

Wisconsin's Underwater Heritage

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A publication of the Wisconsin Underwater Archeological Association

September 1991

News Update Members attend maritime history conference

In mid-September, WUAA members Craig Fink and Bob O'Donnell attended the annual meeting of the Association for Great Lakes Maritime History (AGLMH) in Tobemory, Ontario.

Included in that meeting was a discussion of the the AGLMH's continuing work to create a diver's manual for historic shipwrecks.

Jay Martin, the Association's education committee chairperson, said the manual will contain eleven chapters, five of which are already in draft form.

Those draft chapters, and the publication as a whole, will be reviewed by maritime historians, underwater archaeologists, resource managers and avocational divers.

The completed work is expected to be published sometime within the next year if funding and a publisher can be found.

The AGLMH is also working to create a series of diver training workshops on underwater archeology to be conducted throughout the Great Lakes.

Joyce Hayward, chair of the Association's diver coordination committee, hopes the programs would be based on the Great Lakes Underwater Archeology course that has been offered at St. Ignace, Mich., for the past three summers. That program is endorsed by AGLMH.

While attending the conference, Craig Fink and Bob O'Donnell also dived in Fathom Five National Marine Park. Fathom Five was the first underwater park on the Great Lakes, and contains over 20 known shipwrecks.

Those wrecks are in from 5 to 150 feet of water and include barques, tugs, schooners and steamers dating back to the 1850s.

The park's operation differs from state preserves in the U. S. since divers must

Continued on page 2

State underwater preserve bill may be introduced this fall

The August issue of *Wisconsin Natural Resources* discussed state efforts to preserve historic shipwrecks with Dave Cooper, state u/w archaeologist, and Dick Boyd of Milwaukee, both WUAA members.

According to the article, State Rep. Larry Swoboda of Door County plans to sponsor a bill this fall that would begin the process of establishing underwater preserves in Wisconsin along the lines of the Michigan model.

The State of Michigan currently has eight underwater preserves in which wrecks are bouyed and community support for preservation is encouraged through education.

Under the Swoboda bill, a Submerged Cultural Resources Council would be established. That council would include representatives from several state and federal agencies and programs, including the Wisconsin Dept. of Natural Resources, State Historical Society, Coastal Management Program, Division of Trust Lands and Investment, UW Sea Grant Program and National Park Service.

In addition, the council would include legislators, divers and maritime archaeologists. The Council would be to recommend underwater preserve sites to the historical society

Continued on page 3

Salvors continue to challenge the legality of shipwreck law

The Abandoned Shipwreck Act (ASA) of 1987 continues to be challenged in court by a variety of diving and salvage interests.

Under the Act, states were given title to shipwrecks embedded in lands within their jurisdiction or shipwrecks having historical significance. In Illinois, the state has claimed title to the wreck of the sidewheeler *Seabird* which was founded in Lake Michigan by

salvage operator Harry Zych.

In December 1990, the courts had supported Zych's right to salvage the sidewheeler *Lady Elgin* which is also in Lake Michigan. That decision, however, did not address the constitutionality of the ASA since the wreck was found not to have been legally abandoned. The state has based its claim on the

Continued on page 3

Upcoming Events and Conferences

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|-------------|---|
| Sept. 28-29 | Training Dive at Sturgeon Bay. Meet at Bullhead Point. For info., call Dan Aerts at 608-276-9169 or Tom Villand at 608-221-1996 |
| Oct. 12 | WUAA Fall General Meeting, 9:15 a.m. to 5:15 p.m. in the Mitchell Room of the University Center, UW-Stevens Point. Pre-registration requested. For info. or to register, call Tom Villand at 608-221-1996 or Dave Neudeck at 608-246-0351. |
| Nov. 23 | Northeastern Wisconsin Group Meeting. Will attend a program on the <i>E.M. Ford</i> , the oldest operating steamship on the Great Lakes, at the Manitowoc Maritime Museum. For more information, call Bob O'Donnell at 414- 722-8465, after 5:30 p.m. |

Prairie du Chien project

River diving presented some new challenges

On Aug. 1 and 2, several members of WUAA participated in a dive at Prairie du Chien.

The dive took place in the Mississippi River off St. Ferioles Island near the State Historical Society's Villa Louis. The site was selected because of its active history, and because area claim divers had located items that were apparently related to that history.

SITE BACKGROUND

Prairie du Chien is where the Wisconsin and Mississippi Rivers meet. Since these were important river roads, the area was of strategic importance to both Indians and Europeans.

In 1673, Marquette and Joliet were the

first documented Frenchmen to travel the rivers near Prairie du Chien. In the years that followed, the area became an important location for the French fur trade.

After 1763, the British controlled the region, continuing to maintain Prairie du Chien as a rendezvous point and depot for the fur trade. The Americans became active in the area during the War of 1812 when they built Fort Shelby in 1814.

Shortly thereafter, the British took control of Fort Shelby during the Battle of Prairie du Chien and renamed it Fort McKay. In 1815, the fort was burned. Later, the Americans regained control of the region.

In 1817, Jacob Astor's American Fur Trade Company became an establishment at a rebuilt Prairie du Chien fort. By the mid-1800s, both steamboat and railroad traffic were contributing to the area's development. In 1870, the Victorian mansion Villa Louis was built atop the site of an Indian mound.

DIVE PLAN AND RESULTS

The dive plan was to reconnoiter the area in front of Villa Louis and to determine how to approach possible future dives. Participating in the dive were: Dan Aerts, Jane and Jerry Kolonko, Dick Steinfeldt and Tom Villand. Bob Birmingham and his son oversaw the activities.

A system of ropes and floats was laid out to help locate any finds and to guide the divers in a systematic search of the site. It soon became apparent that there were a few

problems to overcome.

First, a small boat and motor would have simplified the task of laying out the lines. For a diver in the water, the river's current was easily manageable while searching the bottom, but nearly unmanageable when pulling the floats, ropes and weights for the grid system.

Objects that were found generally further than one hundred feet from shore where the current kept the silt from accumulating. Visibility was nearly zero during the dive. So everything was located by touch, and distances from shore or the base line couldn't be read underwater.

OBJECT RECOVERY

Objects that were found included: approximately one dozen bottles dating from about 1910 to present; small flat pieces of steel; a sole of a shoe; and a large section of PVC pipe. The most interesting discovery was the remains of seven pilings that were apparently part of an old pontoon bridge.

FUTURE DIVES

Because of silt and visibility problems, close shore diving would not appear to be very productive. Possibly, a late season dive would provide better visibility, although if gloves or mitts are required the ability to feel small objects would be lost.

(Note: the weekend of Nov. 2 has been tentatively planned for another WUAA dive, contact Tom Villand or Dan Aerts for details).

Wisconsin's

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is published by the Wisconsin Underwater Archeological Association.

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Contributions to Wisconsin's Underwater Heritage are welcomed. For information, call Bob O'Donnell at 800-236-5739 days or 414-722-8465 evenings.

Maritime history conference

Continued from page 1

register each year with the park service and standard rules for boating and diving operations are enforced. Some of the wreck sites are visited by tour boats requiring the management of park for multiple users.

Those tour boats visit some of the 19 islands that are included in Fathom Five National Park. On island, Cove Island, there is an 1856 lighthouse which is one of the last of three manned lighthouses on the Great Lakes.

Members of the AGLMH toured the lighthouse which is operated by the Canadian Coast Guard. The facility is scheduled for automation this fall after the current lighthouse keeper retires.

The Association for Great Lakes Mari-

time History is an international association of museums, research institutions and private individuals. Their common goal is to promote the knowledge of, and appreciation for, Great Lakes maritime history.

For more information on the Association, for Great Lakes Maritime History or a membership application, contact David Glick at P.O. Box 25, Lakeside, OH 43440.

For information on the Association's diver manual, contact Jay Martin at 1608 Cough St., Apt. 3, Bowling Green, OH 43402.

For information on the Great Lakes U/W Archeology course or the diver coordination committee of the AGLMH, contact Joyce Hayward at 1791 CR 296, Bellevue, OH 44811.

Loophole found in Abandoned Shipwreck Act

Continued from page 1

Seabird on the fact that the wreck has been legally abandoned and is embedded in bottomlands within its jurisdiction. No party has claimed any historical significance for the wreck.

A district court had ruled against Zych in the *Seabird* case in 1990. However, this past August, the 7th Circuit Court of Appeals reversed that ruling and sent the case back to the district court.

The appeals court instructed the district court to determine: 1) the facts concerning the assertion that the wreck is "embedded" in lands under state control; and 2) whether the ASA is constitutional or not.

Since Harry Zych is only person who has physically seen the wreck, his testimony on the "embedded" question is seen as critical. Zych is being supported in his efforts to challenge the constitutionality of the ASA in both the *Seabird* and *Lady Elgin* cases, by the American Sport Divers Association.

In Lake Erie, a California-based salvage company is trying to salvage the wreck of the *Atlantic*, a 19th century sidewheel steamer.

Mar-Dive Salvage Corp. of Los Angeles

hopes to recover \$60 million in gold and silver from the wreck and a historic submarine that was used in a previous salvage attempt and may be on the wreck's deck.

The *Atlantic* case involves questions of multi-national jurisdiction since the wreck is an American vessel in Canadian waters. Ontario police tried to arrest Mar-Dive personnel last July 4 for diving on a historic wreck without a permit.

Also in July, officials from the states of Pennsylvania and New York issued statements supporting the Canadian action and condemning the salvage attempt.

It appears, however, that like the *Lady Elgin* case the courts will uphold Mar-Ad's salvage rights since the wreck has not been legally abandoned.

In fact, a federal district court in California gave Mar-Dive salvage rights to the wreck on July 11, based on a 1908 admiralty treaty between the U.S., the U.K. and Canada.

Eight days later on July 19, escorted by a U.S. marshal, the company placed an arrest warrant on the wreck's buoy line to assert its claim. The wreck is now off limits to all sport and research divers.

State preservation legislation

Continued from page 1

several state and federal agencies and programs, including the Wisconsin Dept. of Natural Resources, State Historical Society, Coastal Management Program, Division of Trust Lands and Investment, UW Sea Grant Program and National Park Service

In addition, the council would include legislators, divers and maritime archaeologists. The purpose of the Cultural Resources

Council would be to recommend underwater preserve sites to the historical society and oversee management of the preserves.

For more information on the proposed legislation, contact Rep. Lay J. Swoboda at Room 13 West, State Capitol, P.O. Box 8953, Madison, WI 53708; and Dave Cooper, state u/w archaeologist, State Historical Society, 816 State St., Madison, WI 53706 (telephone: 608-262-0160).

WUAA Membership Application



As a private, non-profit organization, the Wisconsin Underwater Archeological Association presents an opportunity for both individuals and organizations to participate in and contribute to state efforts in u/w archeological research and preservation. Dues are \$15 per year.

Name _____
 Address _____
 City _____ State _____ Zip _____
 Telephone: Day _____ Evenings _____

Since we are a new organization, we would like your input on the types of goals the association should have:

- ☐ Documentation of state underwater archeological sites
- ☐ Training individuals in u/w archeological methods
- ☐ Exchange of information between members
- ☐ Preservation of state underwater archeological sites
- ☐ Public education on underwater heritage
- ☐ Creation of state underwater preserves
- ☐ Others: _____

I would like to be involved in the following activities:

- ☐ Archival research
- ☐ Training in archeological methods
- ☐ On-site work - shoreline
- ☐ On-site work - underwater
- ☐ Association Committees:
 - ☐ Newsletter
 - ☐ Organization
 - ☐ Training
 - ☐ Membership
- ☐ Other: _____

Make \$15 check payable to "WUAA" and mail with this form to:

Wis. Underwater Archeological Association - P.O. Box 6081 - Madison, WI 53716

WUAA Fall General Meeting

**WHEN: Saturday, Oct. 12
9:15 a.m. to 5:15 p.m.**

**WHERE: University Center
UW-Stevens Point**

**Pre-registration requested.
To register, call Tom Villand at 608-221-1996
or Dave Neudeck at 608-246-0351.**

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For those interested in
preserving Wisconsin's underwater history