

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 29 MAY 2014**

**MEMBERS PRESENT:** James Hennessey (Designee of Aaron Gross, Director of Environmental Law Enforcement)  
Lenny Loparto (Designee of Brona Simon, State Archaeologist)  
Graham McKay (Marine Archaeologist)  
Kevin Mooney, Deputy Director (Designee of Director of DCR Division of Waterways)  
Gary Murad (Dive Community Representative)  
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)  
Dan Sampson (Designee of Bruce Carlisle, Director of Coastal Zone Management)  
Victor Mastone, Director (Staff for the Board)

**MEMBERS ABSENT:** Marcie Bilinski (Dive Community Representative)  
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 29 May 2014 in the CZM Conference Room at 251 Causeway Street, Boston.

Victor introduced Lt. James Hennessey who would be representing the Massachusetts Environmental Police.

Victor introduced Joel Gilman. He serves as Solicitor for State Heritage Office of Western Australia.

**1. MINUTES**

**A. Minutes of 27 March 2014**

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 27 March 2014. There were no other comments or corrections.

Kevin Mooney moved to accept the minutes of the public meeting held on 27 March 2014. Graham McKay seconded. Unanimous vote in favor. So voted

**Change the Order of Business**

Victor announced that he would be exercising the power of the chair and changing the order of business. He stated he would start with Old Business.

**2. OLD BUSINESS**

**A. Victor Ricardo**

Victor reported that the reconnaissance permit held by Victor Ricardo is up for renewal and that Mr. Ricardo had submitted his renewal application and Annual Report in accordance with the Board's regulations. Mr. Ricardo was in attendance to represent his application.

Mr. Ricardo stated he had submitted a brief Annual Report. He noted he had not done very much over the past three to four years due the sand accretion over his entire permit area. This was initially due to dredge spoils from the Merrimack River being used for near shore disposal/beach nourishment. Prior to that project, he had observed dishes, bottles, plates, and variety of artifacts, and

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now only sand was visible. He continues to conduct research in old newspapers and walks the beach regularly. He is now concerned about the planned disposal of Portsmouth Harbor (NH/ME) dredge spoils along Salisbury Beach and Plum Island as this will further bury his site. Mr. Ricardo said he would request this disposal occur south of his permit area, if asked by U.S. Army Corps of Engineers. He noted that the Vic Mastone had provided them with his [Ricardo] contact information.

Kevin Mooney noted that 700,000 cubic yards is estimated to be removed in the Portsmouth project. The original plan was for 50% of the material to come south to Massachusetts. He said it now looks like all dredge spoils will come south with near shore disposal divided between Salisbury Beach and Plum Island. Kevin suggested setting up a meeting with the project manager for the U.S. Army Corps of Engineers to see if the planned disposal area is within Mr. Ricardo's permit area and possibly moving it to minimize deposition within the permit area. Vic Mastone said he would explore the possibility of a meeting. Kevin noted that near shore disposal is much less expensive than placing the material directly on the beach. Mr. Ricardo noted that with the Merrimack project the spoils were deposited seaward of his permit area, but that sand moved into his area. Graham asked where the permit area was in relation to Breaking Rocks. Mr. Ricardo said he was just off Breaking Rocks.

Kevin Mooney 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. Dan Sampson seconded. Unanimous vote in favor. So voted.

**Change the Order of Business**

Victor announced that he would be exercising the power of the chair and changing the order of business. He stated he would go to New Business.

**3. NEW BUSINESS**

**A. Michael L. Margulis – Isolated Find Exception**

Victor reported that he had been contacted by Michael Margulis who had recovered an anchor off Marblehead. It appeared to be an eighteenth century admiralty style with a diamond shaped key at the end of the shank to hold a wooden stock. They had been in discussion over the past few months on whether Mr. Margulis should apply for an isolated find exemption or for a reconnaissance permit. While anchors in themselves may not be indicative of a site, the Board would accept it as demonstrable proof for a permit application. Mr. Margulis decided to apply for an isolated find exemption. Victor noted he found no vessels losses in that area. Graham noted it appeared to be a small anchor. Given the type of object and the circumstances of the recovery, Victor did not believe the anchor constitutes an archaeological site.

Mr. Margulis said they were basically diving for scallops and came across the anchor on a hump. It was on a hard gravel surface; it was very encrusted and fragile. They recovered because they thought it might be something they could reuse. Upon examination of the boat, they realized it was fragile and something old. At first, he thought he might apply for a permit, but they had already done a number of dives in that area and observed nothing else, not even chain.

Graham asked him if there appeared to be a curve in arms. Mr. Margulis said it was fairly straight until near the end [flukes]. He noted he checked with other archaeologists who said the anchor appeared to be hand-forged. Gary Murad asked if Mr. Margulis had previously worked with Mr. Reedy and Mr. Malcome [the two archaeologists], He replied that he had worked extensively in the

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1980s and 1990s with Corey Malcome on the Athocha Project off Key West and in the 1987 as boat crew and diver on the Whydah with Rob Reedy.

Mr. Ricardo noted that Mr. Margulis would be assisting him on his project.

Gary Murad moved to waive jurisdiction over isolated find number 2014-IF-0003 from waters off Marblehead and relinquish all rights, title and interest to the Michael Margulis. Jim Hennessey seconded. Unanimous vote in favor. So voted.

**Change the Order of Business**

Victor announced that he would once again exercise the power of the chair and change the order of business. He stated he would return to normal order of business beginning with Director's Report.

**4. DIRECTOR'S REPORT**

**A. Summer Recess**

Victor reminded the Board that they generally hold no regularly scheduled meetings over the Summer months of June, July, and August. It has been typically too difficult to achieve a quorum during those months due to constraints on member availability. Otherwise, the Board's next scheduled meeting will be on 25 September 2014. He noted that the statute requires the Board take action on complete permit applications within 30 days of receipt.

**B. Boston Harbor Islands**

Victor reported that he and Lee Crawford participated in a "State of the Park" workshop for the Boston Harbor Islands National Recreation Area organized by the National Park Service on April 10. He noted they participated in the cultural resources working group along with the City Archaeologist, DCR archaeologist, MHC, Tribal representatives, and NPS staff.

**C. NASOH Conference**

Victor reported that he attended the annual conference for the North American Society for Oceanic History (NASOH) from May 14-17, 2014 in Erie, PA. He was the program co-chair. The conference theme was "Connected by Water: Inland Waterways and Maritime Endeavors." This conference was a joint meeting with the Canadian Nautical Research Society and the National Maritime Historical Society. It was hosted by the Erie Maritime Museum, a state facility of Pennsylvania. This conference had the added benefit of meeting with a large number of underwater archaeologists who work in the northeaster US. Vic noted he used personal funds to attend the conference.

Victor noted he would be a program co-chair next year's NASOH conference in Monterey, CA. He also reported that he had been elected Vice President of NASOH.

**D. 10<sup>th</sup> Maritime Heritage Conference**

Victor announced that the 10<sup>th</sup> Maritime Heritage Conference would be held at in Norfolk VA on September 17-21, 2014. This conference is meant to embrace the entire field of maritime heritage including archaeology, history, lighthouses, historic ships and sailing. It occurs roughly every three years, though the last one was four years ago. Vic said he was not planning to attend due to funding, but would continue to share information with Board members.

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**5. BOARD MEMBER REPORTS**

**A. Kevin Mooney**

Kevin reported that the Department of Conservation and Recreation was looking to have a mooring permitting program in the Boston Harbor Islands. It would be operated by the department or some other agency. The two moorings fields would be between Spectacle Island and Long Island and the triangle formed by Gallops-Great Brewster-Peddocks Islands. They planned to do a hydrographic survey supplemented by side scan sonar and magnetometer surveys. They anticipated a 10-14 days in the field. Victor noted he and Kevin had previously discussed this project and determined it was technically not an archaeological survey. So, they are not required to obtain a special use permit. However, they would coordinate with both DCR archaeologist and the Board.

**6. OUTREACH SUBCOMMITTEE**

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

Victor reported that he attended the 30 April 2014 meeting of the Bay State Council of Divers. The meeting focused on the Bay State Council's planning Club Dive Treasure Hunt, potential involvement with Blue Pride, and Board projects. Blue Pride is a program that works with disabled veterans.

The next Council meeting is scheduled for 18 June 2014.

**B. Cape Cod Museum of Natural History Lecture Series**

Victor reported that he will be giving a presentation as part of the Cape Cod Museum of Natural History's Summer Lecture Series on Wednesday, August 20 at 1 PM. The presentation will be entitled "Underwater Archaeology: 17th Century Nipmuc Mishoonahs in Lake Quinsigamond".

**7. OLD BUSINESS (continued)**

**B. Neil Good**

Victor reported that Neil Good had not submitted his Reconnaissance Permit renewal application or Annual Report by the deadline of 30 April 2014 as prescribed by the Board at its March 27<sup>th</sup> meeting. Victor noted further that the Board had not received any replies from Mr. Good in response to any of the Board's previous letters or emails. Given the lack of response and the Board's discussion on 27 March 2014, the reconnaissance permit No. 00-002 would be allowed to expire naturally as of 30 May 2014. Victor noted that Mr. Good did not recover any artifacts under this permit.

**C. Christopher Goodwin & Associates, Inc.**

Victor reminded the Board that Special Use Permit, No. 13-002, was granted to Christopher Goodwin and Associates, Inc., at a special meeting held 25 July 2013. This permit was for the Sea Link Power Cable Project around Cape Anne. Due to the Board's Summer recess, this permit would expire before the Board's next regularly scheduled meeting on 25 September 2014.

There was no further discussion.

Kevin Mooney moved to extend the expiration date of Special Use Permit (13-002) held by Christopher Goodwin and Associates, Inc., for the Sealink Power Cable Project until the next scheduled Board meeting on 25 September 2014 with all standard conditions in effect. Dan Sampson seconded. Unanimous vote in favor. So voted.

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**D. Maxwell Taylor Kennedy**

Victor reminded the Board that the reconnaissance permit, No. 13-003, was granted to Max Kennedy at a special meeting held 25 July 2013. Due to the Board's Summer recess, this permit would expire before the Board's next regularly scheduled meeting on 25 September 2014.

Gary Murad asked what Mr. Kennedy had done since the Board granted him a permit. Vic stated he had conducted a site visit with Mr. Kennedy in late August. He looked at the possible fish weir. Mr. Kennedy has been in touch with a couple of archaeologists. Victor noted he is generally on the Cape during the summer. Victor said he had spoken with a colleague who would be advising Mr. Kennedy. It was not clear that person would be diving on the sites.

Gary Murad moved to extend the expiration date of Reconnaissance Permit (13-003) held by Maxwell Taylor Kennedy for his Hyannis Harbor site until the next scheduled Board meeting on 25 September 2014 with all standard conditions in effect. Kevin Mooney seconded. Unanimous vote in favor. So voted.

**E. Harry Noyes and Gary Gianotti**

Victor reported that he had spoken with Mr. Noyes after the last meeting. Mr. Noyes said he intended to renew his permit now that his divorce issues were finally settled. Vic stated the Board has not received a renewal application at this time and, further, has not received any other communication from either Mr. Noyes or Mr. Gianotti. Victor speculated that the Board might also allow this permit to lapse given this lack of communication and the Board's position with Mr. Good, though we did not similarly condition their previous permit extension. Conservation has been completed on the cannon and it remains at the Lake Champlain Maritime Museum. Victor said he has told Mr. Noyes on several occasions that he needs to submit a written request to retrieve the cannon from the museum. Mr. Noyes has verbally asked to retrieve the cannon and I told him he needed to submit a written request and an explanation of his plans for the cannon. The museum knows it cannot return the cannon to the custody of Mr. Noyes without the Board's approval; Vic noted that has been confirmed with the museum. Victor said he has been considering the option of the Board retrieving the cannon from the museum, hold it in its possession, and then work with the permittee. Victor stated that he had sent the permittee an email earlier in the week reminding him that we had not received anything and that if he did not intend to renew then he should begin a project completion report and, also, that he still needs our permission regarding the cannon. Further, he suggested to them that they should come to this meeting and make their case.

Discussion turned to motion regarding the cannon. Kevin asked what Mr. Noyes intended to do with it once he retrieved it. Vic said that Mr. Noyes had last reported that he would bring it back pending the construction of a [gun] carriage with the intent to display it at Abbott Hall [museum] in Marblehead. He said he did not know if there was a formal relationship or agreement with the museum, but he understood there was great local interest in him donating the cannon for display there. Victor said that is what Mr. Noyes's stated intentions to have been on several occasions. Kevin said he believes we should have a motion requiring Mr. Noyes to submit both a project completion report and his final disposition plan with a copy of a written agreement. Kevin added he wanted to make sure that the town was willing to take it and maintain it. Graham asked at what point would the claim be forfeit. Vic said it would be if he violated the statute or regulations, otherwise he could do what he likes after final disposition. Vic again noted Mr. Noyes has continually stated he wanted used for public display and benefit. Graham asked what would happen if he just left it at Lake Champlain Maritime Museum. Vic said he believed that if it were in our possession than Mr. Noyes might deal with the Board's concerns. Vic noted that Mr. Noyes could have requested retrieval of the cannon over a year ago when conservation was completed. He knows what he is suppose to do but given Mr. Noyes personal circumstances, Vic said he had not pressed Mr. Noyes to make his written request. Vic noted that he believed the Board taking possession was their right to do since the permittee is only entitled to a reward and not necessarily the object.

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Gary Murad asked where he found the cannon and its origin. Victor said it was from off Marblehead. He thought it might be British, but he had not seen the conservation report. Graham asked the type of cannon. Victor said he thought it might be a very large swivel gun. He noted it had a "P" proof mark. Mr. Ricardo noted that a similar cannon, a swivel gun roughly 255 pounds, was recovered from the H.M.S. Astrea which blew-up in Portsmouth harbor in 1763.

Kevin Mooney moved that the permittee, Harry Noyes and Gary Gianotti, must submit a written request to the Board and obtain the approval of the Board's staff prior to removing the cannon from the custody of the Lake Champlain Maritime Museum, further they must submit their project completion report in accordance with the Board's regulation, further they must submit a plan for the final disposition of the cannon including any evidence confirming an organization's willingness to display the cannon and under what conditions, and further, these submissions must be received by the Board by September 1, 2014. Dan Sampson seconded. Unanimous vote in favor. So voted.

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

Victor reported that the permit held by the Nipmuc National – Tribal Historic Preservation Office is up for renewal and the renewal application and Annual Reports have been submitted in accordance with the Board's regulations. The Project Director, Cheryl Stedtler, was not able to be in attendance due to family issues, but she expressed to Victor her appreciation for the Board's support. Victor stated he wanted to take this opportunity to again compliment them on the excellent quality of their report. Victor said their plans were coordinate some additional survey work and dive this summer, including the steam launch and to confirm if anomalies were dugout canoes.

There was no further discussion.

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

**G. Restoration Project**

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. was not be present today. The Project Archaeologist, David Robinson, has confirmed he will continue in that capacity. They hope to dive some of the previously identified anomalies in the near future.

There was no further discussion.

Graham McKay moved to renew Reconnaissance Permit (10-001) held by the Restoration Project, Inc. for its Willis Pond Sudbury site with all standard conditions in effect. Gary Murad seconded. Unanimous vote in favor. So voted.

**8. NEW BUSINESS (continued)**

**B. HRA Gray & Pape**

Victor reported that HRA Gray & Pape had submitted a Special Use Permit application for the Algonquin Gas Transmission Salem Lateral Project in Beverly and Salem. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 28 March 2014. Jonathan Patton confirmed that HRA Gray & Pape had submitted their research design and methodology to the State Historic Preservation Office (SHPO) for review and approval. There was no further discussion.

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Kevin Mooney moved to grant HRA Gray & Pape a Special Use Permit (14-002) for the Algonquin Gas Transmission Salem Lateral Project for marine archaeological survey for the area as detailed on the map figures accompanying the application with all standard conditions in effect and the further condition that HRA Gray & Pape submit its research design and methodology to the State Historic Preservation Office (SHPO) for review. Jonathan Patton seconded. Unanimous vote in favor. So voted.

**C. Dale C. Lynch – Isolated Find Exception**

Victor reported that he had been contacted Dale Lynch of Cuttyhunk Island regarding a beach find. Mr. Lynch had recovered several pieces of logwood cargo from Ebony Beach on Cuttyhunk. There were at least four vessels reportedly lost off this location carrying logwood cargo. The precise location and condition of these wreck sites is unknown and recovered materials cannot be reasonably sourced to any vessel. The logwood remains are outside any archaeological context. Given the type of objects and the circumstances of the recovery, Victor did not believe they constitute an archaeological site.

Kevin Mooney moved to waive jurisdiction over isolated find number 2014-IF-0002 from waters off Cuttyhunk Island, Gosnold, and relinquish all rights, title and interest to the Dale Lynch. Dan Sampson seconded. Unanimous vote in favor. So voted.

**D. Dalton J. Perras – Isolated Find Exception**

Victor reported that he had been contacted Dalton Perras who had recovered what appears to be a possible 18<sup>th</sup> century British Brown Bess musket during a private beach clean-up in Westport. Mr. Perras could not be in attendance today. Victor noted that while there was British cruising and raiding in Buzzard's Bay, he has not been able to find a possible source action or vessel for this item. Victor noted Mr. Perras has been in contact with several conservators and will likely work with Susanne Grieve at East Carolina University to have it conserve at their facility. Once conserved, he hopes to have it put on public display in Westport. He is very interested in putting it on local display. Kevin noted there were a number of ledge outcrops in this area. The musket was recovered outside an archaeological context. Given the type of object and the circumstances of the recovery, Victor did not believe it constitutes an archaeological site.

Kevin Mooney moved to waive jurisdiction over isolated find number 2014-IF-0004 from waters off Westport and relinquish all rights, title and interest to the. Gary Murad seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to adjourn the meeting at 2:27 PM. Graham McKay seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone  
Director