

**Monitor National Marine Sanctuary (MNMS)
Sanctuary Advisory Council Meeting
UNC Coastal Studies Institute Campus, Manteo, NC
June 5, 2014**

In Attendance or on the phone: David Alberg (MNMS Sanctuary Superintendent), LCDR Patricia Bennett (U.S. Coast Guard), Deborah Boyce (Recreational Diving), James Bunch (Recreational Diving), Braxton Davis (N.C. Dept. of Environment and Natural Resources), Pasqual De Rosa (SRVx Captain), David Dodsworth (MNMS IT), Kevin Duffus (Expansion Working Group Member), Lauren Heesemann (MNMS Research Coordinator), Anna Holloway (The Mariner’s Museum), Joe Hoyt (MNMS Maritime Archaeologist), Stuart Katz (Economic Development), Terri Kirby-Hathaway (Education), David Krop (Alternate – The Mariner’s Museum), Susan Langley (SAC Chair, Archaeological Research), John. W. Morris III (NC Dept. of Cultural Resources), Joe Poe (Citizen-at-Large), Shannon Ricles (MNMS Council Coordinator), LCDR Kevin Saunders (U.S. Coast Guard), Paul Ticco (ONMS NE Regional Coordinator), James Tobin (Heritage Tourism), Clark Twiddy (Expansion Working Group Member), Tyler Zminkowski (Youth)

On the Phone: Alexia Catsambis (Alternate – U.S. Navy), Robert Neyland (U.S. Navy)

Absent: Steve Claggett (Alternate – NC Dept. of Cultural Resources), David Conlin (NPS), Joanna Wilson (Alternate – VA Dept. of Cultural Resources), Wayne Smith (Conservation)

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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 December 10, 2013 minutes. Discussion ensued and a revision was read and accepted. Stuart Katz made a motion to approve the minutes with the revision. Terri Kirby-Hathaway seconded the motion, and all were in favor. The revised minutes were approved.

NATIONAL SAC MEETING UPDATE

Susan Langley gave an overview of the National SAC meeting that was held in Galveston, Texas, from June 2-4. She said that the meeting focused on the 2013 Executive Order to increase tourism travel and recreation. She said that all the chairs from the other sites expressed eagerness to comply and saw great benefit for their communities. Susan said that there were several sites that are exploring expansion, with some imminent. She said that the work of the expansion working group was timely.

EXPANSION WORKING GROUP

Susan explained that in preparation to develop a new MNMS management plan, working groups were formed in 2009. One group was tasked to explore the possibility of expansion. Then during the December 10, 2013 meeting, the SAC decided to reorganize the expansion working group so as to make sure that it was inclusive of affected stakeholders. Nine members were selected by the SAC, and they included, Debby Boyce (Diving and Business Owner), Jim Bunch (Diving), Kevin Duffus (Historian and NC Author), Dewey Hemilright (Mid-Atlantic Fishing Council), Mike Kelly (Tourism), Susan Langley (Archaeological Research), William Thiesen (US Coast Guard Historian), Clark Twiddy (Business Owner) and Joe Hoyt (MNMS Maritime Archaeologist) acted as the MNMS point of contact.

Dave Alberg explained that all national marine sanctuaries have advisory councils. However, the other councils consist mostly of local constituents, whereas the *Monitor* is different. MNMS has representation from multiple state and federal agencies as well as local members. The council was structured as such in order to guide the sanctuary through growth in the initial years and through the 2013 management plan. The final management plan outlines how the site will move forward over the next five years. He explained that there are eight action items (resource protection, education and outreach, archaeological research, resource monitoring, *Monitor* sailors, conservation, expansion, and operations/administration). Seven are ongoing, with the burial of the sailors completed.

Dave also explained that the expansion action item did not call for expansion. It only recommended exploring the possibilities. He said that this day was the first step in a lengthy

process to get community involvement and input. He reiterated that any expansion option would not restrict access to shipwrecks, but rather elevate them to national significance. Greater awareness would lead to more support to local businesses. In December 2013, the full SAC decided to form a new expansion working group to look at options. The working group consisted of people from the SAC and the community at large. This group looked at various criteria and came up with a set of possible expansion options that they are presenting today to the SAC.

POSSIBLE EXPANSION OPTIONS

Jim Bunch welcomed everyone and explained that the working group came up with four models of possible expansion. He said that the working group determined that in all the models fishing and diving would not be limited, artifact removal would not be allowed, and there would be no salvaging or tearing shipwrecks apart, as that is no longer acceptable among divers. Jim said that there would be no problem with anchoring on a wreck, and that there would be open access for diving and fishing. He also said that there would be no permits, no sign-ups, and that all sites would be open to dive charter boats. He explained that they also requested a sunset clause be included in the final agreement. Jim said that each group member spoke their ideas and from their meetings, they came up with four possible models. (See Appendix A)

Model A:

This model could include individual wrecks with more wrecks included at a later date. Boundaries would be restricted to select wreck sites and be discontinuous. Wrecks in state waters are not included, but could be added later if NOAA and North Carolina agreed. (See Model A Appendix)

Model B:

This model would be a concise defined area centered around the waters off Cape Hatteras. Boundaries are established to include several wrecks and adjacent waters and culturally significant features in the landscape. (See Model B Appendix)

Model C:

This model would include three different areas and would be a hybrid of Models A and B. It would include a large area centered off Cape Hatteras that includes many historically significant wrecks in federal and potentially state waters. This model includes sanctuary boundaries around individual sites, and designates a non-regulatory study area. (See Model C Appendix)

Model D:

Three designated areas, each “capturing” both a representative collection of wrecks in Federal and potentially State waters from many eras and vessel types, and the primary historically significant wrecks off of most of the Outer Banks. (See Model D Appendix)

Jim said that the working group wanted to make sure that the people involved in diving on the wrecks would not be harmed, but to take divers to some of the sites is difficult. One benefit is that all the shipwrecks within the boundaries would be documented and surveyed.

Kevin Duffus commented that as a historian on the working group, he saw every ship represented in each model as a story and part of our history. He said that people, who have lost loved ones on a ship, might think that that particular ship is the most important ship. WWII veterans would say that WWII shipwrecks are the most important, but we must remember that each one is important in telling a story.

Susan Langley reminded everyone that one option is to do nothing and another is to do everything. She said that to help make decisions, they looked at four themes and considered State waters. Ultimately, it was determined to not include State waters, because wrecks in State waters are already protected by State legislation. In addition to gathering input from stakeholders, they also consulted with many others including the SAC, MNMS Superintendent, and NOAA, and they were open to any and all ideas. The group also considered many different options and ideas, such as what to name it and the benefits of a name; mooring and data buoy placement; education and outreach opportunities; branding of the area; increasing economic development and heritage tourism; mapping of sites, creating an app for dive sites; creating kiosks and dive slates; publications; museum presence; reef creation and much more. She said that the group leaned more toward Model B because Model A cannot add new shipwrecks. Susan also said that there was a myriad of other factors that were considered and that Joe Hoyt would give an overview.

POSSIBLE EXPANSION CONSIDERATIONS

Joe Hoyt explained that technology helped to develop the models, and he demonstrated computer modeling. Joe said that the resources were broken into bundled themes. All wrecks were flagged and decisions were made on how to be representative of the themes. First and most importantly, they considered preserving people's right to free and open access with no permits or check-in process. He explained that Thunder Bay NMS's process is similar to Model B, and that they have an interpretive center in Alpena that is free and offers non-divers a chance to see shipwrecks. He also said that TBNMS has a buoy program and that puts pressure on the government to provide buoys. By providing free and open access, buoys, and having an interpretive center, each ship's story is captured and taken to as many people as possible.

Stuart Katz asked what the timeline is for possible expansion. Dave Alberg explained the process. First the SAC expansion working group formulates models and presents them to the SAC. The SAC then forwards their recommendation to NOAA. Then formal public scoping meetings are held for public comment. Comments are collected and put into a draft document. A draft Environmental Impact Statement (EIS) is released to the public for preferred option. Of course, one option is always "do nothing." Once an option is determined, then it goes back to the public for comment. The process can take 30-36 months. Dave reminded everyone that the intent of the process is not to take anything away, but rather enhance the resource. Stuart suggested that there could be a national marketing opportunity correlating with the end of WWII. Susan Langley said that there would also be opportunities for the 100 year anniversary of WWI in 2017 and 75th anniversary for Torpedo Junction (1942).

Joe noted that the handouts the SAC were given do not match the model letters of the boards distributed around the room. He then continued with his presentation and said that the working group looked at the database to identify shipwrecks that had loss of life, and/or those that were

clustered around navigational areas. He said there were thousands of points and multi-data sets which could also be combined. Susan said that working through the mounds of data, they considered things such as the quality of diving, quantity of shipwrecks, best representation of a theme, military crafts, and they also thought what areas other than shipwrecks could be included, such as the Life Saving Station, so that an interpretive center could be created. Boundaries for jurisdiction were also a consideration.

Braxton Davis said that other concerns were things such as wind energy areas and oil and gas leases for exploration. He asked to what extent these types of things were considered. Susan said that the working group did not discuss at this level, but MNMS and NOAA works with the Bureau of Ocean Energy Management (BOEM). Dave Alberg said that during the public comment process, input would be collected from other agencies and BOEM would provide feedback. State and federal agencies would work together to make sure all issues were considered. Braxton also asked what de facto protection will come outright with any possible expansion. Joe explained that there are no de facto regulations and that each sanctuary has their own regulations. Each sanctuary decides on a case-by-case basis and that there are other sanctuaries with similar issues such as oil platforms, shipping lanes, etc. Also, when BOEM surveys an area, it will be noted and part of our process. Braxton asked again if there was anything that was de facto and Joe replied that there was not. Paul Ticco stated that there are legal statutes that are laws and apply to all federal waters. Dave also pointed out that more information could be found in the management plan on page 142. Jim Bunch addressed the SAC saying that the working group wasn't charged to look at laws or regulations but was told to determine what would be best for those who use them. Susan Langley also said that they were told not to think about budget, and that Dave asked them to answer the core question: Why do it? Is there significant reason for expanding? Debby Boyce said that access was the main concern of the group and the ability to transmit the value of having a sanctuary to divers and the community.

Kevin Saunders asked if in Model A the diameters of each circle were consistent. Joe said that had not been decided yet. Kevin said that it would make enforcement easier if they were consistent.

Joe Poe asked why the southern part of the state was not covered and if there were any restrictions preventing a more southern expansion. Joe Hoyt explained that there were no restrictions and that the working group also looked at factors such as placed-based stewardship, submerged anchoring points because of NC shipping lanes and unique landscape. They looked at Wilmington and there is a high concentration of Civil War shipwrecks there. Dave Alberg reminded everyone that these models were just a starting point and that if other communities expressed interest in an area, then that will be considered. He also said that MNMS has worked with *Queen Anne's Revenge* and others to help bring the maritime heritage story to all of North Carolina. He explained that although the population is denser in Wilmington area, that eight million tours a year visit the Outer Banks and infrastructure exists for future exhibits to promote maritime heritage.

Stuart Katz made a motion that all five models (Models A, B, C, D, and do nothing) presented to the SAC are considered for possible expansion. Terri Kirby-Hathaway seconded the motion. The motion passed.

SUPERINTENDENT'S REPORT

MNMS Funding: Dave Alberg said that FY14 funding was passed in January and \$225K was transferred to The Mariners' Museum. The museum is making an effort to raise the additional funds needed through the private sector, and NOAA is helping in that effort. He also explained that the past few years have been challenging due to a decline in federal budget.

Dave Krop concurred with Dave Alberg and said that they are working with NOAA to get all artifacts conserved. He said that there is \$17 million in direct conservation costs with over 200 tons of metal to conserve. He said that the wet lab has reopened, but until additional funding is secured, large scale activities will be reduced. He said that they are looking to other local and regional partners to help in the conservation efforts. Dave Krop also said that when artifacts are conserved, many of them will go out on loan to other museums with major artifacts going to the Graveyard of the Atlantic Museum in Hatteras. However, that will not happen until the museum has data to show that there is a stable environment within the museum.

Anna Holloway added that other opportunities have been sought to help tell the *Monitor* story, such as utilizing Christopher Newport University history interns to work on the *Monitor* catalog. She also said that she and other curators are spreading the *Monitor* story from Buffalo to where ever they can. They are trying to get the word out that the *Monitor* collection is now online at the museum's website. She also said that they will be doing a Civil War lecture series because the *Monitor* has so many stories to tell.

Monitor Trail Signs: Dave explained that wayside signs are being placed between New York and Beaufort, N.C., depicting the life of the USS *Monitor*. The first sign was placed at Drewry's Bluff and others are at the Maritime Heritage Museum in Beaufort, N.C., and The Mariners' Museum in Newport News, Va. A sign for Cape Hatteras is in the process and eventually there will be a webpage depicting the trail along with videos clips and a brochure.

Upcoming Research Expedition: Joe Hoyt said that if weather cooperates, a 2-week field expedition will be conducted in August with Bureau of Ocean Energy Management (BOEM). This year will be the final push to look for the U-576 and the *Bluefields*. The expedition closes out a 5-year agreement with BOEM. Joe also shared that he and Lauren trained a group of non-profit divers to map shipwrecks. The training was held for 10 days in Beaufort, N.C., and 15 divers participated to help to map the *Caribsea*. Their work will eventually be used to create a full site plan and dive slate for the site.

Education and Outreach: Shannon Ricles gave an overview of education activities and outreach opportunities. Crittenden Middle School in Newport News, Va., helped in the creation of a maritime heritage course and piloted the program for two semesters. The outcome of the year-long project is a completed maritime heritage guide that also contains environmental activities. Two teacher workshops, one in Newport News and one at UNC CSI, will be held this

summer to introduce the new curriculum to other school districts. In April, 120 students in Winston-Salem participated in a Remotely Operated Vehicle (ROV) challenge. While at the school, Shannon also conducted a teacher workshop for teachers and administrator giving an overview of the USS *Monitor*, maritime heritage and current curriculum offerings.

North Carolina Update: Lauren Heesemann shared that three new kiosks have been installed at the Graveyard of the Atlantic Museum, Jeanette's Pier, and Bass Pro Shop in Hampton, Va. The kiosks stream real-time weather data and offer visitors a chance to explore shipwrecks and sea creatures. Lauren is also working with the North Carolina Aquarium on a new 3-D exhibit that will look at the *Monitor* and create a unique experience for visitors. She also continues to work with National Park Service, state, and staff at the Graveyard of the Atlantic Museum on the museum's new exhibit design. Lauren is hosting a summer intern who will use maritime cultural landscape data and turn it into a web-based resource bringing shipwrecks to life. Lauren is also working with REEF to conduct fish surveys and to upload the data so as to get citizens more involved. There will be an organized REEF cruise to encourage people to dive on the wrecks. Lauren also expounded upon the NAS course that she and Joe conducted with volunteer divers. She said that it is a four tiered process done in partnership with UNC CSI and that they have completed two years. Divers have helped to map the *Ashkhabad* and the *Caribsea*. These divers are able to offer support, but are not a part of the NOAA dive program. However, a second part of the program has produced four official NOAA divers who are official volunteers (covered by NOAA insurance), and their help will be instrumental with future expeditions since we are such a small staff. Dave Alberg said that CSI's support is integral to all that we do. We will receive a 26 foot Coast Guard fast patrol vessel and will bring it down for CSI to use. It is more fuel efficient and it will allow us to do more volunteer research.

Continued SAC Discussion

Shannon Ricles reminded the council that the Chair, Vice-Chair, and Secretary positions are up for renewal. She encouraged everyone to give thought to possibly filling one of the positions and it will be discussed at the next council meeting.

PUBLIC COMMENTING PERIOD

See Appendix A

NEW AND OTHER BUSINESS

Susan Langley went over the documents that were distributed at the recent National SAC meeting held at Flower Garden Banks NMS. She explained that the newly formed business advisory council's role is to help find ways to support tourism in sanctuary communities. Susan also discussed the *Call to Action from the Maritime Protected Areas Federal Advisory Committee and the National Marine Sanctuary Advisory Councils* that was presented at the National SAC meeting. She explained that the SAC will need to vote on it at the next meeting.

Susan also said that she would send out a proposal to all SAC members, and at the next meeting, entertain a motion on moving forward with possible expansion.

Dave Alberg commented that the meeting had been great and very balanced with a lot of good information exchanged. He reiterated that if anyone had specific questions, to please feel free to contact him. He also encouraged everyone to learn how to get involved in the process. He said that the dialog today was good and now the SAC needs to look at the models, consider all input given today, and Susan will put together a synopsis and motion to go forward.

Debbie Boyce asked for clarification concerning the German artifacts taken from the various U-boats and how they would be handled.

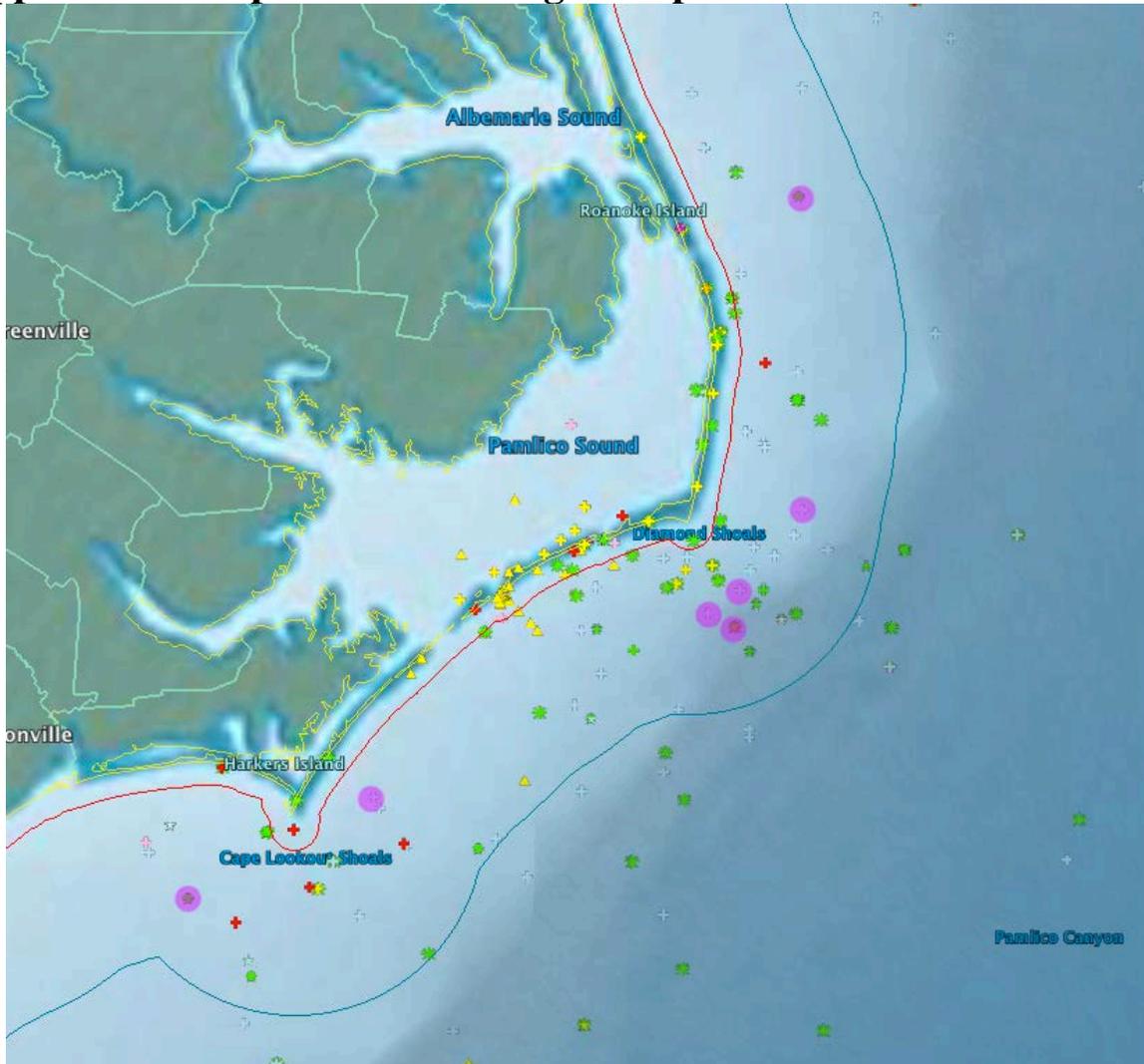
Dave Alberg said that they had met with Dr. Kevin Cherry, North Carolina's Deputy Secretary of the Department of Cultural Resources, and they are determined to find a way to secure artifacts that have been taken in the past from the wreck sites. However, the challenge is how to design an exhibit that will place the story of the artifact first and foremost. Dave also said that we have to abide by the state's code of ethics and that NOAA's position is that no one can create an amnesty program except the owner of the vessel. German government doesn't want to deal with artifacts on a case-by-case basis, so discussions were held to see if a blanket agreement could be created that would allow Germany to remain as the owner, with the state of North Carolina overseeing any artifacts. Dr. Cherry had indicated that he was agreeable to that solution. If artifacts were taken before 2004, that does not mean it's free and clear because it was still illegal. However, as said before, we are not looking to go after anyone. So far only the German government has been approached, but we also want to work with England.

MEETING ADJOURNMENT

Prior to adjournment Susan noted that LCDR Kevin Saunders is leaving the Sanctuary Advisory Council, as well as Tyler Zminkowski, as their concurrent terms are now up. She thanked them both for their service and wished them well.

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

Appendix A: Expansion Working Group DRAFT Discussion Models



Model A*

Description: Isolated shipwreck sites. Boundaries would be restricted to select wreck sites and be discontinuous.

What is included: Under this example, the sites included are: USS YP-389, U-85, U-352, U-701, HMT *Bedfordshire*, *Diamond Shoals Lightship*, and *E.M. Clark* (this is a sample list only).

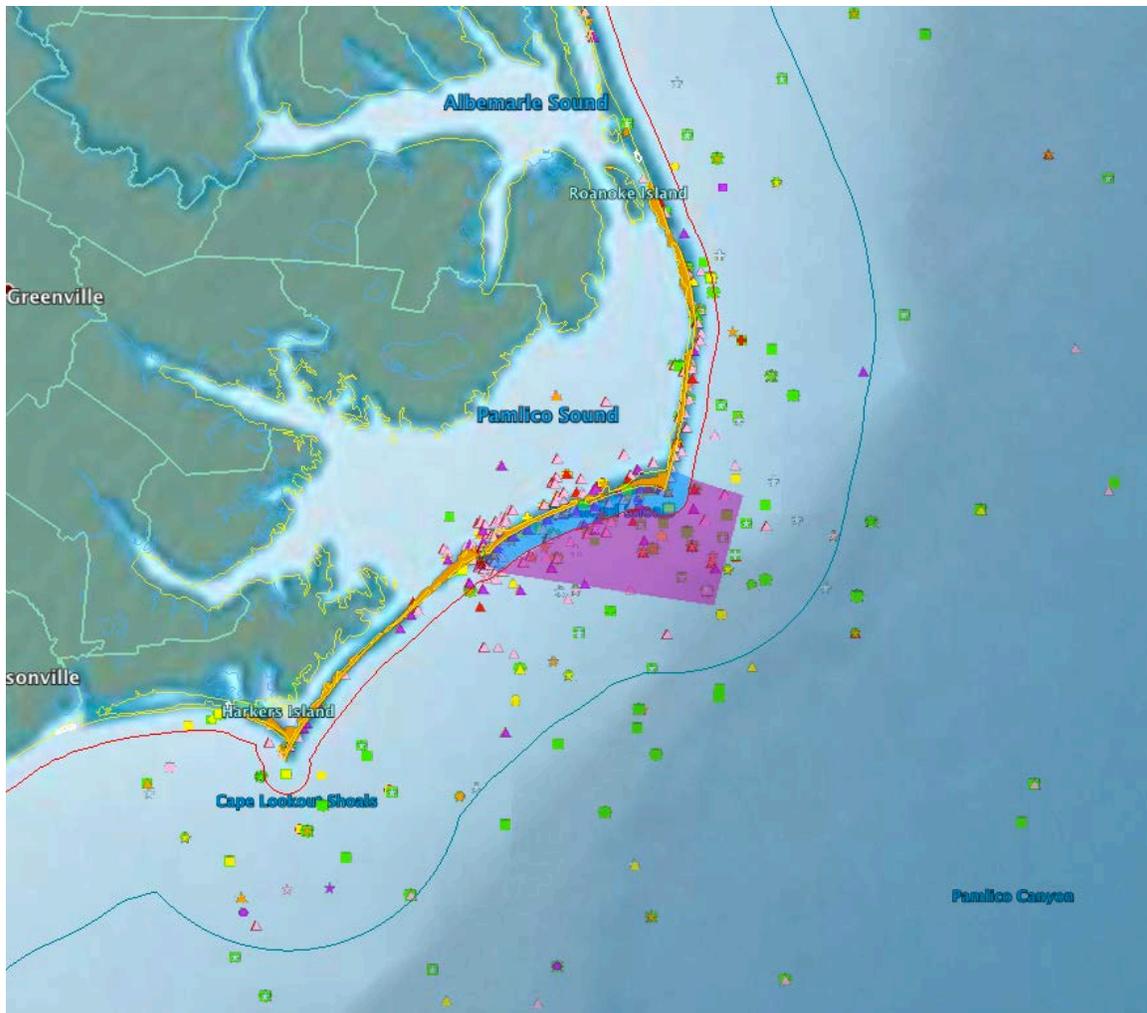
What is not included: State waters are not included which limits the range of heritage resources that are included in this model, particularly wrecks representative of the colonial period, which remain in the surf zone and shallow inshore waters. Also, many significant historic wrecks and other maritime archaeological artifacts in federal waters between sites are not protected and managed. Elements in the cultural landscape are also not included, Diamond shoals, historic light towers, and potential indigenous material in the vicinity. Of the four identified thematic areas, this mode does not adequately represent Colonial or Coastal Heritage themed sites.

Potential Regulatory Framework: It is recommended that this model include a sunset clause of at least 10 years. This model would maintain free and open access to ocean users and not require permitting or check-in for access. This model would prohibit the removal or deliberate disturbance of artifacts or material remains of shipwrecks with the boundaries.

Potential Benefits: A few small discrete areas may be easier to create, manage and enforce. Dedicated research on a few wrecks may be more efficient and economical.

Potential Problems with model: Isolated sites with no connectivity. Does not include many significant wrecks or representative periods of history. Does not “tell the whole story” of the Outer Banks, including the concept of the maritime landscape, as an area of great historical significance. Is not a “place” to interpret the wrecks and their collective history, and to educate the public. Much of what makes these wrecks significant is the relationship to the landscape. This model may also limit the ability for exploration and does not afford newly discovered wrecks to enjoy protection.

** These models are developed for discussion purposes and do not represent exact models or formal recommendations on the part of NOAA/ONMS*



Model B*

Description: A small area centered around the waters off Cape Hatteras. Boundaries are established to include several wrecks and adjacent waters and culturally significant features in the landscape.

What is included: Several wrecks that represent many historic themes, including the period of North American exploration, several conflicts and commerce. This model includes at least 65 known shipwrecks within Federal waters, adjacent state waters include approximately 150 additional known wrecks. Combined resources in federal and state waters represent all known extant thematic areas of the region, Colonial, Commerce, Conflict and Coastal Heritage.

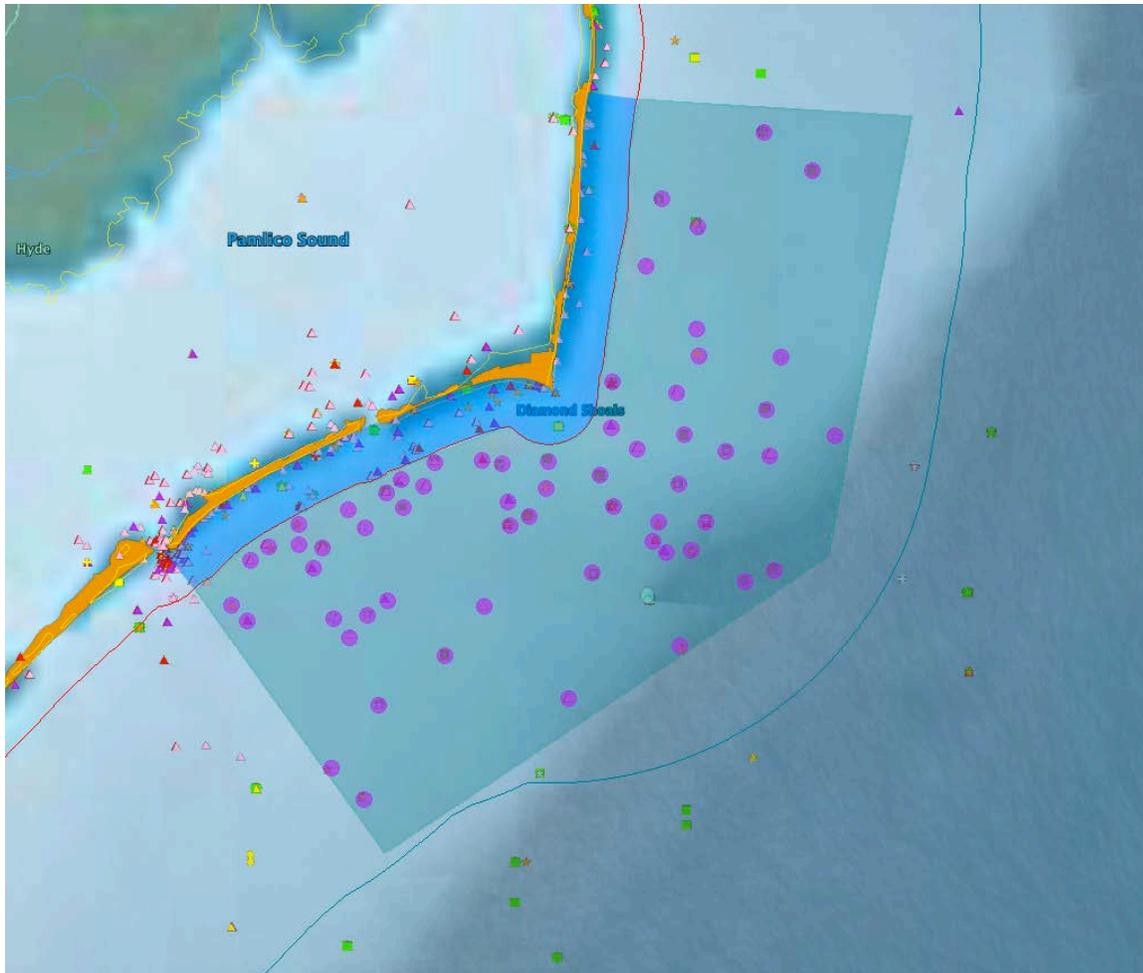
What is not included: If State waters are not included this limits the range of heritage resources that are included in this model, particularly older colonial era wrecks which remain in the surf zone and shallow inshore waters..

Potential Regulatory Framework: It is recommended that this model include a sunset clause of at least 10 years. This model would maintain free and open access to ocean users and not require permitting or check-in for access. This model would prohibit the removal or deliberate disturbance of artifacts or material remains of shipwrecks with the boundaries.

Potential Benefits: A collection of wrecks that is representative of many periods of history. Provides the ability to protect and manage any future potential discoveries within the larger designated area and to promote exploration within the boundaries to discover new cultural resources. Recognizes the area, or, region as significant and unique rather than just the individual resources.

Potential Problems with model: The area may not be large enough to “capture” the majority of historically significant wrecks, nor those individual sites far outside the designated area. Any large area will be more difficult to manage and enforce. Not including state waters may limit the number of people that have access to sanctuary resources.

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Model C (hybrid of A&B)*

Description: A large area centered off Cape Hatteras that includes many historically significant wrecks in federal and potentially state waters. This model includes sanctuary boundaries around individual sites, and designates a non-regulatory study area.

What is included: An area that encompasses the majority of the most culturally valuable wrecks in the waters off Cape Hatteras (at least 75 known wrecks in Federal waters with at least 175 additional sites in adjacent state waters), several representative wrecks from multiple periods of history and cultural significance. The area in between known sites would be designed as a ‘study area’ allowing for inclusion of sites as they are identified.

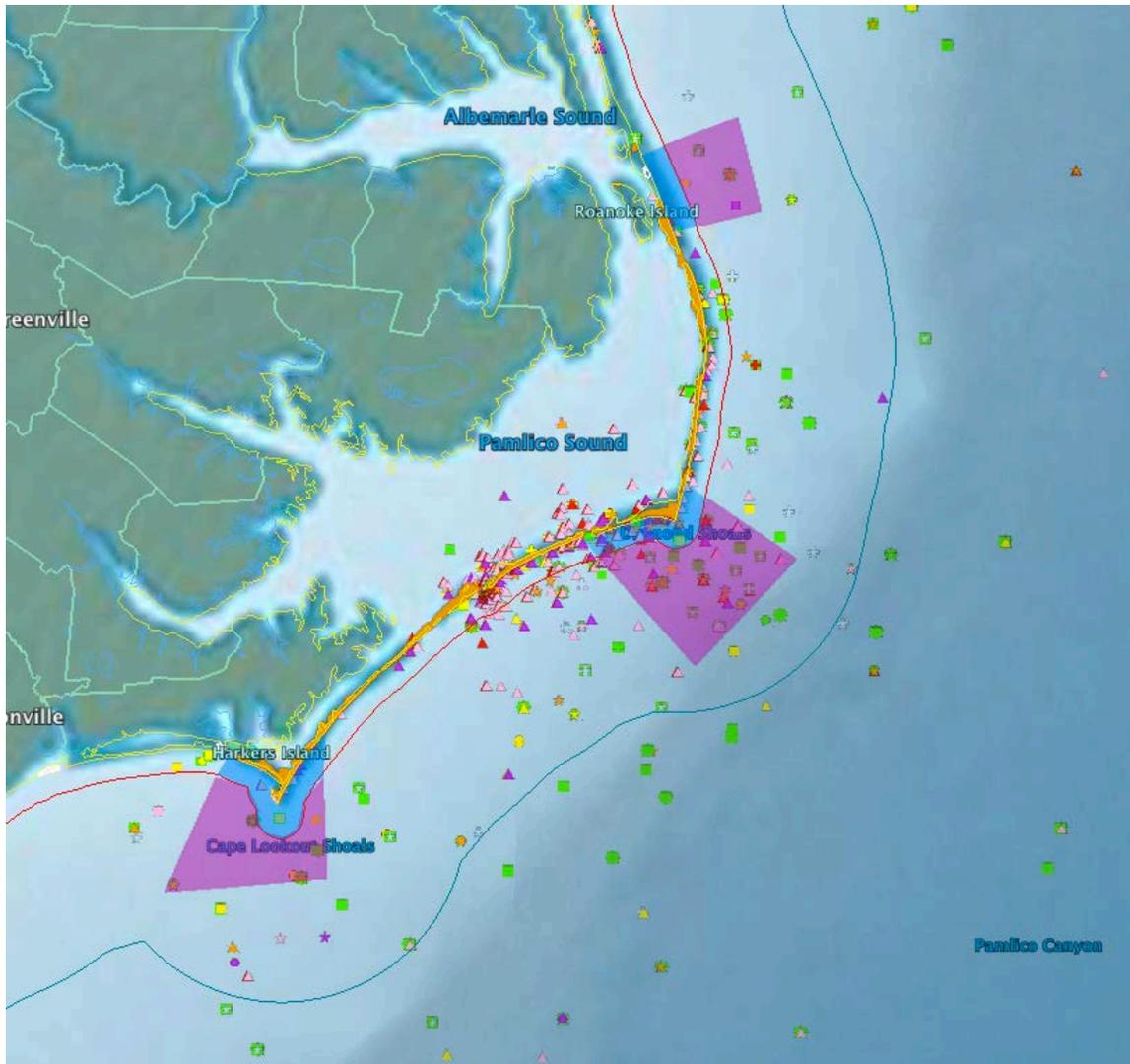
What is not included: If State waters are not included this limits the range of heritage resources that are included in this model, particularly colonial period wrecks which remain in the surf zone and shallow inshore waters..

Potential Regulatory Framework: It is recommended that this model include a sunset clause of at least 10 years. This model would maintain free and open access to ocean users and not require permitting or check-in for access. This model would prohibit the removal or deliberate disturbance of artifacts or material remains of shipwrecks with the boundaries.

Potential Benefits: Representative of many eras of history, significant individual wrecks are included, and provides sufficient area for further discovery. Tells the “story” of maritime heritage along a wide area off of Cape Hatteras and Diamond Shoals and designates an area as significant rather than only the individual sites. Sanctuary regulations would only exist at individual wreck sites, but the study area would allow newly discovered sites to be incorporated into the system.

Potential Problems with model: Some primary wrecks may still be outside of the designated area. Management and enforcement oversight will be difficult.

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Model D*

Description: Three designated areas, each “capturing” both a representative collection of wrecks in Federal and potentially State waters from many eras and vessel types, and the primary historically significant wrecks off of most of the Outer Banks.

What is included: A collection of at least 100 known wrecks representing all identified areas of cultural significance in the region in different areas in waters off the Outer Banks.

What is not included: If State waters are not included this limits the range of heritage resources that are included in this model, particularly colonial period wrecks which remain in the surf zone and shallow inshore waters. There are wrecks represented from all of the thematic cross-cuts, in Federal waters with the exception of Colonial period sites.

Potential Regulatory Framework: It is recommended that this model include a sunset clause of at least 10 years. This model would maintain free and open access to ocean users and not require permitting or check-in for access. This model would prohibit the removal or deliberate disturbance of artifacts or material remains of shipwrecks within the boundaries.

Potential Benefits: Protects many wrecks in different areas in all thematic categories, and allows protection and management of currently undiscovered wrecks. Tells several “stories” of maritime heritage along the entire Outer Banks. Allows the benefits of sanctuary designation to be enjoyed in multiple communities along the coast.

Potential Problems with model: Sites are not physically connected, so future wrecks found in waters not set aside as part of the expansion will not be included in those protection and management strategies in force within the designated areas. Regional distance between locations potentially de-centralizes some sanctuary benefits such as facilities and public visitor experiences.

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Appendix B Working Group Recommendations

Suggested names for an expanded sanctuary:

Cape Hatteras NMS
Cape Hatteras and the Monitor NMS
The *Monitor* and Cape Hatteras NMS
Graveyard of the Atlantic and the Monitor NMS
The *Monitor* and Graveyard of the Atlantic NMS

General Regulatory Recommendations for Expansion regardless of Options: (not for the original *Monitor* Sanctuary)

Avoid State waters (for feasibility purposes)
Impose a 10-year sunset clause
Free access to any/all areas for recreation, navigation, fishing
No check-in
No permits required
Fishing not limited in any way
No artifact collection or intentional damage permitted
Buoys or other mooring systems (data buoys at surface; submerged mooring capabilities)
Anchoring permitted if all mooring facilities are occupied (cf. Thunder Bay)

Potential Benefits or Programs to Consider in an Expanded Sanctuary

- 1) Install mooring system/buoy or data buoy system
- 2) Outreach and education, promotion including multimedia
- 3) Branding, increased heritage tourism
- 4) Mapping, NAS or citizen science programs
- 5) App Development
- 6) Promote Access
- 7) Dive Slates
- 8) Provide information and programs at visitor centers; kiosks with videos
- 9) Enhance extant facilities, museums, aquaria etc.
- 10) Research/science/technical reports
- 11) Consider reef creation, “art parks,” museums, monuments, training sites

Appendix C: Public Comments

David Alberg asked for public comments from those in the audience and on the phone.

JT (59:10): One of the questions I have. I understand the no artifact recovery, but running a dive vessel, once the people leave my boat, I have no control over what they do. If they find something and bring it up, and it's after I told them that nothing is allowed to be brought up, who is charged—them or the master of the vessel?

DAVE ALBERG (59:36): Excellent question. So I want to clarify just one point, the idea of 'no artifact recover,' again that is not a regulation, that's just a suggestion. In the end, that may not be. If you look at the Florida Keys, and what is allowed down there, artifact recovery is allowed on certain wrecks. So I want to make it clear that this recommendation made by the working group of 'no artifact recovery' is just a recommendation. That is not law.

JT (1:00:12): I understand. But if it does become law, then we should be able to find out how it is going to go. Because the thing about it is, is even though I have nothing to do with it, if I'm charged with it, I am going to bankrupt defending myself.

DAVE ALBDEG (1:00:25): Understood, and I am going to be honest, I don't have the answer to that. But I will get you an answer. Right now since there is no sanctuary regulation on it, I can't think of any example that I'm aware of within the sanctuary program where that has ever happened. Is the Navy on the phone?

ROBERT NEYLAND (1:00:45): Hey, Dave I am here.

DAVID ALBERG (1:00:48): Hey Bob. So under the Sunken Military Craft Act, what happens in that case if an operator is on the surface and an individual were to make a violation of the Sunken Military Craft Act? Is the operator...how does that fall out under the current proposed regulations?

ROBERT NEYLAND (1:01:08): Well, I haven't thought about that specifically, but I think that that would be considered. If the operator had not encouraged the person to take something, then I think it would fall on the person for any type of punishment of retribution would fall on the person who did the act. Does that make sense?

DAVID ALBERG (1:01:37): Yes.

ROBERT NEYLAND (1:01:39): All that is going to be taken into consideration and normally what has happened in many cases when someone has already taken something from a Navy wreck, we just have them turn it over.

DAVID ALBERG (1:01:50): And correct me if I a wrong Bob, I don't know of anyone even on the Sunken Military Craft Act, which is a law that is in place now to protect the military wrecks off the coast. Has there been a prosecution under the Sunken Military Craft Act to date?

ROBERT NEYLAND (1:02:06): No, there hasn't been. One thing, we haven't finished implementing regulations, and it's certainly not our desire to take on prosecutions unless something is really egregious. But you know under existing law, there has always been that possibility, but we have abstained from it. You know in most cases it's just taking the artifact back. Usually, it was a diver taking something that someone took up from the U-boat 853, and his dive buddies actually encouraged him to turn it over. So he actually turned it over to NCIS and then to the German Embassy, and we can service it here. There have been a number of things like that where specific divers took something and either feels guilty about it or someone encourages them to turn it in. Or we find out about it, and we contact them, and they turn it over. There are a number of examples like that, but I can't think of any issue where there has been any kind of issue with the dive boat operator, particularly if they had not intended to go out and salvage artifacts from Navy wrecks. As a matter of fact, I can't think of any instances where we have had issues specifically with a dive boat or dive boat operator.

DAVID ALBERG (1:03:28): And JT, I know we have had over the years at the *Monitor*, seems like in the last five years, about once a year, we will find something on eBay where an individual will [post something], and it is usually something funny. In the early years of recovery of the *Monitor*, some of the materials, I am talking about the late 1970s, some of the material was brought up and sent to labs for testing to better understand the make-up of the metal and things like that. Back in those years of the late 70s, there have been some incidences of where an individual broke off a piece of the metal and kind of tucked it away, and then that individual passed on. They died, their son had it, and now 40 years later, the son not really knowing what it is, but knows it from the *Monitor*, goes and puts it on eBay and sells it. Because there are enough people out there that love the *Monitor* to death, it takes almost no time before we get a phone call at our office saying, "You know a piece of the *Monitor*, which is protected under the Sanctuary's Act and a number of other laws, is for sale on eBay." And in every one of those cases, we call the individual up and say, "Hey, are you aware that this is protected by federal law?" And the individual sends it back to us. And that's the end of it. There has not been a prosecution based on a case like that. I don't think I have probably answered your question to a 100% of your satisfaction, but what I will do is go back to our legal folks and ask in cases where there is a law within the boundary, maybe *Stellwagen* is a good case, because they have laws in place there related to shipwrecks other than the *Monitor*. And ask how that's handled if an individual, not the dive operator, without the knowledge of the dive operator would make a violation, what happens in that case? I'll get back to you on that.

LAUREN HEESEMANN (1:05:35): I have question real quick. I think that since this is public commenting period, and that's not written in stone, right? It's somewhat open to interpretation and this is a work in progress. This would be good time for JT to say that he suggests that the responsibility should be individual and not on the operator.

DAVE ALBERG (1:05: 43): Yes. And my answer to you, we will also put up publically since this is a public meeting, we will put it up on the web, but what I think I hear what you are saying is that you don't want to get burned by the acts of somebody else.

JT (1:05: 58): Right now I can't control them to come back with 500 psi that I tell them they need in their tanks. What makes you think I can control somebody from seeing something that on

impulse they take? And even though you tell them to not take anything, they don't understand the consequences.

DAVE ALBERG (1:6:17): And I think, to change the subject just a little bit, I think what this speaks to me, there was a lady here earlier who was asking some questions with the press about what the restrictions are going to be and what are the penalties going to be and my answer, this is a perfect example, the focus in our office for the last eight years has not been on the stick, not on how we go out and prosecute somebody, but it's how we begin to change the discussion. So the idea here is ...and I can't do that myself and Joe can't do that by himself, we need the dive community to help change that. And the dive behaviors have changed dramatically from where they were in the 1970s and 80s. Because now people understand things differently and now photography is a much bigger thing and videography than artifact hunting was. But I think what this underscores is the need for us to work together regardless of maps and any future expansion or no future expansion. And we are doing that with things like the NAS training and the volunteer program. So that when you've got somebody on your boat, or I've got someone in a classroom and I'm teaching them about this history, the message that we are both sending out is consistent—that they should leave only bubble and take only pictures kind of ethic. So that when you have this guy getting his open water card for the first time, we are both giving him the same information. And that is, really I think what we try to put our emphasis on. Not on going after anybody or doing that, but how do we help people understand that this is important. Not just to the residents of Hatteras Island, but it's important to people who live in Nevada, who may never come here. Because their grandfather or great grandfather may lie in a shipwreck off the coast. And that this history has touched all of us, in one capacity or another. And although it is different for each of us, and important to each of us for different reasons, all of us have a say in it. So I think again, I am giving you an answer with another statement.

JT (1:08:18): But I would like to see something written if this thing actually goes through that I have some protections for myself and my business. Otherwise, I am out of business. I can't risk taking people out there who already don't follow the rules I give them.

LCDR KEVIN SAUNDERS (1:08:45): I'm Kevin Saunders from the Coast Guard. I can't say what the rules are going to be, obviously I can't predict that, but I can give you a little bit of advice of what I would do if I was in your situation as a dive operator. The first thing you want to do is educate your guys before they go down and say, 'hey you don't want to bring anything up.' And if there was an at-sea boarding, and somebody was found with something onboard, we take statements; that's one of the first things we do. And you have that in your statement and everyone or several other people onboard might back that up, then that kind of puts you in the clear, and you were playing the role you should be playing. The second thing is if a guy comes up with a 10' x 10' sheet of metal, is that reasonable that you wouldn't see that come up out of the water? Probably not, but if it is something that the guy could hide, then a reasonable person in your situation might not see it, and I think that's what you are talking about. So just basic law enforcement ethic questions, outside of the legal stuff, if you do those two steps, I think you are going to be OK.

JT (1:09:40): Right now we are dealing with something else too with the Sunken Military Craft Act being amended, which I am sure that most of you, at least at NOAA know about, where it's

worded that if this thing goes through, that you can't disturb the wreck. And if this thing goes through, I am out of business again, because they won't define 'disturbed.' That's somebody else's definition. You ask 10 different people, you are going to get 10 different answers. But the guy who wants to prosecute me is going to pick the one he likes.

LCDR KEVIN SAUNDERS (1:10:25): Right, I understand. With case law, case law is going to fill in the gaps for what the definition for 'disturbed' is going to be for that. I know that doesn't put you in a great place right now, but like I said if you take those two steps we talked about, I think that will put you in a good situation to be able to defend your actions if something bad happens. So that's all I can give you until the regulation comes out, and we actually have some verbiage to see.

DAVE ALBERG (1:10:50): And Bob, would you like to, I am not sure if you could hear Captain JT's comments, but would you like to address the status of the Sunken Military Craft Act review and specifically the...?

ROBERT NEYLAND (1:11:03): OK, you know it's hard to talk about it when it is still in draft form, but those are considerations that we have given some thought to. Disturbance. We already have some clarification from DEMA and others. Disturbance isn't the hitting of the wreck with your fins or accidentally knocking something off, it's really specific to going in there with a crowbar and prying a piece off or intentionally trying to tear something off of it. Simple diving is not a disturbance, stirring up sediment with your fins is not a disturbance, hitting the wreck, touching the wreck, with your fins is not a disturbance, or if something accidentally falls off as you swim by it is not a disturbance either.

JT (1:12:10): Listening to what he says. We've already had this conversation before. It's not a matter of what he describes it as being; it is what is written that you are prosecuted on. And it doesn't say that hooking the wreck is OK, putting a mooring line on the wreck is OK, touching the wreck is OK, accidentally as you are pulling and gliding in the current that you break something loose is OK. What it says is, is that you can't disturb it. And that's what you get prosecuted on. Not on what it is meant to be.

ROBERT NEYLAND (1:12:45): You might want to wait until you see the final regulation. The final regulations have not yet come out and there will be clarification of what disturbance is in those final regulations.

DAVID ABLERG (1:12:54): And JT, I know for us with the *Monitor* the point you are making has been made very clear to us on one particular issue and that was when the original regulations were made at the *Monitor*, there was a prohibitive activity of you can't be in the sanctuary drifting without power. That's in the regulation right now. And I can't even tell you how many people come up and say 'I don't even understand what that means.' We didn't change the regulations, but what we identified in the management plan is the need to clarify that for the next time we go through a regulatory change. Another good one is on fishing. When the regulations were made in 1975, even the types of fishing that were going on out there, were not the new types of fishing that happen now. The intent of the rule was to make sure that no one draws a trawl net through the middle of the *Monitor* and disturbs the wreck. That was the intent. But now

it says no bottom fishing. But what if you are line fishing on a jig that is on the bottom, is that allowed? It's unclear. The intent was to make sure that a net didn't go through the wreck, so we identified in the *Monitor* 2013 plan the need to, as Bob said in black and white, to clarify that and put that forward. Your comment is well taken, and I can assure you that whatever comes forward, any recommendation from NOAA, we are going to be very sensitive to anything that can be interpreted as a gray area that isn't absolutely clear. And I know that the Navy in the final form of the Sunken Military Craft Act will be working to do the same thing.

JOE HOYT (1:14:56): Why don't we do this since time is getting short.

DAVID ALBERG (1:14:57): We can go all afternoon, as long as we need to.

BOB GABRIEL (1:15:01): I'm Bob Gabriel. A lot of these acts and regulations that you all talk about, many of them are really quite vague. And the average diver or the average person even in regular laws we have here, I see a police offer here and some other people, they are very vague. They're very hard to define. And you put the burden on the captain or the diver that he has to prove that he is innocent. And not you having to prove he is guilty. I've been questioned. I was accused of taking a torpedo off the U-85 and bringing it up with my 100 lb. lift bag. I was restricted to fly on an airplane for, I think, it was for three years. And they never apologized after I took the lie detector test, and I found that rather revolting. And frankly annoying. I would like to see regulations when you all make these, and I don't know who really makes "regulations." I always thought Congress was the one to make the laws. I would like them to be clear and concise so people can understand and obey the law. And I don't think the civilians, the citizens, people that you are serving, should have to be the ones to have to prove their innocence. That's not the way our constitution was written. That's what I have to say gentlemen, and thank you.

DAVID ALBERG (1:16:33): Mr. Gabriel I appreciate that, and I think you are basically saying a very similar thing as Captain JT said. That anything we put forward, whether it is allowed activities, prohibited activities, boundaries, anything has got to be clear and there's no vagueness and as you say. I think one of the questions that came up, not related to regulation, but in terms of actions and behaviors. If you look at the recommendations of the expansion working group, there was some discussion earlier today with Jim Bunch about moorings. So mooring aren't regulations, but the reason I am bringing these up as an example is in every facet of what we do moving forward, we want the burden to be on the government and not on the diver, to the best of our ability. So for instance, we have recognized the work that Joe [Hoyt] has done, and I think any dive operator would probably agree, we've seen examples not so much of people taking things off a wreck, but there can be damage from anchoring improperly on a wreck. We've all seen it. So the question as we go forward is how do we try to minimize that in an effort to again protect the wreck the best we can. Thunder Bay, especially with wooden wrecks, faces the same problem. Their approach to it, which I think is a very elegant model, is it puts the burden on the government. You have 200 shipwrecks. The government goes out there to put mooring balls or subsurface mooring depending upon the environment. If a diver operator comes up and that mooring ball or mooring buoy is available, they are required to use it because it is there. If you get there and there are five other boats tied up to it, or you can't get to it for some reason, then you are allowed to tie into the wreck like you always did. Or if a wreck doesn't have a mooring ball, the government hasn't put one out there, again the burden is on the government to make

accessibility, facilitate accessibility and help to protect the resource. Now it is a shared responsibility even in that. It doesn't give you the right to destroy the wreck and most people wouldn't. The operator, the individual accessing the resource, has the responsibility to do what they can to protect it to make sure it is there for the next guy. But the burden is on us to make it easier and do it right. And I think—I am bringing this up as an example because I think as we go into the regulations and begin to propose, and Congress does pass the laws, but we will help draft it and this all would have to be approved up the chain—but I think my point is that we are very sensitive to your point and to Captain JT's. I have found in my time with the *Monitor*, in almost every case where there was a history of something coming off a wreck, in almost every case it was because the individual just didn't know. The laws were confusing, they wanted to do the right thing, but they didn't know it was illegal. I think that again underscores the need that we are very clear in going forward, and I am confident that 99.9% of the people want to do the right thing. So I am kind of rambling, but I hope that it addresses your concerns.

BOB GABRIEL (1:19:56): It has. Thank you.

MARK CORBETT 1(1:20:04): I do a lot of shore diving, and I have found a fair number of shipwrecks out there, and I would like to ask a question about that. That is going to be within the three-mile limit; that's already state waters; that already has protections. What I was kind of wondering about all that are you going to include any of these shore wrecks? Do you have any plans to include any of these shore wrecks in your sanctuary? Has that been thought of much?

DAVID ALBERG (1:20:40): To answer your question, it was not included in the proposals that the working group developed. If the public or state were interested in presenting that as an option then it would be considered, I suppose, but I think that would really need to be driven by the state. And the reason that they weren't considered by the working group, is for the reason you pointed out, the state is doing a great job right now in protecting and promoting them.

MARK CORBETT 1 (1:21:15): What I would like to address with that is riparian and access. Here in the Outer Banks you have some areas where it is very easy to go dive on a wreck. Take Second Street, where the *Kyzickes and Carl Gerhard* are located. It is very easy to get out there and it's marked. I dive wrecks up in Corolla. You cannot access them legally. There is no public access, and I think that was a town planning issue that no one ever looked at. I know of a wreck that has great historical significance. And in the Corolla area, unless the beach is open to drive on, you have no access to. And it kind of bothers me because we the people are the ones who own the beach. But there are these vast areas you can't access because there is a huge town in front of it that doesn't allow beach access. And I was wondering if any of these things would be considered to possibly trying to provide access to things like that?

DAVID ALBERG (1:22:36): Thank you. I think the answer, I hate to do it, but I am going to point to the state guy, because it is outside NOAA's area.

JOHN MORRIS (1:22:44): I don't have any say so over beach access. I have say so over getting on the wrecks after you get in the water, but I don't have any control over the beach access. I am surfer and have been one all my life. And there are plenty of places I want to surf, but I can't get to because I can't find a place to park.

MARK CORBETT (1:23:08): There are two wrecks in particular in Corolla that are very inaccessible. I have been doing a lot of research on them, and they really ought to have signs up stating historical markers and they don't. And I am pretty sure it is common all up and down the coast. But I was wondering if there was specifically any thought of making a change in that in the future that coming out of the particular work you are doing with the sanctuary.

DAVID ALBERG (1:23:43): So maybe another way to look at it is to look at a couple of other sites and a couple of other sanctuaries. Again these models, no—that is all state issues, state's way to approach—but the sanctuary program has strong partnerships with the state of Florida, for instance, with the Florida Keys National Marine Sanctuary. Thunder Bay is entirely within, even though it is a national marine sanctuary, its boundaries are entirely within state waters of the State of Michigan and Lake Huron. So they work very closely with the State Department of Historic Resources to do exactly what you are talking about—mark, interpret. In many cases what the state has done there by the bay, I don't want to imply that they oversee it, but NOAA sort of has the lead to develop interpretive materials, market it, provide educational information on those. And then the sanctuary program has been very good going back to the state if there are accessibility issues and trying to find solutions that are good for everybody. Florida Keys, slightly different in that is a complex place with a lot of different—we could talk all day talking about the different management zones in the Florida Keys. Some are driven by state law, and some by sanctuary rules. But I think the point is anything we sit here today at step one of a long process, and your comments, JT's and Mr. Gabriel's comments are really important for us to hear now, so that when we go forward. And I can't guarantee every promise that everything that is of interest to one individual will end up in the final thing because that would nearly be impossible. But I think we would make every effort to do that. When we get to the point where we would be seeking public comment, we would be working with the state and saying 'what's the state's thought on it? And are there ways the sanctuary program can augment or support the work you are already doing?' Or they may be very independent processes. Is there anything else you (JOHN MORRIS) would want to throw in?

JOHN MORRIS (1:25:58): You know right now you can dive on wrecks if you can get to the beach. Again, I am working right now on program off Fort Fisher where we have a tremendous collection of Civil War wrecks. Most people don't want to go dive them. Visibility is not all that good, it's a tough swim from the beach, or it's a crappy boat road after you go through a bad inlet. But I am working with a girl from East Carolina who is going to do her Masters thesis on public outreach through maritime archaeology. We are going to make six of the blockade runners and blockading vessels, not only accessible to the local dive shops, we will do the same mapping stuff that we did when I ran this kind of program in Bermuda, and for when I put different sites together for the state of Florida. I want to do that here in North Carolina. We are going to put colored mooring balls on them eventually, once we get that worked out with the Coast Guard, so you can walk along the waterfront and see the orange ball on the *Condor* and the blue one on *Stormy Petrel* and the green one is on *Peterhoff*. And those you can swim to, if you were in extremely good shape, and some you could swim to without any effort at all. Some will require a vessel. But coming back, I am all for beachfront interpretation of the stuff that is right along our coast. And it is not something that has been pushed before, but with a great awareness to public access to archaeological sites, I think you will see more of that. And in some cases like

this township you are talking about, that will require that we work with their jurisdiction as well as the state. But the more access we can provide through the state to shipwrecks, I am all for it. And I hope we will be able to satisfy you as we go forward with this at the state level.

PAUL TICCO (1:27:45): If I may sir. The way it works in sanctuaries that have state waters as components, the governor of that state must approve any action of the sanctuary program within state waters. So that if one of these models or another model was chosen, that had a state water component, we would not only have to work with the state, the governor would have to approve activities within those state waters, even with a federal sanctuary.

BRAXTON DAVIS (1:28:17): Just on the public access front, our North Carolina Coastal Management program, one of the key tenets of the program is advocating and supporting public access to coastal waters and beaches. We do that through a non-regulatory branch program. So typically every year, we have issued between \$1.5 to \$3 million in public access, either acquisitions or enhancements for beach front-type beach walkovers and other facilities to improve public access. It does require a local government co-sponsor, so if the town of Corolla wanted to do an application, we have an upcoming RFP [request for proposals]. The funding just went down to about \$600K a year this year for the first time, so it is a little bit more reduced. But anyway I just want to throw that out there that that program is there.

MARK CORBETT (1:29:10): I would have to say that the beach access from Kitty Hawk north until you get to the area where you can drive on the beach is abysmal during large parts of the summer, which is when you would want to dive on these wrecks because that is the only time there is any clear water there.

SUSAN LANGLEY (1:29:30): Public access is a huge issue for every state right now. Maryland is doing the same thing. Delaware. It's a big push because so much of it has become privately owned and public access to the Chesapeake Bay or beach is a big issue in every state. I think it's mostly run through NOAA-sponsored Coastal Zone Management Program in our state. We don't have grant money, but we are looking at the same thing.

JT (1:30:05): One of the things that just came to mind, if this is made a sanctuary, I remember reading back in the sanctuary's rules, all the rules for NOAA sanctuaries is going to be incorporated into this expansion?

DAVID ALBERG (1:30:19): No. So what would happen is the...when Paul was describing the development of the new management plan, it's not just establishing boundaries, but a new management plan, which would include regulations, would be established at that same time. So the rules and regulations would be developed, which is why I am saying the input now, what the concerns of the public are and the stakeholders is important for us to hear, because it will help guide that process when and if we get there.

JT (1:30:53): One of the things that concerns me that is going to affect every vote in North Carolina, if you adopt this, is that once we are outside three miles, we are allowed to use our diverter valve and pump our sewage overboard as the customers want to use it. Under the sanctuary's rules right now, you are not allowed to do that inside of a sanctuary. So that means

every boat in North Carolina that's fishing, diving, anything in the sanctuary will have to have a holding tank big enough to accommodate the entire party on the boat and then come pop it out when you get back like an RV.

DAVID ALBERG (1:31:35): So one of the things that makes the development of these things an opportunity is that each one of the sites, the rules are a little different from each site to each site. And it makes it a challenge sometimes for us because people will see what happened at Stellwagen or someplace else, and I would be the same way, assume that what happened there is going to happen here. But that is not necessarily the case, and I think that in the Thunder Bay National Marine Sanctuary, they are looking at expansion now, and there have been some questions brought up about the discharge of ballast water. Issues that were not present in the original boundaries of the sanctuary, nobody really thought about it as they were developing the regulations until, like your example, the shipping industry said "whoa, whoa, whoa wait a minute. If you go to this larger area, this could pose a significant challenge for us because of what the current laws are regarding the discharge of ballast water." So the sanctuary program worked with the shipping industry, worked with the Coast Guard. And I know they have come up with a solution that now the shipping industry is going to get behind and say 'we think this is good and the sanctuary is great.' I bring this up as an example to say that when we develop these regulations, what happens in one place does not necessarily have to happen in another. So the assumption that every vessel is going to have to have an increased black water or gray water tank is not necessarily the case. But if I go into, we go into as a group, not knowing what those are. Now, one thing that the sanctuary act says is that if it lists certain restrictions, it will also say, and I will have to look those up for you, but there will be little languages like '...and if you are not violating any other existing laws...' So for instance even if the sanctuary program allows you to do one particular activity, if that activity is already on the books that you're not allowed to discharge certain things in certain zones already and you knew that, and that's happening, then that activity shouldn't be happening anyway because that law was already established. But I think, and I will dig it up here in a second.

JT (1:33:50): Right now, the Coast Guard our regulation is three miles. And that would be a huge impact on the charter fleet to have to start doing it different after they have been doing it the same way for the last 30-40 years.

DAVID ALBERG (1:34:11): Right. I appreciate that.

REESE NEWMAN (1:34:26): I am commercial and recreational diver. I heard about the lack of funding for the *Monitor* project, and it just makes me wonder why are we starting another expansion project, when currently we can't pay for what we already started. We talk about elevating tourism, with recognition of this area. In my opinion, the whole world already knows about the Graveyard of the Atlantic and the significance of our resources as far as fishing, diving, and research. I'm all for education and research of these shipwrecks in this area. My family washed up in shipwrecks here in the 1700s, so I have a great respect for everything that has happened here. I just don't see the point of spending more money just to propose an area as a sanctuary when currently you can research the whole area as much as you want. Other than having mooring buoys, I can see that as a possibility to improve the area, but growing up here

my whole life, all I've seen is more regulations that hurt the economy, and I'm just tired of more government imposing on our community. Thanks.

DAVID ALBERG (1:35:59): Thanks, and I appreciate it. And your comments are ones we hear quite frequently. Challenges we have talked about today, challenges with beach access, and other federal agencies, the sense that there is a real squeeze on the residents down here because of federal involvement and federal activity over the last 70+ years. And I think the other comments we're sensitive to it. In terms of funding, just to address that, the funding challenge at *Monitor* has always been there. I think that it became very public here in this last year, but from the day that The Mariners' Museum and NOAA entered into this agreement, it was an understanding that we would be working together to raise the necessary funds to conserve and treat the *Monitor* artifacts. I think my colleagues from The Mariners' would agree with me that when we began that project—because the work they are doing has never been done anywhere in the world at the level that they have taken this project on—none of us, nobody in the world really had any idea what ultimately this project would cost. But we recognized jointly that this was an opportunity to honor the ship, honor her crew, and recognizing that...JT how many guys have you taken to the *Monitor* in the last five years? That made it down there.

JT (1:37:29): That actually made it to the bottom? Maybe 10.

DAVID ALBERG (1:37:38): Ten, so recognizing that that is probably about the way it is going to be and recognizing the importance of this ship, the question came, and it was actually asked by Congress, what can NOAA do to preserve this history? And how can we get that history, beyond the 10 people who dive it, to a nation? And we've done that at The Mariners' Museum to a tune of about 80-90,000 visitors a year who come in there and see this great work. We didn't know the cost initially, but we've got a darn good handle on it a few years into it. And as Dave [Krop] said, it is about \$17 million, but the arrangement was, two things happened, one was the arrangement, and as we talked about before being vague, the enthusiasm to go forward and do this, some of the details, were "we'll figure it out later when we get to it." And there was enough money in those initial years between the money that NOAA was giving and some significant earmarks that Congress gave to the tune of about...what was it...two \$5 million earmarks and an additional \$2 million earmark that allowed the challenge of funding to be pushed off to another day. Well, the economic reality of the country has changed dramatically. Earmarks don't exist in the way they used to and at a time when people are struggling with some significant issues in the country economically, the American public's appetite for taking on a \$17 million project is not at the level I wish it was at or where The Mariners' Museum would like it to be at. So we are at a point where we have to work together to try to raise those additional funds from private sources. So to say that NOAA doesn't have the money to take care of the *Monitor*, yes that is an accurate statement. NOAA did not commit \$26 million, which in the early years was the estimate to do this fully, but what we did, we committed between the Navy and their support and NOAA, probably about \$40 million in the recovery of this important national asset and brought it up and recognized that the day was going to have to come when we are going to have to work with the museum to raise additional funds. Which we will. And this project will be one of the greatest success stories of marine artifact conservation in history. Looking at expansion doesn't really cost us anything. We've not invested any money other than time of staff, as Joe Hoyt pointed out, there are few of us here, Lauren and myself, and what we have been tasked with doing is

looking at, and I think your concern about the funding is absolutely valid. That is one of the factors that will go into this. Even if all of us in the room agreed that this shape box with these rules in it make sense, there's going to become a point in that process where we are also going to have to look at what the cost to manage that area will be. And that might be a game-stopper as well. The reality of the country maybe as you said, NOAA can't take care of the things it has now, or the nation can't take this on, so now is not the time. But at this stage, with what we have been tasked in doing, is not really costing us any money other than time and coming down here and talking, is to begin asking those questions, the very question you asked. And say, what are the implications, not only the impacts to the community, but impacts to the federal budget, and are there the resources to do it and do it right? And what would that impact be on existing commitments we've already got? They're great comments. They're timely. And you're spot on, in terms of reminding us of the challenges of taking something like this on. The last thing I would say in terms of your family's history on the Outer Banks, and the public's broader awareness of this history, I just can't tell you how many people I have bumped into over the course of the last few years, who have come to us, even people like in Virginia Beach, relatively local, who will say 'I had no idea.' I think the folks that live on the Outer Banks, maybe more than any other area in the country, are aware of their history and proud of it, but it is a history that is so important beyond eastern North Carolina. And you just don't have to go as far as I think to find people who know nothing about it. That knew nothing about U-boats and them operating in the Chesapeake Bay. To know that there were U-boats operating here in WWI. And maybe broader than that, the role, the shaping of this geographical area and these communities, the way that has shaped the direction and course of a larger nation is astounding. And so as we look at this, and as I look at this, and I now I am speaking personally, not so much as policy, I continue to be excited about this, not because it's going to create a whole lot more work for me and the four people in my office and a great bureaucracy, but because I see a history here unparalleled in the nation and an opportunity to celebrate that. And it's not just about bringing in more dollars and tourism, I think that will happen. But it is simply acknowledging it at the national level in a broader way, about why this place matters. So I hope that answers your question.

SUSAN LANGLEY (1:43:20): This one document they said is public, and they said it says two things that address NOAA and specifically sanctuaries. And what it does say is that they are looking at a new process, reinventing the process of how sanctuaries are managed, how they are nominated. They are encouraging new sanctuaries, first ones in 20 years, but it hasn't been official yet. The final rule isn't official yet, but the public comment period went through the summer and there was a lot of support for it. And what they are looking at, though is it's not going to be what was experienced in the past, where the federal government can sweep in and build you a multi-million dollar visitor center. They are saying that it has to be community driven, communities have to want it, they have to be involved in it and vested. It is going to be a lot more partnership and a lot more grassroots than it's going to be imposed, for lots of reasons, and fiscal ones are a part of it. There just isn't the budget for it. It's also just much more viable and everyone goes home much happier than having, as commented earlier, someone coming in and being very high-handed about it. So it's being reinvented now and will come out fairly soon. I'm one of the people in the wings because I am with a bunch of people who are all excited about this up in Maryland, because they have a site they want to see going. The west side of Michigan has a bunch of people with a site they want to see going. So we are all kind of waiting, to see

what's happening. But it is going to be somewhat differently managed and reinvented. And it is going to be a lot more grassroots and community driven than in the past; and economically in common sense ways as well.

HAL GOOD (1:45:03): I think the biggest concern here is regulation. When we listen to this whole presentation, it sounds great, but once in a while that word regulation comes in and OK, let's say artifacts could be taken, then what regulation is there? Or if the only real regulation is no taking of artifacts? I guess we go back to when my wife and I first dove the *Monitor* in 1994; it was 'do not disturb the wreck.' One of our group, brought up a beer can, which should not be laying on the *Monitor*, and the manager of the marine sanctuary required that the beer can be thrown back, because bringing up a beer can, litter, was disturbing the site. So definition and specificity is extremely critical if and whatever regulations there are.

DAVID ALBERG (1:46:10): I think your comments are consistent with what other people are saying here today. I think we have to be clear on this stuff and there can't be any gray area in it. But one of the things that has been somewhat frustrating, it's natural I guess, there gets to be a lot of misinformation sent out, especially now with the Internet and blogs. And so often times, instead of being a discussion that will shape those regulations, we are trying to put out fires about things that were never considered, never proposed. And so I just bring that up again to encourage folks that when word goes out, and we have public meetings in the fall or a couple of months after that, please come, please get involved, because that's how regulations get created in a vacuum unless the public participates in them. Hearing comments like that and every other comment that's been made today is really important so the final product is something that everyone takes a little ownership on. You know this nation has a great history of this. We've done this for 100s of years in Yellowstone and other places. Models are not always perfect, but we have a history as a people of recognizing our own history and special places and acknowledging that they are unique and different. That's what makes this country great on a number of levels. Not always without challenge. And I don't mean to tell anybody this in this room that, but this is an opportunity at step one for us to do something that I think will be pretty neat.

BOB GARBIEL (1:48:05): Again, I want to just emphasize this fact. Do we have anyone here from the Park Service?

DAVID ALBERG (1:48:10): They would have been, but the Superintendent will be departing soon. Otherwise, he would have been here.

BOB GABRIEL (1:48:20): OK, that's fine. It concerns me that the people from Oregon Inlet south have been devastated by these Park Service regulations and the unknown that they leave us with, with their regulations. Closing the area down there by the bridge, Oregon Inlet Bridge. It's always been open for people to go fish, families. And it's also been closed to people who want to dive. I can think of a couple of guys in here that would like to go down and get a nice dinner, me being one of them. It doesn't cost us anything to do it. But it's closed. If you drive all the way to Hatteras just about, it's closed on each side. You see more "No Trespassing," "Do Not Enter," not this, do not that and again those laws are vague, and they've taxed us and added another tax to us where we can't even drive anymore. I'm just fearful that when we get with these

organizations like this, as you have talked about today, I don't want us to be blindsided in the end by not clear regulations. There are so many regulations that we have to deal with today on the water, whether you are diver or fisherman or whatever you want to do, that it honestly becomes mind-boggling. And I don't want to break the law, I really don't, and I didn't take the torpedo off the U-boat. I truly didn't and the lie detector showed it, but they wouldn't release me for three years. So that scares me folks, that truly scares me. I don't want that to happen to me again. I don't want six federal agents with their guns drawn coming up to my front door.

DAVID ALBERG (1:50:18): Mr. Gabriel, I take pride in the way the sanctuary program works. We do things, and I won't say anything against my other federal partners, but we take the business of public process very seriously. When we did the development of the management plan, I'm required to seek public input, but I'm not required to go and create six or twelve public meetings, and some of them were awfully uncomfortable. But I'm required to provide a process for the public to provide input. But we do those things, not because we don't have nothing better to do, but because in the end it doesn't do us or anybody any good if what we create is something that nobody [wants]—we are in the business ultimately of protecting ocean resources. We're in the business of getting people to care about the ocean that don't currently care about it. Everyone in this room cares about it. I'm not worried about that. We have seen this at the *Monitor*, the value of what the *Monitor* has done for the NOAA sanctuary program. Most of the sanctuaries are coral reefs or whale breeding grounds or what have you, people who are interested in ocean issues, get it and you don't need to convince them. But how do I take somebody who lives in Utah, who has never been to the ocean, but who eats seafood, and makes decisions on how they drive a car and what car they drive and other decisions that will ultimately have an impact on the ocean and their behaviors. And we see more and more every day that the ocean has an impact on all of us in terms of climate, so on and so forth. How do I get those people to care? And maritime heritage, our nation's past, I can't tell you, how wonderful it is to have the *Monitor* teaching people, getting people excited about maritime heritage, who may never see coastal North Carolina, but they kind of get it. So the public process to us is really important, so when we go through the process, that fear of the word regulation, again, the end product will be driven in large measure by the participation and input of the public. And I think that an informed public that will come to a meeting and talk intelligently about what's been proposed will help us invaluablely.

DAVE KROP (1:52:58): Can I add something to Bob as a follow up? Dave Krop with The Mariners' Museum, but I will just speak as a private citizen for a second. Regulations are huge. I've fished down here in Hatteras for probably the last 10-12 years with guys that I pay to take me offshore to make sure I come back alive and that we catch fish. Smart guys. I trust them with my life. And some of them, all the talk is regulations and how things are impacting the sanctuary and there is un-clarity and uncertainty about things. But I was always confused because not one time had any of them come forward with things to offer to the committee here to say, "the following wording would clarify what I can or I can't do and as a professional fishermen, this is what I would recommend saying on here." Whether or not it's ultimately accepted, I don't know. But it's not like Jim Bunch is going to write the diving restrictions or regulations or things that are allowed. He might be able to put a professional eye on what that language means, but I would expect that JT, like your point of dumping and waste within a certain mileage from shore, you're not the only guy that has thought about that. But you are probably one of the people who thought

about it outside of this group here where it makes a difference. There was a meeting in DC with a bunch of high-level executives from corporations that are working with NOAA to help form some of the regulations and how sanctuaries should look and what they can do to help businesses and vice versa. And a VP of a very high level shipping company and cruise ship said, “if you are proposing to do...,” and he made up some designation of distance, “...and you say we can’t dump, we’re not going to have any business on the west coast.” That’s not the point of what the west coast sanctuaries were trying to do. They were trying to see how they could get the cruise ship involved to bring people to see our stuff. So up until that point, you should have seen the director’s face when he saw that the cruise and shipping guys were against certain regulations. Then immediately they started talking about ways to modify certain things within those sanctuaries or proposed areas that would allow the cruise ship industry to operate safely. That would allow shipping to happen to move goods. But it was simply a result of a comment made by an outside group that was informing people, who would ultimately make decisions. I am not a diver, I would die down there at 240 feet, I would, but you guys know what happens with divers. You go down there every day. You’ve dove since you were kids, you know what you can’t do, and you know things that are vague to you. So for me as a guy up here who would look at certain things, what do you want to see exactly? I mean, recovering a torpedo is not going to happen, I know you didn’t recover it. But what would help clarify the vagaries right now? Write it down; tell it to us as specific as possible. I haven’t seen that happen yet from a lot of different user groups, but I think that’s ...

JT (1:56:04): The problem with the government is that you tell them what you need, to where it will be OK, and they twist it to what they want. And communicating with them is the first sign of them saying, “You said it was OK.” That’s where we have the problem. The government has a history of screwing the average man.

DAVE KROP (1:56:29): Well, how about just try. Just offer them some exact specific things.

BOB GABRIEL (1:56:32): We did that last summer. JT worked really hard to put together a symposium to invite people, general public, and at his expense and other people’s, and volunteers’ expense.

JT (1:56:45): All the people involved donated the money, and we didn’t get a dime back. It was just for the public down there and we asked to use the museum down at Hatteras. And they got to the point that [they] declined to talk to me because basically it boiled down to that we wanted to display some of the stuff that we legally brought up and that we’re divers.

BOB GABRIEL (1:57:10): And we were hassled. Dive boats were hassled by the Coast Guard. They were questioned, which was really unnecessary. They were all licensed boats and well-known operators. And it was just not necessary. You say we are not communicating with you. JT has, and I know I’ve said it and Jim Bunch here is probably one of the best divers we have down here. And my goodness, the knowledge we have, the combined knowledge in this room right here with some of the people I am looking at here is amazing. And we’ve talked about and when you tell us what you are trying to do, you’re preaching to the choir because we agree with you. But what we would like to see is clarity. I mean totally clear clarity. Not like when the President tells me, but the truth.

DAVE KROP (1:58:03): So then we all agree.

DAVID ALBERG (1:58:06): Mr. Gabriel what I can do is, I can assure you we have...you know I'll give you one of my frustrations; we have these public meetings two or three times a year. The attendance here is terrific. And we rotate them from Newport News to Hatteras to try to get them out, and I will read things in the blogs about how they won't listen. But nobody showed up at the meeting; nobody took the time to write a letter. And I am not saying that that's reflected in this room. My point is you have my word; we will take your input. I won't promise you that everything you say will end up the way things are, but everything you say is important to us. And you have my word and you've got my cell phone, my cards, call me anytime. If you've got an idea, a thought, that's what we want to hear. And to that end, we moved Lauren Heesemann, who you heard a little while ago, we moved her down here a couple of years ago to work out of CSI for the very purpose of having a sanctuary person down here so you don't have to drive to Newport News if you've got a thought or concern, but we have a face down here, so that you guys get to know her. And please continue to do that.

BOB GABRIEL (1:59:22): I want to be sure you understand me for the record. I'm not criticizing what you are doing. This is the first meeting I have been able to attend. I had to change my entire week schedule to be here today. And I even got here a little late, but couldn't help it. But I am really glad that I am here today and be able to voice my opinion. It's healthy. This is what our government is supposed to be all about, and I like it.

DAVID ALBERG (1:59:49): We had one public meeting where we had an individual raised his hand to the group, and it was a public meeting to get public comment at the beginning of the management plan, and the gentleman said, "Everyone be quiet, nobody say anything because if you say it, then it will become rule." So I had a public meeting with nobody talking. That's not helpful. This is helpful. This is exactly what we want to continue going forward.

BOB GABRIEL (2:00:15): Thank you, and I appreciate the work you all are doing. I think that myself and a lot of other people have fears, and they are justified fears. In many cases, they are justified fears. And I think you know that, OK? Thank you very much gentlemen.

MARK CORBETT: (2:00:40): I work on two of the dive boats down in Hatteras, and that means I work on all the dive boats down in Hatteras. And you want to know the guy who can work with JT? You're looking at him. But one thing I would like everybody on the steering committees and members of the staff to realize is we really are an endangered species. Every day I put diesel fuel in that boat, I look at the thing, when I tell him, OK you're at so and so gallons and I shut it off. I'm like oh my god, does that really say \$800 on there? So to run a charter, we don't really make a lot of money, and any kind of regulations that are made that are going to make it more difficult for us to dive, it really is going to be close to putting an end to the diving. So as part of the dive industry, I would just like to say I am not really thinking we need this, this sanctuary expansion. But if it's going to happen, if anything, you need to make it easier for people to run a dive boat rather than more difficult, because there's Bill running out of Oregon Inlet right now, my buddy Matt is getting ready to try to put a boat in the water, and I believe the *Miss Lindsey* was just sold out of Virginia Beach. There are four boats left doing it. So it

wouldn't take much to put the whole dive boat industry out of business. So anything you guys consider about the sanctuary, keep in mind, if you want anybody ever going out there to look at this stuff, which that is one of my favorite things in life is looking at these shipwrecks. I want to see them all.

DAVID ALBERG (2:02:56): Joe, what was the circulation on the Nat Geo film? Do you recall?

JOE HOYT (2:03:01): I can't remember exactly, but it was well over a million.

DAVID ALBERG (2:03:06): It was pretty high the night it ran. Everything that we've tried to do in term of the products, the dive slates is another good example. You've got your clientele that are coming on the boats now, but what we're trying to do is build on that and get more people interested and getting on your boats. I don't want to point fingers at any particular case, but I think even in the development of regulations, there was a time when there were folks taking things off some of the shipwrecks, and I am not talking about a bowl, but I am talking about scrap metal, tearing parts off.

AUDIENCE MULTIPLE (2:03:44): We know who you are talking about.

DAVID ALBERG (2:03:46): That might be. I would suggest, submit to you, a regulation that you might want to see because your business is based on getting out there to see something. And if people get out there and go, "well that was a lot of money I just spent and the stern of this thing is gone." That's got a negative impact on you too. So I think as we develop regulations, they will be designed to protect the resource, first and foremost. Because protecting that resource, facilitating access, helping to keep you on it, helping to promote it is all good for you guys. There's no downside to that.

JT (2:04:30): And you all said it earlier and I meant to say something. It sounds like to me that NOAA is going to be running free dive charters.

DAVID ALBERG (2:04:41): No, those people pay. We don't run dive charters.

JT (2:04:45): I heard the word 'free.' Are you all going to be taking out there?

DAVID ALBERG (2:04:50): We don't pay them. They are volunteers.

JT (2:04:53): That means that every swinging d#@k that has a tank is going to volunteer.

JOE HOYT (1:05:05): The volunteer, I will talk to you offline about the volunteer program, but it is pretty extensive. It takes about six months and there's considerable expense to have to go through to get locked in. So it's not something that every person will do.

DAVID ALBERG (2:05:35): And don't mix them. Also, a volunteer that is working with us is a NOAA diver that I'm not having to pay a salary for. So you are looking at not only a cost-savings on any expedition, which translates to tax-savings for you, but you also have an individual—where I might take someone out for a five day expedition off the coast—that

individual spent the entire year either prepping for it, training, or getting other people excited in the resource. And the idea here, and this kind of goes back to what the last speaker said, these are opportunities for us to be working together. Our hope for this next year is we hope to get out there on the *Monitor*, and for the 40th anniversary of the designation of the *Monitor*, do an expedition back on there. To do that, ideally, I am going to need a charter boat out there. And we've used Debby for her shop down in Beaufort. So again, the idea isn't to cut the business community out of this, it's to try to help direct people towards your businesses to support them.

JOE HOYT (2:06:38): I think in the next week or so, we've got some our NAS volunteer guys are going out with Dave Summers.

JT (2:06:50): That community as a whole seems to be in decline the last few years and it boils back to a lot of it of what he said about the cost of fuel and dive trips are still well below what charter fishing prices are, and we're not making it. And what I'm seeing in the last maybe eight years, seven years, has been a real push for all the dive shops to do all their training in quarries. 100% all the way through advanced, and these people are not qualified to dive Hatteras. And the people you are going to be reaching aren't divers at all and it takes a few years, if not a real dedicated person, to go through a whole summer of training and really be up to speed to be able to dive Hatteras. The best I've heard people describe Hatteras and North Carolina in general is when you go to the Caribbean and those places, you are going to the zoo. When you out here off North Carolina, you're on safari. It's a huge difference. And we've missed this whole seven years of divers coming out on the boats, so the dive clientele is very old now. We're not seeing young divers anymore, because they can't do it, and they can't afford it.

SUSAN LANGLEY (2:08:35): We're also seeing though, and this has come up in some of the statistics, we're over the baby boom. The big bump of people who were diving, we are getting old, and it's the economy, it's fuel, but there are fewer people too; even if you capture a good percentage, you are not getting as many as you used to.

JT (2:09:00): All I know is that there were six dive boats in Hatteras in 2005, and we're down to two. And we can't even run seven days a week because we don't get enough people.

DEBBY BOYCE (2:09:10): So don't you think that the marketing and the pictures that Joe had and the multi-color sonar stuff to have that out there nationwide for people that are in Seattle, Washington, and Canada and all those places, to hopefully bring you more clients?

JT (2:09:30): It's not going to happen because what happens is the dive shops that control what happens with the students.

DEBBY BOYCE (2:09:35): But they're doing ice dives and diving out of Seattle. I mean there are qualified people in the U.S.; they're just not all coming here. That's the same bed I am in.

JT (2:09:49): They all know about Hatteras, and they all know about Morehead and Morehead is struggling too.

DEBBY BOYCE (2:09:55): And we are, but sitting around just complaining isn't going to do us any good. But encouraging people to do promotion for us, my god what else could we ask for?

JT (2:10:03): What I see is the ones we do have still diving, when they hear the word regulation, they don't want to come. And I haven't seen but one porthole come up in the last seven years. You all missed the window for the artifacts by about 20-30 years. So what you're protecting, and I get it, and we've had this conversation. I took pictures of Johnny doing this stuff down there, and I was appalled by it. You're ripping up stuff that people came to see.

DEBBY BOYCE (2:10:53): Again, I don't think the regulations are as important as the actual promotion stuff they are doing for us. You're right. We are past the artifact issue. It's gone.

DAVID ALBERG (2:11:02): I [was] asked JT about what stick are we developing to whack people for doing bad things, my answer is we're not focused on that. The focus is on that table and what we've been trying to do to generate interest in this area. And with all due respect, to anyone in the dive community, to hear that it has been in decline for 7-8 years, that a third of the fleet is gone, clearly something is not working and I would be hard-pressed to find people...

JT (2:11:30): The decrease is because the prices went from \$90 to about \$155 because of fuel. The price of fuel tripled down here.

DAVID ALBERG (2:11:38): But I hear that and I hear that there is an opportunity to start getting people, but you are in decline. What the question is what can we do to turn that around? Is there an opportunity for us to try to help make that change?

JT (2:11:53): But that's the scary part. What you say sounds good. What the end product might be when we're dealing with the government again is another illusion for the average man. I mean we didn't start out, the beaches used to be open.

DAVID ALBERG (2:12:12): I don't control the beaches, but I can tell you if you look within the sanctuary program—go up to Thunder Bay, we've done this with Debby, through her artificial reef program, each year for a number of years—we sponsored trips up to Thunder Bay for the sole purpose of 1) raising money for Debby's artificial reef program down there in Beaufort/Morehead City, but 2) to take a diver skeptical of what we are doing and not just talk the talk, but walk the walk. Let them go up there and spend time with the dive operator. Let him talk about what it was like operating in Alpena, Michigan 15 years ago with him and five of his buddies. And now, new glass-bottom boats have started operating out of Alpena because the dive community that is doing deeper water stuff, but now there is a big influx of people who want to do snorkeling and glass-bottom boats. And now there are new operators. It's changed. And what's changed? It wasn't because they removed restrictions or added new regulations, but they began to promote it. I can't speak for down here, but every night I'm at home in Norfolk, on the weather channel, "Pure Michigan, Pure Michigan, Pure Michigan." These ads that come up to promote Michigan's tourist destinations and some of those feature specifically the shipwrecks of Alpena in the Thunder Bay sanctuary. Those are the type of things that are making a difference to them, and I can point out other examples within the system. If I am hearing that things have been in a decline, I don't see that as a reason not to look for new opportunities. I see it as reason

to start opening up a dialog with you guys regardless of the maps and find out what we can do to help.

JT (2:13:50): The one thing you can do to help is to not label us. In most of ya'll's TV shows and stuff, when you all refer to wrecks, you refer to diver damage. Divers taking artifacts. This casts as a negative thing on the older diver population who did nothing illegal. And we're getting old now, and I want to display that stuff in the museum that would've of helped the community if they would just backed behind it. Because they didn't recover the artifacts, and you all have publicly stated that even if we wanted to give you what we have to put it in the museum, you'd throw it in the trash.

DAVID ALBERG (2:14:33): And JT, we could talk for hours on this, but the state of North Carolina has its own collection policy. They're guided by museum ethics. And not just the state, not just the Hatteras museum, but the Smithsonian, every museum in the country, The Mariners' Museum also is no different, is obligated to comply with a code of ethics within the museums, which is then supported by their state's collection policy. And the state's collection policy, I didn't draft it. It was there long before I came along. That collection policy, get a hold of it, it's a public document. It says that the museums will not participate in things that support, that if their ownership, provenance, the acquisition of a certain artifact is in question, or illegal, they're not allowed to curate it, interpret it, put it on display. They're not saying that it has to be thrown back in the ocean, but they're saying, "We can't touch it." And NOAA is party to a number of laws and international agreements that say that we also, we're not going after somebody, we're not going to go and knock on somebody's door who may or may not have violated the law. But if federal funds are going to support a project, like the Graveyard of the Atlantic Museum, they've got to abide by their laws, the laws that they passed. It's very clear on this. And I will give you an example recently. We were just up at the German Embassy, we being NOAA, had a meeting with the German Embassy last Thursday to update them. It had been six or seven years since we had been up there to update them on the five years of the Battle of the Atlantic work, and one of the topics that came up was artifacts that had, not artifacts already in museums, but artifacts, a significant number of them, that had been brought up by collectors sitting in the attic, sitting in the garage, sitting in a number of places. And how does the state navigate the code of ethics they have to abide by, their laws that already on the books, and these artifacts? And what the German government said was, and what we supported, was to find a way. Nobody wanted, nobody in the room wanted to see them thrown out, end up in a garage sale, or thrown back in the ocean. Because in some cases a great deal of work has gone into conserving them, a lot of time and money to protect them. How do we protect the history but also at the same time stop, somebody with good intentions, [like] an 18 year old kid or 20 year old kid who just doesn't know but who walks into a museum and sees an artifact taken off of a ship and says, "Oh heck, I know where there's another one. And look this guy got his name on it and I'm going out tomorrow..." And he doesn't know the laws and with all good intention, further keeps this artifact hunting going. How do we break that cycle, protect the history, and put it into a museum? And that was part of the purpose of this meeting. And the solution was to bring it into the museum, it is part of the state's collection, the state will take care of it, the state has policies, and we will give credit to the individual within the museum, but not on the artifact itself. So that if somebody doesn't see it and to also protect the state and the museum from somebody bringing in an artifact that is still dripping wet and say, "Oh, I got that 8 years ago, that law doesn't apply here." How do you

know when it was recovered? So the point of this story is that we, within the *Monitor* sanctuary, are not, I'm not; my staff are not witch hunting. And we are not advocating for things to be thrown out in the drink. And we recognize that the dive community and the behavior is not the same as it was 10-20-30 years ago. To say it doesn't still happen, it does still happen, probably not by people in this room, maybe by people from other places that come down here. Maybe none of you were involved with it at all, but it still happens. We still see it. The U-701 was a great example, how many weeks did it take after the discovery of the 701 before big chunks of it were hacked off? It still happens. So the point is not to go after people, but to find ways to preserve and protect this history for the betterment of everyone in the room, but also to help the work you have already been doing when you have divers on the boat. I am confident that you are telling them, "Hey, you can't you do this, you can't do this." I am sure it's part of your pre-dive, Debby does it, everybody's doing it. And we want to make sure, as I said earlier today, that we are all on the same page, sending out the same message, educating the next generation. And just as important, getting the next generation, so that by ten years from now you are not down to one boat out of Hatteras. But we're going the other direction, with a younger, new audience of divers that are coming up because they've been excited about this history, and they want to see it themselves.

WALLY OVERMAN (2:19:50): Yes, my name is Wally Overman, Dare County Commissioner. I wanted to address one thing. My intention when I came here today was to sit here and listen, because a good friend of mine told me once that somebody has to listen, so I was going to be one of those that sat here and listened. One of the things that I wanted to address, and not to beat it to death certainly, but to address this thing about regulation. Because of what's happened down here over the last 30-40 years, Dare County residents and visitors have real concerns about regulations. Those concerns are as natural as breathing down here. We've all kind of lived it. I think that you came here today, and by your very open presentation, I commend you for that, I think you have nothing but the most noble of intentions. I think your intentions are good. The concern here is, and this is on the basis of what we've dealt with National Park Service, with Division of Marine Fisheries, with a number of other regulatory, things that have happened of a regulatory nature here through those agencies, is that once we get an area defined, if it ever comes to that point, that at some point, an agency of the U.S. government, or a special interest group, who has concerns about what's going on in that area, manage to come in and create regulations that were not initially set up for that area. And then we have real regulations that nobody likes and nobody can deal with. I would implore you to make whatever regulation or rules, if that is a better word, for these areas, if they're ever defined, in cooperation with the people who participate primarily in those areas. And no pun is intended in this, but those rules truly need to be ironclad.

SHANNON RICLES (2:22:25): Is there anyone on the phone that would like to make a comment?

DAVID ALBERG (2:22:33): JT and others, just hypothetically, if a sanctuary proposal were to go forward where the only regulation addresses the removal of artifacts, not from every shipwreck off the coast of North Carolina, but on some number of them that have been determined, what is the implication of that? Access is still the same as it is today. I mean, I guess the better way to put the question out is what would the dive community, the business

community, the fishing community, is there a model they would like to see that they could get behind? What would that look like? Being sensitive to your point that in the past others have been sort of...regulations have been riders from special interest groups, that weren't ever intended but somehow they end up on there. If we were to work together to develop a proposal where the objective was to promote, protect certain shipwrecks and the restriction was 'don't take anything more off it,' and it ended there, would that be a bad thing?

JT (2:23:48): That wouldn't bother me in the least or my clientele. That history has moved on. What we see now, even of the hardcore wreck divers have adopted the pictures over the crowbar. At least the ones that go on my boat. It's easier to put a video of your dive on the web to brag about, than it is to lug around a porthole and say, "This is what I got." So the whole artifact thing is past. What will happen on some of these wrecks that are unnamed, new wrecks, we're all looking for some of the same stuff, and I'm probably one of about maybe 10 guys that is willing to do the depth. That you even know of. So my exploration fever is kind of out there. For us to go down there on an unnamed thing, that you're likely only going to do that one dive on to see if you can identify it or just to be the one to explore it, and if you happen to see the bell, you can't identify it by just seeing the bell, nobody else is going to be doing that depth, because it's got crustacean over it. It's 10 people, I mean you've got me, Barnett, Evan, who else is willing, that you know, to dive 500 feet. So if we sent that up just to identify it as the actual wreck, is that a bad thing?

DAVID ALBERG (2:25:44): No, and I will be the first one to say that the *Monitor's* history of recovery, our current position, has sometimes been conflicted in that we, my office, in the past, had a culture that was different from what it is today I think, that we worked very hard to keep people off the wreck. And even to the point where we ended up in court over it on a couple of occasions. We have worked in the last eight years to change that ethic. With the permitting system that is currently on the *Monitor*, which is the law on how you get down there, we've tried to find ways to ease that so that if somebody, [like] Captain Hart, who used to hold a special use permit, could take people out there just to go see it. He didn't make any money off it. And we haven't had a "research" permit that was really about deep, intensive scientific research in a while, but we've tried to work with the dive community as much as we can so if there are guys that want to go down there and have the *Monitor* seen, we can come up with a research design to make it legal, get them to the wreck and do the right thing. Recovery's been the same kind of thing. Obviously, recovery of *Monitor* artifacts is something that I would be a pretty good hypocrite to say, to stand up here in front of you and say, is a terrible thing, when we have 200 tons of the ship being conserved. But we did it in a way that was done scientifically. And even when we used—and for many years at the *Monitor* the artifacts that were recovered were done with private groups, Cambrian Foundation and other divers. Joe Poe dove on the *Monitor* and another individual in the room was on the *Monitor* he said in '94. So recovery isn't something just carte blanche that we are opposed to, but if recovery is done just willy-nilly, and I am not implying that is how you do it, but something comes up off a shipwreck, the context is lost, where it was, there's damage to other parts, and the individual that brings it up isn't committed to it to making sure it's treated and conserved. And there are places—you don't have to go far, even within the state of North Carolina—to see artifacts that were brought up with greatest intention that are falling apart on the pier, because the time, the money and the commitment needed by those artifacts to assure their long-term preservation wasn't undertaken. So our

position has never been one that nothing should ever come up, but if something comes up, there's got to be a reason for it. That you're not just doing it to do it, and it supports the greater understanding of the shipwreck and for the artifact itself there is a plan in place to assure it's not going to disintegrate in six months. So recovery of a bell off a shipwreck that's never been seen that may very well be a good idea. But I think I would rely on people like, Joe Hoyt and Billy Ray and other folks from the state to help guide that process, and I think even Joe Hoyt's work with the NAS group was designed to help a new cadre of people understand the science behind, the reasons why we sometimes are seen as a little bit prickly on it.

JOE HOYT (2:29:06): And I would add a couple of things. And one is Dave's right about the about the process is of anything that is recovered, it is a long process with secured funding for the conservation of the artifacts. Then there's other things that we do like with the NAS classes is to teach people other ways of identifying wrecks rather than just finding something that has a name on it. The *Clark's* nice, cause it says "*Clark*" on the side of it.

JT (2:29:42): Actually it doesn't. [Joe Hoyt—it does say *Clark* on it.] The bell doesn't.

JOE HOYT (2:29:44): No, no, it doesn't, but I'm talking about the side of the ship. But looking at things in the historic record, like action reports, figuring out what the boiler diameter size of the engine. Those are things you can do in a single dive. Take those measurements, to be able to kind of collate certain things to narrow stuff down.

JT (2:30:04): You know I'm one of the few guys that you're going to talk to that's been to 400 feet and it don't work like that.

JOE HOYT (2:30: 11): Right, I agree with that, and that's my next point, and I think you are going to agree with me, is that a 250 foot dive today is not what it was in the 1990s. Is that a fair statement? I mean the significance of doing a dive to 250 feet; there are a lot more people doing it.

JT (2:30:30): I think the divers that did it back then are better skilled than the divers that do it now. Basically, because they actually went diving. Your run-of-the-mill tech diver that's come out in the last 3 or 4 years, the trend's been, 'I couldn't get it done in open circuit, so I will buy me a rebreather, that'll allow me to do it,' because they didn't have the proper sat rate to do that and their answer was a more complicated toy that gave them the gas that allowed them to do it.

JOE HOYT (2:31:10): Right, but there's certainly the 80s and 90s, those people that were doing that, were probably in that low number range, 10-20-30 guys. And now there are tons of people out there diving to 250 feet. But getting down to 500 to 550 feet might be a different story.

JT (2:31:35): It's a one-time deal and you know I'm one of the few guys that dive the Billy Mitchell fleet. Of course, you saw how many videos that were taken of the *New Jersey*, which is probably top two, so if that was an unknown wreck, which we're all out here plucking around looking at unknown stuff; you're not going to make many divers to that wreck. The *New Jersey*, which is only 330, but it's in the worst place it could possibly be in Hatteras for diving on. What? Eight people dove it and actually only one of them has a video. It's just a horrible place to

try to dive. So you do it once and you put it in your logbook, and say you did it and you move on to something else. So when you go to these deep wrecks, I'm just throwing it out there, it's probably not going to happen, but it's an example we can pull from, that the bell is laying there and you're not sure what it is, but I'm sure the government can go out there with an ROV and spend a half of million dollars to find out that it was tug. I could put a lift bag on it and send it up and we can scrape it and donate it to the museum and say this is what it was. No further issues to spend the half million dollars in surface support vessel.

DAVID ALBERG (2:33:14): And there may be cases where that is the solution.

JT (2:33:20): But you were asking about what would work.

DAVID ALBERG (2:33:25): I meant, let me clarify that, I didn't mean...

JT (2:33:33): If these are named wrecks and you name them, and they're known, there's no reason for me to take anything off of it, there's no reason for anybody to take anything off of it. We know what it is already, all the research has been done, and we go right back to what I said before, it's a lot easier to show a video than it is to lug a porthole around. So those of us who have been doing it for years, years, and years, and even the newcomers want to brag about what they've done and show people. And back in the early days, the only way you could do it was through the artifact. You didn't even have a camera that could handle the depth. So when you brought it up, it wasn't recorded like you say, where it was at, the position, yada yada yada. There were some things that we weren't even capable of back then documenting, but it's how you identified it. I think one of the things that came up from the *Murphy*, how many of ya'll are familiar with the *Murphy* up off New Jersey? In '41, another Navy ship cut it in half, the bow sank, and the stern floated, so they brought it into port and built a new bow. So the bow laid out there and they went and dove it. And they could tell it was something, something but they didn't have any ideas, so they took a gauge off of it and identified it by the gauge. Then they found out that the *Murphy* was still in service. How could it still be in service if it sunk? So that was a mystery and then they found out. But the Navy came and confiscated all the stuff and arrested fines because it was a military vessel. But nobody knew it was a military vessel. So the smallest thing will identify these unknown things. But known things, I don't think you'll have a peep out of anybody. We could care less. But to be the person that identifies it, I identified a trawler back in, I want to say '95 or '96, and nobody ever knew what happened to it. It's called the *Phil Nabor*. I didn't know what happened to it. There was very little on it in The Mariners' Museum that I could find out. I found the name after a hurricane, old wooden fishing trawler, the sand had moved and I was able to keep moving it, and I found the name, and it was from Vandemere, North Carolina. And so I put it on my site, that I identified it and a picture of it and 10 years later a family from Vandemere, contacted me and said, "We never knew where he was lost at." Their dad went fishing and they never heard from him again. And I found the vessel; of course, it had been nicknamed something else. It didn't make any sense; they called it the 'paddle wheeler,' but it was a trawler. So it's the little things that we do, the unknown things that will make a difference to some families and the history. So you want to exclude the unnamed unknown stuff out there to give us a chance to help identify it with you?

JOE HOYT (2: 37:10): I think that's one thing that we all have the same end goal, we just have different processes that we are used to working within. There's no reason we can't work on things together like through NAS.

DAVID ALBERG (2:37:34): There was a question earlier off during the break that if the development of a new sanctuary would prohibit or exclude individuals from looking for new wrecks? The answer is absolutely not. That's critical. I know with a lot of Joe's work, you've been a help in providing numbers and the same with the fishing community. So looking for new wrecks, finding new things, discovering new things is not something that anyone is looking to stop. The dive community has always been on the forefront of that. We may be able to bring additional tools and resources, put the polish on how the information gets distributed and how that history is sort of promoted. That's what we can do. But that's not in any way an attack on the strong knowledge base of the dive community, the locals and the fishing community already have.

JT (2:38:30): The only thing I say, is like on the Billy Mitchel fleet, and I hate to keep going back to that, when you all took the sonar thing across it and took the video down there, I was following it online because I'm one of the few that dove the *Ostfriesland*. And there it said right on it, "we found diver damage." And I'm like 'how the hell did they find diver damage at 400 feet and all I was trying to do was stay alive?' Just look at it. It's a cut to us. There's no way I damaged it. I've got six dives on it, more than anyone else; it's a huge piece of history, probably second only to the *Monitor* in my mind.

NATHAN RICHARDS (2:39:30): I don't work for the *Monitor*, but I'm involved with the NAS training, and I think that's one of the benefits of having these community collaborations because what you've done, is you've sat here and you've got a great idea. A great idea in that you've got skills and energy that I don't have and I'm not going to 250 feet, I think you're crazy, but what you have is the skills, right? And you may be the only people that who are going to do that on a regular basis. And there are programs out there around the world where you have tech divers being identified for specialist diving groups in a similar situation as in the sanctuary. They get their gases paid for, they do the service, they get the kudos, they're given the cameras, and I think really one of the things about having a sanctuary that's sort of being proposed here, is *Monitor* is more likely to have five really good cameras than five really good tech divers, and I think it's more likely that you are going to have programs that maybe sanctuaries like *Monitor* can set up and to get the funding to do these community science approaches to get the data that benefits everyone. And I think that's the awesome thing about having these public scoping meetings is that, that's a great idea and grant fundable and I hope that *Monitor* would look at that kind of thing in the future.

JT (2:40:50): There's still those of us who like to go look at new stuff. It's what excites us. Just like you're excited about the sanctuary, we're excited about this wreck, what is it, can we identify it, what's it look like, are we the first ones to dive it and it may sound stupid, but that's what it's about.

DAVID ALBERG (2:41:20): Not at all. I don't think it's stupid at all. It's what drives Joe, whether he would admit it or not. It might be that his backbone of what he does day-to-day has a different slant to it, but it's the same thing.

SUSAN LANGLEY (2:41:40): Yes, I want to thank you all. I want to draw this to a close, only because the staff are starving. You all have great fortitude, and we've learned a lot, and it's been wonderful meeting you. And please don't stop talking to us. Write us, call us, email us. But I have to still make these people stay for the rest of our SAC meeting, so I'd like to close the public session at this point, but I invite you if you have an epiphany, a complaint, or a thought, please do let us know. Shannon, Dave, and myself love to hear it and keep an eye on the web site, we will be posting things on there as well. Do let us know what you love and hate and suggest. What we've been hearing here is great stuff and we appreciate it. Thanks.