

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 30 JANUARY 2014**

**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)  
Kevin Mooney, Deputy Director (Designee, Director of DCR Division of Waterways)  
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)  
Graham McKay (Marine Archaeologist)  
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 30 January 2014 in the CZM Conference Room at 251 Causeway Street in Boston.

**1. MINUTES**

**A. Minutes 5 December 2013**

Victor asked the Board if there were any comments or corrections to the minutes of the public meeting held on 5 December 2013. There were no comments or corrections to the minutes.

Terry French moved to accept the minutes of the 5 December 2013 public meeting. Gary Duncan seconded. Unanimous vote in favor. So voted.

**2. DIRECTOR'S REPORT**

**A. USCG Area Committee (Oil Spill Response) Meeting**

Victor reported that that he attended the joint meeting of the USCG Area Committee on Oil Spill Response and Committee on Maritime Safety on December 11. It was at Black Falcon Pier. He noted that Board member, Gary Duncan, were there representing MEP.

**B. Society for Historical Archaeology**

Victor reported that that he did attended the Society for Historical Archaeology's 45th Annual Conference on Historical and Underwater Archaeology held on January 8-13 in Quebec City. He and Susan Langley of the Maryland Historical Trust had organized the Annual Government Maritime Managers' Forum representing state, federal, and foreign government programs. This year's forum was entitled *Government Maritime Managers' Forum XXII: Boxing the Compass*. I also attended the SHA UNESCO Committee of which he is a member

**C. Cultural Heritage Resources Working Group**

Victor reminded the Board that he is an appointed member of NOAA's Marine Protected Areas Center's Cultural Heritage Working group. He is serving co-chair of the working group. The working

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 30 JANUARY 2014**

group will be meeting on February 4-5 in Bethesda, MD. They are working on a virtual toolkit for the management of cultural heritage for non-heritage site managers. All travel expenses are covered by NOAA through support of the U.S. Fish and Wildlife Foundation.

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

Victor noted he and the Board are part of the U.S. Revenue Cutter *Bear* Search Team. The next team meeting is scheduled for February 25 at the U.S.C.G. Research and Development Center in New London, CT. he was not planning to attend.

**E. MEMA**

Victor reported that he had been asked by the Office of Coastal Zone Management to participate in their staffing function at the Massachusetts Emergency Management Agency's command center ("the bunker") in Framingham during emergencies. He and several other long-time staff members were asked to serve as back-up/relief staff during long-term event. They are part of the part of the Hazardous Materials and Environmental Protection services group. They basically collect and report data on coastal flooding and erosion. Victor was at the Bunker on January 3.

**3. BOARD MEMBER REPORTS**

There were no Board member reports.

**4. OUTREACH**

**A. Bay State Council of Divers**

Victor stated he attended a meeting of the Bay State Council of Divers on December 11. He would be attending the meeting on February 19 at the South Shore Neptunes Club House in Quincy. Discussion will focus on participation at the two upcoming scuba diving events.

**B. Boston SCUBA Show**

Victor reported that The Boston SCUBA Show would be held on Saturday, March 1, at the Peabody Holiday Inn from 10 AM – 3 PM. There is free parking.

**C. Boston Sea Rovers Annual Underwater Clinic**

Victor informed the Board that the 2014 Boston Sea Rovers Underwater Clinic would be held on March 7-9. This year's venue will be held at the Double Tree Hotel in Danvers, same as last three years, which featured improved exhibitor space and free parking.

**5. 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. He noted that Tom Mulloy, Debra Jackson, and Hank Lynch were present to represent their permit.

Hank Lynch reported that 2013 was a good diving year on the site. He noted Tom Mulloy did his first dive on April 5<sup>th</sup> as opposed to the 2011 and 2012 when the site was almost completely buried. Most

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 30 JANUARY 2014**

sand is now missing and large pieces have broken off the conglomerate. They could observe newly exposed glass shards, bottles, sheathing, and nails on these pieces. On the west side, Debra observed 322 copper sheathing nails. They did lots of photography. They are still very much engaged with the local school system talking about our maritime heritage. They will soon be working with the 5<sup>th</sup> grade. They gave adult talks at the South Shore Science Center. They are having a meeting with teachers from the Norwell Schools at the Museum to develop their curriculum.

There was no further discussion.

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

**B. 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. He noted that Mr. Karos had again submitted a very thorough application. Mr. Karos was in attendance to represent his application.

Mr. Karos said the past year was mainly spent photo-documenting the middle wreck, wreck B, on the site file form. He is noticing some year-to-year changes on the sites. He then produced a photo-mosaic and an overlay that depicted some movement in vessel component remains. He said he was planning to purchase some higher resolution maps from Google Earth to enhance his photo-mosaic of the entire area. He noted he had to rebuild the ladder he using in creating the mosaic.

Victor noted this was excellent documentation. He said he would like to work with Jim to publish his instructions on making the photo-mosaics. Victor said at minimum he would like to post on the Board's webpage.

There was no further discussion.

Kevin Mooney 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 remaining in effect. Gary Duncan seconded. Unanimous vote in favor. So voted.

**C. Neil Good**

Victor reported that Neil Good had not submitted his Reconnaissance Permit renewal application or Annual Report in accordance with the Board's regulations. Victor noted he not had spoken with Neil Good or Bernie Gallagher, who is helping Neil. He noted no one was in attendance to represent the permit. Victor also noted it had been past practice of the Board to grant a first extension in such cases. He added this is typically has happened in previous years for this permittee. He expressed interest in learning if they had been able to conduct their magnetometer survey and its results.

Kevin Mooney moved to extend the expiration date of Reconnaissance Permit (00-002) held by Neil Good for his East Falmouth/Mashpee site until March 27, 2014, with all standard and special conditions remaining in effect. Terry French seconded. Unanimous vote in favor. So voted

**D. Harry Noyes and Gary Gianotti**

Victor reported the Board had finally received the Reconnaissance Permit renewal application, and annual report or renewal in accordance with the Board's regulations. He reported that has spoken with Mr. Noyes who then requested the Board grant an extension of his permit until the next meeting. Neither he nor Mr. Noyes had received any response from Mr. Gianotti. The cannon remains in

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 30 JANUARY 2014**

conversation at the Lake Champlain Maritime Museum. Mr. Noyes had expressed a desire to donate the cannon, but Victor noted he has not seen an written indication from Mr. Noyes to that effect. Neither party was present at today's meeting.

Kevin Mooney moved to extend the expiration date of Reconnaissance Permit No. 10-007 held by Harry Noyes and Gary Gianotti for their Marblehead site until March 27, 2014, with all standard conditions remaining in effect and the additional condition that the permittee obtain the approval of the Board's staff prior to removing the cannon from the custody of the Lake Champlain Maritime Museum. Gary Duncan seconded. Unanimous vote in favor. So voted.

Kevin suggested that the Board send Mr. Noyes a letter raising the issue of donating the cannon. Victor said he would prepare a letter for Board review and comment before sending it to Mr. Noyes.

**E. Joseph K. Dietlin**

Victor reported that Mr. Dietlin had submitted a proposed subcontracting agreement to the Board for review and approval in accordance with the Board's regulations, 312 CMR 2.09(6), which deals specifically with subcontracting. It states: "*A permittee may subcontract the rights under the permit or any portion thereof upon continued 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 reported that he reviewed the agreement with EEA Deputy General Counsel Margaret Callanan. Based on that review, Victor recently sent an email to Mr. Dietlin asking him to clarify certain clause and suggested some additional clauses. He has not received a response from Mr. Dietlin.

Victor noted that Mr. Dietlin had expressed a strong desire to implement this agreement as quickly as possible. With this in mind and the next Board meeting not scheduled until March 27, Victor said his initial thoughts was for the Board to consider creating a special subcommittee to review the agreement and to delegate that subcommittee the authority to approve the agreement should that be necessary before the next Board meeting. Given there was no response from Mr. Dietlin regarding the revisions, he believed it was better for the Board to wait rather than take action today. If the Board receives a revised agreement, he would then determine if a special meeting was necessary.

There was no further discussion.

**6. NEW BUSINESS**

**A. David S. Robinson & Associates, Inc.**

Victor reported that David S. Robinson & Associates, Inc., had submitted a Special Use Permit application for marine archaeological survey as part of the Southern Essex Sewer District's Marblehead to Salem pipeline project. Victor noted the application meets the requirements specified in the Board's regulations and that he provisionally issued the permit on 19 December 2013.

Jonathon Patton noted the research design and methodology has been submitted to the SHPO. He had provided comments on it. There was no further discussion.

Gary Duncan moved to grant David S. Robinson and Associates a Special Use Permit No. 13-004 for the Southern Essex Sewer District's Marblehead to Salem Pipeline Project for the area (as specified in the application) with all standard conditions in effect and the further condition David S. Robinson and Associates submit its survey research design and methodology to the State Historic Preservation Office (SHPO) for review. Jonathon Patton seconded. Unanimous vote in favor. So voted.

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
MINUTES OF PUBLIC MEETING – 30 JANUARY 2014**

**B. Apex Companies – Isolated Find Exception**

Victor reported that the Apex Companies (Apex) has once again applied for an Isolated Find Exemption for an iron anchor. The anchor was recovered from New Bedford Harbor during dredging related to the South Terminal Project. The circumstances are similar to the anchor acted on by the Board in July. He had discussed the anchor find with Greg Harper of Apex. Given the type of object and the circumstances of the recovery, Victor did not believe this anchor constitutes an archaeological site. Apex had also discussed this find with Lee Cox, who conducted the prior archaeological survey of the area and they agreed on the same interpretation. Apex was applying for the exemption at this time in anticipation of identifying an appropriate local repository for local interpretation and display. They have not as yet identified a repository and will be continuing in that effort. They would notify the Board once they have identified an appropriate repository.

There was no further discussion.

Gary Duncan moved to waive jurisdiction over isolated find number 2014-IF-0001 from waters of New Bedford Harbor and relinquish all rights, title and interest to the Apex Companies, LLC. Kevin Mooney seconded. Unanimous vote in favor. So voted.

Kevin Mooney moved to adjourn the meeting at 1:55 PM. Terry French seconded. Unanimous vote in favor. So voted.

Respectfully submitted,

Victor T. Mastone  
Director