MINUTE ITEM
22

10/28/82
W 21068
Lane

Salvage Permit

Calendar Item 22, attached, was pulled from the agenda prior to the meeting.

Attachment: Calendar Item 22.

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CALENDAR ITEM

22 1.

10/28/82
W 21068
Lane

SALVAGE PERMIT

APPLICANT: The Brother Jonathan Company
P. O. Box 1190
Crescent City, California 95531

AREA, TYPE LAND AND LOCATION:
Three parcels of tide and submerged lands totaling 27 acres in the Pacific Ocean near Crescent City, Del Norte County.

LAND USE: Selective salvage of artifacts from the British freighter Queen Christina that sank in 1907 and salvage of artifacts and the remaining intact hull of the Brother Jonathan, a passenger ship, that sank in 1865.

TERMS OF PROPOSED PERMIT:
Initial period: One-year from November 1, 1982.

Public liability insurance: Combined single limit coverage of $300,000.

CONSIDERATION: $675 - use of land area for one year. 25 percent of the net salvage value of $25,000 or less, and 50 percent of the net salvage

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value in excess of $25,000. Said sum shall be due on the first of the month following the sale and bear interest at the rate of 12 percent per annum if not paid within 15 days of the due date.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

PREREQUISITE TERMS, FEES AND EXPENSES:
Filing fee has been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. A salvage permit was authorized to the Brother Jonathan Company at the November 20, 1979 Commission meeting, Calendar Item 17, for the salvage of the Queen Christina, but was rescinded at the August 24, 1980 Commission meeting, Calendar Item 8, per request of the applicant due to time delays and financial constraints.

2. The applicant has now reapplied for a salvage permit to remove selective artifacts from the Queen Christina, A British freighter that sank in 1907, and to salvage the artifacts and the remaining intact hull of the Brother Jonathan, a passenger ship that sank in 1865.

   Removal of artifacts from both vessels will be performed largely by hand with the aid of small air lift devices. To salvage the hull of the Brother Jonathan an air flotation device will be employed.

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3. All items removed from the site will be catalogued and warehoused in quarters meeting the approval of the Commission staff until their diposition is decided. The applicant proposes to place all salvaged items not retained by the State in a private museum to perpetuate the maritime history of the Northern California Coast.

4. Staff has coordinated this project with the Office of Historic Preservation and will keep them apprised of the recovery of all material removed from the site.

5. Negative Declarations were prepared and certified by the State Lands Commission, pursuant to CEQA and the State CEQA Guidelines. The staff of the Commission found that the projects will not have a significant effect upon the environment.

6. The projects are situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and are classified in a use category "B" which authorizes Limited Use. The projects as proposed will not have a significant effect upon the identified environmental values.

7. This project is exempt from United States Army Corps of Engineers permit in purview of Section 10 of the River and Harbor Act which became regulation July 22, 1982.

FURTHER APPROVALS REQUIRED:
The California Coastal Commission.

EXHIBITS:
A. Land Description.
B. Location Map.
C. Negative Declaration - Queen Christina.
D. Negative Declaration - Brother Jonathan.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT A NEGATIVE DECLARATIONS HAVE BEEN PREPARED FOR THESE PROJECTS BY THE COMMISSION AFTER CONSULTATION WITH RESPONSIBLE AND TRUSTEE AGENCIES.

2. CERTIFY THAT NEGATIVE DECLARATIONS, NOS. ND 231, ND 319 HAVE BEEN COMPLETED IN ACCORDANCE WITH CEQA, THE STATE CEQA GUIDELINES, AND THE COMMISSION'S ADMINISTRATIVE REGULATIONS; AND THAT THE COMMISSION STAFF HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN TOGETHER WITH COMMENTS RECEIVED DURING THE REVIEW PROCESS.

3. DETERMINE THAT THE PROJECTS WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT AND FIND THAT THE PROJECTS ARE CONSISTENT WITH THEIR USE CLASSIFICATION.

4. AUTHORIZE ISSUANCE TO THE BROTHER JONATHAN COMPANY OF A ONE-YEAR SALVAGE PERMIT, FROM NOVEMBER 1, 1982, WITH LESSEE'S OPTION TO RENEW FOR ONE SUCCESSIVE PERIOD OF ONE YEAR; IN CONSIDERATION OF $675 FOR USE OF LAND AREA FOR ONE-YEAR. 25 PERCENT OF THE NET SALVAGE VALUE OF $25,000 OR LESS, AND 50 PERCENT OF THE NET SALVAGE VALUE IN EXCESS OF $25,000. SAID SUM SHALL BE DUE ON THE FIRST OF THE MONTH FOLLOWING THE SALE AND BEAR INTEREST AT THE RATE OF 12 PERCENT PER ANNUM IF NOT PAID WITHIN 15 DAYS OF THE DUE DATE; FOR SELECTIVE SALVAGE OF ARTIFACTS FROM THE SUNKED BRITISH FREIGHTER QUEEN CHRISTINA AND SALVAGE OF ARTIFACTS AND THE REMAINING INTACT HULL OF THE BROTHER JONATHAN, A PASSENGER SHIP, THAT SANK IN 1865 ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION W 21068

Three square parcels of submerged land in the Pacific Ocean near Point St. George, Del Norte County, California, said parcels being 626.13 feet on each side and their centerpoints being located at 41° 46' 46" North Latitude and 124° 15' 27" West Longitude, 41° 46' 46.5" North Latitude and 124° 15' 34" West Longitude, 41° 46' 45" North Latitude and 124° 15' 39" West Longitude.

END OF DESCRIPTION.

PREPARED AUGUST 19, 1982 BY BOUNDARY AND TITLE UNIT, LEROY WEED, SUPERVISOR.

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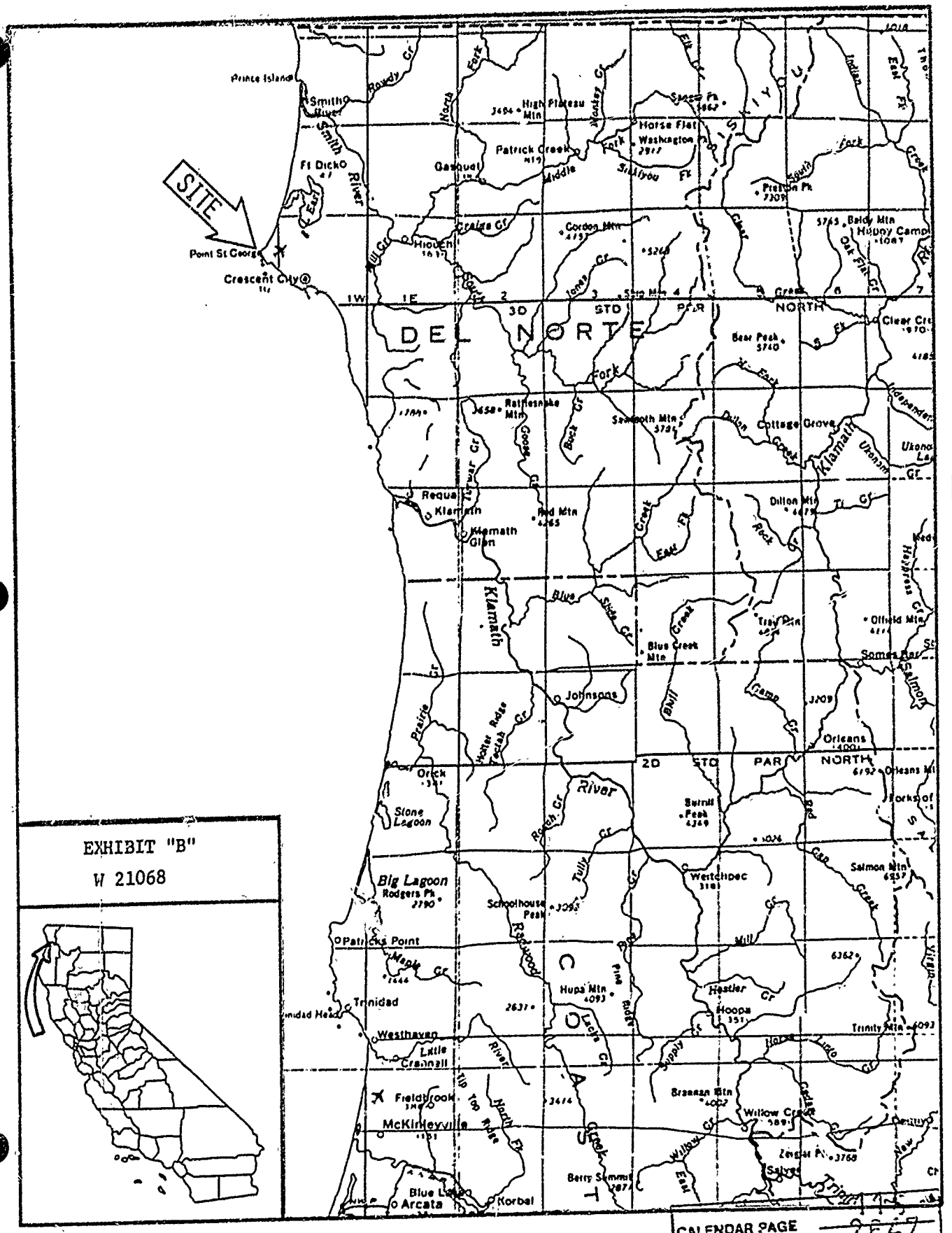

EXHIBIT "B"

W 21068

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EXHIBIT "C"

NEGATIVE DECLARATION

Salvage of the Queen Christina

W 21068

This Negative Declaration is prepared pursuant to Section 15083, California Administrative Code, Title 14, Division 6 and is based upon an Initial Study pursuant to Sections 15080 and 15066 thereof.

Description

It is proposed to selectively salvage artifacts from a freighter that sank in 1907. The operation will take place near Crescent City, specifically off Point St. George in shallow water. It is expected that only a few days will be required for the project, although this is dependent on the weather. All items found will be catalogued and be the property of the State until their disposition is determined. The salvor intends to place all materials found and kept into a private museum for the maritime history of the northern California coast.

Determination

An Initial Study has been prepared and it is determined that the proposed project will not have a significant effect upon the environment.

(1) The proposed project will have no cumulative impacts, or adverse effects on humans.

(2) There will be minimal impacts upon fish and other marine organisms of the project environment.

(3) Salvage of the Queen Christina, a British freighter of a historical period is believed to be noncontroversial in terms of the historical elements of CEQA and the California History Plan. This determination rests upon the type of vessel, no cargo, and possible prior salvage. See attachment to Initial Study checklist.

(4) Uses of public services, energy, and other resources are not applicable or are insignificant.

This Negative Declaration was prepared by the staff of the State Lands Commission. Additional copies may be obtained from Ted. T. Fukushima, State Lands Commission, 1807 13th Street, Sacramento, CA 95814. Telephone No. (916) 322-7813.

STATE OF CALIFORNIA
STATE LANDS COMMISSION

EXECUTIVE OFFICE
1807 - 13th Street
Sacramento, California 95814

EXHIBIT "D"

PROPOSED NEGATIVE DECLARATION

EIR ND 319

File Ref.: W 21068

SCH#: 82101301

Project Title: Brother Jonathan Ship Salvage.

Project Location: Pacific Ocean, Del Norte County.

Project Description: Salvage and Archeological Reconnaissance of Historical Vessel, the Brother Jonathan.

This NEGATIVE DECLARATION is prepared pursuant to the requirements of the California Environmental Quality Act (Section 21000 et seq. of the Public Resources Code), the State CEQA Guidelines (Section 15000 et seq., Title 14, of the California Administrative Code), and the State Lands Commission regulations (Section 2901 et seq., Title 2, of the California Administrative Code).

Based upon the attached Initial Study, it has been found that:

[X] the project will not have a significant effect on the environment.

[ ] the attached mitigation measures will avoid potentially significant effects.

Contact Person: Ted T. Fukushima
1807-13th Street
Sacramento, CA 95814
Telephone: (916)322-7813

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Form 13.17 (2/82)