



January 26, 2015

Mr. Stephen Appleby
scappleby@yahoo.com
RESCUE:

Dear Mr. Appleby:

I am the Executive Vice President and Director of Communications for Odyssey Marine Exploration, Inc., the archaeological contracting service provider to the Maritime Heritage Foundation for the *Victory* Shipwreck Project. I understand you may have recently received a letter from Mr. Robert Yorke requesting your support and your financial contribution to challenge the decision by the Ministry of Defence (MOD) to allow recovery of the at-risk surface artifacts from the HMS *Victory* 1744 shipwreck site. Mr. Yorke has submitted an initial pre-action protocol letter to the MOD indicating that he is considering requesting a judicial review of MOD's decision. I write to assure you that the *Victory* project has been thoroughly vetted through a process which has lasted over five years by every relevant governmental entity and advisory group and that the MOD's decision is supported by the Minister for Culture and the Digital Economy, Ed Vaizey, MP.

Although no legislation or best practice requires archaeological Project Designs to be submitted to JNAPC for review or comment, for the avoidance of doubt please be assured that a very detailed Project Design was submitted and approved by the Secretary of State for Defence. Contrary to Mr. Yorke's assertions, the Project Design complies with the archaeological principles of the Annex to the UNESCO Convention on the Protection of the Underwater Cultural Heritage. It has been reviewed by the Advisory Group to the Ministry of Defence (which includes English Heritage and DCMS) and the Secretary of State for Defence.

As you know, it is not common practice to publicly release complete project designs in the UK. For instance, none related to either the Swash Channel shipwreck or HMS *London* are in the public domain. The publication record of the *Victory* project, however, has been more detailed and more transparent than any other contemporary shipwreck project in the UK. Preliminary reports detailing work conducted during Phase 1-2 of the Project Design are already available to the public at <http://www.victory1744.org/publications.html>. The Non-Technical Summary of the project and the Key Management Principles that the Maritime Heritage Foundation has agreed to follow are similarly available through this link. You will also find a wealth of additional information about the project, including a virtual dive trail and scientific and archaeological papers at the dedicated website, www.victory1744.org.

The collection management of the artifacts planned for recovery and associated archive is outlined in the agreed Key Management Principles, which state that "*The Collection will be managed in line with the archaeological principles of the UNESCO Convention on the Protection of Underwater Cultural Heritage*" and "*In managing the Collection, the MHF will abide by the Museums Association's*





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Code of Ethics for Museums.” In addition, the project will adhere to current UK law, including the declaration of all recovered artifacts to the Receiver of Wreck. It should also be understood that the Deed of Gift, which transferred the wreck of the *Victory* to the Maritime Heritage Foundation, includes a requirement that no transferred artifacts be sold or disposed of without the express consent of the Secretary of State for Defence.

Since Odyssey discovered this shipwreck in 2008, the site has suffered damage from manmade and natural causes, and at least one cannon has been looted by Dutch salvors. Odyssey is at the forefront sharing Mr. Yorke’s concern for the proper archaeological preservation of the *Victory*, and is deeply concerned that Mr. Yorke’s actions, based on incorrect assumptions, could result in unwarranted delay and further loss and damage to this highly important wreck. By our estimates, Mr. Yorke and his supporters could incur expenses of nearly £100,000 in legal fees related to a judicial review. Additionally, the Ministry of Defence, the Maritime Heritage Foundation, Odyssey and others would incur significant legal expenses related to such action. Odyssey would seek to recover damages, including but not limited to, legal expenses and other project related costs that may be incurred should the project be delayed as a result of Mr. Yorke’s actions. Damage to the site as a result of the delay, however, could be permanent and irretrievable.

We hope that you will support the Ministry of Defence and the Department for Culture, Media and Sport in their efforts to preserve British history. If you have any questions regarding Mr. Yorke’s assertions on the subject, please feel free to contact me at lbarton@odysseymarine.com or through Odyssey’s website, www.odysseymarine.com. I would also be pleased to send you a copy of any version of *Oceans Odyssey*, our scientific publication books. The first and second editions include reports on the *Victory* wreck site.

Yours sincerely,

Laura L. Barton
Executive Vice President & Director of
Corporate Communications

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