

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 30 NOVEMBER 2006**

**MEMBERS PRESENT:** Ed Bell (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)  
Kathleen Dolan (Designee of James Hanlon, Director of Environmental Law Enforcement)  
Terry French (Designee of John Warner, State Archivist)  
John Hoagland (Dive Community Representative)  
Lenny Loparto (Designee of Brona Simon, State Archaeologist)  
Martha King, Director of DCR Division of Waterways  
Dan Sampson (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:** 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 30 November 2006 in the CZM Conference Room at 251 Causeway Street, Boston.

**1. MINUTES**

**A. Minutes of 28 September and 26 October 2006**

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 28 September 2006. There were no comments or corrections to the minutes.

John Hoagland moved to accept the minutes of the 28 September 2006 public meeting. Kathleen Dolan seconded. 4 votes in favor, one abstention (Ed Bell). So voted.

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 26 October 2006. There were no comments or corrections to the minutes.

Terry French moved to accept the minutes of the 26 October 2006 public meeting. Lenny Loparto seconded. 3 votes in favor, two abstentions (Ed Bell and John Hoagland). So voted.

**2. DIRECTOR'S REPORT**

**A. Election of Board Officers**

Victor stated that the Board annually elects its two officers, Director and Deputy Director. In 2006, 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.

Ed Bell nominated Victor Mastone for the position of Director. Kathleen Dolan seconded the nomination.

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

\* dismissed for other obligation after quorum of other members was established

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Ed Bell moved to elect Victor Mastone as Director and David Trubey as Deputy Director of the Board for 2007. John Hoagland seconded. Unanimous vote in favor. So voted.

**B. 2007 Schedule of Meetings**

Victor proposed a continuation of the bi-monthly schedule of regular public meetings in 2007. 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 25 January, 29 March, 31 May, 27 September and 29 November.

Terry French moved to adopt the dates of 25 January, 29 March, 31 May, 27 September and 29 November as the Board's schedule of public meetings for 2007. John Hoagland seconded. Unanimous vote in favor. So voted.

**C. United States Coast Guard Historian's Office Projects**

Victor reported that he is working with William Thiesen, of the USCG Historian's Office in Virginia on several potential collaborative projects in the waters off the Massachusetts coast. Projects currently being discussed include a search for the legs of Minot's Light, investigations of the *Vineyard* and *Nantucket* lightships and possible a search for the Coast Guard vessel *Bear*. Victor noted that the Coast Guard has a significant number of reserve officers who are trained in underwater archaeology including the Wisconsin state underwater archaeologist. It is possible that he may work with the Board on some of these projects in Massachusetts.

**D. Fieldwork Activities**

Victor reported that he and David conducted a site visit at the Waquoit Bay National Estuarine Research Reserve in Falmouth to look at a scattering of cobbles on the ocean side of Washburn Island. The initial field observation was that they were not glacial erratics, or ballast, but might have been the utilized as part of a modern camping/cooking event. The stones became visible following a strong wind storm earlier in the fall. Victor noted that he and David contacted Thomas Mahlstedt, Archaeologist for the Department of Conservation and Recreation, but that he was unable to join them on the site visit. The inspection did not involve any excavation but rather consisted of a visual evaluation, measuring and photographing of the stones.

Victor reported the Board would be continuing its collaboration with Allen Gontz, Assistant Professor in the Department of Environmental, Earth & Ocean Sciences at the University of Massachusetts – Boston. In mid-December, Allen's team will be conducting a remote sensing survey of the reported remains of the *USS Niagara*, which was abandoned in Boston Harbor in 1885. By this time, the vessel had been stripped of its hardware and rigging. At the time of its construction 1856, it was the largest wooden ship in the world and had an illustrious career as a naval vessel on many fronts. Victor added that if the survey is successful and can establish the remains as those of *Niagara*, the Board would perhaps consider a National Register nomination for the site.

**3. BOARD MEMBER REPORTS**

There were no Board member reports.

**4. SUBCOMMITTEE REPORTS: OUTREACH**

**A. Sutton Pond Condominiums Association**

Victor reported he gave a presentation to the Sutton Pond Condominium Association in North Andover on 1 November. 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.

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**B. Society for Historical Archaeology Conference**

Victor reported that he would be attending the annual conference of the Society for Historical Archaeology (SHA) in Williamsburg, VA on January 10-14<sup>th</sup>, 2007. Victor and Chris Amer, South Carolina State Underwater Archaeologist, have organized and will lead the 16<sup>th</sup> Annual Government Maritime Managers Forum. This year's forum is entitled, "Notice to Mariners" and will focus on issues confronting government maritime archaeologists and preservation programs. Victor reminded the Board that he serves on the SHA's UNESCO Committee and the International Advisory Council on Underwater Archaeology which meet during the conference.

**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 it was a fairly typical year as far as fieldwork is concerned. He and his crew were able to get on site five times during the course of the season with their primary focus being the largest target area. Unfortunately, the sand overburden, although better than some years, continues to pose a problem. Other than numerous sand dollars, nothing else of interest was observed. He noted that to his surprise, his fathometer signal seemed to reflect off the sand dollars.

Mr. Bradbury stated that he continued to research the shipwreck for which he is searching. Specifically, he has been checking town records for reports of bodies washing up on shore within one month following the wrecking incident. He has visited the towns of Ipswich, Essex, Gloucester, Rockport, Beverly, Salem and Lynn only to find that the records for unidentified drowning victims in this time period are either non-existent or extremely limited in detail. Mr. Bradbury noted that while in Gloucester, he learned that another researcher has also been inquiring about possible bodies washed ashore from a shipwreck that occurred five years later than his, but in the same general area. This researcher is writing a biography on a doctor from Maine whose son was killed in a local shipwreck. After contacting this researcher, Mr. Bradbury and she have agreed to share some information regarding the two shipwrecks. He added this raises the possibility that there are more than one shipwreck in the permit area.

Mr. Bradbury reported that he is now a volunteer shipwright on the vessel *Friendship* in Salem. The opportunity has allowed him to become very familiar with the ship's construction. What surprised him regarding this vessel, which is approximately 50 years more recent than the vessel for which he is searching, is the lack of iron on board. He noted that many of the ship's fasteners are made of wood. He realized that if the vessel for which he is searching was similarly constructed and broke apart as it was sinking, it will be very difficult to locate the site on the basis of the vessel's structural components. For this reason, he is focusing his search more on whatever cargo or ballast the ship contained and hopes that it was big enough and contained enough iron to detect via remote sensing.

Kathleen Dolan asked Mr. Bradbury how long he has been searching for this site. Mr. Bradbury replied that it has been close to 18 years now. Victor noted that Mr. Bradbury was one of the first and a continuous permittee since Victor has been involved with the Board. Mr. Bradbury added that the number of years is a bit misleading in that the search has not been a fulltime endeavor for him. He stated that he gets on site a few times a year and only conducts research in his spare time.

Kathleen Dolan 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. Mr. Dietlin and Mr. Rine were in attendance to present their application.

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Mr. Dietlin presented Board members with a newly produced chart of their permit area that shows the locations of the magnetometer anomalies along with their respective magnetic intensities. He explained that with the particular magnetometer they are using, any anomaly with a gamma reading of more than 250 is of interest. Some of the locations are yielding readings of more than 2000 gamma. He reported that continued use of the magnetometer is helping them to narrow their search area. It still appears that sector I10 for which they requested permission to excavate test pits last year, is the most probable location on which to focus. He added that they are no longer interested in sector M12 due to the results of their research. I10 is the area in which the majority of the vessel structural components and potential cargo has been observed. Mr. Dietlin stated that he and Mr. Rine would like to continue with the plan presented last year to secure the service of a Board approved archaeologist, excavate test pits at sector I10 and determine the sources of the large magnetic readings. He noted that they are planning to utilize their Pulse 10 metal detector in this sector to further refine the proposed test pit locations. Mr. Dietlin added that after a long struggle through which they have exhausted all possibilities in the public sector, they are very close to securing a private sector archaeologist. He hopes to notify the Board of their selection shortly and stated that everything is nearly in place including the research vessel and other equipment. It is their intention to excavate the test pits prior to next spring so they may evaluate whether or not to continue with the project. Mr. Dietlin noted that they have already invested some 120,000 man hours over the past 22 years and are at the point where they need to know one way or another if the shipwreck is actually there.

Victor asked if the mapping work that he and David did in delineating the permit boundaries was helpful. Mr. Dietlin replied that it made a lot of sense; they are in the area they want to be in and see no reason to move in a different direction. He noted that they should have started their search in the area in which they are now and are confident that the high gamma readings are a result of the vessel's pig iron ballast.

Lenny Loparto asked Mr. Dietlin how they arrived at 250 gamma as a benchmark against which to measure the potential of a magnetic anomaly to represent a shipwreck site and how do they know that a particular anomaly approaching that reading is not naturally occurring. Mr. Dietlin replied that the number was derived directly from the manufacturer and that geological configurations certainly exist that produce significant gamma readings. He added that one of the drawbacks of the proton device is the difficulty in distinguishing between what are naturally occurring changes in the ambient magnetic field and what are generated by man made ferrous objects. They hope that by utilizing the Pulse 10 metal detector in these high gamma areas they will be able to eliminate anomalies that are of geologic origin. Lenny asked if they are able to use the magnetometer in areas of known geologic formations that are confirmed sources of high gamma readings in order to provide control group data. Mr. Dietlin stated that they have tested the instrument extensively to see how it reacts in different settings. They have discovered its performance is both very consistent and sensitive. Were it not for the possible pig iron ballast the ship was reportedly carrying, they would be looking for magnetic changes of much less significance. Mr. Dietlin noted that when they reported to the manufacturer that they were getting hits of over 2000 gamma in this area, the manufacturer stated that readings of this intensity are very unusual but could in fact be generated by something like a large amount of pig iron. Mr. Dietlin emphasized that geologically induced magnetic deviations would not be so intense and they have not observed any such natural sources in this particular area. He concluded that it is entirely possible that after hiring an archaeologist, setting up a conservation laboratory and satisfying all the other Board's requirements, they will discover the area is nothing more than a modern day dumping ground complete with refrigerators, cars, or a steel hulled ship. This is why the excavation of test pits in this area has become so significant to the future of their project.

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 and the further condition that the permittee submit for approval by the Board's staff prior to any excavation, a detailed work plan developed by the project archaeologist for the excavation of test pits at grid I-10 (as noted on the chart provided by the permittee) and the treatment of coincidental discoveries. Kathleen Dolan seconded. Unanimous vote in favor. So voted.

**C. 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 and Bernie Gallagher were in attendance to present his application.

Mr. Good stated that his plan to conduct a remote sensing survey of Waquoit Bay has been delayed due to his inability to secure the necessary equipment. As the cost of hiring a survey company is prohibitively expensive and finding someone interested in completing the work for free or at a reduced cost has not panned out, he is now planning to rent a marine magnetometer and survey on his own. He added that he been looking at various rental options.

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Mr. Good reported that he has continued to research the Bay's history and its potential connection to the Icelandic Sagas and a Norse transatlantic voyage. He discussed the results of a recent graduate student's study of the geology of the area, which shows the Bay to be at least five thousand years old. Mr. Good's research this year included obtaining a copy of a 2002 English translation of a book by Gisli Sigurosson of the Arni Magnusson Institute in Iceland. The work presents a new analysis of the origin of the Icelandic Sagas and devotes a chapter to the Vineland controversy of which Mr. Good stated is his primary interest in Waquoit Bay. He also discussed an issue of the *American Historical Review* in which can be found a review of Anton W. Brogger's 1937 book entitled *Vinlandsferdene*. The reviewer describes how Brogger believed the search for evidence of the 11<sup>th</sup> Norse colony in North America should be limited to the coast of southern New England and particularly the region of Massachusetts Bay or perhaps a little further south. Mr. Good added that the key to finding the location is to focus on places off the coast that, as the Sagas describe, went dry at low tide. He added that one such place is in Nantucket Sound, not far from Waquoit Bay.

Bernie Gallagher, who was in attendance with Mr. Good, discussed the significance of oral history in the interpretation of the Sagas. Specifically, he stated that there is a core of history involved with these writings that has been passed down through generations which cannot be viewed in the context of authorship. He added that as time goes on, more information is coming to light and eventually, there will likely be a significant finding in which science can be involved.

Ed Bell asked Mr. Good what activities he is planning for the coming year. Mr. Good stated that he hopes to complete the magnetometer survey this winter rather than waiting until the spring and added that after coming before the Board for five years, he really feels he needs to accomplish more in the way of fieldwork. Victor noted that because Waquoit Bay is well protected, he shouldn't have much trouble working there in the winter months unless there are high winds.

Martha King 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). Kathleen Dolan seconded. Unanimous vote in favor. So voted.

**6. NEW BUSINESS**

**A. Charter on the Protection and Management of Underwater Cultural Heritage**

Vic noted that many of Board members might not know that he has been serving on the Society for Historical Archaeology's UNESCO Committee. One of the objectives of this committee is to find ways to implement the principles of the UNESCO Convention on the Protection of Underwater Cultural Heritage. Vic stated that he was not asking the Board to give any consideration to the Convention at this time. Rather, he wanted the Board members to consider the ICOMOS (International Council on Monuments and Sites) Charter on the Protection and Management of Underwater Cultural Heritage which was annexed (appended) to the Convention. A copy was emailed to Board members prior to today's meeting. This Charter has been in force since 1996.

Vic observed that the guiding principles and many of the articles of the Charter are similar to our Board's regulations and general operating practices. The only problematic area is Article 3 - Funding. The second part of it states: "*Project funding must not require the sale of underwater cultural heritage or the use of any strategy that will cause underwater cultural heritage and supporting documentation to be irretrievably dispersed.*" As the Board's statute and regulations allow for disposition of resource value, though only after the project is completed, this conceivably is a split in ownership of artifacts and the Board would not then be in complete agreement with the Charter. However, Vic stated that when you consider the charter as a whole, you will find the Charter is strongly representative of our program and supports the principles the Board has been promoting with its permittees for the past several years. Such principles include the idea of reporting, having a project archaeologist on staff, having a conservation plan in place, disseminating information and following an approved work plan. Vic noted that in a sense, adopting this charter would be a kin to approving a best practices model. Vic asked the Board members to consider adopting, by a resolution, a statement recognizing the ICOMOS Charter as basis for the model of best practices.

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Ed Bell asked Victor if the information in the Charter would be available on the Board's webpage. Victor replied that he intends to post it, but presently there is a backlog of material to be posted because there is no longer someone dedicated solely to updating the CZM website. Ed asked if other Board policies would be also be posted. Victor stated that the goal is to have all of the Board's information and documents available via the internet.

**Resolution**

Ed Bell moved: It is resolved that the Massachusetts Board of Underwater Archaeological Resources recognizes and adopts, to the extent compatible with Massachusetts General Laws, the International Council on Monuments and Sites' Charter on the Protection and Management of Underwater Cultural Heritage (1996) as the basis for a model of best practices for the treatment of underwater archaeological resources and encourages our permittees as well as others to utilize this Charter in that manner. Terry French seconded. Unanimous vote in favor. So resolved.

Kathleen Dolan moved to adjourn the meeting at 2:21 PM. Martha King seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone  
Director