

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 24 SEPTEMBER 2009**

MEMBERS PRESENT: Brendan Foley (Marine Archaeologist)
Terry French (Designee of John Warner, State Archivist)
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 Deerin Babb-Brott, Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
John Hoagland (Dive Community Representative)
John Tulik (Designee of Aaron Gross, Director of Environmental Law Enforcement)
Vacant, Deputy Director (Staff for the Board)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone at 1:37 PM on 24 September 2009 in the CZM Conference Room at 251 Causeway Street, Boston.

Victor stated he would be changing the order of business. In order to provide Board members an opportunity to review the May minutes, he would deal with the minutes of the previous meeting at the end of this meeting.

1. DIRECTOR'S REPORT

A. NPS American Battlefield Protection Program

Victor informed the Board that he had been awarded a grant from the National Park Service's American Battlefield Protection Program for a study of the Battle of Chelsea Creek, which took place on May 27, 1775 in what is now Chelsea, East Boston, and Revere. The battle involved the loss of the HMS *Diana*. The battle is considered the first naval engagement of the War of Independence and the first American victory in this war. The grant award is for \$48,300 and will be used to fund graduate student research assistants (interns) and a program of community engagement. The goals is to determine the boundaries of the battlefield and interpret the battle under a military KOCOA scheme. Once this phase is completed, we hope to undertake a search for the remains of the HMS *Diana*.

B. Interns

Victor reported that the Board's intern, Alaina Kaiser, recently began working for the Public Archaeology Laboratory. She assisted in developing some preliminary guidance for avoidance area protocols. He noted she expressed an interest in continuing to work with the Board. Victor said he was looking for some suitable project for her to undertake remotely.

C. NOAA's Marine Protected Areas Federal Advisory Committee

Victor reminded the Board that he was an appointed member of NOAA's Marine Protected Areas (MPA) Federal Advisory Committee (FAC). He had several items to report related to the MPA program and the FAC:

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1. The National System of MPAs was recently established. He participated in the first Partnership Retreat for member sites of the National Systems on June 2-3 in Queenstown, MD. Victor was invited to participate to discuss the issues of cultural heritage.
2. Victor reported he was part of the FAC working group which is currently developing evaluation criteria for how the Marine Protected Areas system operates. They met in Monterey, CA on July 28-31.
3. He participated as a member in the MPA Center's selection and interview team for their newly hired Cultural Resources Coordinator. They hired Valarie Grossing who was completing her PhD at East Carolina University.
4. Victor recently attended the full meeting of the FAC held in Anchorage, AK, on September 9-12. FAC meetings circulate around country to facilitate public participation. At that meeting, he was elected to the position of FAC parliamentarian. The FAC also formed a Cultural Heritage Working Group at the meeting and he is serving as the FAC chair of the group.

Victor noted that all travel expenses would be paid by NOAA.

2. BOARD MEMBER REPORTS

Lenny Loparto reported that next month, October, was Massachusetts Archaeology Month. He brought posters and program of events for Board members and interested public. Victor encouraged everyone to take and distribute this material.

There were no other Board member reports.

3. SUBCOMMITTEE REPORTS: OUTREACH

A. Bay State Council of Divers

Victor reported that he attended the meeting of the Bay State Council of Divers on June 10th. This meeting focused on, among other issues, the ongoing Gloucester dive flag issue. In addition, he coordinated with them to set up dates for proposed BSC sponsored dives on Minot's Ledge to support Board research. The first goal is to relocate the memorial plaque and then help delineate the site boundaries. Unfortunately, weather and sea conditions canceled those dives.

B. South Shore Neptunes Dive Club

Victor reported that he gave a presentation on Project Mishoon to the South Shore Neptunes Dive Club in Quincy on June 16th.

C. Quincy Beaches Commission

Victor gave a presentation on the Minot's Ledge Lighthouse Archaeological Project sponsored by the Quincy Beaches Commission. It was at the Crane Public Library in Quincy on June 17th at 6:30 PM.

D. TTOR Shipwrecks Detectives Camp

Victor reported that he participated in The Trustees of the Reservation Shipwrecks Detectives Camp at Crane's Beach in Ipswich on July 15th. This educational program is geared for children eight to twelve years of age. Victor said they had hoped to include a study of the *Ada Damon* shipwreck site at that facility. However, the wreck has sanded over and is too close to the plover habitat. TTOR staff created a mock site on the beach instead.

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E. Archaeology Month 2009/Archaeology Fair

Victor reported that October will be a busy month for the Board as it will be participating in several Archaeology Month programs including the Museum of Science/Archaeological Institute of America Archaeology Fair on October 16th-17th. He would be doing this program in collaboration with Matt Lawrence and Deborah Marx from the Stellwagen Bank National Marine Sanctuary. Victor was looking for volunteers to assist with the event. Last year, he was assisted by both Board member Marcie Bilinski and his spouse, Sharon Mastone.

4. OLD BUSINESS

A. 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 added that they have been very good in providing regular, concise updates on their work in the field. Mr. Esper and Mr. Bezkorovainy were in attendance to present the permit renewal application.

Gary Esper told the Board they did not get out as much as they would like. He reported they were pretty much out from the time of their renewal through January 2009. Their approach is to continue magging the area and then examine mag hits with a hand-held metal detector, which he recently acquired. They planned to get out and do this before it gets cold again. He noted the past summer's weather was not very good. Victor confirmed with Gary that Bob Cembrola was still serving as Project Archaeologist.

Lenny asked Gary to clarify some information in both their conservation and lab methods and their artifact recovery plan. He noted it appeared they would be randomly assigning catalog numbers to artifacts. Upon consultation with Alex, it was not their intent; it was random object needing to be assigned catalog numbers and not random numbers being assigned. They would correct that misperception. Lenny raised concern that they would only be recovering only diagnostic artifacts. Gary stated they would be collecting all materials from the test units. He recalled this issue from their previous renewal and apologized for not correcting that in their plan. They would submit to the Board a revised page to replace this incorrect information.

Terry French moved to renew 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. Brendan Foley seconded. Unanimous vote in favor. So voted.

B. Fathom Research, LLC

Victor reported that Fathom Research, LLC has several items before the Board today. Under Old Business, Fathom currently had two Special Use Permits up for renewal and the permittee requested renewal of these permits as both projects are on-going.. The permits are for the Hull Offshore Wind Energy Project (08-001) in Hull and the Weaver's Cover LNG Project (08-003) in Fall River and Somerset.

Victor reminded the Board they had extended Special Use Permit 08-001 at their May 28, 2009 meeting. At that time, he received an electronic version of the renewal application, but the original never arrived. David Robinson had to send another renewal application with original signatures, which arrived after the deadline. So, the Board could only act to extend that permit due to timing issues. The Board can now act to renew this permit.

Victor explained that in the case of the other renewal application, Special Use Permit 08-003, it had arrived after the deadline for today's meeting. The Board could not take up renewal at

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this meeting, but only act on an extension due to this timing issue. Victor said he would work to rectify the confusion on renewal deadlines for Special Use Permits.

Brendan Foley moved to renew, retroactive to 28 May 2009, the Special Use Permit (08-001) issued to Fathom Research, LLC for the Hull Offshore Wind Energy Project with all standard and special conditions in remaining effect. Terry French seconded. Unanimous vote in favor. So voted.

Martha King moved to extend the expiration date of Special Use Permit (08-003) issued to Fathom Research, LLC for the Weaver's Cove LNG Project until the next meeting of the Board scheduled for 3 December 2009 with all standard and special conditions in remaining effect. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

D. Raymond Hayes

Dr. Hayes stated that since he was unable to attend the previous meeting he wanted to thank the Board for extending and renewing his permit. He recently came to realize how much of a full-time job underwater archaeology really is. He noted that since May he has been working on this and other archaeological projects. He wanted to report on a couple of developments that benefit his project.

The USGS published a seafloor character and sedimentary process paper that included the area of his permit. He can now integrate this into his archaeological research of the area. During the USGS side scan and multi-beam sonar surveys, they identified five shipwreck sites in his permit area. They will be sharing data.

He reported that he was working with the Dive Safety Officer at WHOI to catalog their collection of artifacts from the area of Bar Neck wharf, where WHOI docks its vessels. He has photographed these artifacts and was creating a database of these materials. He showed the Board a print of the catalog and noted those items that pre-dated the WHOI use of the area. Some go back to the 1850s-1870s eras. He reminded the Board that in his original permit application he outlined the history of the area which included shipbuilding, trade, and guano processing. Victor asked if this would be incorporated into his project report.

Dr. Hayes noted the need for collaboration between the natural resources and cultural resources communities. To that end, he has been trying get the natural resources organizations to endorse the 2001 UNESCO Convention on the Protection of Underwater Cultural Heritage. He reported he has been successful so far.

E. James Karos

Jim stated he was continuing work on his work on this project. Victor noted he would be approaching him with respect to the Board Chelsea Creek project.

5. NEW BUSINESS

A. Fathom Research, LLC

Victor stated that he must apologize to the Board for an administrative error with respect to this permit application and provisional approval. He had incorrectly dated as August 22, 2009; the correct provisional approval date should read August 24, 2009. As an explanation, Victor noted this arrived during the stress of packing up the Board's offices for the recent painting and carpeting project.

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Victor reported this Special Use Permit application was for an area within the New Bedford Harbor Superfund Site where an unanticipated shipwreck was encountered during prep work for dredging. The shipwreck lies within the PCB laden section; it is a hazmat site. The shipwreck remains look fairly old and require documentation.

Brendan Foley moved to grant Fathom Research, LLC a Special Use Permit (09-004) for the New Bedford Harbor Shipwreck Unanticipated Discovery area (as specified in the application) with all standard conditions in effect and the further condition that Fathom Research, LLC submit its survey research design and methodology to the SHPO for review. Terry French seconded. Unanimous vote in favor. So voted.

B. Vast Explorer, Inc.

Victor reported that Vast Explorer, Inc. has submitted a reconnaissance permit application for an area in Nantucket Sound. On Monday, he was contacted via email by Ken Kinkor, Administrative Director for the applicant, requesting the Board defer consideration of this application until our next Board meeting. The reason for this request was due to Ken being ill and thus unable to attend today's meeting. Victor stated he thought the request was reasonable and recommended the Board, on advice of counsel, vote to approve the request to defer consideration until our next meeting.

Joe Pelczarski moved that at the request of the applicant, Vast Explorer, Inc., the Board postpone consideration of the reconnaissance permit application submitted by Vast Explorer, Inc., for its proposed Nantucket Sound permit area, until the next public meeting of the Board. Martha King seconded. Unanimous vote in favor. So voted.

6. MINUTES

A. Minutes of 28 May 2009

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 28 May 2009. There were no comments or corrections to the minutes.

Terry French moved to accept the minutes of the 28 May 2009 public meeting. Lenny Loparto seconded. Unanimous vote in favor. So voted.

Joe Pelczarski moved to adjourn the meeting at 2:14 PM. Brendan Foley seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director