

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 533
SENATE BILL 447

1 AN ACT TO DECLARE OWNERSHIP OF ALL BOTTOMS IN CERTAIN WATERS
2 WITHIN THE STATE AND TO ESTABLISH PROCEDURES FOR CONDUCTING
3 SALVAGE OF ABANDONED SHIPWRECKS AND OTHER UNDERWATER
4 ARCHAEOLOGICAL SITES.

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6 WHEREAS, extensive discoveries of and recoveries from the sunken underwater
7 archaeological remains of Confederate, United States, and British vessels in the waters off the
8 coast of North Carolina have been made during the past five years; and

9 WHEREAS, thousands of historically and archaeologically significant and valuable
10 artifacts from shipwrecks have been recovered, preserved, studied and interpretively displayed
11 in museums in North Carolina and elsewhere; and

12 WHEREAS, the survey, recovery and retention of historic sunken ships and
13 associated artifacts along the entire North Carolina coast is vital to the interpretation of North
14 Carolina history, government, and culture to the citizens of the State; and

15 WHEREAS, these artifacts and the vessels from which they come are in danger of
16 destruction or loss due to the elements of nature and by various individuals or groups; and

17 WHEREAS, underwater archaeological sites extend along the entire length of the
18 North Carolina coast and number in the hundreds, resulting in widespread uncontrolled
19 exploration, damage, and removal of archaeological materials; and

20 WHEREAS recovery and preservation work promoted and accomplished during and
21 since 1962 by the Department of Archives and History has elevated the State of North Carolina
22 to a position of leadership in the field of underwater archaeology and preservation of historical
23 artifacts;

24 WHEREAS, certain other states of the Union are already taking steps toward
25 systematic state administration of underwater archaeological programs; and

26 WHEREAS, unless an appropriate administrative body is created, effective control
27 procedures are established and a professional survey, surveillance and recovery staff provided,
28 the State of North Carolina stands in danger of losing the irreplaceable artifacts to commercial
29 firms and others who have expressed desires to remove these valuable resources for private
30 monetary gain: Now, therefore,

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32 The General Assembly of North Carolina do enact:

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34 **Section 1.** Subject to Chapter 82 of the General Statutes, entitled "Wrecks" and to
35 the provisions of Chapter 210, Session Laws of 1963, and to any statute of the United States,
36 the title to all bottoms of navigable waters within one marine league seaward from the Atlantic
37 seashore measured from the extreme low water mark; and the title to all shipwrecks vessels,
38 cargoes, tackle, and underwater archaeological artifacts which have remained unclaimed for
39 more than 10 years lying on the said bottoms, or on the bottoms of any other navigable waters
40 of the State, is hereby declared to be in the State of North Carolina, and such bottoms,
41 shipwrecks, vessels, cargoes, tackle, and underwater archaeological artifacts shall be subject to
42 the exclusive dominion and control of the State.

1 **Sec. 2.** The custodian of shipwrecks, vessels, cargoes, tackle and underwater
2 archaeological artifacts as defined in Section 1 hereof shall be the State Department of
3 Archives and History, which is empowered to promulgate such rules and regulations as may be
4 necessary to preserve protect, recover and salvage any or all underwater properties as defined in
5 Section 1 hereof; such rules and regulations, when approved by the Governor and Council of
6 State, shall have the force and effect of law.

7 **Sec. 3.** The Department of Archives and History is also authorized to establish a
8 professional staff for the purpose of conducting and/or supervising the surveillance, protection,
9 preservation, survey and systematic underwater archaeological recovery of underwater
10 materials as defined in Section 1 hereof.

11 **Sec. 4.** Any qualified person, firm or corporation desiring to conduct any type of
12 exploration, recovery or salvage operations, in the course of which any part of a derelict or its
13 contents or other archaeological site may be removed, displaced or destroyed, shall first make
14 application to the Department of Archives and History for a permit or license to conduct such
15 operations. If the Department of Archives and History shall find that the granting of such
16 permit or license is in the best interest of the State, it may grant such applicant a permit or
17 license for such a period of time and under such conditions as the Department may deem to be
18 in the best interest of the State. Such permit or license may include but need not be limited to
19 the following:

- 20 (a) Payment of monetary fee to be set by the Department
- 21 (b) That a portion or all of the historic material or artifacts be delivered to
22 custody and possession of the Department
- 23 (c) That a portion of all of such relics or artifacts may be sold or retained by the
24 licensee
- 25 (d) That a portion or all of such relics or artifacts may be sold or traded by the
26 Department.

27 Permits or licenses may be renewed upon or prior to expiration upon such terms as the
28 applicant and the Department may mutually agree. Holders of permits or licenses shall be
29 responsible for obtaining permission of any Federal agencies having jurisdiction, including the
30 U. S. Coast Guard, the U. S. Department of the Navy and the U. S. Army Corps of Engineers
31 prior to conducting any salvaging operations.

32 **Sec. 5.** Any funds which may be paid to or received by the Department of Archives
33 and History under the terms of Section 4 hereof may be allocated for use by the Department of
34 Archives and History for continuing its duties under this Act, subject to the approval of the
35 Budget Division of the Department of Administration.

36 **Sec. 6.** All law enforcement agencies and officers, State and local, are hereby
37 empowered to assist the Department of Archives and History in carrying out its duties under
38 this Act.

39 **Sec. 7.** Nothing in this Act shall be construed to affect pending litigation.

40 **Sec. 8.** Any person violating the provisions of this Act or any rules or regulations
41 established thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be
42 punished as in cases of misdemeanor.

43 **Sec. 9.** All laws and clauses of laws in conflict with this Act are hereby repealed.

44 **Sec. 10.** This Act shall be in full force and effect on and after July 1, 1967.

45 In the General Assembly read three times and ratified, this the 19th day of May,
46 1967.