

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 03 DECEMBER 2009**

MEMBERS PRESENT: Marcie Bilinski (Dive Community Representative)
Terry French (Designee of John Warner, State Archivist)
John Hoagland (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Kevin Mooney (Designee of Director of DCR Division of Waterways)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Dan Sampson (Designee of Deerin Babb-Brott, Director of Coastal Zone Management)
James Hennessey (Designee of Aaron Gross, Director of Environmental Law Enforcement)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Brendan Foley (Marine Archaeologist)
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 1:30 PM on 3 December 2009 in the CZM Conference Room at 251 Causeway Street, Boston.

Victor introduced Dan Sampson who was replacing Joe Pelczarski for today's meeting. He welcomed back Kevin Mooney who was replacing Martha King.

1. MINUTES

A. Minutes of 24 September 2009

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 24 September 2009. There were no comments or corrections to the minutes.

Terry French moved to accept the minutes of the 24 September 2009 public meeting. Jonathan Patton seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

A. Board Staffing

Victor noted the state currently has a hiring freeze. He was informally told there would be no backfilling of bond funded positions, such as Davis Trubey's former position, under the current financial situation.

B. Elections of Board Officers

Victor stated that the Board annually elects its two officers, Director and 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. In 2009, Victor Mastone served as Director and left the Deputy Director position vacant pending backfill of the vacant staff position. He noted that the Deputy Director position basically serves to allow the Director to step out of the meeting chair role and participate in debate. Further, he noted the Board had not held a meeting when he [Victor] could not be in attendance. Kevin Mooney expressed his willingness to serve as Deputy Director, a role he often held during his previous service with the Board. Victor asked the Board members for nominations.

John Hoagland nominated Victor Mastone for the position of Director. Kevin Mooney seconded the nomination.

Marcie Bilinski nominated Kevin Mooney for the position of Deputy Director. John Hoagland seconded the nomination

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John Hoagland moved to elect Victor Mastone as Director and Kevin Mooney as Deputy Director of the Board for 2010. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

C. Schedule of Board Meetings for 2010

Victor proposed a continuation of the bi-monthly schedule of regular public meetings in 2010. 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 28 January, 25 March, 27 May, 30 September and 2 December as the last Thursday of November is Thanksgiving. He noted he would still reserve meeting space for the last Thursday of February, April, June, July, August, and October.

Kevin Mooney moved to adopt the dates of 28 January, 25 March, 27 May, 30 September and 2 December as the Board's schedule of public meetings for 2010. Lenny Loparto seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Victor stated that as chair he would be changing the order of business at this point and move directly to Old Business. He would return to other business later in the meeting. Under Old Business, he said he would start with Underwater Discoveries Unlimited to accommodate a request by Mr. Snow.

5. OLD BUSINESS

A. 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. Mr. Oscar Snow, accompanied by one of his divers, Jay _____, was in attendance to present UDU's application. Vic noted Mr. Snow had some supplemental information to distribute as well as some that information did not reproduce well. Vic reminded the Board this permit was UDU's southern area, where the *White Squall* is located.

Mr. Snow reported he was on site in July. They excavated seven test pits and only encountered sand. Excavation was halted due to the cable failure on the diverter. Due to other vessel issues, they decided to halt further attempts at excavation and undertake additional remote sensing with a sub-bottom profiler. Unfortunately, adverse weather conditions (strong winds) blew lobster pots over the work area. He showed a photograph of the area depicting the heavy distribution of lobster gear. Marcie asked why they could not work around the pots. Mr. Snow said they did not want to jeopardize their equipment by striking the traps or getting entangled in the string of traps. Lenny asked when the picture was taken. He also asked if there was gear on the beach. Mr. Snow noted it was August and confirmed the gear was everywhere including the beach.

Mr. Snow informed the Board he would not longer be using a diverter to remove the sand overburden. He was concerned the diverter would damage the vessel remains and also did not want to leave larger areas exposed. He planned to use an airlift for excavation activities. He said he used the same field team as before including his project archaeologist. He described his excavation plans, noting the project archaeologist would be present at all times. He then showed the Board an aerial photo of the vessel and pointed out the location of the bow, mid-ship, and stern locations. He hoped to get out there in the spring to continue work and benefiting from the winter sand movements uncovering the site.

Lenny asked how they determined the location for their exploratory test pits. Mr. Snow said the captain, who had previously worked on the site under the old permit, was concerned he might run his boat into the wreck's stern post. So, they set-up further away from the site and with the plan to work up to the site. He noted their archaeologist was present for all excavation activities. Due to vessel problems, they never got to the point they initially planned for excavation. They expended about \$9,000 for this period of field investigation.

Mr. Snow noted they have acquired some addition equipment including a new underwater camera and new laptop computer for field work. He noted he was in communication with the staff of the National Seashore and at town hall.

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John Hoagland 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 the UDU coordinates all field activities with the staff of the Cape Cod National Seashore. Kevin Mooney seconded. Unanimous vote in favor. So voted.

B. 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 described what he believed he had two levels of failure this past year. First, adverse weather kept him off-site throughout the spring and early summer. He reminded the Board he tries to visit the site during the low spring tides and uses a small boat. He did get on site in July, but it was still too rough to dive. Second, research is going extremely slow. Mr. Bradbury said he has been many unanswered historical research questions, particularly concerning the possible court marshal of the ship's captain. Vic noted the weather had been a major factor with Board's sponsored projects. Vic encouraged him to press on with his research.

Marcie Bilinski moved to renew the Reconnaissance Permit held by Mr. William Bradbury for his Gloucester (Annisquam) site with all standard conditions in effect. Kevin Mooney seconded. Unanimous vote in favor. So voted.

C. 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. He noted the permittee had again submitted a very thorough renewal package. Victor stated that Mr. Dietlin had contacted him and requested the Board postpone consideration of their renewal request and only act to extend the permit's expiration date until the next Board meeting. His reason was that he wanted to be present for discussion and that neither he, due to injury, nor Mr. Rine, due to being at sea, could attend today's meeting.

Kevin Mooney moved to extend the expiration date of the Excavation Permit (00-003) held by Joseph K. Dietlin and Duane J. Rine for their Salem site with all standard conditions in effect until January 28, 2010. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

D. Neil Good

Victor reported that the Reconnaissance Permit, 00-002, issued to Neil Good would expire on December 4, 2009 if not extended by the Board in accordance with the Board's regulations. Mr. Good had contacted the Board and requested additional time to prepare his renewal application.

Kevin Mooney moved to extend the expiration date of the Reconnaissance Permit (00-002) held by Neil Good for his East Falmouth/Mashpee site until the next meeting of the Board scheduled for January 28, 2010, 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 Tribal Historic Preservation Officer for the Mashpee Tribal Council and the Tribal Historic Preservation Officer for the Wampanoag Tribe of Gay Head (Aquinnah). John Hoagland seconded. Unanimous vote in favor. So voted.

F. Fathom Research/David Robinson

Victor reminded the Board that Fathom Research, LLC, had submitted a Special Use Permit renewal application for a marine archaeological reconnaissance surveys as part of the Weaver's Cove Project, but that application was received after the submission deadline. Fathom had requested renewal as the project proponent still required archaeological services.

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Lenny Loparto moved to grant renewal of Fathom Research, LLC Special Use Permit (08-003) for the Weaver's Cove Project areas (as specified in the application), retroactive to September 24, 2009, with all standard conditions in effect. Kevin Mooney seconded. Unanimous vote in favor. So voted.

E. 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 not in attendance to represent the application.

Victor noted the Board has three options for action on this renewal request. They could act to extend, renew, or not renewal the permit at this meeting. He would recommend renewal as he could see nothing questionable on the archaeological side.

Marcie Bilinski moved to renew the Reconnaissance Permit (07-003) held by Kenneth J. Medeiros for his Duxbury site with all standard conditions in effect. James Hennessey seconded. Unanimous vote in favor. So voted.

F. Bassings Cove Maritime Association

Victor noted that Hank Lynch was present from the Bassings Cove Maritime Association and wanted to provide the Board with an update. Mr. Lynch expressed his group's thanks to the Board for providing them the opportunity to work on this site and share it with school children. He said he, Tom Mulloy and Deborah Jackson will be here to renew their permit in January. He observed that recent weather events had exposed more of the area so they could now observe how the sea floor was prior to the Blizzard of 1978. That storm had covered over the wreck site. He noted the recent story about their project in the Boston Globe had resulted in several people who had dove the site in the 1970s bring other artifacts to them for the museum.

G. Harry Noyes and Dennis McGrath

Victor noted that issues had arisen between the two permittee, Harry Noyes and Dennis McGrath. Given that, Victor determined it would be in the best interest of the resource that the Board take physical control and custody of the cannon. It is currently in secure storage at DMF's Annisquam Field Station in Gloucester. This does not relieve the permittees of any rights or responsibilities at this time. Their permit is up for renewal in March 2010.

6. NEW BUSINESS

A. Isolated Find Request - Allen W. Peirce

Victor reported that the Board received an isolated find request from Mr. Allan W. Peirce of Acton for a stone object recovered from the Assabet River in Concord. The object was made of slate and was shaped like an ax. The blade end appeared to have a ground edge. According to the application, there were no other objects or materials in the immediate area of the discovery. Victor noted the major issue for the Board was to determine if it were a natural occurring or a man-modified stone object.

Mr. Peirce brought the stone object with him and showed it to the Board members. Board members examined the object. Several noted the discoloration and staining. Victor noted that is a natural result readily evident on many freshwater stones. The archaeologists on the Board closely inspected the object faces and edges. Lenny explained what archaeologists look for in examining the object. First, he noted this material would shatter if used as an axe. In examining the blade edge, Lenny explained it should be bi-facial, worked on both sides, and this edge was only unifacial. He went on to explain we would look for secondary flaking or crushing along the edge from wear use. Very little was evident and that could result from handling or even being in the river. There was no signs of manufacture. He also noted that type of stone material naturally fractures in plains. The beveled edge was natural break or edge. Kevin noted water action could produced that as well. It was a sense of the archaeologists that this was a naturally occurring object and not modified by man.

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Given this is not a man-modified object, Victor declare it was not under the jurisdiction of the Board. An isolated find exemption was therefore not necessary for Mr. Peirce to retain position of the stone object.

Victor expressed his gratitude to Mr. Peirce for filing an isolated find application and his willingness to attend today's meeting.

B. Vast Explorer, Inc.

Victor reminded the Board members they had received a reconnaissance permit application from Vast Explorer, Inc. for consideration at its September meeting, but had postponed discussion at the request of the applicant. He said he received an email message from the applicant's representative, Ken Kinkor, yesterday informing the Board that Mr. Kinkor would not be able to attend today's meeting due to illness. In a subsequent email communication, Mr. Kinkor noted the current application was not complete and asked that it be withdrawn. In response, Victor informed Mr. Kinkor, the Board would consider the application withdrawn without prejudice. Victor noted in previous communications with the applicant he had raised concerns about certain information in their application that needed to be addressed by them. Victor said he did not know the status of their admiralty claim.

Change in the order of Business

Victor stated he would now change the order of business and return to the order in the agenda.

2. DIRECTOR'S REPORT (continued)

D. Area Committee (Oil Spill Response)

Victor reported he had attended the meeting of the USCG Area Committee on Oil Spill Response on November 22, 2009. He noted that Board member, Joe Pelczarski, was also in attendance representing CZM and as liaison to MEMA.

E. UNESCO Convention on the Protection of Underwater Cultural Heritage

Victor reported that Haiti recently signed in support the UNESCO Convention on the Protection of Underwater Cultural Heritage. That makes 27 nations as signatories. The Convention entered into force on January 2, 2009. He noted the Board has adopted the Annex Rules as best management practices.

F. Society for Historical Archaeology's Annual Conference

Victor reported that he would be attending the Annual Conference of the Society for Historical Archaeology in January 2010. Victor noted that he and Chris Amer of the South Carolina Institute for Archaeology and Anthropology organized the Annual Government Maritime Managers' Forum representing state, federal, and foreign government programs. This year's forum was entitled *Government Maritime Managers' Forum XVII: Drowning the Miller*. This expression refers to stretching rum rations by diluting them with water; this seemed quite an appropriate theme given the universal need to stretch resources. Victor said he was also panel on the use of volunteer divers organized by permittee, Dr. Raymond Hayes. He would also be participating in the annual meeting of the SHA UNESCO Committee. Funding for this travel was being provided by NOAA's Marine Protected Areas Center.

G. NOAA's Marine Protected Areas Center

Victor reported his travel to the previously mentioned SHA Annual Conference was being funded by NOAA's Marine Protected Areas Center. He reminded the Board members he was an appointed member of NOAA's Federal Advisory Committee on Marine Protected Areas (MPA FAC). As a member of the FAC, he is co-chair along with MPA Center staffer, Valerie Grussing, of the Center's Working Groups on Cultural Heritage Resources. The working group was holding an informal meeting in conjunction with the conference.

3. BOARD MEMBER REPORTS

There were no Board member reports.

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4. SUBCOMMITTEE REPORTS: OUTREACH

A. Massachusetts Archaeology Month – AIA/MOS Archaeology Fair

Victor noted the Board participated in the Museum of Science/Archaeological Institute of America "Archaeology Fair" at MOS on October 10 and 11 as part of Massachusetts Archaeology Month. He was assisted by BUAR Member Marcie Bilinski and volunteer Sharon Mastone, and Boston University undergraduate students, Jocelyn Slocum and Maria Sandvig. Victor and Marcie stated their assistance was terrific. The first day was devoted to school groups and the second day was open to the general public. BUAR sponsored activities included participation in a mock "dig" of a shipwreck. For our mock shipwreck, we used the shipwreck mosaic prepared by Jim Karos.

B. Bay State Council of Divers

Victor reported had attended the meeting of the Bay State Council of Divers (BSC) held on September 14, 2009. BSC members had offered to assist the Board with field documentation for the Minot's Ledge Lighthouse Archaeological Project. Unfortunately, adverse weather conditions on the scheduled dive dates precluded work. They hope to provide assistance when better weather returns next year. The next BSC meeting is scheduled for December 9, 2009.

Kevin Mooney moved to adjourn the meeting at 2:18 PM. Dan Sampson seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director