

**Monitor National Marine Sanctuary (MNMS)  
Sanctuary Advisory Council Meeting  
Newport News, VA  
December 3, 2014**

***In Attendance or on the phone:*** David Alberg (MNMS Sanctuary Superintendent), LCDR Patricia Bennett (U.S. Coast Guard), Deborah Boyce (Recreational Diving), Pasqual De Rosa (SRVx Captain), David Dodsworth (MNMS IT), Joe Hoyt (MNMS Maritime Archaeologist), Stuart Katz (Economic Development), Terri Kirby-Hathaway (Education), David Krop (The Mariner’s Museum), Susan Langley (SAC Chair, Archaeological Research), Shannon Ricles (MNMS Council Coordinator), Paul Ticco (ONMS NE Regional Coordinator), James Tobin (Heritage Tourism), Katherine Van Dam (Consultant)

***On the Phone:*** James Bunch (Recreational Diving), Lauren Heesemann (MNMS Research Coordinator), John. W. Morris III (NC Dept. of Cultural Resources), Robert Neyland (U.S. Navy)

***Absent:*** Steve Claggett (Alternate – NC Dept. of Cultural Resources), David Conlin (NPS), Jay Moore (The Mariners’ Museum—Alternate), Joe Poe (Citizen-at-Large), Wayne Smith (Conservation), and Joanna Wilson (Alternate – VA Dept. of Cultural Resources)

***Public in Attendance (who spoke during public commenting):*** Mike Boring, Francis DuCoin, Captain JT

**TABLE OF CONTENTS**

Welcome .....	2
Approval of Minutes .....	2
Nomination and Election of New Officer .....	2
Expansion Working Group Report .....	2
Call to Action .....	2
Vacant Seats .....	2
Superintendent’s Report .....	3
Public Comments .....	6
Northeast and Great Lakes Regional Report .....	6
New and Other Business.....	7
Adjournment.....	8
Appendix A: Public Comments .....	9

## **WELCOME**

Susan Langley, Monitor National Marine Sanctuary (MNMS) Advisory Chair called the meeting to order. After her opening remarks the roll was called and David Alberg, Superintendent of the Monitor Marine Sanctuary, thanked everyone for coming.

## **APPROVAL OF MINUTES**

Susan Langley asked for approval of the June 5, 2014 minutes. Stuart Katz made a motion to approve the minutes. Terri Kirby-Hathaway seconded the motion, and all were in favor. The minutes were approved.

## **NOMINATION AND ELECTION OF NEW OFFICERS**

Susan Langley told the council that the current SAC Chair, Co-Chair and Secretary positions had expired and that the council needed to nominate and elect replacements for the offices. She opened the floor to discussion and nominations. Susan Langley nominated Jim Bunch for Chair and Joe Poe to serve a second term as Secretary. Stuart Katz nominated himself for Co-Chair. The council voted and passed all nominations. Dave Alberg thanked Susan for her time as Chair and for all her dedication and hard work. He also congratulated and welcomed the new and returning officers.

## **CALL TO ACTION**

Susan Langley and Dave Alberg explained the history of “A Call to Action from the Marine Protected Areas Federal Advisory Committee and the National Marine Sanctuary Advisory Councils” that had been sent to council for consideration. The call reflects a commitment to ensure protective management of growing ocean recreation in the nation’s special places in order to sustain the natural and cultural assets that are treasured. Susan asked if the council wanted to support this call for action. All were in agreement. Susan moved that the council support the call to action. Terri Kirby-Hathaway seconded the motion. The motion was approved with Robert Neyland abstaining indicating that he could not speak on behalf of the US Navy.

## **VACANT SAC SEATS**

Susan Langley and Shannon Ricles gave an overview of the vacant seats on the council: Recreational and Commercial Fishing (2), Youth Seat, and several government seats. Shannon explained each government agency represented on the council selects their representative(s) and that several of the seats are waiting for selection. Discussion ensued concerning the fishing seat, and several members of the council indicated that they would reach out and encourage qualified people to apply. Jim Bunch said that he has been in conversation with several surfers and that they had indicated a desire to have a seat on the SAC. Dave Alberg said that a surfing seat was an excellent idea, but that the SAC charter would need to be changed first. Dave encouraged anyone who wants to be involved to do so immediately and not wait for a charter change.

## SUPERINTENDENT'S REPORT

Dave Alberg provided an update to the council on a variety of topics summarized below:

- The *Monitor* conservation project is progressing. Dave Alberg asked Dave Krop from The Mariners' Museum to give an overview of where the project stands.
  - Dave Krop said that over the summer and through September conservators worked on structural components, such as cast iron deck plates and copper alloy pipes, plumbing, and hand rails. He said that they are also working on organic pieces. Dave Krop shared that \$20K was raised by The Mariners' Museum's Bronze Door Society to finish the safe mounting of the wool coat recovered from the turret. He said that it should go out on display sometime during the first half of 2015. He told how they are working with a local machine shop to build a full-size functioning model of a Worthington steam pump/engine to be used for education and outreach. Curtiss-Wright, the modern parent company of Worthington pump, contributed \$60,000 toward the replica pump. Although they are understaffed, the *Monitor* conservation team is working to make progress.
- Dave Alberg said that Monitor NMS, NOAA, and the museum continue to work to resolve funding challenges. He said that there has been discussion about involving the foundation (National Marine Sanctuary Foundation) to help raise additional funds. He said that MNMS gave \$250K and the museum's board is also more involved in finding ways to raise the funds. There was discussion on moving the *Monitor* Collection Associate Records to the National Archives at College Park near Washington, DC. The Mariners' Museum has expressed interest in retaining the collection, but NOAA sees the move of these records as one way that could reduce the overall burden on the museum. The rationale for the move is to have 100% assurance that the collection is well maintained, and it will provide access to a broader public.
  - Dave Krop commented that the museum's Board of Trustees is discussing the creation of a private, non-profit USS *Monitor* Foundation for the express purpose of raising funds to support the conservation of the USS *Monitor* Collection. The proposed Foundation would have a mixed Board composed of members from both TMM and NOAA. He said that if annual funding (approximately \$750K per year) can be secured by the Foundation, then there are about 18 years left to complete conservation. He said that they are onboard with loaning multiple artifacts and that TMM has actually done so since 1988. Jim Bunch asked what the \$750K would cover. Dave Krop said that it would provide for 10 staff and interns; and with that level of staffing, they should be able to finish conservation within 18 years or so.
- Alberg continued with an explanation of how in the early beginning years, the exact amount of money needed for conservation was unknown as no one had ever taken on a project of this scale, but now we have a much better understanding of the cost to complete this project. Alberg explained that for many years the conservation project was funded not only by NOAA funding, but also from a \$2 million earmark that was drawn on and allowed a great deal of work to be completed. Dave Krop said that during that

time of funding, 60% of the collection was conserved. Discussion—Bob Neyland expressed concern that the *Monitor*'s final archaeological report was still not completed and was worried that if any *Monitor* artifacts were ever moved to other museums, it may be harder to write the final report. He also asked when the documents currently at the CNU Library related to the *Monitor* would go to DC. Stuart Katz asked for clarification on the documents and if they are the ones currently residing at the CNU Tribble Library. Dave Krop confirmed they are the ones. Dave Alberg said that they are not TMM's collection, just the federal records.

- Dave Alberg highlighted two new documents recently published—“*Graveyard of the Atlantic*” *An Overview of North Carolina’s Maritime Cultural Landscape* (Office of National Marine Sanctuaries) and *Underwater Cultural Heritage Law Study* (Bureau of Ocean Energy Management). He explained how the first document can be used for education and outreach as it highlights the significant contributions North Carolina has made to our nation’s maritime heritage. Dave Alberg explained that it is one in a series of reports that document the work of the maritime heritage program both within and outside of the national marine sanctuaries. The second document, *Underwater Cultural Heritage Law Study*, is a project between the Bureau of Ocean Energy Management (BOEM) and NOAA’s Office of General Counsel International Section. The report helps to clarify complicated maritime law and provides an overview of all laws that could affect heritage sites. The report is online and can be retrieved by searching for “Underwater Cultural Heritage Law Study” at <https://coast.noaa.gov/oceanlawsearch/?redirect=301ocm#/search>. Paul Ticco said that the report is broader than the study itself, and that BOEM is working on many new upcoming challenges along the East Coast, such as expansion and new sites, along with wind farms and oil leases. He said the report has a broader value and can be seen as a tool to help balance use with protection. Stuart Katz praised the effort and suggested that the report be given to libraries and law schools in both North Carolina and Virginia. Dave Alberg said that he would ask Katherine Van Dam, who was our offices’ lead on the project, to check into making the report available.
- Dave Alberg announced that Thunder Bay NMS formally announced expansion of the sanctuary. The dive community is very hopeful that the expansion will bring more people to explore and enjoy the resources. Paul Ticco said that the expansion was great news and that the communities along Lake Huron and in Michigan wanted and supported expansion. He explained that there were a number of towns both north and south of Alpena who wanted to get in on the action; and the hope is that not only more resources will be managed, but also enjoyed in a larger way.
- Dave Alberg explained that NOAA now has the ability to accept nominations for new site designations. He said that the process is community driven. He also explained that this new process does not affect the Monitor NMS, as it is expansion and not a new site. He said that three nominations have been submitted (Mallows Bay, North Florida, and Lake Michigan). Paul Ticco explained that the North Florida proposal did not fully meet the criteria, but it can be resubmitted. He said that numerous locations have expressed interest, but not all will become new sites. Susan Langley shared that there has been interest in Mallows Bay for about 20 years. She said that the area has about 80 WWI wooden boats and a number of other vessels that were placed there. Susan explained that

it is a great place for recreation and has a rich story to tell. It will take about 60 days for review, and if approved, then it would go into a pool as a potential site.

- A short video, *Earth is Blue*, was shown. Dave Alberg asked that Dave Dodsworth burn copies for SAC members. Video can also be viewed on ONMS's YouTube channel at <https://www.youtube.com/watch?v=r9wfOpfMM84>
- US Coast Guard and NOAA have signed an agreement for joint management of the *Diamond Shoals Lightship* shipwreck site. The partnership will open doors for education and outreach for upcoming WWI anniversary. NOAA is writing a National Register of Historic Places nomination for the shipwreck.
- Exhibits are moving forward for Graveyard of the Atlantic Museum and the North Carolina Aquarium at Roanoke Island. Currently, there are kiosks at Bass Pro Shop in Hampton, Va.; Jennette's Pier, Nags Head, N.C.; and North Carolina Aquarium at Roanoke Island, N.C. Six more kiosks may be installed in future.
- Lauren Heesemann is working on a new *Condition Report* for the sanctuary with an expected publish date sometime in 2015. The first report was published in 2005.
- Shannon Ricles supported an educational STEM event for Clark County Public Schools with over 2500 students, teachers and parents. She is also fine tuning the newly created maritime heritage curriculum guide that was developed in partnership with Newport News Public Schools.
- New trail signs are in the works as well as plans for the 40<sup>th</sup> anniversary of the Monitor NMS.
- Grant funds were requested to develop a diver history exhibit at the Graveyard of the Atlantic Museum. The exhibit would showcase key people that have played a role in North Carolina diving, such as Jim Bunch, Gary Gentile and more. Jim Bunch will work with MNMS and the Graveyard of the Atlantic Museum in the creation of the exhibit; and he will help to identify key people for wreck diving, dive training and so forth. For now, the exhibit planning is on hold due to a continuing resolution, but hopefully the exhibit will be funded and developed in FY15.
- *Monitor* website features the discovery of the U-576. The location of the German U-boat is significant in that it sits just 240 yards from the *Bluefields*, which U-576 sank during the battle of Convoy K-520. The Dave Alberg explained that NOAA briefed the German government throughout the search and discovery, and they are very appreciative of the find. Dave said that he made it clear that nothing would be recovered, and because the site is a war grave with the crew still onboard, nothing would be disturbed. The ship is located in 700 feet of water.
- Dave Alberg introduced Katherine Van Dam who will be working with the NEGL region. Katherine explained that the site would like to build a broader constituent base in an attempt to reach all stakeholders. She shared an Excel spreadsheet with known constituents, and asked for SAC members and staff to provide input on others that should be included.

## **PUBLIC COMMENTING PERIOD**

See Appendix A (p. 9).

### **NORTHEAST AND GREAT LAKES REGIONAL UPDATE**

Paul Ticco, Northeast and Great Lakes Regional Coordinator, gave an overview of the National Marine Sanctuary Act (NMSA) and the new nomination process. Paul explained that the act mandates that there must be an underlying reason to put forth a new site, and it must be of national significance. Paul said that currently there are a few expansions going on within our sanctuary system, such as Thunder Bay going from 448 square miles to 4,300 square miles. He showed the map of the boundary lines and noted that they are “straight” due to county and international waters. Paul also said that Fagatele Bay added five new areas, sanctuary units, which are discontinuous. Susan Langley commented that their model was similar to one of the proposed models for *Monitor* expansion. Paul continued saying that units are easier to manage in smaller areas, but in some large areas, it may be more difficult. He explained that Cordell Bank and Gulf of the Farallones National Marine Sanctuaries have proposed a large continuous area due to the many species that migrate through the sanctuaries.

Next, Paul Ticco outlined the nomination process and explained that NOAA, due to public input, is changing the way that new sanctuaries are created. Many communities have come together wanting a new area to be designated in order to protect something that they value. In 1972, when the original NMSA was passed, NOAA generated a list of recommended areas to become sanctuaries. In 1983, that list became the Site Evaluation List (SEL) and about 30 sites were deemed worthy. Sites were designated up until the year 2000. In 1995, the SEL was deactivated by Congress who wanted NOAA/ONMS to focus on managing current sites better before allowing new sanctuaries to be created. There were also serious budget issues that figured into their decision. Since then there have been a few new sites with Thunder Bay National Marine Sanctuary and the Papahānaumokuākea National Monument, jointly managed with the Department of the Interior. However, until this year there was no new vehicle to create new sites. We now have the Site Nomination Process (SNP) that gives a set of criteria and considerations for new sites. The process was announced in the Federal Register Notice (FRN) with a call for nominations. The process is all community driven, so it is now from the bottom up. Groups or individuals can nominate sites by submitting a maximum of 25-pages, but that does not include letters of support which are submitted as an appendix. The appendix in one case was 70-80 letters showing high support for the site.

Each nomination will be judged on criteria and consideration information contained in the submitted document. Criteria information will include the area’s natural resources and ecological qualities and if they are of special significance. A second criterion is if the area contains submerged maritime heritage resources of special historical, cultural, or archaeological significance. A third criterion is whether or not the area supports present and potential economic uses, such as tourism, commercial and recreational fishing, etc. And the fourth criterion is the publically-derived benefits of the area, such as aesthetic value, public recreations and so on. There are also seven areas for consideration information. One consideration is whether or not the

site provides or enhances opportunities for research in marine science, including marine archaeology. Another consideration is whether or not the area provides or enhances opportunities for education, including the understanding and appreciation of the marine and Great Lakes environments. Community based support consideration is key. [Note: To learn more about the criteria and consideration information, visit <http://www.nominate.noaa.gov/guide.html#document>]

Once the application is received, a preliminary review is completed within 30 days. If the nomination passes the preliminary review, it then goes to the next level of review and the submitters of the nomination will be notified within 60 days of the review panel's decision. If the nomination does not meet all the criteria, then it will be sent back to the submitter(s) and they can correct any missing information and resubmit. If the nomination was successful, then it goes into 'Standing Inventory' and becomes an area that NOAA may consider. However, it is not designated yet. The nomination would have to go through the normal process of a FRN published, scoping meetings, etc. The process can take from 3-5 years, and then the site goes into the queue.

Paul Ticco discussed the Mallows Bay-Potomac sanctuary nomination and explained that it was nominated by Maryland even though it would extend to the Virginia border. This is due to the fact that the waters of the Potomac River are owned by Maryland. Paul discussed the Lake Michigan-Wisconsin site, and stated that it is a fairly large area focused on about 90-120 shipwrecks. The site has strong support from the Governor, congressional members, and many other groups. Paul said that some other potential sites in the Northeast and Great Lakes Region are the Cornwallis Fleet, various areas off the east coast with deep water corals/canyons, Cape Cod Bay, Nantucket Sound, Wisconsin, western basin of Lake Erie, eastern basin of Lake Ontario, and Buffalo/Niagara Falls. All of these are in various stages, so there is very little chance that they all will become sanctuaries at once.

Jim Bunch asked who makes the ultimate decision on sites. Paul said that the decision is made by NOAA and the Office of National Marine Sanctuaries' Director in consultation with National Ocean Service (NOS) and other NOAA factions. Dave Alberg said that the Governor of Virginia spoke about recreational tourism in his Commonwealth address, and looking at the timeline, Mallows Bay is well positioned. Robert Neyland commented that Lake Michigan has Navy aircraft in state waters and wondered if they would be considered. Paul Ticco said that state waters are being considered as both Mallows Bay and the Lake Michigan-Wisconsin nominated sanctuary sites are entirely within state waters but most new site nominations will be located in federal waters.

### **NEW AND OTHER BUSINESS**

Dave Alberg announced that Anna Holloway left The Mariners' Museum for a position with the National Park Service; and therefore, would no longer be serving on the SAC as the museum's primary seat. He said that Dave Krop has been appointed the primary, and Jay Moore will serve as the alternate. He also announced that Terri Kirby-Hathaway was retiring from the SAC.

Dave Alberg thanked Anna and Terri for their service. He presented Terri with a commemorative plaque for her time on the SAC, and indicated that a plaque for Anna would be mailed. Dave also presented Susan Langley with flowers as a special thank you for her term as SAC Chair.

Susan Langley said Troy Nowak, the Maryland Assistant State Underwater Archaeologist, has trained as a tutor in the Nautical Archaeology Society's (NAS) program and is developing materials in order to train volunteer divers. She explained that Joe Hoyt has also been working with Dr. Nathan Richards (ECU) in North Carolina to train divers from the Battle of the Atlantic Expedition Group to help survey and document historically significant shipwrecks off the North Carolina coast. Susan said that Troy will begin working with the group so as to integrate them all together and Susan will work toward becoming a tutor also. She said that she is very excited about the possibilities and invited anyone interested in joining to let her know.

Dave Alberg relayed that he would like to give people more advanced notice of SAC meetings and asked for the SAC to come to a consensus on four dates per year for meetings. Shannon Ricles will send an email to group with suggested dates.

### **MEETING ADJOURNMENT**

Prior to adjournment Susan thanked everyone for serving on the SAC, and she thanked Dave for the flowers.

A motion was made to adjourn by Stuart Katz and was seconded by Terri Kirby-Hathaway. All were in favor to adjourn the meeting. .

**Appendix A**  
**Public Comments**  
**December 3, 2014**

Susan Langley called the meeting to close for public comment. She asked if there were any comments from either anyone on the phone or in the room.

**MIKE BORING:** Hello, my name is Mike Boring, and I have been listening over the phone and my primary concern; been avidly diving for over 40 years along the East Coast and various parts of the world on shipwrecks; is continued access to the wrecks in the event that the *Monitor* expansion takes place; what will we have access to? And after listening to the meeting, I realize that there are scoping meetings ahead that are probably going to dictate that. And just the other thing I did want to mention is that typically there has always been this adversarial role between the sport diving community and NOAA and even museums and various other organizations. And I think if there was some way to bridge that divide, there's a lot of interest in the sport diving community and recreation community to contribute to what is going on rather than to continue in an adversarial role.

**SUSAN LANGLEY:** Thank you Mike. We are actually glad to hear that. As we said, there are diving seats on the council and there will be scoping meetings. Our minutes [from June 5, 2014 meeting] will be on the web site and included in the Appendixes are some of the proposed models, and again, they are just models; they may not happen at all depending upon this public scoping; they may take on a completely different form. But just a couple of things the working group that made the proposals put on it altogether; and these are just suggestions put to the council: no permits required to dive anywhere; no check-in required; free access to any and all areas for recreation, navigation, fishing, diving; fishing not limited in any way; they did say no artifact collection or intentional damage; that's like the only negative one, but it's really not a negative from our perspective; but again, that brings up Jim's point about permitted collection perhaps; a 10-year sunset clause, so that if people feel like it isn't working, then it goes away. For feasibility purposes, there was a suggestion to avoid state waters and let state laws and regulations govern those; to install buoys or other mooring systems; it is a shipping area potentially, so maybe put submerged buoys; anchoring permitted if buoy facilities are all occupied, which is what they do at Thunder Bay. So those are the kind of proposals that went forward, so I hope that goes some way to help address some of your concerns.

**MIKE BORING:** It does yes.

**DAVE ALBERG:** And sir, feel free to call at any time. The one message that we have heard loud and clear since the word expansion ever came up back in 2008 is the importance of access, access, access. And if you look at some of the things where we have really put our attention over the past few years, even in terms of our research offshore on the U-boats and WWII story, much of it has been; we made every effort we can; there's always room for improvement, but we have made effort to reach out to; Joe Hoyt, who has dialed in a couple of times, my archaeologist, has been instrumental in our partnership with Battle of the Atlantic Research and Exploration Group; and in working with some of the dive shop operators, like Debby down in Beaufort at Discovery Diving to hold NAS courses where we can get folks out and can teach them basic archaeology

skills so it gives divers something new to do and ways to partnership with us; and we'll continue to do that. And even some of the products we have produced, like our dive slates have been very carefully designed to hopefully send a message about improving access to some of these sites. Obviously, there are things on some of the wrecks, and *Monitor* is no exception, we don't want things walking away from them, but we've tried, even at *Monitor*, to try every way we can to make it accessible as we can to the public, and we will continue to do that. Appreciate your comments and hope you will continue to be a part of the conversation.

**MIKE BORING:** I certainly will.

**SUSAN LANGLEY:** And come to the public scoping meetings.

**MIKE BORING:** I will definitely be there. Actually, if I could just make one other comment. This is not entirely related to the expansion of the *Monitor* sanctuary, but I lived in the UK for a while, and they had a lot of artifacts recovered over the years by divers just like along the East Coast here; collectively there are four diving communities that have collected many artifacts and are essentially considered taboo between various museums because they weren't collected by official archaeologists. And I would like to purpose the idea of some sort of amnesty effort in place to perhaps bring some legitimacy to those shipwreck artifacts that have been recovered by sport divers and include them in museums, because a lot of divers who have recovered a lot of artifacts, including myself, would be more than willing to participate in something like that.

**DAVID ALBERG:** To address that I will give you a couple of examples of things that we are currently working on that will come to that. One, the *Robert J. Walker*, this ship that was identified, although it had been known by divers for a long time off the coast of New Jersey, we are actually working with some of the divers who have had a long history with that wreck to bring some of those artifacts back and put them into the wreck diving museum up there; even to the point of trying to find some funding for exhibits. And when we worked with the Germans; we've been working with the German Embassy since we began our project; but most recently trying to find a way to sort of broker a deal between the German government, who owns the artifact recovered from the U-boats, and the state of North Carolina, who houses many of these; to try to address the collection; not to address those that are still on the shipwreck; but how do we address the ones, the artifacts that have been collected over the years that are in attics and garages where people would like to give them up, but don't want to get into trouble. And also try to reduce the burden on the German embassy, so every single time somebody has a valve, a widget, or this or that, they're not coming back to the embassy. So we are working now to develop a memorandum of agreement with Germany and the state which would allow those artifacts to come forward, be put into museums, no one is going to get in trouble, the artifacts; everybody agrees with you that we want to see these things saved, and not thrown into the trash heap. We are certainly very aware of your description about the relationships with museums and there are laws and code of ethics that people within the museum community have to abide by, but I think there is room for a middle ground. Jim Bunch has been working on this with us, and we will continue to work toward a solution to assure that some of these artifacts are brought out. Our concern is that we don't want to do something that would encourage additional recoveries if that makes sense.

**MIKE BORING:** Understood. This would apply to things that have been recovered already.

**SUSAN LANGLEY:** We have had states where some of the states have had amnesty periods, others have had grandfather clauses for things that were recovered before there was legislation; in Maryland before we had legislation to cover some of these wrecks; obviously there are exclusions where they don't belong to us like foreign nationals or military in which case they fall under the appropriate military entity. In this case, it's the Sunken Military Craft Act, but other ones, if they are wrecks under state title, we have had grandfather clauses. But as Dave says, we are worried that all of sudden anything that comes in was found before that date, whether it really was or not; and we don't want to encourage that. There are areas that we try to do that. I work in Maryland in that situation, and we certainly are willing to look at grandfather clauses or amnesty for exactly the reasons you state.

**MIKE BORING:** OK

**DAVE KROP:** Can I add something else. This is Dave Krop, The Mariners' Museum. I think the amnesty provision is certainly worth exploring for artifacts that have been previously recovered, but there is a wrinkle that Dave Alberg just slightly touched on. Many museums in America are accredited by a nationwide museum organization, and it doesn't matter if there is an amnesty by the feds or state or whatever. Those museums will not accept artifacts even under amnesty because it would put them potentially at risk of losing their accreditation nationwide; it's a fact that just has to be considered in whatever type of amnesty is setup. Hopefully, there would be some places that would consider taking them on exhibit; and certainly there are museums that would be anti that but it would have to be part of that discussion that has to take place. Amnesty does not guarantee that it would show up in a museum.

**DAVID ALBERG:** Again, give us a call, and I can point you in some directions; the AAM, The American Association of Museums' code of ethics, which should be online; the Council of American Maritime Museum code of ethics; to be honest, even the collection policies of almost every museum; if you pulled the North Carolina state's collection policy, legally it doesn't allow you to take in things by their own rule. There's ways to do it, and the thing, I think we are all in agreement in, is that we need to find a way that is proactive moving forward to assure that the history is not lost and in some cases, recognize as I talked about in this dive exhibit, recognize those people who have played a role in the history of diving but find that middle ground that separates it a little bit so that somebody just coming into diving and just coming into shipwreck diving, understands that again, we don't want something coming in that is dripping wet, but was supposedly recovered in 1975. We want to try to break the cycle of further collecting, but try to resolve the issue that you've pointed out.

**SUSAN LANGLEY:** There may be ways that a state agency like myself is obliged to accept these things and then could give them to a museum from the state or something like that; but we would have to talk to the lawyers and look at that; but there may be a way of doing something like that or coming to an arrangement with CAM or AAM and say 'here's the situation, can you write a rider or come up with a way to exclude this?' I don't know if anyone has even spoken to them about it.

**JOHN W. MORRIS III (BILLY RAY):** Let me ask a question of the gentleman; I am the underwater archaeologist for the state of North Carolina; are you primarily interested in an amnesty for stuff that's been collected so it won't be a legal issue? Or are you interested in being able to place them in museums? Because as my colleagues have pointed out, museums have their own code of ethics, and some of them at the state level are going to have it across the board for any museum operating under the auspices of the state, such as it is in North Carolina. Private museums may have a little more latitude, but again, I think it was Dave that said you can look at the code of ethics online for the two organizations mentioned. What of the amnesty act appeals to you? Not being in trouble for stuff that has been picked up?

**MIKE BORING:** No, not exactly. Maybe a combination of both. I think many of the artifacts that have been recovered probably wouldn't necessarily find themselves on display in a museum, but there are a significant number of artifacts that have been recovered that I think would be to the benefit of the public if they were available for display.

**JOHN W. MORRIS III (BILLY RAY):** Well, I agree with you on that sir, because I get to look at some of them most every day down here, but that's something that would continue to be a topic of discussion, especially here in North Carolina.

**MIKE BORING:** For example, the WWII wrecks, I mean back in the 80s and early 90s, artifacts were recovered from those wrecks, and they are not there any longer, and for the most part they are not available for public display.

**JOHN W. MORRIS III (BILLY RAY):** I am incredibly aware of that.

**DAVID ALBERG:** Speaking, I know the Director of the Maritime Heritage Program for NOAA, has been right in the middle of this discussion with dozens of divers out of New Jersey who have some significant collections from the *Walker*. And in the case of one individual, he's just convinced that there's going to be handcuffs brought out the minute these things are brought out, and that's just not our intent. The intent here is to just kind of as you said, to make sure that these artifacts are preserved and made available to the public and researchers. And it was very interesting to me when we did meet with the German Embassy, the Navy attaché is a former submariner, he's a captain, and he is also a diver, and spent much of his life brass collecting in his younger years, so he was pretty savvy. He understood it and said, "I know there's stuff, and I probably have some in my attic, and none of us want to see it get thrown away." And he understands that there are some people in the archaeological and academic community that would rather see it burned than brought into a museum, but I think what our position is, is that we want to find that middle ground that protects the history, but we don't have, we have no interest in going after somebody for something that they collected in the past. But we do have an interest in changing behaviors moving forward, if that makes sense.

**SUSAN LANGLEY:** I am the state underwater archaeologist for the state of Maryland and most of us are dive instructors, so PADI, when John Cronin—who had a reputation as a long-time wreck raker—passed away, was finally able to include site protection; now they educate the new divers. And I concur, we don't want to punish divers for collecting things before there were laws; when there were no laws governing things; nobody was violating anything collecting it; and

rather punish someone for that, I would rather seek a mechanism, as you said, to put it back where it can be at least studied or appreciated; or conserved even.

**MIKE BORING:** Right, because I believe there would be a lot of divers who would participate in that.

**SUSAN LANGLEY:** Yes, I have friends too, who very guiltily pulled brass off.

**JIM BUNCH:** This is Jim Bunch. Let me say this, probably if you know divers who have collected items in the past that they feel might be important to a museum; and as you well know, a lot of the artifacts that the museums have are really for study, they are not for display 100% of the time; so absolutely some of the items that divers collected over the years could certainly be placed in a study group behind the scenes of public display, and also be displayed from time-to-time if possible. But I would say that probably the best thing to do would be for an individual to contact the director of a particular museum, tell him your situation and let him tell you what he might be able to do within his own purview. Is that good advice?

**DAVID ALBERG:** Yeah, I think so Jim.

**JIM BUNCH:** OK, that seems like a way to at least explore an opportunity if it exists and there are a lot of those opportunities out there, no question about it.

**DAVID ALBERG:** OK. Any other questions sir or is there anyone else who would like to make a comment?

**FRANCIS DUCOIN:** Yes, I would like to make a comment. My name is Francis DuCoin. I would like to thank you for allowing me to make a comment. I know a few of the members of the advisory council, but not many, so let me introduce myself. I live in Florida, I've been involved in research of the *Monitor* for over 40 years, and I've had a relationship with the *Monitor* National Marine Sanctuary office since 1992. I've written a few articles about the *Monitor* for the Naval History Magazine, Civil War Times, and a book chapter. I've done original research in many archives around the country, as well as within the turret itself, so I am well aware of the history of the ship and current conservation efforts and the sanctuary office. First, I would like to mention that the council web page needs to be updated, I'm not sure the current list of members are accurate and there is no contact information.

**SHANNON RICLES:** It is Francis. It is updated, except for Anna Holloway. I haven't taken her off yet.

**FRANCIS DUCOIN:** I thought I heard you say earlier that the Virginia...

**SHANNON RICLES:** Joanna Wilson is the alternate, but she just has not attended in years.

**FRANCIS DUCOIN:** Oh, OK. But there's no contact information, which may be as planned, but I have sent a couple of emails to members and never got a reply, but that's just a comment. I wasn't able to hear the entire presentation today. I did hear part of it at the last meeting, and I

have great respect for the members of the council, but I just like to comment on the priorities that seem to have been evolving over the last few years. The direction of the sanctuary and the council has been expanding the sanctuary and the focus has been on the Battle of the Atlantic. And that wouldn't be a problem, but it seems to have come at the expense of protecting the *Monitor* wreck site itself and conserving the articles. According to the "News" section of the web site, the Battle of the Atlantic is cited nine times, the USS *Monitor* isn't cited once. It's mentioned twice about teaching the *Monitor*, but the *Monitor* wreck or the artifacts aren't mentioned at all. I'm not sure, but the sanctuary has sponsored a lot of expeditions over the past years, but I don't think there has been an expedition to the *Monitor* wreck site since 2009, which is over five years. They usually go out in the summer time. But of course, we are all well aware of the limits of funding, and the ability to find funds to conserve the artifacts. As I said, an expanded sanctuary and looking at the Battle of the Atlantic would be OK, if the sanctuary was fulfilling its mandate that was given to it by Congress. Congress wrote the sanctuaries act, to quote, "to protect the wreck site and to conserve and display the artifacts." It doesn't seem to me that conservation of artifacts is an option, which is the manner it appears that it is being handled. That's one of the sanctuary's two primary mandates. If there's not enough money to protect the artifacts, to conserve the artifacts, then according to the marine sanctuary act, it doesn't seem that the sanctuary has any business even existing. I do applaud the commitment of \$250K for conservation, and I hope it's a continual commitment. And I don't think that the museum should be able to get whatever funding they request, but I do think, I heard the \$500K amount being bandied about for years as the acceptable minimal amount that is needed. The proposed foundation is a good idea, but as long as NOAA is going to retain ownership of the artifacts, I think there's going to be a problem having a foundation and having people to donate money and time for artifacts that they won't have any control over. Listening today, I just think the council should really look back into the Congressional mandate and see what Congress asked the council and sanctuary to do; instead of taking a lot of time to talk about so many various activities that are not really a part of that. And my last comment is regarding moving the documents to College Park. I guess that will happen, but my own personal opinion is that it is a non-reversible mistake. While researching the actual artifact, having those records close by is invaluable. A couple of discoveries I made myself could not have been done without having those documents close by. But in the larger sense and for all practical purposes, the documents will be lost. They won't be lost, but they will be in the archive, I mean archives. I've spent many hours in College Park researching there and researching there is like trying to get customer service in a big box store. They have the documents, and if it is properly referenced and properly indexed, you can usually find it, after the attendants bring you up a big box of things you have to look through. At The Mariners' Museum, the librarians know these records and they can find things that are not indexed. So by moving the documents to College Park, you are going to preserve the documents, but you are going to lose a lot of information. So again I appreciate you giving me an opportunity to speak my piece. I just think that Congress gave the *Monitor* marine sanctuary a specific mandate, and I just think it is being ignored. Thank you.

**DAVID ALBERG:** Thank you Francis.

**SUSAN LANGELY:** I think they have been out to the *Monitor* more recently than 2009.

**DAVID ALBERG:** Yes. And I am happy to address point-by-point, but a few things I would just like to say. One, in terms of the expedition and where we are putting; we've tried to make the point as clear as we can; for us to go out to the *Monitor* and do a formal NOAA expedition, is hundreds of thousands of dollars because of the NOAA dive program, the requirements, the guidelines we have to follow within our own program to do that; we did a major expedition in 2006; did one in 2009, and we were out there as recently as 2011. What we have tried to do, trying to be clear how we use tax payer dollars is for me to go out there and do a videography survey of the *Monitor* for a couple of hundred thousand dollars and the ship time; it is much cheaper for us and more effective and ultimately in terms of our relationship with the dive community, to try to work with the dive community and say, 'we'll give you the permit but can we get copies of the video?' Copies of the images, so rather than doing monitoring on the tax payer's nickel, we're doing that in a way that is beneficial to everybody. The Battle of the Atlantic expeditions, as we have been clear, has been funded by money coming from BOEM. This is not money that is at the expense of the conservation or at the expense of trips to the *Monitor*, but this is money coming in from the Bureau of Ocean Energy and Management as they begin to look at oil and lease blocks, natural gas lease blocks and are required by law to do submerged cultural resource assessments of those lands; they're providing the support; it fits in with our goals of education and outreach trying to promote the heritage and history of North Carolina including the *Monitor*. But it is not being done at the expense of the *Monitor*. I think some documents that might be helpful for you to read might be the programmatic agreement which is expired now between Mariners' and the curatorial service agreement because they provide some history into as we entered into this partnership with Mariners'; how the funding was to be allocated and dished out. And unfortunately, when those agreements were made, quite frankly, it was kind of a gentlemen's agreement, and we came up with a number which was about \$300K a year. And this was at a time when nobody had a clear understanding of what the cost to this project was going to be; but both parties recognized that the tax payer was not going to carry the full burden of this; neither did NOAA expect The Mariners' Museum to carry the burden of it; we would work collaboratively to seek private outside funds. In those years that we had the earmark, we didn't need to worry about it. We probably should have been worrying about it earlier than we did, but we waited until that money was burnt up and now the money is gone. NOAA's commitment has never wavered in terms of providing funding, but there just isn't \$750K a year in the budget to go towards conservation. And so we are continuing to find creative ways to address that gap that is in there. And some of the questions are answered, as I said, in terms of the programmatic agreement and curatorial services agreement that might be in there.

**SUSAN LANGLEY:** Expansion can also be another way of bringing money into a region. That's one of the ways, in fact, that's why NOAA is revitalizing their whole sanctuary system to start bringing in other means of bringing in funding from various aspects of both the sanctuary and getting the businesses of the community involved and making it more community driven so it benefits everyone. But it somehow needs to be...

**FRANCIS DUCOIN:** A couple of quick comments, because I don't want to turn this into a [inaudible] issue. You have a lot of other people to talk to and things to do. But two quick observations; one, we're not talking about agreements. We're talking about a federal law that the sanctuary was established by and it's very clear about what it specifies that NOAA is supposed

to do. And another thing, just out of curiosity, when is the next official expedition to the *Monitor* wreck site planned?

**DAVID ALBERG:** Right now, as I am sure you know, we're under a continuing resolution. We don't have a budget for FY15, so until we have a budget, it's difficult to plan what activities will be undertaken this year, but the intent and what we are doing unofficially is planning a trip back to the *Monitor* this summer.

**FRANCIS DUCOIN:** Good, that's good.

**DAVID ALBERG:** Because it's been a while, but also because this is the 40<sup>th</sup> anniversary of the designation.

**FRANCIS DUCOIN:** Good. And like I said, I appreciate you letting me give a public comment, but not to repeat myself, I just think that the sanctuary operates under specific federal guidelines by Congress; and I just feel that some of the direction is more arbitrary than probably it should generally be. But thank you and I appreciate it.

**DAVID ALBERG:** Thank you.

**SUSAN LANGLEY:** We're running toward the end, so if we can, let's move on.

**MIKE BARNETT:** Yes, my name is Mike Barnett, and I have a question for the council. I'm a recreational diver down here in Florida, and I dive fairly often up there off North Carolina and Hatteras, and I am familiar with the *Monitor* sanctuary, etc. But my question is, looking at the current charter for the advisory council there for the *Monitor* council; under council roles, number six, says that 'the council shall develop an annual work plan, in consultation with and approved by the sanctuary superintendent, to establish an agenda for specific issues and projects the council intends to address.' So I guess my question is have you published or basically prepared a work plan for past years that are available for review and do you have a draft plan for either this calendar year or fiscal year?

**DAVID ALBERG:** I guess the answer to that is no. We have not drafted a plan for now. But in the past, the work plan has been, at least since 2005 the creation of the sanctuary's [council], it has been about the development of the work plan for all the working groups that have contributed to the draft and then final management plan, which was approved last Feb [2013]. Now we are working towards the eight action items that are in the final management plan; one of which is expansion, but there is a total of seven of them; one of them is finished which was the burial of the two *Monitor* sailors up at Arlington, but in answer to your question, short answer, do we have that published in terms of a formalized work plan, no we do not. Not beyond the management plan.

**MIKE BARNETT:** I think we're getting confused; this is for the advisory council; not to make the management plan for the sanctuary. The advisory council was established in what, 2005? [Yes.] So I am just asking and this also gets to some of the other comments, as you lead into potential expansion; I know the advisory council is separate from the sanctuary proper, but to

help with transparency and to help with constituent outreach, I think it would be important to develop an annual work plan so the council can also point out what are the important goals for the coming year instead of doing it ad hoc and everything. It would help as you roll into future plans and efforts. That's my comment. I think it would help that you draft one, and as you know, 'shall' and 'may' have different implications. Obviously, there is no legal requirement here, but 'shall' implies that its required role of the council to develop. So I would just encourage you guys to develop an annual work plan for the advisory council to point out what your plans are for the coming year.

**JIM BUNCH:** Now, you know that the advisory council is an advisory council and their function is to go out within their communities among their constituents and gather comments from these people and then present these comments at meetings like this or at other meetings. So to actually have a plan as to exactly what you are going to do, I hate to say you have to wait for developments, but really you do. Things come along, and we go out and try to do the best we can to get the answers for the people who are constituents that are within the realm of our expertise, I guess.

**MIKE BARNETT:** I completely understand that Jim and I appreciate that, but my point is if that's the reality, and I understand that in large part that it is, then maybe the advisory council and the sanctuary should consider revising the charter to eliminate that so it doesn't seem that that's an outstanding 'deliverable,' in a manner of speaking; that's not really the appropriate term, but if you understand what I'm saying; maybe it might be something that is discussed a little bit.

**DAVID ALBERG:** Mike and Jim this is Dave. Mike, I actually think your comment is a good one and it doesn't need to be a 15 page work plan; in fact it may be more along the lines of a vision or mission statement that is revised annually to Jim's point because things kind of shift on the fly; but we probably and should in accordance with the charter come up with something that outlines the goals and objectives each year and what the council anticipates focusing on with the acknowledgment that things are going to come up. And I agree that that may help with the issues of transparency.

**MIKE BARNETT:** Good case in point, we want to just tell you, if you guys are planning on doing an expedition next year, that could be incorporated into the annual work plan and that would help the council get the word out to the public that there is going to be project and how we can learn more about it through the web site and things of that nature. I just think in the dive community, I know there's a lot of mistrust, a lot of misinformation going around; not being propagated by the sanctuary but by other groups, and animosity is building and I think a way to help alleviate or at least educate people is to get more information out; more information will be helpful.

**DAVID ALBERG:** Excellent. And I appreciate that and I agree. And Jim certainly as you said, things are changing all the time and we kind of roll with it. I think that maybe, Shannon, you and I can sit down and address that point.

**JIM BUNCH:** Certainly a good point and certainly a worthwhile thing to do.

**MIKE BARNETT:** Thanks guys.

**DAVID ALBERG:** And before we go to anyone else on the phone, can we go to someone here in the room? We have Captain JT who is here with us.

**JT:** I just have a couple of questions. On the U-576, you're putting out all the legal status and all that. What is that different to the same to the rules that apply to the 701?

**DAVID ALBERG:** They're the same. They're the same status. But we put them out specifically for the 576 because we have already put out the status on the 701.

**JT:** Obviously, it is un-divable, but there are other issues there with the fishermen. They'll want to know where the wreck is.

**DAVID ALBERG:** Truthfully, they have probably known about it a lot longer than we have.

**JT:** Yeah, they've known where it is at. They have already been fishing it, so they don't know what it is. They could go fishing there tomorrow and they still don't know what it is because ya'll have not released which numbers it is.

**DAVID ALBERG:** Well, no one has asked for it. In fact the Germans didn't even ask us the position of the submarine, but I am happy to share it.

**JT:** Well, I think the depth of it kind of ruled out a lot of things. But the other question I had is that you said you discovered it in partner with BOEM

**DAVID ALBERG:** Yes, they funded it in years past.

**JT:** If they funded it, who funds them?

**DAVID ALBERG:** Department of Interior.

**JT:** And who are they funded by? Tax dollars?

**DAVID ALBERG:** All of us.

**SUSAN LANGLEY:** They used to be part of Minerals Management Service and then they were split into two different agencies.

**JT:** So really when we are talking about all of these expeditions, we're really still using tax dollars to go there.

**DAVID ALBERG:** I'm not an expert on it, but BOEM is one of only two agencies of the federal government that actually generate revenue. Most of BOEM's money does not come from tax payers. It comes from Exxon, Mobile, BP, they are actually a revenue generating agency, so the

vast majority of their funds come from; I can't speak to specific numbers; comes from lease blocks in the Gulf of Mexico and Alaska; they generate money for the federal government. So the money that's coming from this; I don't know where you draw the line; but a significant portion of their revenue is actually generated by business industries, oil and natural gas, not taxpayers.

**SUSAN LANGLEY:** We're past our time, but we don't want to cut anyone off. Is there anyone else on the phone that would like to comment?

**DAVID ALBERG:** Anyone else on the phone with a comment or question? If I could, to go back where I think you're coming from JT; I am taxpayer right next to you. Whatever portion does come out of taxpayer revenues, I think we, as an office, what we have tried to do consistently is; we believe that knowledge is good and in the history of not just coastal North Carolina; is an important part of the national story and we have tried at every opportunity to not keep that insular, but whether it be dive slates, movies, partnerships with National Geographic, partnerships with the dive community, to make sure we are getting that out. And I have said this over and over again with the stated goal of helping heritage tourism, local economies, local individuals and businesses have access to this. And to not put too fine a point on it, but at the end of the day, we do all this stuff for the American public, and we hope that you benefit from it as a business owner; and that the people living on coastal North Carolina benefit from it as the owners of the history; and the people of the interior of the country are enriched by the fact that this information; discoveries like the U-567; that story ran in thousands of newspapers around the world, around the country, and I can say this, there are 44 families that have been wondering where their relatives were following 1942 and now they know that. We brought closure to those families. When we buried the *Monitor* sailors, it was not just checking the box, but if you had been at Arlington, for those that were there, that had, it's not too dramatic to say, a deep impact on the family members who were descendants of them; to see that closer even 150 years later; and we try to do the things that we do to benefit everybody, not just because we want to burn up dollars, but with the stated goal of trying to help the local economy along the Outer Banks, promote heritage tourism, get more people in the water, and not work to make these sites less accessible, but to make them more accessible. 700 feet is going to be a tough one, but the story is good to get out, and I think that is where we put our resources.

## **END OF PUBLIC COMMENTS**

There were no more comments, and the public commenting period was closed.