

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 30 MAY 2013**

**MEMBERS PRESENT:** Terry French (Designee of John Warner, State Archivist)  
Graham McKay (Marine Archaeologist)  
Kevin Mooney, Deputy Director (Designee of Director of DCR Division of Waterways)  
Gary Murad (Dive Community Representative)  
Jonathan Patton (Designee of Brona Simon, Executive Director of the Massachusetts Historical Commission)  
Len Roberts (Designee of Aaron Gross, Director of Environmental Law Enforcement)  
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)  
Lenny Loparto (Designee of Brona Simon, State Archaeologist)

**PROCEEDINGS:**

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:32 PM on 30 May 2013 in the CZM Conference Room at 251 Causeway Street, Boston.

Victor introduced Major Len Roberts who was attending today's meeting for Environmental Law Enforcement. He noted Captain Tulik had retired.

**1. MINUTES**

**A. Minutes of 28 March 2013**

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 28 March 2013. There were no other comments or corrections.

Kevin Mooney moved to accept the minutes of the public meeting held on 28 March 2013. Terry French seconded. Unanimous vote in favor. So voted

**2. DIRECTOR'S REPORT**

**A. Summer Recess**

Victor reminded the Board that there are generally no regularly scheduled meetings over the Summer months of June, July, and August. It has been typically too difficult to achieve a quorum during those months due to constraints on member availability. Otherwise, the Board's next scheduled meeting will be on 26 September 2013. He noted that the statute requires the Board take action on complete permit applications within 30 days of receipt.

**B. URI/NITHPO/BOEM Submerged Paleocultural Landscape Workshop**

Victor reported he and Jonathan Patton participated in the Submerged Paleocultural Landscape Workshop on April 8-9. It was organized and sponsored by the University of Rhode Island's Graduate School of Oceanography, the Narragansett Indian Tribal Historic Preservation Office, and U.S. Bureau of Ocean Energy Management. Vic said he found it very useful, particularly for understanding the limitations of data collection techniques, variance in sea-level rise, and the tribal perspective. He has not received any follow-up information at his time.

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**C. NASOH Conference**

Victor reported that he attended the annual conference for the North American Society for Oceanic History from May 15-19, 2013 in Alpena, MI. He was the co-program chair, along with Dr. John O. Jensen of the Sea Education Association. The conference theme is Maritime Borderlands and Cultural Landscapes. This conference has the added benefit of meeting with the staff of NOAA's Thunder Bay National Marine Sanctuary, which focuses on shipwreck visitation and interpretation. The conference included a glass-bottom boat tour of a shipwreck. Victor noted he used vacation time and personal funds to attend the conference.

**3. BOARD MEMBER REPORTS**

There were no Board member reports.

**4. OUTREACH SUBCOMMITTEE**

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

Victor reported that he attended the 17 April 2013 meeting of the Bay State Council of Divers. The meeting focused on the Bay State Council's revised Dive Flag poster, planning Club Dive Treasure Hunt, and Board projects.

The next Council meeting is scheduled for 12 June 2013.

**B. Boston Public Library Local History Lecture Series**

Victor reported that he will be giving a presentation as part of the Boston Public Library's Local History Lecture Series on Wednesday, September 11 at 6 PM at the main library. The topic was the Board's study of the Battle of Chelsea Creek.

**5. OLD BUSINESS**

**A. Raymond A. Hayes**

Victor reported that Raymond Hayes has submitted a renewal application and annual report in accordance with the Board's regulations. Victor noted the high quality of work and reporting detailed in the renewal application. Mr. Hayes was not present to represent his request. Victor stated that Mr. Hayes plan to continue with the work he outlined for last summer, but did not complete.

There was no further discussion.

Kevin Mooney moved to renew, retroactive to 28 March 2013, Reconnaissance Permit (07-001) held by Raymond A. Hayes for his Great Harbor, Woods Hole site with all standard conditions in effect. Graham McKay seconded. Unanimous vote in favor. So voted.

**B. Nipmuc National – Tribal Historic Preservation Office**

Victor reported that the permit held by the Nipmuc National – Tribal Historic Preservation Office is up for renewal and the renewal application and Annual Reports have been submitted in accordance with the Board's regulations. The Project Director, Cheryl Stedtler, was in attendance to present the application. Victor stated he wanted to take this opportunity to again compliment them on the excellent quality of their report, which could serve as model in terms of its format and content.

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Cheryl noted that she had also participated at the URI/NITHPO/BOEM workshop. She made some good contacts with the Narragansett Tribal Historic Preservation Office and would do some work and training with them. She reviewed some highlights from their annual report.

Cheryl noted that Victor had put her in contact with a former lake resident, Jim Ljunggren, who had been undertaking side scan sonar surveys of the lake in search of a lost steam launch. He was able to locate one. He, along with colleagues from the Quincy Police Department (PD), offered to go out with them. When they did, he showed her a stone axe he had recovered approximately 15 years ago. He loaned her the axe to show tribal members and she now showed it to the Board members. Gary asked what the axe was used for. She explained this axe would have been used to fell trees and hollow out dugouts. The recovery area coincides with shallower lake area which was dry land prior to the lake level rising.

The results of sonar imaging of the three known dugout canoes have provided them the ability to distinguish between tree falls and possible dugouts. She showed some images of dugouts #1 and #2. Working with Chris Wright, David Robinson, Allen Gontz, and Quincy PD, they are closing in a complete sonar survey of the lake bottom, south of Route 9. There are a number of new sonar targets they hope to investigate to determine if they are additional dugout canoes. Victor noted that Quincy PD had assisted the Board other projects just as the Massachusetts Environmental Police.

Cheryl showed a map of prepared by Mike Brauer, who discovered the first and third dugout canoes. The map depicts the location of his numerous finds and observations along the lake bottom.

Finally, Cheryl said they would like to set-up a network of observers around the lake to help protect these sites and was seeking the Board's advice. Victor noted that diving was not prohibited, only collecting of artifacts. He suggested we work with the Lake Quinsigemond Commission and the Massachusetts Environmental Police. Victor noted that anything collected after 1973 (when the law was enacted) is clearly property of the Commonwealth. Cheryl noted there was an additional concern that people might inadvertently damage the sites due to poor visibility.

Dan Sampson asked about their plans to investigate the additional targets. Cheryl said they planned to continue their documentation in the same manner. Victor noted the steam launch, if recovered, will also be an expensive conservation project. Cheryl noted that Cheryl Holly, who signed the original permit application, was recently elected tribal chair. She is very supportive of the project and is director of their tribal museum. Gary Murad asked if they had started their fundraising. Cheryl said they have done minimal fundraising, waiting until they find a place for both conservation and display. Finding the location has been the stumbling block. Gary asked if their museum could take it. Cheryl said the building was undergoing renovation and there is potential for that being ultimate location.

Kevin Mooney moved to renew the Reconnaissance Permit (01-001) held by the Nipmuc Nation Tribal Historic Preservation Office for its Worcester/Shrewsbury site with all standard conditions in effect. Gary Murad seconded. Unanimous vote in favor. So voted.

**C. Restoration Project**

Victor reported that Restoration Project, Inc. had requested an extension in order to submit its reconnaissance permit renewal application and Annual Report. Eloise Newell, Director of Restoration Project, Inc. could not be present today. The Project Archaeologist, David Robinson, has confirmed he will continue in that capacity. They hope to dive some of the previously identified anomalies in the near future. There was no further discussion.

Kevin Mooney moved to extend the expiration date of Reconnaissance Permit (10-001) held by the Restoration Project, Inc. for its Willis Pond Sudbury site until the next scheduled Board meeting

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on 26 September 2013 with all standard conditions in effect. Terry French seconded. Unanimous vote in favor. So voted.

**D. Victor Ricardo**

Victor reported that the reconnaissance permit held by Victor Ricardo is up for renewal and that Mr. Ricardo had submitted his renewal application and Annual Report in accordance with the Board's regulations. Mr. Ricardo was in attendance to represent his application.

Mr. Ricardo distributed some supplemental information to the Board members. He noted that he was now spending his winters in Florida. He reported that he had to replace his boat again. It is presently being serviced in Salisbury. He has been continuing his documentary research and created a new website. Mr. Ricardo reported that his crew is no longer available. One of his divers is no longer diving and the other, Mike Starky, was recently killed in an automobile accident. Mr. Ricardo presented some information to the Board on a potential new partner to help him would add his name to the permit once they had a signed agreement. Victor Mastone said Mr. Ricardo would need to submit a request to add his name and supporting information to the Board. It would be treated as a permit modification. This would include submission of his credentials, the crew's credentials, and the revised work plan. Gary Murad expressed the Board's sympathy for the loss of Mr. Starky.

Gary Murad asked Mr. Ricardo about the vessel he was searching for. He responded it was called the *Marblehead*. The vessel was a brigantine out of Marblehead returning from Spain when lost in 1738. She was 105 feet long, 32 foot beam, and 15 foot draft. He can account for only 5 members of the crew.

Gary Murad moved to grant renewal of the Reconnaissance Permit (94-001) held by Victor Ricardo for his Salisbury site with all standard conditions in effect and the further conditions that Mr. Ricardo coordinate with the Department of Conservation and Recreation (DCR) facility (Salisbury Beach State Reservation) staff and the DCR Office of Historic Resources for any on site activities; the DCR staff determine when activities on site take place; no excavation activities take place under this permit; and that no cultural materials leave the boundaries of the Commonwealth of Massachusetts except with the prior written approval of the Board. Kevin Mooney seconded. Unanimous vote in favor. So voted.

**6. NEW BUSINESS**

**A. Arbuthnot Media, Inc.**

Victor reported that Arbuthnot Media, Inc. had submitted a Special Use Permit application for the visual inspection and documentation of Nomans Land Island inscribed stone, in Chilmark. These services will be provided by archaeologist Michael Arbuthnot. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 11 April 2013.

Victor noted that a proposed investigation of the inscribed stone by Committee Films and America Unearthed was brought to his attention by the U.S. Fish and Wildlife Service in March 2013. Subsequent email exchanges with Committee Films lead him to determine the proposed activities were archaeological in nature and would require a Special Use permit and they would need the services of a professional archaeologist to conduct their proposed activities. Committee Films secured the services of Michael Arbuthnot to serve as Project Archaeologist and permit applicant. Victor reminded the Board that it had previously determined that the Board had jurisdiction of the stone which lies in the waters off the island and that the Board has a table application for the recovery of the stone. Prior to issuing a provisional permit, Vic sought the informal advice of Bettina Washington, THPO for the Wampanoag Tribe of Gay Head (Aquinnah). The island has a special connection to the

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Wampanoag people and wanted to determine if the Tribe might object to the proposed activities. She did not object.

Dan Sampson noted it was a prohibited area on the charts. Victor noted that U.S. Fish and Wildlife Service have closed the island, but the chart designation was in question. Committee Films had contacted the U.S Coast Guard District who said that restriction was not on their books. The company was also going to contact the U.S. Navy. The area had been a bombing range site and there may be unexploded ordinance present on and in the waters off the island.

Jonathan Patton said he had a comment. He noted that in reviewing Mr. Arbuthnot's credentials that he had no experience in the northeast U.S. Victor noted that is not required under our regulations and it has not been an issue with other special use permits. Jonathan noted that in view of this topic that would be appropriate.

Kevin Mooney moved to grant Arbuthnot Media, Inc. a Special Use Permit (13-001) for the Project area (as specified in the application) for marine archaeological non-invasive site inspection of the inscribed stone object lying in the waters off Nomans Land Island, Chilmark, as detailed on the map figures and photographs accompanying the application with all standard conditions in effect and the further condition that Arbuthnot Media, Inc. submit its research design and methodology to the State Historic Preservation Office (SHPO) for review. Dan Sampson seconded. Seven votes in favor (French, McKay, Mooney, Murad, Roberts, Sampson); One vote opposed (Jonathan Patton). The motion passes. So voted.

**B. Town of Falmouth – Isolated Find Exception**

Victor reported that the Town of Falmouth's Department of Natural Resources (Falmouth DNR) has applied for an Isolated Find Exemption for two alleged cannon balls. These cannon balls were inadvertently recovered by a commercial fisherman dredging for scallops off Falmouth. The commercial fisherman subsequently turned over the two objects to the Falmouth DNR. These cannon balls are believed to be associated with the bombardment of Falmouth by HMS Nimrod during the War of 1812. The Town would like to display them. Victor discussed the need to obtain ownership of these objects through an isolated find exemption with Chuck Martinsen, Falmouth DNR. Given the type of objects and the circumstances of the recovery, Victor did not believe they constitute an archaeological site.

Victor noted they also discussed possible continued research under reconnaissance permit application or joint venture with the Board to further investigation the area. A reconnaissance permit application was submitted by Falmouth DNR. It was determined to be incomplete. He will be in discussions with them concerning how they want to proceed with that application.

Gary Murad moved to waive jurisdiction over isolated find number 2013-IF-0001 from waters off Falmouth and relinquish all rights, title and interest to the Town of Falmouth. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to adjourn the meeting at 2:22 PM. Terry French seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone  
Director