

“Submerged” § 5-401

“Submerged archaeological historic property” § 5-433

“Trust” § 5-401

5-441. SAME — PERMITS.

(A) REQUIRED.

WITHOUT A PERMIT, A PERSON MAY NOT EXCAVATE, REMOVE, DESTROY, INJURE, DEFACE, OR DISTURB A SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON LAND OVER WHICH THE STATE HAS SOVEREIGN CONTROL.

(B) EXCEPTION TO PERMIT REQUIREMENT — IN GENERAL.

A PERSON DOES NOT NEED A PERMIT TO INSPECT, STUDY, EXPLORE, PHOTOGRAPH, MEASURE, RECORD, OR OTHERWISE USE AND ENJOY SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON LAND OVER WHICH THE STATE HAS SOVEREIGN CONTROL IF THE USE OR ACTIVITY DOES NOT:

(1) INVOLVE THE EXCAVATION, REMOVAL, DESTRUCTION, INJURY, OR DISTURBANCE OF THE SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY OR ITS IMMEDIATE ENVIRONMENT;

(2) ENDANGER OTHER PERSONS OR PROPERTY; OR

(3) VIOLATE ANY LAW.

(C) SAME — ACTIVITIES PERMITTED BY REGULATION.

(1) REGULATIONS UNDER § 5-440(E) OF THIS SUBTITLE SHALL PROVIDE THAT AN INDIVIDUAL DOES NOT NEED A PERMIT TO COLLECT FROM SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY A LIMITED NUMBER OF OBJECTS OR MATERIALS RECOVERABLE BY HAND OR WITH THE USE OF SCREWDRIVERS, WRENCHES, OR PLIERS.

(2) THE STATE IS NOT LIABLE FOR INJURY OR LOSS SUSTAINED BY AN INDIVIDUAL ENGAGED IN ACTIVITY AUTHORIZED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION.

(D) SAME — ACTIVITIES OF TRUST.

THE TRUST DOES NOT NEED A PERMIT TO DO ANYTHING FOR WHICH A PERMIT IS REQUIRED UNDER THIS SECTION, BUT SHALL OBTAIN APPROVAL FOR THE UNDERTAKING FROM THE BOARD OF PUBLIC WORKS.

(E) PROGRAM TO ISSUE AND ADMINISTER PERMITS.

THE TRUST SHALL ESTABLISH A PROGRAM FOR ISSUING AND ADMINISTERING PERMITS FOR ACTIVITY THAT INVOLVES THE REMOVAL, EXCAVATION, DESTRUCTION, INJURY, OR DISTURBANCE OF SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON LAND OVER WHICH THE STATE HAS SOVEREIGN CONTROL.

(F) EXCLUSIVE PERMITS.