

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 MARCH 2005**

MEMBERS PRESENT: Ed Bell (Designee of Cara Metz, Executive Director of the Massachusetts Historical Commission)
Kathleen Dolan (Designee of James Hanlon, Acting Director of Environmental Law Enforcement)
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 Nancy Thornton, Director of DCR Division of Waterways)
Joe Pelczarski (Designee of Susan Snow-Cotter, Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
Brendan Foley (Marine Archaeologist)
David Trubey, 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 31 March 2005 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 2 December 2004

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 2 December 2004. There were no comments or corrections to the minutes.

Kevin Mooney moved to accept the minutes of the public meeting held on 2 December 2004. Joe Pelczarski seconded. 5 votes in favor. 1 abstention (Ed Bell). So voted.

2. DIRECTOR'S REPORT

Victor noted that there was a very full agenda and he would like to start with the revised permit applications. The current applications forms have been in use prior to 1987 and needed updating as the Board's regulations have been revised since then. Vic said he received substantial comments from Lenny Loparto, Joe Pelczarski, Ken Collette, and David Trubey. He also wanted to thank Joe for creating the PDF files. The files will be posted on the Board's website soon and will likely be converted to an interactive format at a later date.

Victor stated that the permit application forms were administrative instruments of the Board and were not promulgated in the Board's regulations. Therefore, the Board could either treat them simply as a function of its staff's responsibility and authority or could approve them by a vote. Vic suggested that the Board approve each permit application form by a separate vote.

Lenny Loparto asked if any consideration had been given to the idea of computerizing the Board's archaeological site database and if so, had anyone commented on the overall format. Victor replied that at this time, the effort was put into ensuring that the permit applications included all the requirements articulated in the Board's regulations. He added that merging the Board's databases into a computerized master list, including new sources of site information such as the Paul Sherman file, is the next step.

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A. Excavation Permit Application Form

Lenny Loparto moved to approve the Excavation Permit application form effective 31 March 2005. Terry French seconded. Unanimous vote in favor. So voted.

B. Reconnaissance Permit Application Form

John Hoagland moved to approve the Reconnaissance Permit application form effective 31 March 2005. Terry French seconded. Unanimous vote in favor. So voted.

C. Application for Isolated Find Exemption Form

Kevin Mooney moved to approve the application for isolated find exemption form effective 31 March 2005. Lenny Loparto seconded. Unanimous vote in favor. So voted.

Vic observed that old permit forms were recently distributed to two current permittees whose permits were up for renewal at the May 26, 2005 meeting. He had already received Philip D. Greco Associates renewal package in yesterday's mail. He suggested the Board allow these permittees, Philip D. Greco Associates and the Nipmuc Nation Tribal Historic Preservation Office, to use either the old or revised forms for their 2005 permit renewal applications.

Kevin Mooney moved to allow Philip D. Greco Associates and the Nipmuc Nation Tribal Historic Preservation Office to use either the former permit application form or the permit application forms approved today for their submission of their May 2005 permit renewal applications. Ed Bell seconded. Unanimous vote in favor. So voted.

CHANGE IN THE ORDER OF BUSINESS: Victor changed the order of business by moving to **OLD BUSINESS**.

5. OLD BUSINESS

A. 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 Newell, Director of Restoration Project, Inc. and Chris Hugo, Reconnaissance Coordinator, were in attendance to present the organization's application.

Ms. Newell reported that in 2004 the message Restoration Project had been promoting in its campaign to change the public's perception of mental illness was largely overshadowed by the intense media coverage of the Boston Red Sox winning the World Series and thereby officially breaking the "Curse of the Bambino". However, her organization still hopes to locate and recover the piano and is therefore seeking to renew its reconnaissance permit for another year. Ms. Newell stated that Restoration Project, Inc. has received a donation to pay for the services of John Fish of American Underwater Search and Survey to return to the site and continue surveying the areas of highest potential identified in 2002. Additionally, Restoration Project, Inc. has been meeting with a business consultant to determine the best way to promote the piano project in light of the Red Sox championship.

Victor stated the Board is pleased with how Restoration Project, Inc. has been able to pull in so many different groups of people to work on this project over the past few years and added that the project has been a lot of fun. Ms. Newell agreed with Victor and noted that even the few negative articles that have been written regarding their search for the piano have been helpful in reminding her organization to enjoy the fun that the project has fostered and not take things too seriously.

Lenny Loparto asked Ms. Newell if the problems that the dive team encountered in reacquiring John Fish's target coordinates had been rectified. Ms. Newell replied that the dive team was on site since that problem was first encountered. In 2004, the team used a geo-referenced aerial photograph of the pond and was able to locate the targets by triangulating from two prominent trees and GPS coordinates of other points on shore. Chris

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Hugo added that the original problem stemmed from the fact that the dive team was not sure of the point on land from which John Fish started the magnetometer survey. Although the team was able to locate one of the targets, which turned out to be two drainage pipes, the triangulation technique was difficult and time consuming. Chris stated that when John Fish comes back to continue the survey, members of the dive team will mark targets with buoys as they are generated and then conduct their reconnaissance dives. Chris explained that another problem the dive team has encountered is the tremendous depth of sediment comprising the pond bottom. He noted that at one target, a twelve-foot probe was not long enough to reach through this sediment.

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

B. Bassings Cove Maritime Association

Victor reported that Bassings Cove Maritime Association (BCMA) had submitted an Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. Tom Mulloy, Tom Holly, and Hal Lynch of BCMA were in attendance to present the application.

Mr. Mulloy introduced Mr. Holly and Mr. Lynch to the Board for those members who had not yet met them. He reported that in the spring, BCMA plans to do a complete metal detector survey of the site utilizing detectors that are capable of differentiating between ferrous and nonferrous metals. The goal of this operation is to determine the presence of additional ingots. Following the survey, BCMA hopes to acquire the services of a local lobster/fishing boat with the necessary equipment to recover some of the large pieces of loose conglomerate that have been described at prior meetings. Mr. Mulloy reported that BCMA has secured the use of a town building for the wet storage and conservation of artifacts comprising the pieces of conglomerate. Mr. Mulloy noted that BCMA has filed an application with the US Army Corps of Engineers and has been in contact with the appropriate town agencies. As in past years, BCMA will work closely with the local school system to incorporate the project into the social studies and science curriculums. Victor asked if someone from the organization would elaborate on the educational aspect of BCMA's project.

Mr. Lynch explained that BCMA has created an outreach program relating to the history of the *Forrest Queen* project for local school systems. The program includes underwater video, slide presentation and other educational materials and has been very successful with the Norwell third grade students. In addition to the outreach program, Mr. Lynch stated that school children learn from the *Forrest Queen* project by visiting the Scituate Historical Society's Maritime and Irish Mossing Museum which houses, among other things, an excellent exhibit on the shipwreck and its excavation. He added that BCMA hopes to expand the educational aspect of this project by branching into the Scituate school system and other levels of the Norwell system.

Lenny Loparto asked Mr. Mulloy what BCMA means by the term "map adjustment" in reference to its report, particularly the planned recovery of the loose pieces of conglomerate. Mr. Mulloy replied that the term simply means that as particular sections of conglomerate are recovered, the map will be updated. He noted that the map BCMA is using is the result of several site visits and is very accurate. Lenny asked if BCMA still plans to have students assist in the lab in the reduction of concretions. Mr. Mulloy replied that BCMA would see what its archaeologist advises and added that the material is very difficult to work with. Ed Bell asked if BCMA has any idea as to the composition of the main conglomerate. Mr. Mulloy replied that it seems to be consistent with other pieces that have been recovered and most likely represents an area where artifacts collected after the original salvage effort. Victor noted that the majority of this material seems to be located in a trough where objects would likely have migrated via subsurface currents and wave energy.

Terry French asked when this project was originally initiated and when the museum was created. Victor responded that BCMA's permit was first issued in 1991. Mr. Lynch stated that the museum was created in 1996.

Kevin Mooney moved to renew, retroactive to 27 January 2005, the Excavation Permit (91-001) held by Bassings Cove Maritime Association for its Scituate site with all standard conditions remaining in effect and the additional condition that the permittee submit for Board approval a site assessment and detailed scope of work

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prepared by the project archaeologist prior to undertaking any site excavation activities relative to the removal of the main conglomerate. Terry French seconded. Unanimous vote in favor. So voted.

C. 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. Oscar Snow was in attendance to present the application on behalf of UDU. Victor reminded the Board that at the time of UDU's permit renewal last year, it asked Mr. Snow to prepare a revised work plan as several years have passed since UDU's permit was first issued. Victor stated that Mr. Snow did an excellent job in pulling information from these years and producing a very concise yet detailed document to address the Board's concerns.

Mr. Snow reported that due to personnel issues, the UDU team was unable to conduct much fieldwork. Instead, UDU spent much of last year preparing its lab for the upcoming field season. He stated that UDU is ready for the 2005 field season with the same crew and project archaeologist. He noted that he would arrange for Victor to meet his archaeologist later this spring.

Victor stated that he and David Trubey spent a considerable amount of time reviewing UDU's revised work plan and were generally pleased with its content and format. He also reminded the Board that UDU has a substantial file documenting its project back to 1996.

Lenny Loparto asked Mr. Snow who wrote the work plan. Mr. Snow responded that his wife prepared it with information provided by UDU's archaeologist. He added that his wife has experience in technical report writing as she has a MA in criminal justice, is a paralegal and served as an insurance fraud investigator for six years. Victor stated that much of the information was provided the Board in earlier reports and that the current report serves to synthesize this information and update it where necessary. He noted that he and David suggested some minor edits during the review process.

Regarding UDU's plans to photograph potential artifacts and features in situ, Lenny Loparto asked Mr. Snow if his team would be using standard 35 mm equipment. Mr. Snow replied that he would like to use something that produces better results and is researching three or four different options with his archaeologist and divers. He expects that UDU's photographic equipment will be of a higher quality than what is considered standard. Lenny noted that the National Park Service is now allowing the use of digital photography for the documentation of National Register of Historic Places candidate sites. He offered to send Mr. Snow the guidelines that the Park Service has put out regarding digital photography. Mr. Snow stated that he would like to see them. Victor suggested that the Board distribute these guidelines to all of its permittees, as this subject would likely come up again. Lenny agreed with Victor and added that he would get this information to the Board.

Kevin Mooney moved to renew the Excavation Permit (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. Terry French seconded. Unanimous vote in favor. So voted.

D. Ocean Marine Diving Company

Victor reported that Mr. Snow had another issue that he would like to discuss with the Board at this time. Mr. Snow asked the Board for the status of the excavation permit held by Ocean Marine Diving Company (OMDC). He noted that he had discussed the issue with the Board's attorney, Thomas LaRosa, two years ago and was informed that the litigation was completed. Victor responded that Mr. LaRosa is no longer serving as the Board's counsel and that he would inquire with the Board's new counsel, Ken Collette. Victor summarized that the permit was suspended pending an investigation. The investigation was completed and some out of court action was taken, however, he was not sure if the entire process has been completed. Victor stated that if all the legal issues have been resolved, the next consideration for the Board would be to revoke the permit. Victor stated for the record, that Mr. Snow had submitted a permit application for the OMDC site five years ago, two years after the permit was suspended. Victor noted that if OMDC's permit were active, Mr. Snow's application would not have been accepted. However, based on discussions at that time with the Board's attorney, it was determined that as OMDC's permit was suspended, Mr. Snow's permit application could be accepted and would

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be considered first in line for approval should the OMDC permit be revoked or terminated. Victor suggested that, as several years have passed since Mr. Snow submitted his permit application, it should be updated. Lenny Loparto asked Victor if it would be possible to have Ken Collette meet with the Board and provide an update on the situation. Victor replied that he would try to schedule a meeting.

Mr. Snow stated that his interest in obtaining a permit for the OMDC site stems from his desire to salvage any remaining tin. According to Mr. Snow, the salvage and subsequent sale of the tin could provide money for himself and for the Commonwealth of Massachusetts. He stated that he has no interest in any artifacts associated with the site other than the potential tin, and would turn over such materials to the state. Mr. Snow added that he was one of the original founders of OMDC and was the one who directed the organization to the site. He stated that left the organization because he was not happy with the manner in which the project was being conducted. As his name was on the original permit, Mr. Snow expressed a desire finish the job he had started and in an acceptable manner. Victor responded that it was not an appropriate time for Mr. Snow to discuss his plans for the site should he be granted a permit. He noted that as the OMDC site has potential historical value, a significant level of documentation would likely be required by the Board, particularly in light of its experience with the previous permittee. He also stated that the Board's regulations dictate the process through which the Board must deal with the situation. Mr. Snow acknowledged Victor's comments and stated that he would appreciate the Board researching the situation with its attorney. Victor thanked Mr. Snow for raising the issue.

Kevin Mooney asked if the OMDC permit were to be terminated, would the permit file then become a public record. Victor replied that if the OMDC permit were terminated, the information in the permit file would be considered as comprising a site file of the Board and would therefore remain confidential under state law.

CHANGE IN THE ORDER OF BUSINESS – Victor continued with the regular order of business by returning to

2. DIRECTOR'S REPORT

D. Ocean Management Act

Victor reported that the Governor filed the Ocean Management Act with the Legislature on March 18, 2005. Victor distributed copies of the legislation to the Board and stated that it is his understanding that the bill is currently before the Legislature's Joint Committee on Environment, Natural Resources, and Agriculture.

In a related matter, Victor noted that he was named to the Secretary's 15 person Working Group on Marine Protected Areas. The group will have its first meeting on April 5, 2005.

3. BOARD MEMBER REPORTS

There were no Board member reports.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. Society for Historical Archaeology Conference

Victor reported that he attended the Society for Historical Archaeology's (SHA) 38th Annual Conference on Historical and Underwater Archaeology held on January 5-10, 2005 in York, UK. Victor noted that he and Chris Amer of the South Carolina Institute for Archaeology and Anthropology organized and led the Annual International Underwater Resource Managers' Forum. This year's forum was entitled *Government Maritime Managers' Forum XIV: From the Slop Chest Toward a Bowditch for Managers*.

B. Archaeological Institute of America 2005 Archaeology Fair

Victor reported that David represented the Board at the Archaeological Institute of America's 2005 Archaeology Fair held in Boston on January 9th. The Board's exhibit focused on technology in underwater

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archaeology and included sonar images, diver gear, artifacts from various shipwrecks in Massachusetts, and underwater video courtesy of Marcie Bilinski. According to the fair coordinator at the AIA, this year's event was one of the most successful to date and could possibly be held next year as part of the Commonwealth's Archaeology Month. Victor noted that the fair is geared primarily for children and he would like to have a more activity related exhibit in the future.

C. Archaeology Education Forum

Victor reported that he and David attended the Archaeology Education Forum on January 25th at the Commonwealth Museum. The meeting was sponsored and hosted by the Massachusetts Historical Commission and focused on promoting archaeological education in both the schools and among the general public. This was the first of what the group hopes to be a series of meetings and was attended by a variety of educators including schoolteachers, museum personnel, and contract archaeologists.

D. South Shore Natural Science Center Lecture

Victor reported that on February 9th, David attended a lecture by Paul McCarthy presenting his research on a shipwreck located in the North River in Scituate. Mr. McCarthy contacted the Board a few years ago to ask for assistance in identifying this wreck and since that time has conducted considerable research. His findings all but confirm the shipwreck is a schooner barge abandoned in the early 1900s. David found Mr. McCarthy's presentation to be extremely informative and well delivered and noted that the lecture hall at the South Shore Natural Science Center was filled to capacity.

E. Stellwagen Bank National Marine Sanctuary Research Cruise

Victor reported that David assisted the archaeologists of the Stellwagen Bank National Marine Sanctuary on February 21-27. The team surveyed a 35 sq. kilometer area of the Sanctuary on the Southwest side of the bank. The operation was conducted from the NOAA Ship *Delaware II* and despite poor weather conditions, was productive.

F. Bay State Council of Divers

Victor reported that he attended the Bay State Council of Divers meeting on February 9th at which the Department of Marine Fisheries (DMF) presented information on its lobster habitat restoration and eel grass projects. Victor added that the agency has several projects underway that involve the sport diving community. John Hoagland asked if DMF's program is similar to the one being conducted in Narragansett Bay by the Save the Bay organization in which eelgrass is harvested from one location and transplanted in another. Victor responded that the program is very similar although under the DMF program, there has been some discussion of seeding certain areas. He noted that a preliminary review of the proposed borrow sites, located off Nahant, indicates there are no archaeological site in the area. However, the list of locations is still too broad for the Board to provide information on each candidate site in a reasonable amount of time. Victor stated that once the list is narrowed, further review would be conducted, which might include diver inspection. Victor added that the expected impact from the eelgrass harvesting, which is done by hand, is in the range of only one to two inches. He noted that list of the proposed lobster habitat restoration sites went through a similar review process through which it was revealed that one proposed site is located near the only historic shipwreck site discovered through the Hubline survey. If there is adequate distance between the proposed restoration site and the shipwreck, the Board will likely support the use of this candidate site. If not, the Board will recommend the use of an alternative site. John Hoagland commented that the University of Rhode Island has made substantial advancements in the area of eelgrass restoration over the past few years.

G. Boston Sea Rovers Annual Underwater Clinic

Victor informed the Board that he attended the Boston Sea Rovers 51st Annual Underwater Clinic on March 5th 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 spent a lot of his time speaking with the various dive clubs that were represented and members of the Massachusetts State Police Dive Team. He noted that the show is becoming increasingly geared toward dive travel.

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H. Customs House Maritime Museum

Victor reported that he and David met with the staff of Newburyport Maritime Society at the organization's Custom House Maritime Museum on March 8th. The Society will be working with the Board again this year in sponsoring an event for Archaeology Month in October 2005. This year's event will likely be a two-day presentation on marine archaeology and will include lectures for adults and educational activities for children. Additional discussion centered on preliminary plans for the creation of a wreck watchers program, an organization to be co-sponsored by the Board and the Museum starting. Victor described the program as a means to promote public awareness of onshore shipwrecks and ship components that are either uncovered or wash up on beaches during storms. Members of the organization would be trained to recognize these types of sites, take preliminary measurements and photos and contact the Board. He added that onshore shipwreck sightings have been very frequent over the past few years and that more often than not, by the time he and David can schedule a trip to these areas, the sites have disappeared beneath the sand. This program would likely center in the Newburyport/Plum Island area for now and depending on its success, fan out to different coastal communities.

I. South Carolina Institute of Archaeology and Anthropology

Victor reported that David is currently in South Carolina assisting the staff of the South Carolina Institute of Archaeology and Anthropology with fieldwork on the Cooper River. The Institute is preparing to open its maritime heritage trail for the 2005 dive season. This is a unique opportunity for David to see first hand how the Institute manages its trail program and will provide valuable information to the Board as it considers creating a similar program here in Massachusetts.

J. North Andover Senior Center

Victor reported that he gave a presentation on underwater archaeology in Massachusetts to the North Andover Senior [Citizens] Center on Monday, March 28, 2005.

K. Maritime Heritage Education Conference

Victor reported that a maritime heritage education conference is scheduled for next November in Norfolk, VA. The conference is sponsored by the National Maritime Center and the National Park Service. He noted that this year's event serves as yet another example of a new focus on education in maritime heritage resource management.

6. NEW BUSINESS

There was no new business.

Kevin Mooney moved to adjourn the meeting at 2:21 PM. Kathleen Dolan seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director