

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 28 JANUARY 2016**

MEMBERS PRESENT

Marcie Bilinski (Dive Community Representative)
Alexandra Crowder (Designee of Brona Simon, State Archaeologist)
Terry French (Designee of John Warner, State Archivist)
Graham McKay (Marine Archaeologist)
Gary Murad (Dive Community Representative)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Roger Thurlow (Designee of James McGinn, Director of Environmental Law Enforcement)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT:

Kevin Mooney, Deputy Director (Designee, Director of DCR Division of Waterways)
Dan Sampson (Designee of Bruce Carlisle, Director of Coastal Zone Management)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone at 1:34 PM on 28 January 2016 in the CZM Conference Room at 251 Causeway Street in Boston.

1. MINUTES

A. Minutes 3 December 2015

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 3 December 2015. There were no comments or corrections to the minutes.

Gary Murad moved to accept the minutes of the 3 December 2015 public meeting. Graham McKay seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

A. Field Investigation

Victor said he continued to be busy with field investigations of beach shipwreck sites. He was in Salisbury on Tuesday with Graham McKay to observe some shipwreck remains that had been placed on the road by tidal/storm action. He was also responding to reports of vandalism of these vessel remains. Through joint effort of the DCR Salisbury State Reservation and Salisbury DPW, assisted by Massachusetts Environmental Police and the Board, the vessel sections were relocated to within the Salisbury State Reservation for protection and future study.

Victor noted that he, Graham McKay and Mike Magnifico, DCR's Salisbury supervisor, believe these to be the shipwreck remains observed further north on the beach last Spring and Fall. They had all previously observed those remains. Further, they did not believe these were from the nearby shipwreck site of the *Jennie M. Carter*. These remains were from the mid to upper sections of the hull of a larger vessel and the extant remains of the *Carter* are the lower sections toward bilge and keel.

B. Massachusetts Marine Educators Article

Victor reported that had written the feature article for the Winter 2016 issue of *Flotsam & Jetsam*, the quarterly journal of the Massachusetts Marine Educators. The issue focused on Marine Archaeology. The article was entitled "Underwater Archaeology: A Window into the Hidden History of Massachusetts."

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Vic passed around a copy of the article and shared the link: http://ma-marine-ed.org/wp-content/uploads/2016/01/mme_fj_vol44no3screenopt.pdf. The issue included articles by Matthew Lawrence on Stellwagen Bank National Marine Sanctuary and Jim Kennard on shipwrecks in Lake Ontario, New York.

C. Nomination Process for Underwater Archaeological Preserves

Victor stated the Board has the statutory and regulatory authority (MGL C. 6, § 180, C. 91, § 63 and 312 CMR 2.15(c) to designate underwater archaeological preserves [copies of language provided to Board members]. Underwater Archaeological Preserves are underwater archaeological sites of substantial historical value designated to protect archaeological or historical importance. Victor reminded the Board that during a previous Governor's regulatory reform program in 1996, our regulations underwent some revisions which included the removal of the explicit procedures used by the Board. At that time, EEA's legal office told Victor that the Board could simply set up those as administrative procedures outside the regulations. Unfortunately, the Board did not craft those procedures for underwater archaeological preserves back then. He had now been able to address that unintentional oversight and had prepared a draft nomination process. This nomination procedures mirror the language used for listing exempted sites. It establishes the 90-day review period for public comment. The procedures distributed for Board review on December 30, 2015 and again today [a copy is attached].

There was no further discussion.

Terry French moved to adopt the *Underwater Archaeological Preserve Nomination Process*. Marcie Bilinski seconded. Unanimous votes 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.

3. OLD BUSINESS

A. Bassings Cove Maritime Association

Victor reported that Bassings Cove Maritime Association (BCMA) had submitted its Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. He noted they had again submitted a very thorough application. He noted that Debra Jackson and Hank Lynch were present to represent their permit.

Hank Lynch noted their partner, Tom Mulloy, was unable to attend today's meeting. They had a good season on the site. The north, south, and west sides were clear of sand and the pedestal was visible. They conducted thirteen monitoring and investigative dives and these were reported monthly to the Board. Any materials collected were bagged, tagged, and brought to the Scituate Irish Mossing and Shipwreck Museum. They continued their strong relationship with the Museum. They expanded programming to include an outside activity which allowed visitors to assist in concretion reduction. Most concretions are mainly sand and rock, but occasionally an artifact. This has been a major success. They continued to give lectures at the museum with 800 children visiting museum and viewing the Forest Queen exhibit. Their lectures and education programming, which is STEM oriented, now include issues of water quality. Hank noted they gave a presentation on their project to the Massasoit Chapter of the Massachusetts Archaeological Society in both Kingston and Middleborough. They have been active with the Norwell Public Schools and the South Shore Science Center. Hank noted they have received positive press on their activities. Gary Murad noted it was a good article in the Patriot Ledger. Hank said they are excited to continue this work.

Marcie Bilinski moved to grant renewal of the Excavation Permit (91-001) held by Bassings Cove Maritime Association for its Scituate site with all standard conditions remaining in effect and the additional

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condition that the permittee submit for Board approval a site assessment and detailed scope of work prepared by the project archaeologist prior to undertaking any site excavation activities relative to the removal of the main conglomerate. Graham McKay seconded. Unanimous vote in favor. So voted.

B. James M. Karos

Victor reported that James Karos had submitted his Reconnaissance Permit renewal application and Annual Report, but unfortunately Mr. Karos submitted his complete renewal application after the deadline. As a result, the Board cannot the permit at today's meeting and would need to extend the permit until its next meeting. He noted that Mr. Karos had again submitted a very thorough application. Victor then showed the Board a large format site plan Mr. Karos submitted with his renewal application. Mr. Karos was in attendance to represent his application.

Jim explained how he was documenting the site and creating his map. He believed the vessel could be a canal boat. This was not the large wreck which he created the photo-mosaic; it was the oval shaped one about 100 feet away. An aerial photo was passed around in order for Board members to see the site location. He noted there was much disarticulated and broken remains around the site. He noted the frames were flat and the ends more angular than curved. He said he was pursuing this technique this season rather than the photo-mosaic. He learned his recording skills from the maritime archaeology course taken at Salem State University in July.

Jim noted he was working on alternate technique for collecting images for his photo-mosaic. Rather than use his step ladder, he was developing a mechanism to mount to long telescoping poles used for branch trimming. Victor noted that Leland Crawford had developed a similar method using a wireless mechanism. Graham asked if he had considered using a drone. Jim said he was concerned about that since they are so close to the airport. Victor reminded Jim that they were contacted by Paul Calantropo about conducting a drone survey.

Marcie noted his submission was very thorough. Gary asked if Jim what he thinks is the historical significance of these remains. Jim said a number of people thought this to be the remains of the HMS Diana, but that these remains were late nineteenth century. He noted historically the Richard's Shipyard was across the creek in Chelsea at Forbes Lithographic. He speculated this might be their breaking yard. Gary observed that this was more recreational for Jim than finding something significant. Jim noted he was learning a lot about ship architecture. He noted he wanted to do more documentary research, such as returning the Suffolk Registry of Deeds. Graham asked if he had looked for photographic evidence. Jim said he visited the Massachusetts Archives, but really has not found much. Victor suggested he check the archives at the Chelsea Public Library and similarly check with the Revere Historical Society. Graham said you might find photos where the subject is something else, like the railroad, but in the back of that image might be shipwreck. Jim noted he is trying to identify past businesses in that area. Graham suggested he might check with Peter Bang at the boatyard at the mouth of Chelsea Creek.

Marcie Bilinski moved to extend the expiration date for Reconnaissance Permit (06-001) held by James M. Karos for his Chelsea Creek site (Revere/Boston) until the next scheduled meeting of the Board with all standard conditions remaining in effect. Gary Murad seconded. Unanimous vote in favor. So voted.

C. David S. Robinson & Associates, Inc.

Victor noted that he administratively extended the expiration date of Special Use Permit (12-007) held by David S. Robinson & Associates, Inc., until today's meeting. The permit is related to coal tar remediation at the Gloucester Marine Railway. The permittee has subsequently submitted a complete permit renewal application. There was no further discussion.

Terry French moved to renew, retroactive to 3 December 2016, Special Use Permit No. 12-007 issued to David S. Robinson and Associates for the Gloucester MGP Phase II Project for the area

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designated in the permit application with all standard and special conditions remaining in effect. Jonathan Patton seconded. Unanimous vote in favor. So voted.

D. 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. He was recently informed by the permittee that the power cable project was not approved and they no longer needed the permit. He has received the draft report for review. The report constitutes the requisite deliverable for this permit.

E. Underwater Discoveries Unlimited, LLC

Victor noted that he administratively extended the expiration date of excavation permit held Underwater Discoveries Unlimited (UDU) until today's meeting. He has been informed the UDU will not be renewing this permit. The Board members noted Mr. Snow's military service record was quite impressive.

Victor reported that there are five permits with expiration dates on March 26, 2016. This date is before the Board's next scheduled meeting on March 31, 2016. Victor asked the Board to extend the expiration dates for each permit to coincide with the scheduled meeting date. Victor noted the permit extensions needed to be done individually.

F. Raymond Hayes

Graham McKay moved to extend the expiration date of the Reconnaissance Permit (07-001) held by Raymond A. Hayes for his Great Harbor, Woods Hole site with all standard conditions in effect until the Board's meeting on 31 March 2016. Terry French seconded. Unanimous vote in favor. So voted.

G. HRA Gray & Pape, LLC.

Marcie Bilinski moved to extend the expiration date of Special Use Permit No. 14-003 to HRA Gray & Pape, LLC for the Long Island Bridge Utility Relocation Project for the area (as specified in the application) with all standard conditions in effect until the Board's meeting on 31 March 2016. Terry French seconded. Unanimous vote in favor. So voted.

H. HRA Gray & Pape, LLC.

Terry French moved to extend the expiration date of Special Use Permit No. 14-004 to HRA Gray & Pape, LLC for the 102-148 Border Street Intertidal Survey Project with all standard conditions in effect until the Board's meeting on 31 March 2016. Jonathan Patton seconded. Unanimous vote in favor. So voted.

I. HRA Gray & Pape, LLC.

Jonathan Patton moved to extend the expiration date of Special Use Permit No. 15-001 to HRA Gray & Pape, LLC for the Consue Springs Pond Restoration and Storm Water Improvements Project with all standard conditions in effect until the Board's meeting on 31 March 2016. Graham McKay seconded. Unanimous vote in favor. So voted.

J. Public Archaeology Laboratory

Graham McKay moved to extend the expiration date of Special Use Permit No. 14-005 to the Public Archaeology Laboratory for the Cummings Center Comprehensive Flood Mitigation Project in Beverly with all standard conditions in effect until the Board's meeting on 31 March 2016. Terry French seconded. Unanimous vote in favor. So voted.

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K. David S. Robinson & Associates, Inc.

Marcie Bilinski 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 with all standard and special conditions remaining in effect until the Board's meeting on 31 March 2016. Graham McKay seconded. Unanimous vote in favor. So voted.

L. Nicholas Snyder

Terry French moved to extend the expiration date of Excavation Permit No. 11-002 held Nicholas Snyder for his Gloucester site with all standard and special conditions remaining in effect until the Board's meeting on 31 March 2016. Gary Murad seconded. Unanimous vote in favor. So voted.

M. Underwater Discoveries Unlimited, LLC

Terry French moved to extend the expiration date of reconnaissance permit No. 96-001 held by Underwater Discoveries Unlimited for its Wellfleet site with all standard conditions and special conditions in effect until the Board's meeting on 31 March 2016. Gary Murad seconded. Unanimous vote in favor. So voted.

4. NEW BUSINESS

A. Special Use Permit – HRA Gray & Pape – Sandwich

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 Sandwich. Victor noted the application met the requirements specified in the Board's regulations and that he provisionally issued the permit on 1 December 2015. Jonathan Patton noted the State Historic Preservation Office had not as yet received a copy the research design and methodology for this project.

Gary Murad moved to grant Special Use Permit No. 15-003 to HRA Gray & Pape, LLC for the Sand Borrow and Beach Replenishment Project in Sandwich for the area (as specified in the application) with all standard conditions in effect and the further condition HRA Gray & Pape, LLC submit its research design and methodology to the State Historic Preservation Office (SHPO) for review. Alexandra Crowder seconded. Unanimous vote in favor. So voted.

B. Special Use Permit - Public Archaeology Lab - Pelham

Victor reported that, had submitted a Special Use Permit application for archaeological reconnaissance as part of the in Sandwich. Victor noted the application met the requirements specified in the Board's regulations and that he provisionally issued the permit on 1 December 2015. Jonathan Patton noted the State Historic Preservation Office has received a copy the research design and methodology for this project.

Victor stated that at the request of the Pelham Historical Commission wood samples were collected from the crib dam. The purpose for this was to assist in dating the dam by either dendrochronology or radiocarbon dating.

Jonathan Patton moved to grant Special Use Permit No. 15-004 to for the Project for the area (as specified in the application) with all standard conditions in effect and the further condition submit its research design and methodology to the State Historic Preservation Office (SHPO) for review. Terry French seconded. Unanimous vote in favor. So voted.

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B. Special Use Permit – SEARCH – Haverhill

C.

Victor reported that SEARCH, Inc., had submitted a Special Use Permit application for archaeological reconnaissance in the Merrimack River in Haverhill as part of production work for a new cable TV program. Victor noted the application met the requirements specified in the Board's regulations and that he provisionally issued the permit on 28 December 2015.

Victor stated that on January 8th the permittee had undertaken an AUV survey of the permit area. They were looking for a shipwreck. They found some interesting anomalies, wood and stone structures. He subsequently on January 11th met with Michael Arbuthnot, Jacob Freedman, and Stefan Claesson of SEARCH. They indicated their intent to modify their scope of work to include diver inspection of the permit area. They had experienced problems with the AUV getting caught in ice when surfacing.

Marcie asked how this got started. Victor said that evidently someone found ceramic stoppers along the shoreline and got in touch with the production company. The production company contacted the Board to find out if there were shipwrecks in the area and explained what they planned to do. Victor explained that they would need a permit. They subsequently said they would be using Michael Arbuthnot and SEARCH to undertake the field research. Victor suggested they contact some canal researchers who had indicated canal tugs had been used in the river. Graham noted there was some shipbuilding in Haverhill and Bradford.

Graham McKay moved to grant Special Use Permit No. 15-006 to for the Project for the area (as specified in the application) with all standard conditions in effect and the further condition submit its research design and methodology to the State Historic Preservation Office (SHPO) for review, and the further condition the Board's staff may approve modification to the research design and methodology. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

D. Nomination of the Bark *White Squall* as an Underwater Archaeological Resources.

. Victor asked the Board to consider nominating the site of the White Squall as the Board's first underwater archaeological preserve. He noted with the recent death of long-time permittee, Oscar Snow, he had become concerned about the future protection of the shipwreck site of the iron bark White Squall off Wellfleet. I believe this to be an archaeologically important shipwreck site, but had always been subject to a commercial permit. The site was permitted first Ocean Marine Diving Company and then to Underwater Discoveries Unlimited.

Victor prepared a nomination package and previously submitted to the Board members for their review. This outlined the importance of the site. The *White Squall* was built by a famous iron shipbuilding company, William Patterson & Son of Bristol, England. Patterson was the building of the *Great Western* and *Great Britain*. *White Squall* was one of the last four ships they built. Iron ships are the transition from craft built wooden vessel to steel built vessels designed by naval architects. It was involved in the significant trade with East Asia – tin, coffee, rattan. It was unlikely modified due to its short life. Jonathon Patton stated that the Massachusetts State Historic Preservation Office/Massachusetts Historical Commission has determined this site to potential eligible for listing in the National Register of Historic Places.

Graham asked what we knew about the remaining vessel structure. Victor said that from previous investigation that the bow area, stern area with rudder post, and keel with frames. There was also the windlass and some of the cargo. That area has significant sand accretion. There is potential integrity. Marcie if some Board members would visit [dive] the site with her. Gary and Graham were willing to join Marcie on a site visit.

Gary asked what restrictions would be imposed. Victor said you could not collect artifacts from the site, but it would not restrict recreational diving. Gary asked who policed the area. Victor noted the Mr. Snow maintained a relationship with NPS regarding watching the site. Roger said it would mostly be the NPS Park Police for that area.

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Gary asked who reviews this nomination. Victor said the Board is the reviewer. The Board must first accept a nomination and later, after a public process, determine to designate or not. Victor stated that by accepting this nomination the Board would begin a 90 day review process as outlined in recently approved nomination process. To provide opportunity for public comment, he would place the nomination on the meeting agenda for discussion and public comment for the Board's meeting scheduled for March 31 and comment period would close on April 29, 2016. The Board would vote to approve or not approve the designation at its meeting schedule for May 26, 2016. He noted he asks the Board to condition the acceptance motion to not grant permits for this location prior to the vote in May.

Marcie asked if a nomination had been filed with the National Register of Historic Places. Jonathan clarified that he had prepared a draft evaluation for MHC. He explained that for the National Register process the SHPO makes an evaluation that is basically an opinion and then, subject to that opinion, a National Register form would be completed and could take a couple of years. He has prepared a draft for MHC's staff to review. It is very preliminary and nothing has been submitted to the National Register. Victor said he was preparing additional information for Jonathan to include in his evaluation. Victor noted this site was initially studied by Peter Throckmorton who thought it was an important site and prepared a quick summary.

Marcie Bilinski moved to provisionally accept the nomination of the shipwreck site of the iron bark *White Squall* off Wellfleet as an underwater archaeological preserve, further as prescribed in the Board's process for nominating underwater archaeological preserves, a ninety (90) day review period will commence today, and the vote to approve this designation will be taken at the next public Board meeting thereafter, and further the Board will not grant any permits for this location prior to that vote. Terry French seconded. Unanimous vote in favor. So voted.

Gary Moran and Roger Thurlow departed the meeting. A quorum of Board members remained in attendance.

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 Board Member Reports and Public Engagement Activities.

5. BOARD MEMBER REPORTS

There were no Board member reports.

6. PUBLIC ENGAGEMENT ACTIVITIES

A. Society for Historical Archaeology

Victor reported that that he did attended the Society for Historical Archaeology's 46th Annual Conference on Historical and Underwater Archaeology held on January 5-10 in Washington, DC. He and Susan Langley of the Maryland Historical Trust had organized the Annual Government Maritime Managers' Forum representing state, federal, and foreign government programs. This year's forum was 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 also attended the SHA UNESCO Committee of which he is a member. He noted that CZM provided partial funding for travel expenses. Victor also noted he would be serving as the Society's underwater chair for their conference when it comes to Boston in 2020.

B. Bay State Council of Divers

Victor stated the Bay State Council of Divers (BSC) met on January 20 at the South Shore Neptunes Club House in Quincy. He could not attend, but the focus was on shoreline access issues and

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building awareness to this problem. The BSC meeting will be on February 17. Discussion will focus on the access issue and Boston Sea Rovers scuba diving event.

C. Metro West Dive Club

Victor stated he would be giving a lecture to the Metro West Dive Club at Marriott Courtyard in Natick on the night of February 9th. The topic is entitled: *Hidden History – Maritime Archaeology in Massachusetts.*

D. Boston Sea Rovers Annual Underwater Clinic

Victor informed the Board that the 2016 Boston Sea Rovers Underwater Clinic would be held on March 5-6. This year's venue will be again held at the Double Tree Hotel in Danvers. As with last year, he plans to have a display at the Massachusetts Environmental Trust table and assist at the Division of Marine Fisheries Bay State Council of Divers tables.

E. Framingham State University Educators Course

Victor informed the Board that he had been asked to give a presentation to education course at Framingham State for educators/teachers. It will speak on the night of March 9. His focus will be on the hands-on activities the Board has used at public events.

F. North Shore High School Marine Science Symposium

Victor reported that he would be participating in the 4rd Annual North Shore High School Marine Sciences Symposium on March 17 at Salem State University. The symposium and workshops were organized by the Massachusetts Marine Educators Association in collaboration with Northeastern University and Salem State University. He plans to lead workshops on mapping shipwreck sites.

G. Lowell's Boat Shop

Victor reported that he would be giving a lecture to Lowell's Boat Shop as part of their Winter Lecture Series on March 14. The topic is maritime archaeology in Massachusetts. It will be held at Michael's Harborside in Newburyport.

H. Beneath the Sea

Marcie will be attending Beneath the Sea in Secaucus, New Jersey from April 1-3. She will be manning the booth for Women Divers Hall of Fame.

Terry French moved to adjourn the meeting at 2:38 PM. Graham McKay seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director