

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 29 March 2012**

**MEMBERS PRESENT**

Marcie Bilinski (Dive Community Representative)  
John Tulik (Designee of Aaron Gross, Director of Environmental Law Enforcement)  
Terry French (Designee of John Warner, State Archivist)  
Lenny Loparto (Designee of Brona Simon, State Archaeologist)  
Kevin Mooney, Deputy Director (Designee, Director of DCR Division of Waterways)  
Joe Pelczarski (Designee of Bruce Carlisle, Director of Coastal Zone Management)  
Victor Mastone, Director (Staff for the Board)

**MEMBERS ABSENT:**

Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)  
Vacant (Marine Archaeologist)  
Vacant (Dive Community Representative)

**PROCEEDINGS:**

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone at 1:30 PM on 29 March 2012 in the CZM Conference Room at 251 Causeway Street in Boston.

**1. MINUTES**

**A. Minutes 26 January 2012**

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 26 January 2012. There were no comments or corrections to the minutes.

Kevin Mooney moved to accept the minutes of the 26 January 2012 public meeting. Lenny Loparto seconded. Unanimous vote in favor. So voted.

**CHANGE IN THE ORDER OF BUSINESS**

He stated he now was going to change the order of business to deal with the action items under Old Business.

**2. OLD BUSINESS**

**A. Underwater Discoveries Unlimited, LLC**

Victor reported that Underwater Discoveries Unlimited (UDU), LLC, 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 they experienced the same problem with their GPS positions as they did previously with the *White Squall* area. As a result, they re-did all their coordinates. They will be alternating between this project and the White Squall Project depending on sea conditions. They will be using their recently acquired White metal detector, capable of detecting objects six feet under the sand.

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Objects will be photographed, but nothing will be recovered under this permit. Mr. Snow show the Board a chart depicting their magnetometer surveys. He also showed he Board one of the tape print-outs from an earlier survey. He pointed out several large anomalies.

Joe Pelczarski asked how far the GPS numbers were off and asked if the solar flares had affected them. Mr. Snow said they were sometimes 4 or 5 digits off. He said they were now using both vessel's GPS and a hand-held GPS unit to record locations. Mr. Snow added he would be using the same dive team and archaeologist for this project.

Mr. Snow asked if he still needed to coordinate with the Cape Cod National Seashore (CCNS). Vic said that he would and that would remain a condition of the permit. Vic they explained to the Board that Mr. Snow had received a letter from CCNS required he submit a research permit to them. Vic said he had been in contact with NPS staff and reminded them that BUAR's permits were outside the boundaries of CCNS. He noted he had told Mr. Snow not to comply with their request. Vic said EEA legal counsel concurs with the Board's position. Vic said this would not constitute non-compliance and CCNS has no authority to enforce. He added he asked for a face-to-face meeting with their staff to discuss this issue. Mr. Snow said he would maintain contact with staff at CCNS.

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. Terry French seconded. Unanimous vote in favor. So voted.

Mr. Snow thanked the Board members.

**B. Gary Esper**

Victor reported the Gary Esper had submitted his Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. Vic reminded the Board that this area off Beverly and Manchester-by-the-Sea is immediately east of the permit currently held jointly Gary Esper and Alex Bezkorovainy. Mr. Esper was in attendance to present the application.

Mr. Esper noted the wreck detected by side-scan sonar turned out to be a coal barge. He intended to continue conducting additional magnetometer and side scan sonar surveys of the area. He added he did not get out as much as he would have like to his other work obligations.

Marcie Bilinski asked if he had switched to tri-mix. Mr. Esper said not yet, but had been bounce diving anomalies. Marcie said she was still willing dive the site noting she had a new scooter.

Marcie Bilinski moved to renew Excavation Permit No. 11-003 held by Gary Esper for his Beverly/Manchester-by-the-Sea site with all standard conditions in effect and the further conditions that all excavation activities be conducted in accordance with the submitted and approved work plan, and 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.

**C. Nicholas Snyder**

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

Mr. Snyder stated he was able to survey the area with an Edgetech side-scan sonar unit. Unfortunately, the area is covered with large boulders limiting their ability to identify targets. He planned to undertake a magnetometer survey this season. He reported making several dives, but reported not finding anything.

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Marcie Bilinski moved to grant renewal of a Reconnaissance Permit No. 11-002 held Nicholas Snyder for his Gloucester site with all standard conditions in effect. Kevin Mooney seconded. Unanimous vote in favor. So voted.

[John Tulik departed the meeting at 1:45 PM]

**D. Raymond Hayes**

Victor reported that Raymond Hayes has submitted a renewal application and annual report after the regulatory deadline. Victor noted the high quality of work and reporting detailed in the renewal application. Mr. Hayes was not present to represent his request.

Terry French moved to renew Reconnaissance Permit (07-001) held by Raymond A. Hayes for his Great Harbor, Woods Hole site with all standard conditions in effect. Lenny Loparto seconded. Unanimous vote in favor. So voted.

**E. Harry Noyes and Gary Gianotti**

Victor reported that had submitted their Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations. He reminded the Board that both Mr. Noyes and mr. Gianotti had numerous personal issues of the past several months that delayed their submission of their renewal application.

Victor stated the cannon was still undergoing conservation at the Lake Champlain Maritime Museum.

Marcie Bilinski moved to grant renewal, retroactive to 29 September 2011 of Reconnaissance Permit No. 10-007 held by Harry Noyes and Gary Gianotti for their Marblehead site with all standard conditions remaining in effect and the additional condition that the permittee obtain the approval of the Board's staff prior to removing the cannon from the custody of the Lake Champlain Maritime Museum. Terry French seconded. Unanimous vote in favor. So voted.

Victor reported that the five permits with expiration dates in May would expire on May 26, 2012. This date is before the Board's next scheduled meeting on May 31, 2012. Victor asked the Board to extend the expiration dates for each permit to coincide with the scheduled meeting date. Kevin asked if they needed to done individually or combined in one motion. Victor said individually.

**F. Fathom Research, LLC**

Kevin Mooney moved to extend the Special Use Permit No 07-001 held by Fathom Research, LLC, for the New Bedford Harbor Superfund Site Pre-Dredging Archaeological Survey until the Board's meeting on 31 May 2012. Terry French seconded. Unanimous vote in favor. So voted.

**G. Philip D. Greco Associates**

Kevin Mooney moved to extend the Reconnaissance Permit No 92-001 held Philip D. Greco Associates for his Eastham/Wellfleet site until the Board's meeting on 31 May 2012. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to extend the Reconnaissance Permit No. 92-002 held by Philip D. Greco Associates for his Wellfleet site until the Board's meeting on 31 May 2012. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

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**H. Nipmuc Nation Tribal Historic Preservation Office**

Kevin Mooney moved to extend the Reconnaissance Permit No. 01-003 held by the Nipmuc Nation Tribal Historic Preservation Office for its Shrewsbury/Worcester site until the Board's meeting on 31 May 2012. Lenny Loparto seconded. Unanimous vote in favor. So voted.

**I. Restoration Project**

Kevin Mooney moved to extend the Reconnaissance Permit No. 10-001 held by the Restoration Project for its Sudbury site until the Board's meeting on 31 May 2012. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

**J. Victor Ricardo**

Kevin Mooney moved to extend the Reconnaissance Permit No. 94-001 held by Victor Ricardo for his Salisbury site until the Board's meeting on 31 May 2012. Terry French seconded. Unanimous vote in favor. So voted.

Victor stated he would change the order of business.

**3. DIRECTOR'S REPORT**

Victor briefly summarized his recent activities. He said he has been spending a good deal of his time on environmental compliance review, including some trawl surveys and marine debris removal projects. He collaborated on site visits with US Army Corps of Engineers and the US Fish and Wildlife Service.

Victor also noted that with the Exempt Sites becoming part of the National System of Marine Protected Area he would be continuing his collaboration with NOAA's Marine Protected Areas Center as a National System Partner. As a result, he has been invited to participate in upcoming joint meeting of the Federal Advisory Committee and Partners June 2012.

Victor informed the Board that he would be out-of-office on his own time starting on April 6 and return to the office on April 23. During that time, he would be giving two lectures at the University of Leiden in the Netherlands. He also planned to meet with his counterparts at the Netherlands' Cultural Heritage Agency in the Ministry of Education, Culture, and Science.

Victor noted there has been significant movement by the Governor's Office on filling the Board's vacant gubernatorial appointments. He anticipated these vacancies being filled in the near future.

**4. BOARD MEMBER REPORTS**

Marcie Bilinski reported she had attended the Beneath the Seas Conference in New Jersey. She met Jonathan Byrd and some of his staff there. There is fairly new dive club west of Boston that wants to get involved with the Board's projects.

**5. OUTREACH SUBCOMMITTEE REPORT**

**A. North Shore Frogmen Dive Club**

Victor reported that his presentation to the North Shore Frogmen Dive Club on February 9 at the Palmer's Cove Yacht Club. The topic was the Board's NPS funded investigation of the Revolutionary War Battle of Chelsea Creek. This talk was originally scheduled for February 2011.

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**B. Massachusetts Division of Marine Fisheries**

Victor reported that he gave a presentation to the staff at the Annisquam Field Station of the Massachusetts Division of Marine Fisheries as part of their Brown-Bag Lunch Lecture Series on February 8, 2012. The topic was the Board's NPS funded investigation of the Revolutionary War Battle of Chelsea Creek.

**C. Bay State Council of Divers Meeting**

Victor reported that he attended the February 8, 2012 meeting of the Bay State Council of Divers. The meeting focused on the Bay State Council's booth at Boston Scuba Show and Boston Sea Rovers Clinic, planning Club Dive Treasure Hunt, and Board projects.

The next Council meeting is scheduled for April 25, 2012.

**C. Boston Scuba Show**

Victor reported that he attended the Boston Scuba Show in Marlboro on February 25, 2012. The Bay State Council of Divers provided space at its table for the Board's materials.

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

Victor informed the Board that he and Marcie Bilinski attended the 2012 Boston Sea Rovers Underwater Clinic held on March 9-11. This year's venue had significantly improved exhibitor space, free parking, and more affordable accommodations. It was held at the Crowne Plaza in Danvers. As in the past few years, BUAR materials were displayed at both the Division of Marine Fisheries and Bay State Council of Divers (BSC) booths. Vic said he split his time between both booths. The Minot's Ledge Lighthouse Plaque was on display at the BSC booth. Marcie said the plaque generated a lot of interest. In addition, the Board's literature was available at the Massachusetts Environmental Police booth and the Massachusetts Environmental Trust booth.

**E. Safe Waters in Massachusetts (Nahant S.W.I.M.)**

Victor reported that he would be giving a presentation to S.W.I.M. on Saturday, March 31 at 11 AM. It will be held at the Northeastern University Marine Science Center in Nahant. The topic will be the Board's Minot's Ledge Lighthouse Archaeological Project.

**F. Friends of Belle Isle Marsh**

Victor reported that he would be giving a presentation on the Battle of Chelsea Creek to the Friends of Belle Isle Marsh on Monday April 2 at 7 PM. It will be held at the Orient Heights Yacht Club. The topic was the Board's NPS funded investigation of the Revolutionary War Battle of Chelsea Creek.

**G. University of Leiden**

Victor reported that he would be giving two presentations on April 10 at the University of Leiden, Netherlands. The two topics would be the Project Mishoon and NPS funded investigation of the Revolutionary War Battle of Chelsea Creek.

**H. New York Archaeological Council and New York State Archaeological Society**

Victor reported that he would be giving a presentation on the Battle of Chelsea Creek at the joint annual meetings of New York Archaeological Council and New York State Archaeological Society in Poughkeepsie, New York, on April 28.

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**I. Martha's Vineyard Museum**

Victor reported he would be giving a presentation on May 8 to the Martha's Vineyard Museum. The presentation will be entitled, "Drift Wood, Stone Circles, Three Canoes, a Lost Lighthouse, and a Piano: Stories of Collaboration and Engaging the Public Drift Wood, Stone Circles, Three Canoes, a Lost Lighthouse, and a Piano: Stories of Collaboration and Engaging the Public."

**6. NEW BUSINESS**

Victor reported there were no new business items for this meeting.

Joe Pelczarski moved to adjourn the meeting at 2:04 PM. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone  
Director