

**ISOLATED FINDS POLICY MEETING**  
**April 29, 2004**

**Attendees:**

Ryan J. Wheeler  
T. J. Jones  
Hector Marrero  
Robert Daniels  
Hank Kratt  
Sheila Stewart  
Mark Madonia  
Todd Bevis  
Mark Jenkins  
Allen Hyde  
Terry Tinsley  
Jeffery Granger  
Greg Antonoplos  
Joe L. Page  
Craig Willis  
Alan Peirce  
Rick Baker  
Harleigh Texter  
John Hammond  
Vito Cavallaro  
Jim Tatum  
Carlos Tatum  
Mark Berrigan  
David Alden  
Hugh Boyter  
Keith Singleton  
Dale Frierson  
Bob Knight  
Don Monroe  
Harley Means  
Ryan C. Means  
Michael Faught  
Thorton N. Pyles  
Mark A. Van Leer  
Pete T. Collins  
Charly Branham  
Judy Bense  
Kenny Waldrop  
Frank King  
Larry Tetterton  
Tina Tetterton

Paul M. Lien  
Andrew S. Walker  
Tina Ames  
Hugh McKenzie  
Steve Martin  
Guy Marwick  
William Barton  
Dave Thulman

## **CALL TO ORDER**

Dr. Ryan Wheeler introduces himself and thanks everyone for coming.

Advises there is a sign-in sheet and agendas available for everyone. Advises everyone that the meeting is being taped to create minutes.

Asks everyone to take a few minutes and decide amongst themselves who is going to speak for their group. Also asks the speakers to keep presentations to five minutes. Asks for questions, and asks them to think about not just whether the program should stay or go, but if it should stay, what direction they'd like to see it take. Asks to break up into their groups.

## **DISCUSSION ENSUED**

Dr. Wheeler calls the meeting to order. Asks if people are selected to speak. Asks to hear from people who oppose Isolated Finds Policy. Asks for a show of hands of those that are going to speak on behalf of that viewpoint. Asks again who is going to speak against.

Asks for law enforcement perspective. Recognizes Dave Thulman.

Dave Thulman: "Well I am not against collecting, but I am against the policy and the way it's run right now and I have some suggestions for where I think it should go."

Dr. Wheeler advises that that may fall under the final category to be covered at the meeting. Suggests allocating more time for people who want to discuss that matter.

Someone: "Would we all agree that collecting will end eventually because it's a non-renewable resource?"

## **CLAPPING AND DISCUSSION ENSUED**

Dr. Wheeler calls the meeting to order again. Advises that there are no members from any American Indian tribes present, but there are letters written specifically on this topic. Asks Allison McCarthy, DHR Director's Office staff, to read them. Asks her to come up. Advises one letter is from the Seminole Tribe of Florida from their tribal deputy historical preservation officer, and the other is from the Muskogee Creek Tribe.

Allison McCarthy: "I'm going to read the oldest letter first dated December 11, 2003 addressed to Janet Snyder Matthews, Director of Division of Historical Resources."

**Reads Letter**

"The second letter address to Dr. Judy Bense, Chairman of the Florida Historical Commission addressed Monday April 26, 2004."

**Reads Letter**

Dr. Wheeler thanks Allison, and asks for anyone who would like to present a Law Enforcement view on the Isolated Finds Policy. Asks for Robert Daniels.

Robert Daniels: " This is a quasi law enforcement view. I do not...commissions [Fish and Wildlife Conservation Commission] people...I don't even know what their view is. I was a wildlife law enforcement officer for 26 years, been dealing with the Isolated Finds program from day 1." Says he is an artifact collector so he sees that side, but he also sees the side of the archeologist. Reminds everyone that we have a constitutional right to speak, and it's his job to defend rights to say what they want to say. Agrees we need to come up with a new program. Says he has a few things he believes should be a part of the new program.

"The first one is, I believe we should follow the Historical Commission's rule on abolishing the current IF program as it is. We have two professional archaeologists that I've actually known on this committee and the rest of them are volunteer citizens who have committed their time to come up with this conclusion, I think that we, that the State should listen to what they say.

Second, I think we should involve and consider Native Americans...and consider their views are based on more spiritual and religious beliefs...not all agree that commercial profits off our ancestors possessions. I feel we should support the FAS proposal with the emphasis on phase one survey which is site survey, the site recording by permitted groups of individuals who have true avocational archaeologist support groups. And the emphasis should be placed on survey and recording the site rather than collection by the general public who has shown non-willingness to comply.

Number Four, I think BAR should follow it's own archaeologist's recommendations that certain rivers are of national significance should be off limits to collectors of artifacts. We have read documents, and our own archaeologists have recommended to the State that some rivers be closed to the collecting of artifacts. Those rivers should be determined by the State.

A new underwater program should be codified law with criminal and civil...if we are going to have an Isolated Finds program it needs to be codified law for enforcement officers to take action on violations. I believe a written agreement between the Dept. of State and FWC, DEP, and the FDLE and the Florida Sheriff's Association and the Attorney General's office that we should have a written agreement that resolves that all laws will be enforced by all agencies in power. Remember what the Muskogee Creek tribe stated in their letter read to us prior, one statute is no less a law than any other statute.

I believe the Dept. of State should always respect the public trust entrusted to them to maintain, protect and preserve our cultural heritage.

I don't feel that they should allow collector societies, groups or individuals to intimidate or threaten their career, and let budgets get in their way.

As some of you know, some of you are from Georgia and Alabama, and we all get the newsletters when they come out, and there is no need for a personal attack on State Archaeologists. They have their opinions; we shouldn't make this a personal thing. We should band together to come up with a reasonable agreement. It's the only way.

We gave the public the chance to...the isolated finds policy and look what happened; here we are going to have to do it all over again. We're going to get it right this time.

One of the main things, we need to manage our rivers as sites of the future with the increased development of all ...lands that are all for sale now. We probably won't see it in our lifetime but these lands are what the State helped buy and develop at one time another. That's why there is tremendous pressure on our corporate resources to development and more and more collectors are putting more and more pressure on what they have left. ...Once it's gone we can't replace it. Due to the action of Georgia and Alabama we already see an increase in out of state guys come to our area, and in the last few weeks I've checked numerous of them, that don't have permits, they aren't going to do paperwork, instead they are going to take and loot stuff and take it back home. That's not contributing to science when people do that. It's up to everybody in this room to police these type people and that's the difference. We need to focus on science, more site survey."

David Thulman: "My name is David Thulman and I'm an archaeology grad student at FSU. I collected from Florida rivers, that's what got me excited again about archaeology and got me to go back to school. And I've also been an enforcement attorney for DEP for a few years so I have some understanding of how these things are enforceable and non-enforceable. And although I do civil enforcement, it still requires the interpretation of contracts, permits, licenses, rules, regulations, leases, and all that stuff. The major problem with enforcement is Isolated Finds Policy. What makes it unworkable in my mind are two things: a practical reason and legal reason. The legal reason is that we probably have about 30 different definitions of what an isolated find is. It's an unworkable definition and so whatever happens in the future, we need to probably get away from this idea that you can only pick up isolated finds. And as a practical matter, nobody does that. Nobody says "oh, I found an artifact now I can move downstream and find another artifact." Everybody goes back to the sweet spots, the hot spots, the great spots where most of the artifacts are. So as a practical matter it's just unenforceable. So that would be my one recommendation, the major recommendation about the IF policy. The second thing is, that whatever gets put in there has to be clear to whatever enforcement officer, that the person is in compliance or not in compliance. Now environmental law, the best rules are the ones that say you can't go above 10mg of phosphorus per liter in this yard. But when a diver comes up from the bottom with a potential artifact, there is no way to tell if that person is in compliance with the rule or permit or whatever. So that aspect has to be changed. That's all I had to say."

Dr. Wheeler thanks Mr. Thulman.

Tom Pertierra: "I'm Tom Pertierra, and I'm an advocate for continuing the policy. But I've also a close personal friend and dive partner to Mr. Daniels. And I know many of you have had run-ins with Mr. Daniels, and I'm going to tell you he courage it took for him today and speak to you in the manner that he did. Robert and I don't agree on everything. We argue constantly. We are almost married because we argue constantly. But I can tell you he has my utmost respect for the job he tries to do. He takes grief from us and I promise you he takes grief from his own division. But he goes forward with what I feel is a very noble cause, he tries to please everyone, and it's impossible for him to do that. But I would like to ask you all sometime, to thank him for what he has done for science as an avocational archaeologist he has made tremendous contributions both in survey work and in recovery and in enforcement. And I can tell you he's torn many times over what's right and what's wrong. And having to do what he's done today and come before you, it took tremendous courage. I think he deserves a hand."

### **CLAPPING**

Dr. Wheeler advises that this is now the time for people who are for the Isolated Finds Policy to speak. Asks for a show of hands on who would like to speak. Counts nine people. Asks to cut the number down to five or six. Asks all to make it brief.

Shiela Stewart: "My name is Shiela Stewart and I'm the president of the Florida Anthropological Society, and back in November we were asked to write a position paper, and we were very honored to be a part of that because as you know our society is made up of avocational and professional archaeologists and has been working since 1947 in the State of Florida. To bring about harmony between those is easier said than done sometime, but also to educate and to do research and to stimulate the museum activities in the state. So we had members that crossed all of those lines, and when this was brought to us by Brenda Swann in Nov. we said YES we would definitely be willing to do that, we appointed a special committee that is basically a cross section of the society. We have avocational representation, professional people in cultural resource management. Both from the public and private sector, and folks who have been museum people as well. Now that I'm speaking in support of the IF policy I want to say the first thing we did was to go through our statement of ethics, and decide that it doesn't hold up with our ethics as they are established, so we recommended rescinding it. However we don't believe that that will get us where we need to be. So we looked at several things, several alternatives to the IFP to strengthening it and helping the avocational and professionals to work together in this sort of fashion. We ended up with quite a list of suggestions, because we don't believe in getting rid of something with out something positive to replace it. We came up with an idea, and of many, this was what we thought was the best. To get licensed volunteers up to 100 of them, and start working on making it actually work toward science and selecting sites and finding places and recording them, rather than just the emphasis on collecting artifacts. So, we think it should be statutorily established so that it's in conjunction with the laws and regulations but having people work together to actually get a program that shifts the focus to the science of it all, and we think also that it should have some administration backup so that it can have some financial things set aside we would like to have an archaeologist, a new one, in the BAR.

We would like that person to be able to train folks to go out. So we really need something that has some law basis and you need something that has some financial basis because otherwise how is this going to work? So that was part of our letter, and I know I provided this to Don Munroe who came and spoke at our Board Meeting about the Isolated Finds, and I have some other copies of it if any of you would like to do that. But when we brought this before the board, my board was unanimous in accepting our recommendations as a committee, but they said one more thing, if a committee is formed to look at the IF Policy, we want to be in that loop because we definitely want to effect change for this policy that has good things and bad things about it. There have been artifacts reported, and we are well aware of that.

We feel that there is so much loss happening, especially in North Florida on the rivers that we would really like to effect some change.”

**Sheila Stewart thanks everyone, and reminds anyone that they may have a copy of their letter.**

Someone asks for copy of letter on website.

Sheila Stewart says she will check into it.

Dr. Wheeler asks for the next speaker.

Bob Knight: “Well thank you for organizing this workshop today we certainly appreciate it, it’s what we’ve been asking for quite a few months ever since the FHC made the recommendation. We spoke then and we’re speaking again today because the subject is very near and dear to our hearts, it is our avocation and I would like to initiate some of the discussions today that will come from this group. There are a number of people here who I’m sure have very eloquent things to say. I personally am a friend of Archaeology; I’m a friend of FL. Archaeology, I’m not a friend of anybody who turns their back to the informational value of the artifacts that they find. People that find artifacts purely for monetary gain and to extract them from the rivers without any reporting without any responsibility, I’m not a friend to those people. And I’ve been doing a lot, spending a lot of my time trying to bring people like that around to participate in the IF program. I helped establish it; I spent many hours with Jim Miller back in the early 90’s writing the rule, or policy and talking to him about what was actually occurring in the rivers and what could be done, what was a workable policy. He took those recommendations and developed this policy. I know he presented it to FAS and other organizations, and didn’t receive strong support. But he never the less felt it was necessary to acknowledge the fact that people have been diving the rivers in Florida for well over 50 years, they’d already collected literally hundreds of thousands of artifacts and that without keeping those people on board as people that are interested in participating with archaeology that info. in those artifacts would be lost. He also acknowledged that there’s minimal information in these artifacts compared to other stratified sites and that the IF policy was an effective way of getting the useful information without having to have possession of the artifacts and that’s what the policy was written for. I think it’s been very successful. I’ve published a number of papers about it summarizing the results of the policy. Over

6000 artifacts have been reported that wouldn't have been reported otherwise, some have been donated to the state. In addition to that, numerous collections have been donated to the State of Florida by divers who historically have done this and that, information would be lost to us if not for this policy. I argue that that information will be lost if this policy is altered in such a way that it is impossible for people to have the freedom to own these artifacts and to collect them in their own way rather than be dictated to by the FAS or some other organization that has a specific goal in mind. I would like to briefly talk about some more of this background. The history, we've been collecting artifacts in the rivers of Florida for over 50 years. Hundreds of people have conducted these collections, many of those now are coming to the point where they are being willed to descendants or being willed to museums, and they are very important. The vast majority of the recoverable artifacts in my opinion have already been recovered from the rivers. So if any policy that we put in place that effects our ability to get the information from that past collecting could be very detrimental to the future of our understanding of Florida Archaeology. And that's my biggest concern from the standpoint of the knowledge associated with these artifacts. The Isolated Finds Program, as I indicated, over 6000 artifacts have been reported, over 120 people have reported artifacts. Just in the last year and before this recommendation by the FHC came about we were already initiating a program to bring more and more collectors into the program, because we recognized there's many people who have not been reporting and we're very concerned about that, and we've had very little support from the State in terms of bringing those people in. So voluntarily, very active collectors who report their finds and take that responsibility seriously have been pulling those people in by going to artifact shows and making it easier for them to report their finds. A simple tactic really that has brought probably 40 or 50 new people into the IF Policy database, and hundreds and hundreds of artifacts have come in because of that. And it was just a matter of holding our hands out to those people and allowing them to and making it easier to report their finds. I have agreed that the IF Policy is not 100% effective, but it is very effective and I'm not the only one who thinks so, and before I talk about a few ideas, my ideas in terms of improving it, I'd like to give some thoughts by people who are not here just as a letter was read earlier I'd like to discuss some of these things by other people who have made comments and there are dozens of very knowledgeable letters that have been written to the Dept. of State here in the last few months. I'm sorry we can't read them all today."

#### **READS LETTER BY COLONEL JULIE JONES DATED FEB. 4, 2004**

"The Florida Anthropological Society, I've been a member as long as I've been interested in archaeology, from the early 90s. And I don't feel like I was represented on your forum, your committee, or any recommendations that came out, I'm sorry that I feel that way but that's just the way it came out. I love the society, I've published articles in the journal, and I support it's objectives. And you and your position use those objectives to defend your position of your recommendations."

#### **READS FIRST RECOMMENDATION BY FLORIDA ANTHROPOLOGICAL SOCIETY**

“I think that’s exactly what the IF Policy is able to do, and has been doing. It’s incredible the amount of trust that has built up in the last 7 years. We started a period of very low trust in regard between these two communities in the last 8 years the policy has been in effect. That trust has increased exponentially until this year when the recommendation was made by the FHC. We’ve dealt that trust a great blow, and I’m afraid that the recommendations that FAS has made will be dealing a fatal blow in the future so there will be no cooperation.”

### **READS SECOND RECOMMENDATION BY FAS**

“IF Policy has allowed that to happened, otherwise it would have been illegal to report the things that have been found or the sites that have been found. And there are several of us in the room that have identified important sites to the State, and we are proud of us and not just us, but the people that came before us, like Ben Waller and others that have reported dozens of sites and hundreds of artifacts. And so, once again this objective supports the IF Policy in a workable form.”

### **READS THIRD RECOMMENDATION BY FAS**

“I personally am the only one I know of that has published any information on the IF Policy. BAR has not published any info about the database that I know. And several papers have been generated out of that reporting, very good paper by Dave Thulman who spoke earlier and Don Monroe on a site that Don collected heavily. And the only way to learn about a site is to collect it for a while, you can’t take one artifact and go down the stream and collect another artifact, you collect a site that artifacts are deflated, they have meaning because they are in a location, but the meaning is confusing, it’s difficult to understand and that’s why archaeologists don’t go to those sites and invest the time, while river divers put the time in to get that information and it can be assemble and sense can be made out of it. I’m doing that in another paper right now, on various sites in the Sante Fe River. So, this policy allows them if we don’t have this policy, if we have a restrictive permit system we won’t have that kind of dissemination of information.”

### **READS LAST RECOMMENDATION BY FAS**

“That’s exactly what this does. What we need is responsibility, we need people to report their finds, and we don’t need to make them outlaws. So that’s their comments.”

Reminds everyone that isn’t the FAS interpretation, but his own.

Someone asks if they were guided by FAS code of ethics.

Bob Knight states that they refer to them, but it’s not one you have to accept to join the society.

Bob Knight: “Robert Austin, who is the president of FAC, Florida Archaeology Council, it’s another group that has, I don’t quite understand the distinction between the two, but both groups are made up of professional archaeologists primarily in terms of active people in this group, and Robert Austin is an archaeologist like many, that came up from

the realm of the collector. He started and got interested in archaeology because of collecting. It has gotten me interested; it has gotten dozens of us interested in archaeology because of collecting. And there's always a higher level you get to if you can go far enough. But anyways, their group came out strongly in support of the IF Policy with changes. And he suggested a permit system but there's a better way to do that that Tom Pertierra is going to talk about today, but anyways, there are way to improve the system so that it's still workable, people can cooperate and they don't have to be criminals. But they specifically said that it's their position that the IF Policy has served a useful function that it has documented over 5000 artifacts, and that was the number at the time you wrote this letter, from Florida Rivers since the time of it's inception. These artifacts might never have been by professional archaeologists or state officials had this program not been in effect. Moreover, by it's very existence the program encourages cooperation between river divers, artifact collectors and archaeologists. If the program is abolished, there is a real danger that private collections from both river and upland locations will no longer be available for professional documentation and analysis, because of the fear that these artifacts could be confiscated. And that fear is real, and it has increased intention since the FHC recommendation in November. And he also said that instead of abolishing the system, FAC recommends revising it to make the program more effective and enforceable and I think we all can agree with that. In the interim we recommend that the current IF Policy be maintained and that efforts be made to better publicize the program to the public. They also recognize that BAR has not had the funding or the will to do a better job of making this program work. And then they come around and say this program is a failure, and that really hurts those people that have put effort into it. He also says that the FAC believes that while the current IF Policy is not perfect, it does result in information on artifacts and sites that otherwise would not be forthcoming. It says that the collecting of artifacts from Florida rivers will continue whether or not the IF Policy or permit program exists. Abolishing the program entirely would limit the State's ability to exercise some control over river collecting. It would also result in loss of scientific information and damage the relationship between archaeologists and collectors. Finally it would send the false message that professional archaeologists do not care about what is being found by divers in Florida rivers. Responsible collectors are an important resource for identifying key sites that can enhance our understanding of the past. The FAC urges the Dept. of State, the FHC and the BAR to develop a workable program that can be accepted by archaeologists and responsible river divers.

A few lines from Al Goodyear's letter, Al Goodyear is a very famous archaeologist in South Carolina who is derived from Florida:

In short I believe that as a practicing professional archaeologist, that the elimination of this program will result in dire consequences for the scientific understanding of Florida's archaeological heritage...I can only say that a State sponsored regulated hobby diver collecting program is absolutely essential to the understanding of Florida's underwater archaeological heritage...to eliminate hobby diver collecting in Florida would not get us all what we ultimately desire, better knowledge and preservation of Florida's ancient past. Last but most importantly IF Program and others like it do

generate usable scientific data that cannot be obtained otherwise without the expenditure of large sums of public money. Even if that were desirable, one intensive, expensive professional survey may not yield what years of collecting and reporting may provide. So if you have a system that works and people are using it, you can get enormous amount of benefit.

One last written statement by Scott Mitchell who is the curator of archaeology at the Florida Museum of Natural History:

I understand that a movement has been made to cancel this program and this would be a mistake. This is a tough issue and compromises on both sides of the argument will need to be made. However, I have serious doubts that canceling the IF Policy is the best solution. While more cooperation is needed on the part of divers and avocational archaeologists, we at the state level need to follow through with making portions of some rivers that contain intact submerged stratified archaeological sites off limits to divers, collecting artifacts enforcement of the program and public outreach. And I think most of the divers believe that there are some stratified underwater sites that should be protected, and the IF Policy allows for that. And that is one of the changes that I think we get broad agreement on. I want to point out that over 5000 artifacts with detailed information have been reported to the State. I also want to stress that there is a distinct difference between responsible avocational archaeologists who share information with professionals, and individuals who engage in illicit digging and never share any data. If we as professionals lump them all together and the IF Policy is cancelled, then responsible individuals will be alienated, and no information will be shared at all. I respectfully ask that you considered supporting an extension of the IF Program so that it can be enhanced and given a second chance. If it is cancelled, the practice of diving for artifacts will continue anyway and we will never see any of the finds or data at all.

And I think those letters in addition, have gotten us to this workshop today. I can see us going forward with the IF Policy and making it work, I really can, because of the changes I have seen in divers in the last 6-8 months that we've been going to shows and enlisting their support in this. And like I've said this goes back before the recommendation stopped the program, it's not just a response, it's not a knee-jerk reaction although that did get a lot of attention around the state. The State needs to cooperate with that, what I've already initiated w/Scott Mitchell from the museum, is the idea of getting a grant to fund the grad student or OPS type person at the museum who would not only pull together the data and publish it and put it in a useful format for people that's in the database, but also go out to the collectors that have most of the artifacts. Most of the artifacts, I'm estimating 70-80% of the artifacts have already been found in the rivers. And those need to be documented before they are lost. And I tell you they are going to be undercover if this policy is revoked, we are going to lose that information a large majority of it in my opinion. So we would like to do this, we would like to see the cooperation of BAR to make something like this work. And I think several other people

have comments. I'd like to turn it over to Hugh McKenzie who briefly is going to speak on behalf of the Sunshine State Archaeological Society."

## **CLAPPING**

Hugh McKenzie: "Thank you Dr. Knight. Those of us who know Bob personally know how much time he's volunteered to aid in the policy. He's spent a lot of time and we're really all indebted to you, that includes the State, is indebted to your personal time. My name is Hugh McKenzie, I'm from Orlando, Florida. It's a long drive up here. Thank you all ladies and gentlemen for being here, thank you Dr. Wheeler for this opportunity to speak, I will be brief. I am the current president of the Sunshine State Archaeological Society. We are a relatively new branch of the Central States' Archaeological Society. We have approximately 200 members. I am not personally a diver, but I am passionate about artifacts. As we all are in this room, we are all passionate about archaeology and artifacts in the State of Florida. I'm also another kind of animal, I'm a knapper...don't throw rocks. I'm an honest knapper. I was listening to all of the input since the advent of the technological marvel the Internet. We can go online and we can read things. Frankly I was confused when this all started. I am the president of this society; I'm not a diver. So I'm hearing all these things and I'm conflicted, because as Dr. Knight indicated and Dr. Tom Nutter had initially written, sometimes compliance to the IF Program has not been 100%. So, I'm looking for guidance, and when I'm on the Internet on the 22<sup>nd</sup> of April, I find the letter from Robert Austin of the FAC to Glenda Hood. Glenda Hood is an old neighbor of mine, not that she would remember me now that she lives up here. And I read this letter, and when I read this it was like Diogenes and the light. Thank God, there is light in the darkness, somebody is thinking. And Dr. Austin, if I may briefly quote:

to achieve this goal of fact, recommends replacing the current program of voluntary reporting with a permit system. Applicants will pay a fee for the permit and would agree to abide by the permit requirements. If the permit holder does not live up to the conditions of the permit it would not be renewed.

And then it goes on to speak about provisions for law enforcement, which I think we all agree, the current plan is so nebulous that I honestly don't believe that the DNR officers out in the field truly understand what they are enforcing. Thank you for the time. I'd like to introduce Jacky Fuller.

Jacky Fuller: "Thank you. Most of you know me, I'm from Columbus, GA, I love to dive in Florida, you're going to hate me for that. But I do have a rough draft of an outline, which I feel like may address a lot of the issues which we are here to debate. The IF Program as it stands now, does not work. It is voluntary, and therein lies the problem. Anytime you make anything voluntary only about 20% of the people are going to participate, or less. It's just human nature. People have been diving, it's a culture down here, it's been going on for decades, so why should anyone stop? They just continue to dive; they haven't reported before why should they start now? It's all voluntary. I

propose putting some teeth into this program and revising it. Basically here are some of the suggestions I have. Anyone collecting isolated artifacts on State owned waterways must have a permit to conduct such activity. And a renewal may be anything in the neighborhood of \$35 who knows, whatever you set. Out of state permits available but they would be higher. To obtain a permit would hinge on this, that one completes a state certified course in underwater archaeology to be conducted at regional dive shops. Now the point of that is one of the archaeological concerns that archaeologists have, is that we are out there just picking up stuff, and we don't know this from that. We have some knowledge now, some of us are very well trained in what we're finding and what cultures we are dealing with, and so on and others aren't. This will give the archaeologists an opportunity before someone is given or issued a permit, to be told the importance of Florida Archaeology. Giving them an overview of just what it is that the State is looking for, and also, maybe briefly to discern a stratified site, versus something that might be isolated. So, in that course should be these types of features. Now, every five years, this type of certification would need to be re-upped. In other words, this course in archaeology, every five years you'd have to take it again. All right, the certification course as I said before would include information on how to discern the difference between isolated artifacts versus ones *in situ*, also the importance to all Floridians in reporting finds to the State. Also, it would have this feature: An isolated finds form should be developed and made accessible to all participants 90 days to send in the form as it stands now, but we need to have online reporting, where we can upload pictures and graphics and so forth like that, make it user friendly. Right now when we have to send in this information to the State, it's litigious, you know we have to go find a copier, we have to take pictures of the points and it's just a lot of trouble. If we could have it online, those that are computer friendly can use computers it'd be much easier to do that, and I'd like to see that happen. Also forms should be simplified. Instead of GPS etc, a topographic map should be sufficient. The name and address information from the submission should not be recorded in the same database as our archaeological information, the name and address info should be kept completely separate, to ensure compliance with reporting, and then purge all these records at the end of the year and this would help those that feel uncomfortable about recording who might feel like there'd be possible confiscation or something like that, may be reluctant to turn in forms. Now all this is just sketchy, all this can be hammered out. The artifacts become the finder's property once an isolated form is submitted as the information is of primary interest and not the artifact itself. Now enforcement, this is one of the big problems that Robert Daniels had pointed out, it's a big issue and it needs to be addressed. I propose that a check for a permit and expiration date could be done by an officer on the water. He should record the name and date whenever he encountered the individual. Request to view all finds made that day and record if any are shown, after some 90 days, check the databank to check for compliance. Fines for anyone found diving or snorkeling for artifacts without a current permit and a warning issued for failure to report within the 90-day limit, second offense for failure to report would result in revocation of the permit. And I thought about something that maybe we could have a boat tag, just like the State of Florida gives you every year. If you're a diver and you dive for artifacts have a little arrowhead on a sticker and it says the current date on it that you're in compliance. That way an officer coming down the river knows that this boat has done what he should be

doing. Alright, now here's the last part of this and that's stewardship. This is where the responsibility really comes back upon us because in order for this thing to work, it doesn't fall on Robert Daniels and the archaeologists; it has to fall on us. It's high time that we become responsible. The days of just picking up stuff and just going on about our way is over. We have got to begin to be responsible. There are other states, Georgia and Alabama that are looking at Florida, and we can break some ground here, because we have a diving culture in this state that goes way back. And there has been in the past good rapport between the archaeologists and the amateurs, now that's beginning to fracture but I think we can pull it together. What I mean by this is stewardship: A voluntary organization participating in dispensing information and literature to enhance the program's effectiveness and promote goodwill between the State and the hobbyists. What I mean is that at our artifact shows we should have publications available, papers available that we would distribute to everyone there in attendance that introduces them to the program and its importance. Okay, then the State may provide lectures at these organizational meetings to inform and promote the program. This is something we'd love to have--the archaeologists come to our meetings more often. They have an aversion, I know, to coming, because artifacts are sold. We'll see if we can work out, hammer out some issues there. But if they would come, there still would be so much information that could be gained if you were there to see what's coming out of the waterways. And to really get to know the individuals that are there, you'll find out many of them are good people that would like to be responsive to the needs of the Dept. of State. So I think building that rapport would be really good if the archaeologists could come to those shows and so forth. Then, divers that are members and in good standing with these organizations may in the field help report illegal activity and inform those not aware of the law. And I will tell you for one, if this was implemented, and I'm paying for a permit and I went through the training and all this other stuff, and Joe Blow over here says "the heck with that," well I tell you what, he's going to be turned in. If I've got to go through it, you need to go through it, we all need to do this together. So this again will be something where we again can take some responsibility. Then lastly, two other points here, these organizations will dismiss any individual from their group for persisted illegal activity. An infraction, we need to talk to him, if he continues to do it...

## **DISCUSSION**

Jacky Fuller: "These organizations will promote the voluntary reporting of entire collections to the state provided these collections are not threatened by confiscation. And this is something that really needs to be addressed. I have a lot of artifacts that I found in Georgia and Alabama and Florida. I reported some of these through the IF Program, and I was recently given some criticism. I didn't hear it direct. Yeah, I turn in stuff, but not my good stuff. Well, today I'd like to present to Dr. Wheeler the best artifacts I've ever found in the State waterways of Florida, my 13-½ inch long pole spud, and my 16 barbed harpoon from the Sante Fe River [provides IF forms for two artifacts to Dr. Wheeler]."

## **CLAPPING**

Jacky Fuller: "And I do that because I feel like the intentions of the Dept. of State is

good. They want the information. You'll be the first to hear of course if it's confiscated, since it's the best that I've got, I'll be hollering pretty loud. But the thing is, I want to share what I've got, but I want to feel confident that the information will be taken and used well, but the artifacts will remain in what I call a good place because those artifacts I still have and I keep all my good artifacts that I personally find. Some of you know that I buy and sell artifacts, but usually they are somebody else's artifacts and not mine, and again I know you have aversion to that, at least some do. And like I say, in a future meeting we may need to hammer that out, but the thing is, I feel like it's high time we do become responsible because, folks, this is our chance. This is our chance to be able to do this without looking over our shoulder and worrying about, you know because we know that this is something, we've got moral higher ground, this is something we have a passion for, we love these artifacts and we love being outdoors. And you know this is something that we want to curate these things just as much as the historical departments do. And the thing is, how many arrowheads does the museum need? You know, if they've got a lot on display, many more in warehouses, which means that basically the rest of these artifacts need a home. And who better to curate them than people who have a passion for this stuff. Because when I go, there's a good possibility that the museum is going to get some of what I got because they are going to take good care of it. So anyways, that's what I've got to say, I just wanted to bring some practical ideas to the table, and I hope that, this is nothing written in stone, we can change these things and debate them.

Someone advises that dredge machines, not people, are collecting many artifacts.

## **COMMOTION AND CLAPPING**

Dr. Wheeler thanks Mr. Fuller and everyone who has complied with the program. Asks for a show of hands of who else wants to speak. Asks for Tom Pertierra to speak.

Tom Pertierra: Thanks Dr. Wheeler for convening the meeting. Introduces himself, and reminds everyone that he continues to support and comply with the IF Policy. "As with every passionate political debate, there are often extreme opinions voiced from both sides. There are groups who callously characterize every collector as a looter, and there are groups who wrongly characterize professionals as career motivated bureaucrats who believe the inner circle are the only ones who are qualified to possess and appreciate cultural artifacts. The reality is that neither are true. However, in my opinion very little is being done in Florida to moderate these extreme views until today. We want to develop a workable public policy. I believe this situation can be rectified by the collective common sense approach to the issues that separate the two groups."

Asks Tina to pass out handouts he has made.

"I want to premise this with a clear understanding of something that I think we should cover here right now. Any permitted policy that requires payment where you have to buy a license or pay a fee, must be codified, therefore it must go to the legislature. Anytime you go through the legislature, strange and unusual things may happen, pro and con,

depending on whom, how and what you're going after. Therefore, I have come up with a process that I believe can be done under the current policy simply through a policy change that doesn't require payment. I want to talk about a comprehensive restructuring of the existing policy aimed at simplifying enforcement, improving compliance, promoting public outreach, and streamlining its administrative management. These are all items that have been brought to me by various agencies and both professionals and amateurs, and of course law enforcement. I have spent the last three months bulldogging this thing. I have made myself a nuisance; I am probably one of the hated people in this building because I asked for a public records search. I was kindly given that, and politely treated. But I felt it was important for me to see the entire issue from A-Z. What I'm proposing is that we, the BAR, issue an IF Policy identification card at no cost to the participant. This would need to be in the possession of the IFP participant and presented on demand to the law enforcement officer during a routine field inspection. Each registration card would have a unique identification number assigned to its holder, and it would be an annual, renewable identification card. Now I've also been told today in the 2-1/2 hour meeting with FWC this morning, with Colonel Wiwi and Capt. Miller who spearheaded this project on their end, that they would have absolutely no problem with taking on this in particular, it wouldn't be an impact to them, since it's part of their duties to begin with in this particular area. Although as you heard earlier, they recommend that there be no IF Policy, that they believe it should all be legalized and open anyways. I believe we heard that commentary from Mr. Bob Knight. I can also read it to you as well because it was part of my presentation until it had already been talked about. It's a very important impact. Like all agencies, each agency has problems with the other agency and they want to, and I'm going to be frank with you, they want to point fingers at each other on who's responsible to do certain things. We have to find ways to attempt to get along. FWC doesn't want a tremendous amount of activity that they have to deal with as far as enforcement goes, simply because in this state, cultural resources and natural resources are separate. You might ask them and they don't agree with this, but you go over there and ask them and they do. So there is conflict there in how that is understood and perceived. Whereas in Georgia and Alabama, the Dept. of Natural Resources champions this, and they are directly tasked with cultural resource management. There's a difference, here there's not, here they are separate. Ok, does everyone have their handouts at this point? I agree with Jacky, the addition of an online Isolated Finds reporting method would also be a positive step. The Bureau currently uses Microsoft Access. I've seen the database, it's a very simple database, and it would be a no-brainer to develop a direct input form to that. It would drop right in; it's not a problem. In fact it could be, it's really not a problem, not technically. Establishing an official amnesty procedure for reporting previously collected items on submerged lands is also recommended in my proposal. Now I'm not going to go through each individual item there, and I will tell you that is a rough draft, it is a very rough draft. But in this rough draft I think you'll see I address certain specifics. I don't talk about codification of this because in fact, it isn't necessary to codify. It can be written in as a policy, which is already codified incidentally. An unregistered person removing historical cultural artifacts, it's real simple, somebody that doesn't have the card with them would be in violation of section 267.13 Florida Statutes, and by circumstances guilty of a misdemeanor or a felony. If you're just collecting, it's a misdemeanor. If you're down

there excavating, if you're using that scooter, it's a felony. That's excavating. So again, you'd still be within the guidelines of 267.13, but at the same time the law enforcement officer would have a clean, clear-cut decision to make. You either have it or you don't. They didn't have a problem with that over there this morning. Not a single problem with it. The avocational archaeologists who have been active IFP participants are committed to improving the promotion of the public outreach efforts of this policy. To that end, the following is committed to: We will establish the Florida Avocational Archaeologist Advisory Council, I'm going to call that the FAAAC, to assist the Bureau with the public outreach planning and participation efforts. You don't go to shows; you have ethical standards and philosophies that are problematic in that area we don't like that but understand it and we respect it. We'll help you with that; we'll put forth the effort and help you with that. We will establish a statewide river watch informant network to assist law enforcement in protecting both upland and submerged cultural resources. I applaud Jacky's prior mention of that. We will do that, we must police ourselves, and we must do that. We will design and host an interactive website maintained by the FAAAC that will explain the new IF Policy in detail, address frequently asked questions and serve as an educational forum between professionals and amateurs. We want to open up conversation. We want to bring us all together rather than continue to separate us. The FAAAC will also assist the Bureau in contacting private collectors throughout the state, and where possible coordinate the viewing and inventorying of those collections. Bob you mentioned this. We will definitely assist you in that, but it's going to take some help from your end as well. And again, clarifying some of the language that currently exists in statutes is a good way to do that. And you may even have some potential of doing that within the policy rewrite rather than going to the Legislature to actually draft code or make a rule. It's something to look at, it definitely is. The FAAAC will provide input and assistance to the Bureau in an effort to streamline implementation of a new IF Policy by designing drafts of the IFP registration application, the identity card, and the field officer audit form. My theory on that is if a field officer like Mr. Daniels has an audit form, he is able to do an audit of the artifacts that you have in your possession at that time or when you're back at the boat landing or whatever, you'd submit that. Then there would be a trail. It would be a check and a balance. You may never use it, but you certainly could if you wanted to. If you will allow me, I would like to personally provide supplemental private funding in the amount of \$5000 annually that may be utilized to offset the purchase cost of the IF Policy identification cards. And I'd like for them to be issued at no cost, again that's a requirement. Or to hire a part time staff to assist the Bureau with the administrative aspects of the IFP.

Someone asks why he is against paying for a card. States he's willing to pay for one.

Bob Knight: "There's no reason we cannot band together and provide donations."

Someone says, "you're not going to get donations."

Bob Knight: "You ask me why we don't make it a permit..."

Someone says, "Make us pay, please make us pay. If you make us pay it'll work."

Bob Knight: "I understand what you're saying, but there are Legislative issues, anytime you go to the Legislature you have a problem. But anytime you go to the Legislature and ask them to do something like this, you open it up to complete abolishment or complete opening, am I correct? It could go either way."

## **COMMOTION**

Bob Knight: "In closing, I sincerely hope that you choose to support the policy modifications that are presented in this proposal. They can improve this popular and mutually beneficial public policy, and I respectfully submit that Archaeology is more than the solitary pursuit of scientific research. It's a social institution that nurtures community fellowship. Let's resolve the problems and do our best to move forward together.

## **CLAPPING**

Dr. Wheeler asks for Dave to speak.

Dave Thulman: "I have a real interest in where these finds are, and where these Isolated Finds are because there are not a lot of sites out there for me to research. And so, I know that there all these collections out there, and that information somehow has to get into the State. It can't remain out there and that's what the State loses when people take artifacts and never report them. In my mind, I agree with the earlier comment that you can have only so many drawers full of artifacts before they don't mean that much. What is meaningful is the artifact itself and where it came from. And so that information needs to be shared, and probably the way to do that is to get some sort of amnesty done in the next Legislative session. I disagree with Tom, I do not think this policy is legal, it cannot go forward. There has to be some Legislation, there has to be a rule. You can't have policies in Florida; it's just against the law. So there has to be some accommodation between the exchange of information and exchange for the artifact. Now, everybody is sort of familiar with the Florida Fossil Rule. The way that works is, you report your finds, and the state has 90 days in which to acquire that fossil. But the State has that opportunity to acquire that fossil; I don't think they've ever done it, as long as the policy has been done. But it still allows those paleontologists in Gainesville to get that information about where those sites are and what's being collected and get some idea about what's going on and that's what has to happen in this particular situation. I do think about the way this should be structured and I agree with whosoever comment was in the back that there has to be a permit. There has to be a permit, and there has to be a permit fee and there has to be a felony penalty with it because it won't get prosecuted otherwise. And I think it's a huge community of people who are all basically interested in the same kind of thing, other than the folks that are interested in selling the stuff on eBay and getting a lot of money for them, I don't include them. But everybody has an interest in the history or the prehistory of Florida, and so, what needs to be engendered in this rule and this process of coming together in this rule is that we need to work together

to get information to people who are interested in it and share that information so that it can be developed. There are archaeologists all over the place that would love to participate in that kind of information exchange.

Someone asks if Dave is aware of the \$500 administrative fine written into 267.13 that the Division, the Bureau has purview to use and it's very, very broad.

Dave states he's not familiar with that.

The person says he should become familiar with it. He has found it has been tested here several times, letters were sent, attorneys were advised, and when the person did not comply with the letter, nothing was done beyond that.

Dave says that's an enforcement issue.

The person states that there are teeth in it now, but the State chooses not to use it and that he should familiarize himself if he wants to tell the audience not to.

Dave states that you have to have a rule, you have to have a statute.

The person states that Dave is just making a legal opinion and that we should ask a judge.

Dave states that under the laws you can't operate by policy you have to operate by rule or statute and later he will give cases.

Robert Daniels speaks on statute 267.

Someone states that doesn't preclude the administrative fine.

Someone else states that policy says that sites can be designated by BAR, posted, and then enforcement should be straightforward.

## **DISCUSSION**

Dr. Wheeler asks for everyone to settle down and for Dave to continue.

Dave Thulman: The last thing I'd suggest is that part of archaeology and the profession and practice of archaeology is that as we move into the 21<sup>st</sup> and 22<sup>nd</sup> century, we will be developing more and more sophisticated abilities to extract information out of the dirt or rocks. And given that, I think it's incumbent on the state to take a broad approach to protecting areas from neglect. It may be that right now we think we can't get any information out of the IF Policy and that it's all mixed up, but that's not to say that in 10 years or 100 years that we might not be able to extract some information which would benefit all citizens of the state and that's really what we're talking about, is that stuff that belongs to all of the citizens of the state and how we share that.

## **CLAPPING**

Guy Marwick introduces himself as the director of the Silver River Museum.

“I’m working with a museum in the Silver River State Park, and we have had incredible things donated by the diving community and by long time residents that have lived in the community. And people have come forward with things that some of the earliest divers, some of them are dead and some are dying as we speak, and some aren’t getting any younger. And they realize, they have a real concern for passing on their collections. I’ve had an opportunity to work with David and Dr. Goodyear in getting one of the largest collections that ever came out of the rivers donated to the Florida Museum of Natural History, and it’s going to be a wonderful addition to their collection because it had great provenience. I can only tell you that there is a lot of wonderful information out there and I heard a lot of good things. I understand problems and the concerns; we’re in a 5000-acre state park and the last 20 years of my life I’ve worked on the preservation of land, the acquisition of land. I think these sites that are on the uplands and along the rivers need to be protected. I think there’s a lot of middle ground to work out, but I do see the possibility that if there wasn’t a middle ground that is found or worked out that we would lose. Some of these old time divers are nervous, there’s nothing more they’d like to do than share. And I think that’s one of the steps you need to look forward to, because they are proud of what they found. I’m going to tell you, when they found it, most of them, that was a time when the State was bulldozing Indian Mounds to use for road fill and septic tank drain. We have to put things in perspective, it was a different time and no one felt ill concerns at that time. So I think there’s some great opportunity here, I’ve heard wonderful ideas from a lot of you folks, and I hope you can come together on it. What I’ve seen come to us in these donations is amazing, and it’s out there for the public. We’ve had 20,000 kids here going through the museum, and we’re telling them the kinds of things about our cultural past, and protecting and preserving. Everything from driving their ATV’s in the wetlands. And they are all very closely related to destruction of natural and cultural resources, and I really think there’s a great opportunity here to get the avocational and professional community back in tune. Thank you.

## **CLAPPING**

Dr. Wheeler asks for more speakers. None want to speak. Asks for Steve Martin to speak as a final speaker. Asks for everyone to make sure to sign the sign-in sheet so that they can be contacted for future meetings.

Steve Martin introduces himself. “I’m quite encouraged in what I’ve heard today in terms of people thinking through creatively in trying to find ways to improve the IF Policy. I think Mr. Knight misinterpreted the FAS’s positions. One of the strong points in their recommendations that didn’t get addressed is that this notion that where you have repeated collection of artifacts at a quote site or non-site that really goes beyond IF locations, if someone repeatedly goes back to the same location day after day and finds artifacts there, someone needs to get out there and assess whether or not that’s a site. Part of the difficulty that the Division of Historical Resources had is not having the staff and the availability to go out and confirm whether that’s a site. And I suspect that if the true

spirit of the IF Policy was practiced by the people in this room, the number of artifact collection would drop precipitously. Just because we've discovered, through your efforts, the location of where sites are, now we need to take responsible action to assess whether there is stratigraphy at that site and there needs to be a way that the state can do that. It doesn't matter how many thousands and thousands of artifacts are donated or given to institutions or the State of Florida. If you can't extract the information associated with those artifacts, you just have a collection of artifacts. More boxes, shoeboxes, trays of artifacts that are collected. It's just donations of stuff that has information associated with the other aspects of that site, the flow and fall of remains. Dave has a good point, in the future if these sites aren't looted, and I think that's essentially what's happening, people are going back to the same sites over and over again, different days off or during the week and when they have a chance, and they are collecting at these same sites, pretending that these are not real sites. And that's what happens. Why should people take what limited time they have to do their recreational diving, and avoid sites where they've already collected? That doesn't make any sense. This is a lawful practice to loot sites in my opinion. The IF Policy does not apply to State Park lands. Mr. Marwick has invited you all to come down, just don't bring your dive gear, because it's illegal to collect artifacts in the river, in the area within a state park. The IF Policy, when Jim Miller asked for my input on this when it was established, I expressed a lot of concerns that it would have an inadvertent effect on State Parks. In fact it has. People don't understand boundaries of where parks are, it's difficult to maintain park boundaries along rivers, so people don't know whether they are in a state park or not. A management area for the State Park includes 400 feet waterward of the land boundary of a state park. And that's established for resource management, visitor access issues and a host of other land management purposes. It's difficult for people to know whether they are in a park or not and they are collecting. Sites within parks should be preserved, not collected, not looted. A lot of times the boat ramp or access point to a body of water or an extensive area of a river is found within a state park through a boat ramp that we make available. So if the knowledgeable public puts their boat in the water at that location and goes down river outside the park, when they come back to land their boat, they have in their possession a lot of artifacts, it makes it difficult for people within the park system to know whether they did or didn't collect them in the park. So that provides a problem for us. The ideas about better identifying who's a valid collector, that they've signed a code of ethics, that they've gone through some training that perhaps BAR provides, all those are good tools that will help to make sure that the body of river divers police themselves and the State is comfortable with those collectors out there. We've had, because of the IF Policy, people coming into very well developed recreation areas like a springhead, and we find holes dug in the bottom of spring basins that would have to taken a hell of a big bass to waddle around in that kind of a hole. Because Isolated Finds are allowed, people are going into parks where there are prime sites, thinking it's ok and collecting artifacts in a state park. So it has an overspill effect on our ability to protect artifacts and sites within state park lands. I want to end on a positive note. I think there are some people that recognize some problems with this program and I'm delighted that different organizations have given some creative thoughts on how to improve it and make it so that it is a viable program. But a lot needs to change to get the

land managers more comfortable with this program. Thanks for the opportunity to comment.

### **CLAPPING**

Someone advises that just because they find some points in one spot does not make it a site. It is an accumulation. Also advises that boundaries of state parks need to be better marked.

### **CLAPPING**

Someone else advises that there isn't a lot of money to put signs up everywhere. Education is the key.

Thornton Pyles: "I just want to add one more comment...a lot of people have the opinion that people diving, that's all they do with their entire life. I'm a 28-year artifact hunter, I work for a living, I have a life, I have a family. When I get a few times off, I don't have a lot of time off to go across the state, I dive right at my front door. So every artifact that I find, it's right there at my front door. Am I diving there because it's a site? I'm diving there because I live there. I spend two hours of my time to get in there and look and I go through the same stretch of rubble pile. There's more aspects, not everyone is diving for pure artifacts and in the same spot over and over."

Someone advises that the rivers are constantly changing and that where you see something one day might be in a different place the next.

Robert Daniels: Reminds everyone that some lands are open 24/7. "There's no way that one or two officers can control the public when you've got that much acreage open. There are 52 entrances...we have posted each entrance numerous, numerous times. Every time I put up a sign, it's torn down three days later. It's a constant battle to keep a sign up."

Someone else makes a suggestion to create maps that say where state lands are to educate the people.

### **COMMOTION**

Tom Pertierra reminds everyone that one of the suggestions by FWC be that GPS coordinates be provided in some sort of map.

Robert Daniels tells a story about three young men jumping a fence picking up artifacts. He had a talk with them, but did not arrest them, and had them leave. Things like this happen.

Someone reminds everyone that it is incumbent upon the river diving community to not do those kinds of things, to make it easier on the law enforcement officers.

Someone asks if there will be discussion time.

Dr. Wheeler reminds him that the objective of the meeting was to let anyone speak who liked to. Reminds everyone to look at the website for information on Isolated Finds and future meetings. Says that a discussion was not planned, but to let the staff hear what everyone had to say. States that a meeting will be planned for a month to 6 weeks from now in Gainesville.

**DR. WHEELER ADJOURNS THE MEETING**

Minutes prepared by  
Chandra Boley from tape recording