

Success! New Dive Regulations in Alabama

February 18, 2006

Our six year struggle to get friendly diving regulations for Alabama is at an end. The Public Has Won. We had the worst regulations you could imagine and now we have the best. The meeting last Wednesday in Montgomery was very good. Governor Riley was not physically at the meeting but he and his wishes were certainly there. He made known to the directors that he wanted this issue settled now and that he supported the wishes of the diving public. He wants us to find, recover, preserve and save our lost history. He knows that the public is best able to find and save these lost and deteriorating items.

Lee Sentell is a director of the Alabama Historical Commission. He is also the head of the Alabama Bureau of Tourism and Travel and a good friend of Governor Riley. Mr. Sentell asked me several questions at the meeting. He asked me if passing the new regulations will make the divers happy. I said yes but I did want the definition of cultural resources made clearer without delaying the new regulations. I said a letter from the AHC would be helpful in explaining to divers what they can and cannot do. Mr. Sentell and the other directors told Ms. Brown to write me such a letter. She promptly sent me such a letter. Mr. Sentell then asked me if I was happy and I said I am.

Mr. Sentell then said he wanted to make sure that everyone understands the regulations and what they cover. He asked me if a person can now find an arrowhead and keep it. I answered that if the arrowhead is on an Aboriginal burial mound on land or underwater then that is controlled and outlawed by state and federal law. People cannot find and keep an arrowhead from those sites. An arrowhead found anywhere else underwater in Alabama can be found and kept. I then asked Dr. Maher, who is the State Archaeologist for Alabama, if what I said was correct. Dr. Maher said yes. Mr. Sentell then asked me if someone could find and keep a cannon. I explained that I have been diving 41 years and have never seen a cannon underwater except on tourist type dive sites, not in Alabama. I said if a cannon is located on or associated with a cultural resource as determined by the definition of cultural resources under this law then that cannon could only be salvaged with a permit from the AHC. If the cannon were located anywhere else then it could be found and kept by a person. I asked Dr. Maher if what I said was right. He said yes.

Mr. Sentell then said he wants an article in the Associated Press to make divers aware of the new regulations and that divers can find artifacts while diving that are not a cultural resource and that this is perfectly legal and that these divers are not to be harassed. He then said that this article is to be written by the staff of the AHC so that there will be no confusion by the public or by law enforcement. Mr. Sentell told me that he wants to have a press conference in Birmingham to let the public know that Alabama is a friendly state to divers. He wants to encourage tourism in our state. Mr. Sentell is not a diver but Governor Riley is as well as his family. Mr. Sentell was speaking for Governor Riley and there is no way for me to express how much I appreciate what our Governor has done for us.

During the last two years I have been talking to the legislators of Alabama. I like these people and appreciate them looking out for the public. If not for our own legislators we would be at the mercy of the bureaucrats of our state. The legislators are our representatives and they are us. Thank God for our legislators. I know some legislators serve special interest groups but everyone has a special interest. Remember that the legislators can't read our minds. We must ask them to help us when we need help. They will help but we must clearly tell them what we want. We must stay involved in our government and politics. As my friend Archie Phillips told me, "You must either participate in politics or you will be a victim of politics."

Several of our legislators have given extreme support for divers of Alabama. These men have done everything we have asked and more to get back your freedoms and access to our public waters. Representative Jim McClendon is my representative from St. Clair and Shelby counties. He is the reason that the Sunset Review Committee is investigating the AHC. He also worked with Governor Riley to fix the problems that we have had. He is wonderful and we must keep him as our representative. Senator Jack Biddle of Blount, Jefferson and St. Clair counties has been a workhorse for six years trying to fix our laws and regulations. He is the one that gave me the encouragement to believe that we would succeed if we persevered long enough. He cares about history and is an avid outdoorsman and sportsman. He looks out for all the outdoorsman of our state. We must keep him as our great Senator. Representative Cam Ward of Bibb and Shelby Counties sponsored legislation for us and supported divers in all of our requests. He did a great job at several public hearings. He is a young man with I hope a long future serving the people of our state.

These men never asked me if we were Democrats or Republicans, black or white, Jewish, Protestant or whatever. They didn't care about that and they know that we are a diverse group that includes everyone. They not only represented their areas, they represented the people of our entire state. These legislators and Governor Riley are running for reelection this year. They have served us well. We need to now support those who have helped and supported us. They are proven and not a maybe. Please vote for them, volunteer to help in their campaigns and give financial contributions to their campaigns. Here are their addresses.

Senator Jack Biddle
2256 Pinehurst Drive
Gardendale, AL. 35071
alsenate17@aol.com

Jim McClendon Campaign
361 Jones Road
Springville, AL. 35146
jimmcc@alltel.net

Committee to Re-Elect Cam Ward
P. O. Box 1749
Alabaster, AL. 35007
camjulward@aol.com

campaign@bobrileyforgovernor.com
205-877-4095

Please let the legislators know that you are a diver or a non-diver who is interested in these issues.

Now I want to write about the new regulations and what they allow.

- 1) Gold prospectors can now find and keep gold that they find in our streams.
- 2) No permits are required for any divers to dive anywhere in Alabama.
- 3) Permits are only required for Salvors to find and salvage cultural resources. Cultural Resources are certain shipwrecks that are listed on or determined eligible for the National Register of Historic Places or the Alabama Register. Currently the Alabama Register has no underwater listing and no requests for eligibility. The National Register lists only the Tecumseh in Alabama. I don't think any other ships have been determined eligible at this time. Many ships, especially in Mobile Bay probably will be determined eligible and listed. The state should be involved in salvage or raising of these historic ships.
- 4) Underwater fossils can be found and kept in Alabama with no permit required.

5) Relics and artifacts that are not cultural resources as defined in the law can be found and kept. No permit required.

Another part of the new regulations reads that two members from the diving community will be appointed to the Maritime Advisory Council. This was put in so divers will have input on what effects them. Bob Cox from Gulf Coast Divers in Mobile and I are going to be the two that are appointed.

You can read the new regulations on our web page. The old wording that is being removed is lined through. The words that are added are underlined. Here is a link to the new regulations.

http://www.ssdsupply.com/aucraP/New%20Regs%202_15_06.pdf

Ms. Elizabeth Brown's letter from the AHC can be read here.

<http://www.ssdsupply.com/aucraP/Thursday%20%20February%2016%20%202006.pdf>

I suggest that all divers print out a copy of the new regulations and a copy of Ms. Brown's letter. Carry these with you when diving to inform any misinformed individuals or law enforcement officers who are confused about our diving laws and regulations.

I think now that we should think about deserving these diving freedoms in our state. Let's make sure that we record where we find relics and artifacts. This is so easy now with GPS. I'm not saying to give away your favorite locations to anybody. Someday you will be leaving the ranks of the living and you will want your relics and artifacts to be put in a museum or cherished by your family. Good records of locations found are important. I feel that we divers and collectors should do all the volunteer work that we can, such as:

- 1) Go to schools, historical meetings, scout meetings and shows to show your relics and artifacts and to teach about history.
- 2) Learn to properly preserve and display your relics and artifacts. The internet is a great source of information on preservation and we will help anyone who needs advice.
- 3) Lend, don't give your relics and artifacts to local museums, schools and libraries. The reason that I say don't give is that museums will sell things to raise money. If you don't care if they sell your donations then go ahead and give them. I have bought at least half of my Civil War collection and I bought most of it from State Museums. I intend to lend all of my collection to state museums, but I won't allow them to sell my things. If the museum closed down I want to be able to move my things to another museum. I also intend on having some say about how my relics are displayed.
- 4) Let authors of books use your collections for their publications. Make sure that all authors and museums list your name as the person who provided the item. We have been anonymous for too long. People need to know that we are relic hunters, divers and arrowhead collectors. They also need to know that we are the people who fill the museums with relics. We write or help write most if not all of the reference books used by museums, collectors and historians when studying relics and artifacts. We are the only people who can effectively save underwater relics. We pay our own expenses and work for nothing. We amateurs have made most of the large and small discoveries of relics and artifacts that have been found thus far. We will be the people who add to the known history of Alabama.

Once again I want to thank all the people who have helped gain back our freedoms. Especially I thank the non-divers who have helped us so much. We will try to deserve the help that you have given us. Over the last few years there have been two statements at public meetings that I will always remember and that I quote for you now.

Archie Phillips said: "The academic professionals seem to think that they have a monopoly on brains."

Senator Biddle said: " A relic ain't nothing until somebody pulls it out of the mud."

Sincerely,

Steve Phillips
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