

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 27 MAY 2004**

MEMBERS PRESENT: Marcie Bilinski (Dive Community Representative)
Kathleen Dolan (Designee of William McKeon, Acting Director of Environmental Law Enforcement)
John Hoagland (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Stephen Mague (Designee of Thomas Skinner, Director of Coastal Zone Management)
Kevin Mooney (Designee of Nancy Thornton, Director of DCR Division of Waterways)
Victor Mastone, Director (Staff for the Board)
David Trubey, Deputy Director (Staff for the Board)

MEMBERS ABSENT: Ed Bell (Designee of Cara Metz, Executive Director of the Massachusetts Historic Commission)
Terry French (Designee of John Warner, State Archivist)
Brendan Foley (Marine Archaeologist) – pending reappointment

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:34 PM on 27 May 2004 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 25 March 2004

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 25 March 2004. There were no comments or corrections to the minutes.

John Hoagland moved to accept the minutes of the public meeting held on 25 March 2004. Terry French seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

A. U.S. Commission on Ocean Policy

Victor reported that the U.S. Commission on Ocean Policy has released its preliminary report for public comment. The comment period is open until 4 June 2004. A copy of the comment letter submitted by Victor on behalf of the Board was available to members. Victor noted that although the overall report contained a lot of valuable information, it is very lacking on the topic of maritime heritage and fails to recognize the significance maritime heritage resources as ocean resources. The letter from the Board conveys this concern. Victor added that many of his colleagues are submitting similarly critical letters asking the commission to include more consideration of maritime cultural heritage in the final report. He urged Board members to visit the Commission's website at <http://www.oceancommission.gov> and noted that comments can be submitted via email.

B. NOAA Ship *Ronald Brown*

Victor reported that he and David Trubey visited the NOAA ship *Ronald Brown* on May 26th. The research vessel was being fitted out at the Coast Guard station in Boston prior to its trip to the *RMS Titanic* site. The expedition, the goal of which is to assess the extent to which the site is degrading, is a joint project of NOAA's Office of Ocean Exploration and the National Geographic Society. The visit was a good opportunity to see the vehicles Hercules and Little Hercules as well as the state of the art control center, which Victor noted is much smaller than it appears on television.

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C. Nova Scotia Department of Natural Resources

Victor informed the Board that he was contacted by a representative of the Nova Scotia government to discuss the Board's permitting process. Richard Ratcliffe, Registrar of Mineral and Petroleum Titles for the Minerals Management Division of the Nova Scotia Department of Natural Resources will be meeting with Victor next month. Victor noted that there has been a lot of underwater salvage activity in Nova Scotia recently and more is expected.

3. BOARD MEMBER REPORTS

There were no Board member reports.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. Bay State Council of Divers

Victor reported that he attended the meeting of the Bay State Council of Divers on May 12th, 2004. Among the issues discussed were the proposed fees for dive class access to the water in some communities, diver access to shipwrecks in the Stellwagen Bank National Marine Sanctuary (SBNMS) and the artificial reef program. Concerning the SBNMS issue, some Council members felt that the recreational diving community did not have a voice in the development of the shipwreck diving policy that took place over the winter. Victor reminded the Council that Marcie Bilinski was a very vocal advocate for the sport diving community as a member of the Stellwagen Bank National Marine Sanctuary Maritime Archaeology Working Group and cleared up some misconceptions regarding the proposed diving policy. Concerning the artificial reef program, Victor stated that the Council is looking at some new locations and still seems interested in acquiring an obsolete vessel to sink as opposed to non vessel structures despite the associated complications.

Kathleen Dolan asked why the some Council members did not feel that the sport diving community was represented in the SBNMS policy decisions. Victor responded that the concern stemmed from a lack of understanding regarding the SBNMS policy-making process and that to his surprise, some of the older Council members did not know Marcie. He added that her service on the Working Group was well defended by those Council members more familiar with the process and Marcie.

B. Stellwagen Bank National Marine Sanctuary Maritime Archaeology Working Group

Victor reported that he attended the sixth and final meeting of the Stellwagen Bank National Marine Sanctuary Maritime Archaeology Working Group on May 3rd. He expressed his satisfaction with the composition of the group and its ability to help the Sanctuary staff better manage its resources and develop its planning process. Although he wished there had been more than the six meetings, Victor felt that the process could serve as a model for the Board in that it adopted a more scientific approach to planning rather than the more ad hoc approach that the Board has utilized in the past.

C. NASOH Conference

Victor reported that he attended the Annual Conference of the North American Society of Oceanic (NASOH) History at the Chesapeake Bay Maritime Museum on May 6-8th. Victor is a vice president of the organization. The conference provided a great opportunity to meet with staff of other agencies such as NOAA, with whom he discussed their work on the *Monitor* project and their Office of Ocean Exploration's, recent survey of portions of the New England coast. According to the information he received, no unusual shipwrecks were located during the work. Victor noted however, that the project only maps approximately ten percent of the anomalies detected and added that he would like to look at the additional ninety percent. Interestingly, because the anomalies are not considered hazards to navigation, the data is not considered public information.

D. Cape Cod Maritime History Symposium

David Trubey reported that he attended the 8th Annual Cape Cod Maritime History Symposium in Hyannis on May 15th. The event is sponsored by the Cape Cod Maritime Research Association and featured presentations covering a

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variety of topics ranging from whaling families to a presentation by Board permittee Neil Good entitled "Vikings Shipwrecks and Shoals: The Heritage of Nantucket Sound." David noted that the event was very well run and attended and that it would be a good forum through which the Board could present future projects.

E. Archaeology Month

Victor reported that again this year, the Board is co-sponsoring an Archaeology Month event with the Newburyport Maritime Society. This year's event, entitled *Through the Looking Glass: Technology's Role in Underwater Archaeology*, is an exhibit highlighting the technologies used by marine archaeologists to locate and study shipwrecks and other underwater archaeological sites. The event will include hands-on equipment demonstrations and a presentation by David Robinson of PAL, Inc. It will be held at the Custom House Maritime Museum in Newburyport on Saturday, October 16th from 1-5 pm.

F. NOAA Research Cruise

David Trubey reported that he was invited by the staff of the Stellwagen Bank National Marine Sanctuary to participate in a research cruise on the NOAA vessel *Nancy Foster* next month. David will be assisting with the side scan sonar operations to map shipwrecks within the Sanctuary.

5. OLD BUSINESS

A. Philip D. Greco Associates, Inc.

Victor reported that due to some communication and personal issues, Philip D. Greco Associates, Inc. (PGA) did not submit its Reconnaissance Permit renewal applications and Annual Reports in time to meet the Board's deadline. Mr. Greco has requested that the Board extend his current permits until the next public meeting scheduled for 30 September 2004. Mr. Greco was in attendance to present his applications.

Mr. Greco reported that it was not a very productive field season due to a number of reasons including medical problems, mechanical problems with their boat and bad weather. However, the field team was able to complete limited video scans of the permit areas and was able to spot the ballast pile and tin bars that were visible in prior years. This area will be the main focus of their future fieldwork. Mr. Greco stated that he is still not sure what other materials comprise this site and until he has a better idea, the organization will continue with reconnaissance work rather than applying for an exaction permit. He stated that based on conversations with John Fish, he does not think that the anomalies in the northern permit represent the *Rolla* as was originally thought. He believes that the *Rolla*'s remains, what very little there are, lie further south. Mr. Greco added that he hopes to be on back on site by July 15th to begin this year's fieldwork.

Lenny Loparto asked Mr. Greco if he has done any more work on the camera sled that was proposed last year. Mr. Greco responded that the sled has been constructed, but they would like to computerize its operation so that it can carry out some of the ground truthing for which they have been utilizing divers. This would save a tremendous amount of time and energy. Mr. Greco explained that very often, divers enter the water only to find that a detected anomaly is not visible due to the heavy sand overburden. Mr. Greco noted that there appear to be numerous wrecks in the vicinity, some of which are one atop another making anomaly interpretation a difficult task. He conceded that the success of this project would likely depend on luck and good weather patterns, which could help to remove the sand overburden. He stated that the long term plan is to salvage some of the tin in order to finance excavation of the site, as it would be an expensive endeavor and added that he has already spent a considerable amount of money and time on this project over the past eighteen years.

Victor asked Mr. Greco if he could provide the Board with some of the video or still images of the ballast pile and tin bars. Mr. Greco stated that he would do so and extended an invitation to Board members to come out to the site this summer. Lenny asked Mr. Greco if he has placed any marker buoys in his permit area, as he saw some in the vicinity. Mr. Greco stated that he has not placed any buoys, but there is a company that was developing mine destroying robots and was utilizing the area for testing a few years ago. It is possible that these buoys were left over from that operation.

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Kevin Mooney asked Victor if the 30-day prior to the meeting time limit for submitting renewal applications is a Board regulation or policy. Victor replied that under the Board's regulations, a renewal application that is received less than thirty days from the scheduled date of the meeting could not be voted on. However, it is the Board's policy to grant an extension of the current permit until the next regularly scheduled meeting if there are mitigating circumstances. Mr. Greco stated that he tried to return a telephone message that David Trubey left reminding him that the permits were set to expire, but that the telephone number did not work. He added that it was only about two weeks prior to the deadline that he received the permit renewal notice and application form. He suggested that the Board's staff try to mail the materials earlier. Victor replied that there were some problems with the mail service due to the recent move of the Executive Office of Environmental Affairs to the Cambridge Street building, which might have caused a delay. However, he reminded Mr. Greco that the Board is not required to send notice that a permit is due to expire, but that it does so as a courtesy. Victor stated that a permittee does not have to wait for a letter from the Board to submit a renewal application. As long as it is received no later than 30 days or no earlier than 60 days prior to the meeting date, it can be accepted. Kevin Mooney suggested that the Board look to having the renewal notices and permit applications available on the Board's website and that perhaps the transmittal of permit renewal notices could be automated. Victor stated that this is a good idea and one that he and David would look into.

Kathleen Dolan moved to extend the Reconnaissance Permit (92-001) held by Philip D. Greco Associates, Inc. for its Eastham/Wellfleet site until the Board's next public meeting scheduled for 30 September 2004. John Hoagland seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to extend the Reconnaissance Permit (92-002) held by Philip D. Greco Associates, Inc. for its Wellfleet site until the Board's next public meeting scheduled for 30 September 2004. Lenny Loparto seconded. Unanimous vote in favor. So voted.

B. Victor Ricardo

Victor reported that Victor Ricardo had submitted his Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations. Victor Ricardo was in attendance to represent his application.

Mr. Ricardo began his presentation by reminding the Board that he was not allowed to conduct fieldwork in part of his permit area until July 14th of last year due to the possible presence of human remains. He expressed his concern that the Army Corps of Engineers will be conducting maintenance dredging in the vicinity and has proposed disposing the dredge spoil close to his site. He stated that a similar operation a few years ago created major sand problems for him. Victor replied that the Board had submitted comments to the Army Corps regarding this dredging project, in which the existence of Mr. Ricardo's permit was conveyed. David Trubey stated that based on the information provided by the Army Corps, the proposed dredge disposal site is not as far off shore as it was in the prior dredging project to which Mr. Ricardo referred and therefore would not likely create a problem in the permit area. He added that the proposed disposal location closest to Mr. Ricardo's site is actually an alternate location. The Army Corps' first choice is further south near Plum Island.

Lenny Loparto asked if the sand from the earlier project washed up on the beach and if so, is that why Mr. Ricardo is not finding any more coins. Mr. Ricardo replied that there was a considerable amount of sand that washed up on the beach and that now he only uses his metal detector after major storms, providing that he has permission from the Salisbury Beach State Reservation.

Mr. Ricardo stated that he deployed a new video camera system on his two trips to the site last season. While the system is complete with DGPS, recording device, and time and location noting capabilities, he saw nothing of interest other than what appears to be an olive jar located further offshore than he had been previously surveying. The heavy sand overburden continues to be a major hindrance to his efforts. He stated that what he needs is a major storm to shift the sand out of the area.

After winterizing his boat early, Mr. Ricardo continued researching the *Boston Newsletter* for any information regarding shipwrecks in his permit area. He now owns his own microfilm reader and the complete series of the newspaper from April 1704 to February 1776. Mr. Ricardo stated that his research has led him to a possible name of the ship for which he is searching. He believes the vessel sank in 1739 while returning from a government sponsored voyage to Spain, but added he still needs to conduct more research.

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Mr. Ricardo stated that, with the assistance of the Salisbury Harbor Master and the U.S. Army Corps of Engineers, he has obtained a new mooring near the mouth of the Merrimack River which should save him a tremendous amount of time that he was wasting waiting in traffic to launch and recover his boat at the local ramp in Hampton, New Hampshire. He is now able to get on site from the river in significantly less time. This should help him to be more active in the 2004 field season.

Kathleen Dolan asked Mr. Ricardo why, if he believes the shipwreck for which he is searching sank in 1739, he has found coins presumably from this site, dating to 1759. Mr. Ricardo replied that he believes the 1759 coins are from another vessel that struck a rock outcropping in his permit area. In fact, Mr. Ricardo believes there are several wrecks in that particular area as it was a major hazard to navigation. In support of this belief, he referred to a large number of magnetic anomalies, approximately 200, that were detected during two separate surveys. Kathleen reminded Mr. Ricardo that if he is planning to keep his boat on the Merrimack River on a regular basis, he is required to register the vessel in Massachusetts.

John Hoagland asked Mr. Ricardo how many years he has been working on this site and if he has actually seen the wreck or spoken to divers who have seen it. Mr. Ricardo replied that he applied for his first permit in 1994 and that much of what led him to believe there is a shipwreck in his permit area was from information he obtained from people to whom he sold metal detectors and subsequently discovered artifacts that had washed up on Salisbury beach.

Concerning his mention of a possible government sponsored voyage, Terry French asked Mr. Ricardo where he found this information and which governor authorized this voyage. Mr. Ricardo replied that the voyage of this vessel is likely one of many that are documented in the *Boston Newsletter* and were authorized by Governor Phipps.

Marcie Bilinski moved to grant renewal of the Reconnaissance Permit (94-001) held by Victor Ricardo for his Salisbury site with all standard conditions in effect and the further conditions that Mr. Ricardo coordinate with the Department of Conservation and Recreation (DCR) facility (Salisbury Beach State Reservation) staff and the DCR Office of Historic Resources for any on site activities; the DCR staff determine when activities on site take place; no excavation activities take place under this permit; and that no cultural materials leave the boundaries of the Commonwealth of Massachusetts except with the prior written approval of the Board. Kevin Mooney seconded. Unanimous vote in favor. So voted.

C. Nipmuc Nation – Tribal Historic Preservation Office

Victor reported that the Reconnaissance Permit held by the Nipmuc Nation – Tribal Historic Preservation Office (NNTHPO) for its site in Worcester is up for renewal and that the NNTHPO has submitted its renewal application and Annual Report in accordance with Board regulations. Rae Gould, Tribal Historic Preservation Officer, was in attendance to present the renewal application.

Ms. Gould reported that NNTHPO is planning to conduct a reconnaissance dive on two of the dugouts in July with the assistance of the Board. The purpose of the dive will be to make sure that the dugouts are still place and to assess any changes that may have occurred since the last dives were conducted in November 2001. Ms. Gould stated that her organization is attempting to promote their project without compromising site security. Toward this goal, Cheryl Stedtler, Project Director, has created a project website that is easily accessible by various grade levels as well as the general public. The organization is considering adding a link to this website that would be used to solicit donations for the continuation of the project. Additionally, information on the project was presented in *The Nipmuc Nation* newspaper.

Concerning the financial status of the project, Ms. Gould reported that despite a good deal of interest in the artifacts, the recovery and conservation process, funding for the underwater survey continues to be a major obstacle. Numerous grant appeals for the survey were made by the NNTHPO over the past year, although non have been successful. She stated that ultimately, the NNTHPO would like to erect a conservation building on tribal lands in Grafton of sufficient size to house two dugouts in conservation tanks, along with the necessary equipment, workspace and a visitor's gallery. A museum and additional building already exist on the property, however the additional building is in poor shape and could be replaced with the proposed conservation facility. The organization is currently working out cost estimates for this portion of the project and attempting to solidify funding sources. The process will likely take all of the summer and into the fall. The NNTHPO would then plan to recover the dugouts next year.

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Ms. Gould asked the Board if it would consider allowing the NNTHP to move forward with this aspect of the project prior to completing a survey of the entire lake. Victor responded that it was up to the NNTHP to propose what it would like to do in terms of a work plan and reminded Ms. Gould that the Board did not dictate that the lake be surveyed. It was a proposal that was made by the NNTHP following the discovery of the dugouts and, although it could provide some beneficial data, the Board understands the associated financial difficulties. Victor then complimented Ms. Gould, Ms. Stedtler and the NNTHPO on the thoroughness and organization of their annual report. He added that it is very assuring to see that the organization is not rushing the process by jumping directly to the recovery phase of the project, but rather is carefully developing a long-term plan. Regarding future activities under the current permit, Victor explained the NNTHPO should put together a proposal of what it would like to do between now and next May for the Board's consideration. Ms. Gould replied that the NNTHP was perhaps mistakenly under the impression that it had to complete the survey before moving to any other aspects of the project and that after one and half years, it is no closer to obtaining the survey funding than it was when the idea was first proposed. She added that the organization is not abandoning the idea of the survey and would certainly consider completing it once funding for the rest of the project starts to flow.

Victor stated that the Board's main concern regarding funding is that adequate financial resources be secured to ensure that the dugout excavation, recovery, conservation and display be carried out properly and to completion. Ms. Gould assured the Board that the dugouts would not be recovered until the conservation process including training, facility, equipment and materials is established. She stated that if everything were to be in place by March of next year, the NNTHPO would consider applying for an excavation permit rather than renewing the current reconnaissance permit. Victor stated that one of the things he would like to look at when he, David and Chris Hugo inspect the site this summer, is the degree to which the dugouts are embedded in lake bottom. He noted that dugout number three initially appeared to be setting on the bottom surface and if this is still the case, an excavation permit might not be necessary. He added however, that this would be an unlikely scenario because the project's archaeologist would probably want to excavate to some extent the area surrounding each dugout.

Kevin Mooney suggested that if the NNTHPO keeps the Board apprised as to its progress concerning the conservation facility, etc., the Board's staff can offer advice on which permit will be required and when to apply. Ms. Gould acknowledged this suggestion and added that, in addition to the fairly regular contact maintained by Cheryl Stedter, they would be willing to submit formal updates throughout the year in addition to their annual report. Victor replied that such updates would be very welcomed and would be passed on to all the Board members.

Lenny Loparto also complimented the NNTHPO on the comprehensive nature of its report. He suggested that, based on his experience with archaeological projects, the interest in this project and the amount of significant information the project could yield, the organization should consider the costs of scientific analysis and report writing in its estimated budget and work plan. He emphasized that this is an integral part of a successful archaeological project. The NNTHPO might want to have a specialist in dendrochronology examine the wood of the dugouts for example, or a palynologist examine the wood beneath the enclosed rocks. Lenny described the dugouts as a microcosm of information that could be collected if analysis is conducted in a comprehensive interdisciplinary manner. He further suggested that Ms. Gould contact the staff of the Massachusetts Historical Commission and the consultants with which the NNTHPO is working to find out what types of analyses are available for such projects prior to submitting a work plan or project budget to the Board. He added that it would be a great for the public to see just how much information regarding the builders and users of the dugouts can be drawn out of the structures and their associated artifacts. Victor stated that, based on what he has seen to date, the organization has already started to take a multidisciplinary approach to the investigation and he encouraged them to continue.

Lenny Loparto suggested that the NNTHPO might want to consider nominating the dugouts for National Register recognition. The Massachusetts Historic Commission is currently preparing nominations for several vessels, ranging from 1950s period rescue boats to turn of the century sailboats. If the dugouts can be positively identified as being of Native American origin, they could potentially be listed under National Register criterion C, A or perhaps B. If NNTHPO decides to nominate the dugouts, there are numerous, specific technical details that should be incorporated into the research methodology. He added that the Historical Commission could provide them with more information on the process.

Kevin Mooney expressed his agreement with Lenny's comments and stated that if the NNTHPO is going to move to the excavation stage before the completing the survey of the rest of the lake, it may want to put an increased emphasis on artifact analysis.

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Concerning the tribe's pending request for federal recognition, Terry French asked if the Nipmuc Nation is recognized by the Commonwealth of Massachusetts' Commission of Indian Affairs. Ms. Gould replied that the Nipmuc Nation has enjoyed state recognition since 1976 and that it helped to establish the Commission in 1974. Terry asked when the tribe expects a decision to be handed down regarding its petition for federal recognition. Ms. Gould replied that a decision is expected by June 15th. Victor noted that the Board's correspondence with the NNTHPO is sent to the Commission of Indian Affairs so that the Commission is kept up to date on the status of the permit.

John Hoagland moved to renew the Reconnaissance Permit (01-001) held by the Nipmuc Nation Tribal Historic Preservation Office for its Worcester site with all standard conditions in effect. Kevin Mooney seconded. Unanimous vote in favor. So voted.

6. NEW BUSINESS

A. Stellwagen Bank National Marine Sanctuary

Victor Mastone introduced Deborah Marx and Matthew Lawrence, maritime archaeologists for the Stellwagen Bank National Marine Sanctuary. Ms. Marx stated that she hopes a greater partnership will develop between the Board and the Sanctuary and that they are currently working on a National Register nomination for the *Portland* and welcome the Board's input on the draft. She added that she and Matthew would like to meet with the Board again to present the results of some of their work of the past few years.

Terry French moved to adjourn the meeting at 2:52 PM. Terry seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director