

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007**

MEMBERS PRESENT: Kathleen Dolan (Designee of James Hanlon, Director of Environmental Law Enforcement)
Terry French (Designee of John Warner, State Archivist)
John Hoagland (Dive Community Representative)
Martha King, Director of DCR Division of Waterways
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Joe Pelczarski (Designee of Leslie-Ann McGee, Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)
David Trubey, Deputy Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
Brendan Foley (Marine Archaeologist)

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 November 2007 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 31 May 2007

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 31 May 2007. There were no comments or corrections to the minutes.

Terry French moved to accept the minutes of the 31 May 2007 public meeting. Lenny Loparto seconded. So voted.

2. DIRECTOR'S REPORT

A. Elections of Board Officers

Victor stated that the Board annually elects its two officers, Director and Deputy Director. In 2007, Victor Mastone served as Director and David Trubey served as Deputy Director. Victor reminded the Board that it could nominate whoever it would like, but suggested that the Board keep with past practice and consider nominating its staff for these positions to facilitate administration. Victor asked the Board members for nominations.

Joe Pelczarski nominated Victor Mastone for the position of Director. John Hoagland seconded the nomination.

Joe Pelczarski nominated David Trubey for the position of Deputy Director. John Hoagland seconded the nomination. There were no other nominations.

John Hoagland moved to elect Victor Mastone as Director and David Trubey as Deputy Director of the Board for 2008. Jonathan Patton seconded. Unanimous vote in favor. So voted.

COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007

B. Schedule of Board Meetings for 2008

Victor proposed a continuation of the bi-monthly schedule of regular public meetings in 2008. He noted that this would not preclude the Board from holding additional public meetings if there were a need. In addition, he asked the Board to consider not scheduling meetings in June, July, and August, as it is difficult achieving a quorum in the summer months. Victor proposed scheduling meetings for 31 January, 27 March, 29 May, 25 September and 4 December as the last Thursday of November is Thanksgiving.

Lenny Loparto moved to adopt the dates of 31 January, 27 March, 29 May, 25 September and 4 December as the Board's schedule of public meetings for 2008. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

C. Revisions to regulations

Victor reported that the Board's public hearing concerning amendments to its regulations, 312 CMR 2.00, was held on 26 November 2007 in the CZM Large Conference Room on the 8th floor at 251 Causeway Street in Boston.

In accordance with Executive Order #145 and the Secretary of State's Regulations Manual and 950 CMR 20.00, notice of the public hearing was published in the Massachusetts *Register* (16 November 2007), the *Boston Globe* (2 November 2007), *CZ-Mail* (5 November 2007) and sent to the Local Government Advisory Committee. In addition, notice was transmitted via email to all addresses on BUAR email distribution list for meeting minutes, technical services consultants specializing in underwater archaeological assessments, and managers of underwater archaeological resources in other states.

No individuals appeared at the hearing to present testimony. No written testimony was received at the hearing and it was adjourned at 3:00 P.M.

Victor stated he received only one substantive set of comments via email. The 2-3 other email comments were simply "very good", excellent". He received no negative comments on the proposed amendments. Based on the comments received and a discussion with EEA legal counsel, Victor proposed revisions only to the draft amendments for sections 2.06(2)(d)(3), 2.07(3)(r), and 2.15(3). He does not propose any other changes to draft amendments:

1. Section 2.06 (2)(d)(3). This section was proposed under the amendments as a new section. The proposed revision is more closely reflective of language related to Section 106 of the National Historic Preservation Act. The commenter was looking for consistency. Based on the public comment, I would strike the phrase "*Area of project effect - The area of project*" and replace with "*Project Area of Potential Effect - The project area of potential*".

Initial draft amendment text:

"3. Area of project effect - The area of project effect is the study area as defined for environmental review and public planning purposes, or other scientific purposes. This category is restricted to use solely for special use permits."

Proposed revised draft amendment text:

"3. *Project Area of Potential Effect - The project area of potential* effect is the study area as defined for environmental review and public planning purposes, or other scientific purposes. This category is restricted to use solely for special use permits."

2. Section 2.07(3)(r). This section was proposed under the amendments as a new clause. The intent in clause (p) is insure that applicants desiring ownership of resources are who they say they are and fraudulent. It should not be applied to technical services consultants who would still need to provide the Board with their professional credentials; also, ownership of resources is not an issue. Based on the public comment, I would insert "(p)" after "(n)".

COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007

Initial draft amendment text:

“(r) Provisions (b), (m), (n), and (q) of this section do not apply to special use permit applications.”

Proposed revised draft amendment text:

“(r) Provisions (b), (m), (n), (p) and (q) of this section do not apply to special use permit applications.”

3. Section 2.15(3). This language was proposed under the amendments as a new phrasing of an existing section. You pointed out that it was awkwardly phrased. I concur. Going back to the promulgated text, I propose that after the phrase "In such case" to strike the phrases "*a permit cannot be issued for such site and*". In the same sentence after the phrase "disruption of" strike "*these sites*" and insert the phrase "*underwater archaeological preserve*". Further in the same sentence after the word "except" remove the word "*that*" and insert the phrase "*as specifically provided under a special use permit*" and after the word "*purpose*" to strike "," and replace with "." And, before the phrase "*all materials collected*" insert the phrase "*Any and*".

Initial draft amendment text:

“(3) Underwater Archaeological Preserves. Where, in the Board's judgment, an underwater archaeological resource, because of its substantial archaeological or historical value, is best left the permanent property of the Commonwealth, it may declare the site to be an underwater archaeological preserve. In such case, only a special use permit can ~~shall not~~ be issued for such site and any disruption of these sites is expressly prohibited, except that for historical or scientific purposes, all materials collected will remain the permanent property of the Commonwealth. Notwithstanding the foregoing, the Board recognizes that circumstances may exist which, if deemed compelling, may enable the Board to reconsider such placement.”

Proposed revised draft amendment text:

“(3) Underwater Archaeological Preserves. Where, in the Board's judgment, an underwater archaeological resource, because of its substantial archaeological or historical value, is best left the permanent property of the Commonwealth, it may declare the site to be an underwater archaeological preserve. In such case, any disruption of *an underwater archaeological preserve* is expressly prohibited, except *as specifically provided under a special use permit* for historical or scientific purposes. *Any and* all materials collected will remain the permanent property of the Commonwealth. Notwithstanding the foregoing, the Board recognizes that circumstances may exist which, if deemed compelling, may enable the Board to reconsider such placement.”

Victor asked if there was any Board discussion. Kathy Dolan asked if these proposed changes are the ones the Board considered last year. Victor replied that they are except for the few technical changes he had just recommended. He asked the Board to consider adoption of the proposed amendments as revised today.

Kathy Dolan moved that the Board adopt the proposed amendments to the Board regulations for sections 2.04; 2.05; 2.06, 2.06 (1), (2) and (3); 2.07 (3) and (4); 2.08 (1), (3), (4); 2.09 (1) and (2), 2.11; 2.12 (1) and (2); 2.13; and 2.15 (3) as revised today. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

Victor said the next steps were for him to submit these final changes to EEA and ANF, and then to the Secretary of State's Regulation Division for final promulgation. He anticipated they would be in force well before the end of December.

D. Fieldwork

Victor reported that in addition to project review site visits, the Board's staff had conducted a variety of field projects over the summer and fall.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007**

1. Minot's Ledge Lighthouse Archaeological Project

Victor noted this is an on-going collaborative venture with the USCG and many participants. On site field operations by USCG MSST divers were conducted in June and August. A memorial plaque donated by the Foundation for Coast Guard History was also installed underwater at the site. Bob Michelson, videographer/photographer, has been working on a documentary of the site and the project; we are trying to find sponsors for that product. Materials observed in that area strongly suggest they are from the 1851 lighthouse.

2. Annisquam River Eel Grass Plantings

Victor reported that he and David Trubey worked with CZM marine biologists by inspecting proposed eel grass bed locations at several areas along the Annisquam River. He noted that none of the sites exhibits evidence of submerged cultural resources. Martha King asked if any of the locations were in the dredged channels. Victor replied that all sites were outside of the channels. John Hoagland asked if there has been any determination as to the survival rate of the transplanted grass. Victor stated that the CZM staff inspected the sites for suitability and marked the locations with buoys, but he has not seen any data regarding the results of the project.

3. Merrimack River Lightship

Victor reported that the Board's student/research associate, Graham McKay, completed his master thesis and submitted it to the University of Bristol. Victor and David spent several days over the summer on site assisting Graham. Graham's research indicates the remains of the lightship on the Merrimack River are not of the LV-1, which was the popular belief. The vessel was likely the LV-4 or LV-9.

4. Sandwich Site

Victor reported that he and David Trubey inspected what was described to them as a Native American bridge in Sandwich. The structure resembles the colonial period bridge footings in Essex, but is likely the remains of a colonial sluice gate or wharf, based on the location and historical maps. He noted the site contains a corduroy platform and areas of mortise and tenon construction.

E. Bay State Council of Divers

Victor reported that he attended meetings of the Bay State Council of Divers on June 13, July 25, September 26, and November 28, 2007. A major concern is the on-going issue with Gloucester dive flag ordinance.

F. NOAA Marine Protected Areas Federal Advisory Committee

Victor reminded the Board that he was nominated to NOAA's Marine Protected Areas Federal Advisory Committee. Victor reported he had been invited to attend the committee's fall meeting at the Thunder Bay National Marine Sanctuary in Alpena, MI from October 22-26, 2007. The sanctuary is specifically designated to preserve shipwrecks and is scheduled to be expanded to eight times its current size. The work on the MPA FAC is quite useful in his work with MCZM. He stated he would be formally appointed to this committee next spring and noted all travel expenses associated with this committee are covered by NOAA.

G. Area Committee (Oil Spill Response)

Victor reported he had attended the meeting of the USCG Area Committee on Oil Spill Response on November 27, 2007. He noted that Board members, Joe Pelczarski and Jonathan Patton were also in attendance representing their respective state agencies. Victor added that his presence at the meeting was to make sure the response plan is up to date and that the Board's interests regarding cultural resources are met.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007**

H. Grant Proposals

Victor reported he had been collaborating on several federal grant proposals with both USCG Academy and Umass-Boston.

3. BOARD MEMBER REPORTS

There were no Board member reports.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. 8th Maritime Heritage Conference

Victor reported that he participated in the 8th Maritime Heritage Conference in San Diego, CA, on October 9 – 13, 2006. This conference is held every three years and is quite a diverse gathering of folks interested in all aspects of maritime heritage preservation. Vic was asked by the U.S. Coast Guard Historian's Office to give a presentation on the Minot's Ledge Lighthouse Archaeological Project.

B. Massachusetts Archaeology Month

Victor noted the Board had undertaken two events at new venues for this year's Massachusetts Archaeology Month. Victor reported he was invited to give a presentation at the Marion Natural History Museum on October 18, 2007. His presentation was entitled Massachusetts Submerged History. Vic noted he is now getting accustomed to giving lectures opposite a Red Sox game and having them win. Additionally, the Board held its annual Archaeology Month event on October 20th at the Cape Cod Maritime Museum in Hyannis. This year's event, entitled *What Lies Beneath*, highlighted marine archaeology in New England and included hands-on educational activities for kids, equipment exhibits and presentations by Victor and Matthew Lawrence of the Stellwagen Bank National Marine Sanctuary. The event was co-sponsored by both the Sanctuary and the Cape Cod Maritime Museum. Vic noted he and David had a follow-up meeting with the Cathrine Macort of the Museum to begin planning next fall's event, which might be a maritime archaeological symposium.

C. North Andover Council on Aging

Victor reported he gave a presentation on the Minot's Ledge Lighthouse Archaeological Project at the Men's Breakfast sponsored by the North Andover Council on Aging on November 1, 2007. It was one of their largest crowds at about 50 people.

D. MetroWest Dive Club

Victor reported that both he and Board member Marcie Bilinski, gave talks to the Metrowest Dive Club on November 13, 2007. Vic gave a presentation on the Minot's Ledge Lighthouse Archaeological Project. Marcie has undertaken a project to visit every shipwreck on the Board's List of Exempt Sites. She gave a presentation on that effort and discussed several prospective sites she would like the Board to consider adding to the List. They received quite a bit of positive feedback from the club members relative to assisting the Board in documenting existing and prospective sites. Vic noted that once the Board gets formal proposals, it would then undertake at least a 90 day public comment period in accordance with its regulations 312 CMR 2.15(2).

E. Worcester Chapters of Massachusetts Archaeological Society and Archaeological Institute of America

Victor reported he will be giving a presentation on BUAR's SHIPS (Shoreline Heritage Inventory Partnership Strategy) initiative to the Worcester chapters of the Massachusetts Archaeological Society and the Archaeological Institute of America at 7 PM on December 7, 2007 at Worcester Art Museum.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007**

F. Northeast Chapter of Massachusetts Archaeological Society

Victor reported that Graham McKay will be giving a presentation on his thesis project, the Merrimack River Lightship, to the Northeast Chapter of the Massachusetts Archaeological Society at 7 PM on December 11, 2007 at R.S. Peabody Museum in Andover. Victor encouraged Board members to attend.

5. OLD BUSINESS

A. William Bradbury

Victor reported that Mr. William Bradbury had submitted his Reconnaissance Permit renewal application and Annual Report in accordance with the Board's Regulations. Mr. Bradbury was in attendance to present his application.

Mr. Bradbury reported that his fieldwork efforts have been limited by large amount of sand at his site and the size of his boat. However, he was able to get on site three or four times this past season and continues to correspond with the Netherlands embassy. He was told that someone would get back to him shortly regarding his research request, but he has heard nothing for the better part of a year. Mr. Bradbury added that he is still looking for a reputable, qualified person to take over his project.

John Hoagland moved to renew the Reconnaissance Permit held by Mr. William Bradbury for his Gloucester (Annisquam) site with all standard conditions in effect. Martha King seconded. Unanimous vote in favor. So voted.

B. Joseph Dietlin and Duane J. Rine

Victor reported that Joseph Dietlin and Duane Rine had submitted their Excavation Permit renewal application and Annual Report in accordance with the Board's regulations.

As neither Mr. Dietlin nor Mr. Rine was in attendance, David Trubey summarized the results of their filed season based on information they submitted. David stated that the team excavated a test pit at sector I-10 in August. After more than twenty dives at this location and the use of a Pulse 10 metal detector, no significant cultural material was found. The team would like to continue by excavating sector H-10. If nothing is found in this location, they will continue investigating the source of magnetic anomalies at J-14 and K-14.

Victor stated that although Mr. Dietlin and Mr. Rine put together a nice summary annual report, the project archaeologist, Robert Cembrola, should author a report detailing the results of the field season. He noted that Mr. Dietlin and Mr. Rine have always been very responsive to the Board's requests and work very cautiously.

John Hoagland asked Victor if he would like to see this request as a condition in the renewal motion. Victor replied that it is not necessary to make this a condition of renewal, but that it was up to the Board. Jonathan Patton asked if this requirement should also include a clarification of the lab situation as well. Victor stated that the Board has not yet received clarification on the project's lab situation and that perhaps both requests should be part of any motion for permit renewal.

John Hoagland moved to renew the Excavation Permit (00-003) held by Joseph K. Dietlin and Duane J. Rine for their Salem site with all standard conditions in effect contingent upon receipt of a report of field results from the project archaeologist and an update on the laboratory situation. Jonathan Patton seconded. Unanimous vote in favor. So voted.

C. Gary V. Esper and Alexander G. Bezkorovainy

Victor reported that Gary Esper and Alexander Bezkorovainy had submitted their Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. He reminded the Board that this permit was set to expire in September, but as the meeting was cancelled, it was administratively extended

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007**

until today through the authority vested in the Director. Mr. Esper and Mr. Bezkorovainy were in attendance to present their application.

Mr. Esper reported that over the past year his team excavated test pits among which were found a lead sounding weight, anchors and some ship timbers. All of these materials are documented in their report. Some of the timbers appear to represent a fragment of a hull. The team will not be in the field fulltime again until March and is currently awaiting the results of a recent magnetometer survey. Victor stated that Mr. Esper and Mr. Bezkorovainy have been very communicative with the Board regularly submitting reports, photographs and drawings. He asked Mr. Esper if Chris Macort, who contributed artifact drawings is assisting Robert Cembrola. Mr. Esper replied that Chris is working with Robert and has visited the site with him. Mr. Esper stated that they have not yet found anything conclusive regarding a specific vessel or time period. Mr. Bezkorovainy added that they are not sure if the artifacts they have uncovered are related to each other as the anchors appear to be from different time periods. It is likely that the site contains the remains of more than one vessel. He stated that they are studying the currents in the area to help predict artifact deposition. Victor asked Mr. Esper and Mr. Bezkorovainy if they are charting the areas in which they are searching. Mr. Esper replied that they are and he will include the chart in the next month's report. Victor clarified that the team is not required to file a monthly report when it is not conducting field work such as in the winter months.

Victor asked Mr. Esper and Mr. Bezkorovainy if they have seen many people in their permit area. Mr. Bezkorovainy replied they have seen a lot of lobstermen in the area one of whose relative once found a harpoon near Halfway Rock. Victor stated that they should try and maintain a good relationship with the fishermen of the area as they can often provide valuable data.

Joe Pelczarski moved to renew (retroactive to 25 September 2007) the Excavation Permit (06-002) held by Gary V. Esper and Alexander G. Bezkorovainy for their Salem Sound site with all standard conditions in effect. Terry French seconded. Unanimous vote in favor. So voted.

D. Neil Good

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

Mr. Good presented the Board with slides that were part of a presentation he gave to the New York Map Society in October. One slide was of "A New Chart of the Sea Coast of Newfoundland, New Scotland, New England, New Jersey, Virginia, Maryland, Pennsylvania, and part of Carolina" produced by Samuel Thornton circa 1702-1707. Mr. Good explained that the chart depicts a wide area of the North American coastline that most researchers, past and present, have proposed as the Norsemen's "Vinland." However, he pointed out that the only offshore areas depicted on this chart as "dry at low tide" and thus corresponding with the descriptions contained in the *Greenlander's Saga* are those in Nantucket Sound.

Mr. Good reported that he visited the library of Radcliffe College to study the papers of Elizabeth Reynard who published a book on Cape Cod folklore in the 1930. Mr. Good stated that the papers describe a Native American legend concerning a conflict between the Mashpee Indians and a group of outsiders called "the little people." The information comes from letters written by Chief Wildhorse to Reynard in the 1930s. According to Mr. Good, this addresses the question of many that if the Norsemen truly came to New England, why does their visit not show up in Native American folklore? Lenny Loparto asked Mr. Good if "the little people" described in the legend were supposed to be the Norsemen. Mr. Good replied that he believes a case can be made that the "little people" represent the Norsemen. He added that the conclusion of the *Greenlander's Saga* describes how the Norsemen sailed north along the shore or coast and came across five Native Americans asleep on the beach. The Norsemen believed the Native Americans were spies and killed them. According to Mr. Good, there is a corresponding legend among the Mashpee Indians that describes how the giant tribal leader set out to rid the Cape of the Norsemen with his five sons and how these five sons were attacked on the beach by the Norsemen and poisoned with darts. Mr. Good admitted that there is much research to do on this interpretation, but he was very excited to find something of this nature among Native American folklore.

Concerning potential fieldwork for the coming year, Mr. Good stated that he is looking into the possibility of purchasing a magnetometer and conducting his own survey of Waquoit Bay as opposed to depending on other

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007**

people. Victor cautioned Mr. Good that conducting a useful and accurate survey involves more than having the equipment. It involves having the expertise to set up the survey and interpret the data. Mr. Good acknowledged Victor's point. Victor asked Mr. Good if he could submit to the Board a summary of the Native American legend research that he just discussed. Mr. Good stated that he would.

Kathleen Dolan moved to grant renewal of the Reconnaissance Permit (00-002) held by Neil Good for his East Falmouth/Mashpee site with all standard conditions in effect and the further condition that the permittee

coordinate his activities with the Department of Conservation and Recreation (DCR) staff at the Waquoit Bay National Estuarine Research Reserve, maintain regular communication with the DCR archaeologist, DCR Areas of Critical Environmental Concern (ACEC) Program, the Mashpee Tribal Council and the Tribal Historic Preservation Officer for the Wampanoag Tribe of Gay Head (Aquinnah). Martha King seconded. Unanimous vote in favor. So voted.

E. Underwater Discoveries Unlimited

Victor reported that Underwater Discoveries Unlimited (UDU) had submitted its Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. Oscar Snow was in attendance to present UDU's application.

Mr. Snow reported that he purchased and outfitted a new work vessel. The new vessel, a forty-two foot Provincial, has been modified to make it less top heavy, has been rewired and completely equipped with a proton magnetometer and prop wash deflector. It will be ready to sail in the spring of 2008. Mr. Snow noted that he has the same archaeologist and divers as last year and will be sure to contact the National Park Service and the Town of Wellfleet when he resumes fieldwork. Victor asked Mr. Snow when he will out to the site again. Mr. Snow replied that the boat should be ready by sometime in March, but it will probably be April when he gets on site. On days the he cannot work on the *White Squall* site due to sea conditions, he will conduct magnetometer work at UDU's other permit location. He added that he has some concern regarding the accuracy of data collected during a previous survey.

Joe Pelczarski asked Mr. Snow if he plans on changing the name of his boat. Mr. Snow replied the name will be changed. He added that the boat was built in Canada and is extremely heavy duty with a 300 horse power CAT diesel engine.

Joe Pelczarski moved to renew the Excavation Permit (06-003) held by Underwater Discoveries Unlimited for the *White Squall* site in Wellfleet with all standard conditions in effect and the further conditions that all excavation activities be conducted under the direct supervision of the project archaeologist and in accordance with the submitted work plan, and that UDU coordinates all field activities with the staff of the Cape Cod National Seashore. John Hoagland seconded. Unanimous vote in favor. So voted.

F. Bassings Cove Maritime Association

Tom Mulloy of Bassings Cove Maritime Association was in attendance to report on the status of BCMA's project in Scituate. Mr. Mulloy informed the Board that his organization had a couple of setbacks this year. First, sand has buried the entire site except for the main conglomerate. As their permit only allows for removal of conglomerate fragments, BCMA is waiting for a winter storm to move the sand away from the site. Second, BCMA lost the use of the town building which served as the conservation laboratory and education area. The organization will be moving its conservation activity to the Scituate Maritime and Irish Mossing Museum. The move will actually be beneficial as the activity fits well with the museum's education mission and will allow students working on the conservation the opportunity to see the conserved artifacts on display.

G. James Karos

Jim Karos was in attendance and reported that his shipwreck photo mosaic and the article he wrote describing the project is going to be published by the Maritime Archaeological Historical Society (MAHS) in their spring newsletter. He noted that access to the site has been very limited by the property owners over the past months, but he is still hoping to acquire additional data. For now, he is pleased with the accomplishment of getting

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007**

his article published. Victor added that MAHS is very interested in the process by which Jim produced the image and that this interest was the hook to publish the article.

6. NEW BUSINESS

A. Historical Maritime Group of New England

Victor reported that he would like to keep this agenda item tabled until the January meeting. He has not spoken directly with Cheryl Andrews-Maltais, Tribal Historic Preservation Officer for the Wamponoag Tribe of Gay Head (Aquinnah). He stated they have been playing telephone tag for several months. In her last message, she said she would be sending a written comment, but the Board has not yet received it. Absent this or direct conversation, Victor did not believe consultation was complete. The applicant has agreed to leave their request tabled for now.

B. Kenneth J. Medeiros

Victor reported the Kenneth Medeiros had submitted a Reconnaissance Permit application in accordance with the Board's regulations for an area off Duxbury Beach adjacent to which he found historic buttons in 1992. The application appears to be complete. Victor reminded the Board that Mr. Medeiros was granted an Isolated Find permit for the buttons in 2004. Mr. Medeiros was in attendance to present the application.

Mr. Medeiros recalled to the Board how he first came upon the buttons when he was re-establishing Duxbury beach for the Army Corps of Engineers following the No Name storm of 1991. He believes the storm forced a container of buttons from offshore onto the beach. Since he came before the Board in 2004, Victor and David have photographed all of the buttons and sent the photographs to numerous colleagues. One of the buttons located on the beach is identical to one at the Peabody-Essex Museum that was discovered in a river bank in Pennsylvania and dates from 1775-1783. Mr. Medeiros stated that based on the results of a recent magnetometer survey undertaken by American Underwater Search and Survey, he believes the source of these buttons might be offshore and is therefore seeking a reconnaissance permit for the area. He has obtained the use of a forty-eight foot vessel and is prepared to investigate a number of magnetic anomalies that were located during the survey which covered approximately five acres of seafloor.

Victor asked Mr. Medeiros why they did not survey seaward of the ledge off which he believes the buttons originated. Mr. Medeiros replied that the survey area was a starting point based on the currents during the storm and the subsequent location of the buttons. Victor suggested that Mr. Medeiros and his team might want to survey the seaward side of the ledge at some point and reminded him that the reconnaissance permit does not allow for any excavation or artifact recovery. Mr. Medeiros replied that his team is very aware of the limitations of the permit and the how the Board operates. Lenny Loparto asked if the survey area includes the beach. Mr. Medeiros responded that all work will be conducted offshore. Victor stated that there was some confusion because the survey chart shows the beach in addition to the area below mean low water. He reminded Mr. Medeiros that the Board's jurisdiction does not cover the beach. Mr. Medeiros replied that the chart includes the areas of the beach that he searched in 1992. He stressed that there is no reason to include the beach in their search. Jonathan Patton asked Lenny Loparto if there are any site forms filed for the beach area. Lenny replied that to his knowledge there are none.

Lenny stated the only reason he brought up the issue of the beach is that when the Board considered the buttons as an isolated find, it was determined that there was no context or research potential for these artifacts. Now, it does not seem to be working out this way. He added that for the sake of the Board's previous decision to consider the buttons as an isolated find, he hopes there is no shipwreck out there. Victor replied that once the buttons reached the beach, they no longer had any context. Lenny stated that if there was a concentration of buttons on the beach, even disturbed, that leads to a shipwreck offshore, that to him would constitute a research context. Victor replied that any isolated find came from some place and unfortunately, the Board does not have the wherewithal to go back and determine its origin. He noted that this particular case is unusual in that there was such a large collection of material without context. His sense is that the magnetic anomalies Mr. Medeiros detected are not related to the buttons. If there is a shipwreck in the area, it is likely on the other side of the ledge. Victor stated that preliminary research suggests the buttons are not from one garment and could simply

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 NOVEMBER 2007**

have been from a bag of buttons that washed up on shore. Lenny stated that he considers this situation similar to that of a plow zone site as it is a totally disturbed context but still research potential. Victor replied that he does not consider the buttons' context as disturbed but rather non existent. Lenny stated that his concern is that if a shipwreck is discovered directly off the beach from where the buttons were found, the Board would have to

reconsider its policy regarding isolated finds. Victor recognized Lenny's concern as well founded but stated that a similar situation is occurring at Salisbury Beach where people frequently find coins that likely have a site context offshore. Except for providing a suggestive temporal value for that site, the coins provide no physical context for interpretation. He added that he would prefer not to get into a theoretical discussion at this time but would rather ensure that Mr. Medeiros will be operating within the jurisdiction held exclusively by the Board and this now appears to be the case. Lenny replied that he understands Victor's point but thinks the question of how isolated finds relate to context and research potential is something the Board should consider in the future. Victor recognized Lenny's point and added that he made it clear early in the application process that Mr. Medeiros could not use the buttons as demonstrable proof of a resource for this application because they were considered by the Board as an isolated find. Mr. Medeiros is offering the magnetic anomalies as demonstrable proof of a potential archaeological resource.

Jonathan Patton asked Victor if he could get copies of the photographs of the buttons. Victor replied that he will send him a CD containing the images. Lenny Loparto asked Victor if Jim Bradley has seen the photographs. Victor replied that he had not thought to send the images to him, but did send them to Lawrence Babbitts at East Carolina University and John de Bry at the Center for Historical Archaeology. Victor noted that their feeling is the buttons are of a French design.

Mr. Medeiros concluded that he thinks the project is worthwhile and he is trying to do the right thing by coming before the Board. Victor stated that he appreciates the cooperation Mr. Medeiros has shown the Board from the time he first presented the buttons.

Terry French moved to grant a Reconnaissance Permit (07-003) to Kenneth J. Medeiros for his Duxbury site with all standard conditions in effect. John Hoagland seconded. Unanimous vote in favor. So voted.

Lenny Loparto moved to adjourn the meeting at 2:47 PM. Jonathan Patton seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director