

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 MARCH 2007**

MEMBERS PRESENT: Marcie Bilinski (Dive Community Representative)
Terry French (Designee of John Warner, State Archivist)
John Hoagland (Dive Community Representative)
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 Bruce Carlisle, Acting Director of Coastal Zone Management)
Capt. John Tulik (Designee of James Hanlon, Director of Environmental Law Enforcement)
Victor Mastone, Director (Staff for the Board)
David Trubey, Deputy Director (Staff for the Board)

MEMBERS ABSENT: 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 29 March 2007 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 25 January 2007

Victor noted that a mistake was discovered and corrected since the Board members' copies were mailed out. Line two of the **MEMBERS PRESENT** section has been corrected to read "DCR Division of Waterways" not DEM. Victor asked the Board if there were any comments or additional corrections to the minutes of the public meeting held on 25 January 2007. There were no comments or corrections to the minutes.

Terry French moved to accept the minutes of the public meeting held on 25 January 2007. Lenny Loparto seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

A. USCG Collaborative Project

Victor reminded the Board he is working with the US Coast Guard Historian's Office to develop some collaborative research projects. They are moving forward on an initial project centered on the Minots Ledge Lighthouses. Collaborators include the Coast Guard Auxiliary, NOAA's Office of Ocean Exploration, University of Massachusetts-Boston, and folks from the Bassings Cove Maritime Association. Historical research is on-going while remote sensing is about a month away, with a diving survey in June.

B. Whydah Project

Victor reported that he had received letters from Barry Clifford and John de Bry, the project archaeologist. Mr. Clifford informed the Board he is working with Arts & Entertainment International and The National Geographic Society to produce a traveling exhibit on the *Whydah* project. Dr. de Bry provided a brief update on field operations and their plans for this field season. Victor noted that the Army Corps of Engineers is the permitting agency for this project and not the Board. It has not been verified that the Army Corps permit for this project is still valid or that the project staff is communicating with the Corps or the State Historic Preservation Officer, which it is required to do. The Board is only an

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interested party as specified in the Advisory Council on Historic Preservation memorandum regarding the project. Victor added that he will be following up with Mr. Clifford and the other agencies on these matters and to inform Mr. Clifford that the Board has several active permit areas near his site in which he is not authorized to work.

3. BOARD MEMBER REPORTS

There were no Board member reports.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. Groveland Council on Aging

Victor reported that he presented a lecture at the Men's Breakfast of the Groveland Council on Aging on 13 February. The lecture focused on shipwrecks on the North Shore and was well received.

B. Bay State Council of Divers

Victor reported that he attended the Bay State Council of Divers meeting earlier in the month as did Marcie Bilinski. The meeting focused primarily on the dive flag issue, plan to create an artificial reef and the Stellwagen Bank National Marine Sanctuary management plan. Marcie noted that the Council will be holding its Annual Treasure Hunt at Stage Point Park on 20 May.

C. Boston Sea Rovers Annual Underwater Clinic

Victor informed the Board that he and David attended the Boston Sea Rovers 53rd Annual Underwater Clinic on March 3rd – 4th at the Fairmont Copley Hotel in Boston. As it has in past years, the Board distributed literature at the Department of Marine Fisheries booth. Victor stated that he attended on Saturday and spent a lot of his time speaking with the various dive clubs that were represented. David attended Sunday's session and caught some of the papers.

D. Conference on New England Archaeology

Victor noted the annual Conference on New England Archaeology will be on 21 April at Old Sturbridge Village. The theme of the meeting will be "Rules of Engagement," presenting case studies on how archaeologists engage a variety of public constituencies in their work. He will be making a presentation about the Board's Shoreline Heritage Identification Initiative (SHIPS).

5. OLD BUSINESS

A. Gary V. Esper and Alexander G. Bezkorovainy

Victor reported that Gary Esper and Alexander Bezkorovainy, through their project archaeologist Bob Cembroloa, have requested the Board consider modifying the northern boundary of their reconnaissance permit by extending it 600 yards northward. The reason for this request, as opposed to seeking a second permit area or permission to work in the buffer zone, is that the new area is larger than the buffer zone and granting a second permit for the area would lock up more area than necessary and would also create additional buffer zone issues. Victor presented the Board with a GIS chart depicting the existing permit area and the proposed expansion, which is approximately 25 percent and follows a trail of potential ship related debris. As Mr. Esper and Mr. Bezkorovainy have not yet determined the southern extent of their site, they would like to keep the current southern boundary. Mr. Esper and Mr. Bezkorovainy were in attendance to present their request.

Mr. Esper reported they are just now finding some material in the Searle Rock area which appears to have come in with a current from the north. John Hoagland asked if they believe this to be a debris trail. Mr. Esper replied that they do based on the types of objects they are finding such as copper spikes and sheathing.

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Victor stated that although it is the Board's policy to minimize the size of permit areas, he believes Mr. Esper's and Mr. Bezkorovainy's request is reasonable given that they are unable to discern if they are dealing with one site or more than one. If there is more than one site, it would be better not split them into different permit areas. He noted that there are no existing abutting permit areas to the north.

John Hoagland moved to extend the northern boundary of the reconnaissance permit (06-002) held by Gary V. Esper and Alexander G. Bezkorovainy 600 yards northward with the new northern boundary being 42.531 N. The western and eastern boundaries will remain the same at 70.779 W and 70.756 W respectively. Martha King seconded. Unanimous vote in favor. So voted.

B. Restoration Project Inc.

Victor reported that Restoration Project, Inc. (RPI) had submitted its Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations. Eloise Newel, Project Director, had indicated that she would be attending the meeting, but was not present. Victor reminded the Board that although it is preferred, permittees are not required to attend the meeting for renewal of an existing permit. He added that he saw no issues with the application and had spoken to Chris Hugo at the Sea Rovers clinic and he is planning to work with Restoration Project, Inc. again this year if any diving is planned. Victor added it would be beneficial to the project to have additional magnetometer work done with the divers on standby to immediately investigate anomalies. He noted that because the bottom sediment in the pond is so deep, the ground truthing process will be extremely challenging.

Regarding the additional condition that has been placed on this permit (and others) since it was originally granted, requiring the permittee to coordinate its activities with the Department of Conservation and Recreation (DCR) staff archaeologist, Victor noted that he may not respond to their notices or other communications from them. The Board should not assume that because a permittees is contacting the DCR archaeologist, they are receiving project related feedback, as this is not the case. Permittees are merely giving notice of their intention to conduct fieldwork.

Joseph Pelczarski moved to renew the Reconnaissance Permit (02-001) held by Restoration Project, Inc. for its Willis Pond site with site with all standard conditions in effect and the further condition that Restoration Project, Inc. coordinates its activities with the Department of Conservation and Recreation staff archaeologist. Jonathan Patton seconded. Unanimous vote in favor. So voted.

C. Underwater Discoveries Unlimited

Victor reported that Underwater Discoveries Unlimited (UDU) had submitted its reconnaissance permit renewal application and Annual Report in accordance with the Board's Regulations. Victor reminded the Board that this application is for renewal of permit number 96-001 for a potential unidentified shipwreck site off Wellfleet and not for the *White Squall* site. Oscar Snow was in attendance to present the application on behalf of UDU.

Mr. Snow reported that UDU is very excited about the upcoming field season. It now has its own vessel and magnetometer, and plans to conduct fieldwork at both sites. When the weather is bad for working at the excavation site, he and his team will continue surveying in the reconnaissance permit area in an attempt to pinpoint the anomaly locations from a previous survey. He noted that the same people will be working with him this year as last including his project archaeologist.

Lenny Loparto asked if the Board requires graduate degrees for archaeologists working on permitted projects. Victor replied that the Board's regulations require either a graduate degree or equivalent experience in archaeology, anthropology, history or a related field. He added that the Board's regulations regarding qualifications are very similar to the Secretary of the Interior's standards.

Marcie Bilinski moved to renew reconnaissance permit No. 96-001 held by Underwater Discoveries Unlimited for its Wellfleet with all standard conditions in effect and with the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore. John Hoagland seconded. Unanimous vote in favor. So voted.

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D. Joseph Dietlin and Duane J. Rine

Victor reported that the Board has received a letter from Robert Cembrola stating that he will be working with Mr. Dietlin and Mr. Rine as their project archaeologist.

6. NEW BUSINESS

A. Raymond L. Hayes

Victor reported that Raymond Hayes has requested a reconnaissance permit for the area of Great Harbor in Woods Hole. He stated that the application is very thorough and could be considered a model application with a sound research design and work plan. He noted that the applicant also submitted a video recording, which is on file with the Board that provides demonstrable proof of a resource. James Karos, who will be working with Dr. Hayes on this project, was in attendance to present the application.

The purpose of the proposed project is to survey and map the historic anchorage of Great Harbor, Woods Hole, paying specific attention to the 19th century guano processing, offshore whaling, boat building and coastal trading that took place from this port. Mr. Karos read a synopsis of the proposed project prepared by Dr. Hayes. The plan is to conduct random circle searches within the project area. If a cultural resource is spotted by the divers, the search will stop and the resource will be identified by type. A digital photograph will be taken and the resource's distance from the tape and compass bearing along the tape will be recorded. A second dive will be conducted to retrieve any materials that are determined to be significant by the project director, in conjunction with the archivist of the Falmouth Historical Society (FHS) and the curator of the Woods Hole Historical Museum (WHHM). All retrieved objects will be turned over to the FHS and WHHM following cataloguing and conservation for public display and interpretation. Additionally, a formal report and map depicting the distribution of cultural material in the historical anchorage site of the harbor will be generated. Results of the survey will also be presented to the public by the project director.

Mr. Karos added that there are two shipwrecks in the proposed project area that are on the video tape. Dr. Hayes would like to map these wrecks as well and will bring in divers from Washington, DC and New Hampshire to assist with the project. The divers are former members of the Maritime Archaeological and Historical Society (MAHS). He would also like to bring in some people from the Woods Hole Oceanographic Institution.

Victor stated that the idea for this project came out a plan by the National Marine Fisheries Service to dredge portions of Great Harbor. As a resident of Woods Hole, Dr. Hayes became interested in surveying this area even though it was not required by the Board as the dredging was categorized as maintenance. Victor informed Dr. Hayes that he would have to apply for a permit. Mr. Karos noted that during the construction of the marine biological laboratory, many of the waterfront building associated with the maritime activities of Woods Hole were destroyed. He sees the proposed project as a great opportunity to learn about the harbor's history and as a training opportunity for himself.

Lenny Loparto asked how Dr. Hayes is determining the locations for and the numbers of circle searches he is planning to conduct. Victor stated that he believes the locations will be judgmentally based, but he is not sure how many circles there will be. Mr. Karos stated that the plan calls for 80 dives. However, this number includes retrieval dives and dives for mapping the two shipwrecks. Lenny asked if the team will be mapping individual artifacts. Mr. Karos replied that if an artifact is composed of metal or wood, it will be photographed and mapped in place. Lenny stated that he is very concerned about the number of artifacts that could be removed during this reconnaissance level project. He added that unless an exceptional effort is made to carefully map all artifacts in place, potentially significant information could be lost particularly if any of these artifacts comprise a debris field that could be associated with a shipwreck or vessels that were moored in the harbor. He also expressed his concern regarding who will be identifying these artifacts. Mr. Karos stated that he believes artifact identification will be made by the staff of the WHHM and the archivist of the FHS. Victor stated he does not believe Dr. Hayes has obtained the services of a project archaeologist, but the team members have had fairly extensive training in artifact identification through the MAHS program. Mr. Karos added that artifacts will be mapped so their provenience will not be lost. Lenny expressed his concern that the project has the potential to completely remove several classes of artifacts from the project area. Therefore, the significance of accurate and thorough documentation is tremendous. Victor stated that he does not believe Dr. Hayes's plan calls for that level of artifact collection, but if Board members have concerns regarding this aspect of the proposed project, they can condition the permit to preclude the

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collection of artifacts pending more information. He added that Dr. Hayes is planning to attend the Board's next meeting in May.

Jonathan Patton stated that in addition to sharing Lenny Loparto's concern regarding artifact collection, he is concerned with the short term conservation plan, specifically the idea that the material will be stored at Dr. Hayes's house. Mr. Karos stated that the FHS has experience in conservation and is currently conserving one or two cannon reportedly from the *HMS Nimrod*. Jonathan continued that he would like to see a written agreement between Dr. Hayes and the FHS or another qualified conservation facility formalizing its commitment to the project. Victor replied that Dr. Hayes stated in his recent email that he is preparing a memorandum of understanding with the FHS and WHHM.

John Hoagland stated that if the Board chooses to grant this permit today, it should stipulate that no artifact collection take place until Dr. Hayes provides more information regarding the documentation and conservation of artifacts. Lenny agreed and added he is sure, based on the thoroughness of the information provided to the Board, that Dr. Hayes will be able to answer any questions relatively quickly at the next meeting. He added that, as this is a harbor setting, it is important for Dr. Hayes to look at the above water resources too and he should look at the results of surveys that were conducted for this area. For example, Lenny referred to a survey that was conducted in 1991 at the Marine Biological Laboratory that is right near the proposed project area. These types of surveys and reports could be beneficial in providing additional information on historic waterfront activities and what types of artifacts they have produced on land.

John Hoagland asked Victor if, as he was a member of MAHS for 5 or 6 years, he should abstain from any vote on this permit. Victor replied that he did not think it was necessary as the proposed project is not a MAHS project, but rather is simply being run by former MAHS members.

Terry French moved to grant Raymond L. Hayes a reconnaissance permit (07-001) for his Great Harbor, Woods Hole (Falmouth) site with all standard conditions in effect and the further conditions that no artifact collection take place until the permittee submits for Board approval a plan detailing the selection process for sample locations, need to collect samples and a plan for the curation of artifacts. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

RECESSED: Victor recessed the meeting at 2:16 PM to await the arrival of applicant Harry Noyes. **RECONVENED:** Victor reconvened the meeting at 2:24 PM.

B. Dennis McGrath and Harry Noyes

Victor reported that Dennis McGrath and Harry Noyes have requested a reconnaissance permit for an area of Marblehead Channel off Marblehead. The application appears to be complete and in accordance with the Board's regulations. Victor stated that the applicants discovered a small cannon while urchin diving in Marblehead Channel. Unaware of the law, they had recovered the cannon. They subsequently contacted the Board inquiring about an isolated find application. Victor stated that he informed them that the Board would not initially consider cannon as an isolated find and suggested they apply for a reconnaissance permit and conduct a search to determine if the cannon was an isolated find or part of a shipwreck (archaeological) site. Victor reported that the cannon is stable and secured in a freshwater tank in Mr. Noyes's garage. He has sent photographs of the cannon to a number of colleagues and conservators who believe it is either a signal or swivel gun of English design dating to before 1718. This conclusion is based on the visual characteristics of the trunnions, which sit low on the gun body, the design of the reinforcing rings and the cast iron composition. Victor explained that because they don't know much about the site, the applicants are requesting a relatively large permit area and are planning an approximately 300 ft. diameter search area. Mr. McGrath and Mr. Noyes were in attendance to present their application.

Mr. McGrath reported that their plan to search the area is to sink an anchor where the cannon was found and conduct a circle search from there. He noted that there is a tremendous amount of material in that area including cable, nails, anchors, old lobster traps, etc. He described the sea bottom as hard packed with a significant boulder field. Mr. Noyes added that lobstermen refer to this area as *the graveyard* because any objects that get caught in currents and swells there are banged against the bottom. He noted that he has probably lost at least 300 lobster traps in this area over the years. Because there is no mud, most objects remain on the bottom surface and are visible unless they fall between the rocks. Victor stated that although these items are not necessarily representative of a shipwreck site, they should be recorded as part of the search.

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Mr. Noyes stated that he would like to have a larger permit area. He explained that if a ship struck in the area and broke apart, it would likely have been from a northeast or southeast storm in which cases debris would likely settle in a pattern heading southeast towards Marblehead Light or northeast towards Tinkers Island. He agreed with Mr. McGrath that there is a tremendous amount of trash in this area which they will have to work around. He has purchased an underwater metal detector and they have an underwater camera which they usually deploy when search for sea urchins and scallops. Both of these instruments will be useful during the search. He noted that the camera is capable of recording and they plan to document anything they find in the event they decide to pursue an excavation permit at a later date.

Victor asked Mr. Noyes how he would like to see the proposed permit boundaries modified. Mr. Noyes replied he would like to see the boundaries moved closer to Marblehead Neck and towards Tinkers Island or more north and closer to the shore. Victor suggested shifting the boundaries approximately four tenths of a mile westward and four tenths of a mile northward. Mr. McGrath and Mr. Noyes agreed with that plan.

Mr. Noyes reported that after a piece of concretion fell off the cannon since it was photographed, there appears to be a "P" on the top. The figure appears to be stamped on rather than part of the original cast. He added that it is not perfectly centered on the top, but slightly off to one side. Terry French asked Mr. Noyes and Mr. McGrath if they have done any research on known shipwrecks in the area. Mr. Noyes replied that Ray Bates has looked at his records and was unable to come up with any known wrecks in the immediate area that would have been carrying cannon of this age or type. Terry asked Mr. Noyes and Mr. McGrath if they are planning to display this cannon any point in time. Mr. Noyes replied that at this point in time, they are focusing on the cannon's origin and determining whether it represents an isolated find or a shipwreck site. They are planning on having the cannon x-rayed to see if there is anything inside the plugged muzzle. They have not determined if it was intentionally plugged or if it sealed over time with a concretion. Mr. Noyes stated there is a tremendous amount of enthusiasm and wishful thinking among the few people who have seen the gun that it is from a pirate vessel. Victor noted that it could have come from any vessel up to approximately the War of 1812 as the ordinance would still have been in use. He added that privateering was very common in this area up until that time.

Victor stated that there are three areas on which Mr. Noyes and Mr. McGrath should concentrate their efforts moving forward. First, they need to determine if the cannon represents an isolated find or a shipwreck site. Regarding the permit area, the Board can condition a motion to redraft the permit area. Second, they should begin researching the documentary record for potential shipwrecks in the area and third, they should continue with short term conservation of the cannon while planning for its long term curation. Victor added that the cannon is in very good condition compared to others he has seen. Unfortunately, some concretion was removed before he was contacted, but the cannon is currently stable and secured. Victor stressed that Mr. McGrath and Mr. Noyes should start looking now for a conservation facility as they are limited in number particularly for an object that big. He noted that the applicants have no plan to collect anything artifacts at this time. Mr. Noyes believes a reason for its good condition is that it might have become buried at the time of its loss and was recently moved to the surface of the seafloor by storm activity. He added that he is confident they will be able to line up a conservator soon.

Lenny Loparto encouraged Mr. Noyes and Mr. McGrath to create very detailed maps of the search areas and keep a log of everything they see on bottom as this is the type of information the Board will want to have in the event the project moves to the excavation level. Mr. Noyes replied that he attended commercial diving school in California where he received training in underwater survey work, underwater welding and a variety of other activities. He believes he is well qualified to perform the basic reconnaissance work. He stated he has lived in Marblehead all his life and therefore has numerous contacts on the water as well as 41-foot lobster boat which would work well as a reconnaissance/dive boat. If there is a site and the project moves forward however, he stated that he and would absolutely obtain the services of a well qualified marine archaeologist to ensure that everything is done properly. Regarding his earlier request to modify the proposed permit boundaries, Mr. Noyes stated that, upon further consideration, he feels the permit area as depicted on the chart is of adequate. Victor replied that the boundaries could be modified at a later date.

Marcie Bilinski moved to grant Dennis McGrath and Harry Noyes a reconnaissance permit (07-002) for the area of Marblehead Channel designated on the chart prepared by the Board and presented this day with all standard conditions in effect and the further conditions that the permittee 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. Additionally, the permittee is required to provide the Board with a conservation plan for the cannon. Terry French seconded. Unanimous vote in favor. So voted.

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Terry French moved to adjourn the meeting at 2:52 PM. John Hoagland seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director