



Archaeological Research Permit Application Guidelines

For

Ship and Aircraft Wrecks under the Jurisdiction of the Department of the Navy

Policy

As stewards of the Navy's historic military craft, the Naval History & Heritage Command (NHHHC) is responsible for managing these irreplaceable resources for the continued education and enjoyment of present and future generations. To ensure consistent and effective stewardship, the NHHHC developed a comprehensive program that encompasses the following categories: preservation planning; wrecksite management; underwater archaeological research; conservation; curation; and public information, interpretation, and education. The NHHHC strongly encourages cooperation with other agencies and individuals interested in preserving our maritime and aviation heritage.

Wrecked military craft will generally be left in place unless wrecksite disturbance or artifact removal is justified and necessary to protect the wrecksite, to conduct research, or provide public education and information that is otherwise inaccessible. While NHHHC prefers non-destructive, in situ research on wrecked military craft, it recognizes that disturbance and/or artifact recovery may become necessary. At such times, wrecksite disturbance and/or artifact recovery may be permitted, subject to conditions specified by NHHHC as set forth in these regulations.

Permit Applications

- Application forms are available on line at www.history.navy.mil or by writing to:

Department of the Navy
Naval History & Heritage Command
Underwater Archaeology Branch
805 Kidder Breese St., SE
Washington Navy Yard, DC 20374-5060.

Telefax number: 202-433-2729.

- Applicants must submit two (2) copies of their completed application at least 120 days in advance of the requested effective date to allow sufficient time for evaluation and processing.
- Each permit application shall include:
 - A statement of research objectives, scientific methods, and significance of the proposed work to a particular geographical area. This should include discussion articulating clearly the archaeological, historical, or educational purposes of the proposed activity;
 - A summary of significant previous work in the area of interest;
 - A discussion of how the proposed activity could disturb, remove, or injure the wrecksite and the related physical environment;
 - A discussion of the methodology planned to accomplish the project's objectives. This should include a map showing the study location(s) and a description of the wrecksite(s) of particular interest;
 - An analysis of the extent and nature of potential environmental impacts on the resources from permitted activities, and any permits or authorizations required by foreign, federal, state, or local law;
 - A detailed plan for wrecksite restoration and remediation with recommendations on wrecksite preservation and protection of wrecksite location;
 - In addition, to identification of the Principal Investigator (PI), identification of all other members of the research team and their qualifications;
 - Sufficient data to substantiate, to the satisfaction of the NHHHC, the applicant's financial capability to complete the proposed research and, if applicable, any conservation and curation costs;
 - A proposed outlet for public dissemination of the results;
 - Where the application is for the excavation and/or removal of artifacts from a wrecksite, or the application is for the excavation and/or removal of the entire military craft:
 - A conservation plan and the name of the university, museum or laboratory, or other scientific or educational institution in which the material will be conserved, including written certification, signed by an authorized official of the institution, of willingness to assume conservation responsibilities must be included.
 - The name of the facility in which the recovered materials and copies of associated records derived from the work will be preserved. This will include written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibilities for the collection and to safeguard and preserve the materials as the property of the United States.
 - The applicant is responsible for all conservation and curation costs, and for ensuring that the named repository meets the standards set forth in 36 CFR Part 79, Curation of Federally-Owned and Administered Archaeological Collections.
- If the applicant believes that compliance with one or more of the factors, criteria, or procedures in the guidelines contained in the application are not practicable, the applicant should outline their objections, providing evidence to support their assertions, and explain how the purposes of NHHHC are better served without compliance with the specified requirements. If the NHHHC

determines that the purposes of the Navy, its regulations, and its policies are better served without compliance, the NHHHC will provide a written waiver to the applicant.

- Permits are valid for one year from the issue date.

Evaluation of Permit Applications

- Permit applications are reviewed for completeness, compliance with program policies, and adherence to the stated guidelines. Incomplete applications will be returned to the applicant for clarification. Complete applications are reviewed by NHHHC personnel and, when necessary, outside experts. Applications are also judged on the basis of: relevance or importance of the proposed project; archaeological, historical or educational purposes; appropriateness; environmental consequences of technical approach; and qualifications of the applicants relative to the type and scope of the work proposed.
- The NHHHC shall send applications for research at sites located in units of the national park system, national wildlife refuge system, and national marine sanctuary system to the appropriate Federal resource manager for review. The applicable Federal land manager is responsible for ensuring that the proposed work is consistent with any management plan or established policy, objectives or requirements applicable to the federal management of the lands and waters concerned.
- NHHHC will send applications for research at wrecksites located on state bottomlands to the appropriate state agency for review.
- The burden of obtaining any and all additional permits or authorizations, such as from a state or foreign government or agency, private individual or organization, or from another federal agency, is on the applicant.
- Based on the findings of the NHHHC evaluation, NHHHC personnel will recommend an appropriate action to the NHHHC Director. If approved, NHHHC will issue the permit; if denied, applicants are notified of the reason for denial and denials may be appealed within 30 days of receipt of the denial. Appeals must be submitted in writing to:

Department of the Navy
Director of Naval History
Naval History & Heritage Command
805 Kidder Breese St., SE
Washington Navy Yard, DC 20374-5060

Telefax number: 202-433-2729

Credentials of Principal Investigator

The principal investigator (PI) shall be suitably qualified as evidenced by training, education, and/or experience, and possess demonstrable competence in archaeological theory and method, and in collecting, handling, analyzing, evaluating, and reporting archaeological data, relative to the type and scope of the work proposed.

The PI must meet the following minimum requirements:

- A graduate degree in archaeology, anthropology, maritime history, or a closely related field, or equivalent training and experience;
- The demonstrated ability to plan, equip, staff, organize, and supervise the type and scope of activity proposed;
- At least 16 months of full-time professional field experience at a supervisory level in the study of historic maritime archaeological resources or historic aviation archaeological resources, to include at least four months of supervisory field and analytic experience in the specific time period or subject matter of the work proposed;
- The demonstrated ability to carry research to completion as evidenced by the timely submission of reports.

Conditions on Permits

- Upon receipt of a permit, permit holders must counter-sign the permit and return one copy each to the NHHHC and the applicable State Historic Preservation Office (SHPO), Federal or State land manager, or foreign government official prior to conducting permitted activities on the wrecksite. When the sunken military craft is located within a unit of the national park system, the national wildlife refuge system, or the national marine sanctuary system, copies of countersigned permits shall be provided to the applicable Federal resource manager.
- Permits must be carried aboard research vessels and made available upon request for inspection to regional preservation personnel or law enforcement officials. Permits are non-transferable. Permit holders must abide by all provisions set forth in the permit as well as applicable state or Federal regulations. Permit holders should abide by applicable regulations of a foreign government when the sunken vessel or aircraft is located in the internal waters, territorial sea, or contiguous zone of a foreign nation, as defined by customary international law as reflected in the United Nations Convention on the Law of the Sea. To the extent reasonably possible, if the physical environment is impacted by the permitted activity, it must be returned to the condition that existed before the permitted activity occurred.
- Upon completion of permitted activities, the permit holder shall submit to NHHHC a work log/summary, listing days spent in field research, activities pursued, work area positions, and if applicable, a dive log summarizing dive personnel and specifics of each dive. Dive logs should use the "Command Smooth Diving Log" form found in the *U.S. Navy Diving Manual (SS521-AG-PRO-010, 0910-LP-708-8000 REVISION 4, 20 January 1999, Change A dated 1 March 2001)*. A copy of this form is also available on line at www.history.navy.mil in the Underwater Archaeology Branch section.
- The permit holder must prepare and submit a final report summarizing the results of the permitted activity to the NHHHC, and the applicable SHPO, Federal or State resource manager, or foreign government official.
- The permit holder's final report shall include the following:
 - A site history and a contextual history relating the site to the general history of the region
 - A master site map of the entire site and a project area map, indicating where the site is in relation to nearby landmarks

- Site location datum should be in World Geographic System (WGS) 84 in the format of latitude/longitude. Any and all pertinent geographical information system data should be included
 - Feature map(s) of any recovered artifacts showing their positions within the wrecksite
 - Photographs of significant site features and significant artifacts both in situ and after removal
 - If applicable, a conservation report that includes an inventory of recovered artifacts, description of the conserved artifacts, laboratory conservation records, and photographs of the artifacts before and after conservation treatment
 - A written report describing the wrecksite's historical background, environment, archaeological field work, results, and analysis
 - A summary of the survey and/or excavation process
 - An evaluation of the completed permitted activity that includes an assessment of the permit holder's success of the project's specified goals.
 - Identification of any sensitive information that should be protected and withheld from public disclosure.
- The permit holder shall agree to protect all sensitive information regarding the location and character of the wreck site that could potentially expose it to non-professional recovery techniques, looters, or treasure hunters. Sensitive information includes specific location data such as latitude and longitude, and information about a wreck's cargo, the existence of armaments, or the knowledge of gravesites. Sensitive cargo information might include hazardous materials other than munitions.
 - All recovered DoN cultural resources remain the property of the United States. These resources and copies of associated archaeological records and data must be preserved by a suitable university, museum, or other scientific or educational institution that meets the standards set forth in 36 CFR 79, Curation of Federally-Owned and Administered Archaeological Collections, at the expense of the applicant. Copies of associated archaeological records and data will be made available to the NHHHC, and to the applicable SHPO, the Federal or State resource manager, or foreign government official upon request.
 - In the event that human remains are discovered, the permit holder shall cease all work and immediately notify the NHHHC. Permitted work may not resume until permitted by the NHHHC.

Requests for Amendments or Extensions of Active Permits

Requests for amendments to active permits (e.g., a change in study design or other form of amendment) should be directed to:

Department of the Navy
Director of Naval History
Naval History & Heritage Command
805 Kidder Breese St., SE
Washington Navy Yard, DC 20374-5060

Telefax number: 202-433-2729

All information deemed necessary by the NHHC to make an objective evaluation of the amendment must be included as well as reference to the original application.

Permit holders desiring to extend research activities must apply for an extension of their current permit before it expires. A pending extension or amendment request does not guarantee extension or amendment of the original permit. All requests for a permit extension must be submitted to the NHHC at least 30 days prior to the original permit's expiration date. Reference to the original application may be given in lieu of a new application, provided the scope of work does not change significantly. Applicants may apply for one-year extensions subject to annual review.

Permit holders may appeal denied requests for amendments or extensions may appeal the decision. Appeals must be submitted in writing to:

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Director of Naval History
Naval History & Heritage Command
805 Kidder Breese St., SE
Washington Navy Yard, DC 20374-5060

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Monitoring of performance

Permitted activities will be monitored to ensure compliance with the conditions of the permit. NHHC on-site personnel, or other designated authorities, may periodically assess work in progress by visiting the study location and observing any activity allowed by the permit or by reviewing any required reports. The discovery of any potential irregularities in performance under the permit will be promptly reported and appropriate action will be taken. Any such action will be communicated in writing to the permit holder and will set forth the reason for the action taken. Findings will be taken into consideration when evaluating future applications.

Violations of Permit Conditions

The Director of Naval History, or his/her designee may amend, suspend, or revoke a permit in whole or in part, temporarily or indefinitely, if in his/her view the permit holder has acted in violation of the terms of the permit or of other applicable regulations, or for other good cause shown. Any such action will be communicated in writing to the permit holder and will set forth the reason for the action taken. The permit holder may appeal the action. Appeals must be submitted in writing to:

Director of Naval History
Naval Historical Center
805 Kidder Breese St. SE
Washington, DC 20374-5060.

Telefax number: 202-433-2729

References for Submission of Permit Application

- National Historic Preservation Act of 1966, as amended (NHPA), 16 U.S.C. 470 et seq. (1999), and Protection of Historic Properties, 36 CFR part 800 (1999). These regulations govern the Section 106 Review Process established by the NHPA.
- Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 48 FR 44716 (1983). This publication establishes standards for the preservation planning process with guidelines on implementation.
- Archaeological Resources Protection Act of 1979, as amended (ARPA), 16 U.S.C. 470aa-mm, and the Uniform Regulations, ARPA, 43 CFR part 7 (1998). These regulations establish basic government-wide standards for the issuance of permits for archaeological research, including the authorized excavation and/or removal of archaeological resources on public or Indian lands.
- Secretary of the Interior's Curation of Federally-Owned and Administered Archaeological Collections, 36 CFR part 79 (1999). This publication establishes standards for the curation and display of federally-owned collections of artifacts and associated documentation.
- Antiquities Act of 1906, Pub. L. No. 59-209, 34 Stat. 225 (codified at 16 U.S.C. 431 et seq. (1999)).
- Executive Order No. 11593, 36 FR 8291, 3 CFR, 1971-1975 Comp., p. 559 (Protection and Enhancement of the Cultural Environment).
- Department of Defense Instruction 4140.21M (DoDI 4120.21M, August 1998). Subject: Defense Disposal Manual.
- Secretary of the Navy Instruction 4000.35A (SECNAVINST 4000.35A, 9 April 2001). Subject: Department of the Navy Cultural Resources Program.
- Naval History & Heritage Command Instruction 5510.4. (NAVHISTCENINST 5510.4, 14 December 1995). Subject: Disclosure of Information from the Naval Shipwreck Database.

Definitions

- **Aircraft wreck** means the physical remains of a vessel, intact or otherwise, its cargo, and other contents. Shipwrecks are classified as either historic structures or archaeological sites.
- **Archaeological site** means a place, or group of physical sites, in which evidence of past human activity is preserved (either prehistoric, historic or contemporary), and which has been, or may be, investigated using archaeological techniques. A wreck site of a military craft, along with its debris field, has the potential to become an archaeological site when archaeological research methods are used for investigation and possible recovery of the wreck site.
- **Artifact** means any portion of a military craft that is by itself or through its relationship to another object or assemblage of objects, regardless of age, whether in situ or not, that may carry archaeological or historical information that yields or is likely to yield information to the scientific study of culture or human history.
- **Cultural resource** means any prehistoric or historic district, archaeological site, historic site, building, structure, or object, including artifacts, records, and material remains.

- **Gravesite** means any natural or prepared physical location, whether originally below, on, or above the surface of the earth, where individual human remains are deposited.
- **Historic Structure** means a structure made up of interdependent and interrelated parts in a definite pattern or organization. Constructed by humans, it is often an engineering project large in scale. An aircraft wreck or shipwreck is a historic structure when it is relatively intact and when it and its location retain historical, architectural, or associative value.
- **Permit holder** means any person authorized and given the exclusive right by the NHHC to conduct any activity under these regulations.
- **Permitted activity** means any activity that is authorized by the NHHC under these regulations.
- **Research vessel** means any vessel employed for scientific purposes under these regulations.
- **Ship wreck** means the physical remains of a vessel, intact or otherwise, its cargo, and other contents. Shipwrecks are classified as either historic structures or archaeological sites.
- **Wrecksite** means the location of a military craft. The craft may be intact, scattered or completely deteriorated. The wreck site includes any physical remains of the military craft and all associated contents.