

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 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) In special circumstances, the Alabama Historical Commission may consider requests for grant assistance on a case by case basis if the proposal is determined by the Alabama Historical Commission to contribute, in an exceptional manner, to an understanding of state and national history.

(6) Penalties and Enforcement