

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 27 March 2014**

MEMBERS PRESENT Gary Duncan (Designee of Aaron Gross, Director of Environmental Law Enforcement)
Graham McKay (Marine Archaeologist)
Kevin Mooney (Designee, Director of DCR Division of Waterways)
Gary Murad (Dive Community Representative)
Dan Sampson (Designee of Bruce Carlisle, Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
Terry French (Designee of John Warner, State Archivist)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone at 1:30 PM on 27 March 2014 in the CZM Conference Room at 251 Causeway Street in Boston.

1. MINUTES

A. Minutes 30 January 2014

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 30 January 2014. There were no comments or corrections to the minutes.

Kevin Mooney moved to accept the minutes of the 30 January 2014 public meeting. Gary Duncan seconded. Unanimous vote in favor. So voted.

CHANGE IN THE ORDER OF BUSINESS

He stated he now was going to change the order of business and start with Old Business.

2. OLD BUSINESS

A. Underwater Discoveries Unlimited, LLC

Victor reported that Underwater Discoveries Unlimited (UDU), LCC, 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 the renewal of permit number 96-001 for a potential unidentified shipwreck site off Wellfleet and not for the excavation permit for *White Squall* site. Victor noted the thorough job by UDU on their renewal package. Victor distributed a letter of commitment from the UDU's project archaeologist for both permits. Oscar Snow was in attendance to present the application on behalf of UDU.

Mr. Snow noted that UDU was planning to undertake excavation on its southern permit [*White Squall*], but would shift their work effort to this reconnaissance permit area when the sea conditions became rough. He stated they have undertaken five (5) magnetometer surveys and showed the Board a map depicting their main targets, all between 20 to 50 foot depth. He believed some of these targets represent one large wreck which was broken up. He explained their divers will use hand-held metal detectors to relocate targets underwater and then photograph or video document the targets. Mr. Snow noted he will continue to maintain contact with NPS. He added his application contain confirmation letter from his project archaeologist. She will be diving with his divers.

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Gary Duncan asked Mr. Snow to explain his work plan between the two sites. Mr. Snow stated if the near shore conditions, due to shoal waters, became unsafe for excavation, then his dive team would move to the deeper waters of the reconnaissance permit area. Gary Murad asked how far off shore was the site area. Mr. Snow replied about ¼ mile. Gary Murad asked how many divers on his team and did it include Mr. Snow. Mr. Snow replied two and noted he would not be diving. He added that he was a former hardhat diver for Dan W. Clark doing marine construction. He would serve as tender.

Mr. Snow noted there was a big rock in his reconnaissance area. They were excited about it, especially in relation to the receding shoreline. Graham asked if Mr. Snow knew the identity of the vessels? He replied he had an idea, but did not disclose the possible identity. Mr. Snow then proceeded to describe his proposed search pattern the divers would follow. He anticipated they would eventually need police protection. At present, he has several observers who monitor the area and he maintains contact with staff at the National Seashore. Gary Duncan asked Mr. Snow about his relationship with the Seashore. Mr. Snow stated he has had good relationships with them for both permits. He said they had previously notified him when they observed an unidentified buoy in his permit area. He noted he was protecting his interest and the State's interest in the site.

Gary Murad 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.

B. Nicholas Snyder

Victor reported the Nicholas Snyder had submitted his Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. Victor noted this permit was modified from reconnaissance to excavation since renewed last year. Mr. Snyder was in attendance to present the application.

Mr. Snyder reported he had conducted several dives in his permit area. He also conducted a partial magnetometer survey for the area from shore out ¼ mile. They detected numerous targets. Many of the anomalies were determined to be wire lobster traps. However, they did encounter some cut stones, perhaps 8 feet long. Victor asked if he believed it was representative of cargo. Mr. Snyder said he believed it could be cargo, but noted that it could have also rolled there.

There was no further discussion.

Kevin Mooney moved to grant renewal of a Excavation Permit No. 11-002 held Nicholas Snyder for his Gloucester site with all standard conditions in effect. Gary Duncan seconded. Unanimous vote in favor. So voted.

C. Raymond Hayes

Victor reported that Raymond Hayes has submitted a renewal application and Annual Report in accordance with the Board's regulations. Given the high quality of work and reporting detailed in the past and current renewal applications, Victor asked the Board to consider granting renewal. Mr. Hayes was not present to represent his request. Victor reviewed the main points of Mr. Hayes proposed work plan.

There was no further discussion.

Kevin Mooney moved to grant renewal of the Reconnaissance Permit (07-001) held by Raymond A. Hayes for his Great Harbor, Woods Hole site with all standard conditions in effect. Gary Murad seconded. Unanimous vote in favor. So voted.

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Victor noted Mr. Hayes is assisting with the Falmouth Historical Society with conservation plans for the Nimrod's cannon.

D. Harry Noyes and Gary Gianotti

Victor reported that he had finally spoken with both Mr. Noyes and Mr. Gianotti. Both stated they wanted to renew their permit and are requesting an extension until the May Board meeting. Victor noted that Mr. Noyes was experiencing significant personal issues. Victor noted the Board generally grants a first extension without cause. For a second request, we look for justification and he believed the personal circumstances of the parties gave the Board cause to extend.

Graham asked if they had submitted anything. Victor said only the emails which have been given to the Board members.

Gary Duncan moved to extend the expiration date of Reconnaissance Permit No. 10-007 held by Harry Noyes and Gary Gianotti for their Marblehead site until May 30, 2014, with all standard conditions remaining in effect and the additional condition that the permittee obtain the approval of the Board's staff prior to removing the cannon from the custody of the Lake Champlain Maritime Museum. Dan Sampson seconded. Four votes (Duncan, McKay, Murad, Sampson) in favor. One vote opposed (Mooney). The motion passes. So voted.

E. Neil Good

Victor reported that Neil Good had not submitted his Reconnaissance Permit renewal application or Annual Report in accordance with the Board's regulations. Victor noted he not had spoken with Neil Good or received any replies from Mr. Good from his previous letters or emails. Victor said there was no telephone number on file. He spoke with Bernie Gallagher, who is helping Mr. Good. Mr. Gallagher told him that he had not been able to get a reply from Mr. Good either, but believed Mr. Good would not want to give up the permit. Mr. Gallagher noted he was not authorized by Mr. Good to act on his behalf. Victor added this lack of communication has happened in previous years with this permittee. He suggested the Board grant a second extension until the May meeting. Victor said his letter to Mr. Good he would inform Mr. Good that the Board would grant no further extensions and allow the permit to lapse if Mr. Good did not submit a complete permit renewal application or otherwise provide the Board with cause to grant a further extension.

Gary Murad asked if this was the second extension. Victor replied it was. He noted both this and the previous permit had extenuating personal issues. Kevin asked if other parties were interested in the permit area. Victor said that Mr. Gallagher was working with Mr. Good, but not interested in succeeding Mr. Good unless that was Mr. Good's expressed desire. Kevin noted this had been a partnership. Victor said Mr. Gallagher would not act on Mr. Good's behalf without express permission to do so.

Discussion turned to framing the extension motion and the Board's policy regarding extensions. Victor noted the policy regarding second extensions was not a formal regulation, but simply a sense of the Board. Kevin suggested the extension motion needed to include the deadline. He reminded the Board members of the circumstances which lead the Board to create the extension policy. He expressed his concern this could return to the past situation. Kevin suggested the Board had three options: not act and let the permit expire today; simply vote to extend to the next meeting; or vote to extend to the next meeting with the explicit requirement that they submit the application by April 30. Gary Murad asked how long Victor has been trying to reach Mr. Good. Victor replied since the end of last year when he sent out renewal notices. Gary Murad supported Kevin's third option. Gary Duncan agreed that the burden needed to be placed on the permittee. Kevin suggested that the extension be conditioned with no further consideration should they fail to meet the submission deadline.

Gary Murad asked for a description of the site. Victor replied Mr. Good believes there may be a Norse association, but he submitted Native American artifacts recovered from the bay as demonstrable proof. He also was to document sites associated with the Word War II training use of the bay. Victor

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added for the past several years they had planned, but not executed, a magnetometer survey, including constructing their own magnetometer.

Kevin Mooney moved to extend the expiration date of Reconnaissance Permit (00-002) held by Neil Good for his East Falmouth/Mashpee site until May 30, 2014, with all standard and special conditions remaining in effect, and the further condition that the completed renewal application be received by the Board no later than the close of business on April 30, 2014 and if not received by the deadline the Board will give no further consideration to this permit. Dan Sampson seconded. Unanimous vote in favor. So voted

CHANGE IN THE ORDER OF BUSINESS

Victor stated he would change the order of business.

3. DIRECTOR'S REPORT

A. Cultural Heritage Resources Working Group

Victor reminded that Board that he continued to be a member of NOAA's Cultural Heritage Resources Working Group. He participated in a workshop on February 4-6 in Bethesda, MD. They are working on a virtual toolkit for the management of cultural heritage by non-heritage site managers. All travel expenses were covered by NOAA through support of the U.S. Fish and Wildlife Foundation.

B. New intern

Victor reported that a new unpaid intern, research fellow, started with the Board at the beginning of February. His name is Lee Crawford, who graduated from UC-Berkeley and undertaken graduate studies at Columbia University. He will be working a wide variety of projects: archival research; updating/creating on-line forms; assisting in field investigations; and preparing site forms and reports.

C. NASOH Conference

Victor reported that he is the co-program chair of the annual conference for the North American Society for Oceanic History. He would be attending the annual conference from May 15-18, 2014 in Erie, PA. The conference theme is "Connected by Water: Inland Waterways and Maritime Endeavors." This conference is a joint meeting with the Canadian Nautical Research Society and the National Maritime Historical Society. It is hosted by the Erie Maritime Museum. Victor noted he would likely be using vacation time and personal funds to attend the conference.

D. Odyssey Magazine

Victor reported that he was the featured "Person to Discover" in the forthcoming April issue of *Odyssey* magazine. *Odyssey* is a science magazine for kids. Part of the interview focused storm related exposures and sea-level rise impacts.

4. BOARD MEMBER REPORTS

There were no Board member reports.

5. PUBLIC ENGAGEMENT ACTIVITIES

A. Boston Scuba Show

Victor reported that he attended the Boston Scuba Show in Peabody on March 1, 2014. The Bay State Council of Divers provided space at its table for the Board's materials and for Victor to answer questions. There was about 50-75 people.

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B. North Shore High School Marine Sciences Symposium

Victor reported that he participated in the North Shore High School Marine Sciences Symposium on March 20 at Endicott College. The symposium and workshops were organized by the Massachusetts Marine Educations Association in collaboration with Northeastern University and Endicott College. He led two workshops of 15 students each on mapping shipwreck sites. He used copies of the photo-mosaic created by James Karos as the base map.

6. NEW BUSINESS

A. David S. Robinson & Associates, Inc.

Victor reported that David S. Robinson & Associates, Inc., had submitted a Special Use Permit application for marine archaeological reconnaissance survey as part of the New Bedford Harbor Superfund Site Remediation Project in Acushnet, Fairhaven and New Bedford. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 13 March 2014. It is part the process of staged dredging which includes a pre-dredge survey, then dredging, and then repeat until fully dredged. It is normal monitoring.

There was no further discussion.

Kevin Mooney moved to grant David S. Robinson and Associates a Special Use Permit No. 14-001 for the New Bedford Harbor Superfund Site Remediation Project for the area (as specified in the application) with all standard conditions in effect and the further condition David S. Robinson and Associates submit its survey research design and methodology to the State Historic Preservation Office (SHPO) for review prior to conducting field investigation. Gary Duncan seconded. Unanimous vote in favor. So voted.

Gary Murad moved to adjourn the meeting at 2:12 PM. Graham McKay seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director