Our legal rights for shipwreck salvage within State waters are at risk!

We need your help to show our opposition to the proposed changes to the State of Florida’s Rule 1A-31

We encourage everyone to attend the following public hearing:

October 21, 2008, 12:00 Noon
Guana Tolomato Matanzas Auditorium, National Estuarine Research Reserve
505 Guana River Road, Ponte Vedra Beach, FL 32082

“PROCEDURES FOR CONDUCTING EXPLORATION AND SALVAGE OF HISTORIC SHIPWRECK SITES”

We are asking every treasure hunter, salvor, captain, crewman, staff, investor, friends, relatives, or anyone else you can think of who has an interest in, or enjoys seeing, the private sector recovery of treasures and artifacts continue in Florida to send a comment to the State AGAINST the proposed changes to Rule 1A-31. These changes could put our legal rights of shipwreck salvage within State waters at risk. This rule will not affect the ownership of shipwrecks that are protected by pre-existing admiralty claims such as the 1715 Fleet, Atocha and Margarita wrecks. However, it could affect the procedures used to salvage the entire 1715 Fleet wrecks and will significantly impact all new wrecks located within the State’s 3-mile limit. Even though this would not directly affect the Atocha and Margarita sites due to their location outside of State waters, it could have an effect on the current Programmatic Agreement that the Florida Keys National Marine Sanctuary has in place; specifically the rules and guidelines we are required to follow for salvaging these sites and any future sites within the Sanctuary.

We are asking everyone to please take a few minutes of your time and send a comment to the State of Florida showing you are against the proposed changes in rule 1A-31 and that you support responsible commercial salvage of historic shipwrecks within Florida’s State waters.

Here’s how you can help us:

1. Go to https://www.flrules.org/Gateway/View_notice.asp?id=6172515
2. Go to the bottom of the page and choose “Send a one-time comment to the Agency”
3. Click on blue “Make Comment” box
4. Fill in the required information
5. In the “Subject” field type in “Rule 1A-31, “OPPOSED”, then your comments. Please feel free to copy and paste one or all of our concerns listed below.
6. Also, please email us a copy of your comments to Rule1A-31@melfisher.com so we have a record of what has been sent to the State. Thank You for your support!

The following are some of our concerns and issues with Rule 1A-31 for your review:
1. We are against any rules or regulations that would hinder Florida’s responsible historical shipwreck salvors from their continued recovery of treasures and artifacts, such as the current proposed rules.

2. Under the Revised and Published Rule 1A-31.0092 (3) c, d, e it declares that permit areas shall have a "Buffer Zone" of 500 yards width from: navigation channels, exempted areas as defined in this chapter and excluded areas as defined in this chapter. These areas are defined in 1A-31.0042 and 1A-31.0045. This means no one will get a permit within 500 yards of a public recreation area (i.e. public beach) which translates to about one fourth of a mile from any Florida shoreline. The entire coastline of Florida is off limits for 1500 feet. This is not fair because history shows us that the majority of shipwrecks were blown toward or onto shore by hurricanes. The vast majority of shipwrecks on Florida's submerged lands are probably included within this area. It also means no one (without a grandfathered in Admiralty Claim) will get a permit within 500 yards of any inland waters, inlets, National Park systems, National Marine Sanctuaries such as the Florida Keys National Marine Sanctuary), State Parks, Local public recreation areas, resource conservation areas and resource management areas, areas conveyed to public or private entities............. etc.

3. We believe the Division of Historical Resources should do more to work with the private sector salvors of Florida and encourage salvors to come into a fair, even-handed and just permit process. Rule 1A-31 does not seek to do this.

4. We believe Florida’s private sector salvors have done an excellent job of recovering and preserving our maritime heritage, to the direct benefit of the public and at little cost to the taxpayers and should be allowed to continue with as little interference as possible. Rule 1A-31 does not do this.

5. We do not want our tax dollars used by state archaeologists to dive on shipwrecks. The private sector salvors have done a great job, using their own money, with Florida getting the benefits by receiving 20% of the conserved artifacts and treasures recovered. We do not support any changes to rule 1A-31 that would make it harder for the salvors to continue.

6. We feel the new rule is unfair because it treats commercial salvors as second-class citizens due to the fact that it does not give the same standards to commercial salvors as Rule 1A-32 gives to universities and nonprofit organizations. For example, the turnover or response time to get permits for 1A-32 is two weeks while commercial groups have waited months and in some cases, years. Also 1A-32 uses students as excavators while commercial enterprises must use experts.

7. We think Rule 1A-31 is unfair because university and nonprofit 1A-32 permit holders get a search & survey, recovery & salvage permit ALL in their first permit while 1A-31 requires commercial salvors to obtain only search & survey permits with rules that vary from salvor to salvor. NO recovery & salvage permits (unless already grandfathered in by Federal Admiralty Claims) have been issued to commercial groups in Florida for over 15 years.
8. We are opposed to the rule because individuals who have current contracts for exploration have not all been individually notified of the workshops and hearings. It is also unfair that when they are notified, the locations of such meetings repeatedly take place at locations remote to the majority of the private and commercial entities that it will affect. Therefore, if a few dozen commercial groups from the Keys want to attend, they need to drive either 9 hours to St. Augustine area or 12 hours to the Tallahassee area (and back.) This means they have to miss THREE days work to attend. Two days driving and one day at the meetings. Future meetings should be held in a central location of the state such as the Orlando area to accommodate the majority of the stakeholders. Additionally, these meetings should not be held between June 1 and Sept 30th of any year, as that is the 120-day window for good weather conditions on the majority of the archaeological sites worked by commercial salvors in Florida.

9. We are opposed to the rule because it insists that an archaeologist be on board each salvage vessel during each and every survey and excavation. This is unnecessary because most electronic surveys are non-intrusive and the majority of actual excavation areas are empty or turn out to be modern intrusions such as lawn chairs, discarded shrimp or lobster traps, beer cans and in some cases, U.S. military bombs in old target practice areas. Of course when major conglomerates of shipwreck material or structure are found, it would then be appropriate for the archaeologist to be on board to supervise the proper mapping and recording of these areas. The reality is that the majority of the archaeologist's time is spent working with a cartographer, mapping and analyzing data collected during remote sensing surveys and identifying patterns from other known sites in an effort to decide which anomalies to excavate first, and writing reports after poring through the reams of data provide by the artifact recovery process. His presence on the site is not necessary until significant cultural deposits or structures are encountered.

10. The new rule should address some sort of Annual Adjudication of Title from the State to the permit holder rather than “Transfer of objects” in exchange for recovery services. This way, the state can receive donations of artifacts, because it is usually impossible to put an actual dollar value on each and every artifact found and this would create much confusion in tax law since the transfer of object has an undeterminable value.

11. This rule creates more work and overhead for DHR to manage their resources. Permits should be issued for a minimum of three years, much like the Florida Keys National Marine Sanctuary, thereby alleviating costs to the DHR by reducing paperwork.

12. We feel this rule is unfair because commercial salvors are constantly in the research and development stages of using new technology for survey, excavation and conservation much of which is proprietary information. This rule eliminates many future possibilities and opportunities for research, development and testing of these new technologies.

13. We feel this rule is unfair because it requires the permit holder to turn over thousands of dollars worth of proprietary survey results without any guarantee that they will be allowed to salvage a site once it is found. There is no incentive for the permit holder to obtain a survey &
exploration permit. An alternative would be to use wording similar to that in the Florida Keys National Marine Sanctuary, which does not even require a “Survey & Exploration” permit at all and yet it seems to have been beneficial.

We encourage you to also come include your own thoughts and comments. You can also read the proposed rule changes and make more specific comments on various sections. We only have until October 17th so please act soon and get everyone you know to send a comment! This is very important!!!

Thanks for your support!
The Entire Mel Fisher Team