

**Management Authorities Applied to Submerged Cultural Resources in U.S. Waters and in The Area**

| Laws and Rules  | Provisions and Constraints Relevant to SCR  | Internal Waters  | Territorial Sea  |   | Contiguous Zone  | Exclusive Economic Zone   | The Area   |
|---|---|--|--|---|--|---|--|
|   |   | (<0 nm)  | (0 - 3 nm)   | (3 - 12 nm)   | (12 - 24 nm)   | (12 - 200 nm)   | (beyond 200 nm)  |
| <p><b>Abandoned Property Resolution of 1870</b><br/>(40 USC 310)</p>  | <ul style="list-style-type: none"> <li>Authorizes contracts and provisions deemed in the interest of the federal government for the preservation, sale or collection of property, or related proceeds, that is wrecked, abandoned or become derelict and is within the jurisdiction of the United States and should belong to the United States.</li> <li>Requires the permission of the federal agency having jurisdiction.</li> <li>Requires that contracts be in compliance with federal historic preservation and other statutes governing the management of the area to be searched.</li> <li>Requires that artifacts or other valuable historical items selected by the DOI remain federal property.</li> <li>Stipulates a sharing of unclaimed property between the federal government and the contractor on a 50-50 basis.</li> <li>Stipulates that the contractor reimburse the federal government for any expenses it incurs.</li> </ul>  | Applies to SCR in internal waters that are on federally owned land.                          | Applies to SCR in the TS that are on federally owned land<br><br>(i.e., land reserved by the U.S. Government under the Submerged Lands Act of 1953 [43 USC 1301 <i>et seq.</i> ] as well as land transferred by a State to the U.S. Government). | Could be applied to SCR on federally owned land from 3 - 12 nm in the TS but no existing U.S. law asserts public ownership to that land and ARPA specifically excludes the OCS.   | Not applicable outside territory where the U.S. Government could assert ownership of submerged land.   | Not applicable outside territory where the U.S. Government could assert ownership of submerged land.  | Not applicable outside territory where the U.S. Government could assert ownership of submerged land. |
| <p><b>Rivers and Harbors Act of 1899</b><br/>(33 USC 401 <i>et seq.</i>)</p> <p><b>33 CFR Parts 325, 330</b></p>  | <ul style="list-style-type: none"> <li>Regulates dredge and fill activities in navigable waters through a permit system that may include conditions to protect or mitigate damage to cultural resources that meet the criteria for listing on the National Register of Historic Places.</li> </ul>  | Applies to SCR in internal navigable waters that are affected by dredge and fill activities. | Applies to SCR in the TS that are affected by dredge and fill activities.  | Applies to SCR in the TS that are affected by dredge and fill activities.   | Not applicable.  | Not applicable.   | Not applicable outside the EEZ.  |
| <p><b>Antiquities Act of 1906</b><br/>(16 USC 431-433)<br/><a href="http://www.nps.gov/history/history/online_books/fhpl/contents.htm">www.nps.gov/history/history/online_books/fhpl/contents.htm</a></p> <p><b>43 CFR Part 3</b><br/><b>36 CFR Part 79</b></p> | <ul style="list-style-type: none"> <li>Protects historic and prehistoric ruins and monuments and objects of antiquity on federally owned or controlled land.</li> <li>Regulates scientific research through a permit system.</li> <li>Requires that recovered artifacts are deposited in qualified repositories accessible to the public.</li> <li>Establishes criminal sanctions imposed upon violators.</li> <li>Authorizes the creation of national monuments by Presidential proclamation.</li> <li>Declared unconstitutional in the Ninth Circuit Court of Appeals in 1974.</li> <li>Superseded by the Archaeological Resources Protection Act in 1979 but, outside the Ninth Circuit, still used to protect sites not covered by ARPA (i.e., sites less than 100 years of age and sites on federally controlled land).</li> <li>Permit system applied to SCR on the OCS until Fifth Circuit Court ruling in <i>Atocha</i> case in 1978.</li> <li>Permit system applied to fossils until DOI Solicitor's Opinion in 1986 advised that permits for fossils should be issued pursuant to the Federal Land Policy and Management Act of 1976 (43 USC 1701, 1761-1771).</li> </ul> | Applies to SCR in internal waters that are on federally owned or controlled land.            | Applies to SCR in the TS that are on federally owned or controlled land.   | Technically applies to SCR from 3 - 12 nm in the TS that are on federally owned land but no existing U.S. law asserts public ownership to that land. Also could be applied to SCR that are on federally controlled land, which DOC does at national marine sanctuaries and marine national monuments but DOI currently does not on the OCS. | Technically applies to SCR in the CZ that are on federally controlled land, which DOC does at national marine sanctuaries and marine national monuments but DOI currently does not on the OCS. | Technically applies to SCR in the EEZ that are on federally controlled land, which DOC does at national marine sanctuaries and marine national monuments but DOI currently does not on the OCS. | Not applicable outside the EEZ.  |

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|---|---|--|---|---|---|--|---|
|   |   | (<0 nm)  | (0 - 3 nm)  | (3 - 12 nm)   | (12 - 24 nm)  | (12 - 200 nm)  | (beyond 200 nm)   |
| <p><b>National Park Service Organic Act of 1916</b><br/>(16 USC 1 <i>et seq.</i>)<br/><a href="http://www.nps.gov/history/history/online_books/fhpl/contents.htm">www.nps.gov/history/history/online_books/fhpl/contents.htm</a></p> <p><b>36 CFR Parts 1, 2, 3, 7</b></p> <p><b>Cultural Resource Management Guideline, NPS-28</b><br/><a href="http://www.nps.gov/history/history/online_books/nps28/28contents.htm">www.nps.gov/history/history/online_books/nps28/28contents.htm</a></p>  | <ul style="list-style-type: none"> <li>Establishes the national park system for federal designation and management of lands and waters to conserve scenery, natural and historic objects, and wildlife, and to provide for the enjoyment of those resources in a manner that leaves them unimpaired for the enjoyment of future generations.</li> <li>About 40% of the 391 units of the national park system contain submerged lands with bottomlands typically owned by either the Federal or State Government.</li> <li>At least 62 park units contain SCR and at least another 45 units may contain SCR.</li> <li>About 59 park units contain state submerged land and another 32 units may contain state submerged land.</li> <li>Federally owned or controlled SCR is subject to federal law while state owned SCR is subject to state law.</li> </ul>   | Applies to SCR in internal waters that are in national park units.   | Applies to SCR in the TS that are in national park units.   | Not applicable<br><br>(i.e., there are no national park units outside 3 nm).  | Not applicable<br><br>(i.e., there are no national park units in the CZ).   | Not applicable<br><br>(i.e., there are no national park units in the EEZ).   | Not applicable outside the EEZ.   |
| <p><b>Reservoir Salvage Act of 1960 [also known as the Archeological and Historic Preservation Act of 1974]</b><br/>(16 USC 469 <i>et seq.</i>)<br/><a href="http://www.nps.gov/history/history/online_books/fhpl/contents.htm">www.nps.gov/history/history/online_books/fhpl/contents.htm</a></p> <p><b>36 CFR Part 79</b></p>   | <ul style="list-style-type: none"> <li>Provides for preservation of significant scientific, prehistorical, historical or archeological data that might otherwise be irrevocably lost or destroyed as a result of federal construction of a reservoir or alteration of the terrain caused as a result of federal construction projects or federally licensed or financially assisted activities or programs.</li> <li>Applies after the project or program is authorized for the purpose of mitigating damage.</li> </ul>  | Applies to SCR in internal waters that are affected by federally constructed, licensed or assisted activities.                             | Applies to SCR in the TS that are affected by federally constructed, licensed or assisted activities.                             | Applies to SCR in the TS that are affected by federally constructed, licensed or assisted activities.                             | Applies to SCR in the CZ that are affected by federally constructed, licensed or assisted activities.                             | Applies to SCR in the EEZ that are affected by federally constructed, licensed or assisted activities.                             | Currently not applied but technically applies to SCR in The Area that are affected by federally constructed, licensed or assisted activities. |
| <p><b>National Historic Preservation Act of 1966</b><br/>(16 USC 470 <i>et seq.</i>)<br/><a href="http://www.nps.gov/history/history/online_books/fhpl/contents.htm">www.nps.gov/history/history/online_books/fhpl/contents.htm</a></p> <p><b>36 CFR Parts 60, 61, 63, 65, 73, 78, 79, 800</b></p> <p><b>Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation</b><br/><a href="http://www.nps.gov/history/local-law/arch_stnds_0.htm">www.nps.gov/history/local-law/arch_stnds_0.htm</a></p> | <ul style="list-style-type: none"> <li>Establishes the National Register of Historic Places composed of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture (which generally requires that properties are 50 years of age or older).</li> <li>Establishes the National Historic Landmark designation for nationally significant properties.</li> <li>Requires federal agencies to implement comprehensive historic preservation programs.</li> <li>Assists states, territories, local governments, and Indian tribes in implementing comprehensive historic preservation programs.</li> <li>Requires federal agencies to consider the effects of proposed federal, federally assisted or federally licensed projects on properties that meet the NRHP criteria.</li> <li>Provides authority to withhold confidential information when deemed necessary to protect properties.</li> </ul> | Applies to federal undertakings in internal waters that affect historic properties including SCR that are listed or eligible for the NRHP. | Applies to federal undertakings in the TS that affect historic properties including SCR that are listed or eligible for the NRHP. | Applies to federal undertakings in the TS that affect historic properties including SCR that are listed or eligible for the NRHP. | Applies to federal undertakings in the CZ that affect historic properties including SCR that are listed or eligible for the NRHP. | Applies to federal undertakings in the EEZ that affect historic properties including SCR that are listed or eligible for the NRHP. | Technically does not apply to federal undertakings in The Area.   |
| <p><b>National Environmental Policy Act of 1969</b><br/>(42 USC 4321-4347)<br/><a href="http://www.nps.gov/history/history/online_books/fhpl/contents.htm">www.nps.gov/history/history/online_books/fhpl/contents.htm</a></p> <p><b>40 CFR Parts 1500-1508</b></p>  | <ul style="list-style-type: none"> <li>Requires federal agencies to consider the effects of proposed federal actions on the environment so the nation may (among other things) preserve important historic, cultural and natural aspects of the nation's national heritage.</li> </ul>  | Applies to major federal actions in internal waters that significantly affect the environment including SCR.                               | Applies to major federal actions in the TS that significantly affect the environment including SCR.                               | Applies to major federal actions in the TS that significantly affect the environment including SCR.                               | Applies to major federal actions in the CZ that significantly affect the environment including SCR.                               | Applies to major federal actions in the EEZ that significantly affect the environment including SCR.                               | Technically does not apply to major federal actions in The Area.  |

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|--|--|--|--|--|--|---|---------------------------------|
|  |  | (<0 nm)  | (0 - 3 nm)   | (3 - 12 nm)  | (12 - 24 nm)   | (12 - 200 nm)   | (beyond 200 nm)                 |
| <p><b>National Marine Sanctuaries Act of 1972</b><br/>(16 USC 1431 <i>et seq.</i>)<br/><a href="http://www.law.cornell.edu/uscode/16/usc_sup_01_16_10_32.html">www.law.cornell.edu/uscode/16/usc_sup_01_16_10_32.html</a></p> <p><b>15 CFR Part 222</b></p>  | <ul style="list-style-type: none"> <li>Establishes authority for the Department of Commerce to designate and manage marine areas possessing conservation, recreational, ecological, historical, research, education, or aesthetic qualities that give them special national or international significance.</li> <li>Regulates multiple uses including commercial use of the areas.</li> <li>Provides broad enforcement authority including civil penalties and liability for damages.</li> <li>All sanctuaries contain or are likely to contain SCR.</li> <li>In sanctuaries located in State lands and waters, the States retain their ownership in submerged lands.</li> </ul>   | Applies to SCR in internal waters that are in national marine sanctuaries.                       | Applies to SCR in the TS that are in national marine sanctuaries.  | Applies to SCR in the TS that are in national marine sanctuaries.  | Applies to SCR in the CZ that are in national marine sanctuaries.  | Applies to the use of natural resources and SCR in the EEZ that are in national marine sanctuaries. However, the enforcement against foreign nationals and foreign flagged vessels must be consistent with international law. | Not applicable outside the EEZ. |
| <p><b>Coastal Zone Management Act of 1972</b><br/>(16 USC 1451 <i>et seq.</i>)<br/><a href="http://www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_33.html">www4.law.cornell.edu/uscode/html/uscode16/usc_sup_01_16_10_33.html</a></p> <p><b>15 CFR Parts 923, 930</b></p>  | <ul style="list-style-type: none"> <li>Encourages the 35 eligible coastal states and U.S. territories to better manage coastal areas.</li> <li>Provides grants to states that develop and implement federally approved coastal zone management plans. Such grants and plans may address shipwreck management program development, implementation and related activities including designation of shipwrecks as areas of particular concern in the coastal zone.</li> <li>Allows states with federally approved coastal zone management plans the right to review federal actions to ensure the actions are consistent with state plans.</li> <li>Authorizes the National Estuarine Research Reserve System.</li> </ul>   | Applies to SCR in internal waters that are within the boundaries of state coastal zone programs. | Applies to SCR in the TS that are within the boundaries of state coastal zone programs.  | Not applicable.  | Not applicable.  | Not applicable.   | Not applicable outside the EEZ. |
| <p><b>Archaeological Resources Protection Act of 1979</b><br/>(16 USC 470aa-mm)<br/><a href="http://www.nps.gov/history/history/online_books/fhp/pl/contents.htm">www.nps.gov/history/history/online_books/fhp/pl/contents.htm</a></p> <p><b>43 CFR Part 7</b><br/><b>36 CFR Part 79, 296</b><br/><b>32 CFR Part 229</b><br/><b>18 CFR Part 1312</b></p> | <ul style="list-style-type: none"> <li>Protects archeological resources at least 100 years of age and of archeological interest on public (i.e., federal) lands and Indian lands.</li> <li>Regulates scientific research through a permit system.</li> <li>Requires that artifacts recovered from federal land remain federal property and are deposited in qualified repositories except for artifacts subject to the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 <i>et seq.</i>).</li> <li>Disposition of artifacts recovered from Indian lands is subject to the consent of the Indian land owner.</li> <li>Establishes criminal and civil penalties imposed on violators.</li> <li>Provides authority to withhold confidential information when deemed necessary to protect sites.</li> <li>Explicitly does not apply to the OCS.</li> </ul> | Applies to SCR in internal waters that are on public (i.e., federal) lands and Indian lands.     | Applies to SCR on lands from 0 - 3 nm in the TS that are on public lands (i.e., land reserved by the U.S. Government under the Submerged Lands Act as well as land transferred by a State to the U.S. Government). | ARPA does not apply to SCR on lands from 3 - 12 nm in the TS because no existing U.S. law asserts public ownership to that land and ARPA expressly excludes the OCS. | ARPA does not apply to SCR on lands in the CZ because the definition of public lands in ARPA expressly excludes the OCS. | ARPA does not apply to SCR on lands in the EEZ because the definition of public lands in ARPA expressly excludes the OCS.   | Not applicable outside the EEZ. |

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| Laws and Rules   | Provisions and Constraints Relevant to SCR  | Internal Waters  | Territorial Sea   |   | Contiguous Zone | Exclusive Economic Zone | The Area   |
|--|---|--|---|---|-----------------|-------------------------|--|
|  |   | (<0 nm)  | (0 - 3 nm)  | (3 - 12 nm)   | (12 - 24 nm)    | (12 - 200 nm)           | (beyond 200 nm)  |
| <p><b>RMS <i>Titanic</i> Maritime Memorial Act of 1986</b><br/>(16 USC 450rr <i>et seq.</i>)<br/><a href="http://www4.law.cornell.edu/uscode/16/450rr.html">www4.law.cornell.edu/uscode/16/450rr.html</a></p> <p><b>Agreement Concerning the Shipwrecked Vessel RMS <i>Titanic</i></b><br/>(Signatories: UK 2003, USA 2004)<br/><a href="http://2001-2009.state.gov/g/oes/rls/orr/2004/33709.htm">2001-2009.state.gov/g/oes/rls/orr/2004/33709.htm</a></p> <p><b>Guidelines for Research, Exploration and Salvage of RMS <i>Titanic</i></b><br/>(66 FR 18905-18913)<br/><a href="http://oceanexplorer.noaa.gov/explorations/04titanic/media/recoveryguidelines.pdf">oceanexplorer.noaa.gov/explorations/04titanic/media/recoveryguidelines.pdf</a></p> | <ul style="list-style-type: none"> <li>Directs the United States to enter into negotiations with the United Kingdom, France, Canada, and other interested nations to establish an international agreement that provides for designation of the RMS <i>Titanic</i> as an international maritime memorial and protects the scientific, cultural, and historical significance of the RMS <i>Titanic</i>.</li> <li>Encourages the development and implementation of international guidelines for conducting research on, exploration of, and, if appropriate, salvage of the RMS <i>Titanic</i>.</li> <li>Pending such an agreement or guidelines, expresses the sense of the United States Congress that no person should physically alter, disturb, or salvage the RMS <i>Titanic</i> in any research or exploratory activities that are conducted.</li> </ul>                | Not applicable.  | Not applicable.   | Not applicable.   | Not applicable. | Not applicable.         | Applies to the shipwrecked vessel RMS <i>Titanic</i> and its artifacts including associated objects scattered in its vicinity and any portion of the hull. |
| <p><b>Abandoned Shipwreck Act of 1987</b><br/>(43 USC 2101-2106)<br/><a href="http://www.nps.gov/history/history/online_books/fhpl/contents.htm">www.nps.gov/history/history/online_books/fhpl/contents.htm</a></p> <p><b>Abandoned Shipwreck Act Guidelines</b><br/>(55 FR 50116-50145, 55 FR 51528, 56 FR 7875)<br/><a href="http://www.nps.gov/history/archeology/submerged/intro.htm">www.nps.gov/history/archeology/submerged/intro.htm</a></p>   | <ul style="list-style-type: none"> <li>Asserts federal title to three categories of abandoned shipwrecks in or on state submerged land, and transfers that title to the respective state or territory, except for shipwrecks on federal and Indian land that are the property of the federal and Indian land owners.</li> <li>Provides that the maritime law of salvage and the common law of finds do not apply to shipwrecks subject to the Act.</li> <li>Encourages states to provide all interest groups with access to shipwrecks for recreation, education, tourism, biological sanctuaries, historical research, and appropriate public and private sector recovery.</li> <li>Encourages states to create underwater parks to protect shipwrecks.</li> <li>Encourages states to manage shipwrecks in accordance with the Act and its advisory guidelines.</li> </ul> | Applies to abandoned shipwrecks as defined in the ASA in internal waters that are lands beneath navigable waters, as defined in the Submerged Lands Act. | Applies to abandoned shipwrecks as defined in the ASA that are in the TS from 0 - 3 nm. | In the Gulf of Mexico only, applies to abandoned shipwrecks as defined in the ASA that are from 3 - 9 nm from shore. Otherwise, not applicable. | Not applicable. | Not applicable.         | Not applicable.  |

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| Laws and Rules  | Provisions and Constraints Relevant to SCR   | Internal Waters<br>(<0 nm)  | Territorial Sea<br>(0 - 3 nm)      (3 - 12 nm)                                   |  | Contiguous Zone<br>(12 - 24 nm)                                   | Exclusive Economic Zone<br>(12 - 200 nm)                           | The Area<br>(beyond 200 nm)   |
|---|--|---|--|--|---|--|---|
| <p><b>Presidential Statement on United States Policy for the Protection of Sunken Warships</b><br/>(19 Jan 2001) available by search at <a href="http://www.gpoaccess.gov/wcomp/index.html">www.gpoaccess.gov/wcomp/index.html</a></p> <p><b>Department of State Public Notice 4614: Protection of Sunken Warships, Military Aircraft and Other Sunken Government Property</b><br/>(69 FR 5647-5648) available by search at <a href="http://www.gpoaccess.gov/fr/index.html">www.gpoaccess.gov/fr/index.html</a></p> <p><b>Sunken Military Craft Act</b><br/>(Title XIV of P.L. 108-375; 28 Oct 2004) <a href="http://www.nps.gov/history/history/online_books/fhpl/contents.htm">www.nps.gov/history/history/online_books/fhpl/contents.htm</a></p> <p><b>32 CFR 767</b></p> | <ul style="list-style-type: none"> <li>Each nation has its own laws and rules relating to its sunken warships and other sovereign vessels.</li> <li>Typically, explicit procedures must be followed for a nation to formally abandon its sunken warships and other sovereign vessels or transfer title to another party.</li> <li>Under customary international law and U.S. Government policy, such vessels are considered to remain the property of the sovereign to which it belonged at the time of sinking regardless of its location or the passage of time since it sank.</li> <li>U.S. policy is clarified in the Presidential Statement issued on 19 Jan 2001.</li> <li>France, Germany, Japan, the Russian Federation, Spain, and the United Kingdom have advised the U.S. Government of their policies on this matter (see Department of State Public Notice 4614 issued on 5 Feb 2004).</li> <li>The Sunken Military Craft Act confirms that sunken U.S. military vessels and aircraft are sovereign property of the United States regardless of the passage of time.</li> </ul> | Applies to sunken warships and other sovereign vessels in internal waters.    | Applies to sunken warships and other sovereign vessels in the TS.                | Applies to sunken warships and other sovereign vessels in the TS.  | Applies to sunken warships and other sovereign vessels in the CZ. | Applies to sunken warships and other sovereign vessels in the EEZ. | Applies to sunken warships and other sovereign vessels in The Area. |
| <p><b>Laws and rules of U.S. states (including territories and possessions of the United States) on public property, antiquities, and shipwrecks</b></p>  | <ul style="list-style-type: none"> <li>Each state has its own laws and rules relating to its public property, antiquities, and shipwrecks in or on its lands and submerged lands.</li> <li>While all states have shipwrecks in their waters, only about half the states have legislation or programs that specifically address some aspect of SCR and only nine states have full-time programs dedicated to SCR.</li> <li>Typically, multiple agencies are given responsibilities with a marine resources or submerged lands agency often having primary authority and the historic preservation agency serving as a technical advisor.</li> <li>About 22 states allow commercial salvage of historic shipwrecks although most do not allow it within state underwater parks and preserves and some do not allow it on properties listed or eligible for the NRHP.</li> </ul>  | Applies to SCR in internal waters that are on state owned land.               | Applies to SCR from 0 - 3 nm in the TS that are on state owned land.             | In the Gulf of Mexico only, applies to SCR on state owned land between 3 - 9 nm from shore. Otherwise, not applicable. | Not applicable.   | Not applicable.  | Not applicable.   |
| <p><b>Laws and rules of U.S. cities and counties on public property and antiquities</b></p>   | <ul style="list-style-type: none"> <li>In rare instances, states have ceded ownership of some of its submerged land to cities or counties. Such action presumably also results in transfer of state title to any shipwrecks in or on that submerged land to the respective city or county.</li> <li>Each city and county has its own laws and rules relating to its public property and some have laws and rules relating to antiquities.</li> </ul>   | Applies to SCR in internal waters that are on city owned or county owned land | Applies to SCR from 0-3 nm in the TS that are on city owned or county owned land | Not applicable   | Not applicable  | Not applicable   | Not applicable  |

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|--|--|---|--|--|---|---|--|
|  |  | (<0 nm)   | (0 - 3 nm)   | (3 - 12 nm)  | (12 - 24 nm)  | (12 - 200 nm)   | (beyond 200 nm)  |
| <p><b>ICOMOS International Charter on the Protection and Management of Underwater Cultural Heritage (1996)</b><br/> <a href="http://www.international.icomos.org/under_e.htm">www.international.icomos.org/under_e.htm</a></p> | <ul style="list-style-type: none"> <li>• Ratified by the ICOMOS General Assembly, the Charter encourages nations and interested parties throughout the world to protect and manage underwater cultural heritage (UCH) as an international archeological resource.</li> <li>• Includes fundamental principles to encourage preservation of UCH <i>in situ</i>, provide for public access to UCH, and discourage unnecessary disturbance and adverse impacts to UCH.</li> <li>• Contains scientific guidelines in underwater archeology.</li> </ul>  | <p>Could be applied at the discretion of the local, state or federal government agency or U.S. court having jurisdiction over the UCH.</p>  | <p>Could be applied at the discretion of the local, state or federal government agency or U.S. court having jurisdiction over the UCH.</p>   | <p>Could be applied at the discretion of the state (in the Gulf of Mexico only) or federal government agency or U.S. court having jurisdiction over the UCH.</p>   | <p>Could be applied at the discretion of the U.S. Government agency or court having jurisdiction over the UCH.</p>      | <p>Could be applied at the discretion of the U.S. Government agency or court having jurisdiction over the UCH.</p>      | <p>Could be applied at the discretion of the nation or U.S. court having jurisdiction over the UCH.</p>  |
| <p><b>UNESCO Convention on the Protection of the Underwater Cultural Heritage (2001)</b><br/> <a href="http://www.unesco.org/en/underwater-cultural-heritage/">www.unesco.org/en/underwater-cultural-heritage/</a></p>         | <ul style="list-style-type: none"> <li>• Adopted by the UNESCO General Conference, the Convention provides for the preservation and protection of UCH that has been underwater for 100 or more years.</li> <li>• Establishes four separate and distinct procedures for: internal waters, archipelagic waters and territorial sea; the contiguous zone; the EEZ and continental shelf; and The Area.</li> <li>• Prohibits application of the laws of salvage or finds to UCH except under certain circumstances.</li> <li>• Requires recovery of UCH in conformity with the Convention.</li> <li>• Provides procedures specific to UCH that are warships and other sovereign vessels and aircraft.</li> <li>• Prohibits commercial exploitation of UCH.</li> <li>• Contains binding rules in underwater archeology to ensure that investigations meet professional scientific standards.</li> <li>• Imposes sanctions for violations.</li> <li>• Provides for the seizure and disposition of UCH recovered in a manner not in conformity with the Convention.</li> <li>• Encourages preservation of UCH <i>in situ</i> and non-intrusive public access to UCH.</li> <li>• Came into force on 2 Jan 2009 and applies only to parties to the Convention.</li> </ul> | <p>Not applicable unless the U.S. Government enacts implementing legislation and becomes a party to the Convention. It would apply only to inland waters of a maritime character unless the U.S. Government declared it shall also apply to inland waters not of a maritime character under Article 28. It would not apply to specific parts of internal waters that the U.S. Government declared under Article 29.</p> | <p>Not applicable unless the U.S. Government enacts implementing legislation and becomes a party to the Convention. It would not apply to specific parts of the TS that the U.S. Government declared under Article 29.</p> | <p>Not applicable unless the U.S. Government enacts implementing legislation and becomes a party to the Convention. It would not apply to specific parts of the TS that the U.S. Government declared under Article 29.</p> | <p>Not applicable unless the U.S. Government enacts implementing legislation and becomes a party to the Convention.</p> | <p>Not applicable unless the U.S. Government enacts implementing legislation and becomes a party to the Convention.</p> | <p>Applied by parties to the Convention when a party's national or a vessel flying the flag of a party discovers or intends to engage in activities directed at UCH in The Area or when a party declares an interest in UCH in The Area.</p> |
| <p><b>Maritime law of salvage</b></p>  | <ul style="list-style-type: none"> <li>• Provides salvage awards to persons who rescue vessels in marine peril and return the vessels and their cargo to the stream of commerce.</li> <li>• Awards are granted by federal courts in admiralty.</li> <li>• Designed for application to recent maritime casualties but applied to SCR.</li> <li>• Lacks uniform requirement to comply with archeological standards or consider the historical importance of the SCR.</li> </ul>  | <p>Applies only to SCR in internal waters that are not subject to the ASA, ARPA, AA or NMSA.</p>  | <p>Applies only to SCR in the TS that are not subject to the ASA, ARPA, AA or NMSA.</p>  | <p>Applies to SCR in the TS except those protected by the NMSA.</p>  | <p>Applies to SCR in the CZ except those protected by the NMSA.</p>   | <p>Applies to SCR in the EEZ except those protected by the NMSA.</p>  | <p>Applied by U.S. courts to SCR in The Area.</p>  |

**Management Authorities Applied to Submerged Cultural Resources in U.S. Waters and in The Area**

| Laws and Rules   | Provisions and Constraints Relevant to SCR  | Internal Waters   | Territorial Sea  |  | Contiguous Zone  | Exclusive Economic Zone   | The Area   |   |   |                        |  |                                |   |
|--|---|---|--|--|--|---|--|---|---|------------------------|--|--------------------------------|---|
|  |   | (<0 nm)   | (0 - 3 nm)   | (3 - 12 nm)  | (12 - 24 nm)   | (12 - 200 nm)   | (beyond 200 nm)  |   |   |                        |  |                                |   |
| <b>Common law of finds</b>   | <ul style="list-style-type: none"> <li>▪ As applied to shipwrecks, vests title to abandoned shipwrecks in the person who finds it and possesses artifacts recovered from it with the intention of becoming the owner.</li> <li>▪ Ownership is determined by federal courts in admiralty.</li> <li>▪ Lacks uniform requirement to comply with archeological standards or consider the historical importance of the SCR.</li> </ul>                                   | Applies only to SCR in internal waters that are not subject to the ASA, ARPA, AA or NMSA. | Applies only to SCR in the TS that are not subject to the ASA, ARPA, AA or NMSA. | Applies to SCR in the TS except those protected by the NMSA. | Applied by U.S. courts to artifacts recovered from SCR in the CZ and brought into the territorial jurisdiction of the court. | Applied by U.S. courts to artifacts recovered from SCR in the EEZ and brought into the territorial jurisdiction of the court. | Applied by U.S. courts to artifacts recovered from SCR in The Area and brought into the territorial jurisdiction of the court. |   |   |                        |  |                                |   |
| <b>Abbreviations</b>   |   |   |  |  |  |   |  |   |   |                        |  |                                |   |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>AA Antiquities Act</li> <li>ARPA Archaeological Resources Protection Act</li> <li>ASA Abandoned Shipwreck Act</li> <li>CFR Code of Federal Regulations</li> <li>CZ Contiguous Zone</li> <li>DOC Department of Commerce</li> <li>DOI Department of the Interior</li> <li>EEZ Exclusive Economic Zone</li> <li>FR Federal Register</li> <li>ICOMOS International Council on Monuments and Sites</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>NMSA National Marine Sanctuaries Act</li> <li>nm nautical miles</li> <li>NRHP National Register of Historic Places</li> <li>P.L. Public Law</li> <li>OCS Outer Continental Shelf</li> <li>SCR Submerged Cultural Resources</li> <li>TS Territorial Sea</li> <li>UCH Underwater Cultural Heritage</li> <li>UNESCO United Nations Educational, Scientific and Cultural Organization</li> <li>USC United States Code</li> </ul> </td> </tr> </table> |   |   |  |  |  |   |  | <ul style="list-style-type: none"> <li>AA Antiquities Act</li> <li>ARPA Archaeological Resources Protection Act</li> <li>ASA Abandoned Shipwreck Act</li> <li>CFR Code of Federal Regulations</li> <li>CZ Contiguous Zone</li> <li>DOC Department of Commerce</li> <li>DOI Department of the Interior</li> <li>EEZ Exclusive Economic Zone</li> <li>FR Federal Register</li> <li>ICOMOS International Council on Monuments and Sites</li> </ul> | <ul style="list-style-type: none"> <li>NMSA National Marine Sanctuaries Act</li> <li>nm nautical miles</li> <li>NRHP National Register of Historic Places</li> <li>P.L. Public Law</li> <li>OCS Outer Continental Shelf</li> <li>SCR Submerged Cultural Resources</li> <li>TS Territorial Sea</li> <li>UCH Underwater Cultural Heritage</li> <li>UNESCO United Nations Educational, Scientific and Cultural Organization</li> <li>USC United States Code</li> </ul> |                        |  |                                |   |
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| <b>U.S. Maritime Zone Citations</b>  |   |   |  |  |  |   |  |   |   |                        |  |                                |   |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 20%;"><b>Territorial Sea</b></td> <td>Presidential Proclamation 5928 (27 Dec 1988) <a href="http://www.archives.gov/federal-register/codification/proclamations/05928.html">www.archives.gov/federal-register/codification/proclamations/05928.html</a></td> </tr> <tr> <td><b>Contiguous Zone</b></td> <td>Presidential Proclamation 7219 (2 Sept 1999) available by search at <a href="http://www.gpoaccess.gov/wcomp/index.html">www.gpoaccess.gov/wcomp/index.html</a></td> </tr> <tr> <td><b>Exclusive Economic Zone</b></td> <td>Presidential Proclamation 5030 (10 Mar 1983) <a href="http://www.archives.gov/federal-register/codification/proclamations/05030.html">www.archives.gov/federal-register/codification/proclamations/05030.html</a></td> </tr> </table>   |   |   |  |  |  |   |  | <b>Territorial Sea</b>  | Presidential Proclamation 5928 (27 Dec 1988) <a href="http://www.archives.gov/federal-register/codification/proclamations/05928.html">www.archives.gov/federal-register/codification/proclamations/05928.html</a>   | <b>Contiguous Zone</b> | Presidential Proclamation 7219 (2 Sept 1999) available by search at <a href="http://www.gpoaccess.gov/wcomp/index.html">www.gpoaccess.gov/wcomp/index.html</a> | <b>Exclusive Economic Zone</b> | Presidential Proclamation 5030 (10 Mar 1983) <a href="http://www.archives.gov/federal-register/codification/proclamations/05030.html">www.archives.gov/federal-register/codification/proclamations/05030.html</a> |
| <b>Territorial Sea</b>   | Presidential Proclamation 5928 (27 Dec 1988) <a href="http://www.archives.gov/federal-register/codification/proclamations/05928.html">www.archives.gov/federal-register/codification/proclamations/05928.html</a>   |   |  |  |  |   |  |   |   |                        |  |                                |   |
| <b>Contiguous Zone</b>   | Presidential Proclamation 7219 (2 Sept 1999) available by search at <a href="http://www.gpoaccess.gov/wcomp/index.html">www.gpoaccess.gov/wcomp/index.html</a>  |   |  |  |  |   |  |   |   |                        |  |                                |   |
| <b>Exclusive Economic Zone</b>   | Presidential Proclamation 5030 (10 Mar 1983) <a href="http://www.archives.gov/federal-register/codification/proclamations/05030.html">www.archives.gov/federal-register/codification/proclamations/05030.html</a>   |   |  |  |  |   |  |   |   |                        |  |                                |   |