

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 02 DECEMBER 2010**

MEMBERS PRESENT: Marcie Bilinski (Dive Community Representative)
Gary Duncan (Designee of Aaron Gross, Director of Environmental Law Enforcement)
Terry French (Designee of John Warner, State Archivist)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Kevin Mooney, Deputy Director (Designee of Director of DCR Division of Waterways)
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)
Joe Pelczarski (Designee of Bruce Carlisle, Acting Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: John Hoagland (Dive Community Representative)
Brendan Foley (Marine Archaeologist)

[NB: The Board experienced quality/clarity problems with audio cassette recording of this meeting.]

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone at 1:30 PM on 2 December 2010 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 30 September 2010

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 30 September 2010. There were no comments or corrections to the minutes.

Kevin Mooney moved to accept the minutes of the 30 September 2010 public meeting. Terry French seconded. Unanimous vote in favor. So voted.

2. DIRECTOR'S REPORT

A. Elections of Board Officers

Victor stated that the Board annually elects its two officers, Director and Deputy Director. Victor reminded the Board that it could nominate whoever it would like, but suggested that the Board keep with past practice and consider nominating its staff for these positions to facilitate administration. Vic noted that prior to 2010 the Deputy Director position had been held by Board staff as well. He did not believe backfilling the other staff position would happen in the foreseeable time. He noted that the Deputy Director position basically serves to allow the Director to step out of the meeting chair role and participate in debate. Further, he noted the Board had not held a meeting when he [Victor] could not be in attendance. In 2010, Victor Mastone served as Director and Kevin Mooney as Deputy Director. Victor asked the Board members for nominations.

Joe Pelczarski nominated Victor Mastone for the position of Director. Gary Duncan seconded the nomination.

Joe Pelczarski nominated Kevin Mooney for the position of Deputy Director. Gary Duncan seconded the nomination

Joe Pelczarski moved to elect Victor Mastone as Director and Kevin Mooney as Deputy Director of the Board for 2011. Terry French seconded. Unanimous vote in favor. So voted.

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B. Schedule of Board Meetings for 2011

Victor proposed a continuation of the bi-monthly schedule of regular public meetings in 2011. He noted that this would not preclude the Board from holding additional public meetings if there were a need. In addition, he asked the Board to consider not scheduling meetings in June, July, and August, as it is difficult achieving a quorum in the summer months. Victor proposed scheduling meetings in 2011 for 27 January, 31 March, 26 May, 29 September and 1 December as the last Thursday of November is Thanksgiving. He noted he would still reserve meeting space for the last Thursday of February, April, June, July, August, and October.

Kevin Mooney moved to adopt the dates of 27 January, 31 March, 26 May, 29 September and 1 December as the Board's schedule of public meetings for 2011. Lenny Loparto seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Victor stated that as chair he would be changing the order of business at this point and move directly to Old Business. He would return to other business later in the meeting. Under Old Business, he said he would start with Underwater Discoveries Unlimited to accommodate a request by Mr. Snow.

5. OLD BUSINESS

A. 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. Mr. Oscar Snow was in attendance to present UDU's application. He was accompanied by team member, Jay Briggs. Vic reminded the Board this permit was UDU's southern area, where the *White Squall* is located.

Mr. Snow reviewed UDU's field activities. He showed an aerial photo image of the area [segment enlarged] which depicted some exposed areas of the site. They had extracted GPS locations from the image. He explained they conducted their survey setting up parallel buoyed lines and executing circle search patterns from along that line. He described the dive conditions as being very bad with poor visibility many swells causing the divers to crawl over the site area on their hands and knees. They discovered two loose small metal concretions. These were recovered and placed in water in totes to be brought back to the lab. From the October dive, they discovered a smooth area which they suspect represents the location of the tin cargo. Mr. Snow noted that from conversation with those who dove the site under the old permit they described a similar condition – very smooth. He noted he has a project archaeologist and that they had a reliable vessel going out of Sesuit Harbor for fieldwork. Their 2011 fieldwork plan is to get back on site in early June. Mr. Snow added they maintained regular contact with NPS Seashore staff.

Victor noted Mr. Snow had contacted him regarding the recovery of the two concretions. Given the highly mobile nature of these concretions, Victor told Mr. Snow he concurred with their recovery of those objects. He added he was glad Mr. Snow's team had relocated the rudder post.

Mr. Snow described the vessel appears to be broken into three parts, stern, middle, and bow. These sections were all very broken up. He did not anticipate finding many artifacts, except for the deteriorating metal structure and the tin cargo.

Lenny asked Mr. Snow to explain the discoloration on his map image. Mr. Snow stated the whiter portion represented the visible portions of wreck [at the time the aerial image was taken]. He then reviewed their field operations again. He believed there was about 3 feet of sand over the site. He added they have a new underwater camera and a new underwater metal detector for field work.

Kevin Mooney moved to renew the Excavation Permit (06-003) held by Underwater Discoveries Unlimited for the White Squall site in Wellfleet with all standard conditions in effect and the further conditions that all excavation activities be conducted under the direct supervision of the project archaeologist and in accordance with the submitted work plan, and the UDU coordinates all field activities with the staff of the Cape Cod National Seashore. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

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B. William Bradbury

Victor reported that Mr. William Bradbury had submitted his Reconnaissance Permit renewal application and Annual Report in accordance with the Board's Regulations. Mr. Bradbury was in attendance to present his application and had additional information to distribute to the Board.

Mr. Bradbury explained that he had only visited the area from the shoreline. He noted sand had pulled off the area, but he was unable to get to the site. He then distributed copies of some additional historical information to the Board members. He said he just found this article 2 days earlier. It was a description about the voyage by Captain Kennedy, a Maryland loyalist, in a letter to his brother. He believes the locations were incorrectly described as Nova Scotia when actually off Cape Ann. He noted that one of the wreck survivors was rescued off Marblehead. He planned to continue with his archival research this winter.

Kevin Mooney moved to renew the Reconnaissance Permit held by Mr. William Bradbury for his Gloucester (Annisquam) site with all standard conditions in effect. Joe Pelzarski seconded. Unanimous vote in favor. So voted.

C. Joseph Dietlin

Victor reported that Joseph Dietlin had submitted his Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. He noted the permittee had again submitted a very thorough renewal package. Mr. Dietlin was in attendance to present his renewal application. Victor noted that only Mr. Dietlin's name appears on the application as Mr. Rine was recently deceased.

Mr. Dietlin noted that Duane [Charlie] was a great partner. He said they had agreed to continue should something ever happen to either of them. It was his goal to continue with the test pit procedure from the approved work plan. They had detected one anomaly/target that they wanted to identify. He said that Gary Esper and Alex Bezkorovainy would be assisting him as personnel for this project.

Victor asked if he had a new conservation lab lined up for the coming year. Mr. Dietlin said he had a new conservator and the lab would be in East Boston. It was in collaboration with Esper and Bezkorovainy. Vic observed it was good to see this collaboration between the two permittee, especially if the resource is in both permit areas. Mr. Dietlin said he did not see it as a competition and added it was about finding the ship, what is left of the ship and bring it back to the public.

Marcie Bilinski moved to renew the Excavation Permit (00-003) held by Joseph K. Dietlin for his Salem site with all standard conditions in effect. Levin Mooney seconded. Unanimous vote in favor. So voted.

D. Gary Esper and Alexander Bezkorovainy

Victor reported that the permit held by Gary Esper and Alexander Bezkorovainy was extended by the Board at its last meeting. He said this permit would expire at this meeting unless renewed or extended by the Board. He noted the permittee had again submitted a complete and very thorough renewal package. Gary Esper and Alexander Bezkorovainy were in attendance to present the application.

Mr. Esper said they had not gotten out to their area as much as they wanted this past year. He noted they are happy to cooperate with Joe Dietlin. They conducted some remote sensing using the magnetometer. They identified some targets in deeper water. They went back their original datum. While they have their own magnetometer and surveyed the area, they may hire someone to redo that survey.

Kevin Mooney moved to renew, retroactive to 30 September 2010, the Excavation Permit (06-002) held by Gary Esper and Alexander Bezkorovainy for their Salem Sound site with all standard conditions in effect. Gary Duncan seconded. Unanimous vote in favor. So voted.

E. Neil Good

Victor reported that the Reconnaissance Permit, 00-002, issued to Neil Good would expire on December 3, 2010 if not extended by the Board in accordance with the Board's regulations. Mr. Good had contacted the Board and requested additional time to prepare his renewal application.

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Kevin Mooney moved to extend the expiration date of the Reconnaissance Permit (00-002) held by Neil Good for his East Falmouth/Mashpee site until the next meeting of the Board scheduled for January 27, 2011, with all standard conditions in effect and the further condition that the permittee coordinate his activities with the Department of Conservation and Recreation (DCR) staff at the Waquoit Bay National Estuarine Research Reserve, maintain regular communication with the DCR archaeologist, DCR Areas of Critical Environmental Concern (ACEC) Program, the Tribal Historic Preservation Officer for the Mashpee Tribal Council and the Tribal Historic Preservation Officer for the Wampanoag Tribe of Gay Head (Aquinnah). Joe Pelczarski seconded. Unanimous vote in favor. So voted.

F. Kenneth J. Medeiros

Victor reported the Kenneth Medeiros had submitted a Reconnaissance Permit application in accordance with the Board's regulations for an area off Duxbury Beach adjacent to which he found historic buttons in 1992. The application appears to be complete. Victor reminded the Board that Mr. Medeiros was granted an Isolated Find permit for the buttons in 2004. Mr. Medeiros was not in attendance to represent the application.

Victor noted the Board has three options for action on this renewal request. They could act to extend, renew, or not renew the permit at this meeting. He stated there were no special conditions on this permit.

Kevin Mooney moved to renew the Reconnaissance Permit (07-003) held by Kenneth J. Medeiros for his Duxbury site with all standard conditions in effect. Marcie Bilinski seconded. Unanimous vote in favor. So voted.

G. University of Massachusetts Archaeological Services

Victor reported the University of Massachusetts Archaeological Services (UMAS) had submitted a request for an extension of its Special Use Permit. They have completed field work and have prepared a draft report, but were waiting (1) to collect some wood samples during dredging to be used for dendrochronology and (2) information for the avoidance plan. Victor said he had subsequently spoken with both Dr. Mitch Mulholland of UMAS and Ron Bourne of Bourne Consulting who was coordinating the project for the City of Salem about the need to continuing this permit. It was unlikely that construction would begin immediately and the project is also governed by an MOA under Army Corps which includes the Board and MHC. The MOA will include the avoidance plan. He saw two options for the Board to consider (1) extend the permit now with action on renewal in January or (2) let the permit expire. Vic noted UMAS could apply for a new permit when construction commences in the future. Vic added the permit does not need to be alive [active] for the Board to review and approve the project report.

It was a sense of the Board to allow the permit to expire naturally.

6. NEW BUSINESS

A. Fathom Research/David Robinson

Victor reminded the Board that Fathom Research, LLC, had submitted a Special Use Permit renewal application for an underwater archaeological reconnaissance survey as part of the MDOT Ken Burns/Route 9 Bridge Project in Shrewsbury/Worcester. He noted this type of MDOT project was also governed by an agreement between MDOT, MHC and ACOE. Vic said the provisional permit was issued by the Director on November 11, 2010. Jonathan Patton noted that MHC/SHPO has reviewed and approved the research design and methodology.

Kevin Mooney moved to grant Fathom Research, LLC Special Use Permit (10-008) for the Ken Burns/Route 9 Bridge Project in Shrewsbury/Worcester (areas as specified in the application) with all standard conditions in effect and the further condition that Fathom Research submit its survey research design and methodology to the SHPO for review. Terry French seconded. Unanimous vote in favor. So voted.

Change in the order of Business

Victor stated he would now change the order of business and return to the order in the agenda.

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2. DIRECTOR'S REPORT (continued)

C. Area Committee (Oil Spill Response)

Victor reported he would be attending the meeting of the USCG Area Committee on Oil Spill Response on December 9, 2010. He noted that Board members, Joe Pelczarski, Jonathan Patton and Gary Duncan, are also member representing their respective agencies, CZM and MHC. Joe also serves as liaison to MEMA.

D. NPS American Battlefield Protection Program

Victor reported they were making significant progress on the project. The geo-referenced maps are quite accurate and show less upland landscape modification than expected; the main change being filling of tidelands. On the archival side, a number of primary documents, including the court martial records, have been examined shedding better detail on the actual battle events. Vic reviewed some of the battle events and documents. He noted they had received a one-time no-cost extension of the grant until June 30, 2011 from NPS.

E. NOAA's Marine Protected Areas Federal Advisory Committee

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

1. The CHRWG held a sub-group meeting of tribal/indigenous representatives to better address their concerns. The meeting was held in Suquamish, near Seattle, WA on October 4th - 8th. Vic said he participated in this very productive meeting.
2. The full CHRWG with met again in Santa Barbara (CA) on November 1st-6th conjunction with the full FAC. They reviewed/approved the sub-groups suggested revisions and forwarded them to the FAC. They are also developing a white paper.
3. He attended the meeting of the full FAC in Santa Barbara (CA) on November 1st-6th. The FAC approved the CHRWG's recommended revisions to the Framework governing the National System of MPAs. These recommendations were forward to the Secretary's of Commerce and Interior. He provided copies of the recommendations to the Board members.
4. The next meeting of the full FAC is scheduled for March 1-4, 2011 in the DC area.

Victor noted that all travel expenses are paid directly by NOAA's MPA Center. He added that EEA has been requiring him to use his vacation time to attend these Federal meetings.

F. Society for Historical Archaeology's Annual Conference

Victor reported that he would be attending the Annual Conference of the Society for Historical Archaeology in Austin, TX in January 4-9, 2011. Victor noted that he and Chris Amer of the South Carolina Institute for Archaeology and Anthropology organized the Annual Government Maritime Managers' Forum representing state, federal, and foreign government programs. This year's forum is entitled *Government Maritime Managers' Forum XIX: Splicing the Main Brace*. This expression; this seemed quite an appropriate theme given the universal need to stretch resources. Victor said he will be participating in a panel on the Underwater Symposium: Treasure Hunting, Archaeology, and the Law: Bridging the Gap and his paper was entitled *The Massachusetts Experience, or Can the Storm Convert the Idolator?* He would also be participating in the annual meeting of the SHA UNESCO Committee. Funding for this travel was personal and he would be using vacation time for this important professional meeting.

3. BOARD MEMBER REPORTS

There were no Board member reports.

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4. **SUBCOMMITTEE REPORTS: OUTREACH**

A. Massachusetts Archaeology Month

1. AIA/MOS Archaeology Fair

Victor noted the Board participated in the Museum of Science/Archaeological Institute of America "Archaeology Fair" at MOS on October 10 and 11 as part of Massachusetts Archaeology Month. He was assisted by BUAR Research Fellow, Richard Sullivan, for both days and Boston University undergraduate students, Sandy Shaw and Caitlin Davis. Victor stated their assistance was terrific. The first day was devoted to school groups and the second day was open to the general public. BUAR sponsored activities included participation in a mock "dig" of a shipwreck. For our mock shipwreck, we used the shipwreck mosaic prepared by Jim Karos. Victor noted that Richard Sullivan had recently left our service for a position at WHOI.

2. Lowell's Boat Shop

As part of Massachusetts Archaeology Month, Lowell's Boat Shop and the Board co-sponsored a hands-on program entitled "**Maritime Archaeology Foreshore Dig at Lowell's Boat Shop**" on October 30th. The program was lead by LBS's Graham McKay, a maritime archaeologist and historian, and former Research Fellow with BUAR. He was assisted by Vic. They had 7 participants, including two children, in the surface recording project.

B. Lynnfield Historical Society

Victor reported he gave a presentation to the Lynnfield Historical Society on Tuesday, November 23, 2010 at 7:30 PM. The topic was the BUAR's on-going investigation of the Revolutionary War Battle of Chelsea Creek.

C. Northeast Chapter of Massachusetts Archaeological Society

Victor stated he would be giving a presentation to the Northeast Chapter on Tuesday, January 18. The topic was the BUAR's on-going investigation of the Revolutionary War Battle of Chelsea Creek. Vic said he would email the Board with the location.

Kevin Mooney moved to adjourn the meeting at 2:20 PM. Gary Duncan seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director