



DEPARTMENT OF THE NAVY  
NAVAL HISTORY AND HERITAGE COMMAND  
805 KIDDER BREESE STREET SE  
WASHINGTON NAVY YARD DC 20374-5060

IN REPLY REFER TO  
5860  
Ser 00/775  
September 2, 2015

Diving Equipment and Marketing Association  
3750 Convoy Street, Suite 310  
San Diego, CA 92111-3741

Dear Sir or Madam:

SUBJECT: GUIDELINES FOR PERMITTING ARCHAEOLOGICAL INVESTIGATIONS  
AND OTHER ACTIVITIES DIRECTED AT SUNKEN AND TERRESTRIAL  
MILITARY CRAFT

Following up to your earlier interest in the Sunken Military Craft Act (SMCA) of 2004, I wanted to let you know that the revised regulations permitting investigations of sunken and terrestrial military craft under the jurisdiction of the Department of the Navy (DON) were published in the Federal Register Monday, August 31, 2015.

As discussed before, the regulations do not change the SMCA but rather establish, as specified in the act, a permitting process for those interested in pursuing intrusive activities on DON sunken and terrestrial military craft for archaeological, historical, or educational purposes. The rule also identifies guidelines for inclusion of foreign or other Department of Defense sunken military craft under the U.S. Navy's permitting program, and establishes the process by which enforcement provisions of the SMCA will be implemented by the DON.

While published August 31, 2015, the new regulations will officially go into effect six months from now on March 1, 2016. During the interim the existing permitting program will continue to apply. Naval History and Heritage Command, in concert with other government agencies, will use the interim to develop and share information about the new program and process on our web site at <http://www.history.navy.mil/research/underwater-archaeology/policy-and-resource-management.html>.

The SMCA, enacted in 2004, codified customary international law in asserting that right, title and interest in and to any U.S. government sunken military craft remains with the U.S. in perpetuity, unless expressly divested.

These craft, which often serve as war graves, safeguard state secrets, may carry environmental or public safety hazards such as oil and ordnance, and hold historical value, are not to be disturbed, removed, or injured, and violators may face enforcement action for doing so without authorization. However, it is important to note that activities such as fishing, snorkeling and diving which are not intended to disturb, remove, or injure any portion of a sunken military craft are still allowed without the need for a permit.

I encourage you to reach out to my Underwater Archaeology Branch with any questions you may have (they can be reached at (202) 685-0897 or email: [nhcunderwaterarchaeology@navy.mil](mailto:nhcunderwaterarchaeology@navy.mil)). Further details on the permitting process will be made available on our website at [www.history.navy.mil](http://www.history.navy.mil) as they become available.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. J. COX', with a stylized flourish at the end.

S. J. COX