

O.C.G.A. § 12-3-80

TITLE 12. CONSERVATION AND NATURAL RESOURCES

CHAPTER 3. PARKS, HISTORIC AREAS, MEMORIALS, AND RECREATION

ARTICLE 3. HISTORIC AREAS

PART 3. SUBMERGED CULTURAL RESOURCES

O.C.G.A. § **12-3-80** (2006)

§ **12-3-80**. "Submerged cultural resources" defined; title and exclusive right to regulate investigation, survey, and recovery; exceptions

As used in this part, the term "submerged cultural resources" means all prehistoric and historic sites, ruins, artifacts, treasure, treasure-trove, and shipwrecks or vessels and their cargo or tackle which have remained on the bottom for more than 50 years, and similar sites and objects found in the Atlantic Ocean within the three-mile territorial limit of the state or within its navigable waters. Title to, and the exclusive right to regulate the investigating, surveying, and recovery of, all such submerged cultural resources is declared to be in the State of Georgia; provided, however, that the Board of Natural Resources may determine and provide by rule that certain submerged cultural resources are of no cultural or economic value to the State of Georgia such that items or areas so designated are not subject to the provisions of this part, including any permit requirements of Code Section 12-3-82.

HISTORY: Code 1981, § **12-3-80**, enacted by Ga. L. 1985, p. 906, § 4; Ga. L. 1988, p. 945, § 1.

O.C.G.A. § 12-3-81

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PART 3. SUBMERGED CULTURAL RESOURCES

O.C.G.A. § **12-3-81** (2006)

§ **12-3-81**. Department named custodian of submerged cultural resources; rules and regulations; reporting findings; duties of state archeologist

(a) The custodian of all submerged cultural resources shall be the Department of Natural Resources. The Board of Natural Resources is empowered to promulgate such rules and regulations as may be necessary to preserve, survey, protect, and recover such underwater properties and are necessary for the effective administration of this part.

(b) All findings of submerged cultural resources shall be reported to the department within two days, Saturdays, Sundays, and legal holidays excluded, after being found.

(c) The state archeologist shall have such duties in conducting and supervising the surveillance, protection, preservation, survey, and recovery of submerged cultural resources as he is given by Code Section 12-3-53 for similar land resources.

HISTORY: Code 1981, § **12-3-81**, enacted by Ga. L. 1985, p. 906, § 4; Ga. L. 1988, p. 945, § 2.

O.C.G.A. § 12-3-82

TITLE 12. CONSERVATION AND NATURAL RESOURCES

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PART 3. SUBMERGED CULTURAL RESOURCES

O.C.G.A. § **12-3-82** (2006)

§ **12-3-82**. Permits and authorization to contract for investigation, survey, or recovery operations; renewal and revocation of permits

(a) Any person desiring to conduct investigation, survey, or recovery operations, in the course of which any part of a submerged cultural resource may be endangered, removed, displaced, or destroyed, shall first make application to the department for a permit to conduct such operations. The applicant shall submit a detailed plan outlining the location, objectives, scope, methods, plans for the preservation and storage of any submerged cultural resources to be recovered, and such other information about its proposed operation as the department may require. The applicant shall also submit the name of the professional archeologist who will supervise or conduct the operation.

(b) If the department determines that the public interest and the preservation and protection of the submerged cultural resource will be

served by allowing the operation for which a permit is sought, the department shall grant a permit subject to such terms and conditions as the department deems appropriate for the protection of the public interest and the preservation and protection of the submerged cultural resource. No permits shall be issued allowing the permittee to retain any recovered submerged cultural resources, or portion thereof, unless the department determines the resources to be retained are of no significant historical, archeological, or monetary value or are of such limited historical, archeological, or monetary value as to be reasonable compensation for the efforts of the permittee in furthering the public interest through the investigation, survey, protection, preservation, or recovery of other related underwater cultural resources.

(c) Permits may be renewed upon or prior to expiration upon such terms and conditions as the department deems appropriate.

(d) A permit may be revoked by the department upon a determination by the department that the permit holder has violated this part or any term or condition of its permit. Any determination to revoke or deny a permit may be administratively and judicially reviewed in the manner provided in subsection (d) of Code Section 12-3-52.

(e) The department is authorized to contract with any person for the investigation, survey, protection, preservation, or recovery of underwater cultural resources on such terms and conditions as the department deems appropriate.

(f) (Repealed effective January 1, 2008.) This Code section shall not apply to deadhead logs, which shall be subject to the provisions of Code Section 12-3-82.1. This subsection shall stand repealed on January 1, 2008.

HISTORY: Code 1981, § **12-3-82**, enacted by Ga. L. 1985, p. 906, § 4; Ga. L. 1988, p. 945, § 3; Ga. L. 2005, p. 632, § 1/SB 283.

O.C.G.A. § 12-3-83

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PART 3. SUBMERGED CULTURAL RESOURCES

O.C.G.A. § **12-3-83** (2006)

§ **12-3-83**. Prohibited acts constituting misdemeanor

Any person who violates this part by failing to obtain a required permit or who intentionally defaces, injures, destroys, displaces, or removes any underwater cultural resource or portion thereof in any manner not in accordance with a permit issued by the department shall be guilty of a misdemeanor.

HISTORY: Code 1981, § **12-3-83**, enacted by Ga. L. 1985, p. 906, § 4.

Title Note

Article Note

Part Note

GEORGIA CODE

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*** Current through the 2006 Regular Session ***