

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 5 December 2013**

**MEMBERS PRESENT:** 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)  
Graham McKay (Marine Archaeologist)  
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)  
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)  
Kevin Mooney, Deputy Director (Designee of Director of DCR Division of Waterways)  
Gary Murad (Dive Community Representative)

**PROCEEDINGS:**

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:30 PM on 5 December 2013 in the CZM Conference Room at 251 Causeway Street, Boston.

**1. MINUTES**

**A. Minutes of 26 September 2013**

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 26 September 2013. There were no comments or corrections.

Gary Duncan moved to accept the minutes of the public meeting held on 26 September 2013. Graham McKay 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 to serve as Director and Deputy Director. He suggested that the Board keep with past practice and consider nominating its staff to facilitate administration. Vic noted that prior to 2008 the position of Deputy Director 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. For 2013, Victor Mastone served as Director and Board member Kevin Mooney as Deputy Director. Victor asked the Board members for nominations, and noted that Kevin Mooney was willing to serve another term as Deputy Director.

Graham McKay nominated Victor Mastone for the position of Director. Terry French seconded the nomination.

Gary Duncan nominated Kevin Mooney for the position of Deputy Director. Lenny Loparto seconded the nomination.

Terry French moved to elect Victor Mastone as Director and Kevin Mooney as Deputy Director of the Board for 2014. Gary Duncan seconded. Unanimous vote in favor. So voted.

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**B. Schedule of Board Meetings for 2014**

Victor proposed a continuation of the bi-monthly schedule of regular public meetings in 2014. 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. He noted that this would not preclude the Board from holding additional public meetings if there were a need. Victor proposed scheduling meetings in 2013 for January 30, March 27, May 29, September 25, and December 4. He did not reserve space for November due to Thanksgiving. He noted he would still reserve meeting space for the last Thursday of February, April, June, July, August, and October.

Dan Sampson moved to adopt the dates of January 30, March 27, May 29, September 25, and December 4 as the Board's schedule of public meetings for 2014. Gary Duncan seconded. Unanimous vote in favor. So voted.

**C. New Research Associates – Mark Agostini and Chelsea Bothen**

Victor introduced Chelsea Bothen and Mark Agostini to the Board. They joined the Board's staff as our new Research Associates (unpaid interns). He noted at the September Board meeting he announced that Chelsea and Mark would be joining us. They started over the past two weeks. They will help in the field and will be working on inventorying the General Arnold collection.

**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.

**3. OLD BUSINESS**

**A. Underwater Discoveries Unlimited, LLC**

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 and has some information to show to the Board. Vic reminded the Board this permit was UDU's southern area, where the *White Squall* is located.

Mr. Snow stated that last summer was not very good. He had to await approval from the U.S. Army Corps of Engineers regarding their permit. It was decided he needed only Category I permit [under the Massachusetts General Permit]. He also had boat problems diver problems, and weather issues, so he delayed work until this coming spring. Mr. Snow then showed the Board members a photograph of his permit area denoting the location of various sections of *White Squall*. He noted the sand strata appeared to be similar across both permit areas.

Dan asked the nature the delays from the Corps of Engineers. Mr. Snow said he was not sure. Victor noted it was likely just some confusion over using the Corps' Massachusetts General Permit Category I.

Graham asked Mr. Snow when he proposed to start fieldwork. He replied that it could be as early as April or May, and work through the summer. He noted they were in about 16 feet of shoal water which was best to work when the wind was west or southwest.

Graham McKay moved to renew the Excavation Permit (06-003) held by Underwater Discoveries Unlimited LLC 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

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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. Gary Duncan seconded. Unanimous vote in favor. So voted.

Mr. Snow said he would send a copy of his site depiction to the Board as well as keep them informed.

**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 to the Board.

Mr. Bradbury said he was a bit nervous. About three weeks ago he broadsided his hard drive yet again. He noted he has been telling the Board for the past few years that he would like to move things along and gain an academic collaborator to complete this work. Thus far, he has not gotten a positive response. He noted the sand was out off the site area this year making it ideal to work there. He is not sure where to go from here. He noted he has been preparing summaries of his research and passed them on to the Board. Victor said these were a move in the right direction to attract interest in the site to the academic audience. He noted that Mr. Bradbury had done quite a bit, but it was not always fully presented. Victor suggested that often the summaries are brief and could be expanded to demonstrate the depth of completed research.

Terry asked if had brought his project to the attention of the Peabody Essex Museum. He said he had done quite a bit of his research there, but noted they were not really into "shipwreckers".

Mr. Bradbury stated he had an ongoing concern over the security of the site. Victor asked was this in generally or something more specific. Mr. Bradbury believed that if word got out about the two shipwrecks, it would be heavily vandalized or even completely gone. Victor noted that its location and heavy vessel traffic would discourage people. Further, the sand overburden tends to conceal remains.

Graham McKay moved to renew the Reconnaissance Permit No. 87-002 held by Mr. William Bradbury for his Gloucester (Annisquam) site with all standard conditions in effect. Dan Sampson 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. He also provided a short handout for the Board today Mr. Dietlin was in attendance to present his renewal application.

Mr. Dietlin said he would like the Board to consider his proposal to take on a sub-contractor for further activities in his permit area. He proposes using Black Water Divers LLC. They came from South Carolina last month to work with him. After working with them and seeing their capabilities, he believed it was in his and the Commonwealth's best interest for them to undertake this project for him. He noted he included a copy of the proposed agreement for the Board's review. Mr. Dietlin noted he had not one much on site this year. His previous magnetometer survey identified two large targets. He believed the time was right to investigate these anomalies and for these professional to become part of his project. He also included artifact records sheets for two artifacts previously recovered which may simply be isolated finds or may be related to the shipwreck site.

Victor noted that under the Board's regulations, 312 CMR 2.09.6, any sub-contracting of rights were subject to the approval of the Board. This was different from hiring a consultant to undertake

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research activities for a straight fee. Mr. Dietlin was proposing to sub-contract a portion of his rights. Victor noted the Board could not act on this agreement since it just received it today, but that was an opportunity for the Board to review it and suggest changes. Mr. Dietlin noted that he would maintain possession of all artifacts and that he or his representative would be present when Black Water Divers undertook field operations. Once field work is done, the object recovered would remain in his custody.

Graham asked what the proposed 12% proportion stated in the contract would consist of. Mr. Dietlin said there have been no specific representation of it could be items from the wreck or long term payments from the proposed lab/museum. They seem to understand that and have the attitude he has turned down other who wanted to help, and found these people to be solid and of mutual interest. Mr. Dietlin observed it depends on the end circumstances and many factors. Victor said under the regulations it would a valuation based on the entirety collection at the end of the process. Victor added that from the Board's perspective it would percentage of the final valuation and the Board's position would be that the agreement could not specifically state that the payment would be artifacts.

Victor stated the Board would not act on this today, but rather to examine it to give questions fro Mr. Dietlin to address with Black Water Divers. Mr. Dietlin could wait for suggestions, incorporate them into a revise agreement, and then submit that for Board approval. Alternatively, he could sign it today, but it would not be binding on the Board or effective until we approve it.

Gary asked Mr. Dietlin if he would be present when Black Water Divers were working. He responded he would and that all underwater work would be videoed via helmet mounted cameras. He added that if he was not present his representative would be on site. He added that when it comes to the recovery he would be there because he has been looking for this site for 28 years. His aim was to keep this shipwreck collection whole in a museum environment. He feels fortunate to be the one looking for it and keeping it from others.

Victor noted that Mr. Dietlin has an approved work plan.

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

**D. 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 is complete. Victor reminded the Board that Mr. Medeiros was granted an Isolated Find permit for the buttons in 2004. He subsequently located anomalies off shore of that area. Mr. Medeiros was not present. Victor stated the permittee does not have to be present when the Board acts on a renewal application.

Lenny asked for clarification on the length of time that Mr. Medeiros had been researching the site. Victor recalled that it began when he first discovered the button after the "No Name" in the early 1990s. He subsequently found out about the board and applied for isolated find exemptions for the buttons. Lenny recalled that we awarded the isolated finds exemptions based on there being no site out there. Victor added it was also based on them having no archaeological context. Mr. Medeiros then got interested in there possibility being a site offshore and conducted a survey which detected anomalies. These may or may not be associated with the buttons, though Vic said he believes it is Mr. Medeiros' hope they are associated with the buttons.

Lenny said his concern was that the Board not allow isolated finds to be used as the basis for granting a permit in the future. Victor reminded the Board that it had discussed this issue at its 27 December 2007 Board meeting regarding the original application. He also noted that Mr. Medeiros used the anomalies, and not the isolated finds, as demonstrable proof in that application. Victor

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added that the Board should not lose sight of Lenny's important point. [See the Minutes of 27 November 2007, item 6B. Kenneth J. Medeiros, pages 9-10, for the earlier detailed discussion]

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

**E. Michael Jr. and Joseph Zdanowicz**

Victor reported that the permit held by the Zdanowicz brothers was up for renewal at today's meeting. The Board had extended the expiration date of this permit at its September 26 meeting in order for the Zdanowicz brothers to submit a complete permit renewal application and annual report in conformance with the Board's regulations. Neither brother was present to represent their application.

Victor said he had not heard from them and had no other information. Gary asked if they were two lobstermen had found artifacts in their traps? Victor said yes. Dan asked how that happens? Gary said it could happen when they drag the traps. Victor added storm action can stir up the bottom. Graham asked the depth of the permit area. Victor said 100 to 130 feet of water.

Gary Duncan moved to renew, retroactive to 26 September 2013 the Reconnaissance Permit No. 11-006 held by Michael, Jr., and Joseph Zdanowicz for their Beverly/Manchester-by-the-Sea site with all existing standard and special conditions remaining in effect. Dan Sampson seconded. Unanimous vote in favor. So voted.

**F. Alexander Bezkorovainy**

Victor stated they had been conducting an investigation into the permit formerly held jointly by Alexander Bezkorovainy and Gary Esper, now held solely by Bezkorovainy. He noted that at the September meeting the Board imposed special conditions on that permit and the two permits held by Gary Esper which precluded any excavation and/or artifact recovery activities. He reported they close to completing the investigation and that Gary Esper has transferred the field log book and all artifacts that were in his possession to the custody of the Board. A copy of the field log book was mailed to Mr. Bezkorovainy. Inventory and documentation of these artifacts was undertaken and completed by Chelsea and Mark. Copies of these records were scanned and emailed to Mr. Bezkorovainy. Victor noted that all other artifacts noted in the permittee's submissions were reported to have been returned to their in situ locations after documentation was completed. As a result, he now believed no artifacts were missing. Gary Duncan has interviewed Mr. Esper and will be interviewing Mr. Bezkorovainy on Monday.

Victor stated Mr. Esper has requested the Board now consider removing these restrictions from his two permits. Given the status of the current investigation and return of the cultural material, Victor believed the Board should consider modifying the no field work provision in the permits held by both Mr. Bezkorovainy and Mr. Esper. He believed the Board, in a separate motion, should authorize the Director to stop any excavation or artifact recovery activities in the event that the completed investigation provides cause to take such action prior to the next scheduled meeting of the Board. Gary observed he saw no problem with proceeding in this manner.

There was no further discussion.

Gary Duncan moved to modify Excavation Permit (06-002) held by Alexander Bezkorovainy for his Salem Sound site to allow excavation and artifact recovery with all standard conditions in effect, and the further condition that the permittee submit, for approval by Board staff, a detailed plan for the selection, transportation, and conservation of any objects intended to leave the Commonwealth of

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Massachusetts, prior to undertaking such action. Terry French seconded. Unanimous vote in favor. So voted.

Gary Duncan moved to authorize the Board's Director to halt and prohibit any excavation or artifacts recovery activities under Excavation Permit (06-002) held by Alexander Bezkorovainy for his Salem Sound site should the completed investigation provide cause to take such action prior to the next scheduled meeting of the Board. Terry French seconded. Unanimous vote in favor. So voted.

**G. Gary Esper**

Graham McKay moved to modify Excavation Permit No. 12-005 held by Gary Esper for his Eastham/Wellfleet site to allow excavation and artifact recovery with all standard conditions in effect, and the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore. Gary Duncan seconded. Unanimous vote in favor. So voted.

Graham McKay moved to authorize the Board's Director to halt and prohibit any excavation or artifacts recovery activities under Excavation Permit (12-005) held by Gary Esper for his Eastham/Wellfleet site should the completed investigation provide cause to take such action prior to the next scheduled meeting of the Board. Gary Duncan seconded. Unanimous vote in favor. So voted.

Graham McKay moved to modify Reconnaissance Permit No. 12-006 held by Gary Esper for his Eastham site to allow appropriate artifact recovery with all standard conditions in effect and the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore. Gary Duncan seconded. Unanimous vote in favor. So voted.

Lenny Loparto moved to authorize the Board's Director to halt and prohibit any artifacts recovery activities under Reconnaissance Permit (12-006) held by Gary Esper for his Eastham site should the completed investigation provide cause to take such action prior to the next scheduled meeting of the Board. Gary Duncan 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 to Director's Report.

**2. Director's Report** (continued)

**D. Meeting with the State of Georgia Underwater Archaeologist**

Victor reported that he met with Chris McCabe, the State Underwater Archaeologist for Georgia, on October 2. Chris was in the area for service and testing on some of their program's remote sensing equipment. They took this unexpected opportunity to meet and discuss their mutual programs and common challenges they faced in managing these resources.

**E. U.S. Coast Guard Collaborative Research**

Victor stated that he had participated in the second meeting of the U.S. Revenue Cutter *Bear* Search Team on October 21, 2013. He noted the Board is a formal member of the research charter between the USCG and NOAA. At this meeting, group members gave updates and presentation on the application of search and rescue models to determine the resting place of the vessel. They planned to meet again on February 25, 2014.

**F. Tide Mills Conference**

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Victor reported that he attended the annual Tide Mill Conference on Saturday, November 9<sup>th</sup>. This year's conference was hosted by the Topsfield Historical Society. There were a number of presentations and poster exhibits on tidal mills located in Massachusetts. It was an opportunity to meet both local and international researchers. Victor had been working with Jane Mead of Gloucester to identify extant remains of tidal mill structures on Cape Ann. He noted that he needed to follow-up with Graham regarding a possible mill in the Powwow River.

**G. Area Committee (Oil Spill Response) Meeting**

Victor stated that he and Gary Duncan will be participating in the joint meeting of the USCG's Harbor Safety Committee and Area Committee (Oil Spill Response) at Black Falcon Cruise Port on December 11<sup>th</sup> from 10:00 AM to 2:00 PM.

**5. BOARD MEMBER REPORTS**

There were no Board member reports.

**6. SUBCOMMITTEE REPORTS: OUTREACH**

**A. Archaeology Month 2013/Archaeology Fair**

Victor reported that the Board participated in the Museum of Science/Archaeological Institute of America Archaeology Fair on October 18<sup>th</sup> and 19<sup>th</sup>. He added he was also assisted by our new Research Associates (interns), Chelsea Bothen and Mark Agostini. There were over 1,600 students at the fair on Friday and 5000 visitors for both days.

**B. Massachusetts Archaeological Society Fall Membership Meeting**

Victor reported that he was one of the speakers at the Fall Meeting of the Massachusetts Archaeological Society on October 26<sup>th</sup>. The meeting was held at the Robbins Museum in Middleborough. His presentation title was: "Drift Wood, Stone Circles, Three Canoes, and a Piano: Stories of Collaboration and Public Engagement".

**C. Central Mass Chapter of the Massachusetts Archaeological Society**

Victor reported that he gave a presentation to the Central Chapter of the Massachusetts Archaeological Society on Saturday evening, November 9. They met at the Zion Lutheran Church in Worcester. The topic was the on-going research on the dugout canoes in Lake Quinsigamond.

**D. South Boston Historical Society**

Victor reported he gave a presentation to the South Boston Historical Society on the evening of November 25. The Society met at the South Boston Branch of the Boston Public Library. The topic was the Revolutionary War Battle of Chelsea Creek.

**E. Bay State Council of Divers Meeting**

Victor reported that he will be attending the meeting of the Bay State Council of Divers (BSC) on December 11, 2013. This meeting will focus on review of BSC's Club Picnic/Treasure Hunt held in September at Stage Fort Park in Gloucester and discussion of volunteer efforts to support BUAR site investigations at Minot's Ledge and monitoring of Exempt Sites.

**F. Society for Historical Archaeology's Annual Conference**

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Victor reported that he would be attending the Annual Conference of the Society for Historical Archaeology in Quebec City on January 7-12, 2013. Victor noted that he and Susan Langley of the Maryland Historical Trust organized the Annual Government Maritime Managers' Forum representing state, federal, and foreign government programs. This year's forum is entitled *Government Maritime Managers' Forum XXII: Boxing the Compass*. This seemed quite an appropriate theme given that Box the Compass is to review the entire series of points and thus, see all possible course of action, the challenge he faces on a nearly daily basis. Victor said he will be participating in the annual meeting of the SHA UNESCO Committee. He has requested funding for this travel, but has not heard if it were approved. Otherwise, he will use personal funds to participate in this important international meeting.

**4. NEW BUSINESS**

There was no New Business.

Graham McKay moved to adjourn the meeting at 2:16 PM. Terry French seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone  
Director