

SECTION .1000 - EXPLORATION: RECOVERY: SALVAGE

.1001 OWNERSHIP BY STATE

*History Note: Statutory Authority G.S. 121-22; 121-23; 143B-62(1) g, (3);
Eff. February 1, 1985;
Repealed Eff. June 1, 1989.*

.1002 DEFINITIONS

- (a) "Abandoned shipwrecks" shall mean sunken ships, boats, and watercraft and their associated cargoes, tackle, and materials.
- (b) "Underwater archaeological artifacts" shall mean those materials showing human workmanship or modification or having been used or intended to be used or consumed by humans, including relics, monuments, tools and fittings, utensils, instruments, weapons, ammunition, and treasure trove and precious materials including gold, silver, bullion, jewelry, pottery, ceramic, and similar or related materials.

*History Note: Statutory Authority G.S. 121-22; 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1003 DEPARTMENT AUTHORIZED TO GRANT PERMITS AND LICENSES

- (a) The Department of Cultural Resources may grant permits for the exploration, recovery or salvage of abandoned shipwrecks and of underwater archaeological artifacts in given areas of state-owned bottoms of navigable waters. No exploration, recovery, or salvage operation on state-owned bottoms of navigable waters during which abandoned shipwrecks or underwater archaeological artifacts may be removed, displaced, or destroyed shall be conducted by any person, firm, corporation, institution or agency without having first received the appropriate permit or license from the Department. After issuance no permit, or any part thereof shall be assigned or sublet.
- (b) Obtain application forms from and submit completed permit applications to:

Underwater Archaeology Branch
Division of Archives and History
1528 Fort Fisher Blvd. South
Kure Beach, North Carolina 28449

*History Note: Statutory Authority G.S. 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1004 EXCEPTIONS

No permit is required for employees of the Department of Cultural Resources for exploration, recovery or salvage operations being conducted as part of the official responsibilities of the Department.

*History Note: Statutory Authority G.S. 121-24;
Eff. February 1, 1985.*

.1005 PERMIT FOR EXPLORATION: RECOVERY OR SALVAGE

- (a) An exploration, recovery or salvage permit will be issued providing:
 - (1) the applicant has adequate funds, equipment, and facilities to undertake and complete the operation, is capable of providing supervision of all phases of the operation and has demonstrated the ability to carry out acceptable exploration, recovery or salvage projects;
 - (2) the proposed activity is undertaken for the purpose of furthering archaeological knowledge in the public interest;
 - (3) the proposed activity employs accepted techniques of survey, excavation, recovery, recording, preservation, and analysis used in exploration, recovery and salvage projects; and
 - (4) the underwater archaeological artifacts recovered during the proposed project will be properly conserved and these artifacts and copies of associated archaeological records and data will be curated in an acceptable manner.
- (b) The Department of Cultural Resources shall have decision-making authority concerning the issuance of a permit. A permit shall be issued or denied within 30 days of the acceptance by the Department of a completed application. Major inadequacies, such as unacceptable goals, objectives, methodologies or techniques, or the lack of sufficient funding or professional staff, shall be reasons for permit denial and will be clearly spelled out in the denial notice.

*History Note: Statutory Authority G.S. 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1006 TERMS AND CONDITIONS OF PERMITS

- (a) An underwater archaeological permit will contain all conditions governing that particular exploration, recovery or salvage project. Should these conditions conflict with the terms of the application, these permit conditions shall take precedence.
- (b) A permit will normally be granted for a period of one year and may be renewed after review of an extension request and evaluation of past performance.

- (c) The Permittee agrees to submit for review to the Department a draft report, detailing project activities and results within 120 days after completion of the fieldwork, and a final report 60 days after department approval of the draft.
- (d) The Permittee agrees to keep a daily log of all project activities including the types of equipment used, site conditions, and other project-specific data and to provide copies to the Department upon request.
- (e) The Permittee is responsible to the Department for accuracy and validity of the data contained in the final report submitted to the Department. The report and copies of requested data will become part of the permanent data on file with the Department.
- (f) The Department reserves the right to have a designated agent present during activities carried out under the terms of the permit.
- (g) The Department is not liable or responsible for any accident or injury to any person or the loss or damage to any equipment connected with the permit.
- (h) Failure to diligently pursue the work after it has been started, or to comply with any of the provisions of the permit or of these requirements, may result in revocation of the permit.

*History Note: Statutory Authority G.S. 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1007 APPEALS RELATING TO PERMITS

Any person may appeal permit issuance, denial, suspension or revocation through appeals procedures established in Article 3 of G.S. 150B.

*History Note: Statutory Authority G.S. 121-23; 121-25; 150B;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1008 OWNERSHIP AND DIVISION OF RECOVERED ITEMS

All abandoned shipwrecks and underwater archaeological artifacts recovered in the waters of the State of North Carolina shall belong to the State of North Carolina. Such underwater archaeological artifacts as are recovered under the proper permit may be granted, in whole or in part, to the Permittee as proper compensation for his efforts in recovering such objects and the title to and ownership of these objects then is transferred to that Permittee. Determination of which of the recovered objects will be granted to the Permittee will be made by the Department acting in the best interest of the state and giving due consideration to the fair treatment of the Permittee. The terms of the division are to be expressed as a percentage, and the percentage of the state's share and the percentage of Permittee's share shall be stated on the permit at the time of its issuance. All recovered artifacts shall be placed and retained in safekeeping. The places of safekeeping shall be approved by the secretary or a duly authorized agent of the

Department. At the time of the division of items that have been recovered by those having permits for salvage with the Department there shall be present such member or members of the staff of the Department of Cultural Resources as the Secretary of the Department of Cultural Resources shall deem necessary and appropriate.

*History Note: Statutory Authority G.S. 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1009 PROTECTED AREAS

The Department may designate certain abandoned shipwrecks or underwater archaeological artifacts as areas of primary scientific, archaeological or historical value. No permit for recovery or salvage of these abandoned shipwrecks or underwater archaeological artifacts will be issued unless the proposed project is consistent with the Department's management plan for these areas and unless all recovered artifacts are kept as an intact collection in an appropriate repository.

*History Notes: Statutory Authority G.S. 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1010 SPECIAL AREAS FOR SPORT AND HOBBY OPERATIONS

The Department may designate certain limited areas of state-owned bottoms for the exclusive purpose of sport and hobby exploration and recovery under a short-term sport and hobby permit if it deems this to be in the best interest of the state. Short-term and hobby permits may be issued only for those abandoned shipwrecks and underwater archaeological artifacts which are specified in writing by the Secretary of the Department of Cultural Resources. Commercial salvagers, firms, corporations, and individuals seeking to recover and sell underwater archaeological materials, or otherwise make monetary profit with them, shall not be issued a short-term sport and hobby permit. All or any part of the materials recovered under the short-term sport and hobby permit may be awarded by the Department to the finder after inspection and study by the Archaeology Branch.

*History Note: Statutory Authority G.S. 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1011 REPORTING REQUIREMENTS

These guidelines for exploration, recovery and salvage projects ensure thorough and consistent data collection and reporting for projects conducted on the state's abandoned shipwrecks and underwater archaeological artifacts. Submission of a draft report for the Department's review

and comment enables the Permittee to foresee and correct inadequacies prior to the completion of the final report. The Permittee shall address the following areas to assure final acceptance:

- (1) a concise description of goals of the study and general approach of the investigation;
- (2) an overview of the prehistory and history of the general area of the project and specific information relative to the designated project area;
- (3) a concise and specific location of the project area, to include maps that accurately indicate the boundaries of the area identifying nearby landmarks and permanent benchmarks employed in establishing positioning and survey data;
- (4) a brief and concise description of the project area to include environmental information such as water depth, visibility, currents, bottom composition and contours, and vegetation;
- (5) a complete description of the work conducted including exploration or recovery projects (research methods, data collection techniques, etc.) and a complete description of the equipment utilized to conduct the investigation;
- (6) a description of the findings, observations and data generated by project activities.
- (7) a detailed description of all archaeological resources within the boundaries of the project area. The archaeological resources shall be precisely located on maps to be submitted to the Department with the draft report;
- (8) a comprehensive statement detailing the conclusions drawn from observations, findings and data generated by project activities;
- (9) a statement of recommendation with regard to continued investigation and management of archaeological resources.

*History Note: Statutory Authority G.S. 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1012 REPORT REVIEW

- (a) The Department shall review all draft and final reports resulting from underwater archaeological permit activities. The Department may request revisions of the draft or final reports. Terms and conditions of the permit are considered satisfied only after revisions have been completed and the final report accepted.

- (b) The Department has 60 days after receipt to review and comment on all reports and return written comments to the Permittee.

*History Note: Statutory Authority G.S. 121-23; 121-25;
Eff. February 1, 1985;
Amended Eff. June 1, 1989.*

.1013 TERMINATION OF PERMIT

Notification of permit termination will be sent to the Permittee upon acceptable completion of all terms of the permit or upon permit expiration.

*History Note: Statutory Authority G.S. 121-23, 121-25;
Eff. February 1, 1985.*