

**COMMONWEALTH OF MASSACHUSETTS
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
FINAL MINUTES OF PUBLIC MEETING – JANUARY 25, 2024**

MEMBERS PRESENT:

Jack Chapin* (Designee of Shaun Santos, Director of Environmental Law Enforcement)
Michael Driscoll* (Designee of Gregory Robbins, Director of DCR Division of Waterways)
Justin Malcolm (Designee of Brona Simon, State Archaeologist)
Vincent Malkoski* (Gubernatorial Appointee, Dive Community Representative [organization])
Graham McKay* (Gubernatorial Appointee, Marine Archaeologist [at-large])
Daniel Sampson (Designee of Lisa Berry Engler, Director of Coastal Zone Management)
John Warner* (State Archivist)
(*present via remote access)

David Robinson, Director (Staff for the Board)
Patrice Bordonaro, CZM Administrative Assistant/Meeting Co-Host

MEMBERS ABSENT:

Mark McClanan (Gubernatorial Appointee, Dive Community Representative [at-large])
Designee of Brona Simon (Executive Director, Massachusetts Historical Commission)

PROCEEDINGS:

This hybrid-format (i.e., in-person and remote-access) public meeting of the Massachusetts Board of Underwater Archaeological Resources (the Board or BUAR) was convened by its Director, David Robinson (Dave R), with the assistance of co-host and Massachusetts Office of Coastal Zone Management (CZM) Administrative Assistant, Patrice Bordonaro, at 12:30 PM on January 25, 2024 in the 9th floor large conference room at 100 Cambridge Street, Suite 900, in Boston, with a quorum of seven (7) current members of the Board in attendance in person and remotely, as confirmed by a roll-call.

The purpose of this regularly-scheduled public meeting was to conduct the BUAR's business that required the involvement of the full Board.

Items on the agenda included:

- approval of the November 30, 2023 Board meeting's minutes
- the Director's report
- Board Member reports
- a summary of the Board's Public Engagement Activities
- Old Business, and
- New Business.

Dave R explained that this meeting's hybrid format conformed with the Commonwealth's temporary provisions (effective through March 31, 2025) pertaining to the Open Meeting Law that were signed by Governor Healey on March 29, 2023. This temporary provision allows public bodies to continue holding their meetings remotely without a quorum of the public body physically present at a meeting location, and to provide "adequate, alternative" access to remote meetings. Board votes taken during this hybrid-format meeting were conducted through a roll-call, as required by MGL c. 30A, ss. 18-25. Meeting ground-rules were reviewed by Dave R, and Board members, the meeting's co-host, prospective permittees, and members of the public were all welcomed to the meeting.

1. MINUTES

A. Minutes of the November 30, 2023 Meeting of the Board

Dave R asked if the Board had any comments or corrections to the draft minutes of the Board's November 30, 2023 public meeting. There were no comments or corrections to the minutes.

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Jack Chapin moved to accept the minutes of the Board's November 30, 2023 public meeting. Justin Malcolm seconded. Unanimous in favor by a roll-call vote. So voted.

2. DIRECTOR'S REPORT

A. Fieldwork

- On December 19, 2023, BUAR staff took the CZM Communications Team that assist BUAR in its interactions with the media and public-facing communications on the BUAR website into the field to the Conomo Point shipwreck site in Essex to see in-person an archaeological site that is being impacted by coastal erosion and to get a hands-on orientation to the site-monitoring work being done by BUAR. This fieldwork with the CZM Communications team also included a guided tour of the Essex Shipbuilding Museum, the Burnham Boatyard, and the historic vessel, *Sylvina W. Beal*, currently being restored by the museum and boatyard. These tours were generously provided by the Essex Shipbuilding Museum's Executive Director, KD Montgomery, and the Burnham Boatyard's owner and master shipwright, Harold Burnham.
- On December 21, 2023, BUAR staff conducted an inspection of wooden vessel remains partially exposed in the intertidal zone of the Neponset River at the historic Milton Landing in Milton. These vessel remains were reported by BUAR permittee and citizen scientist, Bill Gallagher, who joined BUAR staff in the field to assist in the preliminary documentation of the ship's timbers. The observed vessel remains included outer hull planking, frames (floors and possible engine-bed timbers), and ceiling planking. Hull planking appeared to be lap-strake construction and fasteners were of iron. This portion of the river, at the head of the tidewater, was the principal hub of settlement and commercial activity on the river and in its surrounding environs, beginning in the 1640s and has a long history of maritime activity and small boat building.
- On January 11, 2024, BUAR staff deployed into the field in Mashpee to inspect an archaeological feature reported to BUAR on January 10, 2024 by Dr. Chris Weidman, retired Research Coordinator for the Waquoit Bay National Estuary Research Reserve (WBNERR) on Cape Cod. The reported feature consisted of a series of seven to eight upright wooden posts extending about 8 inches above the eroded beach-face on Mashpee's South Cape Beach, approximately 170 ft west of the westernmost post of the coastal erosion control structure at Mashpee's Town Beach and about 50 ft seaward of the beach's foredune. The posts were exposed by a winter storm that brought with it strong southerly winds (an unusual direction for a winter storm). These winds and the waves they generated buffeted the southern New England coast on January 9, 2024 and were the third winter storm with strong southerly winds to do so within a span of just a couple of weeks. Dr. Weidman described the posts as being "aligned in an east-to-west arc shape (concave facing shoreward), reminiscent of the side of an underlying boat/vessel," over a distance of approximately 75 ft. Dr. Weidman noted that he had seen these posts after another storm about a decade ago, but that they had quickly reburied. During its inspection of the feature the following day (January 11, 2024), BUAR staff observed just a single wooden post still protruding above the sand. Based on the photographs Dr. Weidman took the previous day and BUAR staff's site inspection, the feature does not appear to be a shipwreck, but may be, instead, the remains of an earlier coastal built-resource.

B. NOAA Project of Special Merit Grant Update

Dave R reported that Board member, CZM GIS Section Manager, and project Co-Principal Investigator Dan Sampson, CZM GIS Specialist, Brook Hodge, and he are finalizing an approach for working with MHC and its MACRIS data and, primarily, the USGS's Land Change Model data, to create a series of draft maps identifying broad areas of the Massachusetts coast where different types of reported cultural resources (as depicted in broadly characterized density maps) are most at risk from climate change-related coastal hazards, such as sea level rise and storm-related inundation and erosion. BUAR and CZM are planning to meet with MHC staff to review with them details of the PSM project's scope and to discuss and reach an agreement on BUAR/CZM's proposed approach for working with MHC's MACRIS data. This meeting will

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be followed by a meeting with the Project's Advisory Committee, which is composed of members of federal, state, and municipal agencies, Tribal representatives, and non-profit organizations, who share BUAR and CZM's interest in and responsibilities for managing coastal resources, and who will serve as a sounding-board and advisors during the project.

C. Scientific Diver Training

On January 19, 2024, the Board's staff participated in the Massachusetts Division of Marine Fisheries' (DMF's) Dive Planning Workshop conducted by DMF's Diving Safety Officer (DSO) and BUAR Board member, Vin Malkoski (Vin M). This workshop was conducted at DMF's SMAST-East offices in New Bedford. Dave R reported that it was an excellent workshop that provided instruction and discussion on dive planning associated with air, nitrox, and rebreather scientific diving modes. The workshop also included a review of the standard written examination required of all DMF-authorized divers. At the workshop, Vin M announced that he is retiring after 42 years of public service with the Commonwealth and will be stepping down as DMF DSO at the end of this year. Vin M's excellence as a DSO, scientific diver, and colleague will be greatly missed. Fortunately, Vin M's retirement does not affect his service on the Board as the Massachusetts diving community's organizational representative, and he plans to continue serving on the BUAR Board after he retires.

3. BOARD MEMBER REPORTS

There were no Board member reports.

4. PUBLIC ENGAGEMENT ACTIVITIES

A. Trustees of Reservations (TTOR)/BUAR Shipwreck Scholars/Beach Detectives Program

On February 20, 2024, the Board's staff will join the Trustees of Reservations educational staff to conduct the jointly-developed and delivered TTOR/BUAR Shipwreck Scholars and Beach Detectives Program for children ages 5-12 on Steep Hill Beach at the TTOR's Castle Hill/Crane Estate site in Ipswich. This will be the fourth consecutive year that TTOR and BUAR have offered this unique educational program to the public, which has provided an opportunity for hundreds of children who have participated in it to learn about Massachusetts's rich maritime history and underwater archaeological resources, BUAR's, TTOR's, and the public's role as the stewards of those resources, and the *Ada K. Damon's* history as a tool of commerce transformed into an archaeological site and focus of teaching and learning. Based on the feedback received to date, the sustained interest from the public, and the site information that has been recorded, this collaborative effort between BUAR and TTOR to provide hands-on marine archaeology-focused public education programming, integrated with resource monitoring and site management, has been a great success. The Board's staff is planning to meet with TTOR's Val Perini, Director of Educational Programs and Field Learning at the Castle Hill/Crane Estate TTOR property to reflect, evaluate, and update the program's content, as needed, for the coming year.

B. *Ada K. Damon* Wreck Site "Sunset Talk & Walk"

On March 10, 2024, the Board's staff will present a talk on, and co-lead a sunset hike to, the *Ada K. Damon* shipwreck site on Steep Hill Beach at the TTOR's Castle Hill/Crane Estate site in Ipswich. These all-ages sunset talk & walk programs are open to the public. TTOR charges a modest fee for them and registration via the TTOR website is required for those wishing to attend.

C. Edgewood Yacht Club Presentation

On March 12, 2024, the Board's staff will be giving an in-person presentation to the membership of the Edgewood Yacht Club in Cranston, RI on the 1927-1928 sinking and recovery of the US submarine S-4 off the coast of Provincetown.

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D. United Divers of Central Massachusetts Dive Club Presentation

On March 21, 2024, BUAR will be giving an invited Zoom presentation to the membership of the United Divers of Central Massachusetts Dive Club on BUAR's current recent research and site monitoring projects being done in collaboration with the TTOR and traditional master shipwright and captain, Harold Burnham, as well as BUAR Board members (Graham McKay and Dan Sampson), local fishers, harbormasters, and citizen scientists, on archaeological sites along the North Shore area in Essex, Gloucester, and Ipswich.

5. OLD BUSINESS

A. Archaeological and Historical Services, Inc. (SUP 19-005) – Marston Mills in Barnstable

Archaeological and Historical Services, Inc.'s (AHS's) Special Use Permit (19-005) for the Mill Pond Improvements project area at Marston Mills in Barnstable was up for renewal. The Board had granted an extension of the permit's expiration date at its last meeting to January 25, 2024, at the request of AHS's Principal, Meg Harper. Ms. Harper submitted another request to the Board's staff asking the Board to consider granting AHS a second extension of their permit's expiration date until the Board's next regularly-scheduled public meeting on March 28, 2024. In circumstances such as this, it has been the Board's practice to grant up to two extensions of a permit's expiration date within a given permit year. This would be this permit's second and final extension. Ms. Harper was not in attendance to represent this permit. There was no further discussion.

John Warner moved to grant AHS a second and final extension of the expiration date of their Reconnaissance Permit (19-005) for the Mill Pond Improvements project area at Marston Mills in Barnstable, with all standard and special conditions in effect until the next meeting of the Board on March 28, 2024. Vincent Malkoski seconded. Unanimous in favor by a roll-call vote. So voted.

B. William Gallagher, Charles Zarba, Robert Foley, and Douglas Eaton (REC 22-008) – Boston

William Gallagher, Charles Zarba, Robert Foley, and Douglas Eaton's Reconnaissance Permit (22-008) for their Boston site was up for renewal. The Board had granted an extension of this permit's expiration date to January 25, 2024 at its last meeting at the request of Mr. Gallagher. Mr. Gallagher had submitted another request on behalf of the group to the Board's staff asking the Board to consider granting them a second and final extension of their permit's expiration date until the Board's next regularly-scheduled public meeting on March 28, 2024. In circumstances such as this, it has been the Board's practice to grant up to two extensions of a permit's expiration date within a given permit year. This would be this permit's second and final extension. Messrs. Gallagher, Zarba, Foley, and Eaton were not in attendance* to represent this permit [*Messrs. Gallagher and Zarba did show-up at the meeting after their permit extension request had been considered and voted on by the Board]. There was no further discussion.

Michael Driscoll moved to grant William Gallagher, Charles Zarba, Robert Foley, and Douglas Eaton an extension of the expiration date of their Reconnaissance Permit (22-008) for their Boston site with all standard conditions in effect, until the next meeting of the Board on March 28, 2024. John Warner seconded. Unanimous in favor by a roll-call vote. So voted.

C. SEARCH, Inc. (SUP 19-004) – Amitie Subsea Cable Project – Rockport to Nahant

SEARCH, Inc.'s Special Use Permit (19-004) for their Amitie Subsea Cable Project area between Rockport and Nahant has been kept open, so that any unanticipated discoveries that may occur during the project's construction can be addressed under this permit. After receiving a requested extension by a Board vote in December 2022 and an administrative extension necessitated by the Board's cancellation of its January 2023 meeting due to a lack of quorum, SEARCH, Inc.'s Special Use Permit (19-004) was renewed by a vote of the Board at its March 30, 2023 meeting for the standard period of one year, retroactive to its original expiration date of December 1, 2022, with its new expiration set as December 1, 2023. While granting renewals of Reconnaissance and Excavation permits (that have fees associated with them)

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retroactively to their original expiration dates makes sense from an administrative standpoint as it prevents permittees from extending permits beyond the one-year period covered by annual renewal fees, doing so for Special Use Permits, which have no fee associated with them, does not. Therefore, the Board's staff requested the approval of the Board to: a) correct the expiration date of SEARCH, Inc.'s Special Use Permit (19-004) to be one year from its date of issuance, or March 30, 2024; and b) send a letter to SEARCH, Inc. with this corrected date. There was no further discussion.

Vincent Malkoski moved to correct the expiration date of SEARCH, Inc.'s Special Use Permit (19-004) to be March 30, 2024 and to provide SEARCH, Inc. with a letter informing them of this correction. Justin Malcolm seconded. Unanimous in favor by a roll-call vote. So voted.

6. NEW BUSINESS

None.

Dave R thanked the Board's permittees and members of the public who attended the meeting and reminded everyone that the next regularly scheduled public meeting of the Board will be at **12:30 pm** on **Thursday, March 28, 2024**. This meeting will be held in a hybrid format and accessible as both an in-person meeting in CZM/BUAR's offices on the 9th floor at 100 Cambridge Street in Boston and via remote access. Instructions for logging into the remote access meeting will be posted prior to the meeting on the Board's Public Meetings Information webpage (<https://www.mass.gov/service-details/buar-public-meeting-information>). Permittees and interested members of the public are encouraged to monitor the BUAR webpage's Public Meetings Information section for other updates, meeting agendas, and meeting minutes.

Dan Sampson moved to adjourn the meeting at 1:04 PM. Justin Malcolm seconded. Unanimous in favor by a roll-call vote. So voted.

Respectfully submitted,

David S. Robinson
Director