

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
MINUTES OF PUBLIC MEETING – 31 MAY 2012**

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)
Gary Murad (Dive Community Representative)
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)
Jack Chapin (Designee of Aaron Gross, Director of Environmental Law Enforcement)
Vacant (Marine Archaeologist)

PROCEEDINGS:

The public meeting of the Massachusetts Board of Underwater Archaeological Resources was convened by the Director, Victor Mastone, at 1:50 PM on 31 May 2012 in the CZM Conference Room at 251 Causeway Street, Boston.

As a quorum of members had not yet been achieved, Victor stated he would review only items not requiring discussion or action by a quorum of Board members. Once a quorum is achieved, he will change the order of business to take up action items.

1. 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 27 September 2012. He noted that the statute requires the board take action on complete permit applications within 30 days of receipt.

B. U.S. Army Corps of Engineers – Regional General Permit

Victor reported that on May 4 he had participated in a stakeholders meeting sponsored by the U.S. Army Corps of Engineers. They are proposing development of New England 6-state regional general permit process. Also in attendance were Ed Bell of MHC, Bob Boeri of CZM, Tay Evans of DMF as well as other state, federal, and utility industry staff. They are in the very early stages of gathering input.

C. National System of Marine Protected Areas Partnership Meeting

Victor reported that he would be participating in the National System of Marine Protected Areas meeting of program partners in Silver Spring, Maryland, from June 12-14. The program partners include member sites managed by federal, tribal, state or local entities. The Board's Exempted Sites are member sites of the National System. A portion of this meeting will be held jointly with the Federal Advisory Committee on Marine Protected Areas. There will be a panel discussion on MPAs, Recreation and Tourism. Victor noted that all travel expenses are paid directly by NOAA's MPA Center.

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3. BOARD MEMBER REPORTS

There were no Board member reports.

4. SUBCOMMITTEE REPORT: OUTREACH

A. Bay State Council of Divers Meeting

Victor reported that he attended the 25 April 2012 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. There was a presentation by June Stahl of Diverheart.org describing their scuba program for people with disabilities. Their chapter is base out of New Jersey, but the organization started in Chicago. They are gauging interest in starting a New England chapter.

The next Council meeting is scheduled for 27 June 2012.

B. Safe Waters in Massachusetts (Nahant S.W.I.M.)

Victor reported that he gave a presentation to S.W.I.M. on Saturday, March 31 at 11 AM at the Northeastern University Marine Science Center in Nahant. The topic was the Board's Minots Ledge Lighthouse Archaeological Project.

C. Friends of Belle Isle Marsh

Victor reported that he gave a presentation on the Battle of Chelsea Creek to the Friends of Belle Isle Marsh on Monday April 2 at 7 PM at the Orient Heights Yacht Club. The topic was the Board's NPS funded investigation of the Revolutionary War Battle of Chelsea Creek. It is probably the largest audience the Friends had for any of their recent lectures.

D. University of Leiden

Victor reported that he gave two presentations on April 10 at the University of Leiden, Netherlands. The first presentation was for a Caribbean graduate research seminar on dugout canoes and involvement of indigenous peoples centered on Project Mishoon. The second presentation was for University's Archaeology Forum with the topic being the NPS funded investigation of the Revolutionary War Battle of Chelsea Creek.

E. New York Archaeological Council and New York State Archaeological Society

Victor reported that he gave a presentation on the Battle of Chelsea Creek at the joint annual meetings of New York Archaeological Council and New York State Archaeological Association in Poughkeepsie, New York, on April 28. Victor said he had received agency support for this travel.

F. Martha's Vineyard Museum

Victor reported he gave a presentation on May 8 to the Martha's Vineyard Museum in Edgartown. The presentation was entitled, "Drift Wood, Stone Circles, Three Canoes, a Lost Lighthouse, and a Piano: Stories of Collaboration and Engaging the Public."

G. New England Aquarium Dive Club

Victor reported his only upcoming summer outreach activity will be a presentation to the New England Aquarium Dive Club on the evening of July 18. The topic will be the on-going investigation of the dugout canoes in Lake Quinsigamond.

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2. DIRECTOR'S REPORT (continued)

Victor stated that Dan Sampson was replacing Joe Pelczarski at today's meeting. Joe would likely be retiring in the Fall and would be out most of the summer on medical leave. Dan would likely be replacing Joe once Joe retires.

With respect to the Board's three vacant positions, Victor reported he received official notification on one position. John Hoagland has been replaced by Gary Murad. He understands that Marcie Bilinski will be re-appointed, but has not received a copy of the appointment. He is awaiting word on the replacement of Brendan Foley.

BOARD MEETING RECESSED

At 1:57 PM, Victor recessed the meeting pending the arrival of members necessary to achieve a quorum.

BOARD MEETING RECONVENED

Victor reconvened the Board meeting at 2:02 PM when a quorum of six (6) members being in attendance was achieved. [NB – Five (5) voting members must be present to constitute a legal quorum.] Victor began the formal meeting.

Victor introduced Attorney Gary Murad to the Board. He was recently appointed by Governor Patrick as the dive community representative replacing John Hoagland.

Victor noted he had already reviewed agenda items not requiring any Board action.

3. MINUTES

A. Minutes of 29 March 2012

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 29 March 2012. There were no other comments or corrections.

Kevin Mooney moved to accept the minutes of the public meeting held on 29 March 2012. Terry French seconded. Unanimous vote in favor. So voted

5. OLD BUSINESS

A. 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.

Information brought by Mr. Ricardo was distributed to the Board member. Mr. Ricardo noted he regularly walks the beach adjacent to his permit area to see if anything is washing ashore. He noted the beach nourishment activities have buried his permit area. As a result, he generally can only observe sand during his video surveys. He was hoping for a hurricane to remove the sand. He reported he has a new boat, his 4th boat, and would be submitting pictures to the Board. He submitted pictures of two wooden remains that washed up on beach. One was 23 feet by 6.5 feet with wooden pegs. The other was about 6 to 8 feet long. He believed they were from different vessels. They were at the reservation's maintenance garage. Victor Mastone noted the DCR park staff had been previously advised not to dispose of vessel remains. They both agreed there were likely several

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vessels wrecked off that area. Mr. Ricardo stated that park staff said that prior to the beach nourishment activities they had observed what appeared to be wreckage - timbers, pottery, bottles – when they were fishing/lobstering that area. The sand has covered that area.

Kevin Mooney 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. Dan Sampson seconded. Unanimous vote in favor. So voted.

B. Fathom Research, LLC

Victor reported that Fathom Research LLC had submitted its special use permit renewal application and Annual Report for the New Bedford Harbor Superfund Site Pre-Dredging Archaeological Survey after the deadline prescribed in the Board's Regulations. Therefore, the permittee was looking for an extension of the permit. The renewal application is complete. The permittee had confused the Board staff's concurrence with the revised 2012 scope of work with renewal of the permit. David Robinson, Project Archaeologist for Fathom Research LLC could not be present today.

Dan asked what was being undertaken. Victor and Kevin explained the pre-dredge clearance process. There was no further discussion.

Kevin Mooney moved to extend the expiration date for Special Use Permit No 11-004 held by Fathom Research, LLC, for the New Bedford Harbor Superfund Site Pre-Dredging Archaeological Survey until the next scheduled Board meeting on 27 September 2012. Terry French seconded. Unanimous vote in favor. So voted.

C. Philip D. Greco Associates, Inc.

Victor reported that the two permits held by Philip D. Greco Associates, Inc. (PGA) are up for renewal and that Mr. Greco has requested an extension in order to submit the renewal applications and Annual Reports. Mr. Greco was not in attendance at the meetings to present the applications on behalf of PGA. Victor noted that personal medical issues have kept both Mr. Greco and Mr. Weckler from attending today's meeting. Victor observed it was his understanding was the PGA would continue work of verifying previously identified targets.

There was no further discussion.

Kevin Mooney moved to extend the expiration date for Reconnaissance Permit (92-001) held by Philip D. Greco Associates, Inc. for its Eastham/Wellfleet site until the next scheduled Board meeting of 27 September 2012 with all standard conditions in effect and with the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore. Gary Murad seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to extend the expiration date for Reconnaissance Permit (92-002) held by Philip D. Greco Associates, Inc. for its Wellfleet site until the next scheduled Board meeting of 27 September 2012 with all standard conditions in effect and with the further condition that the permittee coordinate all field activities with the staff of the Cape Cod National Seashore. Dan Sampson seconded. Unanimous vote in favor. So voted.

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D. 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, could not be in attendance to present the application due to recent death of Richard Massey, her uncle, tribal elder and long-time member of the project. Victor took this opportunity to express the Board's condolences to Cheryl Stedtler and her family.

Victor stated he wanted to take this opportunity to compliment Cheryl on the excellent quality of their report, which could serve as model in terms of its format and content. He noted they are actively looking locally for a property to undertake conservation and interpretation of the dugout(s). There was no further discussion of the renewal application.

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. Lenny Loparto seconded. Unanimous vote in favor. So voted.

E. Restoration Project

Victor reported that Restoration Project, Inc. had submitted its reconnaissance permit renewal application and Annual Report after the deadline prescribed in the Board's Regulations. Therefore, the permittee was looking for an extension of the permit. The renewal application is complete. Eloise Newell, Director of Restoration Project, Inc. could not be present today. He had spoken with Project Archaeologist David Robinson who planned 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 of 27 September 2012 with all standard conditions in effect. Gary Murad seconded. Unanimous vote in favor. So voted.

F. Michael Jr. and Joseph Zdanowicz

Victor reported that the permit held by the Zdanowicz brothers was granted at a special meeting held in June 2011 and the permit will expire before the Board's next regularly scheduled meeting of September 27, 2012.

There was no further discussion.

Kevin Mooney moved to extend the expiration date of Reconnaissance Permit (11-006) held by Michael, Jr., and Joseph Zdanowicz for their Beverly/Manchester-by-the-Sea site until the next scheduled Board meeting on 27 September 2012 with all standard conditions in effect. Terry French seconded. Unanimous vote in favor. So voted.

6. NEW BUSINESS

A. Fathom Research, LLC

Victor reported that Fathom Research, LLC had submitted a Special Use Permit application for on-call marine archaeological services as part of the Remedial Investigation of the Ted Never's Field/Nantucket Beach Rocket Range, Formerly Used Defense Site, in Nantucket. These services will

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be provided by marine archaeologist, David Robinson. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 14 May 2012.

Kevin Mooney moved to grant Fathom Research, LLC a Special Use Permit (12-001) for the 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 State Historic Preservation Office (SHPO) for review. Jonathan Patton seconded. Unanimous vote in favor. So voted.

B. Vast Explorer, Inc.

Victor reported that Vast Explorer, Inc. has submitted another reconnaissance permit application for an area in Nantucket Sound. This application was determined by the Board's staff to be incomplete. On Monday May 21, Victor was contacted via email by Ken Kinkor, Administrative Director for the applicant, requesting the Board defer consideration of this application until our next Board meeting. The reason for their request was that they have been delayed in providing the requested information. Victor stated the Board had approved a postponement with their previous application in 2009 which was later withdrawn. At that time, on advice of counsel, the Board voted to approve the request to defer consideration until our next meeting. Victor noted they have not challenged our determination of their application being incomplete.

Kevin Mooney moved that at the request of the applicant, Vast Explorer, Inc., the Board postpone consideration of the reconnaissance permit application submitted by Vast Explorer, Inc., for its proposed Nantucket Sound permit area, until the next public meeting of the Board. Terry French seconded. Unanimous vote in favor. So voted.

C. New Bedford Harbor Superfund Site – Unanticipated Finds

Victor noted that several cultural objects had been inadvertently recovered during the dredging activities related to the New Bedford Harbor Superfund Site Remediation Project over the past several years. First, there were the unanticipated ship's remains. Since then, there was an admiralty style anchor, a leather shoe, and a baptismal font cover. Reports documenting the latter two items were recently distributed to the Board. Victor said he believed the report on the anchor was distributed over a year ago, but he could re-send if members wanted a copy.

The admiralty anchor had been subject of Special Use Permit, work has been completed, and report previously submitted and accepted by the Board. The anchor is currently in the custody of Jacobs Engineering in New Bedford. Following-up on the report's recommendations, Victor has been working with US EPA to identify an appropriate long-term local repository for display and interpretation. The City of New Bedford recently came forward as willing to take custody of the object. Victor said he determining the appropriate mechanism to facilitate this transfer. He noted the anchor cannot be associated with a specific site, such as the previously recorded vessel remains, also encountered as an unanticipated find. Absent such site context, he believes the Isolated Find Exemption might be the most expedient means. If this is determined to be the appropriate action, Victor anticipates that application could be taken up at the September meeting.

Kevin reminded the Board that the plans for the New Bedford State Pier included museum display for the Schooner *Ernestina*. He noted this was another option for display of these objects.

In the case of the shoe, the recommendation was disposal due to lack of context and contamination, unless an interested party could be identified to take custody. Given the shoe is likely PCB contaminated as was the previous case of the ship's timbers, the Board does not have the resources to properly treat or store this object. US EPA will not pay for the decontamination of the shoe; this was the same situation previously encountered with the ship's timber recovered from the

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dredge spoils. Victor recommended the Board concur with the report's findings. If a party came forward to accept care and custody of the shoe, the Board could then treat that disposition as an isolated find exemption.

Kevin reminded the Board that the plans for the New Bedford State Pier included museum display for the Schooner *Ernestina*. He noted this was another option for display of these objects.

Kevin Mooney moved to concur with the report's findings and recommendations regarding the leather shoe and delegate the Board's staff authority to work with USEPA to execute final disposition. Terry French seconded. Unanimous vote in favor. So voted.

In the case of the baptismal font cover, it was determine this item was likely stolen from New Bedford's Grace Episcopal Church and discarded in the harbor by the perpetrator(s) likely before the turn of the [20th] century. The damage to the object appeared around those areas where one could identify ownership or source. There were no police records for that period. The cover fits that church's current baptismal font which dates to the same period. The recommendation was to return it to its legal owner, New Bedford's Grace Episcopal Church. As this object is the property of that entity, Victor recommended the Board concur with the report's findings. If the church declined to take custody, the Board could then treat that disposition as an isolated find exemption to other interested parties.

Victor asked if Board members concurred with the report's finding. Dan responded he concurred with the findings and further it would be gesture of good will since the current font is missing its cover and this fits. Jonathan said the MHC have not formally commented on the report, but he agree with the goodwill gesture aspect. Gary said he would give it to the church. Kevin said it would be a good faith effort of the Board to return this to the church.

Kevin Mooney moved to acknowledge the report's findings and recommendations regarding the baptismal font cover, provided the New Bedford Grace Episcopal Church desires return of said item, and delegate the Board's staff authority to work with USEPA to execute final disposition. Dan Sampson seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to adjourn the meeting at 2:56 PM. Terry French seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone
Director