

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 1 SEPTEMBER 2005**

MEMBERS PRESENT: Ed Bell (Designee of Brona Simon, Acting Executive Director of the Massachusetts Historical Commission)
Marcie Bilinski (Dive Community Representative)
Todd Callaghan (Designee of Susan Snow-Cotter, Director of Coastal Zone Management)
Kathleen Dolan (Designee of James Hanlon, Director of Environmental Law Enforcement)
Kevin Mooney (Designee of Michael Misslin, Director of DCR Division of Waterways)
Brendan Foley (Marine Archaeologist)
Terry French (Designee of John Warner, State Archivist)
John Hoagland (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Victor Mastone, Director (Staff for the Board)
David Trubey, Deputy Director (Staff for the Board)

MEMBERS ABSENT:

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:30 PM on 1 September 2005 in the CZM Conference Room at 251 Causeway Street, Boston.

Victor introduced Todd Callaghan and Ken Collette to the Board members. Todd Callaghan was representing the Office of Coastal Zone management in the absence of Joseph Pelczarski. Ken Collette is an attorney from the Executive Office of Environmental Affairs and attended at Victor's request to answer any legal questions that might arise.

1. MINUTES

A. Minutes of 31 March 2005

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 31 March 2005. There were no comments or corrections to the minutes.

Kevin Mooney moved to accept the minutes of the public meeting held on 31 March 2005. Terry French seconded. Unanimous vote in favor. So voted.

B. Minutes of 26 May 2005

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 26 May 2005. There were no corrections to the minutes.

John Hoagland moved to accept the minutes of the public meeting held on 26 May 2005. Kevin Mooney seconded. Unanimous vote in favor. So voted.

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

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 1 SEPTEMBER 2005**

2. OLD BUSINESS

A. Ocean Marine Diving Company

Victor reminded the Board that in 1998 it had suspended the reconnaissance permit held by Ocean Marine Diving Company (OMDC). He was now asking, in accordance with section 2.12 (3) of the Board's regulations 312 CMR 2.00, that the Board to consider a motion to revoke the permit held by OMDC. Public notice for today's meeting was mailed on August 3, 2005, to the members of OMDC. In accordance with the notice requirements for a public hearing, notice was submitted to the Secretary of State and the Secretary of Administration and Finance on August 4, 2005. The Board has not received responses from any of the parties.

Under section 2.12(3) of the Board regulations 312 CMR 2.00, the Board must establish cause in order to revoke a permit. Victor summarized the findings of the investigation conducted by the Massachusetts Environmental Police (MEP) that established cause for revocation of the permit. MEP determined that three members of OMDC, Matthew Costa, James Costa, and Parker Barnes had violated the terms of the permit issued to OMDC by selling the tin cargo recovered from the iron bark *White Squall*. This is a direct violation of section 63 of Chapter 91 of Massachusetts General Laws, 312 Code of Massachusetts Regulations 2.00, permit conditions, and various verbal and written directives and communications from the Board. There were deliberate attempts to cover up this sale and to confuse and otherwise deceive the Board. Further, OMDC has been involuntarily dissolved as a corporation by the Secretary of State. There was no evidence to show that Mr. Barnes had prior knowledge of the violation or received any proceeds as a result of these violations. He noted that Mr. Barnes is now deceased. There was no evidence of any involvement in these violations by the other members of OMDC. Vic also noted that following the permit's suspension, the Board had reached an out-of-court settled with Mr. Matthew Costa and he is no longer associated with this permit.

Terry French asked Victor why the Board was taking this action now and not back when the permit was suspended. Victor replied that there was hope early on that a settlement could be reached between the Commonwealth and Ocean Marine Diving Company, however, a settlement never came to fruition. Other issues, including staff changes in the agency and the Attorney General's office declining prosecution further delayed action. Currently, the Board has a permit request for the same area. Victor noted that all of the artifacts recovered, with the exception of the tin, are now in the Board's possession and were prior to the permit violations.

Kathleen Dolan moved, pursuant to the Board regulations, 312 CMR 2.12 (3), that the Board has determined that Ocean Marine Diving Company (OMDC) has violated the Board's statute, regulations, permit conditions, and directives, and therefore, in accordance with said provisions, it hereby revokes the permit held by OMDC for cause effective immediately, and further, by the Board revoking this permit, OMDC forfeits any and all claims to any underwater archaeological resources recovered under its permit as specified under Section 63 of Chapter 91 of Massachusetts General Laws. Kevin Mooney seconded. Unanimous vote in favor. So voted.

3. NEW BUSINESS

A. Underwater Discoveries Unlimited

Victor reported that Underwater Discoveries Unlimited (UDU) had submitted a reconnaissance permit application for the former OMDC sit in accordance with the Boards regulations. He noted that the application appears to be complete. Oscar Snow, president of UDU, was in attendance to present the application.

Mr. Snow reminded the Board that he was involved with OMDC at the early stages of the *White Squall* project and left the organization because he did not approve of the manner in which the company was conducting the operation. He stated that because of this early involvement, he feels that he has an obligation to complete the project in a proper manner, which would include a thorough documentation of the site. Victor reminded the Board that this permit is for reconnaissance only and noted that Mr. Snow is aware that in order to upgrade to excavation, UDU would be required to submit additional plans and secure the services of a qualified marine archaeologist. Victor also noted that although UDU's application discusses the idea of salvaging what tin might remain, Mr. Snow understands the site would have to be thoroughly surveyed and documented before the Board would even entertain the possibility of excavation.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 1 SEPTEMBER 2005**

Ed Bell stated that after reviewing UDU's application, it is quite clear that this project is headed towards a salvage operation. He noted that the application is void of any plans to disseminate or publish the results of this proposed work. He asked Mr. Snow to identify the public benefit of this project? Mr. Snow replied that both the Commonwealth and UDU would benefit. He explained that if there is tin at the site and it were to be recovered and sold, UDU would be able to continue work at its other permit site without the need of financial backers and the Commonwealth would receive its share of 25 percent of the tin's value. Ed acknowledged that the Commonwealth would stand to gain financially, but that in and of itself would not constitute the type of public benefit that the Board is charged with encouraging. He added that the historical information that could be acquired through this project would not reach the public under the proposed work plan. Mr. Snow responded that there would be public benefit to the sport diving community and the Town of Wellfleet after UDU's archaeologist completes her excavation and analysis should the project get to that point. Ed Bell replied that unless UDU formulates a research design that includes a considerable amount of historical research and a plan to disseminate the results of the project, such a benefit would likely not occur. He added that although the application mentions that newspaper articles that were reviewed by UDU, the names of the papers are not included and there is no historical context for the site.

Concerning its action for today's meeting, Victor explained that the Board has three options. It can either vote against the application, table the discussion and request more information, or vote in favor of the application with the condition that UDU provide more information. He stated that he thinks Ed Bell is looking for UDU to articulate in the application how it will present the project findings to the public as has been required of other projects such as the excavation of the *Whydah*. Lenny Loparto added that one of the problems is that there is no information in the application to evaluate the historical significance of the wreck and because of that, the proposed project has the appearance of one that is designed strictly for monetary benefit. If there is historic significance to the wreck, then the Board should explore any possibility that the Commonwealth might take possession of the wreck. Victor replied that the Commonwealth technically already has possession of the wreck and emphasized that an excavation permit allows someone to do the work at the site, but the site belongs to the Commonwealth. He reminded the Board that at this time, UDU is only applying for a reconnaissance permit, which can be conditioned in any manner the Board desires. He also reminded the Board that as far as the documentation is concerned, the Board has in the past granted a reconnaissance permit to one organization based on documentation provided by another that a resource exists. The Board has already determined that this is an historical vessel, but has not made a determination as to its historical significance. Lenny Loparto asked why, in light of the fact that the Commonwealth has already lost some one hundred tin ingots in excess of \$25,000 as a result of the actions of OMDC, would it not choose to preserve the site. Victor replied that the Board does not have enough documentation regarding the current site conditions to make a decision to preserve the site. The extent and the integrity of the site were not determined by OMDC and the Board could look to UDU to provide this information in granting UDU's application. Ed Bell stated that a determination of site condition and integrity is something that, among other questions, should be incorporated in a research design prepared by the project archaeologist. He added that the research design presented in this application is strictly for excavation, salvage and conservation of artifacts and does not deal with historical or archaeological research questions. He reiterated his feeling that this project is not in the public interest whatsoever.

Kevin Mooney stated that the matter of public benefit should not be the primary reason for granting or denying this permit. There are other factors stipulated in the Board's regulations that should be considered such as historical significance, age, etc. Ed Bell referred the Board to Section 2.06 of the regulations, which states, "The Board issues permits to persons who have located a shipwreck or other resource for purposes of investigation, exploration, recovery, reporting and/or conservation of underwater archaeological resources if the Board deems that such operations are in the public interest." Ed Bell stated that in accordance with the law and the purpose of the regulations for preserving underwater archaeological resources, this application is not in the public interest. Kevin Mooney replied that it depends on what is considered public benefit, adding that the Commonwealth's claim to twenty-five percent of the value of any remaining tin could be considered in the public's interest. He reminded the Board that it had already issued a permit for this site, so it must have considered this project in the public's interest at that time. He noted that if the Board has new concerns and wishes to require additional conditions for under a new reconnaissance permit, it needs to state what these concerns are and what the conditions would be. Ed Bell replied that his concern is that the research design and methodology for this project, in terms of an evaluation of the shipwreck, is extremely lacking. The project archaeologist has not supplied adequate information regarding such basics as historical documentation. He also noted that the designated project archaeologist does not meet federal or state standards, as she does not have a graduate

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 1 SEPTEMBER 2005**

degree. Kevin Mooney pointed out that although the UDU's application does discuss excavation as a long-term goal for this project, the application is currently for a reconnaissance permit and therefore UDU does not even require a project archaeologist. The Board would have to evaluate the resource and qualifications of the applicant in terms of excavation at which time the applicant chooses to request permission to excavate and has provided the Board with additional information. He asked Ed Bell what specifically is missing from UDU's reconnaissance permit application that would justify a decision to deny a permit. Ed replied that the application does not specify any research questions. Kevin asked what research questions Ed would like UDU to include in the application. Ed replied that the formulation of such questions is the job of the project archaeologist and he is not that person. Brendan Foley stated that it should not be the role of the Board to determine a permittee's research question. Kevin responded that it seems to be based on the reaction of the Board to this application. Victor stated that he does not think Ed is suggesting that the Board impose research questions for UDU, but that the UDU should demonstrate in its application that it has some type of research design toward which any future activities would be directed. Kevin asked Victor if UDU's application was received in a timely manner and meets the minimum requirements of the Board to be considered a complete application. Victor responded in the affirmative. Kevin stated that if the application meets the minimum requirements of the Board under its regulations and the Board does not consider this to be enough, then it needs to consider a change to the regulations. Lenny Loparto stated that the Board needs more information from the applicant regarding the historical background of this site and potential educational opportunities. Kevin suggested that all of these concerns could be addressed by placing additional conditions on the reconnaissance permit as the Board has done on several occasions in the past for several permittees. He added that the application, despite lacking certain information of concern to the Board meets the minimum requirements specified in the Board's regulations. Todd Callaghan asked if the reconnaissance permit could be conditioned to require a research design. Kevin Mooney replied that it absolutely could be done. Lenny Loparto suggested that perhaps Mr. Snow should rewrite UDU's application to which Kevin Mooney stated the application already meets the Board's minimum standards as defined by the regulations. It is not necessary for Mr. Snow to rewrite the application. Lenny expressed his concern that the Board not dictate what UDU's research questions should be and that it runs the risk of doing so with the current application. He suggested that the Board could ask UDU to look at certain elements of the wreck, such as its history, cause of its loss, etc., without necessarily dictating a research design. Kevin suggested that the Board needs to decide what type of final report it would like to see come out of this project and other projects for that matter. He reminded the Board that it has not yet produced guidelines for permittees regarding the preparation of archaeological reports and until it does so, it is difficult for the Board to justify requiring applicants to go beyond the minimum reporting standards for permit applications. However, he stated the Board can ask for additional information as a permit condition and could consider doing so in this case rather than denying the application based on the absence of information that is not technically required. He reiterated the options for the Board that Victor stated previously; it can deny the application, table consideration of the application until a future meeting and ask for more information, approve the application, or approve the application with conditions. If the Board is not comfortable in approving the application, it needs to give the applicant a clear idea of which direction the applicant needs to go to satisfy the Board. He added, "If we [the Board] can't tell him what we are looking for, then we are just throwing up dust in the air and causing a whole big commotion and smokescreen".

Ed Bell stated that as a representative of the Massachusetts Historical Commission, he would like to see UDU's proposed project move forward in a manner that would capture and document the historical and archaeological significance of this vessel and not proceed simply as a quick salvage operation. If UDU strives to accomplish the former, it would be more in the public's interest. Ed stated that UDU needs to develop some means of disseminating the results of its research and sharing the findings of the project. Additionally, the project archaeologist should provide research questions and a methodology that would enable the project to proceed in this manner. He concluded that this is the additional information that he would like to see in UDU's application. Concerning the question of public benefit, Mr. Snow stated that UDU would donate any artifacts that it recovers and information on the wreck resulting from its research to the museum in Wellfleet for educational programs. Ed responded that this should have been specified in the permit application. Kevin Mooney stated that a plan for the disposition of artifacts is not required in the reconnaissance permit application.

Marcie Bilinski asked for clarification from the Board that UDU is only seeking permission at this time to conduct reconnaissance at the site and not recover any materials. Victor acknowledged that at this time and under this permit, that is all that UDU is requesting. Marcie stated that she does not see a problem with UDU assessing the site even if it is in consideration of future excavation. The Commonwealth stands to gain twenty-five percent of the value of any tin that might be recovered and that in itself could be regarded as a public benefit.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 1 SEPTEMBER 2005**

She added that as a diver, she sees no harm in UDU making some money from this project after all the Board's requirements are met, especially as this is UDU's line of work and no one else has put claim to this site. Lenny Loparto responded that he might be able to accept a project like this if it was balanced right from the beginning with concrete projections and plans regarding the research and educational benefits. However, he stated, the problem as he and Ed see it, is that the whole project is designed for monetary benefit and any other plans are intended to minimally satisfy the concerns and objectives of the Board. There is no emphasis on the archaeology. Marcie responded that UDU cannot adequately determine how it will handle any aspect of the project that involves excavation, including its own financial considerations, until it ascertains more information on the site including its composition and condition and this cannot be accomplished without reconnaissance work. Lenny asked Victor if the extent and condition of the site, including the estimated amount of tin has been summarized in any other reports. Vic replied that under the previous permit held by OMD, documentation on the actual site as well as the research was lacking, which had been a complaint of the Board. Victor noted that UDU's application for this site is very similar in content to the application it submitted for its site to the north. For that site UDU was not required to provide the details for which the Board is currently looking. The permit was initially granted as reconnaissance and is now excavation. Victor stated that a lot of the Board's concerns could be addressed by conditioning the permit to say that certain information must be provided by UDU if it wants to go to the next step of excavation. Marcie Bilinski expressed her concern that without the Board granting the reconnaissance permit, UDU will be unable to obtain some of the information the Board is looking for. Victor agreed with Marcie, but stated that the research design and methodology information can be provided without any fieldwork. Although questions regarding artifact disposition and other issues related to excavation don't have to be answered for a reconnaissance permit, they would have to be answered for an excavation permit.

John Hoagland reminded the Board that it has, on several occasions in the past, conditioned permits, even as the permits were being voted on. He suggested that the Board move towards wording some possible conditions at this time. Terry French agreed that the Board should articulate the concerns of Lenny Loparto and Ed Bell, concerns that he shares, as conditions to the permit and stated that, as UDU's application does meet the requirements specified in the regulations, the Board cannot simply deny it on the grounds that it is missing information. Marcie summarized that in general terms, it seems that the Board is looking for more information on how UDU plans to document the history of this vessel and in so doing, pose research questions that will guide any future artifact recovery. Referring to UDU's plan to get accurate GPS coordinates for various features of the site, Lenny Loparto stated that he would like to see a detailed site map produced through this project. Kevin Mooney stated that to the best of his recollection, the Board had requested that Ocean Marine Diving Company produce such a map and it was never completed. He added that the Board had numerous problems with the previous permittee and UDU's permit application represents an opportunity for the Board to get what it originally wanted out of the project provided these requests are clearly stated as permit conditions.

Ed Bell told Mr. Snow that he would like UDU to reconsider its plan not to publish any of the project findings and that without such publications, there is really no public educational benefit associated with the project. He added that the project archaeologist should detail what results are expected from the project and in what format they will be presented. Mr. Snow replied that UDU's project archaeologist could come before the Board to answer its questions, but did not attend the meeting because it was not required. Ed replied that he understands she was not required to attend, but that he can only comment on what is presented in the application. Mr. Snow replied that he would do whatever the Board wishes regarding the publication and dissemination of information that comes out of this project. He noted that he has more information regarding the *White Squall* than any of the people involved in the project under the original permit and that he will present a site map, photos, information on the vessel's sinking, etc. Mr. Snow added that he doesn't know what else to tell the Board other than he will do whatever he is asked to alleviate its concerns.

Kevin Mooney asked Mr. Snow if UDU has an association with any schools or groups with which it could share information relative to this project. Mr. Snow stated that he is familiar with the Wellfleet Museum and UDU would like to work with that institution to present information on the *White Squall* wreck. He stated that if the Board allows, UDU would donate any recovered artifacts to this museum. He noted that he has been dealing with the Board for many years and has always been up front and honest. Mr. Snow said it is impossible for UDU to go to the next level of this project without first conducting reconnaissance activity at the site. After that work is completed, UDU would be in a better position to produce a detailed report on its findings and make plans for excavation that would include the dissemination of information, exhibition of artifacts and other activities regarding the archaeology. He added that following the reconnaissance work, UDU would have its project

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 1 SEPTEMBER 2005**

archaeologist attend a Board meeting and answer any of the Board's questions. He noted that UDU's archaeologist has been in the field for more than 25 years and has worked all over the world. Regarding UDU's project archaeologist, Lenny Loparto stated that her letter in the permit application only mentions that she is employed by UDU and does not discuss the *White Squall* or her association with this particular project. Victor stated the Board could ask for a more detailed letter defining her commitment to the *White Squall* project and noted that although not technically required under this application, her qualifications were already approved by the Board under UDU's excavation permit for its other site.

Lenny Loparto stated that one of the reasons that some of the Board members are reacting a little more aggressively to this application is because this is one of the first wrecks in many years that is more than a pile of conglomerates sitting on the seafloor. From reading about the site, it appears that the *White Squall* is a fairly intact wreck, fairly well documented with a demonstrated cargo of which the Commonwealth has already been ripped off once. He stated that this is why the Board is looking to get more out of this project than the bare minimum. Kevin Mooney agreed with Lenny's interpretation of the Board's concerns and stated that UDU's application, if properly conditioned, represents an opportunity for the Board to get what it wants from this project. The Board recognizes that there is more information out there regarding this site and that Mr. Snow already has a lot of it, but it is not included in the application. However, the application does meet the requirements of the Board as stated in the regulation and therefore should be accepted. He suggested that the Board now look towards conditioning the permit in a manner that would require the information for which the Board is looking.

Victor asked if it was the sense of the Board that the permit should be issued with certain conditions, and if so, he would try to list the Board's concerns as such. He noted that he is not comfortable with the idea of tabling the application for a future meeting, as the application is technically considered complete. He stated that what he is looking for at this time is for the Board to determine what things it would like to see as permit conditions and those that might simply be recorded as a sense of the Board. He reminded the Board that it has proceeded in this manner on several previous permits including UDU's excavation permit and the permit for the *Magnifique* site. He also noted that these conditions would be in addition to the Board's standard permit conditions and the further condition that UDU notify the staff of the Cape Cod National Seashore of any field activities. Victor listed the possible permit conditions that emerged from the Board's discussion including the requirements that 1) UDU's project archaeologist develop an archaeological research design for the site; 2) UDU develop a public benefit plan; and 3) UDU develop a synthesis of existing information regarding the site including information in the Board's files. He asked the Board to consider what level of involvement it would like to see for UDU's project archaeologist for the reconnaissance stage. He noted that a project archaeologist is technically only required for an excavation permit, however, as UDU already has a project archaeologist for its other project, the Board could ask for a higher level of involvement in this project. Victor suggested that this could be expressed as a sense of the Board rather than a condition. He added that it would be beneficial for the Board to meet UDU's project archaeologist as she has been its archaeologist of record for a number of years now and the Board has not had an opportunity to meet her despite numerous requests. Victor asked if any of the Board members had specific ideas as to what should be included in a possible motion. Brendan Foley stated that he too would like to see the production of a detailed site plan as a goal of this permit and asked how the Board could even consider this project moving to the excavation stage if it doesn't know the site composition. Lenny Loparto agreed with Brendan and added that he would like to be able to see the location of any artifact mentioned in report on a site map complete with a digital baseline. The technology is available and should be used. Brendan noted that the application does discuss UDU's plan to utilize DGPS, buoys to the surface and one-meter grids, but that it does not specify how the information will be recorded. Kevin Mooney stated that he would like to see not only a site map, but also details as to how the site map will be produced.

Lenny Loparto stated that even though this is technically a reconnaissance permit, it is actually a lot more than reconnaissance because the Board already knows exactly where the shipwreck is and knows a lot about its condition. He added that the Board probably knows more about this shipwreck than about any of the others for which it has granted permits. Kevin Mooney agreed that this situation is somewhat different than others in which the Board has been involved, but that only reconnaissance activity would be allowed under this permit. Brendan Foley stated that "the waters are a bit muddied" in regard to this application because the Board already knows that UDU's intent is to eventually excavate this site. Kevin Mooney stated that the Board really doesn't know that until it is presented with an excavation permit application, which would be reviewed with an even more critical eye. Lenny Loparto agreed with Brendan by stating that although UDU has not yet applied for an excavation permit,

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 1 SEPTEMBER 2005**

the tone of its reconnaissance application implies that UDU is looking to salvage the tin with as little extra tasks as possible in regard to historical research and education and that is what stood out to Ed Bell and him and perhaps other members.

Terry French asked Mr. Snow if he had already contacted the Wellfleet Museum regarding UDU's plan to donate artifacts from the site. Mr. Snow stated that he has not spoken with the museum staff for about one year. Victor stated that planning to involve the museum is encouraged and suggested that UDU look at the type of relationship that the Scituate Historical Society has with Bassings Cove Maritime Society to get an idea of how to develop a good working relationship. However, Victor stated that it is not appropriate at this time for UDU to discuss the possible disposition of the property as under the regulations, a permittee is entitled to a reward once artifacts are valued and not are not necessarily entitled to the artifacts themselves. He warned UDU against looking to the museum as the repository of this material and noted that the Board has already had problems with this type of thing in the past.

John Hoagland stated that the Board had already come up with five or six specific items as possible conditions for this permit and thought that the first one requesting that UDU's project archaeologist develop a detailed archaeological research design might encompass some of the subsequent suggested conditions particularly involving the creation of a site map. Victor agreed with John and added that the research design should discuss not only the questions being asked of the site such as the physical extent, but how that data would be recorded. He stated it is not necessary to have elements of the research design be described separately and as separate conditions. John proceeded to list the possible conditions that he had heard throughout the discussion including the preparation of a detailed archaeological research design, UDU's development of a public benefit plan, UDU's production of a detailed site plan, UDU's synthesis of existing information on the site and the requirement that UDU's archaeologist be present at future Board meetings. Kevin Mooney stated that the last item should be a recommendation and not a requirement, as this is not an excavation permit application. He added that he would like to see the archaeological research design include a description of the type of historical research UDU plans to conduct in support of the project.

Victor read off the list of suggested permit conditions again and asked Mr. Snow if it is clear what the Board is looking for regarding each of them. Mr. Snow replied that he understands what the Board is looking for. Lenny Loparto stated that when he reviewed this permit application and UDU's yearly permit renewal applications for the past ten or so years, he saw a definite improvement in their quality. Today's discussion and Mr. Snow's recognition of the Board's concerns is just one more step in the process. Lenny added that Mr. Snow's work has evolved along with that of the Board and that this a positive thing.

Brendan Foley moved to grant a Reconnaissance Permit (005-001) to Underwater Discoveries Unlimited for its Wellfleet site with all standard conditions in effect and with the further conditions that UDU prepare 1) a synthesis of information on the site (*White Squall*); 2) a detailed site plan; 3) a detailed archaeological research design including documentary research; 4) a public benefit plan; and 5) UDU coordinate all field activities with the staff of the Cape Cod National Seashore. Kevin Mooney seconded. Unanimous vote in favor. So voted.

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

4. DIRECTOR'S REPORT

Victor reported that former Board director Bob Cahill passed away earlier in the summer. He noted that he would discuss Mr. Cahill's passing in more detail at the next meeting.

5. BOARD MEMBER REPORTS

Lenny Loparto reported that he had brought calendars and posters for this year's Archaeology Month celebration beginning October 1st.

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 1 SEPTEMBER 2005**

6. SUBCOMMITTEE REPORTS: OUTREACH

Victor reported that the Board would once again be working with the Newburyport Maritime Society on this year's Archaeology Month program. The event will be held on the weekend of October 15-16 at the Custom House Maritime Museum in Newburyport. One aspect of the event will be the introduction of the Board's new outreach program. Victor stated that he would provide more details on the event and the program at the next meeting.

John Hoagland moved to adjourn the meeting at 2:35 PM. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director