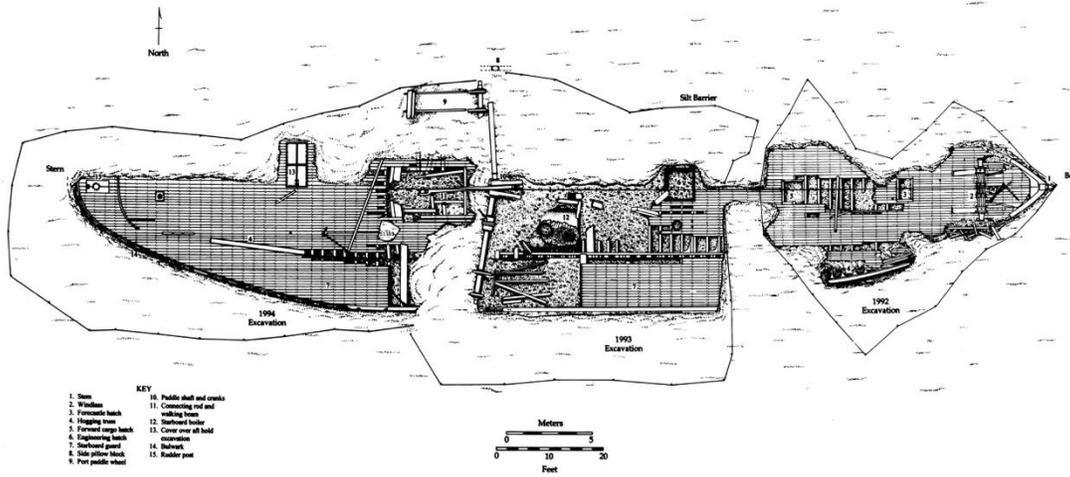


MAPLE LEAF  
SITE EXCAVATION  
1992 to 1994



# STEWARDSHIP

A Report on Site Disturbances of National Historic Landmark  
*Maple Leaf Shipwreck Site*

**OFFICIAL NOTIFICATION TO:  
Advisory Council on Historic Preservation  
July 1, 2016**

**REGARDING:  
Site Disturbances of NHL Maple Leaf Shipwreck Site by  
Telecommunication Fiber Optic Cable Deployment,  
In Violation of Section 106,  
National Historic Preservation Act**

**RESPONSIBLE FEDERAL AGENCY:  
United States Army Corps of Engineers  
(Jacksonville District)**

**RESPONSIBLE PRIVATE PARTY:  
TW Telecom, Florida LLC now a private subsidiary of  
Level-3 Communications, Inc.,  
BellSouth Telecommunications, LLC a private Subsidiary of  
AT&T**

**SUBMITTED BY:  
St. Johns Archaeological Expeditions, LLC  
Dr. Keith V. Holland, President  
4114 Herschel Street, Suite 106  
Jacksonville, Florida 32210  
Email: KVHolland@icloud.com**

## INTRODUCTION

The express purpose of this Notification to the Advisory Council on Historic Preservation is to:

- 1) Document the fact that the National Historic Landmark *Maple Leaf* shipwreck site has *not* been afforded adequate protection through and by the many State and Federal Statutes, responsible Regulatory Agencies, Florida's Comprehensive Historic Preservation Plan and the National Park Service's Monitoring Landmarks Program.
- 2) To demonstrate the current lack of effectiveness and ability of the State of Florida and the U.S. Army Corps of Engineers (USACOE) to enforce Section 106 of the National Historic Preservation Act of 1966 (NHPA), as it applies to non-federal activities in a marine or riverine environment.
- 3) To seek timely and comprehensive remedial actions and fines for the negligent acts of the State of Florida, the U.S. Army Corps of Engineers – Jacksonville District and private sector ownership interests for the two fiber optic cable installations which have been trenched through the National Historic Landmark *Maple Leaf* site located within the St. Johns River, Duval County, Florida.
- 4) To demand that mitigation of the National Historic Landmark *Maple Leaf* site necessitate *at a minimum*, the removal and relocation of all cables traversing the site, that impact analyses be performed and that any documented damage incurred by the Landmark be repaired or restored to the fullest extent possible, and
- 5) To recommend that on a national level, the USACOE be required to cease the issuance of Nationwide Permits for subaqueous cable installations without the express requirement to formally notify and seek the written consent of the appropriate State Historic Preservation Officer (SHPO).



**MAPLE LEAF**  
**(American Civil War Troop Transport)**  
**NATIONAL HISTORIC LANDMARK SHIPWRECK SITE**

**BACKGROUND**

In 1983 after several years of investigation required to locate the remnants of *Maple Leaf* shipwreck, the St. Johns Archaeological Expeditions, Inc. (SJA EI) initiated the process of seeking the multitude of permissions and concurrences necessary to document and explore the submerged American Civil War era wreck site. The hull of the *Maple Leaf* is located waterward of Mandarin Point (Duval County) within the St. Johns River. The semi-emergent superstructure of the wreck was overtly removed by explosives (1884) as per request of the United States Army Corps of Engineers (USACOE), per Federal Government's Internal Harbor Improvement Act. However, the entire intact hull remained eight feet below the mud line, incased in an anaerobic substrate, providing near perfect preservation.

Within the hull there remained the contents of an entire United States Army Infantry Brigade's personal effects and all camp equipment which was being transferred from Folly Island, SC to Jacksonville, FL when sunk. Foster's Brigade, consisting of twenty five hundred Infantrymen and Officers, were hurriedly transferred off of Folly Island and transported to Jacksonville as a result of the disastrous Union defeat at the Battle of Olustee, Fl. The Quartermaster General ordered their camp on Folly Island to be broken, packed and loaded on to the leased transport *Maple Leaf* to be transported to Jacksonville. As ordered, *Maple Leaf* took on the cargo and left late March to complete her assignment. *Maple Leaf* never arrived and the cargo was never unloaded. She sank as result of striking a Confederate contact explosive (torpedo) device directly off of Mandarin Point, Duval County, FL ~ April 1, 1864, 4:00 am.

By 1988, the SJA EI had satisfactorily acquired permits, licenses, legal rights, easements etc. necessary to develop investigation of the *Maple Leaf* Shipwreck. The buried hull and contents of the wreck were confirmed to be virtually intact ~ fully loaded and in a state of near-perfect preservation, containing an unimaginable quantity and variety of personal possessions, loaded into boxes with owners names, and many, many other items that cannot be recounted in this brief report. *Maple Leaf*'s significant cultural historic material contents have been deemed both incomprehensible and unimaginable. Edwin C. Bearss, Chief Historian, United States Department of Interior, National Parks states:

*“The Wreck of Maple Leaf is unsurpassed as a source for Civil War material culture. The site combines one of the largest ships sunk during the war, carrying all the worldly goods...with a river bottom environment that has perfectly preserved the ship and cargo. It is the most important repository of Civil War artifacts ever found and will probably remain so. Considered among Florida shipwrecks, Maple Leaf is probably the best preserved site in Florida....”*<sup>1</sup>

Over the next eight years, only a small amount (0.25% relative to the whole) of artifacts were professionally removed, conserved, catalogued, archived and distributed to various museums. There are no items in private ownership. All material was donated and accepted by Florida's Department of State, Archaeological Collections and Conservations Lab. At this time, there still remains an estimated seven hundred and ninety eight thousand pounds of cultural American Civil War historic resources encased *within Maple Leaf*'s hull. As a direct result of its documented significance, in 1994 the U.S. Secretary of the Interior, Bruce Babbitt, formally declared the wreck site and its contents a National Historic Landmark. It was assumed by SJA EI that as the fourth designated NHL shipwreck site in the U.S., that *Maple Leaf* and its contents would be well protected.

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<sup>1</sup> Letter: To Florida SHPO Percy, from Edwin C. Bearss July 15, 1992; SJA EI records

## THE CONFLICT

In about January 2016, Dr. Keith Holland both the founder and President of SJAEI became aware of a proposed submerged telecommunications cable to be placed between Mandarin Point in (Duval County) and the City of Orange Park (Clay County) directly across the St. Johns River. Upon investigation it was determined that the proposed cable crossing would directly conflict with the *Maple Leaf* NHL archaeological site. More importantly, it was coincidentally learned that *the Jacksonville District, USACOE had previously permitted two cable crossings directly across the National Historic Landmark site*. A review of their permit file (via a Freedom of Information Act request ~ Jan. 2016) indicated that the U.S. Army Corps of Engineers (Jacksonville District) had granted T.W. Telecom, a Nationwide Permit (NWP) as recently as 2013 without notifying the State Historic Preservation Officer of the intended activity and route – directly through a National Historic Landmark. In addition, the State of Florida-Division of State Lands issued the Permittee a 20 ft. easement without any similar level of due diligence necessary to determine whether or not the cable route conflicted with a documented nationally significant cultural resource site. It was likewise learned that both State and Federal regulatory agencies had acted similarly in 1990 when they granted Southern Bell permits and a Submerged Lands Easement for a cable installation – again without recognition of the apparent conflict with a well-known marine archaeological site.

As of this date, it is confirmed that two (2) submerged telecommunication cables have been “laid” via trenching through the designated National Historic Landmark Maple Leaf site (see **Figure 1**). Whether damage or disturbance to the submerged hull, its valuable contents, or other outlying materials associated with the wreck has occurred as a result of one or both cable installations is to be determined – as well as – which individuals, or entities (private, State and/or Federal), are responsible for costs associated with exploration, remediation (including cable removal and relocation), mitigation, reparations and/or fines for disturbance(s) to a known National Historic Landmark.

In that regard, it is presently unclear as to how *both* State (FDEP and Division of State Lands) and Federal (US Army Corps of Engineers) regulatory agencies with statutory specific responsibility for Cultural Resource protection could issue multiple Easements and Permits to perform highly impactful cabling activities (including excavation and trenching) through such a well-documented National Historic Landmark. Since the early 1990's, the exploration of the *Maple Leaf* wreck has been the subject of an extraordinary amount of public information and notoriety including numerous newspaper and magazine articles, local Museum displays, etc. Moreover, the Permits and Easements originally legally acquired by the SJAEI for explorations of the wreck site are a matter of record (within both the U.S. Army Corps of Engineers and the Florida Department of Environmental Protection). On the Clay County side of the St. Johns River there exists a Memorial Plaque literally dedicated to the wreck site located waterward thereof.

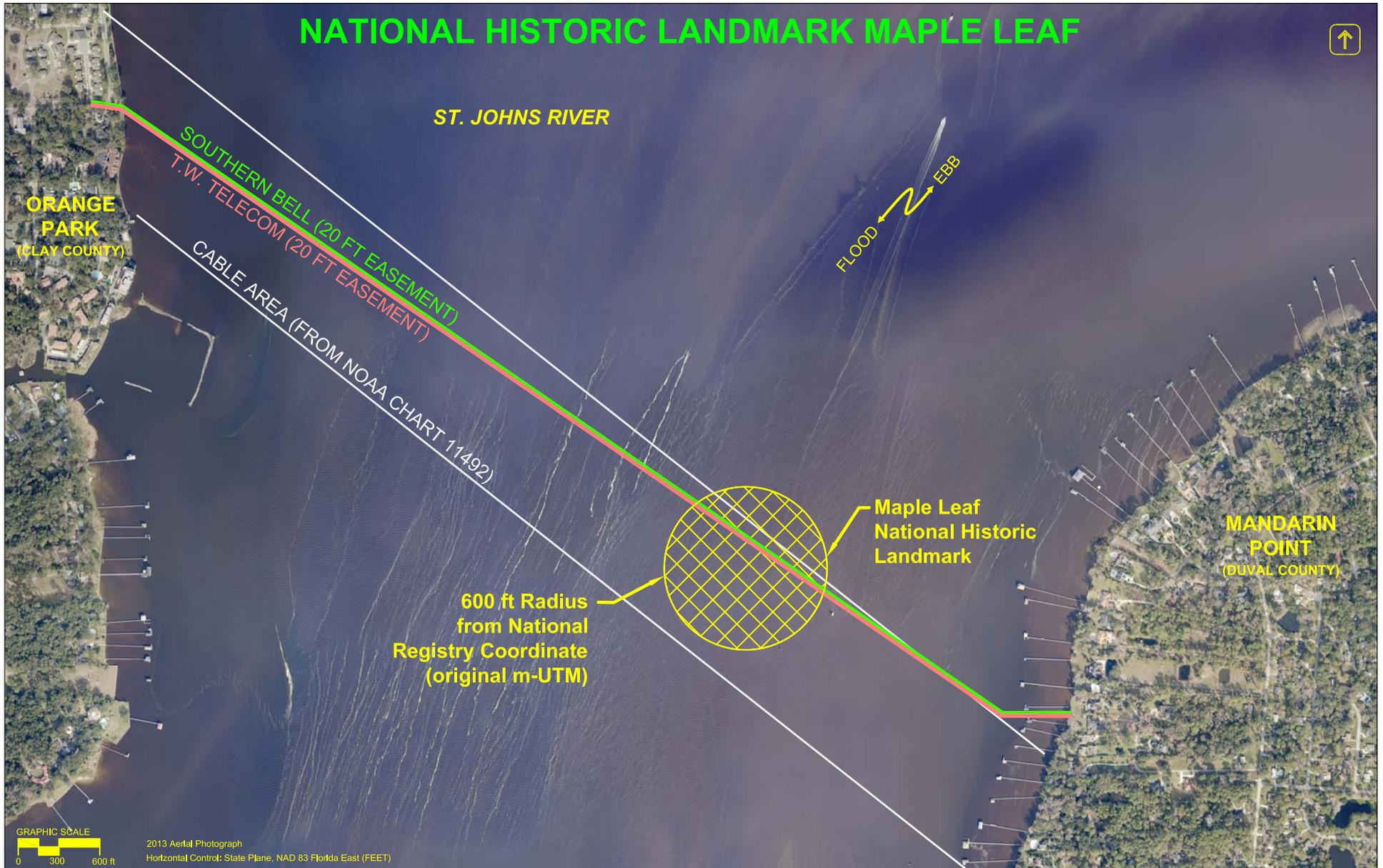
## **ONGOING ACTIONS**

Without recent intervention by Dr. Holland, the permitting of a third cable installation by the USACOE directly through the site would have occurred. As the apparent sole “steward of the wreck site”, Dr. Holland intends to seek any and all actions necessary to assess damage and ensure for reparations and future protection of the wreck. For example, after the US Army Corps of Engineers – Jacksonville District permitted the first cable installation (by Southern Bell) through the site in or about 1990, the National Ocean Survey, NOAA unknowingly assumed a designated “cable crossing site” was appropriate and had memorialized same on Nautical Chart No. 11492 which represents the section of the St. Johns River under consideration. It is confirmed that the mapped cable-crossing zone directly conflicts with the 26 Acre site designated as a National Historical Landmark – and must therefore ultimately be revised by NOAA (see **Figure 1**).

Starting in January 2016, a representative of Dr. Holland formally notified the Jacksonville District, U.S. Army Corps of Engineers of the perceived – *but now verified* – 2013 trenching of a communication cable through the National Historic Landmark *Maple*

*Leaf* by T.W. Telecom, LLC. Under FOIA, a review of the Corps Nationwide Permit file (June 2016) for that work revealed a failure of the permittee to submit both the requisite Compliance Document and a certified As-Built drawing of the actual cable location relative to its easement. Communication with regulatory personnel has indicated an apparent lack of ability by the Jacksonville District to enforce fundamental “Compliance” criteria (even after the fact), none-the-less determine if damage or disturbance has been done to a Historic Landmark and whether or not fines, remediation or cable removal are ultimately warranted under the law. Interestingly, various Standard Conditions of the federal NW Permit hold the permittee responsible for cultural resource impact assessment and avoidance – even if the Corps has failed to enforce Section 106 of the NHPA. The record will show that neither TW Telecom nor Southern Bell performed any level of cultural resource due diligence prior to trenching cable through a National Historic Landmark.

At this present time, the communications firm of Tower Cloud intends to permit a third St. Johns River cable crossing between Mandarin Point and Orange Park. For purposes of preventing continuing impact and/or damage to the NHL Maple Leaf wreck site, Dr. Holland has initiated a direct line of communication with Tower Cloud personnel responsible for the planning and permitting of the proposed fiber optic cable scheduled for installation in late 2016. Of immediate concern is that the most accurate location and limits of the National Historic Landmark have not been available to Tower Cloud via the public record, as well as from State and Federal regulatory agencies. Moreover, the firm has been advised by Dr. Holland that the cable-crossing route codified on Nautical Chart 11492 directly conflicts with the designated limits of the National Historic Landmark *Maple Leaf*. Accordingly, it is the declared intent of Tower Cloud to permit and construct a cable crossing which neither impacts nor disturbs the National Historic Landmark 26 Acre site.



**Figure 1:** Fiber optic cable installation locations relative to the NHL Maple Leaf.