Chronology of Freedom of Information Act request related to display of so-called Spanish artifacts at the new NPS Visitors Center at Berlin, Maryland.

1. Copy of web pages advertising upcoming display. Note, there is no reservation taken on the supposed source of these artifacts. Sources: 
   http://www.nps.gov/archeology/sites/npsites/assateague.htm

2. July 14, 2008. Email request to the Departmental Consulting Archaeologist, Karen Mudar, alerting them to issues of fact.


4. August 23, 2008. Email from Amrhein to Francis McManamon, Chief Archaeologist NPS; copied to Robert Sutton, Chief Historian, NPS; Carl Zimmerman, Chief of Resource Management, Assateague Island National Seashore; Karen Mudar, Consulting Archaeologist, NPS

5. May 27, 2009. FOIA request by Amrhein

6. June 22, 2009. Letter from Diane Cooke, NPS FOIA Officer, requesting clarification. Shortly afterwards I called McManamon about request. I expressed my concerns. He said that the NPS was relying on the findings by the 4th Circuit that *La Galga* and *Juno* had been found.


9. September 14, 2009. Monday. Notice that Diane Cooke, NPS FOIA Officer, has been transferred out of NPS after 28 years to the Department of Veterans Affairs.

10. September 17, 2009. Thursday. Received package of requested documents from Karen Mudar rather than independent FOIA officer. The response to request for emails appeared to be sanitized and incomplete. The NPS confirms that their only basis for
displaying the artifacts as Spanish is the 4th Circuit opinion. In separate statements, they say they have no records to confirm that any of the artifacts came from La Galga or the Juno. When asked for any historical research that would substantiate the claims, they provided none. Also disclosed was the Loan Agreement of the artifacts between Spain and NPS. Spain has been given final authority over how the artifacts will be displayed. In response to 6c (Revised) They provided the letter from the Spanish Embassy to John Wilson, USFWS, instructing the Service to deny the permit application made by Gray and Pape to verify the location of La Galga. NOTE: Information was also requested concerning the Archaeological Overview and Assessment of Maritime Resources in Assateague Island National seashore Worcester County, Maryland & Accomack County, Virginia by Susan B. M. Langley, Ph.D., May 21, 2002. This report was commissioned by NPS. It included the notorious and fraudulent San Lorenzo and other numerous shipwrecks that cannot be supported by historical fact. This report was amended in May 2009 to annotate the San Lorenzo as suspicious based on my findings. Conspicuously absent: Any reference to my work and disclosures related to La Galga and the Juno. These reports can be found online at [http://mht.maryland.gov/archeology_underwater.html](http://mht.maryland.gov/archeology_underwater.html) The National Park Service refuses to give me any credibility because of my efforts to expose their incompetence related to the display of the above mentioned artifacts. These documents also reveal they knew of my factual claims about La Galga and the Juno since June 2007. The major reason for the Assessment was to gather additional information about La Galga and the Juno. U.S. Fish & Wildlife apparently recognizes my research on La Galga as they have partnered with Spain to block an archaeological investigation of the site for La Galga I have indicated.

11. September 20, 2009. Email to Carl Zimmerman acknowledging receipt of FOIA materials

Another important date for Antiquities Act Centennial Celebrations

2006 has been a good year for the Antiquities Act. During the course of the year, President Bush created two new National Monuments, both of them with important archeological resources: the African Burial Ground in New York City and the Northwestern Hawaiian Islands Marine National Monument. The centennial has occasioned commemorative exhibits, web sites, news reports, articles, and symposia. Individual National Monuments, new and old, have held celebrations, provided information, and promoted the centennial of the law that was instrumental in their creation. This is especially true for Devil’s Tower, the first National Monument, proclaimed by President Roosevelt on September 24, 1906. An important round of further commemorative activities will be held on December 8, 2006, when El Morro NM, Montezuma Castle NM, and Petrified Forest NP observe their centennials. Readers are encouraged to participate in the activities and spread the word about these anniversaries.

Progress on the Integration of Maintained Archeological Sites and the Facilities Management Software System (FMSS)

The NPS maintains many archeological sites in park units throughout the country. For the last two years, a small, dedicated group of NPS archeologists, facilities managers, and superintendents are developing a module for the FMSS system that will integrate the maintenance of archeological sites into the facilities management program more smoothly. This integration will enable park managers, and facility and cultural resource staffs to estimate and plan more efficiently the life cycle requirements for park archeological sites. It also will help park managers and program managers at regional and WASO offices to determine the long term needs and costs of archeological site maintenance activities. In a memorandum dated October 6, 2006, the Associate Director for Cultural Resources and the Associate Director for Planning, Facilities, and Lands Facilities summarize progress so far on this effort and discuss several of the issues related to the work. A copy of the memo can be found on the Inside NPS page for the Archeology Program, http://www.inside.nps.gov/waso/waso.cfm?prg=279&lv=3, under the tab along the left side of the page, "FMSS and Archeological Sites."

Guidance on Archeological Resources and Fire Management begins development

The NPS Archeology Program has begun development of a module of the service-wide Archeology Guide focused on Archeological Resources and Fire Management. A working group of experts with experience in managing archeological resources that may be affected or have been affected by fire held a teleconference on November 15, 2006, to identify relevant topics for inclusion in the guidance. Information about the fire working group activities is available on InsideNPS at http://inside.nps.gov/waso/custommenu.cfm?lv=3&prg=279&id=4813.

The Archeology Guide describes operational requirements, activities, standards, and provides guidance on the responsible management of archeological resources under the stewardship of the NPS. The Guide supplements more general directions in Director's Order #28A: Archeology, the NPS CRM Guideline, and Directors' Order 28: Cultural Resource Management. The first module, launched in FY2006, provided guidance on issuing Permits for Archeological Investigations on parklands.

NPS 2007 Archaeological Prospection Workshop
The NPS 2007 workshop on archaeological prospection techniques “Current Archaeological Prospection Advances for Non-Destructive Investigations in the 21st Century” will be held May 14-18, 2007, at the HAMMER Training Center, Richland, WA. Lodging will be at the Guest House, Richland, WA. This will be the seventeenth year of the workshop dedicated to the use of geophysical, aerial photography, and other remote sensing methods as they apply to the identification, evaluation, conservation, and protection of archaeological resources across the nation. The workshop will focus on the theory of operation, methodology, processing, interpretation, and on-hands use of the equipment in the field. There is a tuition charge of $475.00. Application forms are available on the Midwest Archeological Center’s web page at http://www.cr.nps.gov/mwac/.

Dr. Francis (Cal) Calabrese Retires
On November 3, 2006, Dr. Cal Calabrese, research coordinator for the Upper and Middle Mississippi Valley Cooperative Ecosystem Studies Unit (CESU), retired from the NPS. Cal received his Ph.D. from the University of Missouri-Columbia in 1971. He began his career in archeology at the University of Colorado-Boulder, working with Bob Lister and Dave Breternitz on various projects in Colorado and Utah. After leaving Colorado, he served as an archeologist for the state of Kansas for two years and returned to graduate school at the University of Missouri-Columbia, working under the direction of Ray Wood.

Cal began his career in the NPS in 1973, joining the Midwest Archeological Center in Lincoln, NE. In 1975, he became manager of the center, which coordinates field and laboratory research within national parks in 16 Rocky Mountain and Midwestern states. In 1994, Cal moved to the Midwest Regional Office in Omaha, where he served variously as acting deputy regional director, special assistant to the regional director, and superintendent of the Great Plains System Support Office. From 1998 through October, 2005, he was the associate regional director for cultural resource stewardship and partnerships. For the past 12 months, he has been detailed to the Upper and Middle Mississippi Valley CESU at the University of Missouri in Columbus, MO.

Although his position titles changed frequently throughout his 33-year career with the NPS in Nebraska, Cal’s contributions always focused on developing effective cultural resource programs, including an NPS Ethnography Program. Cal supported good science in archeological projects designed for parks. His research contributions and publications relate to the prehistory of the Central and Northern Plains.

Cal intends to spend time in the Caribbean on his 40-foot sailboat after his retirement. His envious colleagues wish him well.
(Contributed by Anne Vawser.)

Projects in Parks: Artifacts from 18th Century Spanish ships loaned to Assateague National Seashore
In October, 2006, representatives of the Spanish Ministry of Education, Culture and Sports and the U.S. National Park Service (NPS) signed a loan agreement for artifacts from Spanish shipwreck sites to be displayed in a new visitor’s center at Assateague Island National Seashore, Virginia. The long-term loan agreement was signed by Randy Biallas, Assistant Director for Park Cultural Resources Programs, NPS, and Julian Martinez Garcia, Director General of Fine Arts and Cultural Heritage, Spain’s Ministry of Education, Culture and Sports.

The loan agreement marks the end of a 7-year legal battle over objects believed to be from the Spanish Royal Naval ships *La Galga* and *Juno*. *La Galga* wrecked off the coast of Assateague Island in 1750. The *Juno* was lost in waters off Assateague Island in 1802.

**The wreck of *La Galga***

*La Galga* left Havana, Cuba, on August 18, 1750, to escort a convoy of merchant ships to Spain. Six days later, a hurricane scattered the ships, forcing them toward the American coast. When *La Galga* wrecked near the Maryland-Virginia border, most of the crew and passengers made it safely to shore. Local residents began to loot the wrecked ship which, subsequently, was destroyed by a second storm.

**The wreck of the *Juno***

The *Juno* left the port of Veracruz, Mexico, on January 15, 1802, enroute to Cadiz, Spain. Shortly after departure, the *Juno* and an escort ship, the *Anfitrite*, encountered bad weather and sailed to Puerto Rico for repairs. The two ships set sail again on October 1, after having taken the soldiers of the Spanish Third Battalion of the African Regiment, their families, and civilian officials on board. Near Bermuda, the ships were separated during a storm and the *Juno* began to leak. The *Juno* continued north, but was not able to contain the leak. The American schooner, *La Favorita*, came to *Juno*’s aid, and began taking on *Juno*’s passengers and crew. However, only seven people were able to transfer to *La Favorita* before the *Juno* was lost in the fog and heavy seas. At least 413 people were lost when the *Juno* sank at night during heavy seas.

**History of the salvage***

In 1996, working under an underwater exploration permit issued by the Commonwealth of Virginia, Sea Hunt, Inc., a commercial salvage company based in Manchester, New Hampshire, and working out of the Eastern Shore of Virginia, conducted archival research and remote sensing surveys of two tracts of submerged land off Assateague Island to locate shipwrecks. In 1997, the salvage company obtained a permit from the Virginia Marine Resources Commission (VMRC) to locate and recover underwater historic property. In addition, Sea Hunt, Inc. obtained a permit from the U.S. Army Corps of Engineers to dredge sand within the tracts to recover buried artifacts. The NPS managed the area within the tracts as part of the Assateague Island National Seashore, but did not have jurisdiction over the ocean floor, which meant neither the Antiquities Act nor the Archaeological Resources Protection Act applied. The park issued a Special Use Permit for the dredging operation, as the park had responsibility and jurisdiction over the water column above the wreck site.

Sea Hunt, Inc. found and recovered over 100 objects said to be from *La Galga* and the *Juno* through their salvage activities. Under the stipulations of the permit from the VMRC, the Commonwealth of Virginia
could retain title to 25 percent of the objects found and, at the discretion of the Virginia State Historic Preservation Office, buy the remaining objects from Sea Hunt, Inc.

Legal battle over the shipwrecks

Under the Abandoned Shipwreck Act of 1987, the Congress gave the states title to most abandoned shipwrecks embedded in or on state submerged lands. Under this law, the Commonwealth of Virginia claimed the wrecks of La Galga and the Juno but in 1998 the Kingdom of Spain asserted legal ownership over them, arguing that the ships had not been declared abandoned. After a lengthy jurisdictional and ownership dispute, the United States Court of Appeals for the Fourth Circuit upheld the Kingdom of Spain’s status as the rightful owner of its sunken sovereign vessels and any artifacts and materials associated with such vessels; and Spain’s rights to prevent salvage activities conducted without consent on its vessels. Sea Hunt, Inc. was ordered to return to Spain’s possession all artifacts and materials it had removed from the sites. The United States Supreme Court rejected without any comment or dissent appeals by Virginia and Sea Hunt, Inc. and so the precedent-setting decision of the United States Court of Appeals remains intact.

Legal rights in salvage cases

Although Spain has a large number of underwater cultural sites around the world, this is the first site where the question of sovereignty has been settled in a court of law. The key question in the case was whether the shipwrecks and artifacts had been abandoned by Spain. Documents provided by lawyers representing Spain in the court case demonstrated that the Juno and La Galga were still sovereign vessels and had not been declared abandoned.

The ruling of the Court of Appeals in the Juno-La Galga case is precedent-setting on an international scale. It marks a watershed in the struggle not just of Spain but of all nations to protect sunken State craft from treasure hunters and looters. The ruling advances responsible study and commemoration of these important historic sites.

Signing of loan and display of objects

Spain took possession of the more than 100 objects removed from the sites by Sea Hunt, Inc. The Spanish Embassy requested the assistance of the NPS in conserving the objects and providing for their long-term storage. The Spanish Embassy agreed to exhibition at Assateague Island National Seashore, near where the vessels were lost. All of the objects except for two anchors and a ship’s timber were sent to the NPS Harpers Ferry Conservation Center for conservation treatment done by now-retired NPS employee Dan Riss; the anchors and timber were sent to Texas A&M University. In 2005, conservation of the objects at the Harpers Ferry Center was completed and the objects were sent to Assateague Island National Seashore for cataloging into the park’s museum collection as a loan, and for storage. In 2006, Texas A&M University completed conserving one of the anchors and sent it to the park for cataloging and display. It is anticipated that other objects at Texas A&M University also will be sent to this park for storage and display.

Working with Spain’s representatives, Assateague Island National Seashore’s Chief of Resource Management Division, Carl Zimmerman, developed a loan agreement for the Spanish artifacts at Assateague Island National Seashore. The NPS is honored to care for these objects on behalf of Spain, and to make the objects available for scientific study and public appreciation. The loan agreement between Spain and the NPS may be the first of its kind between the NPS and another nation. Although
several other foreign flagged shipwrecks are within other national park units, this is the first loan agreement covering objects recovered from such sites.

**Spanish Heritage in National Parks**

At least 43 of the 390 areas comprising the National Park System contain or commemorate some aspect of Spanish heritage. Spanish shipwrecks are in or near seven areas – places like Assateague Island National Seashore in Maryland and Virginia; Biscayne National Park, Canaveral National Seashore, and Dry Tortugas National Park, all in Florida; Gulf Islands National Seashore, in Florida and Mississippi; Padre Island National Seashore in Texas; and Point Reyes National Seashore in California.

The Spanish Ministry of Education, Culture and Sports, the Spanish Embassy, and the Spain-USA Foundation have generously supported the NPS financially in the development of the “Teaching with Historic Places” lesson plan about Spanish Treasure Fleets which is posted online at [http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/129shipwrecks/](http://www.cr.nps.gov/nr/twhp/wwwlps/lessons/129shipwrecks/). These web-based lesson plans are designed to “bring history to life” for students in middle grades and higher by highlighting places listed in the National Register of Historic Places. By using real historic places in their teachings, educators can generate excitement and help connect their students to social studies, history, geography, and other subjects. The result is that students come to appreciate the value of the nation’s heritage resources.

The Spanish Treasure Fleets lesson plan is based on the National Register’s files for the shipwreck sites *Urca de Lima* and *San Pedro*, and other materials about the Spanish treasure fleets. It is designed for use by educators in teaching courses about Spanish colonization of the Americas, transatlantic trade and commerce in the colonial period, and maritime history from the 16th to 18th centuries. NPS employee Beth Boland oversaw development of the Spanish Treasure Fleets lesson plan.

For more information about the National Parks in this report or other National Parks, visit the NPS website at [http://www.nps.gov/](http://www.nps.gov/). For more information about “Teaching with Historic Places” lesson plans visit the NPS Teaching with Historic Places website at [http://www.cr.nps.gov/nr/twhp/](http://www.cr.nps.gov/nr/twhp/).

*Projects in Parks* is a feature of the *Archeology E-Gram* that informs others about archeology-related projects in a national park. Prospective authors should review information about submitting photographs on the *Projects in Parks* webpage. Selected reports are also available on the Archeology Program website under Research in the Parks <http://www.cr.nps.gov/archeology/sites/npsites.htm>

*Archeology E-Gram*, distributed via e-mail on a regular basis, includes announcements about news, new publications, training opportunities, national and regional meetings, and other important goings-on related to public archeology in the National Park Service and other public agencies. Recipients are encouraged to forward *Archeology E-Grams* to colleagues and relevant mailing lists and new subscribers are accepted. Past issues of the *Archeology E-Gram* are available on the *Archeology E-Gram* webpage <http://inside.nps.gov/waso/custommenu.cfm?lv=3&prg=279&id=3867> on InsideNPS; and will be on the *What’s New* page <http://www.cr.nps.gov/archeology/NEW.HTM> on the Archeology Program website.

Contact [DCA@nps.gov](mailto:DCA@nps.gov) to contribute news items, stories for *Projects in Parks*, and to subscribe.
Spain loans artifacts to Assateague Island National Seashore

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The loan agreement marks the end of a 7-year legal battle over objects believed to be from the Spanish Royal Naval ships La Galga and Juno. La Galga wrecked off the coast of Assateague Island in 1750. The Juno was lost in waters off Assateague Island in 1802.

The wrecks of La Galga and the Juno

La Galga left Havana, Cuba, on August 18, 1750, to escort a convoy of merchant ships to Spain. Six days later, a hurricane scattered the ships, forcing them toward the American coast. When La Galga wrecked near the Maryland-Virginia border, most of the crew and passengers made it safely to shore. Local residents began to loot the wrecked ship which, subsequently, was destroyed by a second storm.

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Working with Spain’s representatives, Assateague Island National Seashore’s Chief of Resource Management Division, Carl Zimmerman, developed a loan agreement for the Spanish artifacts at Assateague Island National Seashore. The loan agreement between Spain and the NPS may be the first of its kind between the NPS and another nation. Although several other foreign flagged shipwrecks are within other national park units, this is the first loan agreement covering objects recovered from such sites. The long-term loan agreement was signed by Randy Biallas, Assistant Director for Park Cultural Resources Programs, NPS, and Julian Martinez Garcia, Director General of Fine Arts and Cultural Heritage, Spain’s Ministry of Education, Culture and Sports.

Learn more about Assateague Island National Seashore.

For more about Spanish shipwrecks, see the "Teaching with Historic Places" lesson plan, [The Spanish Treasure Fleets of 1715 and 1733: Disasters Strike at Sea](http://www.nps.gov/archeology/sites/npsites/assateague.htm).

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Last updated: 09/12/2007 09:46:50

MJB
I believe you will find the information given in the link below is a bit suspect. First off, Spanish coins do not prove the existence of a Spanish shipwreck. I think the American public should be given all of the facts.

See here
http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=011/llsl011.db&recNum=184

Furthermore, documented testimony found within the Sea Hunt case acknowledges these wrecks were not found. This has been withheld from the public. See below

http://www.thehiddengalleon.com/treasurehunter.htm

YOUR LINK
http://www.nps.gov/archeology/SITES/npSites/assateague.htm

I think our common interest in historic preservation and the truth should be reconciled.

John Amrhein
Dear Mr. Amrhein,

Thank you for your interest in the NPS Archeology Program. We appreciate your concern for the accuracy of the information on the Archeology Program web pages.

Sincerely,

Karen Mudar

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I think our common interest in historic preservation and the truth should be reconciled.

John Amrhein
Dear Dr. McManamon


On July 14, I emailed the National Park Service about what appears to be erroneous information found at the above reference web site concerning the alleged discovery of La Galga and the Juno off of Assateague Island. I made reference to where the facts could be ascertained. I received a reply from a Karen Mudar quoted below. She did not suggest that anything I said was in error:

Dear Mr. Amrhein,

Thank you for your interest in the NPS Archeology Program. We appreciate your concern for the accuracy of the information on the Archeology Program web pages.

Sincerely,

Karen Mudar

I found that reply to be unresponsive. But she did establish that the NPS appreciates my concerns so I thought I should go into more detail and send those details to someone in authority.

In the files of the Sea Hunt court case, there is a great deal of contradictory statements made by Spain, The Commonwealth of Virginia, the federal government, and the historical record as it relates to the alleged discovery of La Galga and Juno. On the above mentioned web site, the NPS makes this statement:

Sea Hunt, Inc. found and recovered over 100 objects from La Galga and the Juno through their salvage activities.

From the court record in that case we have the following testimony that contradicts your web site. The Sea Hunt case was filed March 11, 1998. The court was told at that time that the vessels may or may not be La Galga and the Juno. On September 15, 1998 the following exchange was recorded:

U. S. Justice Department: “My first answer to you is if Sea Hunt with its resources has not been able to identify them, I don’t think sending down one U.S. Diver is going to either.”

And the Court replied: "But Sea Hunt has never guaranteed that these are the two ships. You are, in effect, trying to guarantee that they are the two ships, and I’m not satisfied that the Court is going to give Spain the yea or nay on salvaging these vessels when we don't really know what they are…the burden is upon the United States I would think to establish that we are really talking about Spanish warships..."

The Commonwealth of Virginia testified: “The claim is premature because they have not identified what vessels are there. The permits are not limited to the Spanish vessels, but cover that particular area.”
On April 1, 1999 another exchange of doubt was recorded in the court record:

The attorney for Sea Hunt said: "We do not at this time have sufficient evidence to declare that we have found the JUNO"

That same day Spain said, “it also appears to be the case that nobody knows where the Juno is and whether it’s embedded or not, Your Honor.”

Sea Hunt counsel implied that the wrecks had not been found. David Bederman for Sea Hunt sought to settle the issue of discovery so that the court could go forward by stipulating that the wrecks were in the arrested area when he and the other parties had no knowledge as to the vessels actual location: “All parties agree that Juno and La Galga are located within three miles of shore of the Commonwealth of Virginia in very shallow water.”

The Court said,” Can I assume from both parties here to this case that you all are satisfied that I should rule upon this matter on the agreement of counsel that the vessel is the JUNO?”

Jim Goold for Spain, after recognizing the claim that Quicksilver International had found the Juno 40 miles away from the Sea Hunt location said, “Yes. We believe that the court can rule, affirm Spain’s ownership of the JUNO regardless of which place it happens to be.” And later he said, “And at the same time Sea Hunt, with all of the modern technology that’s available, comes before the court and tells you they don’t know if they’ve found it or not either”

On April 29, 26 days after the above testimony and with no new evidence the court awarded the Juno to Spain and La Galga to Sea Hunt.

Even though Spain had won the Juno they still insisted that the Juno had not been found. Thirty days after the court decision Jim Goold for Spain told the court, “Sea Hunt’s filings belie any claim that its salvage services have been successful. In fact, Sea Hunt has frankly acknowledged in various public documents that it does not even know for certain where the JUNO is. …Second, Sea Hunt achieved no success in even locating, much less salvaging, the wreck.”

Spain then submitted an affidavit from David Beltran Catala which reinforced that, in its opinion, the Juno had not been found.

“Based on information contained in Sea Hunt’s filings in this Court and the attached exhibits prepared by Sea Hunt as reports of its activities it is evident that Sea Hunt has provided no credible information identifying the actual site of the Juno.”

“Records show that the last position reported for Juno was latitude 36° 44’N and longitude 76° 16’W on October 24, 1802, three or four days before she sank, that she spent her last four days in severe storm conditions, and that on her final day there was a harsh wind blowing from the North West, which would have been driving her away from the coast of America.”

“If the Juno were in an identifiable location, reports of sighting of wreckage or victims would be expected.”

Spain, quoting Sea Hunt’s December 15, 1998 report to the Commonwealth of Virginia, “the report confirms that Sea Hunt has not located the JUNO.”
It should be noted here that Spain failed to disclose the position of 36 67 the day before she sank which placed the Juno about 250 miles away from the Sea Hunt site. This evidence was found in Spain’s own archives.

In the June 15, 1999 Reply Brief of the Commonwealth of Virginia on the Salvage Award Issue, page 1 says: “The Commonwealth does not know the location of the JUNO wreckage site. Spain claims that Sea Hunt has not found the site…Until such time as this court has established a discrete location of the JUNO wreckage site, recovery of historic artifacts under the Virginia Marine Resources Commission Permits No. 97-0498 and No. 97-0163 (the permits) should be allowed to continue freely in the areas covered by the permits.”

The Court never established a discrete location for the wrecks.

**July 21, 2000 The 4th Circuit Court of Appeals affirmed the award of Juno to Spain and reversed the award of La Galga and gave her to Spain**

On November 17, 2000, Virginia argued that Spain had the burden of proof in determining which artifacts were attributable to La Galga and Juno. Virginia also said that Sea Hunt was prohibited from turning over to Spain any artifacts that came from any other shipwreck. Virginia suggested an item by item analysis with the burden of proof to be put on Spain. Virginia said, “Not only has Spain never agreed that the recovered artifacts came from their ships, Spain has never admitted that Sea Hunt even found LA GALGA and/or JUNO.”

**March 2, 2001**

Frederick Fisher for the Commonwealth of Virginia, "...we want to have control of our underwater land when we get through with this, except for the area in which the La Galga and the Juno lie. But the weakness of that exception is, nobody knows where that is."

Sea Hunt tried to recant from their original affidavit of discovery but Spain’s attorney would not allow it. He threatened sanctions against them. He had forgotten that “discovery” had been only stipulated to and not a proven fact.

**March 16, 2001**

Even after the threat of sanctions was made by Spain, Sea Hunt’s attorney told the Court, “The record is clear that the parties and the Court relied on supposition, conjecture, and speculation when referring to unidentified vessels as the Juno and La Galga.”

Virginia stated, “...The problem with the two vessels, we don’t know where they are. We have some locations which may or may not be the vessels...Spain would be entitled to the Juno and La Galga if they were ever found.”

And again, “The weakness of that is that nobody knows if this is the site of the JUNO or LA GALGA...This is the site by Act of the King of Spain.”
Even after the 4th Circuit Opinion, the district court said: "The court is faced with a problem that, in reading through this very thick file, that there is really no -- been any statement made by Sea Hunt positively this stuff came from Juno or these artifacts came from Juno or La Galga."

The case ended with Virginia and Sea Hunt trying to retain possession of the artifacts since they came from unidentified wrecks granted to Virginia by the Abandoned Shipwreck Act. Spain demanded the artifacts even though they never acknowledged the shipwrecks were Spanish. Now they have “loaned” these artifacts to the NPS which they were never entitled to.

Now for those artifacts. Every archaeologist knows that Spanish coins were standard currency in the Colonial period and were legal tender until 1857. They could come from any shipwreck. Here is a link for your convenience. [http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=011/llsl011.db&recNum=184](http://memory.loc.gov/cgi-bin/ampage?collId=llsl&fileName=011/llsl011.db&recNum=184)

I do not know if Spain is aware of this however. If someone thinks the anchors are Spanish, consider this. Ships routinely lost anchors at sea and in harbors. If a Spanish merchant left his anchor in Boston harbor his anchor would be later recovered and sold. If an American ship needed an anchor and was in Havana or Puerto Rico, for example, they would purchase one while there. It could easily be a Spanish anchor. What is conspicuously absent is cannon balls. Two heavily armed warships and no cannonballs? Shouldn’t current professional archaeological standards backed by sound historical research be addressed when evaluating artifacts and proposed shipwreck identities before making representations of fact to the general public who are fascinated with this subject? There is no reservation about these artifacts on the part of the NPS but there was by the parties to the Sea hunt case.

Today, at the Historic Preservation office in Richmond, the site form for the “Juno” in the Sea Hunt case says that it is not the Juno. There is no site form for La Galga. I have given a complete account of the locations of these two vessels with supporting references on the internet at [www.thehiddengalleon.com/treasurehunter.htm](http://www.thehiddengalleon.com/treasurehunter.htm). If the NPS has information and supporting references that disproves anything contained on this website please forward and I will delete everything proven to be in error. If you have an unproven contradictory position I will post it along side. I have already posted a link to your NPS site so that the public knows your position.

I hope that the information of discovery contained on the NPS site is not there because of the misstatements of facts contained in the 4th Circuit Opinion. That language is only there because of the above referenced stipulation. Federal judges are not generally versed in archaeology and maritime history. In other words, discovery of these shipwrecks cannot be factually inferred from a court’s decision. Otherwise, we come dangerously close to what happened in the Subaqueous Exploration and Archaeology decisions in 1983. (see [www.thehiddengalleon.com/Stateof%20Maryland.htm](http://www.thehiddengalleon.com/Stateof%20Maryland.htm)) In this case, a federal court awarded four make-believe shipwrecks to the State of Maryland when no items from any shipwreck were brought into court, and the identities of the shipwrecks were fabrications of a con man. And when the con man was sued by his investors, his only proof that he could offer that the shipwrecks were real is that the same court he defrauded said they were real. Twenty-five years later this case stands as a monument to government greed and incompetence. Historic preservation became a joke.

If anything I have said here is in error, please let me know.

Yours,

John Amrhein, Jr.

252-202-5118
Mr. John L. Amrhein, Jr.
117 Clipper Court
Kill Devil Hills, NC 27948

Dear Mr. Amrhein:

This is to acknowledge that your Freedom of Information Act (FOIA) request dated May 27, 2009, was received in the National Park Service's FOIA Office on June 2, 2009. We assigned it Request No. NPS-2009-00464.

Please reference this number on any correspondence with the National Park Service pertaining to this request. We will advise you of the status of our response within 20 working days if we anticipate a delay. Unusual circumstances may require an additional 10-day extension.

For processing purposes, this request has been placed in our Complex Track.

Sincerely,

[Signature]

Diane M. Cooke
NPS FOIA Officer
May 27, 2009

Ms. Diane Cooke  
(ORG CODE 2550)  
Office of the Chief Information Officer (OCIO)  
1849 C Street, N.W.  
MailStop: 1201 Eye Street, 8th Floor  
Washington, DC 20240

RE: Freedom of Information Act Request

Dear Ms. Cooke:

Pursuant to the provisions of the Freedom of Information Act I hereby request the following:

1. Please refer to the following found in the National Park Service’s E-gram of November 2006 found at http://www.nps.gov/archeology/pubs/egrams/0611.pdf for the basis of the following request:
   A. I would like a copy of the agreement between Spain and the National Park Service for loaned artifacts from shipwrecks believed to be La Galga and the Juno.
   B. Inventory of all artifacts loaned including NPS museum forms.
   C. Inventory of artifacts believed to have come from La Galga
   D. Inventory of artifacts believed to have come from the Juno
   E. Inventory of all artifacts loaned by Spain deemed to be not related to either La Galga or the Juno.
   F. Copy of all reports, research papers, communications, letters, and emails, that document that the above mentioned artifacts came from Spanish ships.
   G. Copy of all letters, emails, and reports sent or received by Randy Biallas, Dr. Daniel Odess, Antoinette J. Lee, Ph.D and Janet Matthews, Ph.D from January 1, 2000 to the present date concerning the loan of artifacts referred to in (A.) above.
   H. Copies of relevant pages that refer to the artifacts described above and contained in the Scope of Collection Statement for the Assateague National Seashore.

2. Please see attached Exhibit A, email from John L. Amrhein, Jr. to DCA@nps.gov dated July 14, 2008.
3. FOIA request Page 2
   A. Please supply copies of all email forwarded or sent from DCA@nps.gov or Karen_Mudar@nps.gov related to the above email of Amrhein.
   B. Please supply copies of all other memos, letters, reports, minutes of meetings and phone conversations and emails to or from Karen Mudar related to the email referred to at (2.) above and the artifacts referred to in 1(A) above.
4. Please see attached Exhibit B, email from DCA@nps.gov and Karen_Mudar@nps.gov to John L. Amrhein, Jr. dated July 25, 2008.
   A. Please supply copies of all email forwarded or sent from DCA@nps.gov or Karen_Mudar@nps.gov related to the above email to Amrhein.
5. Please see attached Exhibit C, email from John L. Amrhein, Jr. to Frank_McManamon@nps.gov dated August 23, 2008 This email was returned as undeliverable but copies were received by robert_sutton@nps.gov, carl_zimmerman@nps.gov, and Karen_Mudar@nps.gov
   A. Please supply copies of all reports, memos, emails, and minutes of meetings and phone conversations related to the above email by Amrhein of August 23, 2009 or to the loan of artifacts by Spain referred to in paragraph (1) which either Frank McManamon or Robert Sutton or Carl Zimmerman or Karen Mudar were a party.
6. In reference to the report, Archaeological Overview and Assessment of Maritime Resources in Assateague Island National seashore Worcester County, Maryland & Accomack County, Virginia by Susan B. M. Langley, Ph.D., May 21, 2002 for the Assateague Island National Seashore, NPS, please supply the following:
   A. Copies of all additions, deletions, corrections, or amendments made to the report by Susan B. M. Langley, Ph. D. or others since July 1, 2007.
   B. Copies of all additional information related to the report or errors contained in the report known to the National Park Service but not yet made part of the report.
   C. Copy of all historical research or documents which support the contention that La Galga was discovered by Sea Hunt, Inc.
   D. Copy of all historical research or documents which support the contention that the wreck of the Juno lies off of Assateague Island, Virginia within three miles of the coast.
   E. Copy of the budget approved to research and prepare the above referenced report.
   F. Copy of report of actual expenses incurred to research and prepare the above referenced report.
   G. Copies of all correspondence, letters, emails, and minutes of meetings between Susan B. M. Langley, Ph.D. and Carl Zimmerman, Robert Sutton, Karen Mudar, and Frank MacManamon from January 1, 2000 to the present.
I am happy to pay research and copy expenses up to $500 without further approval. Please let me know if it goes over that.

Thank you, I greatly appreciate your help in this matter.

John L. Amrhein, Jr.
Mr. John L. Amrhein, Jr.
117 Clipper Ct.
Kill Devil Hills, NC  27948

Dear Mr. Amrhein:

This is concerning your Freedom of Information Act (FOIA) request dated May 27, 2009, and received in the NPS FOIA Office on June 2, 2009. (Request No. NPS-2009-00464)

Some areas of your request are somewhat unclear to process as a FOIA request, and we are unable to consider it “received” under the regulations for purposes of beginning the 20-working day processing period, or for processing in general. At 43 C.F.R. § 2.8(a)(1), our regulations state that “You must describe the requested records in enough detail to enable an employee familiar with the subject area of the request to locate the record(s) with a reasonable amount of effort.”

The areas of concern are listed below using the numbering system you provided in your request:

Section 1(F) requests: “Copy of all reports, research papers, communications, letters, and emails, that document the above mentioned artifacts came from Spanish ships.” Please clarify this request.

Section 6(B) requests: “Copy of all additional information related to the report or errors contained in the report known to the National Park Service but not yet made part of the report.” Please clarify this request.

Section 6(C) requests: “Copy of all historical research or documents which support the contention that La Galga was discovered by Sea Hunt, Inc.” Please clarify this request.

Section 6(D) requests: “Copy of all historical research or documents which support the contention that the wreck of the Juno lies off of Assateague Island, Virginia within three miles of the coast.” Please clarify this request.

Section 6(G) requests: “Copy of all correspondence, letters, emails, and minutes of meetings between Susan M. Langley, Ph.D. and Carl Zimmerman, Robert Sutton, Karen Mudar, and Frank MacManamon [sic] from January 1, 2000 to the present.” Please clarify this request.
In responding to our request for clarification, please keep in mind, if you are seeking records beyond what the National Park Service originated/created, then the fees to conduct the search for such records could become very costly.

Our regulations state, that "The bureau will not begin processing your request until any issues regarding the scope or nature of your request are resolved. When a request is overly broad, unclear, or involves an extremely voluminous amount of records, or a burdensome search, the bureau will contact you to identify and clarify the records you are seeking." 43 C.F.R § 2.8(a)(2)

Please contact us in writing within 20 working days of the date of this letter informing us of your decision. The Department's regulations state that if we do not hear from you, with respect to issues relating to either the scope of your request (43 C.F.R. § 2.8(a)(3)) or to unresolved fee issues (43 C.F.R. § 2.18(d)) within 20 workdays of this letter notifying you of these issues, we will assume that you are no longer interested in this matter and will close the file on this request.

We would be more than happy to answer any questions you may have regarding this response or to help you in clarifying your request. You may contact Chief Archeologist, Francis P. McManamon at 202/354-2123.

Sincerely,

Diane M. Cooke
FOIA Officer
NPS Headquarters
July 1, 2009

Ms. Diane Cooke  
(ORG CODE 2550)  
Office of the Chief Information Officer (OCIO)  
1849 C Street, N.W.  
MailStop: 1201 Eye Street, 8th Floor  
Washington, DC 20240  

RE: Freedom of Information Act Request  
NPS-2009-00464  

Dear Ms. Cooke:

As a follow up and clarification to my original request I am here by submitting the following. Using my original number scheme please refer to my original request of May 27, 2009:

1 (F) Copy of all reports, research papers, communications, letters, and emails, in possession of the Office of the Archaeologist for the National Park Service and at the Assateague Island National Seashore that document that the above mentioned artifacts came from Spanish ships.

6(B) Copies of all additions, deletions, corrections, or amendments related to the information in the report but not yet made part of the report.

6 (C) Copy of all historical research or documents which support the contention that the artifacts listed in the inventory of artifacts requested at 1(c) came from La Galga

6(D) Copy of all historical research or documents which support the contention that the artifacts listed in the inventory of artifacts requested in 1(d) came from the Juno.

6 (G) Copies of all correspondence, letters, emails, and minutes of meetings between Susan B. M. Langley, Ph.D. and Carl Zimmerman, from January 1, 2000 to the present related to Assateague Island shipwrecks.
Thank you, I hope this clears the request up and I greatly appreciate your help in this matter.

John L. Amrhein, Jr.
Mr. John L. Amrhein, Jr.
117 Clipper Court
Kill Devil Hills, North Carolina 27948

Dear Mr. Amrhein:

This is in response to your Freedom of Information Act (FOIA) request dated May 27, 2009, and subsequent letter clarifying your request, dated July 1, 2009. (Request No. NPS-2009-00464)

The FOIA, 5 U.S.C. § 552, generally provides that the Government shall make documents available to the public for inspection and copying to the widest extent possible. Certain classes of documents, however, may be exempt if sound legal grounds exist for invoking an exemption. The FOIA does not require that new records be created in response to a request, and only applies to records in existence at the time of the request.

We have searched our files and found documents that are responsive to your request. We are releasing them in their entirety. We received your check for $596.50 which covers the processing of the FOIA.

If you have any questions about this response, please contact Pepper Cox (202-354-1831) or John Snyder (202-354-1421) in the Office of the Chief Information Officer who are handling FOIA requests.

Sincerely,

Francis P. McManamon
Chief Archaeologist

Enclosures
Daily Headlines

WASO/OCIO

Diane Cooke Leaves NPS

[Printer-friendly text version]

Diane Cooke. NPS photo.

Diane Cooke, Privacy Act and FOIA officer for the NPS, is leaving after 28 years with the Service. She'll be taking a new FOIA position at the Veteran's Administration beginning September 14th.

During her NPS career, she has supported both the Privacy and FOIA programs as a member of the WASO Administrative Program Center and, more recently, the Office of the Chief Information Officer. Diane has been an invaluable asset to both Privacy and FOIA programs. Though each area individually yields plenty of work for one person, but Diane has done a wonderful job of juggling both to the benefit of the NPS. Her dedication to both functions has been exemplary and her departure is a loss for the NPS. Nonetheless, we offer best wishes to Diane as she takes on her new challenges at the VA.

Contact Information
Name: Pepper Cox, PCox@nps.gov, SECox@nps.gov
Phone Number: 202-354-1831
Email: Pepper_Cox@nps.gov
## ASSATEAGUE ISLAND NATIONAL SEASHORE

**Response to FOIA Request NPS-2009-00464**

<table>
<thead>
<tr>
<th>Request #</th>
<th>Description of Records Provided</th>
<th># Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A</td>
<td>Copy of loan agreement between Spain and the National Park Service for artifacts discovered by Sea Hunt and turned over to the government of Spain</td>
<td>5 DS</td>
</tr>
<tr>
<td>1. B</td>
<td>Inventory of maritime-related artifacts loaned to the NPS by the government of Spain (NPS form 10-417), and associated museum forms</td>
<td>182 SS</td>
</tr>
<tr>
<td>1. C</td>
<td>No records - none of the artifacts loaned by Spain have been confirmed as either coming from or not coming from <em>La Galga</em> (except see 1. E below)</td>
<td>0</td>
</tr>
<tr>
<td>1. D</td>
<td>No records - none of the artifacts loaned by Spain have been confirmed as either coming from or not coming from <em>Juno</em> (except see 1. E below)</td>
<td>0</td>
</tr>
<tr>
<td>1. E</td>
<td>Copy of museum form for ASIS-2487. The object was included in collection transferred to Spain by Sea Hunt but later identified as plastic</td>
<td>2 SS</td>
</tr>
<tr>
<td>1. G</td>
<td>No records</td>
<td>0</td>
</tr>
<tr>
<td>1. H</td>
<td>No records - ASIS does not have a contemporary Scope of Collections Statement that references the collection loaned by Spain</td>
<td>0</td>
</tr>
<tr>
<td>3. A</td>
<td>No records</td>
<td>0</td>
</tr>
<tr>
<td>3. B</td>
<td>No records other than subject email</td>
<td>0</td>
</tr>
<tr>
<td>4. A</td>
<td>No records other than subject email</td>
<td>0</td>
</tr>
<tr>
<td>5. A</td>
<td>Copy of email regarding NPS archeology web site article; copies of records related to loan of artifacts by Spain referenced in paragraph 1 of FOIA</td>
<td>39 DS</td>
</tr>
<tr>
<td>6. A</td>
<td>The most current version of the subject report (minus the non-public site forms) is available on the Maryland Historical Trust website: <a href="http://mht.maryland.gov/documents/PDF/Archeology_MMAP_AINS_Overview&amp;Assess_optimized.pdf">http://mht.maryland.gov/documents/PDF/Archeology_MMAP_AINS_Overview&amp;Assess_optimized.pdf</a></td>
<td>0</td>
</tr>
<tr>
<td>6. B</td>
<td>Copies of three reports produced by MHT as follow up to the Maritime Archeological O&amp;A study commissioned by the NPS</td>
<td>75 DS</td>
</tr>
<tr>
<td>6. C</td>
<td>Copies of letters from Spanish Embassy asserting ownership of La Galga and the Juno. See Note below</td>
<td>2 DS</td>
</tr>
<tr>
<td>6. D</td>
<td>Ibid 6. C</td>
<td>0</td>
</tr>
<tr>
<td>6. E</td>
<td>Copy of Cooperative Agreement 4560A0054 stipulating budget and scope of work for Maritime Archeological O&amp;A study by MHT</td>
<td>7 DS</td>
</tr>
<tr>
<td>6. F</td>
<td>Copy of invoices and spreadsheet tracking payments to MHT for the conduct of Maritime Archeological O&amp;A study under CA4560A0054</td>
<td>7 SS</td>
</tr>
<tr>
<td>6. G</td>
<td>Copies of emails, correspondence, etc. between Carl Zimmerman and Susan Langley related to Assateague Island shipwrecks</td>
<td>25 DS</td>
</tr>
</tbody>
</table>

**Note:** The response to Request 1. F. and 6. C. & D. (revised) do not include records related to 4th Circuit of Court of Appeals case.
September 30, 2008

John S. Wilson
Regional Historical Preservation Officer
Fish and Wildlife Service
U.S. Department of the Interior
300 Westgate Center Drive
Hadley, MA 01035-9599

Marvin E. Moriarty
Acting Regional Director
Fish and Wildlife Service
U.S. Department of the Interior
300 Westgate Center Drive
Hadley, MA 01035-9599

Re: FWS/Region 5/NWRS

Dear Messrs. Wilson and Moriarty:

On behalf of the Embassy of Spain, I express appreciation to U.S. Fish and Wildlife Service for having contacted us for consultation under the Sunken Military Craft Act. We are pleased to assist the United States Government and the Fish and Wildlife Service in the consultation process provided in this legislation.

We have given the application careful review and note the following:

The application states that it has been submitted on behalf of John Amrhein, Jr. However, the application contains no information concerning archaeological credentials or qualifications of Mr. Amrhein to be responsible for a project of this nature.

The application includes statements that indicate that it has not shown due recognition of the legal proceedings that have definitively recognized Spain’s ownership of the Royal Spanish Navy Frigate La Galga. In the section entitled “Legal Questions as to Ownership,” the application states that “No evidence identifying this vessel was presented to the court.”
Extensive evidence of the identity and history of the vessel was provided to and reviewed by the courts. That evidence, and application of relevant principles of Spanish, U.S. and international law, resulted in a decision that is final and definitive that the Frigate *La Galga* is the property of Spain.

The application also appears to be based on a misunderstanding relevant decision of the court in other respects. That decision, and the underlying principles on which the decision is based, do not limit Spain's ownership of *La Galga* to artifacts or vessel remains at one specific location. We also note that the theory advanced in the application as to the location of *La Galga* is not supported by the historical record, as reviewed and found by the court, but in any case the failure of the application to acknowledge the legal status of *La Galga* does not indicate that approval is appropriate.

We are therefore unable to conclude that it would be appropriate to approve this application as regards the Spanish Navy Frigate *La Galga*. We wish to note again our appreciation for the consultation process.

*Sincerely,*

Jorge Sobredo

Cultural Counselor
Mr. Richard Waldbauer  
Resources Conservation  
Department of Interior National Park Services  
National Center for Cultural Resource Stewardship and Partnerships  
Archeology and Ethnoigraphy Program  
P.O. Box 73127  
Washington D.C, 20013-7127

Dear Mr. Waldbauer:

In reply to the letter you addressed to our Naval Attaché, Captain Fermín Moscoso del Prado, relative to the request to salvage the Spanish shipwrecks "La Galga" and "Juno", I would like to inform you that the Spanish Authorities are very interested in closely following any operations that might affect these vessels. Both are the property of Spain and were commissioned by the Spanish Navy and therefore were at all moments Spanish warships.

In the light of applicable legislation in the US, we feel that written authorization must be given from the Spanish Authorities through the Embassy, before any salvage operation can take place.

As you can well imagine, we will seriously consider any initiative that guarantees proper respect for the deads, has archeological value and will benefit a better knowledge of our common history. In this context, I would entreat you to inform interested salvage companies that they would have to come to an agreement with my Authorities, through the Embassy, before any authorization can be given.

Until such time as terms and conditions for the investigation, management, and possible excavation of the ships may be negotiated, we request that your agency take whatever steps are appropriate to protect the ships from disturbance.

Our Naval Attaché, Captain Fermín Moscoso del Prado is, like myself, at your disposal for any further information.

Yours sincerely,

Rafael Conde  
Deputy Chief of Mission
Incoming Loan Agreement

Accession No. ASIS-00337

NPS Unit (Borrower): ASSATEAGUE ISLAND NATIONAL SEASHORE
(Street/Box): 7206 NATIONAL SEASHORE LANE
(City/State/Zip): BERLIN, MARYLAND 21811
Superintendent: SCOTT J. BENTLEY
Shipping Address: Same

LENDER: KINGDOM OF SPAIN
(Department): CULTURAL OFFICE, EMBASSY OF SPAIN
(Street/Box): 2375 PENNSYLVANIA AVENUE, NW
(City/State/Zip): WASHINGTON, DC 20037
Responsible Official: JORGE SOBREDO
Shipping Address: Same

NPS Status:

PURPOSE OF LOAN: STORAGE
Credit Line: N/A

OBJECTS IN LOAN: See attached List of Objects, Form 10-417

INITIATION DATE: 10/17/2006
TERMINATION DATE: 10/16/2009 (see loan conditions below)

INSURANCE AND SHIPPING/PACKING
Insurance Paid By: N/A
Insurance Company: 
Packer: 
Shipping Paid By: N/A
Method of Shipping: Outgoing:
Policy No.: Return:

LOAN CONDITIONS:

Incoming loans are subject to the terms and conditions noted on the attached Conditions for Incoming Loans.

Additional Loan Conditions: 1) The term of the loan shall be for an initial 3 year period, renewed thereafter unless either the National Park Service or the Government of Spain gives written notice of termination of the loan agreement.

2) As described by the attached Addendum to Incoming Loan Agreement.
Incoming Loan Agreement (Continued)

SIGNATURES:

ON INITIATION OF THIS AGREEMENT: The undersigned is an agent of the National Park Service. Signature indicates agreement to terms specified in this loan agreement and attached conditions.

FOR THE KINGDOM OF SPAIN

JORGES SOBREDO
Name of Responsible Official (Lender)
Signature
Date

FOR THE NATIONAL PARK SERVICE

SCOTT J. BENTLEY
Name of Superintendent (Borrowing NPS Unit)
Signature
Date

RETURN STATUS:
Extension Termination Date:

RETURN OF LOAN:
The undersigned is an authorized agent of the lender. Signature acknowledges receipt of all material in good condition or in condition as noted on this agreement or in attached object condition report(s). A signed copy is sent to the borrower to acknowledge the return of the loan.

Name of Lender or Authorized Agent
Signature
Date
Conditions For Incoming Loans

Care and Preservation

1. The NPS will give to objects borrowed the same care as it does comparable property of its own. It is understood by Lender and Borrower that all tangible objects are subject to gradual inherent deterioration for which neither party is responsible.

2. Evidence of damage at the time of receipt or while in NPS custody will be reported as soon as practicable, to the Lender.

3. No alteration, restoration, or repair will be undertaken without the written authorization of the Lender.

4. The Lender certifies that the objects lent are in such condition as to withstand ordinary strains of packing and transportation.

Transportation and Packing

1. Costs of packing and transportation will be borne by the borrowing park unless the loan is at the Lender's request. The method of shipment must be agreed upon by both parties.

2. Customs regulations will be adhered to in international shipments.

3. The Lender will assure that said objects are adequately and securely packed for the type of shipment agreed upon, including any special instructions for unpacking and repacking. Objects will be returned packed in the same or similar manner as received unless authorized by the Lender.

Insurance

1. Unless objects are covered by a specific insurance policy, NPS liability for loss or damages will be subject to recovery under the Federal Tort Claims Act (28 U.S.C. 2671-2630, as amended), if loss or damage occurs while in the custody of the NPS and the loss can be proved to be caused by negligence or wrongful act of the Federal Government.

2. On request of Lender objects will be insured by the NPS under an all risk wall-to-wall museum collections policy subject to the standard exclusions for the duration of the incoming loan agreement. Insurance will be placed in the amount specified by the Lender herein, which must reflect fair market value at the time of the loan. If the Lender fails to indicate an amount, the NPS will set a value for purposes of insurance for the period of the loan.

3. If the Lender elects to maintain his own insurance coverage, the NPS must be supplied with a certificate of insurance naming the NPS and the United States Government as additional insureds or a waiver of subrogation. The NPS shall not be responsible for any error or deficiency in information furnished to the Lender's insurer or for any lapse in coverage.

4. The Lender is responsible for updating insurance valuations.

5. The amount payable by an insurance policy is the sole recovery available to the Lender in event of loss or damage.

Photography

Unless otherwise notified in writing, the objects lent may be photographed by the NPS for record, educational, catalog, and publicity purposes. It is understood that objects on exhibit may be photographed by the general public.

Ownership and Address Change

By signing the Agreement the Lender certifies that he is the legal owner of the described property. It is incumbent upon the Lender to notify the NPS in writing of any change of address. In case of change in legal ownership during the period of the loan, the new owner is required to establish his legal right by proof satisfactory to the NPS.

Return of Loans

The loan agreement may be terminated by either party given reasonable notice in writing. All notices to the Lender in regard to termination of the loan are considered sufficient if sent by registered mail to the Lender at the address given in this record. Unless otherwise notified in writing, the NPS will release the objects only to the Lender.

NPS Form 10-98a Rev.
February 1998
ADDENDUM TO INCOMING LOAN AGREEMENT  

Accession No. ASIS-00337

1. Prior to display the artifacts shall be maintained in a secure climate-controlled storage facility.

2. Transport of the artifacts from storage to the exhibition venue shall be conducted with adequate security and in a manner that protects the condition and integrity of the artifacts.

3. The artifacts shall be placed on display in a public facility in climate-controlled conditions that protect the condition and integrity of the artifacts, with appropriate security arrangements of visual surveillance and security technology.

4. The Government of Spain shall not be responsible for storage, construction, installation, security or other costs.

5. The term of the loan shall be for an initial 3 year period, renewed thereafter unless either the National Park Service or the Government of Spain gives notice of termination if the loan agreement.

6. Prior to the opening of the display, a copy of the explanatory narratives and other textural material for the artifacts shall be provided to the Government of Spain, through the Cultural Office of the Embassy of Spain to the United States, for review and approval.
Cultural Heritage Loan Agreement

In recognition of the shared cultural heritage of Spain and the Americas, and the shared interest of the Kingdom of Spain and the United States of America in the preservation of underwater cultural heritage for public benefit, the Ministry of Culture of the Kingdom of Spain and the National Park Service United States of America enter into the attached Loan Agreement for public display at the Assateague National Seashore of artifacts attributed to the Royal Spanish vessels Juno and La Galga.


[Signatures]

Assistant Secretary
National Park Service
Carl:

I just received documents related to my FOIA request. We talked several weeks ago about the Richard Cook material that you said that NPS has and may have placed some reliance on. As I told you then, I have his personal possessions regarding his treasure hunting activities. I came across some items that should be of interest to you if you don’t already have them. First is an article from the September 21, 1990 Oceana newspaper which details his believed discovery of La Galga. His 1989 report gives little information on the archaeology of the site. This article is a bit more revealing. At the bottom of page one in the last column, he recounted seeing copper sheathing with timbers and ballast stones. Copper sheathing was not introduced until 1761 when the British Navy began its use. Furthermore, records found in Spain of La Galga’s overhaul just before her last voyage tell us more about her bottom coverings. Her rudder was sheathed in lead and her hull in wooden sacrificial sheathing.


The bottom of the ship to the port keel was heaved out, and re-sheathed /planked completely, nailed and firmly fastened.

The rudder was heaved out, and her pintles removed, refit and newly lined /sheathed and the after piece of the rudder of 6 inches thickness… Lead was fastened to the rudder.

All the seams along the bottom (of the ship) were caulked, they were fired and tarred, hair and packing stuff were added. All the lining/sheathing was re- nailed, the seams of the ship were caulked, fired and given bitumen

If there is any doubt that the hull’s exterior was lined with wood, the testimony of the events of September 4, 1750 when La Galga struck an offshore sand bar gives more description of the hull covering:

Archivo General de Simancas, Secretaría de Marina 15 – 1. Expediente 184. f. 599 – 600. 120 pages

Testimony of Royal Navy First mate (Primer piloto) Juan Bernardo Mayonde who sailed on the Galga.
“The weather was very disagreeable, the cable in the water which was the longest / strongest was gone. The frigate only had only one hurricane hawser; this had come apart when we ran aground and lost the rudder, part of the false keel and many of the sheathing planks.”

**Testimony of Royal navy Second mate (Segundo piloto) Gabriel Joseph Muñoz who sailed on the Galga.**

“The reason for going aground was because we had already hit a sandbank where we lost our rudder and many planks of the sheathing. We freed ourselves and then dropped anchor between the bank and the mainland”.

**Testimony of Royal navy First boatswain (Primer contramaestre) Francisco Izaguirre who sailed on the Galga.**

“We lost our rudder and many boards when we struck bottom”.

**Norfolk 13 October 1750.**

**Letter from Joseph de la Cuesta y Velasco, purser of La Galga to the Marqués de la Ensenada**

“With contrary winds and great misfortune, we were unable to do otherwise and so we came on to a sandbank where upon the frigate lost her rudder and various planks of her lining.”

**Norfolk. October 13, 1750 Letter from Daniel Huony to the Marqués de Ensenada**

“God was willing however to save us half an hour later with only the loss of the rudder and many planks of the boarding planching”

Of equal importance as to what was found is what Cook did not find. He spent at least five years visiting this site from 1989 to 1993. Not one cannon ball or musket ball was recovered. VRMC permit #89-0671 began in 1989 and was extended to April 30, 1992 VRMC permit # 92-1239 expired 10-31-94 with work to be completed by October 31, 1993.

As for the Spanish coins that were found near his site. They could have come from any ship from most anywhere. While I was working there I noted tires from the tire reef 20 miles away at Ocean City having washed ashore. Those coins could have been transported miles over the centuries before Mrs. Clements found them. Donald Stewart is the one who told Cook and myself about Mrs. Clements. When I talked with her in 1982 she said that she only beachcombed near her house at the present Maryland-Virginia border. Had she travelled further north and south she probably would have found other coins.

As for his boundary line research that Cook used to prove his hypothesis, he merely back-solved to get his answer. The wreck he was working was found by Alan Reibe in 1981. He knew of the documented boundary lines I found in the Accomack courthouse. Those lines contradicted his goal to be declared the finder of La Galga so didn’t even bother to critique that research. When he found (or was led to) the 1868 experimental boundary survey he stopped there and chose not to discuss the earlier documented boundaries in his report.
To be sure, Ben Benson and Sea Hunt relied on Rick Cook’s research. My stepson, Shane Cook, was there the night the exchange took place. The *Sea Hunt* case is nothing more than an extension of Rick Cook’s work or really, Alan Riebe.

I also found in his records a list of other shipwrecks he was interested in. That file is attached. A number of these wrecks don’t exist. You will see that he had a fascination with the fictitious shipwrecks, *San Lorenzo*, *Santa Rosalia*, *Santa Clara*, and *Royal George*. These four vessels were invented by Donald Stewart in the SEA, Ltd. debacle. You will see several variations of these wrecks with different dates. Rick Cook was delusional at times. He was also a super salesman. His ex wife, my wife, said he could sell ice cream to Eskimos.

Cook had a great affection for Donald Stewart the con man and consummate liar. When I sued Stewart for fraud, Cook, not only refused to join the suit, but experienced frequent memory lapses in his deposition when asked questions about Stewart’s representations.

After Rick Cook died last year, I took possession of his research materials. There were no artifacts in his collection. They were probably turned over the Virginia according to his permit.

I hope that you will forward this information to the Spanish Embassy. I would but my efforts in 1999 and again early this year have resulted in my being ignored. This information is too relevant to be ignored. I would also suggest that you send it to the Justice Department as well. They have been encouraging people to swear in affidavits that *La Galga* is in the ocean when in fact they have no information to justify that belief, at least since that location has been put in doubt by publication of *The Hidden Galleon* two years ago.

In the documents I received from NPS in response the identification of the Sea Hunt artifacts the NPS states that they could not make any direction connection between the artifacts and *La Galga* and the *Juno*. It seems that the NPS is putting way too much emphasis on these artifacts as opposed to analyzing historical documentation on where the wrecks likely are. This is certainly a much cheaper approach and actually a lot more scientific.

I have attached a file on the *Juno*. In it is an account written by Ben Benson of Sea Hunt and an account written by Dave Horner in *Treasure Galleons* in 1971. Both accounts were taken from *Naufragios de la Armada Espanol* by Cesáreo Fernández Duro. Here is the online link.

http://books.google.com/books?id=ujslAAAQAQAAJ&printsec=frontcover&dq=Ferna%CC%81ndez+Duro,+Ce%sa%CC%81reo&hl=lang_es&as_drrb_is=q&as_minn_is=0&as_miny_is=&as_maxm_is=0&as_maxy_is=&as_brr=0&ei=aFS2Su-cLPW-zATylbDg#v=onepage&q=&f=false

Benson admits that the *Juno* disappeared when she was 300 miles off shore. Having learned of some Spanish coins predating 1802 found on the beach by locals he developed a theory these coins must have come from the *Juno*. This theory did not take into account these things:

1. Spanish coins could come from any shipwreck of this period.
2. There were a lot more wrecks in this area than he realized.
3. He was only guessing that the ship could continue sailing while full of water and masts down.
4. He did not consider that for every hour in the Gulf Stream the *Juno* would travel approximately another four miles further north.
5. The *Juno*, if it could sail, would make for Delaware Bay, not Chincoteague Inlet.

6. Had the ship been within sight of land soundings would have been taken by the *Favorite* and reported. They were definitely out of soundings in deep water.

7. Since no bodies were ever discovered it mostly likely sank far from land.

Benson’s report can be found in the Accomack County Library and was filed by Spain in the Sea Hunt case. Even Spain had argued that Sea Hunt had not found the *Juno*.

It is obvious to me that the artifacts in the possession of the NPS did not come from *La Galga* and the *Juno*. The NPS is under no obligation to Spain to display artifacts that did not come from *La Galga* and the *Juno*. The artifacts are the rightful property of the Commonwealth of Virginia and should be return to them. Your loan agreement is up for renewal on October 17 of this year. I think that on that date it would behove all parties to take a closer look at what is about to be put upon the American public.

If there is anything that I can do to help you sort out this mess, let me know. If anyone at NPS wants a copy of *The Hidden Galleon*, I will be glad to send them one.

John

252-202-5118

The Juno files will be sent in a separate email.
For Immediate Release: September 23, 2009

Contact(s): David Barna, (202) 208-6843
Jan Matthews, (202) 208-7625

National Park Service Chief Archeologist Retiring

WASHINGTON – National Park Service (NPS) Chief Archeologist and Departmental Consulting Archeologist Francis P. Pierce-McManamon is retiring from the agency he has worked for over the past 32 years. According to the NPS Mr. McManamon will officially retire in November, 2009.

"Dr. McManamon leaves a legacy that defines the federal archeology program," said Dr. Janet Snyder Matthews, NPS Associate Director, Cultural Resources. "We anticipate a nationwide search to replace Dr. McManamon, relying on the broad network of scientific organizations, academic institutions, and CRM professions."

McManamon has served the NPS as Chief Archeologist since 1995 and Departmental Consulting Archeologist since 1991. He graduated with a B.A from Colgate University and achieved his M.A. and Ph. D. from the State University of NY at Binghamton (SUNY) - now Binghamton University. Frank began his NPS career in 1977 as Regional Archeologist for the North Atlantic Region, headquartered in Boston. There he developed and oversaw archeological investigations at Saint Croix Island, Acadia, Saratoga, Boston parks, Lowell, Minute Man, Adams, Cape Cod, Fire Island, the William Floyd Estate, Gateway, Manhattan sites, and Morristown. In 1980, he became Chief of the regional cultural resources program.

In 1986 he moved to the NPS Washington office as Chief of the Archeological Assistance program. As part of the Archeological Assistance program, McManamon and his staff developed governmentwide training in archeological resource protection, methods, and management; several ongoing series of technical publications; and, a variety of public outreach products. He began a series of NPS newsletters reporting about archeological resources and resource management that continues today as the award-winning quarterly Common Ground and the monthly electronic newsletter Archeological E-gram. McManamon organized and coordinated the participation of Federal agencies and national archeological organizations in conducting the Harris poll, the first national public opinion survey of Americans’ attitudes about and understanding of archeology www.nps.gov/history/archeology/PUBS/Harris/index.htm.

McManamon oversaw the initial implementation (1990-1999) of the Native American Graves Protection and Repatriation Act, including preparation of the basic regulations, creation of the initial Review Committee, and the grants program. He represented the Secretary of the Interior and coordinated archeological, historical, and physical anthropological investigations related to the Kennewick Man case. He and his staff assisted the Department of State in treaty negotiations about the prevention of archeological trafficking and the protection of submerged cultural heritage. They have conducted peer review studies of prominent archeological programs and projects for the Bureau of Reclamation, Corps of Engineers, and Department of the Army. McManamon assisted the GSA in reviewing their treatment of the African Burial Ground, now a national monument, in New York City.

McManamon is the author of many articles and has edited several books and other publications on topics related to public archeology. Most recently, he edited Archaeology in America, a four-volume encyclopeda. His work has been recognized during the course of his career by several awards, including the Department of the Interior Meritorious Service and Superior Service awards; the Outstanding Public Service Award from the Archaeological Institute of America; a Certificate of Commendation from the Department of Justice; and, the Presidential Recognition Award from the Society for American Archaeology.

Frank lives with his wife of 36 years, Carol Pierce-McManamon, in Oakton, VA. Their daughters, Adalie and Kate, live in Cambridge, MA and Germany respectively.
As Chief Archeologist, McManamon and his staff in the WASO Archeology Program provide leadership, coordination, and oversight for archeological activities and resources in National Park units. They have stressed the importance of up-to-date information about site condition; efforts to maintain archeological sites in good condition; the regulation of archeological activities in National Park units through rigorous permitting procedures; public outreach and education about archeological resources; and, the care of and access to archeological collections and data. The Archeology Program website www.nps.gov/history/archeology/ presents information on these and additional topics for professionals, students and teachers, resource managers and others concerned with archeological preservation, and members of the general public with an interest in archeology.

As Departmental Consulting Archeologist (DCA), McManamon and his staff coordinate and provide leadership for Federal agency archeology. Over 30 Federal agencies have archeological programs or require archeological investigations as part of the activities they undertake. The DCA, acting on behalf of the Secretary of the Interior, drafts regulations, policies, and guidelines regarding the treatment of archeological resources that have governmentwide scope. For example, The National Strategy for Federal Archeology www.nps.gov/history/archeology/tools/natlstrg.htm, affirmed by administrations since 1990, calls for the focus of agency programs on preservation and protection of archeological sites; the conservation of archeological collections and records; archeological research and the sharing of research results; and, public outreach and education in Federal archeology. The DCA and Archeology Program have reported to Congress for the Secretary of the Interior on Federal agency archeology since the mid-1970s. This series of reports is available at http://www.nps.gov/history/archeology/SRC/src.htm.

The DCA office was created in 1927 to review the Antiquities Act permit program for the Secretary of the Interior and advise the Secretary and other officials about archeological resource protection and treatments, www.nps.gov/history/archeology/sites/dca.htm. The functions have evolved over time, but continue to focus on providing advice, coordination, and technical assistance regarding archeological resources to Federal officials and agencies.