

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 25 MARCH 2010**

**MEMBERS PRESENT:** John Hoagland (Dive Community Representative)  
Leonard Loparto (Designee of Brona Simon, State Archaeologist)  
Kevin Mooney, Deputy Director (Designee of Director of DCR Division of Waterways)  
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)  
Dan Sampson (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:** Marcie Bilinski (Dive Community Representative)  
Brendan Foley (Marine Archaeologist)  
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 1:30 PM on 25 March 2010 in the CZM Conference Room at 251 Causeway Street, Boston.

**1. MINUTES**

**A. Minutes of 28 January 2010**

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 28 January 2010. There were no comments or corrections to the minutes.

John Hoagland moved to accept the minutes of the public meeting held on 28 January 2010. Jonathan Patton seconded. Unanimous vote in favor. So voted.

**CHANGE IN THE ORDER OF BUSINESS**

Victor stated he was going to change the order of business and deal with the action items under Old Business before dealing with other agenda items due the possibility of losing a quorum of members early.

**2. OLD BUSINESS**

**A. 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 excavation permit for *White Squall* site. Victor noted the thorough job by UDU on their renewal package. Oscar Snow was in attendance to present the application on behalf of UDU.

Mr. Snow noted this reconnaissance permit area was north of UDU's excavation permit area. He noted he has undertaken five magnetometer surveys on the area since being awarded the permit. He showed the Board members a plot of the latest survey depicted the magnetometer anomalies. He noted that had previously observed some wood protruding from the bottom in that area. They will next use side scan sonar on the area. He stated their divers would be examining those areas under the supervision of their project archaeologist, taking photographs if anything is located. They will not be

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 25 MARCH 2010**

recovering any artifacts. Victor noted Mr. Snow had provided the Board with a color copy of the map depicting the location of the anomalies. Mr. Snow showed the Board a letter from one of his consultants [Coastal Research Consultants].

Lenny observed that there was much erosion on that end of the Cape. Mr. Snow concurred and noted he believed that sand had moved toward the south, beyond the *White Squall* permit area.

Mr. Snow reiterated their purpose was to relocate these anomalies and photograph them, but not recover any artifacts. They would notify the Cape Cod National Seashore when they were on-site. Victor observed that UDU has been faithful in adhering to that permit condition.

Kevin Mooney 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 Hoagland seconded. Unanimous vote in favor. So voted.

Mr. Snow thanked the Board members.

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

Victor reported that Matthew Lawrence and Stellwagen Bank National Marine Sanctuary (SBNMS) had submitted its special use permit renewal application and Annual Report in accordance with the Board's Regulations. Victor complimented Mr. Lawrence on the quality of his renewal application and report. Mr. Lawrence and Ms. Marx were in attendance to present the application on behalf of SBNMS.

Mr. Lawrence stated they planned to deploy series of three acoustic recording units at the same locations and same time of year as last year. He explained they had been quite useful for the marine mammal researchers who have been studying the North Atlantic Right Whales as well as Humpback Whales to help localize those animals using acoustics. They hoped to deploy the units sometime in the next two weeks; it was weather dependent. He stated he would accompany them on their Sanctuary's research vessel. He will investigate the seafloor in a clover leaf pattern at the position of deployment using their scientific echo sounder as they did last year. This is done to assure them that there are no features on the bottom that arise more than one meter. Such features would indicate some sort of surface anomaly that could be [adversely] impacted by the deployment of these units. Victor noted this was the same methodology as last year. Mr. Lawrence concurred it was exactly the same.

Captain Tulik asked if they were tied in with Cornell University. Mr. Lawrence stated their scientists had a long-standing relationship with Cornell as part of the Right Whale recording research in the Transit Area. Capt. Tulik noted they had deployed some of the instruments off the Massachusetts Environmental Police vessels. Mr. Lawrence noted you could go to their website today and listen to the Right Whales that are out in the Transit Area.

John Hoagland observed that shipping lanes had been relocated to avoid the whales and asked if this would affect that. Mr. Lawrence said this information was not being gathered for that purpose. He added the data used for moving the shipping lanes was gathered over a 30 year period, mainly from whale watch vessels, and on bottom geology with whales preferring a sandy bottom type. He noted they were currently engaged in tagging Right Whales.

Dan Sampson moved to renew of the Special Use Permit (09-001) held by Stellwagen Bank National Marine Sanctuary for the areas as specified in their renewal application with all standard conditions in effect. Kevin Mooney seconded. Unanimous vote in favor. . So voted.

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 25 MARCH 2010**

**C. Raymond Hayes**

Victor reported that Raymond Hayes has submitted a renewal application and annual report after the regulatory deadline. Therefore, he has requested an extension of his current Reconnaissance Permit for his Woods Hole project until the Board's next regularly scheduled meeting on 27 May 2010. Victor noted the high quality of work and reporting detailed in the renewal application. Mr. Hayes was not present to represent his request.

Kevin Mooney 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 27 May 2010. John Hoagland seconded. Unanimous vote in favor. So voted.

**D. Dennis McGrath and Harry Noyes**

Victor reported that he had twice sent renewal notices to both Harry Noyes and Dennis McGrath. The second notice was mailed to the permittees after Mr. Noyes noted not receiving the Board's first renewal notice during a telephone conversation with Victor. He had called Victor to make sure we had both the cannon and its storage container in our possession. Mr. Noyes had expressed a desire to relinquish work on the project and turn the cannon over to Marblehead for display at Abbott Hall. In response, Victor instructed him that he should inform the Board in writing about his intentions for the permit and his desire for local display. Victor noted the Board had not received a renewal application or written correspondence from either party. Victor stated the Board could either not act allowing the permit to expire today or extend the permit. He suggested the Board consider providing the permittee additional time to inform the Board of their intentions and grant them one extension.

Discussion turned to consideration of the question of whether or not to extend the permit. Kevin asked if they had informed the Victor they both wanted to give up on the project. Victor said Mr. Noyes had expressed that desire during several telephone conversations over the past year. He said that he spoken Mr. McGrath had called him to dispel a rumor that the cannon was recovered from location other than reported in their original application. He assured Victor it was recovered from where they reported it. Kevin asked if there was any interest in this site from other parties. Victor said he was not aware of any interest in that location. Kevin observed that one person has not responded and the other he stated he does not want to continue. He would then say let it lapse. Victor observed he had not received any communication from either party, that is a phone call, email, or letter, stating they wanted to renew the permit. Lenny stated that if they had made some level of effort, either verbally or in writing, he would consider an extension, otherwise let it lapse. Jonathan added his concurrence to that summation.

It was a sense of the Board to allow the permit to naturally lapse.

**E. Restoration Project, Inc.**

Victor reported that he had twice sent renewal notices to Restoration Project, Inc. He noted the Board had not received a renewal application, any written correspondence or otherwise heard from the permittee. He reminded the Board that last year the permittee stated that they were basically looking for another year. Victor stated the Board could either not act allowing the permit to expire today or extend the permit. He suggested the Board consider treating this expiring permit the same as in the previous situation and allow it to lapse.

It was a sense of the Board to allow the permit to naturally lapse.

**CHANGE IN THE ORDER OF BUSINESS**

Victor stated he was going to return to the original order of business starting with Director's Report.

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 25 MARCH 2010**

**2. DIRECTOR'S REPORT**

**A. Grant Activities**

Victor informed the Board that he was entering into inter-agency service agreements [contracts] with the University of Massachusetts at Boston to assist in the research activities associated with their National Park Service American Battlefield Protection Program grant for the study of the Battle of Chelsea Creek. Victor showed the Board a poster product which he'll talk about in more detail under Outreach.

**B. 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. He is co-chair of their 16 member working group on cultural heritage resources. The working group held its first formal meeting on February 24-25 in Arlington, VA. They are working on a mission statement dealing with cultural heritage for the Center and tribal issues. The full FAC and the working group will be meeting in Charleston, SC during the week of April 18, 2010. All travel expenses are paid by NOAA.

**3. BOARD MEMBER REPORTS**

There were no Board member reports.

**4. SUBCOMMITTEE REPORTS: OUTREACH**

**A. Northeastern University's Marine Science Center**

Victor reported that he gave a presentation at Northeastern University's Marine Science Center in Nahant on the evening of February 9<sup>th</sup>. The presentation was entitled "*Recent Shipwreck Investigations in Northern Massachusetts Bay*" and describe shipwreck site identified during both the Northeast Gateway and Neptune offshore LNG projects. There were over 50 people in attendance.

**B. 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 a poster session presentations at the Northeastern Section meeting of the Geological Society of America in Baltimore, MD on March 17. Chris Maio, along with Allen Gontz and Vic presented "*Preliminary Non-Evasive Site Assessment and GIS Mapping of the Chelsea Creek Battlefield, the First Naval Engagement of the American Revolution*". A copy of the poster was shown to the Board. This presentation is the fourth such presentation that is a direct outgrowth of student participation in 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.

**C. Conference on New England Archaeology**

Victor stated he would be participating in the Annual Conference on New England Archaeology on March 27 at UMass-Amherst. It is entitled "*Archaeological Mise en Place: Dialogues from New England's Archaeological Kitchen*". Board member Jonathan Patton is the conference chair and he described the conference program.

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 25 MARCH 2010**

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

Victor reported that he will be attending the annual meeting and conference of the North American Society for Oceanic History in Mystic, CT entitled "*Maritime Environments*" from May 12-16. 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 Council on American Maritime Museums, National Maritime Historical Society, the Steam Ship Historical Society of America, and the Society for Nautical Research.

**5. OLD BUSINESS (continued)**

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

Victor reported that additional photo-documentation survey was conducted over Mishoonahs on February 5<sup>th</sup>. Cheryl Stedtler was present for the ice dive and the team was supervised by Al Anzuoni and Bob Michelson. Team members were experienced ice divers and had participated in the previous missions. Victor noted that he and Cheryl Stedtler planned to provide a detailed presentation to the Lake Quinsigamond Commission in Shrewsbury later in year. 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 mishoonahs.

**6. NEW BUSINESS**

There was no new business.

Kevin Mooney moved to adjourn the meeting at 2:00 PM. Dan Sampson seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone  
Director