



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
Northern Division

GREAT LAKES EXPLORATION
GROUP LLC
Plaintiff,
v.
The Unidentified, Wrecked and (For
Salvage-Right Purposes), Abandoned
Sailing Vessel, her tackle,
apparel, appurtenances, cargo, etc.
located within a circle having
a radius of 3.5 statute miles, whose
center point is at coordinates
45° 32.8' North latitude and 86° 41.5'
West longitude,
In Rem
Defendant.

Civil Action No. 1:04-CV-375
HON. ROBERT HOLMES BELL

AFFIDAVIT OF SCOTT J. DEMEL

Scott J. Demel, after first being duly sworn, deposes and states as follows:

I am an adult male. I have all my natural faculties. The information set forth in
this Affidavit consists of matters within my personal knowledge or my opinions based on
the application of good and standard methods of research and analysis in the field of
archaeology and set forth to a reasonable certainty in my field of expertise.

I am currently employed by the Field Museum of Chicago. I am currently a
member of Academic Affairs and the Anthropology Department, which includes the field
of archaeology. My service as Collection Project Coordinator has included various types

of responsibilities with respect to research, development, collections maintenance, display and acquisition, as well as serving as Principal Investigator for the salvage archaeology project on the Museum Campus. I have more than a decade of expertise in cultural resource management archaeology, having investigated both historical and prehistoric sites in the Great Lakes area. I am also a Co-Director of the DePaul University Historical Archaeology Field School. I earned my Ph.D. in Anthropology from the University of Wisconsin-Milwaukee. My field of expertise is the western Great Lakes region, including a special focus in the Archaic Period.

The field of archaeology is a recognized field of science, involving the application of scientific methodology. It relies on scientific hypothesis testing, excavation, data analysis, report writing, peer review and publication. There are recognized professional standards in the field and requirements for becoming a professional. This involves completing a formal course of academic studies from an accredited institution, typically involving a doctoral degree in the field of anthropology, combined with substantial fieldwork and experience.

The Field Museum was founded in 1893 with its purpose the "accumulation and dissemination of knowledge, and the preservation and exhibition of objects illustrating art, archaeology, science and history." With over a hundred years of experience in these fields, the Field today is regarded as among the finest of its kind in the world. Today, the Field Museum's biological, geological, and anthropological collections have grown through world-wide expeditions, exchange, purchase, and gifts to more than twenty two million specimens and objects, more than 600,000 of which document the diversity and

accomplishments of humankind. The museum also houses a library of more than 250,000 volumes.

As an educational institution, the Field Museum offers multiple opportunities for both informal and more structured public learning. Exhibits remain the primary means of informal education, but throughout its history the Museum has supplemented this approach with innovative educational programs. These include educational outreach programs for students, bringing artifacts, specimens, audiovisual materials, and activity kits to schools and institutions of learning, to classes, lectures, field trips, museum overnights and special events for families, adults and children, to professional symposia and lectures, presenting the latest scientific results to the international scientific community as well as the public at large.

The Museum's curatorial and scientific staff conducts research in the fields of systematic biology, geology and anthropology, and also has responsibility for collections management, and collaboration in public programs with the Departments of Education and Exhibits. Since its founding the Field Museum has been an international leader in evolutionary biology and paleontology, and archaeology and ethnography, and has long maintained close links to the academic and professional communities.

Each year, more than 250,000 school children visit The Field Museum to learn more about their world. More than 10,000 teachers take advantage of our resources for professional development and planning engaging learning activities. Thousands of families and adults visit the Museum every year as a way of better understanding their common heritage.

I have been in consultation with Steve Libert and others from Great Lakes Exploration since approximately June of 2003 about the shipwreck and how to move forward with the analysis of the shipwreck, which is the subject of this case. Based on what I have observed, the project has undertaken to apply good and standard methods of historical and archaeological survey and study of the shipwreck site, with a view to protecting the scientific, historic and underwater archaeological value of the site.

Good and standard underwater archaeological practices in the Great Lakes Region dictate that to the extent practicable, a relatively large area around a shipwreck site should be subjected to survey, including but not limited to sub-bottom profiling and side-scan sonar to identify any debris field and any potentially associated objects. The entire debris field for shipwrecks having historic value should be scientifically mapped, and as such can contribute to our understanding of the demise of the vessel. Such practices also dictate that to the extent practicable, a photo-mosaic record be made for the entire debris field for shipwrecks having historic value, and that the entire debris field be scientifically investigated, including when practical providing ground-truth, or verification of objects and targets identified during the survey.

Good and standard underwater archaeological practices in the Great Lakes region dictate that to the extent practicable, all artifacts from shipwrecks having historic value be maintained under unified management to permit scientific and historic research. The contents of these wrecks is comparable to a time capsule, where the methods of construction, divisions of space, consumer and personal items, trade items, etc., contribute to the understanding and interpretation of maritime trade, colonialism, and

relations with indigenous populations in this colonial period. Permitting dispersion of artifacts from shipwrecks having historic value among relic hunters or others is inconsistent with good and standard underwater archaeological practices. Permitting looting of the underwater sites by relic hunters of shipwrecks having historic value is also inconsistent with good and standard underwater archaeological practices. It has been my observation that sites having historic value may be subject to significant risk from looting and/or destruction by relic hunters, and that failure to protect such sites from relic hunters may result in the irreparable loss of important scientific and/or historical information.

For this reason, publicly disclosing the location of historic sites underwater will increase the risk of looting and/or destruction of such shipwrecks by relic hunters, and will increase the risk of accidental damage by divers. Prematurely disclosing site conditions, sea bottom conditions and identification of such shipwrecks may likewise increase the risk of looting and/or destruction of such shipwrecks by relic hunters.

Improvidently using mechanical devices for underwater excavation may, in the case of archaeological sites, result in substantial loss of information and/or irreparable harm to the shipwreck and to site conditions. Although circumstances may certainly change in the future, based on present circumstances, I would not recommend the use of mechanical devices for the initial investigation or testing phase of the shipwreck site. At the current stage of the investigation only limited testing is proposed, which does not include formal excavation. After the initial investigation, the next phase of inquiry may be to employ the use of mechanical devices in a limited capacity to aid in further testing, and perhaps also in the actual excavation and recovery of the vessel and its components. I am fully aware that any excavation requires a State permit. I am not aware of any

proposal by Great Lakes Exploration to use such mechanical devices and currently do not contemplate such activity.

Great Lakes Exploration and the Field Museum are interested in working cooperatively with the State of Michigan in the exploration and recovery of the shipwreck site in this matter and hope that all involved can foster a cooperative approach, focusing on protecting the scientific and historic value of the site.

DOCUMENTS

UNDER

SEAL:

**SEALED PORTION OF
AFFIDAVIT OF
SCOTT J. DEMEL**

VERIFICATION

STATE OF ILLINOIS,
COUNTY OF COOK, SS:

I, Scott Demel, being duly sworn on oath, state that I have read the foregoing Affidavit and that the statements therein are true to the best of my knowledge and belief.

Scott J. Demel
SCOTT DEMEL

The foregoing was subscribed and sworn to before me this 24th day of January, 2005.

Nancy DeDatus
NOTARY PUBLIC

My Commission Expires: 2/9/06

