

(3) DOES NOT VIOLATE EXISTING REGULATIONS OR PROVISIONS OF LAW.

(B) A PERSON MAY NOT EXCAVATE, APPROPRIATE, DESTROY, OR SUBSTANTIALLY INJURE OR DISTURB AN A SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON LAND OWNED OR CONTROLLED BY THE STATE, INCLUDING SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL, AND ON LAND IN ANY CAVE, AS DEFINED IN § 5-1401 OF THE NATURAL RESOURCES ARTICLE, SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL WITHOUT A PERMIT FROM THE TRUST. NOTHING CONTAINED IN THIS SUBTITLE ABROGATES OR SUPPLANTS ANY POWER OF THE STATE HIGHWAY ADMINISTRATION.

(C) THE TRUST SHALL ESTABLISH A PROGRAM FOR THE ISSUANCE AND ADMINISTRATION OF PERMITS FOR ANY ACTIVITY INVOLVING THE EXCAVATION, APPROPRIATION, DESTRUCTION, OR SUBSTANTIVE INJURY OR DISTURBANCE OF SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON LAND OWNED OR CONTROLLED BY THE STATE, INCLUDING SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL, AND ON LAND IN ANY CAVE, SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL.

(D) THE TRUST MAY ISSUE AN EXCLUSIVE PERMIT FOR THE EXCAVATION, APPROPRIATION, DESTRUCTION, OR SUBSTANTIVE INJURY OR DISTURBANCE OF SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY ON LAND OWNED OR CONTROLLED BY THE STATE, INCLUDING SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL, AND ON LAND IN ANY CAVE, SUBMERGED LANDS OVER WHICH THE STATE HAS SOVEREIGN CONTROL TO ANY PERSON OR ENTITY FOR SUCH PERIOD OF TIME AND UNDER SUCH CONDITIONS AS THE TRUST MAY DEEM APPROPRIATE. AFTER AN AGREEMENT HAS BEEN ENTERED INTO PURSUANT TO § 5-611(C) OF THIS ARTICLE, PERMITS MAY BE ISSUED IF THE TRUST DETERMINES THAT:

(1) ISSUANCE OF A PERMIT IS IN THE BEST INTEREST OF THE STATE; AND

(2) THE APPLICANT FOR SUCH A PERMIT HAS SUBMITTED A RESEARCH PLAN THAT MEETS STANDARDS ESTABLISHED BY THE TRUST REGARDING PROFESSIONAL QUALIFICATIONS, TECHNIQUES AND METHODOLOGY FOR RECOVERY AND DISSEMINATION OF DATA, AND PROPER CONSERVATION OF INFORMATION AND MATERIALS.

(E) THE TRUST MAY NOT ISSUE A PERMIT TO A PERSON SEEKING TITLE TO AN A SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY OR ANY PORTION THEREOF, OR TO A PERSON OR ENTITY SEEKING TO UTILIZE AN A SUBMERGED ARCHAEOLOGICAL HISTORIC PROPERTY FOR COMMERCIAL SALVAGE OR OTHER INCOME-PRODUCING PURPOSES, UNLESS:

(1) ISSUANCE OF SUCH A PERMIT IS CONSISTENT WITH THE PURPOSES OF SUBSECTION (D)(2) OF THIS SECTION;

(2) THE APPLICANT HAS POSTED A PERFORMANCE BOND IN AN AMOUNT SUFFICIENT, IN THE TRUST'S DETERMINATION, TO GUARANTEE PROVIDED THE TRUST WITH SOME FORM OF ASSURANCE ACCEPTABLE TO THE