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NEW LAW HERALDS ERA OF DIVER-SCIENTIST CO-OPERATION

by Christopher Amer

A new law for divers in South Carolina now makes greater concessions to underwater collectors while at the same time providing a stronger measure of protection for the rich cultural heritage to be found under the State's waters.

During nearly three years of reviewing federal legislation and laws in other states concerning protection of submerged cultural resources, and listening to divers throughout the state, it was apparent that South Carolina's 1976 act (amended in 1982) was both inadequate to protect the state's cultural heritage and increasingly unacceptable and ambiguous for those of you who have to obey the law. Under that law, sport divers desiring to collect historic or prehistoric artifacts, or fossils, from beneath South Carolina's rivers and navigable waterways were required to obtain a yearly renewable licence. They were further required to make monthly reports of their findings. The state, by law, could then retain up to 50% of the diver's finds.

Our task then was to attempt to meet the sport divers' demands for greater freedom to enjoy collecting while ensuring the preservation of the public's ownership of cultural resources that have only just begun to be studied by archaeologists. This was accomplished through redrafting South Carolina's underwater legislation, and meeting with divers, salvors and other members of the interested public to discuss the draft and solicit public input. The bill that passed to law in June of this year contains many of your ideas and is a compromise position for the state.

State officials compromised by allowing Hobby divers 100% of their finds, by permitting divers without a license to use metal detectors and other remote sensing equipment, and by cutting down the reporting requirement to only four times a year. The law also mandates the maintenance of an educational program. This specialized training program teaches aspects of underwater archaeology and provides an "Archaeological Diver" certificate to sport divers who complete the intensive four day course. Many sport divers have already attended this course, offered annually by the Underwater Archaeology Division of the SCIAA.

The new law also requires salvors to work to professional archaeological standards and allows the public a greater role in the licensing process by providing for public hearings for commercial license applications. In short, the revised act provides the citizen greater access to the state's submerged cultural and palaeontological resources for recreational purposes while it provides the Institute greater authority to oversee commercial salvage activities.

One immediate change you will notice on your Hobby license application is a new fee structure for licenses. Hobby licenses now can be obtained for a 6-month or 2-year duration. Weekend licenses will come into effect later this year. The complete fee schedule is shown below.

<table>
<thead>
<tr>
<th>LICENSE</th>
<th>IN STATE</th>
<th>OUT OF STATE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Hobby License</strong></td>
<td></td>
<td></td>
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<tr>
<td>6-month</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>2-year</td>
<td>18.00</td>
<td>36.00</td>
</tr>
<tr>
<td><strong>Instructional License</strong> (1-year)</td>
<td>40.00</td>
<td>80.00</td>
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* Optional weekend license
(issued by dive stores or clubs)

5.00 and a portion of the fee goes to the store or club

<table>
<thead>
<tr>
<th>LICENSE</th>
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<th>OUT OF STATE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Intensive Survey License</strong> (3-month)</td>
<td>50.00</td>
<td>100.00</td>
</tr>
<tr>
<td><strong>Data Recovery License</strong> (up to 1-year)</td>
<td>500.00</td>
<td>1000.00</td>
</tr>
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For anyone who is interested in receiving a more detailed summary of the South Carolina Underwater Antiquities Act of 1991 or a copy of the complete Act, please contact either Christopher Amer at the SCIAA Columbia office (1321 Pendleton St., Columbia, S.C. 29208, Tel. (803) 777-8170, or Lynn Harris at the Underwater Archaeology Division's Charleston office (40 Patriot's Point Rd., Mt. Pleasant, 29464, Tel. (803) 881-8536).

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