

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 30 September 2010**

MEMBERS PRESENT: John Hoagland (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Kevin Mooney, Deputy Director (Designee of Director of DCR Division of Waterways)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Joseph Pelczarski (Designee of Deerin Babb-Brott, Director of Coastal Zone Management)
Len Roberts (Designee of Aaron Gross, Director of Environmental Law Enforcement)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
Brendan Foley (Marine Archaeologist)
Terry French (Designee of John Warner, State Archivist)

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 September 2010 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 27 May 2010

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 27 May 2010. There were no other comments or corrections.

John Hoagland moved to accept the minutes of the public meeting held on 27 May 2010. Len Roberts seconded. Five votes in favor, one abstention. The motion passes. So voted.

CHANGE IN THE ORDER OF BUSINESS

Victor stated he would now be changing the order of business and go immediately to the action items under Old Business and New Business. Upon completing those items, he would return to the Director's report and other items on the agenda.

2. OLD BUSINESS

A. Joseph Dietlin and Duane Rine

Victor stated he had very sad news to report. He was contacted by Joe Dietlin who reported the accidental death of Duane Rine earlier this month. Victor noted that he had sent the Board copies of emails from Mr. Dietlin in which Mr. Dietlin had updated his personnel lists by adding Gary Esper and Alexander Bezkorovainy as divers on his project, and Scott Herber as the Project Conservator.

B. Gary Esper and Alexander Bezkorovainy

Victor reported that the permit held by Gary Esper and Alexander Bezkorovainy would expire at this meeting unless extended by the Board. He asked the Board to give positive consideration to this extension as he had inadvertently overlooked sending renewal notification to the permittees. He noted further that the Board is not required to send notice, but that it has been the practice of the Board for many years. Alex Bezkorovainy was in attendance at the Board.

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Joe Pelczarski moved to extend the expiration date until the next meeting of the Board scheduled for December 2, 2010 for the Reconnaissance Permit (06-002) held by Gary Esper and Alexander Bezkorovainy for their Salem Sound site with all standard conditions in effect. Len Roberts seconded. Unanimous vote in favor. So voted.

C. University of Massachusetts Archaeological Services

Victor reported the University of Massachusetts Archaeological Services had submitted a request for an extension of its Special Use Permit. They have completed field work and have prepared a draft report, but were waiting (1) to collect some wood samples during dredging to be used for dendrochronology and (2) information for the avoidance plan. Victor said he did not want to go into specific details as report is not ready for review.

Len Roberts moved to extend the expiration date until the next meeting of the Board scheduled for December 2, 2010 for the Special Use Permit (09-002) held University of Massachusetts Archaeological Services for the Salem Ferry Terminal Project area (as specified in the application) with all standard conditions in effect. Jonathon Patton seconded. Unanimous vote in favor. The motion passes. So voted.

6. NEW BUSINESS

A. Harry Noyes and Gary Gianotti

Victor reported that Harry Noyes and Gary Gianotti had submitted its reconnaissance permit application in accordance with the Board's Regulations. Victor noted he had raised the issue of extending the permit at the March Board meeting, but it was decided the Board would let it lapse as we had no communications from the permittee indicating they wanted to continue with permit. During the summer, Harry Noyes contacted Victor stating he had now had funds for conservation. He expressed shock to learn that Dennis McGrath had not renewed the permit. Victor informed him that he would need to re-apply for the permit and address the issues raised by the Board under the old permit. Mr. Noyes called several days later and said he would be applying for the permit with Gary Gianotti. Victor was later contacted by Mr. Gianotti. They [Noyes and Gianotti] had both expressed the desire to conserve the cannon and donate it for exhibit in Marblehead; they had contacted the Lake Champlain Maritime Museum concerning conservation and exhibit of the cannon. The Lake Champlain Maritime Museum contacted Vic and they discussed the situation. A copy of the conservation proposal is attached to their application. Harry Noyes was unable to attend today's meeting due to a pressing medical appointment. Gary Gianotti was in attendance to represent their application.

Mr. Gianotti thanked the Board for the opportunity to address them. He described himself as a colonial maritime researcher/historian. He has been researching many of the early colonial families and their economic activities. This includes cannons and symbolism in early flags from this period of American history. He had been researching other colonial cannons and heard about Harry's discovery. He started following up with Harry over the past year. Doing research on other cannons, he believes this cannon may be one of the earliest American manufactured cannons. There are only 3-5 cannon identified as being made before the American Revolution. It may have been made by makers in Bridgewater. We want to identify other information on the site to see if we might better date the cannon. Neither the states of Massachusetts or Connecticut have an iron cannon identified as being from the time of the American Revolution. Anything being identified as such would be very rare. They will be trying to identify if this is any isolated find or small wreck, and nail down a date. He contacted the Lake Champlain Maritime Museum. They gave an estimate of around \$4,000 for conservation. He noted that Harry is willing to pay to have the cannon conserved and put on display.

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Victor noted there was quite a bit of information in the permit application packet. He said he had been in communication with Mr. Gianotti over the past several years over Mr. Gianotti's research efforts. He observed this seem to be a good partnership of efforts, with Mr. Gianotti taking over much of the reporting activities. It was basically going to remain a two-man operation and not a major project. They planned to continue with historical research, undertake some remote sensing, and diver ground-truthing. They proposed to address the two main permit conditions for the permit previously held by Noyes and McGrath. They were required to prepare a detailed map of the area searched and a log of observations made on each dive in order for the Board to determine if the cannon represents an isolated find, and (2) provide the Board with a conservation plan for the cannon, which should not be moved from its current location without prior notice and approval of the Board's staff. He noted the original applicants had sought an isolated find exemption, and thus the Board condition. In this application, Noyes and Gianotti are proposing to undertake a survey. So, he did not see the need to specifically incorporate that condition. Vic stated these new applicants have also provided a conservation and exhibit plan. He suggested the permit be conditioned to require approval by Board staff for any execution of the cannon conservation plan. Vic recommended the cannon remain in state custody until such time they have entered into an agreement for conservation. Mr. Gianotti said their goal was to get into the field this fall. He noted he would be working with an underwater videographer to document their field work.

Kevin Mooney moved to grant the Reconnaissance Permit (10-007) to Harry Noyes and Gary Gianotti for their Marblehead Channel site with all standard conditions in effect and the further condition that any execution of the conservation plan for the cannon requires the approval of the Board's staff. Len Roberts seconded. Unanimous vote in favor. So voted.

B. Fathom Research LLC

Victor reported that Fathom Research, LLC had submitted a Special Use Permit application for a marine archaeological reconnaissance survey as part of the Sengekontacket Pond Channel Dredging Project. The survey was conducted under the direction of David Robinson, marine archaeologist, and included the use of a marine magnetometer, side scan sonar and sub-bottom profiler, and diver inspection of targets members of the Wampanoag tribe of Aquinnah were on the boat to observe the work. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 4 June 2010.

Kevin Mooney moved to grant Fathom Research, LLC a Special Use Permit (10-002) for the Sengekontacket Pond Channel Dredging Project 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. John Hoagland seconded. Unanimous vote in favor. So voted.

C. Aqua Surveys, Inc.

Victor reported that Aqua Surveys, Inc. had submitted a Special Use Permit application for a marine archaeological reconnaissance survey in the Towns of Chilmark, Edgartown, and West Tisbury as part of the Remedial Investigation/Feasibility Study Project. The project is contracted by the US Army Corps of Engineers for the wide area assessment of munitions and explosives of concern (MEC). The survey will be conducted under the direction of Mark Padover as marine archaeologist, and will test the use of certain remote sensing technology and diver inspection of targets. Victor noted the project had completed its preliminary stages of field research and was now modifying the permit to include additional areas. He distributed copies of maps previously emailed to Board members. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 7 June 2010.

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Victor noted there is on-going consultation between US Army Corps of Engineers, the Massachusetts Historical Commission, and the project archaeologist on how to proceed under 36 CFR 800. Their agreed upon approach requires (1) that excavation operations be monitored by a qualified professional archaeologist experienced in the identification and treatment of ancient and historical period resources, including human remains, in the glaciated Northeast; (2) a memorandum report and MHC inventory forms for any identified sites, will be completed by the archaeological monitor and provided to the MHC and other consulting parties; (3) any significant historic properties identified during the undertaking will be protected to the extent feasible; and (4) if no significant resources are found, a letter will be provided to the MHC and other consulting parties. Vic stated he believed the Board would be considered one of the consulting parties. So, he did not believe we needed to add these provisions to our permit and could simply state that all work must comply with any conditions resulting from that consultation. Vic said he had discussed the approach with Ed Bell of MHC and they had agreed upon the language for the a draft motion.

Kevin Mooney moved to grant Aqua Surveys, Inc. a Special Use Permit (10-003) for the Remedial Investigation/Feasibility Study Project area in the Towns of Chilmark, Edgartown, and West Tisbury as specified in their amended application with all standard conditions in effect and the further condition that prior to implementing the survey Aqua Surveys, Inc. submit its survey research design and methodology to the SHPO for review and comment, and all work must comply with any conditions resulting from that consultation. Len Roberts seconded. Unanimous vote in favor. So voted.

D. Dolan Research

Victor reported that Dolan Research had submitted a Special Use Permit application for a marine archaeological reconnaissance survey as part of the New Bedford South Terminal Infrastructure Project. The survey was conducted under the direction of Lee Cox as marine archaeologist and included the use of a marine magnetometer, side scan sonar and sub-bottom profiler, and diver inspection of targets. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 7 June 2010. After consultation with the MHC, Dolan Research submitted a revised research design/work plans to address MHC comments. The results of their Phase I background and field research had identified one wooden shipwreck site. They recommended additional study of this site under Phase II site examination. Vic noted the recommended Phase II investigation is not currently part of the permit application before he Board.

Kevin Mooney moved to grant Dolan Research, Inc. a Special Use Permit (10-004) for the New Bedford South Terminal Infrastructure Project area, as specified in the application as amended, with all standard conditions in effect and the further condition that Dolan Research, Inc. submit its survey research design and methodology to the SHPO for review. John Hoagland seconded. Unanimous vote in favor. So voted.

E. John Milner Associates

Victor noted that the Board received two applications from John Milner Associates (JMA) for the New Bedford South Terminal Infrastructure Project. Their Project Archaeologist, Dr. Joel Klein, had requested that we allow them to separate their study into to two permits, subtidal and intertidal. Their studies were aimed at assessing ancient Native American cultural remains. Victor stated both applications meet the requirements specified in the Board's regulations and that he provisionally issued the permits on August 12, 2010. Victor noted that one application was accidentally post-dated by the applicant, so he corrected the date to reflect its earlier receipt. After consultation with the MHC, JMA amended their work plans to address MHC comments.

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1. New Bedford Harbor South Terminal Infrastructure Subtidal Special Use Permit

Kevin Mooney moved to grant John Milner Associates a Special Use Permit (10-005) for the New Bedford South Terminal Infrastructure Project subtidal area, as specified in their application, with all standard conditions in effect and the further condition that John Milner Associates submit its survey research design and methodology to the SHPO for review. John Patton seconded. Unanimous vote in favor. So voted.

2. New Bedford Harbor South Terminal Infrastructure Intertidal Special Use Permit

Kevin Mooney moved to grant John Milner Associates a Special Use Permit (10-006) for the New Bedford South Terminal Infrastructure Project intertidal area, as specified in the application as amended, with all standard conditions in effect and the further condition that John Milner Associates submit its survey research design and methodology to the SHPO for review. Len Roberts seconded. Unanimous vote in favor. So voted.

CHANGE IN THE ORDER OF BUSINESS

Victor stated he would now be changing the order of business to the original agenda.

2. DIRECTOR'S REPORT

A. Interns

Victor reported the Board had two new high school interns for the months of July and August. They were Andy Li and Anthony Martinez. They are being paid by Action for Boston Community Development under their career exploration program for youth. They worked up to 20 hours/week through mid-August. Anthony was a graduate of the Dive Kulture training program as were the previous ABCD funded interns.

Victor reported now has two new interns. Shawn Joy, who could not be here today, is a Worcester State College undergraduate working one day per week as an unpaid research assistant. He started in August. Victor then introduced Richard Sullivan, who has an MS from the University of Southampton and a BA from Boston University, is serving as an unpaid Research Fellow. Vic noted Richard has assisted in the remote sensing survey on Minot's Ledge in 2007.

B. NOAA's Marine Protected Areas Federal Advisory Committee

Victor reported that he had several items to report related to NOAA's Marine Protected Areas (MPA) Federal Advisory Committee (FAC). He reminded the Board he is an appointed member of the MPA FAC and co-chair of their Cultural Heritage Resources Working Group (CHRWG):

1. The CHRWG is holding a sub-group meeting of tribal/indigenous representatives to better address their concerns. Vic said he will be participating in that meeting which will take place in Seattle (WA) on October 4th - 8th.
2. He will be attending the meeting of the full FAC in Santa Barbara (CA) on November 1st-6th.
3. The CHRWG will also meet in conjunction with the FAC. They developed and the FAC adopted a mission statement concerning these resources for the FAC. They will be developing a white paper. Once adopted, Vic will share it with the Board.

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Victor noted that all travel expenses are paid directly by NOAA's MPA Center. He added that he will be using vacation time to attend these meetings.

John Hoagland noted he must use vacation or personal time to attend Board meetings.

C. NPS American Battlefield Protection Program

Victor reported the inter-agency service agreements between the Board and the University of Massachusetts at Boston for the Chelsea Creek Battlefield study are approved. The two graduate student assistants are Craig Brown and Chris Maio. Chris is in the PhD program in Earth, Environmental and Oceans program under Dr. Allen Gontz. He has assisted the Board on several previous projects and working on historic landscape reconstruction. Victor noted this has taken longer than anticipated as much of the previous geo-referencing work appears to concentrate on Boston's Shawmut Peninsula and not elsewhere in the harbor. He added they were putting more detail into their maps to capture minor creeks and other features which are generally omitted in other shoreline change projects. Craig is finishing his MA in Historical Archaeology under Dr. Stephen Mrozowski. He is very familiar with the New Hampshire records where many of the troops came from. He has finished nearly all the muster lists. As with maps, we anticipated more of this information would have been compiled. Instead, Craig has to assemble it from primary documents. Craig believes he may have located the court martial records for the *Diana's* captain.

3. BOARD MEMBER REPORTS

Lenny Loparto noted that October is Massachusetts Archaeology Month. He distributed posters and program of sponsored events.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. Bay State Council of Divers Meeting

Victor stated the Council sponsored a dive in August 22 for the various clubs to volunteer their services to the Board. They would assist in a diver survey of the Minot's Ledge site. Victor reminded the Board that the Council had planned several dives last summer, but adverse weather/sea conditions on those dates cancelled those dives. This time, they were able to dive the area, but were unsuccessful in relocating the plaque.

Victor reported that he attended the September 8th meeting of the Bay State Council of Divers. The meeting focused on the Bay State Council's Club Dive/Treasure Hunt. It will be moved from its traditional May date to Sunday, September 26, 2010 at Stage Fort Park in Gloucester. Victor assisted at the registration table. There were well over 100 people from a number of clubs in attendances, with nearly 80 divers in the diving and snorkeling competitions.

The next Council meeting is scheduled for November 10.

B. Metro West Dive Club

Victor reported that he gave a presentation to the Metro West Dive Club on September 14 on Lake Quinsigamond dugout canoes.

C. Archaeology Month 2010/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 14th and 16th. He is hoping of doing this program in collaboration

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with Matt Lawrence and Deborah Marx from the Stellwagen Bank National Marine Sanctuary. Victor was looking for volunteers to assist with the event; Richard will be helping. Last year, he was assisted by both Board member Marcie Bilinski and his spouse, Sharon Mastone.

Another event is at Lowell's Boat Shop on October 30th entitled "Maritime Archaeology Foreshore Dig at Lowell's Boat Shop". The program will be lead maritime archaeologist and historian Graham McKay and Vic will assist Graham. He has his MA from the University of Bristol. He documented the lightship on the Merrimack River in collaboration with the Board. The floors of the shop have been swept into the river for more than two hundred years. Participants will assist in surveying the intertidal zone under the old debris chutes to see what has been deposited over the past two hundred years.

D. Lynnfield Historical Society

Victor reported that he will be giving a presentation to the Lynnfield Historical Society on the evening of November 23, 2010. The topic will be the Battle of Chelsea Creek.

John Hoagland moved to adjourn the meeting at 2:15 PM. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director