

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 26 May 2016**

MEMBERS PRESENT: Anthony Abdal-Khabir (Designee of James McGinn, Director of Environmental Law Enforcement)
Michael Driscoll (Designee, Director of DCR Division of Waterways)
Terry French (Designee of John Warner, State Archivist)
Graham McKay (Marine Archaeologist)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Todd Callaghan (Designee of Bruce Carlisle, Director of Coastal Zone Management)
Miles Shugar (Designee of Brona Simon, State Archaeologist)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
Michael Driscoll (Designee, Director of DCR Division of Waterways)
Gary Murad (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 26 May 2016 in the CZM Conference Room at 251 Causeway Street in Boston.

Vic introduced Captain Anthony Abdal-Khabir of the Massachusetts Environmental Police and Miles Shugar of the Massachusetts Historical Commission. Anthony was replacing Roger Thurlow who recently retired. Miles was serving as an alternate for Lenny Loparto when he cannot make Board meetings. He noted that Todd Callaghan was sitting in for Dan Sampson, who is currently out on paternity leave. He also noted that Michael Driscoll was replacing Kevin Mooney.

1. MINUTES

A. Minutes of 31 March 2016

Vic asked the Board if there were any comments or corrections to the minutes of the public meeting held on 31 March 2016. There were no comments or corrections to the minutes.

Terry French moved to accept the minutes of the 31 March 2016 public meeting. Anthony Abdal-Khabir seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Vic stated that as chair he would be changing the order of business at this point and move directly to Old Business.

2. OLD BUSINESS

A. Victor Ricardo

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

Mr. Ricardo noted he was currently in a waiting mode with GME [Global Marine Exploration, Inc.]. He reported that on Salisbury Beach, near Access Road #7, wreckage came ashore suggesting a shipwreck nearby. He passed around photograph of the wreck. He noted that it is currently being

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stored behind the maintenance facility at Salisbury Beach State Reservation. Vic Mastone noted that Graham McKay and he participated in the relocation of these hull sections to that area.

Mr. Ricardo stated GME is based out of Tampa Florida and has 7 large vessels ranging from 60 feet to over 100 feet, 36 divers, etc. He was promised they would be up last September to undertake a survey of his site. Unfortunately, they have a contract with NASA to locate booster rockets from the Shuttle Missions. As they were searching for these, they discovered 4 French frigates from 1565 and are currently working on that project. He is hopeful they can conduct a survey soon. They have assured him they still wanted to work with him. If they undertake the survey, he will come to the Board and request that GEM become a partner with him on the permit. The proposed deal is predicated on locating at least two wreck sites during the survey, then GME would like to enter into a partnership.

Mr. Ricardo believes there are at least 16 shipwrecks in his area. The reason for all the wrecking events is Breaking Rocks. He believes one vessel is the *Marblehead* and another vessel indicated by wreckage discussed above. Along the state line years ago, a diver with a metal detector located a section of large anchor chain in which he could reach his arm through the link. Additionally, Klein Associates tests their side scan sonar in the area off Salisbury Beach and they reported locating at least 16 shipwrecks. At low tide, Breaking Rocks comes up to 3 feet below surface. Klein believes one wreck to be the 300 ton *St. George*. He has added Michael Margolis, who has a mooring business, as a diver on his team. An old time fisherman told him their nets used to get hooked on a large anchor in that area. There were allegedly three cannons next to the anchor. He hopes to relocate the chain and anchor. He speculated this might be the *St. George*.

Vic Mastone reminded Mr. Ricardo, in terms of entering into a relationship with GME, the Board would need to review and approve before Mr. Ricardo signed it. A permittee can subcontract all or part of their rights, but they would still be named on the permit and would be the responsible party. Mr. Ricardo responded that he understands. He wants the survey done first and for GME to provide copies for him and the Board, even if they are not interested in working with him.

Vic Mastone said that it sounded that Mr. Ricardo has made some progress. He asked Mr. Ricardo if Klein Associates had shared actual data or just told him about finding 16 shipwrecks in that area. He was shown the locations, but not given the information. Mr. Ricardo also noted that Winn Rich located 96 magnetometer targets when he surveyed the site. A follow-up magnetometer survey by John Fish and confirmed that targets. There was no further discussion.

Graham McKay 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. Miles Shugar seconded. Unanimous vote in favor. So voted.

B. Nicholas Snyder

Vic reported the Nicholas Snyder had previously requested an extension of his excavation permit until today's meeting. He had needed additional time to complete and submit his excavation permit renewal application and annual report. Mr. Snyder could not be present today, but has asked Gary Esper to represent his request.

Gary hand delivered Mr. Snyder's permit renewal application and Annual Report. He stated they been collaborating on their projects. He stated that Nick had asked him to serve as Nick's Project Director. Anthony asked what site this is. Vic said it was an unknown vessel off Brace's Cove and the permit area runs a mile north and a mile off shore from there. Anthony asked what type of permit. Vic said it was an excavation permit, and he has received the confirmation letter from the conservator and was waiting for one from the archaeologist. Gary said he would remind Bob Cembrola to submit his confirmation. There was no further discussion.

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Miles Shugar moved to extend the expiration date of Excavation Permit No. 11-002 held Nicholas Snyder for his Gloucester site until 29 September 2016, with all standard and special conditions remaining in effect. Terry French seconded. Unanimous vote in favor. So voted.

C. Nipmuc National – Tribal Historic Preservation Office

Vic reported that the permit held by the Nipmuc National – Tribal Historic Preservation Office is up for renewal at today's meeting. The renewal application and Annual Reports have been submitted in accordance with the Board's regulations. The Project Director, Cheryl Stedtler, was in attendance to represent the application. Vic stated he wanted to take this opportunity to again compliment them on the excellent quality of their report. He also noted he spoke with David Robinson this morning and he confirmed he was continuing as Project Archaeologist.

Cheryl noted that now that the Route 9 [Ken Burns] Bridge work is completed, the water turbidity should lessen. She reported they have several opportunities for ROV survey and documentation. There is a local resident doing ROV survey on the lake for environmental purposes. Vic noted he has been observed and reported to the Board. She was concerned he might get too close to the sites; he has videoed #3 and knows the locations of #1 and #2. She has brought him into her project and noted that he believes he may have seen others. She asked for guidance to give him. Vic said the Board would prefer he avoid these known sites, but depending on visibility and currents, he should maintain at least three foot distance. Anthony noted he would not be surprised if he was not already known to MEP. Vic said he was alerted to him by DCR. Cheryl said he was known to the police because he had located a car in the lake. He also knows where the steam launch is as well. Vic suggested to Cheryl to have him document other sites and tell him the position information is important. Without good positioning data, the information has lesser value. Vic continued it was good to have someone who is local interested and involved in the project.

Cheryl noted her concern that resources might located outside their current permit area, north of the Route 9 Bridge. She asked the Board if it would consider modifying their permit boundaries to include the entire lake. Vic said it makes sense to treat the permit area and body of water as one unified area. He noted it would be permissible for the permittee to make this as a verbal request. Cheryl said she was now formally making that request. Graham asked what were the current boundaries. Vic said the southern 2/3 of the lake. Cheryl showed Graham a map and pointed to the location of past finds. Anthony asked if there was additional bridge work planned for around the abutments. Vic said it has all been surveyed under a Special Use Permit [10-008 and 12-002]. Anthony asked if they were any found in the sand bars to either side. Vic said that MassDOT had not planned removal of bottom. Anthony asked if there had been any communication with the Lake Commission. Vic said he had made a presentation to them and Cheryl noted they had come out and worked with her. Anthony said they have been some navigational issues associated with run-off creating one of the sand bars. Vic said he had not heard anything, but it might be that they have not gotten to the permitting stage for its removal.

Vic reminded the Board it has traditionally treated this permit a little differently because we are doing it as a sister agency sitting on the Commission of Indian Affairs. As a result, the Board has worked directly with the permittee. Anthony expressed some concerns that ROV operating is working with other public safety agencies and they are providing information on sites. Cheryl said he was trying to create an environmental not-for-profit group to clean up the lake; she believe he just met with the Lake Commission this past week. She cautioned him to stay away from the sites and not show them to folks because you just do not know the intentions of other people. He has signed a non-disclosure with them.

Discussion turned to the need to have meeting of the interested parties, such as the Lake Commission. Anthony noted MEP sits on the Commission. He said the locations should not be disclosed. Anthony, Cheryl, and Vic will coordinate a future meeting.

Graham asked that in granting the permit expansion would this exclude others from getting a permit for the northern portion. Vic said yes, but we must consider that the current permit has its buffer

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zone extending a .2 nautical mile into the northern portion and any new permit would also need a similar buffer zone effectively eliminating the northern part of the lake.

Graham asked about their long-term plans. Cheryl said the recovery, conservation and display of at least one of the canoes, probably #1 or #2. If that is not possible, then they need to figure out some sort of protection. Anthony asked if they were still working federal recognition. Cheryl said the concern was really bringing everyone back together. Terry asked the size of the Nipmuc Community. Cheryl said about 5,000 people, but they were spread out. For example, she is from New Jersey. She estimated about 1,000 in the Worcester area, but there are large groups in western Massachusetts and Connecticut.

There was no further discussion.

Terry French moved to modify the boundaries of the Reconnaissance Permit 01-001 held by the Nipmuc Nation Tribal Historic Preservation Office to be expanded to include the area north of the Route 9 Burns Bridge as well as the area previously granted south for Lake Quinsigamond in Shrewsbury and Worcester. Jonathon Patton seconded. Unanimous vote in favor. So voted.

Graham McKay 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. Jonathon Patton seconded. Unanimous vote in favor. So voted.

D. 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 present today. 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. Terry French seconded. Unanimous vote in favor. So voted.

E. Designation of the Bark *White Squall* as an Underwater Archaeological Resources.

Victor reported that a Special Meeting was held on March 31, 2016, to receive verbal and written testimony regarding the nomination of the site of the *White Squall* as the Board's first underwater archaeological preserve. He stated that no one attended that meeting to present testimony. He noted during the comment period which closed on April 29, 2016, the Board had received only four comments. They were all emails and all in support of the designation. He worked with the MCZM GIS staff to develop boundaries. Based on the Board's 1,000 foot desktop survey recommendations for avoidance, he asked them to plot a 1,000 foot boundary extending out from the known locations of the bow and stern of the vessel.

Graham McKay moved to designate the shipwreck site of the iron bark *White Squall* off Wellfleet as an underwater archaeological preserve. Terry French seconded. Unanimous vote in favor. So voted.

3. NEW BUSINESS

A. Stellwagen Bank National Marine Sanctuary

Victor reported that the Stellwagen Bank National Marine Sanctuary had submitted a Special Use Permit application for marine archaeological site examination of a shipwreck in state waters off Gloucester. Matthew Lawrence will serve as Project Archaeologist. As stated in the application, they chanced upon wreckage in Massachusetts waters while doing sonar survey. It appeared to be a vessel broken in two parts. They were searching for two 4-masted schooners, *CW Church* (1889) and *William*

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Johnson (1898), with the loss of 20 men. The Sanctuary plans to conduct diver survey of the site to document it and determine if it is either vessel.

Miles Shugar moved to grant Special Use Permit No. 16-001 to the Stellwagen Bank National Marine Sanctuary in Gloucester for the area (as specified in the application) with all standard conditions in effect and the further condition Stellwagen Bank National Marine Sanctuary submit its research design and methodology to the State Historic Preservation Office (SHPO) for review. Graham McKay seconded. Unanimous vote in favor. So voted.

B. Underwater Maritime Acquisitions - Reconnaissance Permit – Truro/Wellfleet

Vic reported that Underwater Maritime Acquisitions, LLC, had submitted an application for a reconnaissance permit off Truro and Wellfleet. Their initial application was determined to be incomplete. They subsequently filed supplemental information making the application technically complete. While complete, Vic stated there were two issues he asked them to clarify. These were the size/boundaries of the permit area being requested and the nature of their demonstrable proof.

With respect size of the permit area, they requested an area whose size exceeds the Board's maximum size limits. It appears to be more than double the 1 nautical mile square limit. Additionally, its buffer zone would intrude into the newly established Underwater Archaeological Preserve and the area/buffer zone associated with the Whydah shipwreck site. A rough plotting of their requested permit area places it within both areas. They would need to submit a permit area boundary where its associated buffer zone did not intrude into the Preserve or the buffer zone associated with the Whydah site. They have not provided alternative permit boundaries.

Vic said that while they stated in their application locating acoustic and magnetic anomalies in that area, they have not disclosed those precise locations or their acoustic and magnet records. He has asked them to provide additional detailed acoustic and magnet records to show the location of the targets. They have not been provided to the Board. Vic stated he had found the application to be complete based on anticipation of receiving that anomaly data. Absent that information, Vic was not certain their application contained the requisite evidence of demonstrable proof.

Further, it is a standing policy of the Board during the initial consideration of a reconnaissance or excavation permit applications that the applicant or their representative be in attendance at that meeting. No one is in attendance to represent the applicant.

Vic recommended the Board consider tabling the application rather than deny the application. The Board's next scheduled meeting is September 29, 2016, though the Board could hold a special meeting before then. He has asked them to provide the locations and the records. The Board could use that information to develop a permit boundary. Terry noted the September meeting would provide them sufficient time to produce that information and attend a meeting. Vic said he found it interest they had been surveying in Mr. Snow's area last summer. Mr. Snow had occasionally called to say boats were observed surveying in his area. That happens and is not precluded [collecting would be prohibited]. They had provided examples of their anomaly records. However, these were not from the area being requested, but from the area off Mr. Snyder's permit.

Graham asked if Vic were familiar with the applicants. Vic said they attended the March Board meeting to observe and had come by to chat with him. They had asked for a list of permittees to offer their services. They have had some dealings with Mr. Esper. At the March meeting, they did not mention to Vic that they intended to apply for a permit. He had noted to them with initial finding their application incomplete that it would have been helpful to them to have informed him of their intent when they met and he could have offered guidance which may have avoided these application issues. Vic speculated that they may not have understood the process of needing proof first and were more likely used to dealing in situations where you can get a permit and search, and then offer proof. Jonathan noted some of what they proposed looked more like excavation than reconnaissance. Vic said he would recommend a motion to table essentially because of inadequate information.

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Terry French moved to table consideration of the reconnaissance permit application submitted by Underwater Maritime Acquisitions, LLC, for its Truro/Wellfleet site due to inadequate information until the next Board meeting scheduled for September 29, 2016. Jonathon Patton seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Victor stated that as chair he would be changing the order of business at this point and move to Director's Report, Board Member Reports and Public Engagement Activities.

4. DIRECTOR'S REPORT

A. Field Investigations

(1) Crane Estate

Victor said he had recently lectured the students in Dr. Michelle Damian's Introduction to Maritime Archaeology course at Harvard University. As part of that course, Dr. Damian and her students participated in further field investigations of the *Ada K Damon* shipwreck at the Crane Estate in Ipswich. This fieldwork provided them with a hands-on experience. It was conducted on Saturday, 2 April 2016. Victor noted the site had recently become exposed and he hoped to document more of the site. However, they turned their attention to documenting a disarticulated stem from another unidentified vessel.

(2) Seaport District Shipwreck

Victor reported that a shipwreck site was uncovered during site preparation activities at 121 Seaport Boulevard in Boston's Seaport District. Joe Bagley, Jonathan Patton, and staff from the Public Archaeology Lab (PAL) were there on Wednesday through Friday documenting the site. Skanska is a great corporate responsible partner. As soon as they determined they uncovered a site, they immediately contracted PAL and contacted Joe. Joe contacted MHC and BUAR. We assembled yesterday morning to work out the appropriate documentation strategy. Being terrestrial, the site is outside BUAR jurisdiction. The area had already been cleared under environmental compliance reviews. It is likely a lime schooner that burned and was abandoned at that location.

B. Intern

Victor reported that MCZM would be receiving additional uncommitted funds into their federal grant and decided to allocate \$10,000 to the Board. The funds are designated for a paid intern to support the Board's work in enhancing its site files into a geo-referenced database as part of the ocean resources component of the Massachusetts Ocean Plan. He and Dan Sampson met with faculty in the Geography Department at Salem State University to enter an ISA for these student services.

5. BOARD MEMBER REPORTS

There were no Board member reports.

6. PUBLIC ENGAGEMENT ACTIVITIES

A. Bay State Council of Divers

Victor stated he attended a meeting of the Bay State Council of Divers (BSC) on the nights April 20 and May 25 at the South Shore Neptunes Club House in Quincy. The focus of the meetings was on shoreline access issues and building awareness to this problem.

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B. NASOH Conference

Vic reported that he was the program chair of the annual conference for the North American Society for Oceanic History. This conference was a joint meeting with the North Atlantic Fisheries History Association, the Society for the History of Navy Medicine, and the Naval Historical Foundation. He attended the annual conference from May 11-15, 2016 in Portland, ME. The conference theme was "*Periculum maris spes lucri superat*. Fisheries, Trade, Defense and the North Atlantic World", but included papers from other regions as well. He gave a paper on the Battle of Chelsea Creek (1775). Victor noted he used personal funds to attend the conference.

C. Neighborhood Of Affordable Housing Regatta

Vic reported that he would be giving a lecture on the Battle of Chelsea Creek in East Boston on Friday evening, May 27. The lecture was sponsored by NOAH (Neighborhood of Affordable Housing). It was intended to kick-off their 2nd Annual Regatta. Location for the lecture is the Maverick Market Place on Maverick Street.

D. Paul Revere Elementary School

Vic reported that he would be giving a lecture on the Battle of Chelsea Creek to the 5th grade class at the Paul Revere Elementary School in Revere on June 9.

E. South Asian Archaeological Association

Vic reported the Society for East Asian Archaeology would be meeting in Boston in June. They were planning some post-conference tours and asked if they could visit a shipwreck site. Vic agreed to conduct an interpretive tour of the *Ada K Damon* site at the Crane Estate in Ipswich on June 17. He anticipated about 10 people on the tour.

F. Boston Public Schools Summer Program

Vic reported that he was contacted by Dr. Christine Panarese about conducting a program for the City of Boston Public School's special education summer school. They will be meeting soon to discuss program elements and times. They would like up to nine programs. Vic said he was not sure he could provide 9 programs during the short summer season.

G. Salem State University Summer Institute - Maritime Archaeology of the North Shore

Victor reported he will again be co-leading a SSU summer institute (workshop) during the week of July 25-29, 2016 with Dr. Calvin Mires and Captain Laurel Seaborn, both of the Seafaring Education and Maritime Archaeological Heritage Program. Victor noted he will use vacation leave. Participants will receive three undergraduate credit hours from Salem State University and a certificate from the Nautical Archaeology Society. This course will use one or two shipwreck sites on the North Shore with beach access. It is intended to be a starting point for training citizen scientist volunteers. Several students from last summer's field school have been assisting Victor with field investigations this past year.

Miles Shugar moved to adjourn the meeting at 2:37 PM. Anthony Abdal-Khabir seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director