To acquire a Hobby License to collect fossils and artifacts in state waters, please follow these instructions:

1) Read the summary of the South Carolina Underwater Antiquities Act of 1991 enclosed in this package or available from the Charleston of Columbia Office or your local dive store.
2) Fill out a Hobby License Application form and sign it.
3) Sign your name to the Hobby Diving License and have your signature witnessed.
4) Mail your application form and the appropriate fee (make checks payable to SCIAA) to:
   - Hobby Diver License
   - South Carolina Institute of Archaeology and Anthropology
   - PO Box 12448
   - Charleston SC 29422
5) Use a Renewal Form if you have ever had a Hobby License in the past. Renewal forms are available from the Charleston or the Columbia Office (Underwater Archaeology Division, SCIAA, 1321 Pendleton St., Columbia, SC 29208).
6) Mail in your application or renewal forms at least two weeks prior to the date that you plan to go diving.

If you have questions contact either the Charleston Office (762-6105) or the Columbia Office (777-8170) for assistance.
SUMMARY OF THE SOUTH CAROLINA UNDERWATER ANTIQUITIES ACT OF 1991
(Article 5, Chapter 7, Title 54, Code of Laws of South Carolina, 1976) June 12, 1991

It is the intent of the South Carolina Underwater Antiquities Act of 1991 to preserve and encourage the scientific and recreational values inherent in submerged archaeological historic properties and paleontological properties for the benefit of the people of the State.

The act declares as property of the state, all submerged archaeological historic property, which has remained unclaimed for fifty years or more, and paleontological property (both cited hereafter as 'property') located on or recovered from submerged lands over which the State has sovereign control.

The South Carolina Institute of Archæology and Anthropology (Institute) is the custodian of archæological materials. The South Carolina Museum Commission (Museum) is the custodian of paleontological materials. The State Budget and Control Board is the custodian of all other things of value.

The act provides that persons desiring to remove, displace, or destroy submerged archaeological historic property or paleontological property must first obtain a license from the Institute. The Institute grants licenses to individuals if it is in the best interests of the state, and may enter into agreements with licensees concerning the disposition of recovered property.

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, substantive injury or disturbance of the site or its environment, endanger other persons or property, or violate other laws. Neither the Institute nor the Museum are required to obtain licenses.

Hobby license is required for persons wishing to conduct temporary, intermittent, recreational, small scale, non-commercial search and recovery of submerged property. It is a state-wide license. Recovery of submerged property must be by hand and must not involve mechanical devices or excavation. Hobby divers may recover a reasonable number of artifacts and fossils from submerged lands over which the state has sovereign control, but may recover only ten artifacts a day from a shipwreck site. Two types of Hobby licenses may be issued, individual or instructional. The licensee must report his finds to the Institute (for artifacts), or the Museum (for fossils) and, within 60 days of receipt of the report, the Institute must release title to all finds to the licensee.

The act provides that the Institute may issue two types of exclusive licenses for the disturbance or excavation of submerged property, if it is in the best interests of the state, and the applicant has completed application which includes specific research plans. An Intensive Survey license, which may be issued for up to the 90 days, permits the licensee to carry out intensive survey of a specific area which the applicant believes may contain submerged property. A Data Recovery license, which may be issued for up to one year, permits the licensee to conduct excavation and data recovery on submerged property, if the applicant has submitted positive results of an intensive survey. Renewal of both types of licenses may be requested by the licensee.

The act provides that a public hearing may be required, and that the Institute must consider certain criteria to determine whether to issue an exclusive license. These include:

1) the degree of scientific importance, and public educational potential;
2) the date the application was received;
3) the degree and scope of planning by the applicant;
4) the degree of training and experience of the applicant;
5) the thoroughness of the application; and
6) the necessary equipment possessed by the applicant;
7) the public benefit versus the degree of harm to the state's property.

It also provides for a representative of the Institute or Museum to visit the proposed location with the applicant to verify information.

The act differentiates between commercial and non-commercial applicants for exclusive licenses, and provides that issuance of an exclusive license can be delayed until certain conditions are met. If a license is not issued, the Institute must issue a written notice of denial. If aggrieved by the decision an applicant may request a reconsideration hearing within 30 days of denial.
Each exclusive license issued by the Institute must contain certain provisions including:

1) the duration of the license;
2) the boundaries of the area;
3) a scope of work;
4) a list of key personnel;
5) a plan to restore the submerged lands following completion of the licensed activity;
6) that prior written consent by the Institute is required for all changes in the license (eg. financial support, personnel, equipment, sub-contracting of work), the recovery of large artifacts (eg. cannons, anchors etc.) and complete fossil specimens, and for the use of grossly destructive devices (eg. air-lifts, prop-wash, explosives etc.);
7) that the continued presence of the licensee and a field archaeologist or field paleontologist on site at all times when the licensed activity is taking place. The licensee is responsible for costs associated with the field archaeologist or paleontologist;
8) that the licensee must maintain logs and records and file a report to the Institute;
9) that the licensee is wholly responsible for work done on the site;
10) only one exclusive license may be issued per person at one time;
11) that the licensee is responsible for costs associated with storage, transportation, and stabilization of artifacts and fossils, and after a division, all costs associated with conserving the licensee's share of recovered property;
12) that the licensee must not impede navigation;
13) that the licensee must remove all waste from the site;
14) that the licensee may be required to show his license at any time upon request;
15) that the license may require monitoring of the licensed activity. If so, the state is responsible for costs associated with the monitoring activity;
16) that the Institute may suspend operations under a license, or revoke a license, at any time for just cause.

With respect to a non-commercial Data Recovery license, the State may retain the state's title to recovered submerged property, or enter into a disposition agreement with the licensee. With respect to a commercial Data Recovery license the State shall enter into a disposition agreement, giving fair treatment to the licensee, and providing that the licensee receive at least fifty percent of the recovered submerged property. The act further provides that if the finder of a shipwreck, if other than the commercial licensee, the finder must receive twenty-five percent of the licensee's share.

Further, the act provides penalties for violations, contains provisions regarding the discovery of human remains, and provides that the Institute shall maintain an educational program and insure that at least one staff member is qualified in underwater archaeology. The act also stipulates that all license fees be used only to implement the act.

<table>
<thead>
<tr>
<th>LICENSE</th>
<th>FEE SCHEDULE IN STATE</th>
<th>OUT OF STATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hobby License</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6-month</td>
<td>5.00</td>
<td>10.00</td>
</tr>
<tr>
<td>2-year</td>
<td>18.00</td>
<td>36.00</td>
</tr>
<tr>
<td>Instructional (1-year)</td>
<td>40.00</td>
<td>80.00</td>
</tr>
<tr>
<td>Optional weekend license (issued by dive stores or clubs)</td>
<td>5.00 and a portion of the fee goes to the store or club</td>
<td></td>
</tr>
<tr>
<td>Survey License (3-month)</td>
<td>50.00</td>
<td>100.00</td>
</tr>
<tr>
<td>Data Recovery Lic (up to 1-year)</td>
<td>500.00</td>
<td>1000.00</td>
</tr>
</tbody>
</table>
HOBBY DIVER LICENSE APPLICATION
SOUTH CAROLINA INSTITUTE OF ARCHAEOLOGY AND ANTHROPOLOGY

A. Name: _____________________________________________________________________________
Address: _____________________________________________________________________________
City, State: _______________________________________________________________________ Zip: ____________
Phone number: Home (_____)____________________________ Work (_____)__________________
B. Occupation: __________________________________________ Marital Status _________________
C. Birth Date: ___________________________________________ Sex: Male _______ Female ______
D. Certification: PADI _____ NAUI _____ NASDS _____ YMCA _____ Other _____________________
Highest certification level: ____________________________________________________________
E. Brief resume of diving experience:

F. Are you affiliated with any Dive Clubs? (please list)

G. Have you ever assisted with any type of archaeological or paleontological project? If yes, give details.

H. What type of archaeological/paleontological project would you like to participate in?

With my signature below I acknowledge that I have read and understand the South Carolina Antiquities Act of 1991 and agree to adhere to and abide by the stipulations of this act.

_________________________________    Date:  ________________________
Signature of Applicant

_________________________________    Date:  ________________________
Received by

[ ] Approved    [ ] Not approved

SCIAA 9/93
LICENSE NO. __________________

SOUTH CAROLINA INSTITUTE OF ARCHAEOLOGY AND ANTHROPOLOGY

HOBBY DIVING LICENSE

This agreement is made and entered into on (date) ______________, by and between the South Carolina Institute of Archaeology and Anthropology, 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 application heretofore made and dated ______________ is hereby granted the right to recover historic and pre-historic artifacts and fossils, on a non-commercial hobby basis from beneath the waters under the dominium and control of the State of South Carolina in accordance with the provisions of the Act.

(2) The LICENSEE agrees to submit a quarterly report stating whether or not activities were conducted under the purview of the license. If they were, the report shall include the date, location and list of artifacts and fossils recovered. The report must be received by the INSTITUTE by the 10th of the month following information from the previous calendar quarter.

(3) The LICENSEE shall have the right to sole ownership of 100 per cent 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 the 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 of 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 cancelled by the INSTITUTE for cause; but otherwise shall remain in full force and effect, unless modified or extended in accordance with the provision of the Act, for a period of ______________ from the effective date of this agreement. If this 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: 6 month license ($5.00/resident $10.00/non-resident, OR 2 yearly license ($18.00/resident $36.00/non-resident) OR a 1 Year Instructional License ($40.00/resident $80.00/Non-resident)

(8) This agreement shall become 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 Director of the INSTITUTE.

____________________________________   __________________________________
Signature of Witness      Signature of Licensee

_________________________________________________
Signature of SCIAA Witness Receiving Application and Fee

____________________________________
Deputy Director of the South Carolina Institute of Archaeology and Anthropology University of South Carolina

or

_____________________________________
Deputy State Archaeologist for Underwater