

### III. Excavation/Salvage Permit

This permit is for the excavation and/or salvage of a located submerged cultural resource. Due to the unique qualities and sensitivity of submerged cultural resources and due to the technical and preservation needs of submerged cultural resources, these permits are negotiated on an individual basis. This ensures that the submerged cultural resource can be properly and successfully excavated or salvaged and that the preservation of the submerged cultural resource is guaranteed. Excavation/Salvage Permits which require the removal of ten (10) cubic yards of bottom or more shall also require the approval of Conservation which may result in permit modifications. A professional archaeologist is required to be the principal investigator in order to qualify for this permit.

#### 4. AGENCY RESPONSIBILITIES

A. The Commission shall provide Conservation with all documentation for any permit request which requires the removal of ten (10) cubic yards or more of submerged bottoms or which is within a sensitive area as defined by Conservation. A listing and map of any sensitive areas shall be provided to the Commission by Conservation. The permit shall not become effective until the Commission receives written approval from Conservation.

B. The Commission may request of Conservation the restriction of commercial fishing activities in or around the immediate vicinity of a known cultural resource when the likelihood of damage or alteration to the cultural resource is deemed evident. The restriction shall not take place until the Commission receives written approval from Conservation.

C. The Commission may request of Conservation the restriction of activities under its jurisdiction in or around the immediate vicinity of a known cultural resource when the likelihood of damage or alteration to the cultural resource is deemed evident. The restriction shall not take place until the Commission receives written approval from Conservation.

#### 5. EXEMPTIONS

A. Any shipwreck, shipwreck sites, or other maritime resources under the ownership and control of the U.S. Navy, the U.S. Coast Guard, or other federal agency is exempt from this Act and these regulations unless that federal agency chooses to work with the Commission and Conservation. This includes any permit activities and any restrictions of activities in and around the federal agency sites.

#### 6. PENALTIES AND ENFORCEMENT

A. Any individual, company, corporation, private or public institution who intentionally and knowingly commits the crime of theft or disturbance of a cultural resource protected by the Commission as stated in Section 8 of the Act shall be punishable, upon conviction, as provided by law.

B. Any violation of this Act caused by activities conducted for purposes not related to the exploration, excavation, or salvaging of cultural resources may be cured if the activities causing the