjourn the meeting at 2:18 PM. Dan Sampson seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director