

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 28 JANUARY 2010**

MEMBERS PRESENT

Brendan Foley (Marine Archaeologist)
Terry French (Designee of John Warner, State Archivist)
John Hoagland (Dive Community Representative)
Lenny Loparto (Designee of Brona Simon, State Archaeologist)
Jonathan Patton (Designee of Brona Simon, Executive Director of the
Massachusetts Historical Commission)
Dan Sampson (Designee of Deerin Babb-Brott, Director of Coastal Zone
Management)
John Tulik (Designee of Aaron Gross, Director of Environmental Law
Enforcement)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT:

Marcie Bilinski (Dive Community Representative)
Kevin Mooney, Deputy Director (Designee, Director of DCR Division of
Waterways)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone at 1:30 PM on 28 January 2010 in the CZM Conference Room at 251 Causeway Street in Boston.

1. MINUTES

A. Minutes 3 December 2009

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 3 December 2009. There were no comments or corrections to the minutes.

John Hoagland moved to accept the minutes of the 3 December 2009 public meeting. Terry French seconded. Unanimous vote in favor. So voted.

Victor stated he was going to change the order of business and deal with the four permit action items under Old Business before dealing with other agenda items.

2. OLD BUSINESS

A. Bassings Cove Maritime Association

Victor reported that Bassings Cove Maritime Association (BCMA) had submitted its Excavation Permit renewal application and Annual Report in accordance with the Board's regulations. He noted they had again submitted a very thorough application. Tom Mulloy, Henry Lynch, and Debra Jackson were in attendance to represent BCMA.

Hank Lynch acted as spokesperson for the permittee. He thanked the Board for the opportunity to work on the site. He took the opportunity to distribute an addendum to their permit renewal application containing some supplemental photographs of their site. He explained the site, conglomerate, sat atop a pedestal for all the years they were aware of it. A section on the northern end had recently fallen off. They examined the five feet or so of mud and sand, and saw nothing in it. The next group of artifact photographs are a result of an article by Constance Linder published on August 23, 2009 in the Boston Sunday Globe [South edition; copies previously distributed to Board members]. After the article was published, Dave Ball, President of Scituate Historical Society, was contacted by diver Paul Connell who dove that area before the Blizzards of 1978. These artifacts are now part of the exhibit at the Museum. Hank then stated they had received an award from the Plymouth Education Association [copy submitted

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in their renewal packet] for bringing the Forest Queen story to and making history alive for students in Scituate and Norwell.

Hank said the last pictures in the packet were of a tea cup. He noted when they were speaking at the Plymouth Historical Society they noticed the cup on display and asked about. He was directed to speak with a person in the audience, Tucker Anderson. He said Mr. Anderson had been pulling his lobster trawls from 90 feet, about 2 and half miles off the coast. They were full of mud. After cleaning them off, he found the cup in one of the traps. Hank said the cup was Staffordshire, dating to 1866-1864. He wondered if this would be treated as an isolated find. Victor said that would be appropriate.

Victor said he found the photographs of the change fascinating having previously dove the site. Tom Mulloy said they had noticed the crack back last January and after a storm at the end of February, it had broken off. Vic asked if there was much difference between the bottom side and the previously exposed top. Tom said it looked the same. Hank noted that Paul Connell said the area was just flat and no pedestal bottom before the storm in 1978. Hank said that pedestal feature is really post-1978 erosion.

Victor said he was very pleased with the outreach component. He asked if there had been any further development with the curriculum. Debra Jackson said her school had changed their third grade curriculum and she was working with them to see how this project would fit in under the new curriculum. She is hoping to keep it with the third grade, perhaps under the problem solving component.

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

B. Joseph Dietlin and Duane Rine

Victor reported that Joseph Dietlin and Duane Rine had submitted their 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. Victor stated that prior to the December 3 meeting, Mr. Dietlin had contacted him to request postponement of any consideration of their renewal request at the meeting. His reason for the request was that he wanted to be present for discussion and could attend not that meeting. Mr. Dietlin was present to discuss their renewal and proposed subcontracting relationship.

Mr. Dietlin thanked the Board for granting them an extension at the December meeting. He explained their plan was to re-survey the entire permit area. They hired Gary Kozak to undertake that survey and thoroughly re-mag the area before proceeding with any test pits. Their project archaeologist would still be Bob Cembrola. They are hoping to enter into an agreement with Barry Clifford and his team to assist in their efforts. Their conservation lab has been with Clifford's group during the past. They are planning to enter into a partnership with his group. Mr. Dietlin noted field work would be undertaken in accordance with their approved work plan.

Victor reminded the Board members that permittees could not add a new permittee or transfer their permit rights. Rather, they could subcontract rights and that subcontracting required Board approval under the Board's regulations, 312 CMR 2.09(6), where it states:

Subcontracting. A permittee may subcontract the rights under the permit or any portion thereof upon approval of the Board. The original permittee and subcontractor shall remain responsible for operations during the period of subcontractor's activities. The permittee maintains ultimate responsibility for all necessary communications with the Board.

He noted that if the Board approved this request it could be incorporated into the conditions section of the permit's renewal motion.

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Victor informed the Board members that the draft agreement was not included by Mr. Dietlin in his renewal packet [which included the credentials of Clifford and his proposed team]. He then asked the board members if they had specific questions. Brendan Foley asked what the roles would be for Clifford's team. Mr. Dietlin explained that under the proposed subcontracting relationship Barry Clifford would be the lead on field operations, including security, archaeological excavation, curation, conservation, and work with the project archaeologist. Mr. Dietlin further noted that his injury prevented him from diving and Mr. Rine's job was keeping him off-site, so they were not making the progress they wanted for the project. As a result, they were hoping to form this partnership to take the project to the next level and continue to work professionally. They are still in the drafting phase of their agreement. There is no final agreement at this time. They wanted to get a sense of the Board's possible concerns. He stated their goal was to bring the project to a positive outcome.

Victor noted the Board could consider two options. They could not act on the renewal and simply extend the permit, with or without additional conditions pending review of the subcontracting agreement. The other option would be to renew the permit with conditions including the need for future approval the subcontracting agreement. He did not believe the Board had any grounds to not renew the permit. Vic noted that standard conditions were essentially continued compliance with the Board's regulations, policies, and directives. Victor noted he had distributed a straw motion to the Board members for discussion.

John Hoagland moved to grant renewal, retroactive to 3 December 2009, of the Excavation Permit (00-003) held by Joseph K. Dietlin and Duane J. Rine for their Salem site with all standard conditions in effect, and the further condition that (1) they receive Board approval of the use of any subcontractor before they commence field work, (2) this approval is limited to the time period of this permit renewal, (3) the permittee and subcontractor are jointly responsible for all activities under the work plan, (4) any modifications or changes to the work plan must have the prior approval of the Board, (5) subcontractors must provide notification to the Board prior to any and all on-site activities, and (6) subcontractors must submit to the Board a monthly report that summarizes each month's work activities within 30 days of the last day of each month for which on-site activities took place. Brendan Foley seconded. Unanimous vote in favor. So voted.

Discussion turned to the approval process for subcontracting under this permit. Mr. Dietlin asked what the Board expected to receive for review. Victor replied the Board should see the entire document. Victor believed the Board could delegate the decision to him, but should review the document first. He described a process in which he would circulate the document to the Board members for review, they would inform him of any concerns or desire to hold a public discussion, and based on that feedback he act accordingly.

Terry French moved that the approval of any subcontracting relationship, subject to the approval of the Board pursuant to 312 CMR 2.09(6), is delegated to Board staff unless any member of the Board requests the Board hold a public discussion of that request to subcontract. John Tulik seconded. Unanimous vote in favor. So voted.

It was a sense of the Board that the relationship with Gary Kozak as a vendor and not partner was approved.

C. Neil M. Good

Victor reported that Neil M. Good had submitted his Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations for his site in his East Falmouth/Mashpee. He reminded the Board that they had extended the expiration date of the permit until today at the request of the applicant. Mr. Good was in attendance to represent his application.

Mr. Good thanked the Board members for extending his permit at their December meeting. He said he has gotten his website up and running, but it was not quite ready for visitation. He will inform the Board when it is ready. He believes it will be a great help in the public's understanding of his research

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and the project. Mr. Good informed the Board that he has filed for 501(3)c tax exempt status. He noted had not made progress over the past year in building his magnetometer. He explained that he was dependent upon others for assistance with that project.

As part of his research, Mr. Good reported that he had visited Schlesinger Library in the Radcliffe Institute at Harvard University in search of the archives of Elizabeth Raymond and her work on Native American folklore. He presented copies of some information he gathered to the Board. He went on to explain he saw a parallel tradition between Norse sagas and Mashpee Wampanoag Indian folklore. The Saga of Eric the Red explains how 5 Indians were killed by the retreating Norsemen. Similarly, Mashpee Wampanoag Indian folklore talks about the 5 sons of Maushop, legendary figure in Southern New England Native American folklore, who were asked by him to rid the Cape of the Puk-wad-gees, but were killed by them. He stated this would be explained in detail on his web site. He noted the recent decision by the National Park Service relative to the eligibility of the entirety of Nantucket Sound as a traditional cultural resource strengthens his belief. He took this opportunity to thank the Massachusetts Historical Commission and especially Brona Simon for taking their position. Mr. Good then provided the Board with some additional information from the English Pilot (late seventeenth century) and 1955 aerial photo of Waquoit Bay.

Terry French asked Mr. Good if the Raymond papers were her personal papers, manuscripts, and letters. He replied yes noting she spent 1930s summering on Cape Cod and put together a collection of Native American folklore then. He checked the archive for any correspondence or information from her Native American informants. He said he found about 30 pages of correspondence.

Dan Sampson moved to grant renewal, retroactive to December 3, 2008, of the Reconnaissance Permit (00-002) held by Neil M. Good for his East Falmouth/Mashpee site 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 Office of Cultural Resources, 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). Brendan Foley seconded. Unanimous vote in favor. So voted.

D. James M. Karos

Victor reported that James Karos had submitted his Reconnaissance Permit renewal application and Annual Report in accordance with the Board's regulations for his site in Chelsea Creek. He noted Mr. Karos had made some progress in mapping the site. Mr. Karos was in attendance to represent his application.

Mr. Karos told the Board members that he believed the past year was a good year. He laid a base along the shipwreck with datum points, one at the bow and the other at the stern. The datum points are 134 feet apart. He has been laying out grids across the site and taking measurements of the components. He would like to complete that map. He noted he has not had much time to document the other site to the north. He would like to create a photo-mosaic of that site as well. He noted his other photo-mosaic would be on display as part of exhibit at the East Boston Historical Society. Victor said he would provide some additional information when he discussed Outreach Activities later in the meeting. Mr. Karos, also, noted one of his photographs of the newer site was going to appear in an Archaeological Institute of America newsletter. Victor said he was not sure if that article had appeared as yet. Mr. Karos noted he was building his own ROV for possible investigations. He also raised the idea of developing an underwater archaeology newsletter for all the work going on in the state.

Terry French asked about the site access situation. Mr. Karos said the process was working well. He notifies USCG first and then notifies Global Petroleum (GP). On the days he goes there, he signs in at GP and they escort him to the site. GP has been looking the access gate. He thought this was good thing as it restricted unauthorized access and vandalism to the site.

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Brendan Foley asked Mr. Karos if he had visited the Harvard Library Map Collection. Mr. Karos said he had not, and wondered about access. Brendan said it was open access.

John Hoagland moved to grant renewal of Reconnaissance Permit (06-001) held by James M. Karos for his Chelsea Creek site (Revere/Boston) with all standard conditions in effect and the further condition that the permittee may collect wood samples under appropriate supervision for dendrochronological purposes. Brendan Foley seconded. Unanimous vote in favor. So voted.

E. Nipmuc Nation Tribal Historic Preservation Office

Victor reported that they were planning some additional field research in support of the project. He had been working with two volunteer divers, Bob Michelson and Michael Prange, to photo-document the mishoonahs in Lake Quinsigamond. They are planning of an ice dive for February 5 in anticipation of greater visibility. They also planned to install two radar reflector in anticipation of remote sensing later this spring. The project director, Cheryl Stedtler, as well as Victor will be present during field operations.

3. DIRECTOR'S REPORT

A. Society for Historical Archaeology

Victor reported that that he attended the Society for Historical Archaeology's (SHA) 41th Annual Conference on Historical and Underwater Archaeology held on January 6-10 in Jacksonville, FL. Victor noted that he and Chris Amer of the South Carolina Institute for Archaeology and Anthropology organized and led the Annual Government Maritime Managers' Forum. This year's forum was entitled *Government Maritime Managers' Forum XVIII: Drowning the Miller*. Approximately twenty-five people representing state, federal, and foreign government programs participated in the forum. Victor also participated in a panel discussion organized and chaired by Dr. Raymond Hayes, a permittee, on the use of volunteer divers in projects. In addition, Victor participated in the annual meeting of the SHA UNESCO Committee. He observed that 30 nations are now parties to the UNESCO Convention of 2001. Vic noted his participation in the conference was funded by NOAA's Marine Protected Areas Center and was undertaken on his own time.

B. NOAA's Marine Protected Areas Center

Victor reminded the Board members he was an appointed member of NOAA's Federal Advisory Committee on Marine Protected Areas (MPA FAC). As a member of the FAC, he is co-chair along with MPA Center staffer, Valerie Grussing, of the Center's Cultural Heritage Resources Working Group. This working group is composed of four state and four federal agencies representatives, four tribal/indigenous representatives, and four outside experts (NGOs or academic). The working group was holding its first formal in Washington, DC, on February 24 and 25th. All travel expenses will be paid by NOAA's Marine Protected Areas Center.

3. BOARD MEMBER REPORTS

There were no Board member reports.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. East Boston Historical Society

Victor reported that this evening he would be attending the exhibit opening for fledgling East Boston Historical Society at the Atlantic Works Building Cultural Exchange Center. The exhibition will run starting today, January 28 through January 30 from 1-4 PM. The students and faculty of Boston's Umana Middle School Academy and The Boston Museum partnered to create an exhibition of student work and community treasures. Vic noted the wall-sized photo-mosaic created by James Karos would be featured

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as part of the exhibition. The students are also developing an I-pod app game centered around the Battle of Chelsea Creek and that should be on display as well.

B. Northeastern University's Marine Science Center

Victor reported he would be giving an evening lecture at Northeastern University's Marine Science Center in Nahant. It would be at 7 PM on Tuesday, February 9. The lecture entitled, "Some Recent Shipwreck Investigations in Northern Massachusetts Bay" will describe some of the shipwreck sites discovered during archaeological investigations associated with the Northeast Gateway Accelerate Energy and Neptune Energy Projects.

C. Bay State Council of Divers

Victor reported that next meeting of the Bay State Council of Divers is scheduled for 7:30 PM on Wednesday, February 10, with a snow date of February 24th. The meeting will be held at the South Shore Neptunes Skin Diver's Club House in Quincy.

D. Boston SCUBA Show

Victor reported that The Boston SCUBA Show would be held on Saturday, February 27, at the Marlboro Holiday Inn from 10 AM – 3 PM.

D. Boston Sea Rovers Annual Underwater Clinic

Victor informed the Board that the 2010 Boston Sea Rovers Underwater Clinic would be held on March 6, but it would only be an evening event, their film festival. This year's venue does not have an appropriate space for exhibitors and workshops. They are currently focused on providing a new improved venue for our 2011 clinic, which will feature an improved exhibitor space, better access for exhibitor set up, and more affordable accommodations.

5. NEW BUSINESS

There was no new business.

John Tulik moved to adjourn the meeting at 2:27 PM. Dan Sampson seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director