

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 29 September 2011**

MEMBERS PRESENT: 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)
Joseph Pelczarski (Designee of Bruce Carlisle, Director of Coastal Zone Management)
Victor Mastone, Director (Staff for the Board)

MEMBERS ABSENT: Marcie Bilinski (Dive Community Representative)
Brendan Foley (Marine Archaeologist)
John Tulik (Designee of Aaron Gross, Director of Environmental Law Enforcement)
Vacant (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 29 September 2011 in the CZM Conference Room at 251 Causeway Street, Boston.

1. MINUTES

A. Minutes of 23 June 2011

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 23 June 2011. There were no other comments or corrections.

Kevin Mooney moved to accept the minutes of the public meeting held on 23 June 2011. Joe Pelczarski seconded. Unanimous vote in favor. The motion passes. So voted.

2. DIRECTOR'S REPORT

A. Interns

Victor reported the Board has a new intern. Natalie Susmann, who could not be here today, is graduate student at Brandies University where she continuing her graduate studies. She will be working one day per week as an unpaid Research Fellow. Natalie has an MA in Classical Archaeology from Tufts University and a BA from Clark University.

B. 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. He will be attending the meeting of the full FAC in New Orleans (CA) on November 14th-18th.
2. The CHRWG will also meet in conjunction with the FAC. They have been meeting through conference calls and drafting a white paper. Once adopted, Vic will share it with the Board.

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Victor noted that all travel expenses are paid directly by NOAA's MPA Center.

C. NPS American Battlefield Protection Program

Victor reported they were completing their first complete draft of their study of the Battle of Chelsea Creek. They had received a one-time no-cost extension of the grant. Their new deadline is December 31, 2011. They hope to submit our first complete draft to the National Park Service's American Battlefield Protection Program in the next few days.

D. Minot's Ledge Lighthouse Memorial Plaque

Victor reported that the missing memorial plaque to assistant lighthouse keepers, Joseph Wilson and Joseph Antoine, had been recovered over the summer. He stated that the plaque was secured to a 3,000 pound mooring block sunk at the site in 2007. In subsequent dives, the block and plaque could not be relocated. In August, it was found, separated from its block, by Dave Smith and Justin Yanosick, both firemen/sport divers, who were in the area diving for lobster. Victor said he would be working with the Bay State Council of Divers to find a better method to secure the plaque at an underwater location on the site.

E. John Hoagland

Victor reported that John Hoagland's appointment as a Board member has expired and John had decided not to apply for re-appointment. John had served as the at-large Dive Community representative on the Board since 2002. Victor asked the Board to formally recognize John's dedication and commitment.

Joe Pelczarski moved: It is resolved by the Massachusetts Board of Underwater Archaeological Resources to express its appreciation and gratitude to John Hoagland for his nine years of service to the Board and the Commonwealth. Since 2002, John has participated in meetings, provided invaluable guidance to the Board and permittees, and assisted in outreach activities promoting the Board's mission. Kevin Mooney seconded. Unanimous vote in favor. So resolved.

3. BOARD MEMBER REPORTS

Lenny Loparto noted that October is Massachusetts Archaeology Month. He distributed posters and program of sponsored events.

4. SUBCOMMITTEE REPORTS: OUTREACH

A. Bay State Council of Divers Meeting

Victor reported that he attended the July 13th and the September 8th meetings of the Bay State Council of Divers. The meeting focused on the Bay State Council's Club Picnic/Treasure Hunt. The event was held on Sunday, September 25, 2011 at Stage Fort Park in Gloucester. Victor assisted at the registration table. There were well over 100 people from a number of clubs in attendance, with nearly 75 divers in the diving and snorkeling competitions.

The next Council meeting is scheduled for November 30.

B. Massachusetts Archaeological Society Northeast Chapter

Victor reported that he gave a presentation to the Northeast Chapter of the Massachusetts Archaeological Society on September 20. The topic was the Battle of Chelsea Creek. The

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presentation was given in the newly renovated R.S. Peabody Museum at Phillips Academy in Andover.

C. Archaeology Month 2010/Archaeology Fair

Victor reported that October will be a busy month for the Board as it will be participating in several Archaeology Month programs including the Museum of Science/Archaeological Institute of America Archaeology Fair on October 7th and 8th. Victor said he will be assisted by Board member Marcie Bilinski and by Craig Brown and his daughter Bonnie.

D. Friends of Belle Isle Marsh

Victor reported that he will be giving a presentation to the Friends of Belle Isle Marsh on the evening of November 7, 2011. The topic will be the Battle of Chelsea Creek.

4. OLD BUSINESS

A. Gary Esper and Alexander Bezkorovainy

Victor reported that the permit held by Gary Esper and Alexander Bezkorovainy was up for renewal today. They had submitted their renewal application and annual report in conformance with the Board's regulations. Gary Esper and Alex Bezkorovainy were in attendance at the Board.

Gary reported they did not get out to the site much over the past year. He said his next step was to undertake a cesium magnetometer survey of the entire permit area. He had previously conducted a side scan sonar survey, but the results did not reveal much. He hopes to get out there over the upcoming Winter and Spring seasons.

Victor complimented them for their thorough annual report. Gary asked the Board, as it has done with his other permit, if the Board might allow them permission to send some artifacts out of state for conservation as with his other permit. Jonathan Patton said he would like to see that made as a condition of the permit.

Kevin Mooney moved to renew the Excavation Permit (06-002) held by Gary Esper and Alexander Bezkorovainy for their Salem Sound site 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 Massachusetts, prior to undertaking such action. Terry French seconded. Unanimous vote in favor. So voted.

Gary then asked the Board for permission to excavate some test pits. Vic noted the Board had previously conditioned the permit to allow this activity provided that the permittee first submit a detailed plan for that work, including the proposed locations, for approval by Board staff prior to undertaking that activity.

B. Aqua Surveys, Inc.

Victor reported that Aqua Surveys, Inc. had submitted renewal permit application and annual report for Special Use Permit (10-003) in accordance with the Board's regulations. Work on this project will be continuing.

Jonathan Patton raised the concern that Special Use Permittees were not notifying the SHPO of their activities. Discussion turned to the need for an additional special condition to these permit. Vic added that once the special use permit was initially granted the need to submit the survey

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research design and methodology to the SHPO for review was considered by the Board to be a standard condition. It was decided that Vic should remind all Special Use Permittees of the need to submit their research design and methodology to the SHPO for review and that they should maintain communication with the SHPO including copying any submissions to BUAR to the SHPO as well.

Kevin Mooney moved to grant renewal of Special Use Permit (10-003) held by Aqua Surveys, Inc. for the Remedial Investigation/Feasibility Study Project area in the Towns of Chilmark, Edgartown, and West Tisbury as specified in their amended application with all standard conditions in effect, and further that permittee submit its survey research design and methodology to the SHPO for review. Jonathan Patton seconded. Unanimous vote in favor. So voted.

C. Dolan Research

Victor reported that Dolan Research had submitted a Special Use Permit renewal application for its work as part of the New Bedford South Terminal Infrastructure Project. Unfortunately, the application and annual report was received after the submission deadline. He noted the permit will expire at this meeting unless extended by the Board. As their archaeological monitoring services may be needed during the next phase of the terminal project, the Board will need to extend the permit in order to consider the renewal request.

Kevin Mooney moved to extend the expiration date until the next meeting of the Board scheduled for December 1, 2011 for Special Use Permit (10-004) held by the Dolan Research, Inc. for the New Bedford South Terminal Infrastructure Project area, as specified in the application as amended, with all standard conditions in effect. Terry French seconded. Unanimous vote in favor. So voted.

D. Fathom Research LLC

Victor reported that Fathom Research, LLC had submitted a Special Use Permit renewal application and annual report for a marine archaeological reconnaissance survey as part of the Sengokontacket Pond Channel Dredging Project. The survey was conducted under the direction of David Robinson, marine archaeologist, and included the use of a marine magnetometer, side scan sonar and sub-bottom profiler, and diver inspection of targets members of the Wampanoag tribe of Aquinnah were on the boat to observe the work. Victor stated the survey was completed and the renewal request was for archaeological monitoring services. Vic noted that standard conditions include the need to submit the survey research design and methodology to the SHPO for review.

Kevin Mooney moved to grant Fathom Research, LLC a Special Use Permit (10-002) for the Sengokontacket Pond Channel Dredging Project area (as specified in the application) with all standard conditions in effect. Lenny Loparto seconded. Unanimous vote in favor. So voted.

E. John Milner Associates

Victor noted that the Board received complete renewal applications from John Milner Associates (JMA) for the New Bedford South Terminal Infrastructure Project. Unfortunately, these applications were received after the submission deadline. The permits will expire at this meeting unless extended by the Board. As their archaeological monitoring services may be needed during the next phase of the terminal project, the Board will need to extend the permit in order to consider the renewal request.

Victor stated that John Milner Associates is the subcontracting APEX for this project. The credentials for APEX's Greg Harper were also attached to the renewal application.

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1. New Bedford Harbor South Terminal Infrastructure Subtidal Special Use Permit

Kevin Mooney moved to extend the expiration date until the next meeting of the Board scheduled for December 1, 2011 for Special Use Permit (10-005) held by John Milner for the New Bedford South Terminal Infrastructure Project subtidal area, as specified in their application, with all standard conditions in effect. Terry French seconded. Unanimous vote in favor. So voted.

2. New Bedford Harbor South Terminal Infrastructure Intertidal Special Use Permit

Kevin Mooney moved to extend the expiration date until the next meeting of the Board scheduled for December 1, 2011 for Special Use Permit (10-006) held by John Milner for the New Bedford South Terminal Infrastructure Project intertidal area, as specified in their application, with all standard conditions in effect. Terry French seconded. Unanimous vote in favor. So voted.

F. Harry Noyes and Gary Gianotti

Victor reported that Harry Noyes and Gary Gianotti had not submitted a renewal application at this time. He had spoken to Mr. Gianotti who has requested an extension. Mr. Gianotti had explained his home had suffered storm damage and that he had been without power for over a week. In addition, Mr. Noyes had been ill most of the field season. The cannon was still in Vermont undergoing conservation treatment.

Kevin Mooney moved to extend the expiration date until the next meeting of the Board scheduled for December 1, 2011 for the Reconnaissance Permit (10-007) held by Harry Noyes and Gary Gianotti for their Marblehead Channel site with all standard conditions in effect. Joe Pelczarski seconded. Unanimous vote in favor. So voted.

G. Gary Esper

Victor reported Gary Esper wanted to provide the Board members with an update on some recent activities. Gary said that he and Alex conducted an ROV survey of the site. They collected two diagnostic artifacts following the instructions of their project conservator, Scott Herber, and project archaeologist, Bob Cembrola. After the objects were documented, they were returned to the site. One object was a lead bilge pump with brass flapper. The other object was an ivory-type door knob. Photographs have been sent to the Board. Based on the approximate age of these objects, the wreck appears to be more recent than initially suspected. Vic asked Gary if they verified the cargo was coal. Gary confirmed that it was carrying coal. The vessel has not been identified.

6. NEW BUSINESS

A. Special Use Permit - Fathom Research, LLC

Victor reported that Fathom Research, LLC had submitted a Special Use Permit application for a marine archaeological reconnaissance survey as part of the Comcast Cable Project running from West Falmouth to Tisbury in Vineyard Sound. The survey would be conducted under the direction of David Robinson, marine archaeologist, and included the use of a marine magnetometer, side scan sonar and sub-bottom profiler, and visual inspection of soil cores. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on June 21, 2011.

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Kevin Mooney moved to grant Fathom Research, LLC a Special Use Permit (11-005) for the Comcast Cable Project area (as specified in the application) with all standard conditions in effect and the further condition that Fathom Research, LLC submit its survey research design and methodology to the SHPO for review. Terry French seconded. Unanimous vote in favor. So voted.

Jonathan Patton noted that Fathom Research has already submitted its survey research design and methodology to the SHPO for review.

B. Isolated Find Exemption – David Jewell

Victor reported that David and Erin Jewell of Gloucester, MA had submitted an application for an Isolated Find Exemption for an iron anchor recovered off Rockport. Victor said he was alerted to this anchor find by a colleague in the fishing industry and subsequently contacted Mr. Jewell. The Jewells were unaware of the need to notify the Board, but were very willing to submit an exemption application. Mrs. Jewell had explained to Victor that the anchor had gotten tangled in their lobster trawl line. Victor added that he had gone up to Gloucester and documented the anchor. The anchor is a nineteenth century iron anchor with retractable stock. It was the only hang in that area. Victor noted this is a very common occurrence on approaches to harbors which often goes unreported to the Board.

Terry asked Victor if he had any idea on the value of such an object. Victor said that is the first question everyone seems to ask. He said that he had no idea except what he has seen on E-bay type web sites. He added that without conservation the anchor will deteriorate rapidly. Conservation costs would likely exceed its financial value. The incentive is really to leave it in situ or to partner with a local museum for conservation and curation as a donation.

Kevin Mooney moved to waive jurisdiction over isolated find number 2011-IF-0001 from the Town of Rockport and relinquish all rights, title and interest to David and Erin Jewell. Terry French seconded. Unanimous vote in favor. So voted.

Joe Pelczarski moved to adjourn the meeting at 2:00 PM. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director