

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION IN THE DEPARTMENT OF COMMERCE OF  
THE GOVERNMENT OF THE UNITED STATES OF AMERICA  
AND  
THE ROYAL NAVY AS PART OF THE MINISTRY OF  
DEFENCE OF THE UNITED KINGDOM OF  
GREAT BRITAIN AND NORTHERN IRELAND  
REGARDING THE WRECK OF HMT *BEDFORDSHIRE***

The National Oceanic and Atmospheric Administration (hereinafter "NOAA") in the Department of Commerce of the Government of the United States of America (hereinafter "the USA") and the Royal Navy as part of the Ministry of Defence of the United Kingdom of Great Britain and Northern Ireland (hereinafter "the UK,") (jointly, "the Participants"),

Considering that the vessel HMT *Bedfordshire*, a 443-ton converted fishing trawler built in 1935 and converted to the Royal Navy Patrol Service in 1939, sank on 12 May 1942 when it was hit by a torpedo fired by the U-558 25 miles southeast of Beaufort Inlet off the coast of the state of South Carolina of the USA;

Recognizing that NOAA has authority to cooperate in the protection, research, and management of special marine areas (16 U.S.C. 1435 (c)) , and that the wreck site of HMT *Bedfordshire* is within the 24 nautical mile contiguous zone of the USA;

Recognizing the international historical and archeological significance of HMT *Bedfordshire* and its associated artefacts;

Desiring to protect and preserve HMT *Bedfordshire* and its associated artefacts for the enjoyment of present and future generations;

Recognizing that *in-situ* preservation is the most effective way to ensure protection unless otherwise justified for educational, scientific or cultural purposes;

Recognizing that NOAA (per 16 U.S.C. 1435(c)) and the UK Ministry of Defence each has authority and responsibilities within their respective governments and nations for the protection for the public benefit of underwater cultural heritage sites, including shipwrecks and associated remains of vessels of historical and/or archeological significance;

Have reached the following understandings:

### Section 1 – Purpose, Definition and Scope

1. The purpose of this Memorandum is to formally document the past and planned cooperation between the Participants regarding the protection, research, education, and *in situ* preservation of HMT *Bedfordshire*.
2. "HMT *Bedfordshire*" means the shipwrecked vessel HMT *Bedfordshire*.
3. "Associated artefacts" means the material remains, objects, specimens, and other physical evidence associated with HMT *Bedfordshire* including *in-situ* artefacts located at the wreck site, and artefacts removed from the wreck site in the museum collection.
4. "Associated records" means notes, data, photographs, images, videos, measured drawings, maps, plans, analysis, archeological reports, artifact inventories, conservation reports, and other documentation prepared as a result of research on and management of HMT *Bedfordshire* wreck site and its associated artefacts.

### Section 2 - Title

1. At the time of its sinking, HMT *Bedfordshire* was a vessel of the Royal Navy on duty off the coast of North America.
2. Thirty-seven crewmembers perished with the sinking of HMT *Bedfordshire*, and therefore the wreck is considered a military maritime grave.
3. The UK has not abandoned or transferred title to HMT *Bedfordshire*, which remains a sovereign immune State vessel, and continues to retain title to the wreck and its associated artefacts.

### Section 3 – Cooperation

1. Since discovery of HMT *Bedfordshire*, NOAA has conducted research and monitoring of the wreck site, and provided the Royal Navy with summaries of the results of the research.
2. NOAA intends to continue to periodically monitor and research the HMT *Bedfordshire* wreck site with the same professional care as it does comparable property of the U.S. and consistent with NOAA policies and practices and Rules contained in the Annex to the 2001 UNESCO Convention<sup>1</sup> (appended to this Memorandum).

3. NOAA intends to provide the UK with copies of data, photographs, reports, and other documentation it generates or authorizes related to the HMT *Bedfordshire* wreck site and its associated artefacts within one year of the data becoming available. If further work other than *in-situ* preservation on the wreck site is desired, both Participants would consider a Project Design in line with UNESCO rules, which may then be subject to a new Memorandum of Understanding.
4. NOAA conducts activities in a manner to avoid the unnecessary disturbance of human remains; wherever possible, human remains are left *in situ*; human remains are treated at all times with the utmost respect and sensitivity and with efforts not to disturb them and to minimize any disturbance that proves to be inevitable. Should human remains be accidentally retrieved, the UK would be immediately notified. NOAA does not publish any photographic or other images of human remains, and intends to obtain prior written authorization from the UK before referring in any publicity material to any human remains associated with the wreck. Human remains are not to be considered as artefacts.
5. Whenever feasible and desirable, the Participants should encourage joint projects and the exchange of research and information about HMT *Bedfordshire* and its associated artefacts.
6. It is understood by both Participants that archeological sites and objects are subject to gradual inherent deterioration and uncontrollable conditions such as natural disasters and accidental groundings for which neither Participant is responsible.

#### Section 4 – Financial Management

1. All activities undertaken by the Participants under this Memorandum are contingent upon the availability of funds.
2. The NOAA is responsible for costs associated with the management of the HMT *Bedfordshire* wreck site and its associated artefacts and records.

#### Section 5 – Consultation

1. Participants intend to consult with one another on matters relevant to this Memorandum requiring further discussion.
2. The points of contact for activities under this Memorandum are:

For UK: Third Sector Team Leader, Navy Command Headquarters, MP 1-3 Leach Building, Whale Island, Portsmouth, Hampshire, United Kingdom PO2 8BY.

For NOAA: MNMS Site Superintendent, David Alberg, 100 Museum Drive, Newport News, VA 23606-3759.

3. The Participants intend to notify each other in writing of changes to this

Section 6 – Commencement, Duration and Modification

1. Cooperation under this Memorandum commences upon the date of the final signature. Any modifications to this Memorandum can be made with mutual consent of the participants.
2. The Participants should give 30 days notice in writing to each other of their intent to discontinue cooperation in accordance with this Memorandum.

**SIGNED** in Washington, DC on 7 Jan 2016

FOR THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION IN THE  
DEPARTMENT OF COMMERCE OF THE GOVERNMENT OF THE UNITED STATES  
OF AMERICA:

Signature: \_\_\_\_\_



John Armor, Acting Director  
Office of National Marine Sanctuaries

FOR THE ROYAL NAVY AS PART OF THE MINISTRY OF DEFENCE OF THE  
UNITED KINGDOM AND NORTHERN IRELAND:

Signature: \_\_\_\_\_



COMMODORE, RICHARD ALLEN  
NAVAL ATTACHE

## APPENDIX

### Rules concerning activities directed at underwater cultural heritage

#### I. General principles

Rule 1. The protection of underwater cultural heritage through *in situ* preservation shall be considered as the first option. Accordingly, activities directed at underwater cultural heritage shall be authorized in a manner consistent with the protection of that heritage, and subject to that requirement may be authorized for the purpose of making a significant contribution to protection or knowledge or enhancement of underwater cultural heritage.

Rule 2. The commercial exploitation of underwater cultural heritage for trade or speculation or its irretrievable dispersal is fundamentally incompatible with the protection and proper management of underwater cultural heritage. Underwater cultural heritage shall not be traded, sold, bought or bartered as commercial goods.

This Rule cannot be interpreted as preventing:

- (a) the provision of professional archaeological services or necessary services incidental thereto whose nature and purpose are in full conformity with this Convention and are subject to the authorization of the competent authorities;

- (b) the deposition of underwater cultural heritage, recovered in the course of a research project in conformity with this Convention, provided such deposition does not prejudice the scientific or cultural interest or integrity of the recovered material or result in its irretrievable dispersal; is in accordance with the provisions of Rules 33 and 34; and is subject to the authorization of the competent authorities.

Rule 3. Activities directed at underwater cultural heritage shall not adversely affect the underwater cultural heritage more than is necessary for the objectives of the project.

Rule 4. Activities directed at underwater cultural heritage must use non-destructive techniques and survey methods in preference to recovery of objects. If excavation or recovery is necessary for the purpose of scientific studies or for the ultimate protection of the underwater cultural heritage, the methods and techniques used must be as non-destructive as possible and contribute to the preservation of the remains.

Rule 5. Activities directed at underwater cultural heritage shall avoid the unnecessary disturbance of human remains or venerated sites.

Rule 6. Activities directed at underwater cultural heritage shall be strictly regulated to ensure proper recording of cultural, historical and archaeological information.

Rule 7. Public access to *in situ* underwater cultural heritage shall be promoted, except where such access is incompatible with protection and management.

Rule 8. International cooperation in the conduct of activities directed at underwater cultural heritage shall be encouraged in order to further the effective exchange or use of archaeologists and other relevant professionals.

## **II. Project design**

Rule 9. Prior to any activity directed at underwater cultural heritage, a project design for the activity shall be developed and submitted to the competent authorities for authorization and appropriate peer review.

Rule 10. The project design shall include:

- (a) an evaluation of previous or preliminary studies;
- (b) the project statement and objectives;
- (c) the methodology to be used and the techniques to be employed;
- (d) the anticipated funding;
- (e) an expected timetable for completion of the project;
- (f) the composition of the team and the qualifications, responsibilities and experience of each team member;
- (g) plans for post-fieldwork analysis and other activities;
- (h) a conservation programme for artefacts and the site in close cooperation with the competent authorities;
- (i) a site management and maintenance policy for the whole duration of the project;
- (j) a documentation programme;
- (k) a safety policy;
- (l) an environmental policy;
- (m) arrangements for collaboration with museums and other institutions, in particular scientific institutions;
- (n) report preparation;
- (o) deposition of archives, including underwater cultural heritage removed; and
- (p) a programme for publication.

Rule 11. Activities directed at underwater cultural heritage shall be carried out in accordance with the project design approved by the competent authorities.

Rule 12. Where unexpected discoveries are made or circumstances change, the project design shall be reviewed and amended with the approval of the competent authorities.

Rule 13. In cases of urgency or chance discoveries, activities directed at the underwater cultural heritage, including conservation measures or activities for a period of short duration, in particular site stabilization, may be authorized in the absence of a project design in order to protect the underwater cultural heritage.

## **III. Preliminary work**

Rule 14. The preliminary work referred to in Rule 10 (a) shall include an assessment that evaluates the significance and vulnerability of the underwater cultural heritage and the surrounding natural environment to damage by the proposed project, and the potential to



obtain data that would meet the project objectives.

Rule 15. The assessment shall also include background studies of available historical and archaeological evidence, the archaeological and environmental characteristics of the site, and the consequences of any potential intrusion for the long-term stability of the underwater cultural heritage affected by the activities.

#### **IV. Project objective, methodology and techniques**

Rule 16. The methodology shall comply with the project objectives, and the techniques employed shall be as non-intrusive as possible.

#### **V. Funding**

Rule 17. Except in cases of emergency to protect underwater cultural heritage, an adequate funding base shall be assured in advance of any activity, sufficient to complete all stages of the project design, including conservation, documentation and curation of recovered artefacts, and report preparation and dissemination.

Rule 18. The project design shall demonstrate an ability, such as by securing a bond, to fund the project through to completion.

Rule 19. The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption of anticipated funding.

#### **VI. Project duration – timetable**

Rule 20. An adequate timetable shall be developed to assure in advance of any activity directed at underwater cultural heritage the completion of all stages of the project design, including conservation, documentation and curation of recovered underwater cultural heritage, as well as report preparation and dissemination.

Rule 21. The project design shall include a contingency plan that will ensure conservation of underwater cultural heritage and supporting documentation in the event of any interruption or termination of the project.

#### **VII. Competence and qualifications**

Rule 22. Activities directed at underwater cultural heritage shall only be undertaken under the direction and control of, and in the regular presence of, a qualified underwater archaeologist with scientific competence appropriate to the project.

Rule 23. All persons on the project team shall be qualified and have demonstrated competence appropriate to their roles in the project.

#### **VIII. Conservation and site management**

Rule 24. The conservation programme shall provide for the treatment of the archaeological remains during the activities directed at underwater cultural heritage, during transit and in the long term. Conservation shall be carried out in accordance with current professional standards.

Rule 25. The site management programme shall provide for the protection and management in situ of underwater cultural heritage, in the course of and upon termination

of fieldwork. The programme shall include public information, reasonable provision for site

stabilization, monitoring, and protection against interference.

#### **IX. Documentation**

Rule 26. The documentation programme shall set out thorough documentation including a progress report of activities directed at underwater cultural heritage, in accordance with current professional standards of archaeological documentation.

Rule 27. Documentation shall include, at a minimum, a comprehensive record of the site, including the provenance of underwater cultural heritage moved or removed in the course of the activities directed at underwater cultural heritage, field notes, plans, drawings, sections, and photographs or recording in other media.

#### **X. Safety**

Rule 28. A safety policy shall be prepared that is adequate to ensure the safety and health of the project team and third parties and that is in conformity with any applicable statutory and professional requirements.

#### **XI. Environment**

Rule 29. An environmental policy shall be prepared that is adequate to ensure that the seabed and marine life are not unduly disturbed.

#### **XII. Reporting**

Rule 30. Interim and final reports shall be made available according to the timetable set out in the project design, and deposited in relevant public records.

Rule 31. Reports shall include:

- (a) an account of the objectives;
- (b) an account of the methods and techniques employed;
- (c) an account of the results achieved;
- (d) basic graphic and photographic documentation on all phases of the activity;
- (e) recommendations concerning conservation and curation of the site and of any underwater cultural heritage removed; and
- (f) recommendations for future activities.

#### **XIII. Curation of project archives**

Rule 32. Arrangements for curation of the project archives shall be agreed to before any activity commences, and shall be set out in the project design.

Rule 33. The project archives, including any underwater cultural heritage removed and a copy of all supporting documentation shall, as far as possible, be kept together and intact as a collection in a manner that is available for professional and public access as well as for the curation of the archives. This should be done as rapidly as possible and in any case not later than ten years from the completion of the project, in so far as may be compatible with conservation of the underwater cultural heritage.

Rule 34. The project archives shall be managed according to international professional



standards, and subject to the authorization of the competent authorities.

#### **XIV. Dissemination**

Rule 35. Projects shall provide for public education and popular presentation of the project results where appropriate.

Rule 36. A final synthesis of a project shall be:

- (a) made public as soon as possible, having regard to the complexity of the project and the confidential or sensitive nature of the information; and
- (b) deposited in relevant public records.