

FEDERAL POLICY TOWARD UNDERWATER ARCHAEOLOGY AND MARITIME PRESERVATION

The Federal Government is responsible for providing leadership in preserving the Nation's prehistoric and historic structures, objects, landscapes, and archaeological sites. This section outlines several options for improving its efforts to preserve and protect submerged cultural and maritime cultural resources.

National Park Service

As the lead agency in providing technical preservation assistance, NPS could focus far greater attention than it has on the identification, evaluation, and protection of submerged cultural and maritime resources. It could, for example, develop and articulate a clear national policy to guide the preservation of maritime and underwater cultural resources and coordinate NPS programs for preserving these elements of the country's history. In recently creating the position of Maritime Historian, the Service has highlighted the importance and visibility of its maritime programs and created a means by which such policy could be developed and clarified.

In devoting increased attention to the health of maritime and submerged cultural resources NPS could place greater emphasis on the critical role of technological applications. It could also do more to include underwater and maritime issues in its publications series. The *National Register Bulletin #20*, which gives uniform guidelines for nomination, should result in the listing of more shipwrecks and other types of craft on the National Register of Historic Places, "The National Register has been under utilized for maritime resources, particularly historic vessels. " By 1976, the 10th year of the National Register Program, only 44 vessels and 8 shipwrecks, 4 of which had been fully recovered, had been listed.¹⁰¹ As noted earlier, of 45,000 properties on the Register only 162 have been included,

NPS attempts to address underwater archaeological and maritime historical matters under the Maritime Initiative are timely. Commercial exploi-

¹⁰¹James P. Delgado, "The National Register of Historic Places and Maritime Preservation," *APT Bulletin, The Journal of the Association for Preservation Technology*, vol. IX, No. 1, 1987, p. 35.

tation of the Nation's coastal zones has intensified and threatens wholesale obliteration of significant sites before they are even recorded. However, this initiative is limited to objects of maritime interest, for example, commerce, warfare, and navigation. Yet, as noted in the previous section, the resource base requiring attention is far broader. Archaeologists and historians would welcome an initiative that would aggressively identify, study, and manage non-maritime submerged sites. Such sites would include, for example, historic and prehistoric habitations and work areas located within little-studied environments such as estuaries.

The National Historic Preservation Act

The National Historic Preservation Act contains no impediment to the identification and protection of underwater archaeological and maritime historical sites; neither does it specifically mention them.¹⁰² However, having no explicit reference to maritime or underwater historical sites allows agencies to overlook them in cultural resource planning. Some preservationists have suggested that it may be appropriate to amend the National Historic Preservation Act to include these specific categories. Likewise, it may be appropriate to amend Public Law 96-95 (16 U.S.C. 470aa et seq.) the "Archaeological Resources Protection Act of 1979" which outlines the consequences of damaging, looting, and destroying archaeological materials within public lands. This legislation does not explicitly indicate the underwater context or refer to submerged cultural resources,¹⁰³ though portions of ship-

¹⁰²For example, see Sec. 101 (a)(1)(A): "The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering and culture. "

¹⁰³See Sec. 3(1): "The term 'archaeological resource' means any material remains of past human life or activities which are of archaeological interest, as determined under uniform regulations promulgated pursuant to this Act. Such regulations containing such determination shall include, but not be limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of the foregoing items. "

wrecks are mentioned in the final uniform regulations [49 FR 101 6]. Others have expressed concern that including explicit reference to maritime or underwater historical sites would subject these laws to unnecessary and potentially harmful experimentation.

Congress may wish to address the need for greater attention to maritime and underwater cultural resources by creating additional legislation that specifically recognizes their importance. Alternatively, Congress may wish to use its oversight authority to encourage the inclusion of maritime and underwater archaeology concerns in the regulations and guidelines issued by Federal agencies that treat prehistoric and historic preservation.

The Abandoned Shipwreck Act

Under current law, shipwrecks are treated according to dual standards and are not afforded the same consideration and protection as are archaeological remains on dry land. If Congress wishes all classes of cultural resources to enjoy full protection under the law, it could consider passing The Abandoned Shipwreck Act of 1987 (H.R. 74 and S. 858). This legislation should end much of the courtroom fighting and maneuvering over ownership of and responsibility for historic shipwrecks. It would also relieve the States, desirous of preserving their underwater cultural resources, from having to sacrifice enormous sums out of decreasing financial resources on protracted legal actions.¹⁰⁴ Federal historic preservation legislation has clearly been applied to such maritime cultural objects as lighthouses and land installations. It is not being applied to shipwrecks. As noted in Issue B, because admiralty law is being invoked in the case of this particular resource, the States have been unable to assert ownership of an especially vulnerable cultural asset. The result is that historic shipwreck sites in the United States are suffering rapid attrition. Passage of the Act would remove historic shipwrecks from the purview of admiralty courts and place them expressly under historic preservation law. In hearings during the 99th Congress, the Department of the Interior and the

National Trust for Historic Preservation recommended that protective legislation for historic shipwrecks be extended to the OCS, in order to bring that vast area under tighter management for the purposes of cultural conservation.¹⁰⁵

Participants in the OTA study suggested that the Federal government undertake a review of State programs to ensure that the public's interest would be served. Removal of the threat of admiralty court from historic shipwrecks would be insufficient if States retain "business as usual" commercial salvage programs.

The National Maritime Initiative

As noted earlier in this background paper, Congress funded the National Maritime Initiative in its fiscal year 1986 appropriation for the National Park Service. Congress directed that a collaborative effort be established involving the National Park Service, the National Trust for Historic Preservation, and the "maritime preservation community" to begin . . . "to conduct a survey of historic maritime resources (table 9), including those of the Service; recommend standards and priorities for the preservation of those resources; and recommend the appropriate Federal and private sector roles in addressing those priorities." "lob

¹⁰⁵Testimony of J. Jackson Walter, President of the National Trust for Historic Preservation, before the Subcommittee on Oceanography of the House Committee on Merchant Marine and Fisheries, April 21, 1987.

¹⁰⁶Congressional Record, Oct. 10, 1984. P. 11922.

Table 9.—Maritime Historic Resource Categories

1. Preserved historic vessels (more than 40 feet long, more than 50 years old)
2. Hulks (substantially intact vessels neither afloat nor completely submerged)
3. Relevant documentation (logs, journals, nautical charts, ship plans, and photographs)
4. Aids to navigation (including life-saving and U.S. Coast Guard stations)
5. Marine sites and structures (canals, docks, wharves, ropewalks, waterfront warehouses, sail lofts, etc.)
6. Small craft (less than 40 feet long, weighing less than 20 tons)
7. Intangible cultural resources (traditional shipwright and rigging skills, oral traditions, sea music, folklore, etc.)
8. Maritime collections (parts of vessels, tools, artifacts, art, furnishings).

SOURCE: *National Maritime Initiative: Phase One, A Report to the Congress of the United States*, prepared by the National Park Service, 1988.

¹⁰⁴See *Technologies for prehistoric and historic preservation*, for a discussion of historic preservation funding levels.

Box 1.—Lines Lifting and Lines Drawings

Lines lifting: The process of obtaining accurate measurements of a hull's shape from which to produce lines drawings. Lines lifting requires the set-up of an arbitrary three-dimensional reference system which must be used consistently for all measurements. Beyond this, specific techniques are numerous and range from simple hand methods (tapes and plumb bobs) to "high-tech" electronic and photographic procedures (laser distance ranging, photogrammetry). As long as a method is geometrically sound and used accurately within its limitations, satisfactory results are achievable. Hand methods have been used most often because of their simplicity and low cost. Lines lifting has been practiced for centuries by shipbuilders, more recently by historians and hobbyists.

Lines drawings: A series of topographic "maps" or contours describing the compound curves of a vessel's hull from the three cartesian axes. Lines drawings are abstract in the sense that they show only hull shape and give little or no indication of materials, fittings, or construction details. Ordinarily, only the starboard (right hand) side of a vessel is shown since symmetry is assumed.

SOURCE: Richard K. Anderson, Jr., Historic American Buildings Survey/Historic American Engineering Record (HABSEER), National Park Service, personal communication, 1987.



Photo credit: Richard K. Anderson, Jr., Historic American Buildings Survey/Historic American Engineering Record

Lines lifting. Triangulations in process near the bow of schooner *Wawona*, Seattle, WA.

Phase I accomplishments to date include the following:

- undertaking an exhaustive literature search in preparation for inventorying the nation's maritime resources, including shipwrecks;
- drafting guidelines for the documentation of vessels as a result of projects completed by the Historic American Buildings Survey/Historic American Engineering Record:
 - a 1985 lines lifting (box 1) of the 1897 schooner *Wawona* in Seattle, Washington, listed in the National Register of Historic Places. A private interest group, Northwest Seaport, Inc., participated;
 - a 1986 documentation of small sailing craft at Mystic, Connecticut with the Mystic Seaport Museum, and the Calvert Marine Museum at Solomons Island, Maryland;

- drawings of the archaeologically recovered engine from the 1848 steamer *Indiana*, the earliest extant marine steam engine in North America, which is listed in the National Register of Historic Places;
- drafting guidelines to stimulate the nomination of maritime resources to the National Register of Historic Places for inclusion in *National Bulletin* #20. "How To Nominate Historic Vessels and Shipwrecks." 107 For the first time, maritime resources will be evaluated according to uniform criteria;
- completion of a computerized inventory of 250 preserved historic vessels over 50 years old and more than 40 feet long.

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Among Phase II goals for fiscal year 1988 are the following:

- to continue the "maritime inventory";
- to conduct National Historic Landmark Theme Studies for aids to navigation, Pacific coast maritime history, Great Lakes maritime history, etc.; and
- to continue HABS/HAER documentation of a major steamship and engine.

Center for Preservation Technology

A federally supported center for preservation technology could make a major contribution to the development of technologies for the study and preservation of underwater and maritime cultural resources. NPS could take the lead in examining which cost-effective technologies for the special requirements of underwater archaeology and maritime preservation such a center should focus on. Candidate technology areas include survey, location, navigation, recording, and materials conservation. NPS could assess, among other things, the potential utility of a central technical facility, or coordinated set of regional facilities, as the primary focus for the development of preservation technology and for intergovernmental technology sharing.

Incentives for the Restoration and Rehabilitation of Floating and Dry-Berthed Vessels

Since 1976, tax incentives have been available to owners of qualified, income-producing privately-owned structures. These incentives have resulted in the preservation of many historic structures all over the country, and have increased local property values dramatically. It may be appropriate to make similar tax incentives available for privately owned, income-producing floating and dry-berthed historic vessels. Such tax incentives would likely promote the protection of such historic resources.¹⁰⁸ Congress might also consider providing incentives for encouraging salvors to follow established archaeological procedures in excavating shipwrecks.

¹⁰⁸Editor's Column, "Listing Ships," *Preservation News*, June 1986.

National Survey of Maritime Historic Resources

If Congress wishes the national survey of historic maritime resources to continue, it should continue to fund the National Maritime Initiative (table 10). As indicated previously, the first phase, which focused on preserved vessels more than 40 feet long and at least 50 years old, is complete. However, seven other categories of maritime resources exist (table 9) and are poorly inventoried.

Of possible interest to those engaged in developing and institutionalizing a national survey of maritime historic resources is the International Survey of Underwater Cultural Heritage being sponsored by the United Nations Educational, Scientific, and Cultural Organization, and managed by the Scientific Committee of the World Confederation of Underwater Activities. The scope of the project is worldwide and will include sunken vessels, artifacts (table 11), and habitation sites from every period. It will also include all types of marine and inland underwater resources and review mechanisms for their protection, discuss the findings of recent investigations, and recommend areas for further research.¹⁰⁹

¹⁰⁹J.A. Gifford, M. Redknap, and N. C. Fleming, "The UNESCO International Survey of Underwater Cultural Heritage," *World Archaeology*, vol. 16, No. 3, Sept. 1985, pp. 1-4.

Table 10.—Institutions and Agencies Participating in National Maritime Initiative Activities

Association for Preservation Technology
Calvert Marine Museum, Maryland
Council of American Maritime Museums
Historic Naval Ships Association of North America
National Maritime Museum Association, Inc.
National Oceanic and Atmospheric Administration
National Park Service
National Trust for Historic Preservation
Northwest Seaport, Inc.
Tri-Coastal Marine, Inc.
U.S. Navy
U.S.S. Arizona Memorial Foundation, Inc.

SOURCE *National Maritime Initiative: Phase One, A Report to the Congress of the United States*, prepared by the National Park Service, 1986

Table II.—Artifacts Representative of Maritime Historical Collections

Paintings
 Drawings/illustrations
 Sculpture
 Scrimshaw
 Large vessels
 Small craft
 Ship models
 Canal-related objects
 Maritime construction-related implements
 Hunting/trapping/fishing implements
 Rigging/outfitting
 Ship equipment
 Forecastle artifacts/personal items
 Figureheads
 Needlework
 Macramae/rope work/knot work
 Sea shanties/foc'sie songs
 River, lake, and canal-related music
 Dioramas
 Account books
 Builders' models
 Films
 Maps/charts
 Lighthouse lenses
 Tales/legends/stories
 Musical instruments
 Logs
 Diaries
 Manuscripts
 Letters
 Ships orders
 Records
 Recipes
 Prints
 Shipwrecks/hulls/remains
 Whaling artifacts
 Plans/blueprints
 Lifesaving equipment
 Oral histories
 Photographs
 Tape recordings

SOURCE: National Trust for Historic Preservation.

Other Federal agencies could improve their attention to underwater archaeology and maritime preservation. For example, the National Oceanic and Atmospheric Administration could develop its own program-wide maritime archaeological program, particularly if it intends to designate more nationally significant cultural resources as National Maritime Sanctuaries. Federal agencies could also give attention to developing a set of comprehensive data bases for underwater archaeology and maritime preservation.