

Responses and observations from other Irish bodies and agencies:

EPA: 28 nov 2023

Dear Mr. [REDACTED],

We would like to acknowledge the receipt of your email below. The correspondence was forwarded to the Office of Environmental Enforcement (Dumping at Sea Team), which is responsible for enforcing dumping at sea permits.

This does not appear to fall under dumping at sea. Dumping in relation to dumping at sea, means:

- any deliberate disposal in the maritime area (including side-cast dredging, plough dredging, water injection dredging and other such dredging techniques) of a substance or material from or in conjunction with a vessel or aircraft or offshore installation, and
- any deliberate disposal in the maritime area of offshore installations.

However it is noted that under the Dumping at Sea Act 1996 (as amended) the dumping of any vessel or aircraft, substance or material from or in conjunction with a vessel or aircraft for the purpose of securing the safety of a vessel or aircraft or of saving life shall be reported to the Agency as soon as may be, but not later than 7 days after it takes place. The deliberate disposal of a vessel or aircraft is prohibited under the Dumping at sea Act.

The Irish Coast Guard have overall responsibility for dealing with pollution of the sea and coastal areas. Therefore, in the event of a fuel spill in the maritime area this occurrence shall also be notified to the Irish Coast Guard as soon as possible.

Kind regards,

[REDACTED]

Inspector II, Dumping at Sea
Office of Environmental Enforcement, Cork
Cigire II, Dumpáil ar Farraige
Oifig Forfheidhmithe i leith cúrsaí Comhshaoil, Chorcaí

NPSW: 28 nov 2023

Hello [REDACTED]

Thank you for your email below.

I have forwarded it internally for comment here in the NPWS but it may be something we are not in a position to comment on.

You could also to the Department of Agriculture, Food and the Marine at [REDACTED]@agriculture.gov.ie and they have some comment on the project.

Kind regards,

[REDACTED]

Engagement, Corporate and Specialist Supports

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

An tSeirbhis Páirceanna Náisiúnta agus Fiadhúlra
National Parks and Wildlife Service

90 Sráid an Rí Thuaidh, Margadh na Feirme, Baile Átha Cliath 7, D07 N7CV
90 King Street North, Smithfield, Dublin 7, D07 N7CV

Receiver of Wreck: 5 dic 2023

Morning [REDACTED]

The relevant authorities are the National Monuments Service and the Dept. of Transport. In the first instance, you should inform them of your intentions and provide detailed project overviews in relation to regulations, e.g. pollution. They would also need to know what wreck you're intending to target for salvage as any wreck over 100 years old is automatically protected under the National Monuments Acts and should not be touched.

I will liaise with my colleagues in those agencies on this matter and will await notice of any wreck found or taken possession of.

I don't have any involvement in the granting of licences and cannot assist in the preparation of said licence applications.

Thank you for making contact,

[REDACTED]

Higher Executive Officer | Port Operations / Anti-Smuggling
Investigation, Prosecution and Frontier Management Division of
the Revenue Commissioners

M: [REDACTED]

National Monuments: 7 dic 2023

Dear Mr. [REDACTED] c/o NV Seatec

We wish to acknowledge receipt of your initial enquiry received on 28 November 2023 and have reviewed further documents forwarded in relation to the salvage proposal of the WW1 Wreck SS *Ohio* Steamship (Wreck No. W09921) 130NM outside Irish territorial waters.

Firstly for your information, please note that all wrecks 100 or more years old and underwater archaeological objects within Ireland's Internal Waters, Territorial Sea and Contiguous Zone are legally protected under section 3 of the National Monuments (Amendment) Act 1987. Any diving on, survey of, salvage of, removal of (or from) or damage to such a wreck or object is an offence unless done so under and in accordance with a licence issued by the Minister for Housing, Local Government and Heritage. Such licences are issued only at the discretion of the Minister and it should also be anticipated that any such licence, if issued, will be issued subject to conditions, which may include both standard conditions and ones specific to the particular case.

Anyone considering directing any activities at a wreck less than 100 hundred years old within Ireland's Contiguous Zone, Territorial Sea or Internal Waters should note that the Minister has the power, in appropriate cases, to make such a wreck subject to an Underwater Heritage Order, which would bring such a wreck within the scope of section 3 of the 1987 Act. Moreover, such a wreck might in any event come within the scope of the term "archaeological object" and be automatically protected under section 3 of the 1987 Act.

Also for your general information, please note that as wrecks over 100 years are automatically protected under the legislation (i.e. they are protected without any listing or designation), and as many such wrecks undoubtedly exist as yet unknown and unlocated, it is not possible to refer to any definitive or exhaustive list of protected wrecks in Irish waters. The material available online regarding the [Historic Wreck Viewer](#) maintained by the National Monuments Service is for general information only – it only covers known locations and is not an exhaustive list of what is legally protected. In summary, the onus is on persons proposing to carry out any operations in relation to a wreck to ensure that they only do so in compliance with section 3 of the 1987 Act (which, it should be noted, also requires any newly found wrecks 100 or more years old to be reported to the National Monuments Service).

Locations beyond the outer limit of Ireland's Contiguous Zone do not come within the scope of section 3 of the 1987 Act. However, a range of activities relating to marine safety and environmental protection are subject to Irish law within Ireland's EEZ. Therefore, it is essential that any persons proposing to operate within the EEZ consult with the Department of Transport, Maritime Transport Division. Such marine safety and environmental protection law will also, of course, be relevant within Ireland's Territorial Sea, so again, in such instances contact with the Department of Transport is essential.

It is noted that the planned port for your unloading is Vlissingen in the Netherlands. Should this change, however, under the Merchant Shipping (Salvage and Wreck) Act 1993 any person taking possession of a wreck within the State (which includes within the

Territorial Sea), or bringing a wreck into the State (which includes bringing into the Territorial Sea) must (if they are the owner of the wreck) notify the Receiver of Wreck or (if not the owner) deliver it to the Receiver of Wreck. In the latter case a statutory process will ensue regarding any claims of ownership and how the wreck is to be dealt with. NMS is not the responsible agency for salvage law, but by way of general guidance the following information may be referred to:

<https://www.gov.ie/en/publication/6b76f-guidance-on-salvage-and-wreck-law/> . It should, in particular, be noted that under section 56 of the Merchant Shipping (Salvage and Wreck) Act 1993 it is an offence to board or attempt to board any wrecked vessel without the permission of the owner or master of the vessel.

Any archaeological object found within the State (including its Territorial Seas) which has no known owner at the time of finding is the property of the State (Ireland); this is provided for under the National Monuments (Amendment) Act 1994. The term “archaeological object” as defined under the National Monuments Acts includes (in summary) both chattels of archaeological interest and chattels associated with Irish historic events and persons; it is not date restricted.

It must be emphasised that obtaining a licence under section 3 of the National Monuments (Amendment) Act 1987 does not in any way remove the need for any other authorisation, permit, consent or licence as required under other legislation (whether legislation of Ireland or legislation in any other jurisdiction) or over-ride the rights of any owner of any wreck or other property.

Please also be advised that a full revision and updating of the existing National Monuments Acts has occurred and once commenced a similar strong level of protection of historic wrecks and archaeological objects located within Ireland’s Contiguous Zone, Territorial Sea or Internal Waters will continue.

[Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023 \(irishstatutebook.ie\)](https://www.irishstatutebook.ie/eli/2023/act/1/section/1)

This new legislation also includes provision to enable Ireland to ratify the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage. In that event, the multilateral co-operative regime as between states party to the Convention would come into effect in relation to wrecks more than 100 years and nationals of, and those in charge of vessels of, any state party to the Convention would need to ensure that they comply with the need to obtain authorisations from the relevant state party to the Convention. It should also be noted that in the event of such ratification, the import of underwater cultural heritage into the State (Ireland) would be prohibited unless such material had been recovered in conformity with the Convention. Please note that France, Belgium and Panama have ratified the 2001 UNESCO Convention on the Protection of the Underwater Cultural Heritage.

Additional State Parties are listed [here](#).

You may also wish to review our the recently published document “Advice to the Public on Ireland’s Underwater Archaeological Heritage”, available at:

<https://www.gov.ie/en/publication/55976-advice-to-the-public-on-irelands-underwater-archaeological-heritage/> .

Finally, The National Monuments Service wish to request a report relating to particulars of the salvage operation undertaken in relation to the Ohio (should it proceed as proposed with all required authorisation and permits) for the purpose of making it available publicly through our databases and online wreck viewer and so that we might have information on the condition of the wreck post salvage.

Yours sincerely



Archaeologist

Seirbhís na Séadchomharthaí Náisiúnta
National Monuments Service

An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta
Department of Housing, Local Government and Heritage

Bóthar an Bhaile Nua, Loch Garman, Y35 AP90
Newtown Road, Wexford, Y35 AP90