

~~(B) NOTWITHSTANDING THE PROVISIONS OF § 5-611 OF THIS SUBTITLE, BUT SUBJECT TO SECTION (A) OF THAT SECTION AND THE APPLICABLE PROVISIONS OF TITLE 10, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE CODE, IF THE TRUST FIRST DETERMINES THAT A CONVEYANCE IS IN THE BEST INTEREST OF THE STATE, THE TRUST MAY CONVEY TO A PERMITEE TITLE TO ANY SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY, OR PORTION THEREOF, RECOVERED PURSUANT TO A PERMIT ISSUED UNDER § 5-620 OF THIS SUBTITLE.~~

(A) ALL SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY LOCATED ON OR RECOVERED FROM SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL IS THE PROPERTY OF THE STATE.

(B) TITLE TO SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY, OR A PORTION THEREOF, LOCATED ON OR RECOVERED FROM SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL MAY BE CONVEYED BY THE STATE TO A PERMITEE PURSUANT TO A PERMIT ISSUED BY THE TRUST UNDER § 5-620 OF THIS SUBTITLE, IF SUCH A PERMIT IS APPROVED BY THE BOARD OF PUBLIC WORKS IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF TITLE 10, SUBTITLE 3, OF THE STATE FINANCE AND PROCUREMENT ARTICLE OF THE CODE.

(C) (1) THE TRUST MAY ENTER INTO AGREEMENTS WITH PERMITEES FOR THE DISPOSITION OF RECOVERED SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY.

(2) THE DISPOSITION MAY INCLUDE DIVISION OF THE RECOVERED PROPERTY WITH THE PERMITEE.

(3) SUBJECT TO THE APPROVAL OF THE BOARD OF PUBLIC WORKS, THE DIVISION MAY BE IN VALUE OR IN KIND, WITH THE TRUST ACTING AS ARBITER OF THE DIVISION IN THE BEST INTEREST OF THE STATE AND GIVING DUE CONSIDERATION TO THE FAIR TREATMENT OF THE PERMITEE. ANY AGREEMENT ENTERED INTO BY THE TRUST, HOWEVER, SHALL PROVIDE FOR THE PERMITEE TO RECEIVE REASONABLE COMPENSATION FOR ANY RECOVERED SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY CLAIMED AND TURNED OVER TO THE STATE.

5-620.

(A) ANY PERSON MAY INSPECT, STUDY, EXPLORE, PHOTOGRAPH, MEASURE, RECORD, OR OTHERWISE USE AND ENJOY AN A SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON ~~LAND OWNED OR CONTROLLED BY THE STATE, INCLUDING~~ SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL, WITHOUT BEING REQUIRED TO OBTAIN A PERMIT IF THE USE OR ACTIVITY:

(1) DOES NOT INVOLVE EXCAVATION, APPROPRIATION, DESTRUCTION, OR SUBSTANTIVE INJURY OR DISTURBANCE OF SUCH HISTORIC PROPERTY OR ITS IMMEDIATE ENVIRONMENT;

(2) DOES NOT ENDANGER OTHER PERSONS OR PROPERTY; AND