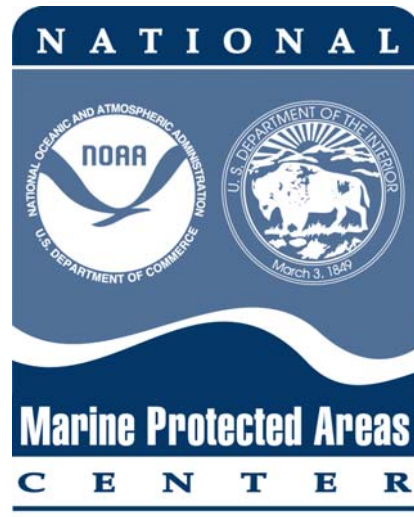


A broad overview of marine cultural resource management.



Presentation to:

MPA Federal Advisory Council
April 25, 2006
Corpus Christi, TX

Protecting UCH in the Marine Environment

There is no U.S. program or statute providing comprehensive protection of Underwater Cultural Heritage.

Laws protecting UCH

- State submerged lands
 - The national government has delegated to the individual states responsibility for the protection and management of UCH
 - Usually protected under a broad state law that protects all cultural resources on state submerged lands
 - **Abandoned Shipwreck Act (1987)** gives ownership of **abandoned** shipwrecks **embedded** in, or resting on state submerged lands that are of historical significance to the state.
 - These shipwrecks are exempt from Law of Salvage and Law of Finds
 - Directs states to establish a multiple use management regime for the protection of shipwrecks that also incorporates the protection of natural resources

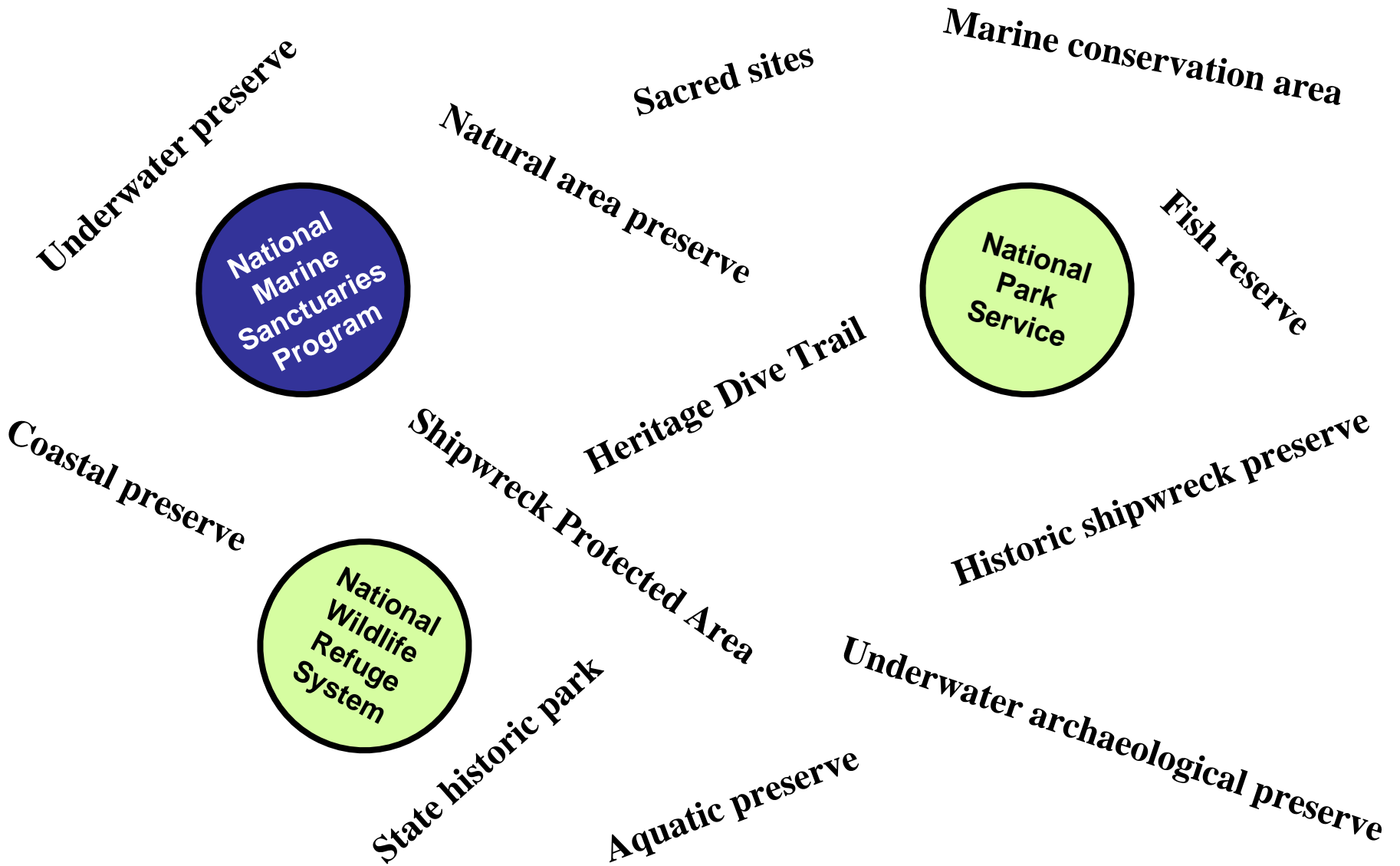
Laws protecting UCH

- Federal Waters
 - **Antiquities Act (1906)** and **Archaeological Resource Protection Act (1979)**
 - Limited scope and effectiveness, on applying to UCH on federal lands (such as National Parks and National Seashores)
 - Does not apply to UCH on the Outer Continental Shelf
 - **National Marine Sanctuary Act**
 - Offers the only strong protection to UCH outside of state submerged lands
 - Has withstood every legal challenge and has assessed the largest civil penalties for the damaging of any cultural heritage (terrestrial or marine)
 - **National Historic Preservation Act (1966)**
 - Federal agencies must take into consideration the affect of federal undertakings on cultural heritage
 - Limited in scope and leaves UCH vulnerable to loss or destruction from private activities, such as salvage
 - **Sunken Military Craft Act (2005)**
 - U.S. retains title to all sunken military craft
 - Imposes extremely stiff civil penalties for disturbance on military craft
 - Exempts these wreck from Law of Salvage and Law of Finds
 - Also recognizes and exempts any foreign sunken military craft in U.S. Waters

Complex Scope of UCH management

- Most likely over 100,000 shipwrecks in U.S. waters, most with state waters
- Many other types of UCH (prehistoric sites, traditional cultural places, and remains of historic structures)
- 9 out of the 35 coastal states have programs or specialists in UCH
- The average number of people in these programs is one
- There is no template for UCH management within states
- State submerged lands are often under the jurisdiction of multiple agencies
 - Often the office/agency in charge of managing UCH is not the same as the agency in charge of issuing permits
- For the Federal Agencies that have some responsibility for managing or protecting UCH, working with UCH is generally a very small part of the work they do, and therefore is of lower priority

The Complex Scope of U.S. MPAs protecting cultural resources



UCH and Ecosystems

- UCH is a part of the ecosystem and part of a broader historical landscape
- Affected by changes in the marine environment
- Have the ability to affect the marine environment and ecosystems

UCH and Science

Management and study of UCH requires a multi-disciplinary approach

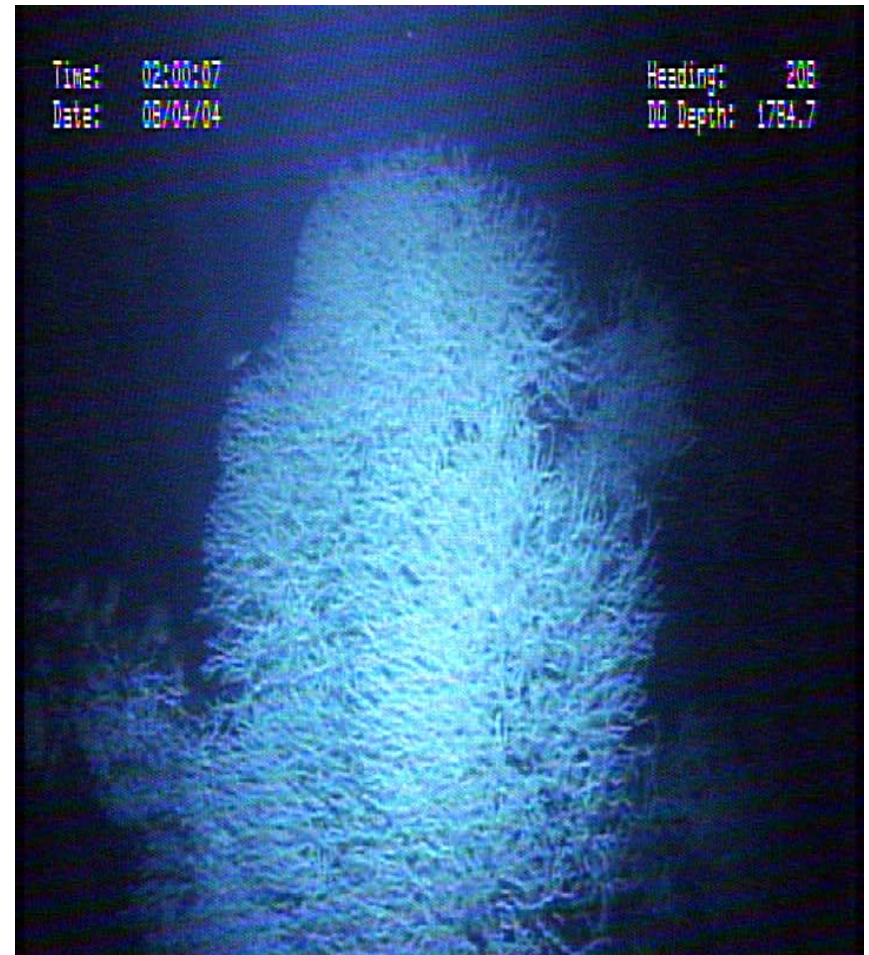
Natural Science

- Advanced technology to locate important shipwrecks
- Materials and corrosion science
- Soil science
- Wood science
- Conservation science
- Structural engineering
- Biology/Microbiology
- Palynology
- Dendrochronology

Social Science

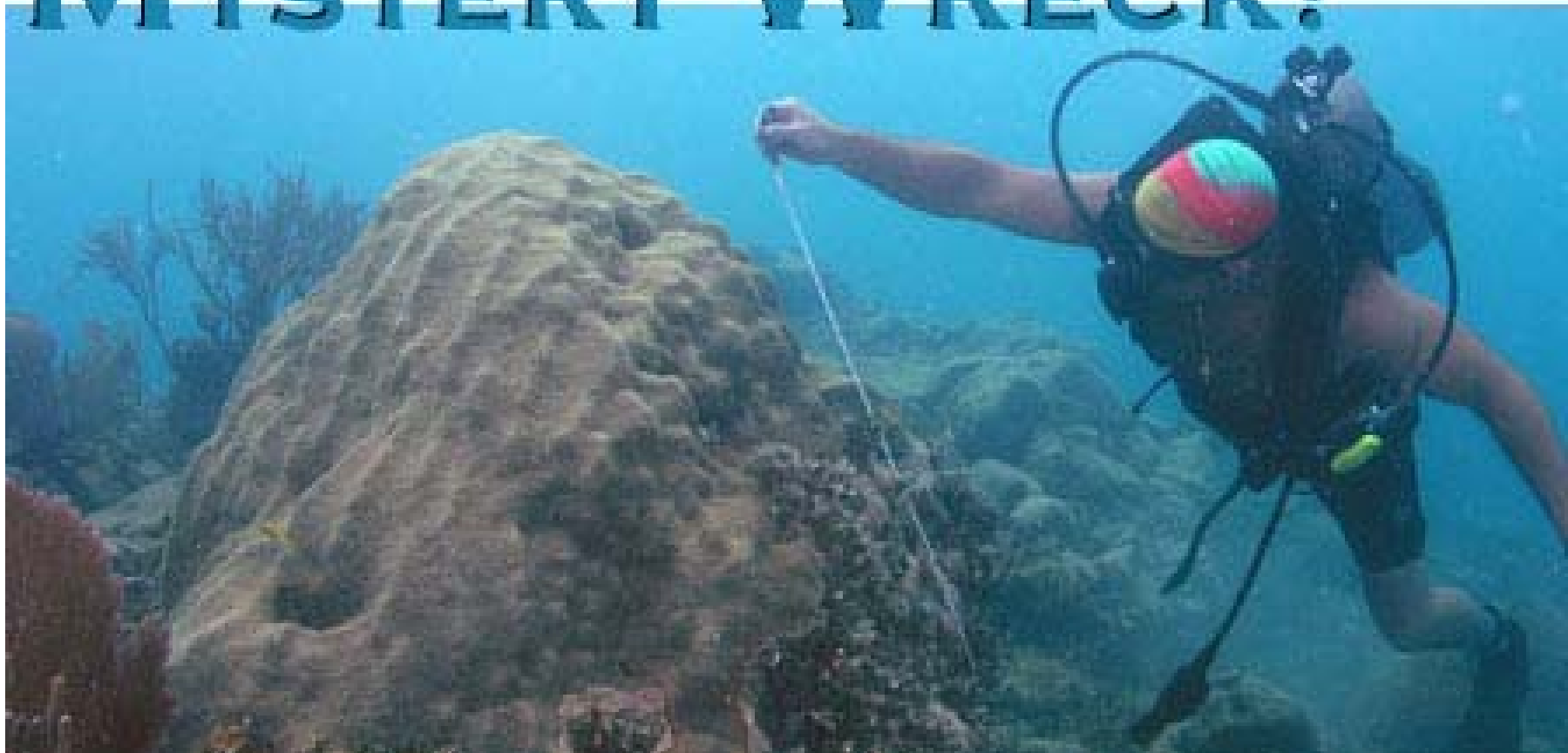
- Visitor use studies
- Monetary and non-monetary value of UCH
- Attitudes, perceptions, and beliefs about UCH
- Communities
- Governance structures
- Ethnography
- Anthropology
- Historical ecology

“Damn! That’s a big colony of coral, and it looks like *Lophelia*.”



Pristine Reef on a 17th-Century shipwreck

MYSTERY WRECK!



Contact Information

Brian Jordan

Maritime Archaeologist Coordinator

NOAA's National MPA Center

(301) 563-1140

Brian.Jordan@noaa.gov

Cultural Resource Definition

- **Cultural Heritage [National System theme]** - the cultural resources that reflect the nation's maritime history and traditional cultural connections to the sea, as well as the uses and values they provide to this and future generations.
- **[marine] Cultural resource** - An aspect of a cultural system that is valued by or significantly representative of a culture, or that contains significant information about a culture. Cultural resources for purposes of the MPA Executive Order are tangible entities at least 50 years in age that reflect the nation's maritime history and traditional cultural connections to the sea, such as archaeological sites, historic structures, shipwrecks, artifacts, and traditional cultural properties. Cultural resources are categorized as districts, sites, buildings, structures, and objects for the National Register of Historic Places, and as archaeological resources, cultural landscapes, structures, and ethnographic resources for MPA management purposes.

Key Criteria for CR MPAs

- In addition, given the cultural resource management community's widespread acknowledgment of the standards developed by the National Park Service for inclusion of a cultural resource in the National Register of Historic Places, the National System will integrate core elements of those standards into its criteria for MPAs with cultural marine resources. As such, MPAs whose protections are solely focused on cultural marine resources must also meet the following criteria:
 - *Age*: To qualify, the age of the protected cultural resource must be at least 50 years of age, unless otherwise determined to be unique to the nation's maritime history or traditional connections to the sea as defined by the National Register Criteria for Evaluation (NRCE).
 - *Significance and Context*: A cultural resource must represent a significant part of the history, architecture, archaeology, engineering, or culture of an area, and it must have the characteristics that make it a representative example of resources associated with that aspect of the past. The resource must be associated with one or more important historic contexts, as defined by the NRCE. Historic contexts are historical patterns that can be identified through consideration of the history of the resource and the history of the surrounding area. In addition, the historic context of a cultural resource must be relevant on a regional or national geographic scale (i.e., resources must be significant to the history of the state, region, or nation as a whole).
 - *Integrity*: A cultural resource's physical features must have the ability to convey its significance by retaining the identity for which it is significant.
- The Order's definition of MPA, when taken together with the definitions of the five key terms of "area," "marine," "reserved," "lasting," and "protection," and the additional National System MPA criteria listed above represent the complete set of criteria for determining eligibility for a site or system's inclusion in the National System.