

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 2 DECEMBER 2004**

MEMBERS PRESENT: Marcie Bilinski (Dive Community Representative)
John Hoagland (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Kevin Mooney (Designee of Nancy Thornton, Director of DCR Division of Waterways)
Joseph Pelczarski (Designee of Thomas Skinner, Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)
David Trubey, Deputy Director (Staff for the Board)

MEMBERS ABSENT: Ed Bell (Designee of Cara Metz, Executive Director of the Massachusetts Historical Commission)
Kathleen Dolan (Designee of James Hanlon, Acting Director of Environmental Law Enforcement)
Brendan Foley (Marine Archaeologist) [awaiting reappointment]
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 1:40 PM on 2 December 2004 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 30 September 2004

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 30 September 2004. There were no comments or corrections to the minutes.

Kevin Mooney moved to accept the minutes of the 30 September 2004 public meeting. John Hoagland seconded. 3 in favor. 2 abstentions (Joseph Pelczarski and Lenny Loparto). So voted.

2. DIRECTOR'S REPORT

A. Election of Board Officers

Victor stated that the Board annually elects its two officers, Director and Deputy Director. In 2004, Victor Mastone served as Director and David Trubey served as Deputy Director. Victor reminded the Board that it could nominate whoever it would like, but suggested that the Board keep with past practice and consider nominating its staff for these positions to facilitate administration. Victor asked the Board members for nominations.

Marcie Bilinski nominated Victor Mastone for the position of Director. Kevin seconded the nomination. John Hoagland nominated David Trubey for the position of Deputy Director. Marcie Bilinski seconded the nomination. There were no other nominations.

Marcie Bilinski moved to elect Victor Mastone as Director and David Trubey as Deputy Director of the Board for 2005. John seconded. Unanimous vote in favor. So voted.

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B. 2005 Schedule of Meetings

Victor proposed a continuation of the bi-monthly schedule of regular public meetings in 2005. He noted that this would not preclude the Board from holding additional public meetings if there were a need for them. In addition, he asked the Board to consider not scheduling meetings in June, July, and August, as it is difficult achieving a quorum in the summer months. Victor proposed scheduling meetings for 27 January, 31 March, 26 May, 29 September and 1 December, as the last Thursday of November is Thanksgiving.

Kevin Mooney moved to adopt the dates of 27 January, 31 March, 26 May, 29 September and 1 December as the Board's schedule of public meetings for 2005. Lenny Loparto seconded. Unanimous vote in favor. So voted.

C. NOAA Office of Ocean Exploration Peer Review Committee

Victor reported that he served as a member of the Peer Review Committee for NOAA's Office of Ocean Exploration. The committee met in November in Silver Spring, MD to discuss the 2005 exploration grant proposals. There were 55 proposals of which 14 involved underwater archaeology.

Victor stated that, while he is precluded from divulging what was discussed, there were many good proposals. One proposal was submitted jointly by Matt Lawrence and Deborah Marx of Stellwagen Bank National Marine Sanctuary, Brendan Foley of Woods Hole Oceanographic Institute (WHOI), and David Trubey from the Board. Vic noted that he has not even looked at the proposal and left the room during discussion of it. So, he has no idea what it involves or how it was received by the panel or NOAA. Vic asked David to briefly describe their proposal to the Board.

David reported that the group is proposing to measure the efficiency of utilizing an autonomous underwater vehicle or AUV, at a variety of depths, in the production of shipwreck photo mosaics. The AUV, outfitted with both video and still cameras, would be programmed to run transects over four test wreck sites. The images collected would then be processed into photo mosaics. If the procedure is successful, it could serve as useful tool for the management of shipwrecks in Massachusetts and federal waters by providing a relatively cheap and quick way of mapping of sites without the use of scuba divers who are limited by such factors as water depth, bottom time, etc.

John Hoagland asked if the vehicle has been tested before. David replied that the vehicle and imaging technology, both developed by WHOI, have been deployed to image seafloor habitats, but this would be the first use of this AUV to create high-resolution photo mosaics of an archaeological site.

D. Submerged Military Craft Act

Victor reported that the National Defense Authorization Act of 2005, passed into law on 28 October, contains a section entitled the Submerged Military Craft Act, which asserts permanent ownership to the United States of its vessels and aircraft anywhere in the world. Victor explained that although the legislation includes vessels, he believes its motivation was a result of what the US perceived as the unauthorized salvage of aircraft.

Marcie Bilinski asked when the act takes effect and if it applies to submerged vessels that were intentionally sunk as artificial reefs. Victor replied that the law has been in effect since it was signed in October and does not apply to vessels of which the government has formally given up ownership such as those in the artificial reef program.

John Hoagland asked how this new legislation relates to the Abandoned Shipwreck Act (ABA). Victor responded that military vessels were never included in the ABA, as they are not abandoned. The new legislation compliments the federal protection. Joe Pelczarski asked if this new act involves the assertion of ownership by foreign governments. Victor stated that the act only asserts US government ownership of its own vessels, but that the US would likely afford protection to sunken military vessels of other nationalities.

3. BOARD MEMBER REPORTS

There were no Board member reports.

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4. SUBCOMMITTEE REPORTS: OUTREACH

A. Archaeology Month 2004

Victor reported that the Board's Archaeology Month event at the Custom House Maritime Museum in Newburyport was held on Saturday, October 16th. Co-sponsored by the Newburyport Maritime Society, and the Public Archaeology Laboratory (PAL), the event highlighted the technology utilized by marine archaeologists to locate and study shipwrecks and other sites. The event included a presentation by David Robinson of PAL and a dive gear exhibit by Marcie Bilinski. The day was very successful with an estimated eighty visitors touring the museum.

Resolution

Victor suggested that the Board take this opportunity to express its gratitude to the Newburyport Maritime Society, David Robinson and Marcie Bilinski for their participation in this year's Archaeology Month event.

Joe Pelczarski moved: It is resolved by the Massachusetts Board of Underwater Archaeological Resources to express its appreciation to the Newburyport Maritime Society, David Robinson of PAL, and Marcie Bilinski for their contributions to Archaeology Month 2004. Lenny Loparto seconded. Unanimous vote in favor. So resolved.

B. Newburyport Maritime Society Lecture Series

Victor reported that during Archaeology Month and as part of the Newburyport Maritime Society's Fall Lecture Series, he gave a lecture entitled "Archaeology on our Shores". The presentation was on October 19th and due to the Red Sox playoff game that night, was not as well attended as he and the Maritime Society had hoped it would be. Nevertheless, the event seemed to be well received.

C. Seventh Maritime Heritage Conference

Victor reported that he and David Trubey attended the Seventh Maritime Heritage Conference in Norfolk, VA on October 27-30. The conference, held every three years, brings together a wide range of maritime history professionals, scholars and enthusiasts and addresses the current challenges to maritime historic preservation in the United States. Victor noted that there was strong participation by archaeologists from the National Oceanic and Atmospheric Administration.

D. Bay State Council of Divers

Victor reported that he attended the November 10th meeting of the Bay State Council of Divers in Quincy. The main focus of the meeting was surveying and data gathering for potential artificial reef sites. The area around the *Pinthis*, an exempt site, is becoming a site of choice so as not to interfere with the dragging net fisheries. There was also a video presentation by Vin Malkowski from the Division of Marine Fisheries on the recent white shark encounter.

E. Society for Historical Archaeology Conference

Victor reported that he would be attending the annual conference of the Society for Historical Archaeology (SHA) in York, UK in January. He, along with South Carolina State Underwater Archaeologist Chris Amer, have organized and will lead the 14th Annual Government Maritime Managers Forum entitled "From the Slop Chest toward a Bowditch for Managers". Victor anticipates that this conference will be a very unique opportunity to work with a broad international community, particularly from Europe. He noted he is member of the Advisory Council on Underwater Archaeology and the SHA UNESCO Committee, both of which will be meeting at the conference. After the conference, he will be traveling to Belfast, NI as an invited participant in a mini-symposium on maritime cultural landscapes organized by the Environment and Heritage Service of Northern Ireland and the University of Ulster.

F. Archaeological Institute of America 2005 Archaeology Fair

Victor reported that David Trubey would be representing the Board at the Archaeological Institute of America's 2005 Archaeology Fair in January. David will be working with David Robinson of PAL, Inc. in exhibiting dive gear, sonar

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images and other technology utilized in the field of marine archaeology. The fair will be held on Sunday, January 9th from 11:00 a.m. – 3:00 p.m. at the Boston Sheraton Hotel.

5. OLD BUSINESS

A. William Bradbury

Victor reported that Mr. William Bradbury had submitted his Reconnaissance Permit renewal application and Annual Report in accordance with the Board's Regulations. Mr. Bradbury was in attendance to present his application.

Mr. Bradbury reported that he attempted to get out to the site four times during the field season, but due to poor weather conditions, he was limited to only one visit. He reminded the Board that he conducts his fieldwork from a small outboard boat and therefore has to select his field days carefully. Mr. Bradbury stated that while he was not in the field, he continued to utilize his mapping software to create contour charts of his permit area. He hopes to plot the locations of anomalies detected in previous years on these charts, which should help to narrow his search area.

Victor stated that Mr. Bradbury's annual report was neat and concise and showed that Mr. Bradbury has taken the Board's comments regarding some of his previous reports to heart.

Referring to an incident detailed in Mr. Bradbury's report, John Hoagland expressed concern that Mr. Bradbury only has one diver in the water during fieldwork. John stated that it represents a hazardous situation. Mr. Bradbury replied that the size of his boat limits the amount of divers and equipment that he can bring to the site. He stated that his diver is very well qualified and that he keeps a close eye on him from the boat. Mr. Bradbury added that the incident to which John was referring, in which Mr. Bradbury lost track of his diver for a brief period of time, was isolated and was the result of his diver breaking away from the search pattern and Mr. Bradbury losing site of his diver's bubbles. John acknowledged Mr. Bradbury's explanation and emphasized that it was a potentially dangerous situation.

Kevin Mooney moved to renew the Reconnaissance Permit held by Mr. William Bradbury for his Gloucester (Annisquam) site with all standard conditions in effect. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

B. Dietlin and Rine

Victor reported that Joseph Dietlin and Duane Rine had submitted their Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations. Victor noted that as usual, the documentation submitted on behalf of this permit was very organized and detailed. Mr. Dietlin was in attendance to present the application.

Mr. Dietlin reported that he and his team concentrated their effort this year near South Gooseberry Island. He noted that a comparison between modern charts of the area and those made just after the vessel for which they are searching wrecked, show that North Gooseberry island has experienced a considerable amount of erosion while the northern end of South Gooseberry Island has been getting larger. Mr. Dietlin theorizes that some obstruction on the seafloor has caused a change in the flow of currents around the islands. He pointed to an area on the chart where most of the artifacts, including numerous iron pins, they have seen to date are located and noted that they will focus next year's reconnaissance work on that area. Mr. Dietlin stated that he and his team are planning to purchase a magnetometer for next field season. The magnetometer will help them to locate those anomalies that are buried deeper than their hand held metal detectors can detect. Mr. Dietlin added that the entire search process is very slow due to the tremendous amount of junk that has been discarded in the permit area including derelict lobster pots, refrigerators, gas grills, etc. He noted that the amount of junk could be viewed as a positive thing in that it shows them that they are searching in a spot to which the currents are carrying materials. He hopes that same currents have deposited artifacts related to the shipwreck for which they are searching and that the vessel's remains have been preserved by the large quantity of sand has settled in the area.

Lenny Loparto asked Mr. Dietlin what the iron pins that the team has been seeing were used for. Mr. Dietlin replied that the vessel for which they are searching is reported to have had pig iron as its ballast. He stated that they continue to research the vessel and pointed out that he and his team are not as interested in the cargo that the vessel

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was carrying, as they are in the story behind the wreck and the incredible people that were involved. He added that the desire to shed light on the story is what keeps driving them to work year after year on this project.

Victor thanked Mr. Dietlin for including the results of their historical research in the Annual Report, stating that it provides the Board with some context for the project.

Lenny Loparto moved to renew the Reconnaissance Permit (00-003) held by Joseph Dietlin and Duane Rine for their Salem site with all standard conditions in effect. John Hoagland seconded. Unanimous vote in favor. So voted.

C. Neil Good

Victor reported that Neil Good had submitted his Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations. Mr. Good was in attendance to present his application.

Mr. Good stated that he is a bit embarrassed by the brevity of his annual report for 2004, noting that he has been relying exclusively on pro bono assistance in the field in terms of remote sensing equipment. He stated that although he has been in contact with firms such as Edgetech and Benthos, both of whom have been very helpful to him in the past, he was unable to schedule any time to continue surveying Waquoit Bay. Mr. Good stated that he has however, continued with archival research and delivering public presentations regarding the history of Waquoit Bay. His efforts included a meeting with the US Army Corps of Engineers' archaeologist to discuss the impacts of the proposed Cape Wind Energy Project on potential archaeological resources in Nantucket Sound. Concerning the proposed project, Mr. Good relayed his belief that just as the shallow waters of Nantucket Sound are attracting wind farm development, they also caught the attention of an early Norse sailing expedition. Mr. Good presented the Board with a number of newspaper and journal articles that he has obtained over the year promoting the belief that a Norse sailing expedition traveled further south than previously believed and that southern New England, particularly Southern Cape Cod, is the place that researchers should be looking for evidence of early Norse settlements.

Regarding one of the articles that Mr. Good distributed to the Board (Askell Love, Department of Botany, University of Manitoba, *Locating Vineland the Good*), Lenny Loparto stated that the most meaningful sentence reads, "All that is needed is archaeological confirmation." Lenny added that such confirmation has simply not yet occurred. Mr. Good acknowledged that there is no archaeological evidence to support the theory of Norse settlements in Southern New England, but stated that the geographical similarities between the coastline of Cape Cod, specifically Waquoit Bay, and those described in the *Greenlanders Saga* warrants the attention of archaeologists.

Victor thanked Mr. Good for providing the Board with the articles and stated that he hopes Mr. Good is able to get some assistance from the marine remote sensing industry for completing a survey of Waquoit Bay.

Kevin Mooney moved to grant renewal of the Reconnaissance Permit (00-002) held by Neil 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 archaeologist, DCR Areas of Critical Environmental Concern (ACEC) Program, the Mashpee Tribal Council and the Tribal Historic Preservation Officer for the Wampanoag Tribe of Gay Head (Aquinnah). Joseph Pelczarski seconded. Unanimous vote in favor. So voted.

6. NEW BUSINESS

A. Kenneth J. Medeiros – Isolated Find

Victor reported that Kenneth Medeiros had contacted the Board previously to discuss some historic buttons that he found on the beach in Duxbury and whether or not they would be considered an isolated find. Victor stated that he suggested Mr. Medeiros come before the Board. Mr. Medeiros submitted a complete application, in accordance with the Board's regulations, for an exemption for an isolated find and was in attendance to present his this application. Victor noted that there are several buttons representing this find rather than the one or two artifacts typical of the isolated finds with which the Board has dealt in the past. Victor stated that for this reason, he contacted some of his colleagues to get their sense as to whether or not Mr. Medeiros' discovery does in fact constitute an isolated find. Victor explained that his feeling and the feeling of his colleagues in other states, is that while the buttons might point to a potential archaeological

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site, they do not by themselves represent a site and should be considered a disarticulated collection of objects with no archaeological context.

Mr. Medeiros reported that he discovered these buttons near High Pines shortly after the “No Name Storm” in March of 1992 while he was working to rebuild portions of Duxbury Beach that had breached during the storm. He presented the Board with aerial photos and charts of the area and displayed several of the buttons. Mr. Medeiros described some of the research that he conducted at the Duxbury Historical Society, which indicates that several Revolutionary War battles took place in the vicinity of his find. Based on reports from the day that he found the buttons, he theorizes that they might have washed ashore from an area know as High Pine Ledge, which lies approximately 200 yards off the beach. Mr. Medeiros stated that through further research at the Boston Public Library, he was able to find descriptions of military buttons that were identical to the ones that he found. Based on this research and recent discussions with the Peabody Essex Museum, Mr. Medeiros estimates that the buttons date to approximately 1760-1780.

Lenny Loparto asked Mr. Medeiros how big the area was in which the buttons were found. Mr. Medeiros replied that the area was approximately 300 feet in diameter. Mr. Medeiros theorizes that a vessel might have grounded on High Pine Ledge and its crew jettisoned boxes or bags of these buttons in an attempt to lighten the vessel. Another theory that Mr. Medeiros has heard through his conversations with various people is that because so many of the buttons have the same pattern, they might have all come from one uniform.

Victor stated that the fact that the buttons were found in an area of the beach that had breached due to unusually high and strong surf, further supports the idea that the collection of buttons came from somewhere further off the beach and were not part of an archaeological site.

Marcie asked Mr. Medeiros if he searched further to seaward of the breach for other artifacts. Mr. Medeiros replied that he did search the water further out at low tide, but did not see anything else. He stated that he is sure there are more buttons out there than the ones he found. He suspects that others were buried during the course of the beach repair work. Lenny Loparto asked if metal detectors were used to search for other buttons in the area. Mr. Medeiros replied that he tried using a metal detector, but it did not work well perhaps due to the material of which the buttons are made. He noted that as a test, he placed one of the buttons two or three inches under the sand and the device did not detect it. Mr. Medeiros added that he and a friend took some depth recordings from a boat on and around High Pines Ledge in the hope that they could detect a shipwreck. The soundings did not reveal any anomalies in the area.

Mr. Medeiros offered the Board access to his field notes and stated that according to information he found at the Boston Public Library, the only known examples of buttons such as the ones he discovered are in the Peabody Essex Museum and a museum in Morocco.

Victor again stated that due to the fact that this collection of buttons was found in a high current area related to a breach of the beach, he suspects that it was washed in from further offshore and not representative of an archaeological site. Had the buttons been found eroding out of the beach, it would be more reasonable to expect that they were part of a site. Lenny Loparto suggested that Mr. Medeiros speak with former Board member Jim Bradley who is very knowledgeable about historic buttons.

Victor suggested that the Board photocopy Mr. Medeiros' files and catalogue each of the buttons. Lenny Loparto concurred and added that the area in which they were discovered should be considered a locus. He suggested that even though it is being considered an isolated find, Mr. Medeiros should file a site form with the Board and Massachusetts Historical Commission. Further, Lenny suggested that the Board make a condition of its waiving jurisdiction over the artifacts that Mr. Medeiros allow the Board to document the items and copy relevant field records.

Kevin Mooney moved to waive jurisdiction over the buttons found in Duxbury (2004-IF-001) and relinquish all rights, title and interest to Kenneth Medeiros with the condition that Mr. Medeiros allow the Board's staff to document the artifacts and copy all relevant field and research notes. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

B. Timothy Fohl: Isolated Find

Victor reported that Timothy Fohl had submitted a complete application in accordance with the Board's regulations, for an exemption for an isolated find of two bottles in the Assabet River in Concord. Mr. Fohl was not in

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attendance to present his application, as attendance was not required. Victor stated that spoke with Mr. Fohl regarding these artifacts and learned that they were found in an area of the river where objects tend to collect due to the current. Victor noted that he would like to inspect this area perhaps next field season, as it sounds interesting. Concerning the bottles themselves, Victor stated that they have no archaeological context and do not appear to represent an archaeological site. He recommended that the Board consider them an isolated find and grant Mr. Fohl's request for an exemption.

Lenny Loparto recommended that, as it did for Mr. Medeiros, the Board asks Mr. Fohl to file a site file form with both the Board and the Massachusetts Historical Commission. Victor concurred with Lenny's recommendation.

John Hoagland moved to waive jurisdiction over the two bottles from the Assabet River (2004-IF-002) and relinquish all rights, title and interest to Timothy Fohl. Kevin Mooney seconded. Unanimous vote in favor. So voted.

C. Public Archaeology Laboratory, Inc.

Victor reported that the Public Archaeology Laboratory, Inc. (PAL) had submitted, in accordance with the Board's regulations, a final report for its work on the Slaters Pond Dam Repair Project in Oxford. The report states that no archaeological sites or significant artifacts were found in the project area. Victor noted that the report was very well written and is in keeping with PAL's professional standards.

Kevin Mooney moved to accept PAL's report, entitled *Intensive (Locational) Archaeological Survey, Slaters Pond Dam Project*, as the final report in fulfillment of the Board's requirements under Reconnaissance Permit #03-001. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to adjourn the meeting at 2:56 PM. John Hoagland seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director