

Comments on the Proposed Rule Changes to the State's 1A-31 Treasure Hunting Permit
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I am writing this to comment on the proposed amendments to Rule 1A-31. I am a professional maritime archaeologist who has been conducting this specialized research in Florida since 1992. I currently serve as the Director for the Lighthouse Archaeological Maritime Program at the St. Augustine Lighthouse & Museum. At my institution we conduct archaeological research on a variety of local shipwrecks, and all artifacts recovered remain property of the people of Florida. As do an increasing amount of professional archaeologists, we make every effort to involve members of the public with our research, by teaching a local high school underwater archaeology class and allowing these students and other volunteers the opportunity of working side by side with our archaeologists. Last year our volunteers generated over 5000 hours of service towards our goal of better understanding the history of our state's—and our nation's—oldest port.

I must first state that while many of the proposed amendments to 1A-31 are welcome, these changes do not go nearly far enough. The state's legalization and licensing of treasure salvage activities on historic shipwrecks—which are resources belonging to all Florida citizens—is nothing less than a travesty. All such activities should be banned outright. This is particularly true considering the wealth of surviving historic shipwrecks representing the rich maritime history of our state, and the immense loss of knowledge resulting directly from commercial shipwreck salvage activities from the 1960s through the present day. At the time treasure salvage was first legalized, there were few if any Floridian archaeologists certified as divers, and none conducting research on submerged historic shipwrecks. The situation is drastically different today. Florida has more professional underwater archaeologists than any other state in the U.S. and in most countries. Florida State University, University of West Florida, and University of Miami all have internationally-recognized underwater archaeology programs, and there are underwater archaeologists on faculty at Florida Atlantic University and the University of South Florida. There are at least three well-known private-sector archaeological consulting firms with specializations in underwater archaeology with offices in the state. There are a number of private museums conducting underwater archaeology in the state, such as the Tampa Aquarium and my own institution. There are also avocational organizations in our state dedicated to shipwreck archaeology, such as MARC in Pompano Beach. Underwater archaeologists are employed at five of the Florida Public Archaeology Network offices throughout the state. There are at least two county archaeologists specializing in underwater archaeology, and both state (BAR) and federal (NOAA, National Park Service) archaeologists actively conduct research in Florida waters. There is no shortage of underwater archaeologists working in Florida, and none of them, nor any of the hundreds of students and volunteers working with them, have ever requested ownership of state-owned artifacts. Florida is widely recognized around the world as a center for maritime archaeological research and education, and yet we still bear the black eye of being one of the few states anywhere that still allows commercial treasure hunting. Commercial salvage, which is notorious for its lack of scientific and

methodological standards, poor publication record, and transfer of publicly-owned resources to a few private individuals at the expense of our understanding of history, has no place in twenty-first century Florida.

I was pleased to see that the very first proposed change to 1A-31 was an explicit statement that the state's public policy is to preserve archaeological resources and limit excavation to institutions dedicated to expanding our knowledge of Florida's history, archaeology, and anthropology. This statement is a direct contradiction to the purpose of commercial treasure salvage, which is to generate profit for a limited group of individuals by acquiring and selling historical artifacts owned by the people of Florida. I do, however, take exception to the proposed wording in this paragraph (1A-31.0012): "... transferring objects recovered by commercial salvors under permit in exchange for recovery services provided to the state." This wording implies that salvors are providing a beneficial service to the people of Florida. Over forty years of painful examples have demonstrated time and again that commercial salvage is the least beneficial way to manage historic shipwrecks in state waters. The very act of splitting up a shipwreck's material assemblage and selling artifacts, rendering them forever inaccessible to scholars, students, and the general public, is in itself a disservice to the people of Florida.

I was pleased to see a wide variety of areas that are not eligible for 1A-31 permits in the proposed section 1A-31.0042. I was particularly pleased to see that in subsection 4a shipwrecks with human remains are not eligible for commercial salvage. I believe that many Floridians feel that publicly-owned grave sites should not be disturbed or exploited for personal gain, and I would suggest that 4a be expanded to render any historic vessel known to have suffered any loss of human life during its wrecking—whether physical remains are extant or not—ineligible for commercial salvage. I am also encouraged to see that under the proposed 4c that the division could judge particular shipwrecks of outstanding archaeological or historic importance to be ineligible for commercial salvage.

Under proposed section 1A-31.0062, I disagree with subsection 1b. There is no benefit to the state or the people of Florida in permitting the recovery of artifacts from a historic shipwreck site if these artifacts may be transferred from public ownership and dispersed to parties who may deny access to scholars, students, or the general public. Artifacts recovered under a 1A-32 archaeological research permit remain property of the state and thus are accessible to all Floridian tax payers in perpetuity. Parties wishing to recover artifacts from archaeological sites should be encouraged to pursue that permit.

I applaud section 1A-31.0072. The Bureau of Archaeological Research is already understaffed given the many important duties it is charged with. It would be irresponsible to issue more permits of any type than can be properly overseen. 1A-32 research permits, which provide clear benefits to the people of Florida, should be of a higher priority than 1A-31 permits.

Proposed conditions of permit duration, area, supervision, and inspection seems appropriate. I do not believe that commercial salvors should be allowed to subcontract their permit areas, as this policy would probably serve to expand commercial salvage

activity rather than reduce it. I do agree with the stringent standards and responsibilities required for the project archaeologist position in section 1A-31.030 and 035. I would suggest that a further requirement be in place mandating that the majority of divers receiving a salary to participate in permit activities also meet these minimum standards defining a professional archaeologist.

I fully agree with section 1A-31.045. I would also point out that under subsection 1 all 1A-31 recovery permits, which by their very nature do not benefit the public, should be denied in favor of issuing 1A-32 archaeological research permits which ensure continued state ownership of all recovered artifacts. I also suggest that an additional requirement for receiving a 1A-32 permit of any kind should be a mandatory criminal background check for all participants. This would likely prevent the theft of artifacts belonging to the state. I have personally been told by more than one diver who had worked for salvors that they had stolen artifacts unbeknownst to their employers. The attitude that artifacts are commodities that can be sold for profit, as opposed to historical objects that when considered within their archaeological context can generate information, is more likely to be held by workers on a salvage operation than archaeologists on a research operation, and a criminal background check will help prevent the theft of artifacts and also ensure a more accurate artifact inventory for analytic purposes.

The requirements (1A-31.060 through 075) proposed for the two types of permits are appropriate. The duty of the state to suspend or revoke permits for not meeting criteria listed in 1A-31.080 is important.

As far as section 1A-31.085 is concerned, I strongly disagree. The state is not in any pressing need of recovery services by commercial salvors, considering the high numbers of professional underwater archaeologists already working in Florida. If professional archaeologists, who with their specialized training in archaeological methodology and interpretation have demonstrated a better record of generating knowledge concerning history, archaeology, and anthropology than commercial salvors, and furthermore who are not only willing but ethically bound by their discipline's standards to ensure that all recovered artifacts stay in the possession of the people of Florida, are available to sponsor research-oriented excavations then why should publicly-owned historic resources be subjected to salvage operations by non-archaeologists? And why should publicly owned resources be transferred for the profit of a very few individuals?

Thank you very much for allowing me the opportunity to comment. These rule changes are very important. I have taken this responsibility very seriously, as an opportunity to lend my voice to a growing number of scientists, students, and interested citizens who do not think that in this day and age Florida should be in the treasure hunting business.

Sincerely,

Chuck Meide