South Carolina's Underwater Legislation - Update
"We Need Your Input and Support!"

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SCIAA has finished our proposed revisions to the South Carolina Underwater Antiquities Act. A copy of it is now in bill form. Myself and my staff have spent many months working on it, discussing it with other agencies (both in our state and in other states), with legal counsel, with the state Attorney General’s Office, and with many of the state’s divers, addressing and incorporating many of your ideas and concerns in this draft.

Why have we decided to change the law? Our heritage, as evidenced in the cultural remains found beneath the waters of the state, is vanishing at an increasingly alarming rate. Natural erosion, commercial development and other commercial interests all hasten the destruction of these non-renewable, finite resources. Our job as underwater archaeologists for the South Carolina Institute of Archaeology and Anthropology is to protect, preserve and promote awareness in our submerged heritage for future generations. The law is one of the means by which we do this.

Concepts of management of submerged cultural resources have advanced in this country during the fourteen years since the South Carolina Underwater Antiquities Act was first enacted. However, the law has remained essentially unchanged since 1976, as have inherent problems within the law.

The following points illustrate both the need for the proposed Act and specific ways in which the proposed Act is an improvement over the present Act.

The present law contains inconsistencies, poorly or undefined terms, sections open to very broad interpretation, and statements regarding the State’s jurisdiction with regard to cultural resources which are in conflict with Territorial Sea limits defined in the Geneva Convention and by the federal government. The proposed Act both addresses and clarifies these problems.

The proposed Act aligns South Carolina’s legislation with progressive legislation recently enacted by other states, like Maryland, and with federal legislation (Abandoned Shipwreck Act of 1987[Public Law 100-298]) which mandates states to responsibly manage their underwater cultural resources (specifically historic shipwrecks) and to pass legislation of the type here proposed. A long term benefit of this alignment process will be that all states will eventually have similar legislation providing similar and consistent management of their underwater cultural resources that will meet minimum professional guidelines of the federal government.

The proposed Act addresses legitimate public concerns about looting and other misuse of submerged cultural and paleontological resources. Examples of public concerns include: the exclusive use of submerged archaeological and paleontological sites by a few for commercial gain to the detriment of those wanting to enjoy the recreational nature of those sites, the removal of South Carolina’s heritage (artifacts and fossils) from the state and the recovery of submerged cultural and paleontological resources for profit by systematic and wholesale stripping of areas rich in cultural and paleontological materials. Examples of all of these concerns have occurred during the three years I have held this position and are continuing to occur at an increasingly alarming rate. Another matter of public concern is the degree of participation and influence the public has in the licensing and regulatory process. To address this issue, the proposed Act provides for public hearings on license applications. These have already been started and have met with good public response.

The proposed Act removes specific licensing fees from the law itself, unlike the present Act, and provides for the Institute to prescribe and establish fees in an amount to defray the cost of administrating the Act. All fees and monies received from you are used in our pursuit to protect, preserve and promote awareness of our submerged heritage for future generations. Specifically, it is allowing us to establish and maintain an educational program for the training of interested members of the public in identifying, recording and reporting cultural finds recovered under the law. The return to you is already being shown in our annual field school (see Goodybag, Volume One, No. 1), our archaeology manual and video for sport divers and, of course, this newsletter. Also, better reporting on your part will allow archaeologists and paleontologists to better and more accurately assess and inventory these resources by site visits - again, supported by revenue from your fees.

The proposed Act removes prejudicial and arbitrary “value judgement” statements from the present Act. The proposed Act clarifies and allows a wider range of diving activities on submerged archaeological historic properties and submerged paleontological properties over which the State has jurisdiction, which do not require a license from the Institute, provided those activities do not adversely affect those properties, other persons or violate regulations and provisions of federal, state or local law. For example, the right to recreational use of the wrecks and submerged archaeological sites is guaranteed in the proposed law, as is the use of remote sensing equipment like magnetometers and metal detectors.

The Act provides a means to protect grave sites and human remains found in archaeological sites underwater.

The proposed Act better ensures that site excavation, done for commercial motives, will be carried out to archaeological professionally accepted standards by requiring:

i) that a professional archaeologist be on the licensee’s staff,

ii) that the licensee pay for a state archaeologist and/or a state paleontologist to monitor all work conducted under the license, and

iii) that the licensee provide the State with some form of financial assurance adequate to guarantee that the State will be able to complete the work in the event that the terms of the license should be broken. This provision is designed to foster responsibility on the part of the Institute and the licensee that
professional standards of archaeological work are accomplished under a license granted by the Institute. If the licensee does not fulfill the terms of the license, or destroys the resources on the site, the performance bond will be used to fund completion of the work to archaeologically accepted standards of preservation.

The proposed Act redefines the State’s jurisdiction as beginning at mean high water level, rather than the current mean low water level. This will then take in the many shipwreck sites on beaches and under dunes (several wrecks were exposed by Hurricane Hugo when the dunes were washed away, uncovering the structures) as well as sites eroding out of river banks, dunes and beach terraces.

Taken as a whole, the proposed Act will provide for more responsible management of South Carolina’s submerged archaeological historic properties and submerged paleontological properties than is provided for in the present law. It will also ensure public rights to recreational use of the resources and will provide for education of the public.

We need your input and support for this bill. Copies of this proposed legislation are being sent to every dive shop and many dive charter groups in South Carolina. If your local dive club is also interested in receiving a copy please contact our administrative specialist, Jamie Browne (803 777-8170). Please take the time to drop in to your local facility and have a look through it. Then send your written comments and/or proposed changes - before February 28, 1991 - to either myself or Lynn Harris at the South Carolina Institute of Archaeology and Anthropology. Remember, the State’s submerged heritage belongs to each and every one of you and the responsible management of that heritage is a responsibility we all share. Give us your thoughts!

Carolina Watercraft
by Mark M. Newell

THE BUILT-UP DUGOUT

A “built-up” dugout is actually somewhat more than the name implies. Sitting in the water, this type of craft probably looked much like a conventionally built ship hull - a Brown’s Ferry Vessel for example. What defines this craft as a distinct type is its center hull construction - the use of a single dugout log instead of the keel, floor timber and keelson assembly of traditional European shipbuilding.

As we saw in the column on dugouts - last issue - this early indigenous craft was “Europeanized” by colonists who changed its shape and added features which included splash boards on the gunwhales. In a later column on barges you’ll see how this same technique was used on the great “chine-log” barges common to rice plantations. Whether or not the addition of splash boards to these early hull forms led to the development of the built-up dugout is not yet known - but it seems a reasonable hypothesis.

The remains of a built-up dugout have yet to be recorded in South Carolina - so needless to say, very little is known about these early craft. We know they existed from archival accounts in which their construction is described but little else is known about the actual construction and origins of this type of craft.

My working hypothesis (the idea I’m going with until I find one and learn differently!) is that the built-up dugout represents the next evolutionary step in the Europeanization of the indigenous dugout canoe. Early plantations - which were already using the dugout hull and had large lumber available - first expanded the canoe by adding substantially larger strakes to the gunwhale (Fig. 1).

Figure 1: Conjectural sketch of local dugout expansion based on expanded chine log barges documented in the field

I believe the next refinement may have been the changing of the dugout hull profile (Fig. 2) in order to insert stronger frames instead of knees. This would allow for significant expansion of the beam of the vessel and the addition of more than one strake to build up the waterline. According to early accounts, these craft could then carry 50 to 90 barrels of rice.

Figure 2: How the basic dugout hull may have been adapted to create a ship-type hull

It is believed that the early craft called periguas or petiaguas were of this hull type - and that the name carried over to more conventionally built hulls later in the eighteenth century. During this period, the demand for greater capacity increased, outgrowing the largest available logs (approx. 40 feet). This was probably one of the factors contributing to the greater use of keel and keelson assemblies in coasting vessels of the late eighteenth and early nineteenth centuries.

In 1983 Steve Beckham and I dived on what we now believe may be a built-up dugout in the Waccamaw River near Wachesaw Plantation. Ham Shuping is currently trying to relocate this wreck. If he is successful, we may be able to complete our first documentation in the field. If you think you may have seen a vessel of this type - please let us know by calling Lynn Harris or myself at (803) 734-0567.