

SUBJECT TO SUBSECTION (G) OF THIS SECTION, THE TRUST MAY ISSUE TO ANY PERSON A PERMIT GRANTING AN EXCLUSIVE RIGHT TO REMOVE, EXCAVATE, DESTROY, INJURE, OR DISTURB SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON LAND OVER WHICH THE STATE HAS SOVEREIGN CONTROL FOR THE TERM AND UNDER THE CONDITIONS THAT THE TRUST CONSIDERS APPROPRIATE IF:

(1) THE TRUST AND THE APPLICANT FOR THE PERMIT HAVE ENTERED INTO AN AGREEMENT UNDER § 5-440(C) OF THIS SUBTITLE; AND

(2) THE TRUST DETERMINES THAT ISSUING THE PERMIT IS IN THE BEST INTEREST OF THE STATE AND THAT THE APPLICANT FOR THE PERMIT HAS SUBMITTED A RESEARCH PLAN THAT MEETS STANDARDS ESTABLISHED BY THE TRUST FOR:

(I) PROFESSIONAL QUALIFICATIONS OF THE APPLICANT AND PERSONS WORKING UNDER THE PERMIT;

(II) TECHNIQUES AND METHODOLOGY FOR THE RECOVERY AND DISSEMINATION OF DATA; AND

(III) PROPER CONSERVATION OF INFORMATION AND MATERIALS.

(G) LIMITATION ON ISSUANCE.

THE TRUST MAY NOT ISSUE A PERMIT TO A PERSON THAT SEEKS TITLE TO PART OR ALL OF SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY, OR TO A PERSON THAT SEEKS TO USE SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY FOR COMMERCIAL SALVAGE OR ANOTHER INCOME-PRODUCING PURPOSE, UNLESS:

(1) THE APPLICANT HAS PROVIDED THE TRUST WITH ASSURANCE ACCEPTABLE TO THE TRUST THAT THE PROJECT WILL BE CARRIED OUT AND COMPLETED IN ACCORDANCE WITH A RESEARCH PLAN UNDER SUBSECTION (F)(2) OF THIS SECTION; AND

(2) THE TRUST FINDS THAT:

(I) THE SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY IS THREATENED WITH IMMINENT DESTRUCTION OR SUBSTANTIAL DAMAGE BY NATURAL OR HUMAN FACTORS UNRELATED TO THE PROPOSED COMMERCIAL EXCAVATION OR DISTURBANCE;

(II) THE SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY IS NOT OF MAJOR SCIENTIFIC, ARCHAEOLOGICAL, ANTHROPOLOGICAL, HISTORICAL, RECREATIONAL, OR OTHER PUBLIC VALUE;

(III) THE PROPOSED EXCAVATION OR DISTURBANCE WILL BE MINOR AND WILL PRODUCE INFORMATION RELEVANT TO THE STATEWIDE COMPREHENSIVE HISTORIC PRESERVATION PLAN PREPARED BY THE TRUST UNDER § 5-418(C)(4) OF THIS SUBTITLE; OR