

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 26 MARCH 2009**

**MEMBERS PRESENT:** Marcie Bilinski (Dive Community Representative)  
Brendan Foley (Marine Archaeologist)  
Terry French (Designee of John Warner, State Archivist)  
John Hoagland (Dive Community Representative)  
Leonard Loparto (Designee of Brona Simon, State Archaeologist)  
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)  
Joe Pelczarski (Designee of Deerin Babb-Brott, Director of Coastal Zone Management)  
Capt. John Tulik (Designee of Aaron Gross, Director of Environmental Law Enforcement)  
Victor Mastone, Director (Staff for the Board)

**MEMBERS ABSENT:** Martha King (Director of DCR Division of Waterways)

**PROCEEDINGS:**

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:33 PM on 26 March 2009 in the CZM Conference Room at 251 Causeway Street, Boston.

**1. MINUTES**

**A. Minutes of 29 January 2009**

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 29 January 2009. There were no comments or corrections to the minutes.

Brendan Foley moved to accept the minutes of the public meeting held on 29 January 2009. John Hoagland seconded. Unanimous vote in favor. So voted.

**2. DIRECTOR'S REPORT**

Victor stated that it looks like a full agenda for today's meeting, but anticipated that the Board might complete its business quickly.

**A. Grant Activities**

Victor reported that two grant applications in which the Board was a partner had been approved by the Massachusetts Foundation for the Humanities. The first grant, through the Scituate Historical Society with Bob Michelson and John Galluzzo, was for the development of a travelling exhibit on the loss of the 1851 Minot's Ledge Lighthouse. The second grant with the Hull Lifesavings Museum was the creation of an inter-active webpage for Boston Harbor region shipwrecks. In both cases, the Board would be providing historical information and research services as match to the recipients.

Victor reported he had submitted an application to the National Park Service's American Battlefield Protection Program for documenting the Battle of Chelsea Creek (Chelsea, East Boston, and Revere). He noted this battle was the first naval engagement of the war occurring on May 27, 1775. During the battle, the British suffered the loss of the HMS *Diana*. If awarded, the grant would fund student interns to conduct archival research and geo-referencing battlefield components, and to facilitate community engagement.

**B. Archaeological Diving Alliance of Massachusetts**

Victor reported he has been working with several groups attempting to create volunteer avocational diver programs to help the Board. One group, ADAM – Archaeological Diving Alliance of Massachusetts, is being organized by

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Bob Michelson and Michael Prange with assistance from Al Anzuoni, South Shore Divers, and David Robinson, Fathom Research, and me. They are focusing on specifically creating a training program, possibly as a PADI specialty course. At the same time, they are investigating creating their own not-for-profit organization or partnering with an existing organization.

**C. MPA FAC Appointment & Meeting**

Victor reminded the Board that he is an appointed member of NOAA's Marine Protected Areas Federal Advisory Committee. He is one of two members who represent cultural resources interests. They will be meeting in Annapolis, MD during the week of April 20, 2008. All travel expenses are paid by NOAA.

**3. BOARD MEMBER REPORTS**

Brendan Foley reported he had given a presentation at the Boston Sea Rovers. It was entitled "*Ancient Shipwrecks in the Greek Aegean*".

Victor noted that John Hoagland has been working his second level certification for the Nautical Archaeological Society. His presentation during last October's Archaeology Month program at the Cape Cod Maritime Museum and his recent documentation of the *City of Taunton* shipwreck site are components of that certification.

**4. SUBCOMMITTEE REPORTS: OUTREACH**

**A. Bay State Council of Divers**

Victor reported that he had attended the meeting of the Bay State Council of Divers (BSC) on February 11<sup>th</sup>. The BSC is exploring ways it might enlist members of various dive clubs to assist the Board in field investigations. Given their experience in search techniques and intimate knowledge of several locations, it was decided BSC would sponsor additional fieldwork in support of the Minot's Ledge Lighthouse Archaeological Project where additional documentation is needed to define the extent and characterization of the site. Survey dives are scheduled to take place on two Sunday's in June, the 14<sup>th</sup> and 28<sup>th</sup>.

Victor noted he planned to attend the next BSC meeting, scheduled for April 29. That meeting is focused on finding ways to work more closely with the dive industry.

**B. Boston Sea Rovers Annual Underwater Clinic**

Victor reported to the Board that he attended the Boston Sea Rovers 55<sup>th</sup> Annual Underwater Clinic on March 7<sup>th</sup> at the Fairmont Copley Hotel in Boston. As it has in past years, the Board distributed literature at the Department of Marine Fisheries booth. Both Marcie Bilinski and Brendan Foley also attended the event.

**C. Geological Society of America – Northeastern Section Meeting**

Victor stated the collaborative research with Assistant Professor Allen Gontz, UMass-Boston's Department of Environmental, Earth & Ocean Sciences, resulted in two poster session presentations at the Northeastern Section meeting of the Geological Society of America in Portland, ME on March 23. Brodie Ring, along with Allen Gontz and me presented "THE SEARCH FOR A REVOLUTIONARY WAR-ERA PRIVATEER, THE BRIGANTINE FREEMASON, MARBLEHEAD HARBOR, MASSACHUSETTS", and Katherine MacAuliffee. along with Allen Gontz and me presented "PALEO-LACUSTRINE SHORELINES AND THEIR POTENTIAL ASSOCIATION WITH SUBMERGED ANCIENT NATIVE AMERICAN CANOES, WORCESTER, MASSACHUSETTS". These presentations are direct outgrowths of student participation in these Board and permittee research projects. Victor noted that a major focus of the on-going collaboration with Allen has been to involve students in real field investigations rather than simply classroom exercises.

**D. Massachusetts Archaeological Society Annual Meeting**

Victor stated he would be participating in the Annual Meeting of the Massachusetts Archaeological Society on April 18 in New Bedford. He would be giving a presentation on the on-going research at Lake Quinsigamond regarding

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the dug-out canoes. Victor noted he saw this as an opportunity to highlight the inland waters responsibility of the Board as well as update an interested audience on these unique resources.

**E. North American Society for Oceanic History Conference**

Victor reported that he would be attending the annual meeting and conference of the North American Society for Oceanic History in Vallejo, CA, entitled "*Ports, Forts, and Sports: Maritime Economy, Defense and Recreation Through Time and Across Space*". from May 13-17. He noted is serving as Program Co-Chair for this conference. The organization is composed of both maritime historian and archaeologists. This year's conference is being held jointly with the National Maritime Historical Society and the Steam Ship Historical Society of America.

**5. OLD BUSINESS**

**Change in the order of business** – Victor changed the order of business by moving directly to two permit extensions, then the permit renewal, and then to the new permit application.

**A. Raymond Hayes**

Victor reported that Raymond Hayes has requested an extension of his current Reconnaissance Permit for his Woods Hole project until the Board's next regularly scheduled meeting on 29 May 2008. Mr. Hayes was not in residence at Woods Hole this winter and did not receive his permit renewal notice perhaps due to a mail forwarding issue. As soon as he realized he had missed the filing deadline, he requested the extension.

Lenny Loparto moved to extend the Reconnaissance Permit (07-001) held by Raymond A. Hayes for his Great Harbor, Woods Hole site until the Board's meeting on 28 May 2009. John Hoagland seconded. Unanimous vote in favor. So voted.

**B. Dennis McGrath and Harry Noyes**

Victor reported that Harry Noyes has requested an extension of his current Reconnaissance Permit for his Marblehead site until the Board's next regularly scheduled meeting on 28 May 2009. Mr. Noyes reported to have not received the Board's renewal notice. As soon as he realized he had missed the filing deadline, he requested the extension. Another renewal package was sent to him via email on March 2, 2009.

Marcie Bilinski moved to extend the Reconnaissance Permit (07-002) held by Dennis McGrath and Harry Noyes for their Marblehead site until the Board's meeting on 28 May 2009. Jonathan Patton seconded. Unanimous vote in favor. So voted.

**C. Restoration Project, Inc.**

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. notified Victor that she was unable to be present at today's meeting due to a medical appointment. They are basically looking for another year. As you see, they are working with another group to create a documentary and she had submitted their proposal along with the renewal application and Annual Report. Victor reminded the Board members that they could renew a permit without the permittee being present at the meeting.

Brendan Foley moved to renew the Reconnaissance Permit (02-001) held by Restoration Project, Inc. for its Willis Pond site withal standard conditions in effect and the further condition the Restoration Project Inc. coordinates its field activities with the Department of Conservation and Recreation staff archaeologist. Terry French seconded. Unanimous vote in favor. So voted.

Victor reminded the Board that the coordination condition because the lake abuts lands held by Department of Conservation and Recreation. The permit area, however, is not adjacent to those state lands.

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**D. Underwater Discoveries Unlimited, LLC**

Victor reported that Underwater Discoveries Unlimited (UDU) LCC, had submitted its reconnaissance permit renewal application and Annual Report in accordance with the Board's Regulations. Victor reminded the Board that this application is for renewal of permit number 96-001 for a potential unidentified shipwreck site off Wellfleet and not for the *White Squall* site. Oscar Snow was in attendance to present the application on behalf of UDU.

Mr. Snow reported they had conducted a magnetometer survey this past year [in both permit areas]. They located some "nice" anomalies in the permit area. They plan to have their divers undertake a metal detector survey and photograph the anomalies. Mr. Snow show photographs of the equipment his group planned to use. He noted he would be regularly sharing information with the Board. He was excited to have everything in place for the season's work.

Victor noted it was nice to see they finally had a magnetometer survey to follow-up on in the field. Mr. Snow pointed to the survey map and noted they were most interested in the anomaly furthest offshore. His dive operations plan was for divers to work two days, rest one day, and then repeat that schedule.

John Hoagland moved to renew reconnaissance permit No. 96-001 held by Underwater Discoveries Unlimited for its Wellfleet site with all standard conditions in effect and with the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore. John Tulik seconded. Unanimous vote in favor. So voted.

Mr. Snow thanked the Board.

**6. NEW BUSINESS**

**A. Matthew Lawrence, Stellwagen Bank National Marine Sanctuary**

Victor reported that Matthew Lawrence, marine archaeologist for the Stellwagen Bank National Marine Sanctuary (SBNMS), had submitted a Special Use Permit application in support of the deployment of acoustic transponders to study whales. Three of the transponders would be placed in state waters off Provincetown and this area is considered archaeologically sensitive. For this undertaking, SBNMS is required to undertake a consultation with the Massachusetts SHPO under Section 106 of NHPA. Since archaeological research was involved, the Board's Special Use Permit was required. Victor stated that the application, including Mr. Lawrence's credentials meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 20 March 2009.

Marcie Bilinski expressed a concern that she had heard through an unnamed source that NOAA desired to expand SBNMS well into state waters. While she was in favor of researching whales, she was concerned that this type of activities would provide a basis to justify expansion of the Sanctuary. She noted their expansion into state waters would eliminate the need for the Board as well as opportunities currently enjoyed by others.

Brendan Foley moved to grant Stellwagen Bank National Marine Sanctuary a Special Use Permit (09-001) for the ct areas (as specified in the application) with all standard conditions in effect. Terry French seconded. Seven votes in favor (Foley, French, Hoagland, Loparto, Patton, Pelczarski, Tulik) and one vote opposed (Bilinski). The motion passed. So voted.

**5. OLD BUSINESS (continued)**

**E. Nipmuc Nation – Tribal Historic Preservation Office**

Victor reported that on February 6<sup>th</sup> a remote sensing survey was conducted over Mishoonahs 1 and 2 by Assistant Professor Allen Gontz and his students from UMass-Boston's Department of Environmental, Earth & Ocean Sciences. This is one of the projects mentioned under the Board's outreach activities. The survey utilized ground penetrating radar (GPR) through the ice to assist in re-constructing the paleo-shoreline as well as image the two mishoonahs. While analysis is still on-going, preliminary results were not promising. Allen plans to undertake additional remote sensing utilizing side-scan sonar and sub-bottom profiler later this spring as well as possibly some additional radar based efforts.

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Victor reported he would be providing a brief oral update to the Lake Quinsigamond Commission in Shrewsbury tonight. The purpose of the update was to familiarize the Commission with the Board's mandate as well as to brief them on the various research activities undertaken by the Board and the Nipmuc Nation regarding the mishoons. He noted that he and Cheryl Stedtler planned to provide a more detailed presentation later in year, possibly in the summer.

**F. Michael C. Farber**

Victor reported that Mr. Michael Farber was in attendance and has asked to provide an update on his "Finding the First Corner Stone" project. Victor reminded the Board that Mr. Farber presented his project at the January 2008 meeting and submitted a reconnaissance permit application that was determined to be incomplete, as it did not meet the Board's threshold of demonstrable proof.

Mr. Farber thanked the Board for allowing him to speak before the Board again. He thanked the Board for issuing the special use permit last summer. Since then they have had a few public events including presentations at the First Congressional Church in Wellfleet, Cape Cod Astronomical Society, Cape Cod Surveyors group, and the Cape Cod Museum of Natural History. They experienced a growth of interest in the First Cornerstone Project. They also had a series of articles in the Cape Cod Times in the Fall and Winters on their finding of the "Y x B" rock. He asked if the Board had any jurisdiction over this marker as it is above MHW. Victor stated it was outside of the Board's jurisdiction and clearly under the jurisdiction of the Massachusetts Historical Commission. Victor added that the project needs to find a new project archaeologist to undertake the proposed field investigations.

Discussion turned to their summary report and their current work on the Namskaket Bound Line. Mr. Farber reviewed the contents of the report. He stated they were still convinced they need to survey within Town Cove itself. They have found a description of marker stone in Acorn Pond. They undertook a diver inspection and very limited probing in Town Cove. There is significant sedimentation in the cove, which is kettle hole-like. Mr. Farber asked if they might proceed with a sub-bottom profiler survey of the area without the benefit of a project archaeologist. With respect to this remote sensing technique, Victor stated they did not need a project archaeologist or a special use permit.

Mr. Farber said he wanted to take the opportunity to introduced Barbara Young, who accompanied him to the meeting. She is a 12<sup>th</sup> generation Pilgrim. She had given him a tour of Duxbury this morning.

Victor thank Mr. Farber for his presentation and for providing the Board with a written report.

John Hoagland moved to adjourn the meeting at 2:25 PM. Terry French seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone  
Director