

# **Findings and Recommendations of the Underwater Archaeology Study Council**

**As Adopted by the Council on December 6, 2002**

## **Introduction and Background**

At the invitation and direction of DNR Commissioner Lonice Barrett, the Underwater Archaeology Study Council convened in four sessions during the fall of 2002. The members of this group included six private individuals, five state legislators and one DNR law enforcement officer.

Those serving on the Study Council included:

Chairman - James Langford, President, The Coosawattee Foundation  
Rep. Hugh Broome  
Sgt. Mike Commander, DNR LE Region V  
Rep. Sharon Cooper  
Rep. Bill Cummings  
Mr. Kevin Dowdy, Tri-States Archaeological Society  
Ms. Rita Elliott, The Society for Georgia Archaeology  
Rep. Newt Hudson  
Mr. Charles Kelly, hobby diver  
Mr. Nealie McCormick, Chairman, GA Council on American Indian Concerns  
Rep. Lynn Smith  
Mr. Scott Smith, Executive Director, Coastal Heritage Society

DNR staff providing administrative support to the Study Council included:

Dr. David Crass, GA State Archaeologist  
Mr. John Morgan, Staff Archaeologist, DNR  
Ms. Christine Van Voorhies, Archaeology Outreach Specialist, DNR

Commissioner Barrett asked this group to identify over a series of four meetings the components of a successful, long-term underwater archaeology program. Council members have studied all aspects of underwater archaeology in Georgia and make the following recommendations regarding current and potential DNR policies and state laws concerning submerged cultural resources.

During the course of its work, the Council also studied carefully underwater archaeology programs of the states of South Carolina, Florida, North Carolina, and Maryland. The Council conducted formal interviews with officials in these states

responsible for managing the underwater archaeology programs in their respective states.

Many organizations and governmental entities have spoken out on the need for a formal program of protection and research of underwater archaeological resources in Georgia. These include the Department of Natural Resources, the Historic Preservation Division of DNR, the Society for Georgia Archaeology, the Georgia Council of Professional Archaeologists, the Tri-States Archaeological Society, the Historic Preservation Study Commission (1998 and 1999), and the Coastal Heritage Society.

Georgia has a wealth of submerged archaeological resources located in a number of different kinds of environments. These resources include sites and artifacts from every phase of human history dating back more than 12,000 years. Prehistoric tools, early colonial ships and ports, Civil War era gunboats and weapons, and historic industrial sites and equipment all comprise part of the submerged cultural resource base in Georgia. These resources occur in lakes, rivers, streams and coastal waters.

Since the passage of major archaeology protection legislation in Georgia in 1991 and 1992, DNR law enforcement officers have increasingly focused on enforcing these laws. Their efforts have led to some confrontations in parts of southwest Georgia where artifact collectors from the tri-state area search the bottoms of creeks and rivers for prehistoric Indian artifacts and other items.

During the legislative session of 2002, State Representatives Broome and Sholar introduced legislation (HB 1198) that would have allowed private individuals to take artifacts they deemed to be "isolated finds" from state owned river bottoms, lakes and coastal areas. The legislation was supported by various individuals and collector organizations, including the Tri-States Archaeological Society. The bill was opposed by DNR, the Society for Georgia Archaeology, the Georgia Trust for Historic Preservation, the Georgia Council of Professional Archaeologists, the National Park Service, the Georgia Council on American Indian Concerns and others.

HB 1198 was reviewed by the House Natural Resources Committee, which also allowed public comment. The bill never came to the full House of Representatives for a vote.

## **I. Underwater Archaeology Program Components**

To effectively educate and involve the public and to protect and preserve submerged archaeological resources, we recommend that DNR implement a program that accomplishes the following:

- A. Develops a "Submerged Cultural Resources Research and Preservation Plan". This would be accomplished during 2003.

- B. Identifies important cultural resources on both state and private property. This would be an ongoing mission of the program.
- C. Preserves sites and conserves artifacts through a Site Stewardship Program and a program for artifact identification.
- D. Involves students and the public in most research and preservation activities.
- E. Trains divers in site and artifact identification, site preservation, reporting, ethics and stewardship, and proper archaeological techniques.
- F. Educates schoolchildren, collectors, landowners, public officials, and law enforcement personnel. Education should include archival and state site file research, ethics, field methods, and artifact identification and curation
- G. Provides adequate staff, equipment and facilities such as:
  1. Program Director, technicians, public education specialists, trainers. At least the Program Director, and preferably others on staff, should have a formal education and/or significant experience in underwater archaeology.
  2. Office space and equipment including data management tools
  3. Laboratory facilities and equipment
  4. Field equipment and supplies
  5. Training equipment and supplies
  6. Curation facility

## **II. Exploring Resources on Private Lands**

We recognize that many private landowners want assistance from DNR in monitoring trespassing on their property. Current law requires collectors and researchers to have written permission of landowners before they investigate a site or discover artifacts. Under current law, DNR can and does respond to landowner requests for assistance in safeguarding archaeological sites that are on private property.

- A. We recommend that current laws and guidelines regarding collection of artifacts from archaeological sites on private lands be retained in order to assist landowners in protecting private property rights.
- B. We recommend that artifact collectors and researchers working on private lands have access to training that explains how to identify a submerged archaeological site, the value of preserving archaeological sites, and methods of recording sites. In the beginning, this training could be very simple with improvements over time. The course would be administered in a similar fashion to gun safety courses and made available via the Internet and/or dive shops.

- C. We recommend that DNR fund the publication of a booklet for distribution to private landowners to assist them in becoming better stewards of the cultural resources that they own.

### III. Exploring Resources on Public Lands

Current state code regarding publicly-owned submerged cultural resources requires a permit and supervision by a professional archaeologist for any research that may endanger, remove, displace, or destroy those resources. It is important to recognize that anyone can currently dive on, photograph, explore, and learn from publicly-owned submerged cultural resources *without* a DNR permit.

However, we believe that individuals should also be afforded opportunities to carry out archaeological investigations *without* seeking an individual permit. This could take place under state sponsored and supervised research projects. In such a context, it may be possible to determine that an artifact is an “isolated find” using commonly-accepted professional standards for submerged cultural resources and possession may then be granted to private individuals.

- A. We believe DNR Board Rules properly outline the parameters for granting permits and defining research goals, and recommend their retention as currently drawn.
  - 1. Anyone conducting archaeological activities in state waterways must have a DNR-issued permit to conduct such activity.
  - 2. Permits for in-state residents should cost \$35 per year per individual, and these can be renewed annually.
  - 3. Out of state residents should pay \$75 per six-month period per individual with renewals available for additional six-month increments for \$75 per individual.
  - 4. One of the criteria for obtaining a permit should include the earning of a certificate of completion of an underwater archaeology course to be conducted at DNR approved locations that may include selected dive shops and may also include electronic means of instruction.
  - 5. Certificates of course completion (per No. 4) must be renewed every five years by both in-state and out-of-state residents.
  - 6. Cost of the underwater archaeology course will be \$140 per in-state student.
  - 7. Cost of the underwater archaeology course will be \$160 per out-of-state student.

- B. We recommend that DNR review its policies regarding avocational participation in state-sponsored submerged resources research projects, and that DNR should find opportunities for including avocational divers in these kinds of projects.
- C. We recommend that DNR, working with avocational divers, develop a list of potential research projects of mutual benefit.
- D. We recommend that DNR explore establishing a network of Friends groups across the state who would act as site stewards. Such groups would:
  - 1. partner with the agency in exploring and protecting submerged cultural resources.
  - 2. participate in dispensing of information and literature to enhance the program's effectiveness and promote goodwill between DNR and the hobbyist.
  - 3. provide a forum for DNR-sponsored presentations designed to inform members and promote the program.
  - 4. assist in reporting illegal activity and disseminating information about DNR programs and regulations.
- E. We recommend that DNR work to promote pilot projects to test the feasibility of joint avocational/professional research.
- F. We recommend that DNR, guided by current state law, look favorably on granting possession of artifacts to individuals when those artifacts are discovered during the course of state-sponsored and supervised research and when such artifacts are found to be of no cultural or economic value to the state.
- G. We do not recommend, however, that individuals be allowed to take artifacts from state owned underwater lands under the assumption that all individuals are capable of determining whether artifacts are "isolated" and that they will report such finds to the state even when required to do so. Other surrounding states believe that such a policy results in poor reporting of sites and artifacts and, consequently, poor preservation of the state's resources.
- H. We recommend that as part of the pilot projects recommended in E (above) that DNR focus on the presence and distribution of prehistoric artifacts along certain sections of the Flint and Chattahoochee Rivers in Southwest Georgia to determine the extent to which these artifacts have been removed from their original and/or a meaningful context.

## **Conclusion**

Georgia's current laws and DNR policies generally do a good job of protecting Georgia's submerged archaeological resources for all the citizens of the state. We do not recommend changes in these laws but we do believe DNR policies should be altered to reflect the recommendations contained in this proposal.

However, we do believe that Georgia should do more to document its submerged archaeological resources and to partner with the public, including avocational divers and amateur archaeologists, in the research and preservation of these resources. This means creating and funding programs for these purposes. We strongly believe that such programs will lead to better protection, understanding, and appreciation of these resources and the cultures associated with their origins.

While the state may not be able to fund all aspects of such an underwater archaeology program in the first year, we believe that Georgia should embark on an effort to test these recommendations as soon as possible.