

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 25 MAY 2006**

MEMBERS PRESENT: Marcie Bilinski (Dive Community Representative)
Kathleen Dolan (Designee of James Hanlon, Director of Environmental Law Enforcement)
John Hoagland (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Kevin Mooney (Designee of Mike Misslin, Acting Director of DCR Division of Waterways)
Dan Sampson (Designee of Susan Snow-Cotter, Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)
David Trubey, Deputy Director (Staff for the Board)

MEMBERS ABSENT: Brendan Foley (Marine Archaeologist)
Ed Bell (Designee of Brona Simon, Acting Executive Director of the Massachusetts Historic Commission)
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 1:37 PM on 25 May 2006 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 30 March 2006

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 30 March 2006. There were no comments or corrections.

John Hoagland moved to accept the minutes of the public meeting held on 30 March 2006. Kathleen Dolan seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

Victor introduced Dan Sampson to the Board. Dan was sitting in for Joseph Pelczarski as the designee of the Director of Coastal Zone Management. Victor reported that all of the Board members who were up for renewal have now completed the process.

Victor reported that he is working on developing some standard protocols that will be incorporated into the Board's project review process as well as its work with permittees. These protocols relate to a variety of situations such as the unanticipated discovery of archaeological sites and/or human remains. The protocols, among other things, will instruct permittees and various project personnel who to contact in the event of such discoveries. In the coming weeks, he will be circulating the proposed protocols among the Board for review prior to sending them to the SHPO's office for approval. At that time, the protocols will simply be implemented or, if after discussing the matter with counsel it is determined that the Board must make and vote on a formal motion accepting the protocols, it will be done at the September meeting.

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3. BOARD MEMBER REPORTS

John Hoagland reported that he conducted a public meeting last week on behalf of the Rhode Island Marine Archaeology Project (RIMAP), of which he is President, concerning the protection of historic shipwrecks that the organization discovered in Narragansett Bay. The meeting was attended by the governor of Rhode Island, representatives from NOAA and a host of other federal and state agencies, educators as well as legislators. The primary purpose of the meeting was to present the governor with information regarding the Revolutionary War period shipwrecks and to solicit state funding through the Cultural Resource Management Commission (CRMC) for their preservation and protection. John noted that the presentation was very well received by the governor who happens to be very interested in history. Unlike Massachusetts, there is no board in RI mandated or empowered to protect submerged cultural resources. John stated that the closest thing to the MBUAR is the CRMC, which does have the authority to create underwater preserves. RIMAP is working with CRMC, NOAA, the University of RI and other organizations and plans to hold a follow-up meeting next month.

Kevin Mooney reported that Martha King will be the new director of the DCR Division of Waterways effective 12 June 2006.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. Craigville Beach Shipwreck

Victor reported that he and David Trubey conducted a final site visit to Craigville Beach on 12 April to examine and document the last portion of possible vessel remains. The remains were unearthed late last year during a dredging and beach nourishment project. This particular debris was consistent in size, material and construction with that examined in March. Similarly, it did not exhibit any diagnostic features. While the field portion of this investigation is complete, Victor and David will continue to research the site and discuss the material with colleagues.

B. Bay State Council of Divers

Victor reported that he attended the meeting of the Bay State Council of Divers on 3 May. The focus of this meeting was the proposed restrictions on diving and other marine activities in portions of the Stellwagen Bank Nation Marine Sanctuary. Matthew Lawrence, Sanctuary Archaeologist, presented elements of the draft management plan and answered questions from the Council. Victor stated that the Council expressed its concern that it had not been consulted during the drafting stage. Other than that of Marcie Bilinski, there was very little input from the diving community.

Kathleen Dolan asked if the Council knew about the scoping meetings that were held. Victor and Marcie replied that they do not believe the information got to the Council for whatever reason. Victor noted that it was a good meeting in that it stimulated the Council to become more active with current issues and served to pull the organization closer together. Marcie asked Victor if a date has been announced for the release of the draft management plan for public comment. Victor stated that there has been no announcement yet, but there is a list of people who will be contacted via email when it is announced, which will likely be later this summer. Marcie stated that she has been asked to brief some other dive organizations on the information.

C. Conference on New England Archaeology

Victor reported that he and David attended the 26th Annual Conference on New England Archaeology on May 13th in Old Sturbridge Village. The conference was well attended despite the bad weather and included a paper by David Robinson on the detection and excavation of submerged prehistoric sites and the importance of this type of archaeology along the New England coast. Victor reported that he served on the conference's steering committee over the past year and noted that there seems to be growing interest among attendees in encouraging greater representation of underwater archaeology at future meetings. It is currently the only regional group for professional archaeologist and is organized as a one-day seminar on current research.

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D. NASOH Conference

Victor reported that he would be attending the Annual Conference of the North American Society of Oceanic History (NASOH) at the at the Wisconsin Maritime Museum in Manitowoc, Wisconsin on 29 May – 4 June. He noted that he is the Program Chairperson for the conference and one of the vice presidents of the organization. While this year's conference will focus on the history of Great Lakes, about half of the papers involve archaeology with many discussing recent work in the Thunder Bay National Marine Sanctuary.

5. OLD BUSINESS

A. Philip D. Greco Associates, Inc.

Victor reported that Philip D. Greco Associates, Inc. (PGA) had submitted its Reconnaissance Permit renewal applications and Annual Reports in accordance with the Board's regulations. Philip Greco was in attendance to present the applications on behalf of PGA.

Mr. Greco reported PGA is currently pressure testing its underwater tractor. The device, which has taken two years and approximately \$40,000 to develop, can be equipped with a wide array of instruments including infrared lights, video cameras capable of panning 360 degrees and a Fisher coil metal detector. He estimated that the tractor, one of two prototypes, could handle 90% of the underwater inspections previously conducted by divers. The device, which is tethered, weighs approximately 60 lbs. and was designed to be environmentally friendly in terms of its construction materials. PGA is planning to test it off Lovell's Island to see if there is anything on the bottom that could be related to the grounding of the *Magnifique*. Victor stated that the Board would be open to this idea, but that it would require PGA to report the data as the Board is considering regulating this sort of activity (survey of a known site) in the not too distant future. Mr. Greco responded that PGA would be very willing to share the data from this site or any addition test sites.

Mr. Greco stated there is a very heavy sand overburden in PGA's permit area, so he and his team are hoping for some strong ocean storms this summer and fall. He stated that PGA will be deploying both a sub-bottom profiler and side scan sonar. He is very confident that this will be a very productive field season.

Mr. Greco stated that there is a lot of material in his permit area including a large amount of copper wire or cable that he believes is associated with the Marconi tower. He would like to explore the possibility of salvaging this material at a later date to offset some of his reconnaissance related expenses. For now however, PGA plans to move forward with its reconnaissance activities and is financially prepared to excavate if it can pin point the wreck for which has been searching. He also noted that Mr. Clifford approached him regarding the possibility that some material from the *Whydah* site might be in Mr. Greco's permit area. Victor responded that if Mr. Greco does not want Mr. Clifford in his permit area and Mr. Clifford should happen to cross the line, the Board wants to know about it. He stated that Mr. Clifford knows he is not allowed to work outside of his own designated area and the burden of proof would be on him to show that any material in PGA's permit area is related to his Whydah site. Victor stated that to his knowledge, Mr. Clifford plans to continue working in the center point of his permit. Mr. Greco replied that so far, he has not had a problem with Mr. Clifford and noted that he seems to be very professional. He added that he did suspect that other people were working in his permit area last fall and did report this to the Board. Victor replied that he would like to discuss that particular issue after the meeting.

John Hoagland asked Mr. Greco if PGA anticipates being in excavation mode next year. Mr. Greco replied that PGA is searching for something very specific. He stated that PGA has put a lot of money over several years into this search and would obviously like to recoup some of its investment. He added that in the coming years, PGA might sell its permit or lease it out. Victor responded that under the Board's regulations, a permittee cannot sell a permit. A permittee can sub out a permit, but only with the Board's approval. Mr. Greco acknowledged this information and stated that he would not want to jeopardize the archaeological integrity of any potential site in his permit area. He added that he is trying to teach people with whom he comes in contact along the waterfront the importance of conducting such projects by the book and adhering to acceptable archaeological standards.

Mr. Greco asked the Board if it is aware of an archaeological survey that was conducted in Boston Harbor for NSTAR in support of the Big Dig. Victor replied that he is not aware of such a survey, but is very interested in learning

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more about it. Mr. Greco thought that it was at least partially funded by the Commonwealth and stated that he would try to get more information.

Lenny Loparto asked Mr. Greco what is depicted in the side scan image that is included in PGA's permit renewal application. Mr. Greco replied that the highlighted part of the image represent the futtocks of a vessel that sank off of Nausett. He is not sure if this is the vessel for which PGA has been searching.

Kevin Mooney moved to grant renewal of the Reconnaissance Permit (92-001) held by Philip D. Greco Associates, Inc. for its Eastham/Wellfleet site with all standard conditions in effect. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

John Hoagland moved to grant renewal of the Reconnaissance Permit (92-002) held by Philip D. Greco Associates, Inc. for its Wellfleet site with all standard conditions in effect. Kevin Mooney seconded. Unanimous vote in favor. So voted.

B. 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 the Board's regulations. He noted that once again, the materials submitted to the Board reflect a high level of detail and professionalism. Cheryl Stedtler, Project Director, was in attendance to present the application.

Ms. Stedtler reported that 2005 was not a particularly active year in terms of fieldwork due in part to the tribe's struggle for federal recognition. Fundraising continues to be the focus for the NNTHPO. To that end, Ms. Stedtler has been working on a stand alone presentation which is due to be completed in June. The presentation, which will include a scale model mishoonash and possibly stone woodworking tools and historical information, is intended to draw immediate donations at public events by promoting interest in the project. There is also an electronic presentation that can be run by laptop for events at which electrical service is available.

Ms. Stedtler reported that the NNTHPO has participated in discussions with the New England Native Preservation Trust (NENTP) of Worcester. The organization is fairly new and its membership has a high level of experience from which the NNTHPO hopes benefit. One such experienced member is Thomas L. Doughton, Ph.D. who has a very strong background in Worcester history and extensive grant writing experience.

Ms. Stedtler stated that several attempts to draw down Flint Pond for weed control have not been successful. She expressed her concern that in one of last year's attempts, a damn was not functioning properly and drew down the main lake significantly. As the dugouts are located in shallow water, it is possible that they will become exposed to both air and vandals. The shoreline exposure caused by just this one damn also reinforced the need to conduct more research to determine the historic shoreline. Kevin Mooney suggested that Ms. Stedtler consult pre-damn construction topographic maps to assist in this task and noted that many are available online. Ms. Stedtler acknowledged Kevin's suggestion and stated that the NNTHPO is also looking for the assistance of a geologist. She reported that she will be speaking with Michael Perna, an historian with considerable knowledge of Lake Quinsigamond, regarding a natural history camp that once existed on the lake shore. Although the camp was apparently further north than the location of the dugouts, they will discuss the possibility that the dugouts were associated with this camp. Ms. Stedtler expressed the need to rule out this possibility. She concluded she continues to network whenever possible and is attempting to bring in people with diverse expertise.

Lenny Loparto asked Ms. Stedtler if she has been able to identify any post-dam construction lake modifications in her research. Ms. Stedtler replied that she has not come across anything yet, but she hopes the Dr. Doughton will be able to provide more information sometime this summer regarding the history of dams on the lake. She noted that the only information she has been able to find comes from maps drawn in the late 1800s and some photographs. Kevin Mooney asked Ms. Stedtler if she knows who owns the dam. She replied that she does not and that there are numerous dams. Kevin suggested that she contact Bill Salomaa of the Department of Conservation and Recreation as he is in charge of dam safety and might be able to provide additional information.

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Kathleen Dolan 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. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

C. Victor Ricardo

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

Mr. Ricardo reported that he was contacted last May by Ed Michaud and Greg Brooks of Sub Sea Research who were conducting a survey in the vicinity of his permit area. There was some discussion regarding a possible partnership between Mr. Ricardo and Sub Sea Research however it has not developed. Mr. Ricardo stated that he did exchange a lot of information with Mr. Michaud and Mr. Brooks.

Mr. Ricardo presented a detailed description of his field activities for the year, which were limited due to mechanical problems with his boat. He stated that his newspaper research is an ongoing project and he purchased a new video camera as a back up for the coming field season. His boat has been repaired and he is ready to launch however, flood related problems in the Merrimack River are now causing delays. He hopes to be in the water and on site by the end of the month at the latest.

Victor reported that the Board was contacted by Sub Sea Research (SSR) regarding the permitting process for remote sensing surveys. Victor stated that he informed them the Board does not currently require a permit for remote surveying, but that they should contact each permit holder if they expect to be in the vicinity of a permit area. That is likely why Mr. Ricardo was contacted by SSR last year. He added that the organization made no mention of establishing a partnership with any of the permittees. Mr. Ricardo asked Victor if he is familiar with what size vessels SSR owns. Victor replied that he did not but that the information is probably listed on the company's website. He noted that he last heard they are currently working in Haiti.

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.

D. Restoration Project, Inc.

Victor reminded the Board that Restoration Project, Inc. (RPI) had submitted its Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations. However, the application was not received within the 30 – day time period to be considered at the March meeting. The Board voted to extend PRI's permit until today's meeting. He noted that Ms. Newell, Director of RPI, attended the March meeting and presented the application very thoroughly.

Dan Sampson moved to renew, retroactive to 30 March 2006, the Reconnaissance Permit (02-001) held by Restoration Project, Inc. for it's Willis Pond, Sudbury site with all standard conditions in effect and the further condition that Restoration Project, Inc. coordinate its activities with the Department of Conservation and Recreation staff archaeologist. Lenny Loparto seconded. Unanimous vote in favor. So voted.

E. James Karos

Victor reported that Mr. Karos has furnished the Board with the latest version of his photo mosaic of his Chelsea Creek site and it is very impressive. Mr. Karos stated that he is making progress and enjoying the work. He noted that due to the heavy rain, he has been unable to get on site for a few weeks. He expects that the final version of the mosaic will likely be about 5-6 ft long. He is currently conducting oral histories with people that have worked in the area of the site and will continue to provide the Board with periodic updates.

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6. NEW BUSINESS

There was no new business.

Kathleen Dolan moved to adjourn the meeting at 2:44 PM. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director