



Preserving America's Heritage

February 25, 2016

The Honorable Andy Gardiner
President, Florida Senate
409 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

The Honorable Arthenia Joyner
Minority Leader, Florida Senate
228 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Ref: Proposed SB-1054: "An act relating to historic and archaeological artifacts,"
amending s. 267.115 F.S.

Dear Senators Gardiner and Joyner:

The Advisory Council on Historic Preservation (ACHP) has learned that the Florida Senate is considering a bill (SB 1054) that would allow individuals to remove historic and archaeological artifacts from submerged state lands so long as they pay an annual permit fee and report what was discovered within 2 weeks of removal. The permit holder may then own the artifacts taken from Florida's submerged lands. The ACHP is concerned that this bill would cause irreparable harm to Florida's cultural resources and historic properties that belong to all the citizens of the state. Therefore, we urge the State Legislators to defeat this bill.

The ACHP is an independent federal agency established in 1966 by the National Historic Preservation Act (NHPA) to promote the preservation, enhancement, and productive use of our nation's historic resources, and advise the President and Congress on national historic preservation policy. As acknowledged in the NHPA, historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency; and the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans. Part of the mission of the ACHP, as defined by the NHPA, is to "advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation" (54 U.S.C. § 304102(a)(4)). Based on that directive, the ACHP would offer the following comments.

As it now stands, existing Florida state law provides protection for a range of important submerged historic and cultural resources. These resources include a variety of prehistoric and historic period archaeological sites, many of which are of religious and cultural importance to tribal nations in Florida, that can be found in submerged locations in wetlands, rivers, lakes, and in the ocean floor off the Florida

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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coast. These archaeological sites include not only shipwrecks, but also prehistoric and historic habitation, activity, and burial sites. The preservation of such sites is in the interest of all citizens and especially to the indigenous citizens of Florida and beyond. If study of such sites is called for, using the appropriate techniques of underwater archaeology can make a significant contribution to our knowledge of Florida's, and the nation's past.

The proposed legislation would encourage indiscriminate digging for cultural materials in state submerged lands with trowels, shovels, handheld suction and dredge devices, and other means that could not only damage the archaeological sites and the artifacts themselves, but could damage and destroy coral reefs and other submerged natural and cultural features. Further, SB 1054 would not prevent displaced artifacts, which previously belonged to all the citizens of the state, from being subsequently sold for profit and held in private collections. Finally, the requirement that the Florida Division of Historical Resources provide a map of areas and sites excluded from such destructive "excavation activities" would only provide would-be looters with information about where sites and artifacts are actually located, and past experience shows that these important areas would likely be destroyed as well.

We urge the Florida legislature, as the representatives of all Floridians, to defeat this damaging bill and reaffirm its support for the important work that the Florida Division of Historical Resources undertakes to protect the history and heritage of all the citizens of Florida.

We thank you for consideration of our comments. Should you have any questions or wish to discuss this matter further, please contact our Senior Archaeologist Tom McCulloch, PhD at 202-517-0200, or by e-mail at tmcculloch@achp.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Reid J. Nelson", written in a cursive style.

Reid J. Nelson
Director
Office of Federal Agency Programs