





## Summary of the *South Carolina Underwater Antiquities Act of 1991*

This Act declares as property of the state all submerged archaeological material, which has remained unclaimed for fifty years or more, and all paleontological material located on or recovered from submerged lands over which the State has sovereign control.

The South Carolina Institute of Archaeology and Anthropology is the custodian of archaeological materials. The South Carolina Museum Commission is the custodian of paleontological materials.

The act provides that persons desiring to remove, displace, or destroy submerged archaeological historical property or paleontological property found below the waterline must first obtain a license from the Institute.

A license is not required to inspect, study, explore, photograph, measure, etc., or otherwise use and enjoy such property as long as the activity does not involve excavation, injury or disturbance of the site or its environment, endanger other persons or property, or violate other federal, state, or local municipal laws or regulations.

### Hobby Licenses

While intended for divers, a Hobby License is required for any persons wishing to conduct temporary, intermittent, recreational, small scale, non-commercial search and recovery of submerged materials. It is a statewide license.

Applicants should note a Hobby License does not permit bottom disturbance in any South Carolina waterway. Recovery of submerged property must be performed by hand and must not involve mechanical devices, tools, excavation, or movement of bottom sediment. Magnet fishing is prohibited. Section 54-7-970 of the Act specifically prohibits excavation and the use of tools of any kind to recover artifacts or fossils from state waterways; digging implements such as shovels, rakes, scoops and screens are prohibited. Even during times of drought, no one is permitted to dig in exposed banks and beds of any state waterways.

Hobby Licensees may recover a reasonable number of artifacts and fossils that are exposed or resting on the bottom sediments of submerged lands over which the state has sovereign control, but may recover only ten artifacts a day from a shipwreck site. Licensees may not destroy the integrity of the ships' structure by removing or moving timbers, fittings, fastenings, or machinery. No specimen may be recovered from an articulated fossil specimen with joined or interrelated elements before contacting the museum.

**Each Hobby Licensee must report his or her finds to the Institute (for artifacts) or the Museum (for fossils) within ten days following the end of the calendar quarter in which the activities took place.** The Institute (for artifacts) and Museum (for Fossils) will review reports within sixty days of receipt and release title to reported finds to the reporting licensee.

### Exclusive Licenses

The Act provides that the Institute may issue two types of exclusive licenses for the disturbance or excavation of submerged property. An Intensive Survey License permits the licensee to carry out an intensive survey of a specific area that the applicant believes may contain submerged property. A Data Recovery License permits the licensee to conduct excavation and data recovery on submerged property, if the applicant has submitted positive results of an intensive survey. For more information on exclusive licenses or commercial recovery in South Carolina waters, contact Jim Spirek at [spirek@sc.edu](mailto:spirek@sc.edu) or (803) 576-6566.



<b>For Office Use Only</b>	
License # _____	Type _____
Check # _____	Receipt # _____
Recieved ___/___/___	Approved ___/___/___
License Period ___/___/___ - ___/___/___	

## HOBBY LICENSE APPLICATION

**Full Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**City, County, State:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_ **(home)** \_\_\_\_\_ **(cell)** \_\_\_\_\_

**E-Mail Address\*:** \_\_\_\_\_

Please do not provide an address used by another individual. To access the Online reporting feature, each applicant must use a unique email

**Occupation:** \_\_\_\_\_

**Birth Date:** \_\_\_\_\_ **Sex:** (M) (F)

**SCUBA Certification Issued By:** \_\_\_\_\_

**Highest Certification Level:** \_\_\_\_\_

**Type of License Requested (Select One):**

**Six-Month:**  
 In-State Resident (\$5.00)  
 Out of State Resident (\$10.00)

**Two-Year:**  
 In-State Resident (\$18.00)  
 Out-of State Resident (\$36.00)

NOTE: A Hobby License card will be returned by mail within 2-4 weeks of receipt of this application. Please plan accordingly. In fairness to all recreational applicants, we are unable to accommodate requests for expedited processing ahead of others with pending applications.

**With my signature below, I acknowledge that I have read and understand the South Carolina Antiquities Act of 1991 (amended 2001) and agree to adhere to and abide by all stipulations of this act:**

**Signature of Applicant:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Processed By:** \_\_\_\_\_ **Date:** \_\_\_\_\_



# SOUTH CAROLINA INSTITUTE OF ARCHAEOLOGY AND ANTHROPOLOGY (SCIAA)



## HOBBY LICENSE CONTRACT

LICENSE # \_\_\_\_\_

This agreement is made and entered into on (date entered by INSTITUTE Staff) \_\_\_\_/\_\_\_\_/\_\_\_\_\_, by and between the South Carolina Institute of Archaeology, the University of South Carolina, Columbia, South Carolina, 29208, hereafter called the INSTITUTE and \_\_\_\_\_, hereafter called the LICENSEE.

Whereas, it appears that this agreement is of mutual benefit to the parties hereto, now therefore, the INSTITUTE pursuant to the authority of the South Carolina Antiquities Act of 1991 (Article 5, Chapter 7, of Title 54) and its Amendments (hereinafter called the ACT) covenants and agrees with the license as follows:

(1) The LICENSEE, in accordance with the application heretofore made and dated \_\_\_\_/\_\_\_\_/\_\_\_\_ is hereby granted the right to recover historic and prehistoric artifacts and fossils, on a non-commercial, hobby basis from beneath the water under the dominion and control of the State of South Carolina in accordance with the provisions of the ACT.

(2) The LICENSEE agrees to submit reports stating whether or not activities were conducted under the purview of this license. If there were, each dive report shall include the date, location and list of artifacts or fossils recovered. The INSTITUTE and State Museum must receive these reports by the 10<sup>th</sup> of the month reflecting information from the previous calendar quarter in which the activities occurred. The licensee acknowledges that failure to accurately report in a timely manner on a quarterly basis will result in cancellation or non-renewal of the license.

(3) The LICENSEE shall have the right to sole ownership of 100 percent of all submerged fossils and artifacts recovered by the LICENSEE after the INSTITUTE has had ample opportunity to study and evaluate the recovered objects, but not to exceed 60 days from receipt of the quarterly report.

(4) The LICENSEE agrees to abide by the provisions of the ACT.

(5) It is agreed by the parties hereto that neither the INSTITUTE, nor the State of South Carolina shall be held in any way responsible or liable for any property loss or damage or for any personal injury sustained by anyone whomsoever arising out of the rights and privileges granted by this Hobby License.

(6) It is further agreed by the INSTITUTE and the LICENSEE that this agreement may be canceled by the INSTITUTE for cause; but otherwise shall remain in full force and effect, unless modified or extended in accordance with the provisions of the ACT, for a period of \_\_\_\_\_ from the effective date of this agreement. At the end of one period, the license may be renewed at the discretion of the INSTITUTE if the LICENSEE has abided by all provisions of the ACT. If the Hobby License is renewed at the end of one period, an additional fee will be due and payable at that time.

(7) The appropriate fee applies: 6-month license (\$5.00/resident, \$10.00/non-resident), OR 2-year license (\$18.00/resident, \$36.00/non-resident).

(8) This agreement shall take effect when signed and witnessed in proper form by the INSTITUTE and the LICENSEE.

In witness, the parties of this agreement have signed their names and put their seals and this license shall become effective upon the signature of the Administrator of Hobby Licenses under direction of the State Underwater Archaeologist.

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Signature of Licensee

\_\_\_\_\_  
SCIAA Administrator

\_\_\_\_\_  
Date