

SYNOPSIS OF PROPOSED ADDITIONS
TO
SUBMERGED CULTURAL RESOURCES

November 2005

The 2005 General Assembly passed S.B. 283 that allows the recovery of deadhead logs from the Altamaha and Flint Rivers. Legal methods and procedures for logging are described in S.B. 283, and the Department is authorized to enforce additional policies to protect public safety, water quality, wildlife and wildlife habitat, commercial and recreational fisheries, state and federal threatened and endangered species, land use, effects on stream bank property, and submerged cultural resources. S.B. 283 requires that the Board of the Department of Natural Resources establish a sale price rate or rates for recovered logs that will be in addition to the annual permit fee. This proposed change will amend rules of Chapter 391-5-9, Submerged Cultural Resources, by adding a rule numbered 391-5-9-.08 that will set a compensation rate for deadhead logs.

During the 1800's, thousands of 200 to 500 year old or older longleaf pine and cypress trees were harvested and floated down the State's rivers by binding them together to form large rafts. Many logs broke free from the rafts during their journey down-river, and sank to the bottom because the logs were mostly heartwood and therefore dense. Because of the wood's unique durability and the conditions on the river bottom, these logs have been preserved in a near pristine state. Wood from these logs is prized for its beauty, strength and durability. The wood is close grained and has unique colors unlike modern lumber. The conditions that promoted slow growth over hundreds of years may never be duplicated, making the wood even more rare and valuable. Current prices for recovered lumber range from approximately \$3.10 per board foot for lower grades of cypress to approximately \$23 per board foot for 12-inch wide longleaf pine. Boards wider than 12 inches are even more valuable. Curly pine, which occurs in less than 0.5% of the logs, has a unique grain pattern that is very rare and may retail for over \$55 per board foot. The value of curly pine and boards wider than 12 inches were not considered in compensation rate computations.

Georgia landowners and the State of Georgia currently sell yellow pine saw timber (stumpage value) at approximately \$50 per ton, which is approximately 40% of the value of the finished lumber produced from this timber. The proposed rule will require persons recovering deadhead logs to pay the state \$1.28 per board foot for these logs. This is approximately 20% of the value of the finished lumber. The lower percentage compensation rate paid to the Department (20% instead of 40%) for deadhead logs is a conservative figure that reflects differences in the harvest methods and other processes.

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE
CATHY COX**

(Pursuant to O.C.G.A. §§ 50-13-3, 50-13-4 and 50-13-6.)

I do hereby certify that the attached amendments are a correct copy as promulgated and adopted on the 7th day of December, 2005.

GEORGIA DEPARTMENT OF NATURAL RESOURCES

Filing Date _____

Chapter 391-5-9, "Submerged Cultural Resources," is hereby amended by adding rule number 391-5-9-.08.

Authority: Conservation and Natural Resources, Title 12-2-24(a), O.C.G.A. as amended.

Noel Holcomb, Commissioner
Department of Natural Resources

John Walden, Legal Executive Assistant

Sworn to and subscribed before
me this ___ day of December, 2005.

Notary Public

**RULES
OF
GEORGIA DEPARTMENT OF NATURAL RESOURCES**

**CHAPTER 391-5-9
SUBMERGED CULTURAL RESOURCES
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391-5-9-.08 Compensation for Deadhead Logs

391-5-9-.08 Consideration (Compensation) for Deadhead Logs.

(1) The holder of a Salvage Log Permit shall pay the Department compensation of \$1.28 per board foot for deadhead logs removed from the State's rivers as authorized by the Official Code of Georgia Annotated, Title 12, Chapter 3 and any other law, rule, regulation or policy that authorizes this activity.

(2) The amount of board feet in a recovered log will be determined using the Scribner C log scale, or by another method determined by the Georgia Forestry Commission. Log scaling will be done by Department personnel or their designee.

(3) Violation of this rule or any other law, rule, regulation or policy may result in revocation of the permit or license to harvest deadhead logs, and may result in additional fines or penalties authorized by any other law, rule, regulation or policy.

(4) All other procedures for determining the amount due for deadhead logs, methods and time of payment, late fees, and related procedures will be specified by the Department.