

**Public Comments**  
**on the U.S. Commission on Ocean Policy's Preliminary Report**

*Topic Area: Cultural Heritage*

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**Comments Submitted by:**

- Jeff L. Stevens, Roslindale, Massachusetts
- Timothy J. Runyan, National Maritime Alliance
- John B. Hattendorf, North American Society for Oceanic History
- Michele Wells, Sea One International
- Donald H. Keith, Ships of Discovery
- Toni L Carrell, Ships of Discovery
- Ross M. Brown
- William Moss, Society for Historical Archaeology

**Comment Submitted by Jeff L. Stevens, Roslindale, MA**

June 3, 2004

The ocean policy should contain a provision for the survey and application of the historic preservation practices for cultural resources found on the ocean floor. Provisions should be made for the future or continuing study or use in education of significant archaeological sites, paleontological fossil sites, places indicating sea floor spreading or plate tectonics, glacial or volcanic activity and other worthy geological features.

Jeff L. Stevens  
Roslindale, MA

## **Comment Submitted by Dr. Timothy J. Runyan, National Maritime Alliance**

May 26, 2004

Admiral James D. Watkins  
Chairman, U.S. Commission on Ocean Policy  
1120 20<sup>th</sup> Street, Suite 200 North  
Washington, DC 20036

Dear Admiral Watkins:

I write on behalf of the National Maritime Alliance, a non-profit umbrella organization established in 1988 to represent the interests of all segments of the maritime heritage community. The membership includes a wide range of individuals and organizations focused on America's maritime heritage. The Alliance is the principal sponsor of the 7th Maritime Heritage Conference to be held in Norfolk, VA 27-30 October 2004.

The Preliminary Report of the U.S Commission on Ocean Policy contains a thorough discussion of natural and environmental issues and concerns, but neglects to incorporate a statement on the significance of submerged cultural resources, maritime heritage, and historic preservation. This exclusion is unfortunate considering the Oceans Act of 2000, which called for the creation of this Commission, in its Definitions identified "ocean and coastal resource" as any living or non-living natural, historic, or cultural resource found in the marine environment (Jan 20, 2001). Clearly it was anticipated that historic and cultural resources would be an important element of any statement on ocean policy.

There is no mention in the Preliminary Report of the 1994 National Maritime Heritage Act (Public Law 103-451; 16 U.S.C. 5401). This Act defines a national maritime heritage policy and establishes the National Maritime Heritage Grants Program within the Department of the Interior. It further states that a significant part of our nation's history and culture is represented by our maritime activities.

The Commission should promote greater public understanding and appreciation for maritime heritage through its support of the scientific investigation of historic maritime resources. It is important to address the health of the oceans and connected inland waters, but the long interaction of humans with the oceans is equally significant. Much of our cultural heritage is submerged within the oceans. This includes prehistoric sites, submerged communities, and thousands of shipwrecks. These submerged resources form a direct personal link to the public. The National Marine Sanctuaries are as well or better known for their cultural resources as for their environmental resources. The science of underwater research has advanced the capability to investigate and understand our maritime heritage.

The Final Report of the U.S. Commission on Ocean Policy should include a section devoted to the value of maritime cultural resources and to the benefits of scientific work related to their exploration and investigation. Appropriate recommendations for funding and office or agency initiatives should be incorporated into the Final Report. Attached

are specific recommendations to amend the Preliminary Report, or to be incorporated into the final Report.

We commend your leadership and the work of the Commission. You have produced an important and comprehensive work. We trust that you will find our Comments of sufficient value to further expand the breadth and value of the final Report.

Sincerely,

Timothy J. Runyan, PhD  
Chairman

## **Comments on the Preliminary Report of the U.S. Ocean Policy Commission**

### **General Comment**

This document should contain a chapter devoted to coastal and submerged cultural resources and maritime heritage; however, if this inclusion is not possible then sections concerning these themes should be integrated into some of the existing chapter sections. Additionally, singular references to coastal and/or submerged cultural resources should be incorporated into specific sentences within the document. The recommendations for these inclusions and references are listed below.

### **Executive Summary**

Add guiding principle (pg xvi):

**Reinforce the existing National Maritime Heritage Policy...**

**...by supporting the National Maritime Heritage Act (Public Law 103-451; 16 U.S.C. 5401)**

**Challenge:** Submerged and coastal cultural resources are in constant danger of destruction due to impacts such as erosion, land use, treasure hunters, development, and time. In losing these resources we lose valuable information concerning our national cultural and maritime heritage.

**Action:** To effectively address these potential losses a cultural resource management plan must be included within any management regime. This would be accomplished through a coordinated National Maritime Heritage Policy, supported by the National Maritime Heritage Act. This would foster conditions under which cultural and maritime resources can continue to exist as a significant part of modern society and culture.

Add bullet in **Critical Actions** (pg xvii):

- Create a coordinated National Maritime Heritage Policy.

### **Table of Contents (TOC)**

**Chapter 1 Evaluating Vast Wealth** (pg 1 / TOC pg xix):

Insert a section on Cultural Resources between Tourism and Real Estate (pg 7-8 / xix).

**Chapter 8 Strengthening Awareness** (pg 83 / TOC pg xxi)

Insert a section on Maritime Heritage after Crosscutting Themes (pg 83-84 / xxi)

**Chapter 11** (pg 125 / TOC pg xxii):

Insert a section on Protecting the Nation's Coastal Cultural Resources after Protecting the Nation's Wetlands (pg 132 / xxii)

**Chapter 24 Managing Offshore Oil and Gas** (pg 287 / TOC pg xxv)

Insert a section on Cultural Resource Issues Related to Offshore Production after Environmental Issues (pg 294 / xxvi)

**Chapter 25 Advancing Ocean Coastal Research** (pg 306 / TOC pg xxvi)

Insert a section on the Need for Maritime Heritage Research after The Need for Social and Economic Research (pg 310 / xxvi)

**Text**

**Chapter 1**

**Evaluating Vast Wealth** (pg 7-8):

Insert a section on Cultural Resources between Tourism and Real Estate.

**Chapter 2**

**Search for Coherence** (pg 24-25):

OPA 90 requires Vulnerability Analyses for oil refinery/production facilities – Cultural Resources is one of the required sections for this undertaking.

**Chapter 3**

Add *cultural* into **Ecosystem-based Management** (pg 33):

“Sound ocean policy requires managers to simultaneously consider the economic needs of society, the need to protect the nation's oceans and coasts, and the interplay among social, *cultural*, economic, and ecological factors.”

Insert sentence into **Public Education** (pg 39):

“Excellent lifelong education in marine affairs and sciences is essential to raising public awareness of the close connection between the oceans and humans, including our history and culture.” *The study and preservation of submerged and coastal cultural resources illustrates how culture has been influenced by maritime heritage.* “This awareness will result in better public understanding of the connections among the ocean, land, and atmosphere, the potential benefits and costs inherent in resource use, and the roles of government and citizens as ocean stewards.”

**Chapter 4**

Insert bullet to **Making Improvements at the National Level** (pg 46):

- Serious risks to nonliving marine resources, such as submerged and cultural resources, exist which need to be identified, studied, and protected.

Add *cultural resources* into **National Ocean Council Rec. 3** (pg 49):

“Moving toward such an approach requires several steps: assessing the ecosystem, including human needs *and cultural resources*; minimizing any threats and promoting opportunities; monitoring the ecosystem to evaluate progress; and revising management measures as appropriate.”

**Chapter 5**

Add *cultural* in **Addressing Issues** (pg 57):

“Finally, broadly accepted regional goals—whether social, *cultural*, economic, or environmental—are not available to measure progress.”

Add *cultural resources* in **Research** (pg 60):

“Regional phenomena such as the transport of nutrients, toxic chemicals, and pathogens through coastal watersheds, the cumulative impacts of development on coastal habitat, *cultural resources*, and water quality, socioeconomic trends in coastal areas, and the potential for new beneficial uses are poorly understood, often due to institutional barriers in undertaking comprehensive research efforts.”

## **Chapter 6**

General:

Insert a statement that cultural and historic resources need to be considered in all coastal areas, not just in designated Marine Protected Areas.

Outlined “**Sunken Treasures**” box (pg 68):

Only discusses shipwrecks not other prehistoric/historic coastal sites (i.e. Native American villages, Civil War forts, and other maritime heritage sites).

## **Chapter 7**

Add *cultural resources management* to **Phase II** (pg 75):

“The goal of moving toward an ecosystem-based management approach requires that all agencies consider how the central functions of assessment, prediction, and operations, resource management, *cultural resources management*, and scientific research and education fit within their missions.”

Add *cultural resources management* to **Phase III** (pg 78):

“As noted, the major ocean- and coastal-related functions of assessment, prediction, and operations, resource management, *cultural resource management*, and research and education reside in a variety of agencies.”

## **Chapter 8**

**Strengthening Awareness** (pg 83):

Insert a section on Maritime Heritage after Crosscutting Themes (pg 83-84).

Add *maritime heritage* to **Using Ocean-based Examples** (pg 93):

“The centuries-old ties between the marine environment and human experience make the ocean an equally powerful resource for teaching literature, economics, history, *maritime heritage*, and other social sciences.”

Add *cultural resources management* to **Expanding Graduate** (pg 99):

“Because ocean science is fundamentally interdisciplinary, well-trained ocean professionals can find excellent careers in many areas including engineering, economics, education, law, management, policy, *cultural resources management*, science, and technology.”

## **Chapter 9**

Add *cultural* to **Multi-layered Decision** (pg 108):

“Some coastal states have developed statewide goals and policies for transportation, land use, and natural *or cultural* resource protection, with a few states putting specific emphasis on coastal resources.”

Add *cultural* to **Smart Growth** (pg 109):

“However, local and state governments continue to face a number of obstacles in planning and managing the cumulative impacts of growth, including: disincentives to long-term planning due to the pressures of short political and business cycles; ...; insufficient resources dedicated to protecting coastal *and cultural* resources; and multiple institutions at different levels of government that address isolated aspects of connected problems.”

Add *cultural resources* to **Federal Programs** (pg 113):

“In addition to the area-based programs discussed above, a number of other laws significantly affect coastal resources, including the National Environmental Policy Act, Clean Water Act, and Clean Air Act. Programs related to transportation, flood insurance, disaster relief, wetlands permitting, dredging, beach nourishment, shoreline protection, *cultural resources*, and taxation also exert a profound influence on the coast.”

## **Chapter 11**

General (pg 125):

Insert a section on Protecting the Nation’s Coastal Cultural Resources after Protecting the Nation’s Wetlands (pg 132).

## **Chapter 12**

Add *historic preservation* to **Developing Regional Strategies** (pg 139):

“One of the difficulties in undertaking a regional approach to managing sediment is that the definition of a region may differ substantially among parties engaged in land use planning, port management, coastal development, wetlands protection, *historic preservation* or fisheries.”

## **Chapter 24**

**Managing Offshore Oil and Gas** (pg 287):

Insert a section on Cultural Resource Issues Related to Offshore Production after Environmental Issues (pg 294).

Insert bullet to **Environmental Issues** (pg 294):

- Physical damage to cultural resources.

Insert bullet to **Offshore Wind** (pg 299):

- State and Tribal Historic Preservation Officers, which may review potential impacts to cultural, historic, and tribal resources.

## **Chapter 25**

Add *cultural* to **National Strategy** (pg 305):

“Ecosystem-based management will also require a deeper understanding of biological, physical, chemical, *cultural*, and socioeconomic processes and interactions.”

**Advancing Ocean Coastal Research** (pg 306):

Insert a section on the Need for Maritime Heritage Research after The Need for Social and Economic Research (pg 310).

Insert bullet to **Neglected Research Area** (pg 310):

- Changes in perceptions concerning cultural heritage values

### **Chapter 26**

Insert bullet to **Making the Case** (pg 319):

- Educating the public about the cultural and historic values of the oceans through time

### **Chapter 29**

Add *cultural heritage* to **Other Agreements** (pg 360):

“There are many international agreements in addition to the LOS Convention that address either ocean management generally or specific issues such as fisheries regulation, species protection, *cultural heritage*, vessel safety, and coral reefs.”

Add *cultural resources* to **Marine protected areas** (pg 362):

“Numerous international agreements support the establishment of protected areas to improve the management of *cultural resources and* fragile coastal and marine ecosystems.”

### **Chapter 31**

**Congress** - Provide funding for the National Maritime Heritage Act

**Executive Branch Leadership** – Include members representing the maritime heritage community in the National Ocean Council and in the Council of Advisors on National Ocean Policy.

**NOAA** - Enhance its efforts in research by increasing its commitment to the grants program and work of the Office of Ocean Exploration.

## **Comment Submitted by John B. Hattendorf, North American Society for Oceanic History**

May 27, 2004

Admiral James D. Watkins  
Chairman, U.S. Commission on Ocean Policy  
1120 20<sup>th</sup> Street, Suite 200 North  
Washington, DC 20036

Dear Admiral Watkins:

I write on behalf of the membership of the North American Society for Oceanic History in response to the recently issued Preliminary Report by the U.S. Commission on Ocean Policy.

The Society at its annual meeting at the Chesapeake Bay Maritime Museum, St. Michaels, Maryland, voted unanimously in support of a motion to request the Commission to include a statement in the Report that recognizes the value of historic maritime cultural resources and supports funding for the investigation and presentation of those resources.

We suggest that following specific actions:

- 1) Include a statement recognizing the value of maritime cultural resources as an element of ocean policy in the main body of the text as a separate section.
- 2) Identify the section by an entry in the Table of Contents.
- 3) Include in the Recommendations section that maritime cultural resources and historic preservation receive financial support for scientific investigation, preservation and public presentation.

On behalf of the membership of the Society, I urge you to incorporate these recommendations. The oceans are a major repository of cultural resources. Support for the study, protection, preservation and interpretation of maritime cultural resources must be included in the Commission's Report with specific recommendations for action.

Our congratulations for producing what is otherwise an extremely comprehensive document.

John B. Hattendorf, D.Phil., L.H.D., F.R.Hist.S.  
Ernest J. King Professor of Maritime History and  
Chairman, Maritime History Department  
Naval War College  
Newport, Rhode Island

## Comments on the Preliminary Report of the U.S. Ocean Policy Commission North American Society for Oceanic History

### **General Comment**

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## Comment Submitted by Michele Wells, Sea One International

May 14, 2004

US Commission On Ocean Policy  
1120 20<sup>th</sup> Street NW  
Suite 200 North  
Washington DC 20036

Honorable Committee Members,

I wish to thank you and applaud your efforts regarding the attempts being made to compile a workable and thoughtful Ocean Policy Plan.

I am a consultant and sub contractor in the Marine Exploration Industry, and have owned and operated my own business for over 18 years, both here and throughout the Caribbean and U.S. I am an active and respected member of the historic shipwreck community, a writer and a documenter. Please accept my earnest and honest comments regarding the Ocean Policy report for thoughtful consideration.

I am deeply committed to the Ocean and it's vast resources and as yet unfathomable significance to humanity and life on earth. To be prevented or restricted from pursuing my lifelong passion for exploring it, documenting it, and sharing it with the world today AND future generations is –quite simply – unimaginable.

Therefore I am compelled to urge you to consider that the current report's 'policy outline' regarding "cultural-resource-management-by-dereliction" which in my opinion is seriously flawed and promises to induce the very things you claim this policy will prevent.

Namely, by stating that "A coordinated offshore management regime needs to recognize the potential importance of some of these sites and should consider preserving them for future generations by establishing protected areas when necessary." You are not only effectively duplicating pre-existing legislative mandates that already perform this function, [eg FKNMS Public Law 101-605, et al ] you are admitting that this is ALL you are doing in this policy!

Why then, is this necessary?

Furthermore, you are essentially 'glossing over' this very complex and urgently time sensitive situation –regarding the actual potential and successful RESCUE of these historic marine artifact deposits by suggesting that because you don't have the ability to produce a comprehensive SCR plan, they should in essence remain in situ – that is by definition a death sentence to any historic submerged resource left to deteriorate in the earth's most volatile, hostile and corrosive environment, where they will certainly remain at risk until they literally rot away! There are volumes of well documented reports – including the status of the USS Monitor and the Hunley, to name only two of many. Have none of you considered what the recent scientific explorations of the Titanic have indicated? Isn't Dr. Ballard scheduling another expedition to this site because of the concerns regarding its "rapid and alarming deterioration"?

Haven't any of you ever sailed a boat on the ocean? Have you never witnessed the incredible inexorable destructive ability of salt water- even in vapor form on a man made part? If so, then please explain how on earth could you recommend that leaving something in the ocean "will PRESERVE IT" for anyone –much less future generations?!?!

Which begs the question, will establishing another "Hands off" policy for SCRs actually "preserve them for EVERYONE in the future generations? Or merely the chosen few regime approved members of today? A select chosen few who will have the opportunity to EVALUATE, explore, experience and actually see a national treasure that will inevitably be destroyed and lost forever to ANY future generation?

Where can we who will certainly be completely displaced and disenfranchised by this "takings" policy sign up for this "evaluator" job? If this policy remains as is, I will need a job!

Is this in the best interest of the tax paying people of the United States?

In my opinion, this policy of "leaving it on the bottom" is analogous to a Fire Department Captain telling the firemen to leave an abandoned baby in a burning house, simply because he doesn't know what to do with the baby! [Or who the baby BELONGS to!]

These archeological "time capsules" have been and will always be in dire jeopardy of disappearing forever UNLESS they are recovered. There will be NOTHING for "future generations" to even look at much less discover if they are left to rot on the seabed. We've only just begun to have the technological and scientific experience to save these SCRs– and with the scale of submerged historic sites we could spend several lifetimes recovering and studying and still only manage to find and rescue a fraction of what lies in the ocean.

Does the United States Government have enough funds to attempt this massive and costly undertaking? I would venture to guess no. Will the already war besieged economy and globally down sized American taxpayer tolerate or accept some "Policy" that guarantees not only will untold billions of dollars of potentially salvaged national treasures be forsaken, and handed over to a foreign nation but also insures that they will be prohibited from ever seeing them much less seeking them for themselves? I think not!

I must disagree with your unsubstantiated allegation regarding the success of current management plans. You seem to be completely discounting the various successful state, federal and international currently OPERATING ocean resource management plans that ARE in effect, such as International Admiralty Law, Federal Marine Sanctuary Management Plans, State Marine Parks and Cultural Resource Management plans, all of which have invested millions of dollars and countless man hours to develop thankfully with the full inclusion of those stakeholders whose livelihoods and interests depend upon them. The recent US efforts have only been implemented within the last decade or so. Is that enough time to make a sweeping judgment about a national policy's effectiveness? The International Law of Finds as stipulated in the Admiralty Laws has been the only Resource management policy to withstand 300 plus years of revision and remains the oldest internationally accepted policy for salvage. Why mess with it if it isn't broken?

Finally, I am deeply suspicious of any new policy that seeks to eliminate our ability to continue and survive in this endeavor in the private sector. Currently, the National Marine Sanctuary Laws and the International Admiralty Laws insure that properly adjudicated and professionally rescued SCR sites are protected from federal takings. The wording of this Ocean policy statement –particularly in lieu of recent US State Department actions whereby properly adjudicated Admiralty Court Finds regarding abandoned shipwrecks were usurped and then brokered by the State Dept. to foreign interests – [reference Juno & La Galga Shipwrecks vs. US State Dept.] constitutes the giving away of US national treasures and an unconstitutional takings of private property and earnings. Nowhere in this statement do you insure that any shipwreck or site discovered won't be subsequently and at whim declared “protected and therefore off limits” and salvage subsequently prohibited. Today if this happens –we can seek injunctive relief under the federal takings act because the above laws mandate that protection. This Ocean Policy negates our rights to appeal or contest a federal ‘taking’.

I am currently involved in at least two significant SCR finds which represent millions of dollars invested and many years of effort and extraordinary cooperative energies between various federal state and local agencies and our company. Can you assure us that we will be allowed to continue our efforts to recover and rescue these sites? Or, will you explain to our investors and to the agencies involved why these sites are suddenly considered not recoverable?

Unless you can assure that all current mandates, and existing salvage and recovery laws will not be superseded and that any ‘cultural resources’ determined to be “protected” can be and will be listed specifically by name and location right now, this policy is fatally flawed. It ignores the responsibility all policy makers must recognize and honor regarding socio economic impact. You haven't even assessed it here.

This one paragraph statement in this draft of the Ocean Policy opens the lid wide on a Pandora's box of legal, economic and ethical issues. Please don't spoil your fine attempts by including this paragraph in your report. Please don't exclude the American public from historic shipwrecks and deep sea exploration discoveries. Please don't doom our new found discovery of an incredible array of submerged national treasures to becoming a black market industry that sells off our history to the highest foreign bidder.

If you make it impossible for the private sector salvor to survive, you doom our national historic heritage that lies undiscovered underwater to a death sentence and if that happens everyone loses. We lose our industry, the public loses it's underwater history, the taxpayers and the state and federal agencies lose a significant source of their revenue generators, and ALL “future generations” lose their right to witness a piece of their underwater heritage.

Please accept my sincere appreciation for all your thoughtful consideration on this matter. Thank You for the opportunity to express and record my public comment on this matter.

All the Best,

Michele Wells, Exploration and Operations Consultant  
Sea One International [www.seaone.org](http://www.seaone.org)

## Comment Submitted by Donald H. Keith, Ships of Discovery

May 14, 2004

US Commission on Ocean Policy  
1120 20<sup>th</sup> St., NW  
Suite 200 North  
Washington, DC 20036

Honorable Committee Members:

We are writing in response to a call for public comment on the Ocean Policy Preliminary Report released April 20, 2004. As practicing underwater archaeologists each with more than 25 years of experience, we were pleased to see the recommendations include the establishment of a policy that would balance use with sustainability, based upon sound science and educational excellence. However, we are disappointed that the report does not include the necessary in-depth discussion or consideration of the recreational and heritage uses of underwater cultural resources of the coastal and ocean areas.

Underwater cultural heritage is a resource that merits proactive stewardship. Both management and stewardship need to be considered early in the planning and decision-making process. While shipwrecks have become the most controversial sites, underwater cultural heritage includes much more. It also embodies the physical evidence of past cultures preserved in inundated cities and harbors, human remains and offerings in sinkholes and bogs, agricultural and industrial sites, and submerged ancient land sites. All of these provide a tangible and unique link to our past that, once destroyed, can never be replaced.

We are well aware that the formulation of a national policy requires addressing a range of issues. Among others, these include ownership, study, preservation, recreation, and public education and access. Many, if not most, of these considerations are quickly lost, however, when the cultural resource is a shipwreck that may contain items of potential commercial value. Whatever their type or artifacts they contain, these resources are part of our shared past, nationally and globally. Their protection and wise use have become international concerns as witnessed by the International Committee on Monuments or Sites (ICOMOS) Charter and the adoption of UNESCO Convention on the Protection of Underwater Cultural Heritage. This international convention seeks to extend existing protections, which many nations including the United States already have in place for cultural heritage sites on land, to underwater cultural heritage.

Existing United States legislation for sites on land are clearly designed to protect and preserve these resources for the benefit of humankind. Unfortunately, sites underwater do not receive the same level of protection. Their jurisdictional control as well as their management varies widely from state to state. Some states do not permit treasure salvage, others allow it and are awarded a share of the profits. As an international leader in protection of cultural heritage, the United States can and should do more than to allow this situation to continue.

The Commission is in a unique position to forge a new and much needed path toward the protection of underwater cultural heritage. Therefore, we ask that you consider the following more specific recommendations for inclusion in the report:

- 1) A uniform national policy that embodies the basic provisions of preservation for the benefit of humanity, as found in the UNESCO Convention, and research guidelines for sites that guarantee scientific study, as codified in the annex rules of that document. The latter will ensure that underwater cultural heritage is preserved and studied by responsible, knowledgeable individuals and/or institutions.
- 2) Strengthening the Abandoned Shipwreck Act to remove problematic language that has resulted in treasure salvage and control of state-managed shipwrecks.
- 3) Drafting and supporting new legislation that prohibits the treatment of underwater cultural heritage sites and objects as items to be exploited for their alleged commercial value.
- 4) Placing the responsibility for management of underwater cultural heritage beyond three miles under the umbrella of the National Park Service. That agency has nearly a century of experience in the management and protection of natural and cultural heritage sites. Its experience and expertise is unequalled by any other Federal or state agency.
- 5) Although the U.S. is not presently a member of UNESCO and did not support the final wording of the Convention because of concerns regarding the treatment of State owned ships, we also urge that the Commission recommend working towards full implementation of the Convention's provisions within the United States.

We also urge that the Commission include recognized, credentialed underwater archaeologists as either full members or scientific advisors to any future committee charged with drafting a national policy or legislation on underwater cultural heritage. Just as oceanographers cannot speak authoritatively on biological concerns and fisheries experts cannot address the concerns of coral reef degradation, those in the natural sciences or other fields who are not educated and trained in archaeology should not be speaking for or representing archaeology.

Our underwater cultural heritage and its study and enjoyment for science, tourism, recreation, and education offers unparalleled opportunities to enrich our lives and those of generations to come. Each nation bears the responsibility to protect and preserve its past and the past of those whose paths led them to these shores. Every day that passes without protection diminishes that past and so diminishes us all. It is our hope that the US Commission on Ocean Policy will be willing to take the long view that is required of those charged with preserving natural and cultural heritage for the future. Thank you for your consideration of our comments and for your efforts in this important task.

Respectfully,

Donald H. Keith, Ph.D., President  
Toni L Carrell, Ph.D.  
Ships of Discovery  
Corpus Christi, TX

## **Comment Submitted by Ross M. Brown**

May 15, 2004

I think that Treasure Hunters should be allowed to work in the U.S. waters. The archeologists never find any shipwrecks, it always seems to be these divers and hunters. These ships should not just rot in the sea. That is my opinion on the subject. Both of these groups can work together.

Ross M. Brown

## Comment Submitted by William Moss, Society for Historical Archaeology

May 14, 2004

To whom it may concern:

I am writing to you in my capacity at President of the Society for Historical Archaeology (SHA) to provide comments on the Ocean Policy Preliminary Report released April 20, 2004 by the U.S. Commission on Ocean Policy. Formed in 1967, the SHA is the largest international society concerned with the archaeology of the modern world (A.D. 1400-present). The society is specifically concerned with the identification, excavation, interpretation, and conservation of sites and materials on land and underwater. Geographically the society emphasizes the New World, but also includes European exploration and settlement in Africa, Asia, and Oceania. With a membership of 2,500, the SHA promotes scholarly research and the dissemination of knowledge concerning historical and underwater archaeology. For that reason we have a particular interest in the recommendations in the Preliminary Report.

We laud the report's recommendation that calls on Congress and President Bush to establish a new national ocean policy that balances use with sustainability, is based on sound science and educational excellence, and moves toward an ecosystem-based management approach.

Though these are admirable goals, the report lacks an in-depth discussion of two inter-related issues that are of concern to the SHA. We are principally concerned that the management of submerged cultural resources within coastal and ocean areas has been largely overlooked. We are also apprehensive of the poor definition of the recreational use of coastal and ocean areas, specifically concerning the impact these have on the management of submerged cultural resources.

Submerged cultural resources are simply accorded a passing treatment in Chapter 6. Chapter 25 does use the word "cultural" three times and "history" twice, however the concept should go beyond the mention of the RMS *Titanic*! There is no discussion of what these words mean in terms of archaeological sites, shipbuilding, ports and our nations maritime heritage and pride. The report needs to articulate more clearly what federal agencies are currently doing and what they could be doing regarding the identification and management of our coastal and submerged cultural resources, both within and without Marine Protected Areas.

The extent of the discussion of recreational uses does not reflect the billions of dollars and more than a million and a half jobs for tourism and recreation. Recreational boating, fishing, swimming, and sport diving are important for the health and welfare of our citizens. From a cultural resource perspective, sport divers are a key to the survey, inventory and management of submerged cultural resources. Their contribution to the positive management of submerged cultural resources could be better defined.

Several changes to the Coastal Zone Management Act are recommended but none considers the importance of submerged cultural resources or the impact of recreational

uses in the zone may have upon them. We urge that the report include stronger statements about these issues.

Should you have any questions or if you would like to discuss this matter further, please feel free to contact me. The SHA would be pleased to provide advice and assistance on these issues so that, together, we can protect our most important natural and cultural resources.

Thank you for your kind consideration of my comments.

Sincerely,

William Moss

President  
Society for Historical Archaeology  
Rockville, MD  
[www.sha.org](http://www.sha.org)