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COURT UPHOLDS FINES AGAINST CALIFORNIA DIVERS

A federal court in California has upheld fines totaling \$132,000 imposed on six divers for removing artifacts from two historic shipwrecks in a national marine sanctuary off Santa Barbara, the National Oceanic and Atmospheric Administration (NOAA) announced.

The fines were levied in 1990 as part of a sting operation involving enforcement officers from NOAA and the National Park Service. They were part of the successful prosecution of 20 people for removing artifacts from shipwrecks at NOAA's Channel Islands National Marine Sanctuary.

The defendants, including Jack Ferguson, a dive club master fined \$100,000, argued that the penalties were too harsh, NOAA's regulations vague, and that NOAA could not prohibit removing artifacts protected by the rights of "salvage and finds" under admiralty law. Judge Stephen V. Wilson of the U.S. District Court for the Central District of California rejected all three arguments.

The court's most important finding, NOAA said, was its determination that the agency can prevent salvaging historic resources and can regulate salvors whose rights under admiralty law existed before the designation of a sanctuary.

"This is a very significant case for protecting sanctuary resources," said Francesca Cava, head of NOAA's Marine Sanctuary Division. "It is now a matter of law that historic sanctuary resources are safe from challenges under the admiralty law of salvage."

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NOAA manages 13 marine sanctuaries off the United States coasts, protecting more than 13,000 square miles of ocean. The program includes a sanctuary off North Carolina that safeguards the Civil War iron clad Monitor, the Florida Keys sanctuary and four sanctuaries off California. Many of the sanctuaries contain historic shipwrecks.

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