

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 26 OCTOBER 2006**

MEMBERS PRESENT: Marcie Bilinski (Dive Community Representative)
Kathleen Dolan (Designee of James Hanlon, Director of Environmental Law Enforcement)
Brendan Foley (Marine Archaeologist)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Martha King (Director of DCR Division of Waterways)
Joseph Pelczarski (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: Ed Bell (Designee of Brona Simon, Acting Executive Director of the Massachusetts Historical Commission)
John Hoagland (Dive Community Representative)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone at 1:37 PM on 26 October 2006 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 28 September 2006

Victor stated that the minutes of the public meeting of 28 September 2006 and today's meeting will be ready for review prior to the November meeting.

CHANGE IN THE ORDER OF BUSINESS – Victor changed the order of business by moving directly to **NEW BUSINESS**

6. NEW BUSINESS

A. Underwater Discoveries Unlimited

Victor reported that due to an administrative oversight, the excavation permit held by Underwater Discoveries Unlimited (UDU) was not considered for renewal at Board's last meeting of 28 September 2006. As a courtesy to permittees, David regularly prepares expiration notices, which are typically sent out 6 to 8 weeks prior to the expiration of a permit. With the change in UDU's original permit status and the addition of a second permit, neither David nor Mr. Snow realized that the excavation permit was set to expire. As a result, permit number 005-001 expired on 1 September. In order to continue with its *White Squall* project, it is necessary for UDU to apply for a new excavation permit. In an effort to prevent this situation from occurring in the future, David has implemented a new permit tracking system.

Victor reported that UDU has submitted a new excavation permit application in accordance with the Board's regulations. The application appears to be complete. Mr. Snow and Barbara Kranichfeld, UDU's project archaeologist, were in attendance to represent UDU's application.

Mr. Snow reported that since he came before the Board last year, the building which had housed the UDU land-based laboratory was condemned due to structural failures with the roof. UDU spent several weeks searching for a new location for its laboratory, which it has now successfully secured. He reported that his nephew sold the boat that was to be UDU's work vessel, but that he (Mr. Snow) will be procuring his own boat this winter. He noted that his nephew is no

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longer with UDU. In the meantime, Mr. Snow has chartered a vessel and plans to go to the site this month and take underwater photos of the wreck, which will be submitted to the Board. He reported that UDU is developing a website documenting the project. He stated that things seem to be going along fairly well now that he has taken over the operation and does not have to worry about other people's involvement.

Lenny Loparto pointed out to Mr. Snow that exhibit E5 of his application packet should be revised to list the State Police as the first contact in the event that human remains are discovered during the course of the project. Victor informed Mr. Snow that since his last permit renewal, the Board has adopted a formal protocol regarding the discovery of human remains and that he would make sure that UDU gets a copy of the document detailing the procedures. Mr. Snow acknowledged Lenny and Victor's comments. Lenny added that UDU's plan to develop a website is an excellent idea.

Joseph Pelczarski moved to grant Underwater Discoveries Unlimited an Excavation Permit (06-003) 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. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. Archaeology Month 2006

Victor reported that the Board's Archaeology Month event at the Custom House Maritime Museum in Newburyport was held on 14 October. Co-sponsored by the Newburyport Maritime Society, the event highlighted the technology utilized by marine archaeologists to locate and study shipwrecks and other sites. The program featured educational activities for kids, including a simulated shipwreck excavation, and an extensive exhibit by the Stellwagen Bank National Marine Sanctuary archaeologists Deborah Marx and Matthew Lawrence. Allan Gontz and Chris Stillman of the University of Massachusetts – Boston also assisted with the exhibits and interpretation.

Victor reported that Brendan Foley of the Board also participated in Archaeology Month with a presentation at the Boston Museum of Fine Arts. The program was entitled *Robots and Ancient Shipwrecks in the Deep Aegean Sea* and presented the work of his expedition team documenting a Classical shipwreck.

Resolution

Victor suggested that the Board take this opportunity to express its gratitude to the Newburyport Maritime Society, Lowell's Boat Shop, Caroleann McPherson, Deborah Marx, Matthew Lawrence, Allen Gontz, and Chris Stillman for their participation in this year's Archaeology Month event.

Lenny Loparto moved: It is resolved by the Massachusetts Board of Underwater Archaeological Resources to express its appreciation to the Newburyport Maritime Society, Lowell's Boat Shop, Caroleann McPherson, Deborah Marx, Matthew Lawrence, Allen Gontz and Chris Stillman for their contributions to Archaeology Month 2006. Terry French seconded. Unanimous vote in favor. So resolved.

B. Quincy Beaches and Coastal Commission

Victor reported that he gave a presentation to the Quincy Beaches and Coastal Commission on 19 October at the Thomas Crane Library. The presentation provided an overview of marine archaeology in Massachusetts and included information on local shipwrecks and the new Shoreline Heritage Identification Partnerships Strategy (SHIPS). The lecture was very well attended.

C. Bay State Council of Divers

Victor reported that he and Marcie Bilinski attended two meetings of the Bay State Council of Divers on 11 and 25 October. The main purpose of these meetings concerned the City of Gloucester's by-laws relative to diving. The Council has asked Victor to share the minutes of its meetings with the Board and people on the Board's email list. Victor thought

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this was a good idea and agreed to the request. He said that since everyone would receive a copy of the Council's minutes, he would not discuss the details of these meetings at this time.

3. BOARD MEMBER REPORTS

Brendan Foley reported that he and the archaeological staff of the Stellwagen Bank National Marine Sanctuary surveyed the *Paul Palmer* last week and were very pleased with the results. He stated that due to the size of the camera system, they were required to survey from a large fishing vessel rather than the Sanctuary's new research boat. The vessel and technological service was subcontracted to a commercial fishing outfit that has partnered with Woods Hole Oceanographic Institute to work on a scallop fisheries assessment. It is a good example of the dual use of a technology developed for the commercial fishing industry. He noted that this it was nice to see the fishing industry involved and such partnerships could be mutually beneficial.

CHANGE IN THE ORDER OF BUSINESS – Victor returned to the normal order of business.

5. OLD BUSINESS

A. Proposed Regulatory Changes

Victor stated that he needed some additional discussion regarding the proposed revisions to the Board's Regulations. He reminded the Board that none of the proposed changes are directed at current permittees or sport diving activities.

Victor reported he received a number of editorial changes from the EOEA legal unit since the Board's last meeting in September. The changes were minor in nature, primarily grammatical, and included sections that were not discussed at the last meeting. Copies of the proposed changes were circulated among the Board members. Victor asked the Board to consider a motion authorizing him to accept these proposed changes without further Board discussion. This would greatly facilitate the promulgation process prior to the public comment period.

Marcie Bilinski moved to authorize the Board Director to work with EOEA Legal Unit on technical corrections, such as typographical errors, spelling, and grammar, to the Board's regulations, without the need for a further confirming vote by the Board. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

Victor then stated there two substantive proposed changes requiring Board approval. These involved sections 2.06(2)(d)2 and 2.09(2)(b)5.

Section 2.06(2)(d)2 should read – “2. Amorphous. An amorphous site is characterized by single or multiple shipwrecks or other underwater archaeological sites, which are broken up, scattered or largely buried.” To maintain consistency with section 2.06(2)(d), Victor suggested that the term “shipwreck” be removed prior to the word “site”.

Section 2.09(2)(b)5 should read “5. Follow his/her project plan except to the extent that unforeseen circumstances warrant its modification. The permittee shall consult with the Board in order to modify the research plan.” As the regulations do not define the term “significantly” which currently follows “modify”, Victor suggested that it should be removed.

Joe Pelczarski moved to adopt the proposed changes. Brendan Foley seconded. Unanimous vote in favor. So voted.

In addition, Victor stated he had solicited informal comments from several colleagues and asked the Board to consider adopting a modification to the definition of “remote sensing” in section 2.04: Definitions as it is antiquated. He suggested the section should read as follows:

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"Remote Sensing – The body of scientific techniques which reveal the presence of underwater data without direct physical contact with such data. Remote sensing techniques include, but are not limited to, magnetometry, acoustic, optical, chemical or other forms of sensing."

Brendan Foley moved to adopt the proposed changes. Martha King seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

There was no Director's Report.

Kathleen Dolan moved to adjourn the meeting at 2:00 PM. Brendan Foley seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director