

**COMMONWEALTH OF MASSACHUSETTS  
BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES  
FINAL MINUTES OF PUBLIC MEETING – MAY 25, 2023**

**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])  
**Mark McClanan\*** (Gubernatorial Appointee, Dive Community Representative [at-large])  
**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)

**MEMBERS ABSENT:**

**Designee of Brona Simon** (Executive Director, Massachusetts Historical Commission)

**PROCEEDINGS:**

This (first-ever) 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 12:32 PM on May 25, 2023 in the large conference room at 100 Cambridge Street, Suite 900, in Boston, with a quorum of eight (8) 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 March 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 after working remotely between March 2020 and January 2022, due to the COVID-19 pandemic, the Board's staff and BUAR's administrative host, CZM, had transitioned to a hybrid "Future of Work" schedule adopted by their home agency, the Executive Office of Energy & Environmental Affairs (EEA), allowing BUAR and CZM staff to work in-person in their offices, in the field, or at off-site in-person meetings one day per week, while teleworking for the remaining four days of the business week. All BUAR business and communications continue to be conducted primarily via email, supplemented by virtual and in-person meetings, in-person meetings and phone calls, and hard-copy mailings and regular transmittals of BUAR mail from CZM's offices to BUAR's off-site telework location. The COVID-19 pandemic and a State of Emergency within the Commonwealth necessitated holding the Board's public meetings using remote access "Zoom" technology between May 2020 and December 2022. Following the end of the pandemic and State of Emergency, the Board voted unanimously at its December 1, 2022 meeting to resume its in-person public meetings, beginning with its January 26, 2023 meeting. At the Board's March 30, 2023 meeting, the Board again took up a discussion regarding the optimal format for its public meetings, and voted unanimously to conduct its future meetings (beginning with this meeting) in a hybrid format combining in-person and remote-access via Zoom. This hybrid meeting format conforms with the Commonwealth's temporary provisions (effective through March 31, 2025) pertaining to the Open Meeting

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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, permittees, prospective permittees, and members of the public were all welcomed to the meeting. Dave R also acknowledged and welcomed CZM Administrative Assistant, Patrice Bordonaro, who will be assisting Dave R with the remote-access side of BUAR's new hybrid meeting format for the foreseeable future. Dave R also acknowledged and welcomed retired BUAR Director, Victor Mastone, who was in attendance in support of one of the permittees with business before the Board.

**1. MINUTES**

**A. Minutes of the March 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 March 30, 2023 public meeting. There were no comments or corrections to the minutes.

Vincent Malkoski moved to accept the minutes of the Board's March 30, 2023 public meeting. John Warner seconded. Unanimous in favor by a roll-call vote. So voted.

**\*\*\*Change in the Order of Business**

Due to the very full agenda for the meeting, Dave R as Chair changed the order of business to move directly to the agenda's Old Business and New Business action items. These agenda items were then followed by the Director's Report, Board Member Reports, and a summary of the Board's Public Engagement Activities since its March 30, 2023 meeting.

**5. OLD BUSINESS**

**A. Joseph T. Baker (REC 22-001) – Gloucester**

Joseph T. Baker's Reconnaissance Permit (22-001) for his Gloucester site was up for renewal. Mr. Baker requested, and the Board granted him, an extension of his permit's expiration date at its previous (March 30, 2023) meeting. Mr. Baker submitted a complete renewal application, fee payment, and annual report in accordance with the Board's regulations. Mr. Baker was in attendance (via remote access) to represent this permit. Mr. Baker stated he was looking forward to getting to work on the site this year, after some challenges getting into the field last year. There was no further discussion.

Graham McKay moved to renew Joseph T. Baker's Reconnaissance Permit (22-001) for his Gloucester site, with all standard and special conditions in effect, for the period of one year, retroactive to March 30, 2023, with its new expiration date set as March 30, 2024. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

**B. Bassing Cove Maritime Association (EXC 91-001) – Scituate**

Bassing Cove Maritime Association's (BCMA) Excavation Permit (91-001) for their Scituate site was up for renewal. At the Board's March 30, 2023 meeting, BCMA informed the Board's staff that after holding this permit and conducting fieldwork and educational outreach on their project for 32 years, the BCMA wished to close out the project in 2023. To provide the BCMA with adequate time to coordinate and complete the various requisite elements of the project's close-out, the Board's staff recommended the Board consider granting them an extension (the first) of their permit's expiration date until the Board's next regularly-scheduled public meeting (i.e., this May 25, 2023 meeting). Unfortunately, due to unforeseen circumstances, less progress was made towards completing the project than anticipated. Consequently, the BCMA requested a second extension of its permit's expiration date. The Board has previously granted up to two extensions of a permit's expiration date within a given permit year. This would be the permit's

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second and final extension. BCMA members Tom Mulloy, Debra Jackson, and Hank Lynch were not present to represent the permit. There was no further discussion.

Daniel Sampson moved to grant the BCMA an extension of the expiration date of their Reconnaissance Permit (91-001) for their Scituate site with all standard and special conditions in effect until the next meeting of the Board on September 28, 2023. Vincent Malkoski seconded. Unanimous in favor by a roll-call vote. So voted.

**C. Commonwealth Heritage Group, Inc. (SUP 22-003) – Lowell Area Gas Modernization Project (Middlesex Canal), Lowell**

Commonwealth Heritage Group, Inc.'s (or CHG) Special Use Permit (22-003) for archaeological monitoring and documentation, as well as the recovery of artifacts, prior to and during construction activities associated with the Lowell Area Gas Modernization Project's area of potential effect within two canal crossing areas (in Wetland W-2 and near Wetland W-5) of the Middlesex Canal in Lowell, was up for renewal. CHG's principal investigator for the project, Martin Dudek, informed the Board's staff prior to this meeting that the project's fieldwork was complete and that CHG was still working on its project report, which he expected would be submitted to the BUAR later this Spring. Rather than apply to renew the permit for another full year with the project so close to completion, CHG requested, instead, a second and final extension of their permit's expiration date until the next regularly scheduled meeting of the Board on September 28, 2023. Mr. Dudek, was not in attendance to represent this permit. There was no further discussion.

Michael Driscoll moved to grant Commonwealth Heritage Group, Inc. a second and final extension of the expiration date of their Special Use Permit (22-003) for the Lowell Area Gas Modernization Project's area of potential effect within two canal crossing areas (in Wetland W-2 and near Wetland W-5) of the Middlesex Canal in Lowell, with all standard and special conditions in effect, until the next meeting of the Board on September 28, 2023. John Warner seconded. Unanimous in favor by a roll-call vote. So voted.

**D. R. Christopher Goodwin & Associates, Inc. (SUP 20-001) – SouthCoast Wind (formerly Mayflower Wind) Project's Electric Cable Corridor (or ECC), North Atlantic Ocean and Nantucket Sound**

R. Christopher Goodwin & Associates, Inc.'s (RCG&A) Special Use Permit (20-001) for the Massachusetts state waters portion of the SouthCoast Wind (former Mayflower Wind) Project Electrical Cable Connector (ECC) in the North Atlantic Ocean and Nantucket Sound, was up for renewal. RCG&A submitted a complete permit renewal application and annual report in accordance with the Board's regulations. Dave R noted that RCG&A's annual report submitted to the Board provided a concise summary of the massive geophysical survey and geotechnical sampling (i.e., vibracoring) programs that were completed to date in the state waters portion of the project's Falmouth-ECC area on behalf of the project's proponent under BUAR Permit (20-001). RCG&A's David McCollough and Ashley Himmelstein were in attendance to represent this permit. There was no further discussion.

Michael Driscoll moved to renew R. Christopher Goodwin & Associates, Inc.'s Special Use Permit (20-001) for the Massachusetts state waters portion of the SouthCoast (formerly Mayflower) Wind Energy Project's Falmouth ECC project area, located in the North Atlantic Ocean and Nantucket Sound, as detailed in the renewal application, with all the standard and special conditions in effect, for the period of one year, with its expiration now set for May 25, 2024. Justin Malcolm seconded. Unanimous in favor by a roll-call vote. So voted.

**E. Hassanamisco Nipmuc Council (REC 22-005) – Project Mishoon (Lake Quinsigamond and Flint Pond, Shrewsbury and Worcester)**

The Hassanamisco Nipmuc Council's Reconnaissance Permit (22-005) for its "Project Mishoon" permit area in Lake Quinsigamond and Flint Pond in Shrewsbury and Worcester was up for renewal. The Hassanamisco Nipmuc Council and Project Mishoon's Director, Cheryl Stedtler, submitted a complete

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permit renewal application, annual report, and renewal fee payment, in accordance with the Board's regulations. Ms. Stedtler and Project Archaeologist, Victor Mastone, were in attendance to represent this permit. Both noted that they were both looking forward to more activity on the project in the coming year, including diving on the mishoonash and other sidescan sonar contacts that the Project Mishoon team had identified in the lake. Ms. Stedtler stated that over the course of Project Mishoon's 20-plus years of being a BUAR-permitted project, good contacts have been made with members of the interested public who were now aware of the Lake's underwater archaeological resources and were "Lake Watchers" who collectively keep a preservation-minded eye on the Lake. Ms. Stedtler also noted that the Hassanamisco Nipmuc Council has been very supportive of Project Mishoon, and that the Tribe was planning a Mishoon festival in October on the shores of Lake Quinsigamond that would include the making and paddling of a new mishoon by Tribal members – something that has not been done on Lake Quinsigamond for hundreds of years. Dave R stated the Board was looking forward to working with the Hassanamisco Nipmuc Council, Ms. Stedtler, and Mr. Mastone on the project. Dave R expressed the Board's concerns about the fragility of the mishoonash and potential impacts to them from planned increased diving activity at the sites. Further, Dave R noted that it would be important to use project divers who were very experienced in "black-water" diving, given the lake's extremely low underwater visibility, to ensure the mishoonash were not impacted accidentally. Ms. Stedtler and Mr. Mastone acknowledged the Board's concern, made clear that they were also keenly aware of the fragility of the mishoonash, and confirmed that they planned to use only black-water-experienced divers on the project. There was no further discussion.

Mike Driscoll moved to renew the Hassanamisco Nipmuc Council's Reconnaissance Permit (22-005) for its "Project Mishoon" permit area in Lake Quinsigamond and Flint Pond site in Shrewsbury and Worcester, with all standard and special conditions in effect, for the period of one year, with its expiration now set as May 25, 2024. Vin Malkoski seconded. Unanimous in favor by a roll-call vote. So voted.

**F. James M. Karos (REC 06-001) – Chelsea Creek, Boston, Chelsea, and Revere**

James M. Karos's Reconnaissance Permit (06-001) for his Chelsea Creek Site in Boston, Chelsea, and Revere was up for renewal. Mr. Karos did not submit a renewal application due to ongoing health issues, but had requested a second extension when Dave R spoke with him by phone in April. Mr. Karos has been an active permittee who has done significant fieldwork in his permit area since 2006. This includes within the past year, when he provided photographs and important field data to the Board. The Board has previously granted up to two extensions of a permit's expiration date within a given permit year. This would be this permit's second extension. Mr. Karos was not in attendance to represent this permit. The Board and its staff expressed their continued concern for Mr. Karos's well-being and wished him a speedy recovery. There was no further discussion.

Michael Driscoll moved to extend the expiration date of James M. Karos's Reconnaissance Permit (06-001) for his Chelsea Creek Site in Boston/Chelsea/Revere, with all standard conditions in effect, for a second and final time, until the next meeting of the Board on September 28, 2023. Daniel Sampson seconded. Unanimous in favor by a roll-call vote. So voted.

**G. Kenneth J. Medeiros (REC 07-003) – Duxbury**

Kenneth J. Medeiros's Reconnaissance Permit (07-003) for his Duxbury site was up for renewal. The Board granted Mr. Medeiros permit extensions at its December 1, 2022 and March 30, 2023 meetings. Mr. Medeiros submitted a complete permit renewal application, annual report, and a renewal fee payment in accordance with the Board's regulations. Mr. Medeiros was not in attendance to represent this permit. There was no further discussion.

Michael Driscoll moved to renew Kenneth J. Medeiros's Reconnaissance Permit (07-003) for his Duxbury site, with all standard and special conditions in effect, for the period of one year, retroactive to December 1, 2022, with its expiration now set as December 1, 2023. Justin Malcolm seconded. Unanimous in favor by a roll-call vote. So voted.

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**H. North Atlantic Dive Expeditions (REC 17-004) – Gloucester**

North Atlantic Dive Expedition's (NADE) Reconnaissance Permit (17-004) was up for renewal. NADE's Heather Knowles requested an extension of the permit's expiration date, so that NADE has the summer to conduct fieldwork at the site, the results of which could then be included in their 2023 annual report. Dave R noted that NADE has been an active BUAR permittee that has done significant fieldwork in their permit area, and that NADE has repeatedly provided high-quality, comprehensive, annual reports to the Board since being granted a BUAR permit in 2017. The Board has previously granted up to two extensions of a permit's expiration date within a given permit year. This would be the permit's first extension. Ms. Knowles was not in attendance to represent this permit. There was no further discussion.

Vincent Malkoski moved to extend the expiration date of NADE's Reconnaissance Permit (17-004) for their Gloucester site, with all the standard and special conditions in effect, until the next meeting of the Board on September 28, 2023. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

**I. The Public Archaeology Laboratory, Inc. (SUP 22-004) – Mahan River Restoration Project and Lyman Dam Removal – Southampton**

On April 27, 2023, The Public Archaeology Laboratory, Inc. (PAL) submitted to the Board their technical report for the Mahan River Restoration-Lyman Pond Dam Removal and Childs River Restoration Project in Southampton. This report was submitted in accordance with the requirements of their BUAR Special Use Permit (22-004) and the project's MOA. PAL's project report presented the results of the archaeological monitoring and construction phase mitigation work that was done for the Project during the dam removal and excavation of riverbed materials in the archaeologically sensitive in-river work areas. PAL's archaeological monitors identified the base of remnant wood-plank vertical sheet-piling and five rough-hewn timbers within the existing dam footprint at the vertical limit of excavation and in accumulated sand/silt deposits just upstream of the dam. The wood planking and timbers contained machine-cut nails confirming a 19th-century construction date, or dates likely associated with timber dam or dams at the site built before the construction of the site's 1938 concrete dam. No waterpower infrastructure or mill remains associated with earlier dam(s) or industrial activities were identified. Two industrial artifacts were found along the southern riverbank near the extant mill building. These artifacts were related to the operations of the 1938 dam's sluice-gate mill-wheel and/or earlier nineteenth century timber dam(s) mechanisms. The 2020 MHC archaeological site form for the Lyman Mill Site (STH-HA-3) was updated to including the findings from the archaeological monitoring that was performed under PAL's MHC permit and BUAR Special Use Permit. BUAR staff prepared and sent a letter to PAL on May 2, 2023, concurring with the reported results and conclusions from their archaeological investigation and considers the project complete.

**J. Victor Ricardo (REC 94-001) – Salisbury**

Victor Ricardo's Reconnaissance Permit (94-001) for his Salisbury site was up for renewal. Mr. Ricardo contacted the Board's staff to inform them of significant health issues that he has been dealing with and requested an extension of his permit's expiration date. Mr. Ricardo has been an active BUAR permittee for nearly 30 years. The Board has previously granted up to two extensions of a permit's expiration date within a given permit year. This would be this permit's first extension. Mr. Ricardo was not in attendance to represent this permit. There was no further discussion.

Daniel Sampson moved to extend the expiration date of Victor Ricardo's Reconnaissance Permit (94-001) for his Salisbury site, with all the standard and special conditions in effect, until the next meeting of the Board on September 28, 2023. Vincent Malkoski seconded. Unanimous in favor by a roll-call vote. So voted.

**6. NEW BUSINESS**

There was no new business.

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**\*\*\*Change in the Order of Business**

The Chair again changed the order of business and moved to the Director's Report, Board Member Reports, and a summary of the Board's Public Engagement Activities since its March 30, 2023 meeting.

**2. DIRECTOR'S REPORT**

**A. Meetings**

- On April 11, 2023 BUAR staff completed the first of three CZM Massachusetts Coast Flood Risk Model (MC-FRM) remote access training modules.
- On April 22, 2023 BUAR staff and the DCR staff archaeologist participated in the Mi'kmaq Nation's Spring Bear Feast Ceremony in Caribou and Presque Isle, ME. The purpose of this participation was to continue BUAR's and DCR's development of a greater understanding of and meaningful relationships with the New England region's Indigenous community.
- On May 1, 2023, BUAR staff gave an on-site presentation to the BOEM Federal Preservation Officer and the Tribal Historic Preservation Officers from three federally-recognized Tribes (including the Wampanoag Tribe of Gay Head [Aquinnah] from MA) on the shoreline adjacent to the "West Beach 1 & 2" underwater archaeological sites on Block Island, RI. The West Beach 1 & 2 sites are the first submerged ancient cultural landscapes with in-situ pre-contact period archaeological deposits to be identified offshore in southern New England waters. BUAR's participation was requested by Tribal representatives from 10 Tribes who led a week-long meeting with BOEM in Providence, RI. Although the meeting and sites visited were in RI, BUAR's requested participation is a positive step in the Board's (and CZM and EEA's) ongoing efforts to meet their environmental justice responsibilities, and to actively support agency-Tribe relationship-building and information-sharing within the region.
- On May 3, 2023, BUAR staff completed the US EPA's Watershed Academy's online course, "Integrating Environmental Justice into Water Resource Management." The course featured several successful examples of Environmental Justice-water resource management projects from around the country.
- On May 15, 2023, BUAR staff attended a remote meeting with the US Fish & Wildlife Service and the National Marine Fisheries Service to discuss underwater archaeological concerns and strategies for addressing them as part of the development of a management plan for the Northeast Canyons and Seamounts Marine National Monument.
- On May 16, 2023, BUAR staff attended a working meeting with the Indigenous Resources Collaborative (IRC) to discuss the development of a joint BUAR-IRC presentation for the public focusing on submerged ancient landforms and cultural sites and braiding both Indigenous and archaeological perspectives and approaches in their identification and protection.
- On May 22, 2023, BUAR staff attended (remotely) BOEM's 2023 Q2 State Historic Preservation Officers (SHPO) Meeting. The meeting provided: information on BOEM's potential mitigation funds; an update on the BOEM Office of Renewable Energy Program's Section 106 consultations for specific projects; a status update on BOEM's applicable Programmatic Agreements; and an opportunity to participate in an open discussion with BOEM's cultural resources staff.
- On May 31, 2023, BUAR staff will attend remotely EEA's State Hazard Mitigation and Climate Adaptation Plan (SHMCAP) Update Work Group Meeting #6. BUAR staff participated in EEA's most recent updating of the 2018 SHMCAP and contributed action items to the update's draft. The draft is in its final stages of review and will be completed and released later this year.

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- On June 7, 2023, BUAR staff will be attending a regular meeting of the Bay State Council of Divers, being held aboard the USS *Salem*, in Quincy.

**B. Fieldwork**

- On April 19 and May 19, 2023, the Board's staff conducted an on-site inspection, and measured and photographed the Conomo Point shipwreck site in Essex as part of BUAR's on-going monitoring program at the site. The April 19, 2023 fieldwork was completed with the generous and enthusiastic assistance of the Bokulich family (Dr. Alisa, her husband Peter, and their sons Julian, and Kai); the May 19, 2023 fieldwork was completed with the assistance of Essex captain and traditional wooden ship designer and builder, Harold Burnham. These inspections indicated that approximately two vertical feet of sediment has been eroded from the site since BUAR's first site inspection on March 11, 2022. As Walker's Creek continues its westward shift towards the site, more of the vessel's remains have been exposed, especially at its bow and stern. BUAR's monitoring of the Conomo Point shipwreck will continue with the assistance of local citizen scientists for the foreseeable future. The Board's staff is planning to conduct informal ship documentation/mapping workshop for BUAR permittees and volunteers later this year. Interested Board members will be welcome. Information on the date and time of the workshop will be forthcoming.
- On May 19, 2023 the Board's staff completed a second session of fieldwork on a historical wooden shipwreck site threatened by erosion in Essex Bay, Gloucester. The fieldwork was conducted with the assistance of Harold Burnham, who generously donated his time and provided BUAR with boat transport to and from the site. This second site visit was conducted after BUAR staff received a call from the site's discover, Ipswich clam-digger, Steve Hemeon, who reported that he observed the wreck recently and there appeared to be much more of it exposed than when BUAR staff first visited the site with Mr. Hemeon on February 10, 2023.

**3. BOARD MEMBER REPORTS**

There were no Board member reports.

**4. PUBLIC ENGAGEMENT ACTIVITIES**

**A. Trustees of Reservations Shipwreck Scholars Program – Steep Hill Beach at Castle Hill on the Crane Estate, Ipswich**

On June 9, 2023, the Board's staff will be conducting a session of the popular "Shipwreck Scholars Program" at the Steep Hill Beach wreck site of the 1875 sand-schooner, *Ada K. Damon*, for approximately fifty 5th graders from the Beverly Middle School. The program will be conducted in collaboration with the educational staff of the Trustees of Reservations' Castle Hill on the Crane Estate property in Ipswich.

Dave R reminded everyone that the next regularly scheduled public meeting of the Board will be held at **12:30 PM** on **Thursday, September 28, 2023**. This meeting will be held in a hybrid format and accessible as both an in-person meeting in CZM/BUAR's offices on the 9<sup>th</sup> 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.

Dave R thanked everyone for their attendance and participation in the public meeting of the Board.

Daniel Sampson moved to adjourn the meeting at 1:33 PM. Michael Driscoll seconded. Unanimous in favor by a roll-call vote. So voted.

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Respectfully submitted,

David S. Robinson  
Director