

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 3 December 2015**

MEMBERS PRESENT: Alexandra Crowder (Designee of Brona Simon, State Archaeologist)
Graham McKay (Marine Archaeologist)
Kevin Mooney (Designee of Director of DCR Division of Waterways)
Gary Murad (Dive Community Representative)
Jonathon Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Dan Sampson (Designee of Bruce Carlisle, Director of Coastal Zone Management)
Roger Thurlow (Designee of James McGinn, Director of Environmental Law Enforcement)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
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 1:35 PM on 3 December 2015 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 28 May 2015

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 28 May 2015. There were no comments or corrections.

Kevin Mooney moved to accept the minutes of the public meeting held on 28 May 2015. Dan Sampson seconded. Unanimous vote in favor. So voted.

B. Minutes of 24 September 2015

Victor asked the Board if there were any comments or corrections to the minutes of the informal public meeting held on 24 September 2015. There were no comments or corrections.

Kevin Mooney moved to accept the minutes of the informal public meeting held on 24 September 2015. Dan Sampson seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

A. Elections of Board Officers

Victor stated that the Board annually elects its two officers, Director and Deputy Director. Victor reminded the Board that it could nominate whoever it would like to serve as Director and Deputy Director. He suggested that the Board keep with past practice and consider nominating its staff to facilitate administration. Vic noted that prior to 2008 the position of Deputy Director had been held by Board staff as well. He did not believe backfilling the other staff position would happen in the foreseeable future. He noted the Board had not held a meeting when he [Victor] could not be in attendance. For 2015, Victor Mastone served as Director and Board member Kevin Mooney as Deputy Director. Victor asked the Board members for nominations, and noted that Kevin Mooney was willing to serve another term as Deputy Director.

Gary Murad nominated Victor Mastone for the position of Director. Kevin Mooney seconded the nomination.

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Graham McKay nominated Kevin Mooney for the position of Deputy Director. Dan Sampson seconded the nomination.

Graham McKay moved to elect Victor Mastone as Director and Kevin Mooney as Deputy Director of the Board for 2016. Gary Murad seconded. Unanimous vote in favor. So voted.

B. Schedule of Board Meetings for 2016

Victor proposed a continuation of the bi-monthly schedule of regular public meetings in 2016. 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. He noted that this would not preclude the Board from holding additional public meetings if there were a need. Victor proposed scheduling meetings in 2016 for January 28, March 31, May 26, September 29, and December 1. He did not propose meeting in November due to Thanksgiving. He noted he would still reserve meeting space for the last Thursday of February, April, June, July, August, and October.

Kevin Mooney moved to adopt the dates of January 28, March 31, May 26, September 29, and December 1 as the Board's schedule of public meetings for 2016. Graham Mckay seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Victor stated that as chair he would be changing the order of business at this point and move directly to Old Business and start with Mr. Joseph Dietlin. He would return to other business later in the meeting.

4. OLD BUSINESS

A. Joseph Dietlin

Victor reported that Joseph Dietlin had submitted his Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. He noted the permittee had again submitted a very thorough renewal package. Mr. Dietlin was in attendance to present application.

Mr. Dietlin noted that the past year was tough due to family issues. He has a new crew. Past efforts have eliminated areas and focusing on an area that may yield positive results. Artifacts had been found in this area with mag and pulse readings. He would like to undertake test units in the area of these reading. He believes there is 10 to 15 feet of sediment. He has attempted to line up recent aerial images [Google Earth] with the survivor map by Lamb. At the time, Lamb had proposed, but did not attempt, any salvage. He has also compared this area to historic maps and believes he has identified the location of location of wrecking event.

Gary Murad asked Mr. Dietlin, given his 30 years of work, what he believed was the historical significance of this wreck. He said the *Margaret* was an important merchantman with much documentary information of the owners. He saw it as learning as much about these merchant families as the vessel itself. The vessel was built in the Hart Shipyard in Boston's North End. He had hoped to positively identify the vessel by its 200 birthday, but it is 20 years later and he is not discouraged. Once found, his goal is to open a museum and conservation lab for the public to see the process and learn about this important site.

Jonathan Patton asked Mr. Dietlin to describe his new lab facility. He replied he is not sure if the Oxford location will be simply a temporary treatment of recovered objects. It depends on the conservator, Scott Herber, and the volume and complexity of recovered material. This is intended to deal with this level of site testing and types of portable artifacts. Once the main site is identified, then

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they will need to determine if this location can handle the type of project. They do not want to recover more than the facility could handle.

Jonathan asked Mr. Dietlin about his plans to keep the Board informed. Mr. Dietlin stated he notifies the Board before he goes into the field, as he is active, and in monthly reports. For any major finds, he would contact the Board immediately. He noted everything done is under the guidance of the Board which he greatly appreciates.

Gary Murad moved to renew the Excavation Permit (00-003) held by Joseph K. Dietlin for his Salem site with all standard conditions in effect under the approved work plan, and the further condition that the permittee submit, for approval by Board staff, a detailed plan for the selection, transportation, and conservation of any objects intended to leave the Commonwealth of Massachusetts, prior to undertaking such action. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Victor stated that as chair he would be changing the order of business at this point and move directly to New Business and start with Mr. William Dupsha. He would return to other business later in the meeting.

6. NEW BUSINESS

A. Reconnaissance Permit – William Dupsha – Manchester-by-the-Sea

Victor reported that Mr. William Dupsha of Oxford had submitted a reconnaissance permit application for the area of Never Fail Ledge in Manchester-by-the-Sea. Victor said he had initially determined the application to be incomplete, but Mr. Dupsha subsequently submitted additional information making his application complete. Mr. Dupsha was present to represent his application.

Mr. Dupsha stated he had found a few artifacts in that area and with local knowledge he was lead to believe there could be a shipwreck site of historical value in that area. He said he was not a treasure hunter by trade. He thought it would be a way to use his skills, be out on the ocean, and hopefully leave something behind for others.

Victor asked Mr. Dupsha to explain the circumstances of his find. Mr. Dupsha said he had been going out there with Joe [Dietlin] and Charlie [Rine] and that basically got him interested. He'd always had a call to the ocean and had served in the U.S. Coast Guard. He said Charlie had left [him] a few things and he wanted to carry on his legacy. Mr. Dupsha showed a spike recovered from the area and noted a large anchor was found be not recovered. Victor noted they had magnetometer data, but are trouble retrieving that data from Mr. Dietlin's laptop. Mr. Dupsha explained that laptop has been damaged. Mr. Dietlin said retrieval of that data looked promising. He also noted that fishermen had been recovering sections of timber and iron; it was their knowledge that suggested a shipwreck in that area. Mr. Dietlin recalled conversation with Mrs. Coolidge who relayed a story of a wreck off Coolidge Point. Mr. Dupsha said he was willing to take this on and see if he can find something.

Gary Murad asked about the depth of the area. Mr. Dupsha relied on average 40 to 50 feet, sometimes down to 60 to 70 feet. He believed the anchor was in 70 feet of water. Victor passed around the chart depicting the area. Victor said he and Ray Bates had examined some wreckage on the beach at Coolidge Point and believes it to be from the *Alice Colburn*. The application materials seems older than that vessel. Victor noted from an earlier discussion with Mr. Dupsha and Mr. Dietlin that they will following the methodology set out by Mr. Dietlin in his permit.

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Kevin Mooney asked if Mrs. Coolidge identified the wreck or wreck site. Mr. Dietlin said she did not know much more than that ship broke up off their property. There were no reported survivors. Kevin went on to ask about timeframe. Mr. Dietlin said a coin dating to the early eighteenth century was recovered from Black Beach. Mr. Dupsha noted the spike pre-dated the area's known shipwrecks. Mr. Dupsha stated he planned to work weekends and holidays, weather permitting during summer months. Captain Thurlow noted there was a fish trap off Kettle Island which is a strong seasonal fisheries. Mr. Dupsha said he would avoid that area when in use. Captain Thurlow noted it is also any for lobster fisheries. Mr. Dietlin said that they use a drop video camera with metal detector so they could work around the trawls. Victor noted working around these use conflicts was possible.

Kevin Mooney moved to grant a Reconnaissance Permit (15-005) to William Dupsha for his Manchester site with all standard conditions in effect. Dan Sampson seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Victor stated that as chair he would be changing the order of business at this point and move directly to Old Business and start with Mr. Alexander Bezkorovainy. He would return to other business later in the meeting.

4. OLD BUSINESS (continued)

B. Alexander Bezkorovainy

Victor noted that he administratively extended the expiration date of Mr. Berzkorovainy's permit until today's meeting. That extension was necessary because the Board did not have a quorum for the 24 September meeting. Mr. Bezkorovainy had submitted his renewal application and annual report in accordance with the Board's regulations. Alex Bezkorovainy was not in attendance to represent his permit application. Victor noted he had an approved work and conservation plan. There was no further discussion.

Kevin Mooney moved to renew, retroactive to 24 September 2015, the Excavation Permit (06-002) held by Alexander Bezkorovainy for his Salem Sound site with all standard conditions in effect, and the further condition that the permittee submit, for approval by Board staff, a detailed plan for the selection, transportation, and conservation of any objects intended to leave the Commonwealth of Massachusetts, prior to undertaking such action. Graham McKay seconded. Unanimous vote in favor. So voted.

C. 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 not in attendance to present his renewal application to the Board. Victor believed that Mr. Bradbury remains hopeful to enter into an arrangement with UMass-Amherst. There was no further discussion.

Kevin Mooney moved to renew the Reconnaissance Permit No. 87-002 held by Mr. William Bradbury for his Gloucester (Annisquam) site with all standard conditions in effect. Gary Murad seconded. Unanimous vote in favor. So voted.

D. Gary Esper

Victor noted that he administratively extended the expiration date for the two permits held by Mr. Esper until today's meeting. This was necessary because the Board did not have a quorum for the 24 September meeting. Mr. Esper had submitted his renewal applications and annual reports in

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conformance with the Board's regulations. Victor noted that Mr. Esper could not be in attendance, but updated the Board at the September meeting. There was no further discussion.

Kevin Mooney moved to grant renewal 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. Gary Murad seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to grant renewal 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. Graham McKay seconded. Unanimous vote in favor. So voted.

E. Christopher Goodwin & Associates, Inc.

Victor noted that he administratively extended the expiration date of Special Use Permit (13-002) held by Christopher Goodwin and Associates, Inc., until today's meeting. This was necessary because the Board did not have a quorum for the 24 September meeting. This permit was for the Sea Link Power Cable Project around Cape Ann. Victor said he had spoken with the Project Archaeologist who informed him the project's status was still being determined by the proponent. Victor stated that he advised them to request an extension.

Victor noted this would technically be a second extension. He did not have an issue granting the second extension as this would avoid re-application and issuance of a new permit number should the permit lapse while the proponent determines its next steps. Kevin Mooney expressed his concern the concern that the Board and permittee would be getting into the position of extending a permit at the time when that permit would be coming up for its subsequent renewal if previously renewed in a timely fashion. He noted this is something the Board wants to avoid and precisely why they adopted the two extension policy. Victor observed the permittees who been requesting multiple extension no longer had permits. He also noted that special use permits were different from reconnaissance and excavation permits. The latter two granted rights to resources, while special use permits do not and no exclusivity to permit area.

Kevin said he would actually prefer only one extension. He sees renewal as a simple process, simply complete the requisite paper. Victor noted the problem is really between the archaeological permittee and their client. In this permit and another special use permit to follow, the archaeologist was waiting on the proponent [their client] for permission to move forward. The Board process is complicated by its ability to grant permits of only year and then act to renew. Jonathan noted the MHC process does not have a timeline. Victor said he was hoping to avoid the outcome of having multiple permit numbers/files for the same project.

Gary Murad moved to extend the expiration date of Special Use Permit (13-002) held by Christopher Goodwin and Associates, Inc., for the Sealink Power Cable Project until the next scheduled Board meeting on 28 January 2016 with all standard conditions in effect. Graham McKay seconded. Six votes in favor (Crowder, McKay, Murad, Patton, Sampson, Thurlow. One vote opposed (Mooney). The motion passes. So voted.

F. Maxwell Taylor Kennedy

Victor reminded the Board that the reconnaissance permit, No. 13-003, held by Max Kennedy was set to expire. Mr. Kennedy had recently informed him that did not intend to renew this permit. Victor stated that given Mr. Kennedy had not undertaken any work since his last report to the Board, his reporting is complete.

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G. Kenneth J. Medeiros

Victor reported the Kenneth Medeiros had submitted a Reconnaissance Permit application in accordance with the Board's regulations. The application is complete. This permit area is off Duxbury Beach adjacent to where he found historic buttons in 1992. Victor reminded the Board that Mr. Medeiros was granted an Isolated Find permit for the buttons in 2004. He subsequently located anomalies off shore of that area. Mr. Medeiros was not present. There was no further discussion.

Kevin Mooney moved to renew the Reconnaissance Permit (07-003) held by Kenneth J. Medeiros for his Duxbury site with all standard conditions in effect. Graham McKay seconded. Unanimous vote in favor. So voted.

H. David S. Robinson and Associates

1. New Bedford Harbor Superfund Site Monitoring (SUP 14-001)

Victor reported that the special use permit held by David S. Robinson and Associates was up for renewal at today's meeting. This permit No. 14-001 is related to dredge spoil monitoring for the New Bedford Harbor Superfund Site Remediation. The Board had previously extended the permit at its March and May 2015 meetings. It was ready for review at the September meeting, but was administratively extended that meeting due to a lack of quorum. There was no further discussion.

Graham McKay moved to renew, retroactive to 26 March 2015, Special Use Permit No. 14-001 issued to David S. Robinson and Associates for the New Bedford Harbor Superfund Site Remediation Project for the area designated in the permit application with all standard and special conditions remaining in effect.. Dan Sampson seconded. Unanimous vote in favor. So voted.

Victor noted there would a meeting of the consulting parties on December 15, 2015.

2. Gloucester MGP Phase II (SUP 12-007)

Victor reported that the special use permit held by David S. Robinson and Associates was up for renewal at today's meeting. This permit No. 12-007 is related to coal tar remediation at the Gloucester Marine Railway. Victor said he had spoken with the Project Archaeologist who informed him the project's scope was currently under review by the proponent, National Grid. He requested an extension until the next meeting in anticipation of receiving approval from the proponent soon. This is a first extension. There was no further discussion.

Gary Murad moved to extend the expiration date of Special Use Permit No. 12-007 issued to David S. Robinson and Associates for the Gloucester MGP Phase II Project for the area designated in the permit application until the next meeting of the Board scheduled for 28 January 2016 with all standard and special conditions remaining in effect. Graham McKay seconded. Unanimous vote in favor. So voted.

I. Underwater Discoveries Unlimited, LLC

Victor reported that Underwater Discoveries Unlimited (UDU) had requested an extension of the expiration for Excavation Permit (06-003). Mr. Snow was not able to attend today's meeting and UDU has requested an extension. Vic reminded the Board this permit was UDU's southern area, where the *White Squall* is located. There was no further discussion.

Kevin Mooney moved to extend the expiration date of Excavation Permit (06-003) held by Underwater Discoveries Unlimited LLC for the White Squall site in Wellfleet until the next meeting of the Board scheduled for 28 January 2016 with all standard conditions in effect and the further

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conditions that all excavation activities be conducted under the direct supervision of the project archaeologist and in accordance with the submitted work plan, and UDU coordinates all field activities with the staff of the Cape Cod National Seashore. Graham McKay seconded. Unanimous vote in favor. So voted.

6. NEW BUSINESS

B. Apex Companies – Isolated Find Exception

Victor reported that the Apex Companies (Apex) has once again applied for an Isolated Find Exemption for an iron anchor. The anchor was recovered from New Bedford Harbor during dredging. The circumstances are similar to the anchor acted on by the Board in January 2014. Given the type of object and the circumstances of the recovery, Victor did not believe this anchor constitutes an archaeological site. 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. There was no further discussion.

Gary Murad moved to waive jurisdiction over isolated find number 2015-IF-0001 from waters of New Bedford Harbor and relinquish all rights, title and interest to the Apex Companies, LLC. Kevin Mooney seconded. Unanimous vote in favor. So voted.

C. Keith Rose– Isolated Find Exception

Victor reported that the Keith Rose has applied for an Isolated Find Exemption for an iron anchor and a wooden gun stock. The anchor and wooden gun stock were recovered from the waters off Billingsgate Shoal, Cape Cod Bay, in Wellfleet during sea clam dredging. The precise location of these two objects is unknown and cannot be reasonably sourced to any vessel. These objects are outside any archaeological context. The gun stock has none of its metal fittings. Given the type of objects, the circumstances of the recovery and preliminary background research, Victor did not believe this anchor constitutes an archaeological site. There was no further discussion.

Dan Sampson moved to waive jurisdiction over isolated find number 2015-IF-0002 from waters off Billingsgate Shoal, Cape Cod Bay, in Wellfleet and relinquish all rights, title and interest to Keith Rose. Kevin Mooney seconded. Unanimous vote in favor. So voted.

D. Special Use Permit – HRA Gray & Pape – Barnstable and Mashpee

Victor reported that HRA Gray & Pape, LLC, had submitted a Special Use Permit application for marine remote sensing and archaeological reconnaissance as part of the Sand Borrow and Beach Replenishment Project in Barnstable and Mashpee. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 28 September 2015. Dan Sampson observed the dredging was for maintaining the channel. Jonathan Patton noted they received some additional information, but no project maps.

Kevin Mooney moved to grant Special Use Permit No. 15-002 to HRA Gray & Pape, LLC for the Project for the area (as specified in the application) with all standard conditions in effect and the further condition HRA Gray & Pape, LLC submit its monitoring research design and methodology to the State Historic Preservation Office (SHPO) for review. Graham McKay seconded. Unanimous vote in favor. So voted.

Victor noted he provisionally issued two Special Use Permits earlier this week. They are 15-003 to HRA Gray & Pape, LLC, for a sand mining project in Sandwich and 15-004 to the Public Archaeology Lab for documentation of a timber dam in Pelham. These will be on the agenda for formal approval at the 28 January 2015 meeting.

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Kevin asked if these special use permits are for one year. Victor said the statute does not allow the Board the flexibility to grant any permits for more than one year. It does, however, provide for renewal.

Change in the order of Business

Victor stated that as chair he would be changing the order of business at this point and move to Director's Report.

2. Director's Report (continued)

C. Leland Crawford

Victor reported that the Board's intern, Leland Crawford, had left the Board's service to continue his graduate education. He will be pursuing his master's degree at the University of Southern Denmark. Leland had started working at the Board back in January 2014. He had assisted Victor in all aspects of the Board's mission, worked on several field projects and reports, developed a hand-held camera device for creating photo-mosaics, and served as a teaching assistant for the summer institute. His work efforts were invaluable. In consideration of Leland's efforts, Victor asked the Board to approve a resolution recognizing Leland's contribution.

Kevin Mooney moved to adopt the following resolution:

Resolved that the Board recognizes Leland's volunteer service to the Board and the people of the Commonwealth and expresses its sincere appreciation for his efforts and wishes him success in his future endeavors.

Dan Sampson seconded. Unanomous vote in favor. So resolved.

D. Naomi Riddiford

Victor reported he had a new volunteer in the office. It is Naomi Riddiford who received her PhD from the Royal Holloway University of London (UK). She specializes in paleo-environmental ecologist and expert in pollen analysis. She is helping Victor with numerous administrative tasks.

E. Field Investigations

Victor said continued to be busy with field investigations of beach shipwreck sites throughout the summer and into the Fall. He noted in an effort to save time that those activities are described in September minutes.

3. BOARD MEMBER REPORTS

There were no Board member reports.

4. PUBLIC ENGAGEMENT ACTIVITIES

A. Bay State Council of Divers Meeting

Victor reported that he attended the meeting of the Bay State Council of Divers on 29 July and 2 December 2015. The meetings focused on the Council's planning the annual Club Dive/Treasure Hunt and Picnic, beach access issues, and Board projects. The annual picnic was held on 20 September 2015 at State Fort Park in Gloucester. A total of 61 divers participated in the scuba and snorkel competitions. There approximately 100 people affiliated with 13 different clubs, dive shops,

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and other diving organizations. Vic distributed the Board's outreach materials and answered questions. The next meeting of the Council will be held on 20 January 2015 where beach access will be the main focus of the meeting.

B. Archaeology Month 2015/AIA-MOS Archaeology Fair

Victor reported that October was Massachusetts Archaeology Month. The Coffins Beach shipwreck is featured on this year's poster. The Board participated 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. Victor was assisted by Board member Marcie Bilinski, Neil Glickstein, former intern Mark Agostini, and three students from the summer field school, Annika Heinold, Catie McCarthy, and Caitlyn Gibbons.

C. Friends of Dighton Rock

Victor reported that he gave a presentation to the Friends of Dighton Rock on Sunday, 8 November 2015. The lecture was entitled "Hidden History: Underwater Archaeology of Massachusetts". It will be held at Dighton Rock State Park.

D. The Boston Navigators Club

Victor reported he gave a presentation to the Boston Navigators Club on Friday, 13 November 2015. The lecture is entitled "*Finding the First Minot's Ledge Lighthouse: 'I shall...die in the performance of my duty'*". This was part of the Club's annual meeting in Randolph.

E. Massasoit Chapter of the Massachusetts Archaeological Society

Victor reported that he gave a presentation to the Massasoit Chapter of the Massachusetts Archaeological Society on Wednesday evening, 18 November 2015. The lecture was entitled "*Finding the First Minot's Ledge Lighthouse: 'I shall...die in the performance of my duty'*". It was the third lecture in a series of lectures featuring underwater archaeology sponsored by the Massasoit Chapter. It was held at the Robbins Museum in Middleborough.

F. Society for Historical Archaeology's Annual Conference

Victor reported that he would be attending the Annual Conference of the Society for Historical Archaeology in Washington, DC, on January 5-10, 2016. Victor noted that he and Susan Langley of the Maryland Historical Trust have organized the Annual Government Maritime Managers' Forum representing state, federal, and foreign government programs. This year's forum is entitled *Government Maritime Managers' Forum XXIV: Walking the Chalk in a Rolling Sea*. This seemed quite an appropriate theme given the challenge he faces on a nearly daily basis. He will be participating in the annual meeting of the SHA UNESCO Committee.

Graham McKay moved to adjourn the meeting at 2:40 PM. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director