

Senate Bill 569

By: Senator Bulloch of the 11th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 3 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to submerged cultural resources, so as to change certain provisions  
3 relating to permits and authorization to contract for investigation, survey, or recovery  
4 operations and renewal and revocation of permits; to authorize deadhead logging operations  
5 under certain conditions; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 3 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,  
9 relating to submerged cultural resources, is amended by striking Code Section 12-3-82,  
10 relating to permits and authorization to contract for investigation, survey, or recovery  
11 operations and renewal and revocation of permits, and inserting in lieu thereof the following:  
12 "12-3-82.

13 (a)(1) Any person desiring to conduct investigation, survey, or recovery operations, in  
14 the course of which any part of a submerged cultural resource, other than cut logs, may  
15 be endangered, removed, displaced, or destroyed, shall first make application to the  
16 department for a permit to conduct such operations. The applicant shall submit a detailed  
17 plan outlining the location, objectives, scope, methods, plans for the preservation and  
18 storage of any submerged cultural resources to be recovered, and such other information  
19 about its proposed operation as the department may require. The applicant shall also  
20 submit the name of the professional archeologist who will supervise or conduct the  
21 operation.

22 ~~(b)~~(2) If the department determines that the public interest and the preservation and  
23 protection of ~~the~~ such submerged cultural resource will be served by allowing the  
24 operation for which a permit is sought, the department shall grant a permit subject to such  
25 terms and conditions as the department deems appropriate for the protection of the public  
26 interest and the preservation and protection of the submerged cultural resource. No

1 permits shall be issued under this subsection allowing the permittee to retain any  
2 recovered such submerged cultural resources, or portion thereof, unless the department  
3 determines the resources to be retained are of no significant historical, archeological, or  
4 monetary value or are of such limited historical, archeological, or monetary value as to  
5 be reasonable compensation for the efforts of the permittee in furthering the public  
6 interest through the investigation, survey, protection, preservation, or recovery of other  
7 related underwater cultural resources.

8 (b)(1) Submerged cultural resources consisting of cut logs may be disposed of by the  
9 department as provided by this subsection and shall not be subject to provisions for  
10 disposition of surplus property under Article 4 of Chapter 5 of Title 50.

11 (2) Any person desiring to conduct any deadhead logging operation in the course of  
12 which any submerged cultural resource consisting of cut logs may be removed shall first  
13 make application to the department for a permit to conduct such operation. The applicant  
14 shall submit a detailed plan outlining the location, objectives, scope, methods, plans for  
15 the use of any such cut logs to be recovered, and such other information about its  
16 proposed operation as the department may require.

17 (3) No permit shall be issued under this subsection for recovery of cut logs from any  
18 segment of a stream of water which segment is a boundary of the State of Georgia as  
19 described in Article 1 of Chapter 2 of Title 50.

20 (4) Prior to granting any application for a permit under this subsection, the department  
21 shall conduct a prerecovery assessment of the proposed recovery site. The department's  
22 employee or agent conducting such assessment shall be accompanied by the applicant or  
23 a designated representative thereof. During such assessment, habitat, bank stability, boat  
24 ramp conditions, and other relative factors shall be noted, and any areas where recovery  
25 of cut logs is specifically restricted shall be mapped or flagged on site.

26 (5) If the department determines that the public interest, including without limitation  
27 public safety, water quality, and other submerged cultural resources, may be adequately  
28 protected while allowing the operation for which a permit to recover cut logs is sought,  
29 the department may grant an annual permit for such recovery operation which shall be  
30 for a specific location or segment of a stream of water and subject to compliance with  
31 such terms and conditions as the department deems appropriate for the protection of the  
32 public interest, including without limitation such terms and conditions relative to the  
33 protection of the public safety and water quality and the preservation and protection of  
34 other submerged cultural resources. The board shall by rule or regulation establish an  
35 annual permit fee in such amount as is reasonable and necessary to cover the cost of  
36 administration of the program.

1 (6) In order to promote the public safety and protection of natural resources, the board  
2 shall by rule or regulation establish relevant minimum training standards which shall be  
3 required for persons conducting recovery operations pursuant to any permit issued under  
4 this subsection and shall provide for a program of such training.

5 (7) The department shall provide for periodic inspection of recovery operations to  
6 determine compliance with the requirements of this subsection, rules and regulations of  
7 the board, and permit conditions.

8 (8) Any permittee conducting recovery operations pursuant to this subsection shall:

9 (A) Notify the department each Friday of where and when such recovery operations  
10 will occur during the following calendar week;

11 (B) Prominently post and maintain during the recovery operation signs near the  
12 recovery site, either on buoys or on the recovery boat or boats, to inform the public that  
13 the recovery operation is authorized. Such signs shall include the permit number and  
14 the telephone number of the appropriate department inspector; and

15 (C) Keep a copy of the permit on the recovery boat or boats at all times during  
16 operations.

17 (9) The state shall retain title for any cut logs recovered pursuant to a permit issued under  
18 this subsection until such time as the permittee has paid adequate compensation to the  
19 state for such recovered cut logs, which compensation shall be in addition to the annual  
20 permit fee. The rate or rates of compensation shall be established by the board.

21 (c) Permits may be renewed upon or prior to expiration upon such terms and conditions  
22 as the department deems appropriate.

23 (d) A permit may be revoked by the department upon a determination by the department  
24 that the permit holder has violated this part or any term or condition of its permit. Any  
25 determination to revoke or deny a permit may be administratively and judicially reviewed  
26 in the manner provided in subsection (d) of Code Section 12-3-52.

27 (e) The department is authorized to contract with any person for the investigation, survey,  
28 protection, preservation, or recovery of underwater cultural resources on such terms and  
29 conditions as the department deems appropriate."

## 30 SECTION 2.

31 All laws and parts of laws in conflict with this Act are repealed.