

## PRINCIPAL FINDINGS

**If significant underwater and maritime historic cultural resources are to receive more effective protection, the United States will have to develop a coherent national policy for managing them.**

The current lack of a coherent national policy for underwater archaeology and maritime preservation has impeded the location and protection of many historically significant cultural resources. In spite of the many cultural conservation laws enacted since 1906, particularly the National Historic Preservation Act, and their supporting regulations, standards, and guidelines, underwater archaeology and maritime preservation have received relatively little attention within the Federal Government. No single Federal department or agency has been specifically charged with funding, coordinating, and directing a strong, visible national program for underwater archaeology and maritime preservation. Nor has the Federal Government asserted sovereign prerogative over historic shipwrecks in its waters.

The Federal Government and States have begun to allocate more resources for protecting underwater and maritime cultural resources. For example, in 1987 the National Park Service published the first criteria for evaluating and nominating historic ships and shipwrecks to the National Register of Historic Places, and in fiscal year 1986 Congress appropriated \$255,000 for Phase I of the National Maritime Initiative, which is funding:

- an exhaustive literature search of the Nation's maritime resources;
- the drafting of standards for documentation of vessels; and
- the drafting of guidelines for nominating maritime resources to the National Register of Historic Places.

Several other industrialized nations have focused significant resources on underwater archaeology and maritime preservation. Their commitment to the protection of underwater and maritime cultural resources appears more determined than U.S. efforts. For example, preservation professionals in the United States view the recovery and restoration of the 17th century Swedish warship *Wasa* and the English Tudor

flagship *Mary Rose* as successful models for U.S. efforts. The successes of these restorations have depended on long-term commitment by the governments of Sweden and the United Kingdom, whose goals are to engender public interest, and to obtain reliable funding for proper research and interpretive facilities, and access to technical expertise.

**Underwater and maritime cultural resources are vulnerable to a wide variety of natural and manmade threats.**

Looters and commercial treasure salvors constitute the most serious manmade threats to shipwrecks. In the process of searching out and extracting commercially promising contents they may destroy significant archaeological information. However, natural threats, such as shoreline erosion and wave action, may also significantly deplete irreplaceable underwater and maritime cultural resources. Weathering, neglect, and lack of maintenance rapidly deteriorate floating vessels. Rainwater left standing in ships' holds rapidly destroys interior planking and steel and iron fittings.

**The preservation of submerged and maritime historical cultural resources depends heavily on advanced and often costly specialized technologies.**

Working underwater is hazardous and difficult. Such locational technologies as side-scan sonar, sub-bottom profilers, magnetometers, and remotely operated vehicles were originally developed to explore the sea bottom for national security purposes, laying undersea cables, and for oil and mineral exploration. Because some of these specialized technologies are so expensive, only the best financed users can acquire and apply them.

Technologies for scientifically analyzing and stabilizing the ever increasing numbers of objects recovered from underwater require highly skilled conservators knowledgeable about a variety of different materials, such as brass, different species of wood, and iron. These specialists are in seriously short supply. Likewise, there are not enough properly trained restorers of the many

historically significant floating and dry-berthed ships and other vessels in severe need of protective treatment. Future research on conservation of cultural resources should focus on training; developing more sensitive, low-cost methods and instrumentation; and on the exploitation of new sources of archaeological and technological information.

**Historic shipwrecks in U.S. coastal waters contain a wealth of important information about the economic and social history of this country, yet historic shipwreck sites are suffering rapid attrition. Passage and implementation of the *Abandoned Shipwreck Act* (H. R. 74 and S. 858) would assist in preserving significant historic shipwrecks for future generations by removing historic shipwrecks from the purview of Federal admiralty courts and placing them expressly under Federal historic preservation law.**

The lack of Federal leadership in resolving the question of jurisdiction over and ownership of significant historic shipwrecks has severely hampered most efforts to protect them for the public and has resulted in lengthy court conflicts between commercial treasure salvors and preservationists. Although submerged archaeological sites under Federal administration are subject to the same laws, regulations, and management policies that govern sites on dry land, the status of some submerged cultural sites, especially shipwrecks, situated outside national parks and marine sanctuaries, is adversely affected by a highly complicated body of law dealing with maritime activities. Yet, other countries such as Australia, Canada, Cyprus, Norway, Sweden, and the United Kingdom have enacted national laws regulating the management of all cultural resources within the waters of their outer continental shelves.

In the absence of Federal legislation to safeguard historic shipwrecks, 27 States have passed antiquities statutes to broaden their jurisdiction and exert regulatory control over significant wrecks within their territorial waters. Yet legal actions taken in Federal court by commercial treasure salvors have called into question the validity of State laws in controlling the recovery of materials at historically significant sites, and have denied the States authority to enforce their statutes.

H.R. 74 and S. 858, which are nearly identical, would treat shipwrecks more like historic properties on land. Among other things, these bills:

- assert U.S. ownership of abandoned shipwrecks and transfers to the States title to those shipwrecks that are embedded in the submerged lands of a State, in coralline formations, or included in or determined eligible for inclusion in the National Register of Historic Places;
- declare that the laws of salvage and of finds do not apply to these abandoned shipwrecks;
- confirm Federal ownership of abandoned shipwrecks on Federal lands;
- retain any existing Federal admiralty and salvage law for all shipwrecks not covered by these bills; and
- direct the Advisory Council on Historic Preservation to develop guidelines to assist the States and the Federal Government in carrying out their responsibilities and to allow for non-injurious recreational exploration and private sector salvage of shipwreck sites.

Passage of either bill would not restrict the right of sport divers to visit and explore such wrecks, nor would it affect admiralty claims for the ownership of wrecks beyond the three-mile off-shore State-controlled limit.

**A federally funded facility that focuses on the research and development of preservation technology could make a major contribution to the study and preservation of underwater and maritime cultural resources.**

Although the private sector has a significant role in developing and using preservation technologies, the Federal Government has the lead responsibility for guiding preservation efforts throughout the United States. Participants in the OTA assessment, *Technologies for Prehistoric and Historic Preservation*, cited the critical need for a federally supported facility for preservation technologies. A center would foster the research and development of advanced, cost-effective technologies, train professionals in their use, develop technical standards, disseminate accurate technical information, and promote public edu-

cation about historic preservation. A center could also develop automated database systems for archiving and manipulating preservation information.

A federally supported center for preservation technology would encourage closer interactions among underwater archaeologists, maritime preservationists, dry-land archaeologists, historians, scientists, and engineers. It would be the primary source to which individuals could look for state-of-the-art technical information for all relevant disciplines in the field.

In order to assist the Federal agencies in carrying out their legislatively mandated responsibilities, Congress may wish to establish such a federally chartered center. It could mandate the establishment of a Federal Center for Preservation Technology within the Department of the Interior or some other Federal agency. Alternatively, Congress could create a National Center for Preservation Technology, managed by a consortium of universities and preservation organizations. Such an institution would be able to draw on a multitude of different skills in several universities, and in many university departments. If a Center for Preservation Technology were established, technologies for underwater archaeology and maritime preservation could constitute a significant portion of its workload.

A Coalition for Applied Preservation Technology (CAPT) has recently been formed whose membership represent a wide variety of private preservation organizations. CAPT is devoted to establishing a multidisciplinary National Center for Applied Preservation Technology.

**The lack of National and State inventories of underwater archaeological sites and maritime historical resources has seriously impeded efforts to protect these resources. If the Federal Government and the States wish to protect underwater archaeological sites and maritime cultural resources, they should apply greater efforts to making such inventories.**

Although thousands of historic ships and smaller vessels, and prehistoric sites are suspected to exist in State and Federal waters, both levels of government have neglected underwater ar-

chaeological and maritime resources in their inventories. For example, the first serious Federal effort to undertake a computer-based resource survey did not begin until 1986, with the National Maritime Initiative, which is directed at surveying historic maritime resources and recommending standards and priorities for their preservation. The first phase of the Initiative has thus far surveyed only one maritime resource category out of eight identified—preserved historic vessels over 40 feet long and over 50 years old.

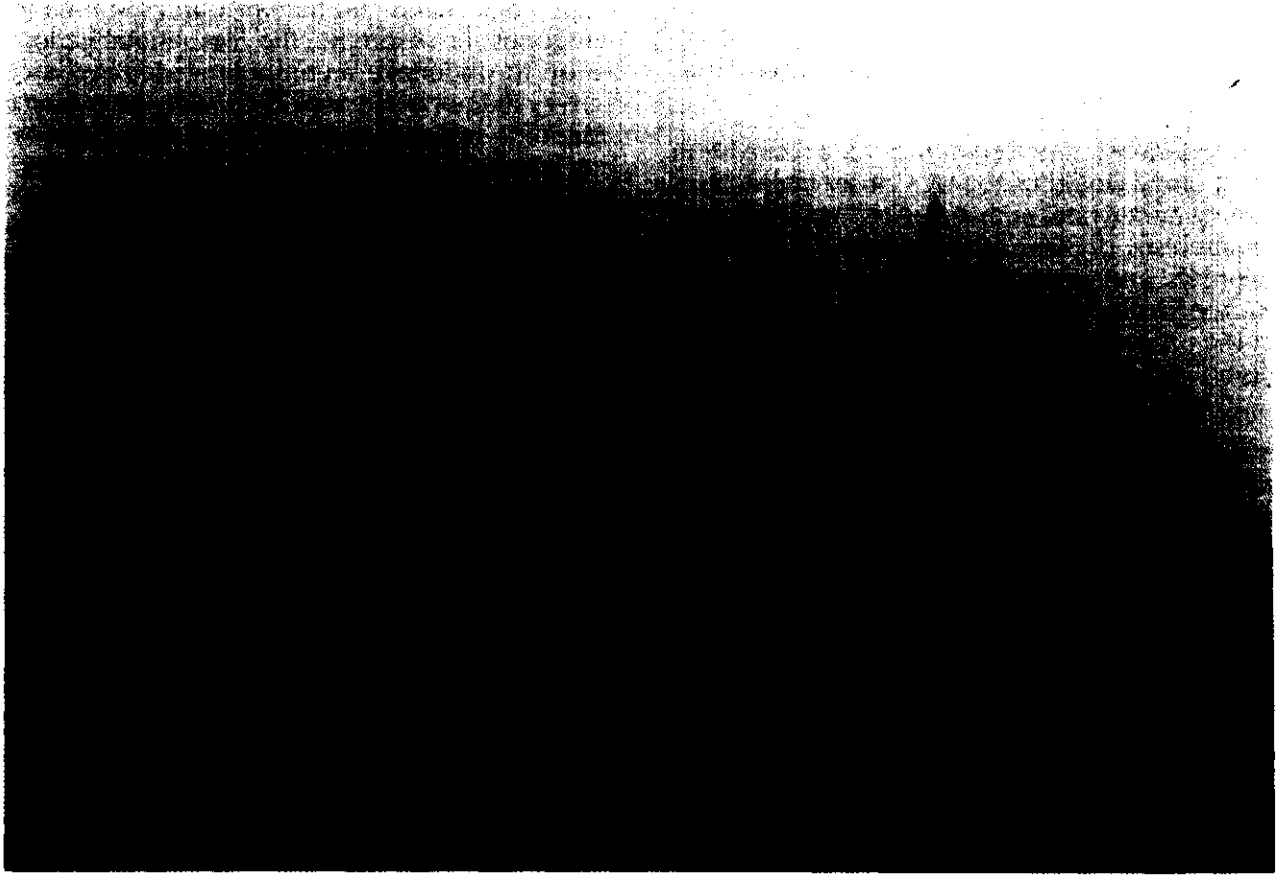
The National Register of Historic Places serves as an important planning and protective tool for historic cultural resources. *National Register Bulletin #20*, "Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places," which is designed to increase National Register listings of these resources, will assist in efforts to protect them as well.

Several States have inventoried their underwater and maritime cultural resources. Maryland, for example, has begun a survey of its maritime resources. Its Patuxent River Project, which was begun in 1978, includes a systematic survey of the river, including shipwrecks, wharfs, ferry landings, and inundated shore areas. In addition, the State's Chesapeake Bay Waterways Survey, completed in 1982, resulted in the listing of the Skipjack Fleet in the National Register of Historic Places, as a district.<sup>6</sup>

Future inventories of underwater archaeological and maritime resources should be placed on standardized computer databases. The Shipwreck Reference File of the Texas State Antiquities Commission, which is now being computerized, could serve as a possible model. The file is based on information culled from both historic and contemporary sources such as maps and field reports. Since 1972, the Commission has listed over 1,000 shipwrecks of which approximately one-half have proved historic.

Increased identification, interpretation, and protection of significant underwater and maritime cultural resources will depend on greater public

<sup>6</sup>Skipjacks are Chesapeake Bay-built shallow draft sloops, designed to dredge oysters. The Skipjack fleet is the last remaining working sailing fleet in the United States.



*Photo credit: Ray A. Williamson*

#### **Skipjack fleet off Sandy Point Light, Chesapeake Bay, MD**

appreciation of their historical value and the scarcity of their numbers. Federal, State, and local education programs should be expanded to reach a wider audience.

The public is often unaware of the crucial differences between treasure hunting, which focuses on historic objects of high intrinsic cultural or economic value, and archaeology, which focuses on the scientific understanding of the entire archaeological site within the context of its surroundings. In their attempts to recover artifacts quickly, treasure hunters both deliberately and inadvertently destroy much of the contextual information essential for advancing scientific knowledge of pre-historic and historic sites. Improved education of the general public, and those whose activities might adversely affect significant sites, could re-

sult in a higher degree of protection. Specifically, it will be important to educate sport divers, fisherman, salvors, the oil and gas industry, and other users of underwater resources, as well as Federal and State agencies and local communities about the historic value of such sites.

**In order to improve the preservation of underwater archaeological and maritime cultural resources, the National Park Service and other Federal agencies could focus more consistent attention on them.**

The National Park Service could take the lead in developing and articulating a clear national policy to guide the preservation of maritime and underwater cultural resources and coordinate Federal programs for preserving these elements

of the country's history. It could also include more in its publications series on the technologies for underwater archaeology and maritime preservation.

The National Maritime Initiative involves Federal and private groups,<sup>7</sup> and is helping to focus attention on the Nation's historic maritime resources. Congress might consider an additional initiative to inventory and protect other submerged non-maritime sites. The greatest need is for sustained and predictable funding for such initiatives. In addition, it will be particularly important for the Federal agencies to achieve more effective coordination in their efforts to develop technologies for underwater archaeology and maritime preservation. An information clearinghouse would be of substantial assistance in this area. Congressional oversight may be necessary to assure that information sharing and coordination are truly effective.

Since 1976, tax incentives have promoted the protection of historic income-producing structures in virtually every congressional district. It

<sup>7</sup>For example, the National Trust for Historic preservation, which has attempted to promote the concept of a national maritime policy since 1976.

may be appropriate for Congress to extend such tax incentives and make them available for privately owned, income-producing floating and dry-berthed historic vessels. Congress might also consider providing incentives for encouraging salvors to follow established archaeological procedures for excavating shipwrecks.

As manager of the National Marine Sanctuaries, the National Oceanic Atmospheric Administration (NOAA) has taken the lead in the efforts to map and preserve the *U.S.S. Monitor*, the historic Union ironclad, which lies off Cape Hatteras. However, it has little in-house underwater archaeological expertise. If NOAA expects to expand its involvement in underwater archaeology, as it acquires new ocean areas for sanctuary designation, it could develop its own in-house cultural resource expertise.

The Federal Government could assist State and local efforts by providing additional funding for projects in underwater archaeology and maritime preservation. If properly funded, universities and other private groups could provide considerable technological assistance to Federal, State, and local projects.