

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 27 MARCH 2008**

MEMBERS PRESENT: Marcie Bilinski (Dive Community Representative)
John Hoagland (Dive Community Representative)
Kevin Mooney (Designee of Martha King, Director of DCR Division of Waterways)
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)
Terry French (Designee of John Warner, State Archivist)
Leonard Loparto (Designee of Brona Simon, Executive Director, Massachusetts Historical Commission)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:34 PM on 27 March 2008 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 31 January 2008

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 31 January 2008. There were no comments or corrections to the minutes.

John Hoagland moved to accept the minutes of the public meeting held on 31 January 2008. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

Victor stated that it looks like a full agenda for today's meeting. He noted it had been a busy period since the last Board meeting and he had a number of items to report on.

A. Special Use Permit Regulations

Victor reported that the amendments to the Board's regulations which create the new Special Use Permit have been approved. He noted that timing is everything. Our final revisions were in the queue behind some DEP regulations which delayed review of our amendments. Unfortunately, we received EEA's approval just a couple of days after a Massachusetts register filing deadline, so we had to wait until the next issue. That will make the effective date of our changes 4 April 2008.

B. EPO training

Victor reported that he was given the opportunity to provide training on submerged cultural resources to the Environmental Police Officer (EPO) cadets on February 4th. The training centered on the laws concerning cultural resource protection and basic resource identification. Captain John Tulik stated that there are more in-service training

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sessions for regular EPOs in the month of April. Victor replied that the Board is planning to participate in the in those sessions as well. Marcie Bilinski stated that she would like to participate in the training. Victor replied that she would have to inquire with the Environmental Police to see if it is alright.

C. MPA FAC Appointment & Meeting

Victor reported that he has been formally appointed by the Secretary of Commerce to the Marine Protected Areas Federal Advisory Committee. He is one of two members who represent cultural resources interests. They will be meeting in Washington, DC during the week of April 20, 2008.

D. Policy Guidance Development

Victor reported that he is currently working on three policy guidance documents that he hopes will be ready for the Board by the next meeting. The first is on unexploded ordnance and is basically a list of contact information. The second is on report writing and is geared toward the Board's permittees to help them fulfill their regulatory requirements. The third document is a set of standards for archaeological survey work, primarily remote sensing at the reconnaissance level and earlier. Victor noted that he had a been planning for quite some time to write out the standards for survey work, but has now been pushed to do it as the U.S. Minerals Management Service is developing its own set and has solicited input from the coastal states. As it turns out, many states have similar standards in practice, but have yet to formally put them on paper.

E. Newcomb Hollow Beach

Victor noted that in January part of a shipwreck washed up on Newcomb Hollow Beach in Wellfleet. This is within the boundaries of the Cape Cod National Seashore and adjacent to BUAR permit #96-001 held by Underwater Discoveries Unlimited. It has been getting a lot of attention on the press and thousands of people have come out to see the wreckage. Vic said he would not call it a site since it lacked archaeological context, much like an isolated find. Vic added this component may be related to two additional ship fragments reported north of the parking lot. The reporting and recording of finds such as this is one of the purposes of the Board's SHIPS initiative.

Victor made two visits to the wreckage. At his first visit, he met Deidre O'Regan, an underwater archaeologist and Editor of *Sea History Magazine*, Arne Carr, and Lenny Loparto. Arne had been reviewing records held by the Historic Maritime Group of New England to see if they could identify the specific vessel. At his second visit, he met with David Robinson and his students from UConn to record the remains. Vic, Dave, and a Park Ranger answered questions and interpreted the wreckage for the public while the students recorded the component. NPS archaeologists from Lowell had also created a site plan of the wreckage. Vic noted they have been working with Bill Burke, CCNS Cultural Resources Program Manager. Vic believes the structure is very close the keelson and dates from the mid to late nineteenth century. There has been a lot of speculation as to the source of this structure. Victor and Arne Carr have both checked their records and have come up with some potential names, only to find these vessels either do not match the type or were re-floated after wrecking. He added that the Park Service has posted warnings against removing things from the structure and has issued some citations.

Victor invited Mr. Snow of UDU to present his thoughts on the wreckage to the Board. Mr. Snow stated that the thousands of people visiting the location is the reason he wants to have some security at his site. He believes the rest of this vessel is in UDU's permit area. Mr. Snow expressed his concern that the Board cannot prevent people from diving in his permit area. He stated that the structure currently on the beach is the side of a ship dating to the approximately the 1760s. Victor replied that based on his observations, he does not believe the structure is that old. He pointed out that many of the people who have offered interpretation of the structure and dated it to the 1700s have not visited the site and the ones that have are not ship construction scholars. Mr. Snow stated that despite the age controversy, it is a nice piece of a ship, but it is not from the wreck in which he is interested and trying to protect. He asked the Board why with all the miles of coastline in Massachusetts, it cannot limit people from diving in a permit area. Victor replied that such a restriction would go beyond the Board's legal authority. He added the Board can and does discourage people from diving in permitted areas, but it can not force them out.

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3. BOARD MEMBER REPORTS

There were no Board member reports.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. Bay State Council of Divers

Victor reported that he had attended the meeting of the Bay State Council of Divers (BSCD) on February 13th. Victor stated the BSCD is currently renovating its website and has made some very useful changes. He noted that due to a scheduling conflict, David Trubey will be attending the next meeting for him on April 9th.

B. Boston Sea Rovers Annual Underwater Clinic

Victor informed the Board that David Trubey attended the Boston Sea Rovers 54th Annual Underwater Clinic on March 8th at the Fairmont Copley Hotel in Boston. As it has in past years, the Board distributed literature at the Department of Marine Fisheries booth. Board members Marcie Bilinski and John Hoagland also attended.

C. Water Watch Forum Lecture

Victor made a presentation on the Minots Light Project as part of the Water Watch Forum Lecture series sponsored by the North South Rivers Watershed Association, the South Shore Natural History Museum, and Massachusetts Audubon Society on March 18, 2008. It was a standing room only audience of well over 100 people.

D. Conference on New England Archaeology

Victor noted the annual Conference on New England Archaeology will be on April 19th at Franklin Pierce University in Rindge, NH. The theme of the meeting will be "Challenging Our Assumptions: Creating and Revising Our Ideas About Site Location". Presentations will challenge the traditional predictive models that many New England archaeologists have been using for years to locate sites. Victor noted that he and David Trubey typically attend this conference as it is the only regional professional meeting. He added that in years past, they have tried to have at least one paper concerning underwater archaeology in New England. Jonathan Patton stated that he and Ed Bell will be attending as representatives of the Massachusetts Historical Commission.

E. Bourne Historical Society

Victor reported that he would be giving a presentation entitled "Massachusetts Submerged History" to the Bourne Historical Society on April 9, 2008.

F. South Shore Neptunes Dive Club

Victor reported he will be giving a presentation on to the South Shore Neptunes Dive Club on May 20, 2008.

5. OLD BUSINESS

Change in the order of business – Victor changed the order of business by moving directly to two permit extensions.

A. Raymond Hayes

Victor reported that Raymond Hayes has requested an extension of his current Reconnaissance Permit for his Woods Hole project until the Board's next regularly scheduled meeting on 29 May 2008. Mr. Hayes was not in residence at Woods Hole this winter and did not receive his permit renewal notice perhaps due to a mail forwarding issue. As soon as he realized he had missed the filing deadline, he requested the extension. The Board did receive a very detailed

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update regarding Mr. Hayes's activity at the site last year. David Trubey noted he will send the entire renewal packet to the Board as soon as he receives the application form.

Kevin Mooney moved to extend the Reconnaissance Permit (07-001) held by Raymond A. Hayes for his Great Harbor, Woods Hole site until the Board's meeting on 29 May 2008. Joseph Pelczarski seconded. Unanimous vote in favor. So voted.

B. Restoration Project, Inc.

Victor reported that Restoration Project, Inc. has requested an extension of its current Reconnaissance Permit for its Sudbury site until the Board's next regularly scheduled meeting on 29 May 2008. Eloise Newell, Director of Restoration Project, Inc. had submitted this request along with the renewal application and Annual Report. She stated that due to her organization's recent move to a new facility, she was unable to submit the application by the deadline.

John Hoagland moved to extend the Reconnaissance Permit (02-001) held by Restoration Project, Inc. for its Willis Pond site until the Board's meeting on 29 May 2008. Kevin Mooney 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 only waiting for the weather to improve before going in the field. He stated that UDU plans to continue with reconnaissance activities at this site on days that sea and wind conditions prevent it from working at the *White Squall* site. UDU will be conducting more extensive magnetometer survey of shipwrecks it has located in the past, including one on which the Board has received considerable information. His organization will be looking at the offshore portion of the wreck that came ashore in January at Newcomb Hollow. Mr. Snow added that he would provide updates to the Board concerning that wreck.

Victor asked Mr. Snow when he expects to be conducting the magnetometer work. Mr. Snow replied most likely the last week in April or the first week in May. He noted that by June, there is a considerable amount of sand entering the area. He stated he plans to provide the Board with a report on the survey some time in June. He added that he might have something to report by the May meeting. Victor told Mr. Snow that David prepared a GIS chart depicting the boundaries of UDU's permits and sent it to Bill Burke of the Cape Cod National Seashore (CCNS). He noted that the Board will be coordinating its permitting activities more closely with the CCNS in the future and will be adding the same coordination condition to Philip Greco's permit that UDU has. Victor stated that this coordination will help protect potential sites in the area.

Marcie Bilinski moved to renew reconnaissance permit No. 96-001 held by Underwater Discoveries Unlimited for its Wellfleet site 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. Kevin Mooney seconded. Unanimous vote in favor. So voted.

C. Dennis McGrath and Harry Noyes

Victor reported that Dennis McGrath and Harry Noyes had submitted their Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations. Mr. Noyes and Mr. McGrath were expected to be in attendance but were not present.

Victor stated Mr. Noyes and Mr. McGrath have done very little on the project since their permit was issued last year. The cannon they recovered remains in their custody and is presently stored in fresh water. They are aware it is not to leave the Commonwealth or to undergo any restoration without the Board's permission. Victor added that he knows through conversations with Mr. Noyes, they have contacted several conservators for estimates but nothing has developed. He noted that Mr. Noyes had some medical issues over the past year that limited his activities. Victor suggested that the Board either extend or renew their reconnaissance permit with the same conditions as were attached

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at the time it was issued. One of these conditions involves surveying the permit area to which end Mr. Noyes has made some contacts.

Kevin Mooney moved to renew the Reconnaissance Permit (07-002) held by Dennis McGrath and Harry Noyes for the area of Marblehead Channel designated on the chart prepared by the Board (presented 3/29/2007) 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. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

6. NEW BUSINESS

A. Michael C. Farber

Victor reported that Mr. Michael Farber was in attendance and has asked to provide an update on his "Finding the First Corner Stone" project. Victor reminded the Board that Mr. Farber presented his project at the January meeting and submitted a reconnaissance permit application that was determined to be incomplete, as it did not meet the Board's threshold of demonstrable proof.

Mr. Farber thanked the Board for allowing him to speak before the Board again. He stated that since the last meeting, he and his organization met with the Cape Cod Lighthouse School staff and have initiated a seminar for grades 6-8 beginning in mid April. He noted that in the last three weeks, he and his organization made an interesting find that will in some ways shift their research effort. They have located four large anomalous boulders that may reflect the first landing point for the perpendicular line running west to east from Manomet Point crossing the magnetic north line in Cape Cod Bay. Before this discovery, Mr. Farber and his organization were focusing on a cornerstone location in the Bay as the object of their search. Now, they are looking from a west to east perspective rather than east to west. They would like to map and study these boulders, as they believe the rocks, combined with primary source documentation, represent demonstrable proof of a resource. He suggested that it is now commonly accepted that the early surveys were conducted on the basis of lines radiating from a single center point like a compass rose. Mr. Farber noted that the boulders are now off shore due to nearly four centuries of coastal erosion. He deferred to the Board for advice on how to proceed with the project relative to the permitting process.

Kevin Mooney asked Mr. Farber where the center point of the radiating survey lines for Boston is located. Mr. Farber replied that a point has been identified at Harvard Square in Cambridge. Kevin stated that the historic center point for surveys of the Boston area is the dome of the State House. Mr. Farber replied that the dome might have been the dominant location. Kevin added that it was the highest point and could be seen from almost every direction. He agreed with the premise that the first surveys were conducted on the basis of radiating lines, but found the idea of the early surveyors bringing in piles of boulders as markers illogical. He said it is more likely they found a spot with some permanent natural marker and used that as a center point. In other words, the rocks were there already. He also noted that even the biggest of rocks will move due to the forces of the ocean. They may not be in the same location as they were in the 1600s. Mr. Farber asked why there are no other rocks clustered like this in the vicinity. Kevin responded that they are likely representative of others that exist throughout the region. Dr. Michael Prange, a geologist in attendance from the Bay State Council of Divers, stated that such clusters of rock are known as glacial erratics and are not uncommon.

Mr. Farber stated there is a similar cluster of stones in Pleasant Bay which have markings on them. He and his organization plan to investigate these to see how they might fit into the early surveys of Cape Cod. Kevin Mooney stressed that surveyors typically used any permanent markers they could find from which to base their surveys. Concerning the idea of a mooring in Cape Cod Bay marking the center point of a survey, he thought it seemed unlikely as it would be extremely difficult to maintain. He noted that even today, moorings are commonly lost to the forces of the sea and weather. He asked Mr. Farber if he has looked at the State Archives for survey data. Mr. Farber stated that he is planning to visit there next. He asked the Board if it thought that using the magnetic north line as it cuts across Cape Cod Bay as the starting point from which to survey made the most sense for the Pilgrim elders. Kevin reminded Mr. Farber that because magnetic north moves, it might not have been a good starting point for a survey. Mr. Farber acknowledged Kevin's comment and stated that he has taken this into consideration. He asked if he will have to amend the proposed permit boundaries on the reconnaissance permit application if he investigates potential survey markers on shore. Kevin

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stated that if he intends to visually survey along the shore and take measurements from different points to the theoretical center point in the Bay, he would not have to change the proposed permit boundaries. However, if he finds something that he thinks is historically significant on shore and seeks to investigate it, he should ask the Board to amend the permit. John Hoagland asked Mr. Farber if he has come across any markers at Manomet Point. Mr. Farber replied that they have not come across one yet but are searching the historical documents for mention of a marker there.

Victor stated that he still believes this project is best permitted under the special use category as it involves such a large geographical area. He reminded the Board that in order to consider a reconnaissance permit for this project, it needs to have demonstrable proof of a resource. In Victor's opinion, as of the March 18th application deadline, the Board was not presented with such proof. The special use permit would allow Mr. Farber and his colleagues undertake this project through a more traditional archaeological approach. Mr. Farber asked the Board if it can accept the idea that the radiating lines from a center point was a survey technique that was in use at the time the Pilgrim elders were plotting out town boundaries. Kevin Mooney replied that this method has been used since the times of ancient Greece. Mr. Farber stated that he has a whole school of students and diving groups eager to investigate this cluster of stones and asked if he should go ahead with the original Reconnaissance Permit application, amend it or if the investigation can be done without a permit. He emphasized that he would like to keep the enthusiasm he has encountered for this project going and reminded the Board that this is an educational project in which he and his colleagues have no pecuniary interest whatsoever. Victor replied that the application cannot move forward as it is due to the lack of demonstrable proof at the time it was filed. Divers could still look at these boulders without a permit and gather data in order to get a permit with the caveat that no diver damage, displace or destroy the resources. Victor reminded Mr. Farber that if he chooses to pursue a Special Use permit, the actual applicant has to be a qualified marine archaeologist or archaeological organization. Mr. Farber said that in light of Victor's enthusiasm and advice, he is willing to prepare a Special Use Permit application. He asked the Board if he can include the potential stone markers that he described earlier in the permit. Victor stated that he can include all of the stones provided they are not on dry land. Mr. Farber then asked the Board if he could get a written expression of where the project is today so he can have something to present his colleagues as the field season approaches. Victor replied that he would be willing to write and email expressing the sense of the Board that it accepts the research of this project.

C. Michael Prange and Wally Westphal

Michael Prange and Wally Westphal, of the Bay State Council of Divers (BSCD), were in attendance to urge the Board to consider creating a volunteer archaeological dive team that would be trained to appropriate standards and operate under the supervision of an archaeologist. Such a team could assist in archaeological reconnaissance efforts and provide specialized skill in such areas as underwater photography, videography and mapping.

Mr. Prange introduced himself to the Board as someone who has been diving in this area for several years and a member of the New York Dive Club before moving to Massachusetts. He was also involved with the New York State Diving Association, a branch of which was trained by Dr. Abass of the Rhode Island Marine Archaeological Project (RIMAP) and assisted with underwater archaeological projects. He believes that many divers would enjoy learning basic underwater archaeological skills and would provide a pool of volunteers for projects in Massachusetts. He added that promoting such training would also serve as an opportunity to educate divers regarding need to protect and preserve shipwrecks as part of our maritime heritage rather than collecting artifacts for souvenirs. Mr. Prange believes the BSCD would be willing to assist in recruiting and establishing a volunteer dive team and with the training.

Marcie Bilinski described Mr. Prange and Mr. Westphal's proposal as an interesting concept, but noted that most of what the Board is involved with is not projects as much as permitting. She agreed, however, that having a group of archaeologically trained divers from which to draw would be beneficial should particular projects emerge. She noted that there is a lot of interest among the diving community to assist in her endeavor to map and document the shipwrecks comprising the Board's Exempted Shipwreck List. Mr. Prange stated that there was a dive club in Long Island that actually went to England for its training and offered courses upon its return. Marcie asked Mr. Prange if he envisions the training for a Massachusetts dive team being free. He replied that people might be willing to pay a nominal fee. Marcie stated that she does not know where such training is available. Victor noted that RIMAP offers basic archaeological training to divers as does the Nautical Archaeology Society (NAS). Mr. Prange stated that acquiring the proper training is one aspect of this idea while providing projects for these divers to work on is another. He noted that there are shipwrecks out there for which the Board does not have the resources to survey. With a volunteer dive team trained and available, perhaps some of these sites could be investigated. Victor suggested that the Board consider forming a subcommittee to explore the concept of establishing a volunteer archaeological dive team. He added that he and David Trubey would

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likely serve on this subcommittee and asked Marcie and John Hoagland if they would like to serve as well. John and Marcie accepted Victor's invitation.

Victor determined that it is the sense of the Board to form such a subcommittee as described above.

John Hoagland moved to adjourn the meeting at 2:55 PM. Jonathan Patton seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director