

MINUTE ITEM

This Calendar Item No. 21
was approved as Minute Item
No. 21 by the State Lands
Commission by a vote of 3
to 0 at its 08/30/89
meeting.

CALENDAR ITEM

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08/30/89

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PRC 7108

Louie

Pelkofer

APPROVAL OF EXTENSION OF SALVAGE PERMIT - PRC 7108

APPLICANT: Robert F. Marx
dba Phoenician South Seas
Treasures, Ltd.
205 Orlando Blvd.
Indiatlantic, Florida 32903

AREA, TYPE LAND AND LOCATION:
A 20.0-acre parcel of ungranted tide and
submerged land, located in the Pacific Ocean,
Drake's Bay, Marin County.

LAND USE: Retrieval and salvage of a sunken vessel and
the contents thereof.

TERMS OF EXISTING PERMIT:
Initial period: One year beginning
September 1, 1987.
Extension: One year beginning
September 1, 1988.
Public liability insurance: Combined single
limit coverage of \$500,000.
Consideration: \$500 land rental; and 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.

CALENDAR ITEM NO. 21 (CONT'D)

TERMS OF PROPOSED PERMIT:

Extension period: One year beginning
September 1, 1989.

All other terms and conditions of PRC 7108 to
remain the same.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Adm. Code 2003.

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. This project involves the potential
retrieval and salvage of the remains and
contents of the "San Augustin", a Manila
Galleon purportedly sunk in Drake's Bay in
1595.

The Permittee is a well known underwater
archaeologist who has many scientific
underwater explorations and recoveries to
his credit. His specialization is Naval
and Maritime history with an emphasis on
the Spanish Colonial period in the
Caribbean and the Spanish Maritime trade
between 1500-1800.

Terms of the Permit require the Applicant
to provide the Commission with an
acceptable archaeological recovery plan
prior to recovery of any items. The plan
must furnish a detailed description of
recovery information and specific methods
for conservation.

CALENDAR ITEM NO. 21 (CONT'D)

This permit is also subject to the terms and conditions of a Memorandum of Agreement between State Lands Commission, State Office of Historic Preservation, and the Permittee ensuring certain measures are carried out to protect the archeological resource. Permittee must also obtain all other required permits prior to commencement of recovery operations.

2. On August 10, 1988, the State Lands Commission approved the extension of Salvage Permit PRC 7108, to Robert Marx for a period of one year beginning September 1, 1988. Permittee has completed Phase 1 of the project by conducting a remote-sensing survey to locate the San Augustin and will be providing the results of that survey to the State Lands Commission. Obtaining all of the necessary permits for the remaining phases of the project has taken longer than the Permittee has anticipated. Permittee has therefore not yet been able to proceed further with the project as authorized by the Commission.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15025), the staff prepared and circulated a Negative Declaration identified as EIR ND 411, State Clearinghouse No. 861104410 for the original permit. This Negative Declaration was circulated for public review pursuant to the provisions of CEQA and certified by the Commission. Staff believes that the conditions of the original permit and proposed extension are still properly covered under this Negative Declaration.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. The project, as proposed, is consistent with its use classification.

CALENDAR ITEM NO. 21 (CONT'D)

FURTHER APPROVALS REQUIRED:

Gulf of the Farallones National Marine Sanctuary of NOAA's Marine and Estuarine Management Division, California Coastal Commission. (Notice of Intent to Issue Permit has been obtained from Coastal Commission; however, it is subject to fulfillment of special conditions.)

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 411, STATE CLEARINGHOUSE NO. 861104410, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN, AND THAT THE CONDITIONS OF THE ORIGINAL PERMIT AND PROPOSED EXTENSION ARE STILL PROPERLY COVERED UNDER SAID NEGATIVE DECLARATION.
2. AUTHORIZE ISSUANCE TO ROBERT F. MARX, DBA PHOENICIAN SOUTH SEAS TREASURES, LTD., OF A ONE-YEAR EXTENSION OF SALVAGE PERMIT PRC 7108, EFFECTIVE SEPTEMBER 1, 1989; ALL OTHER TERMS AND CONDITIONS OF PERMIT PRC 7108 SHALL REMAIN IN FULL FORCE AND EFFECT.

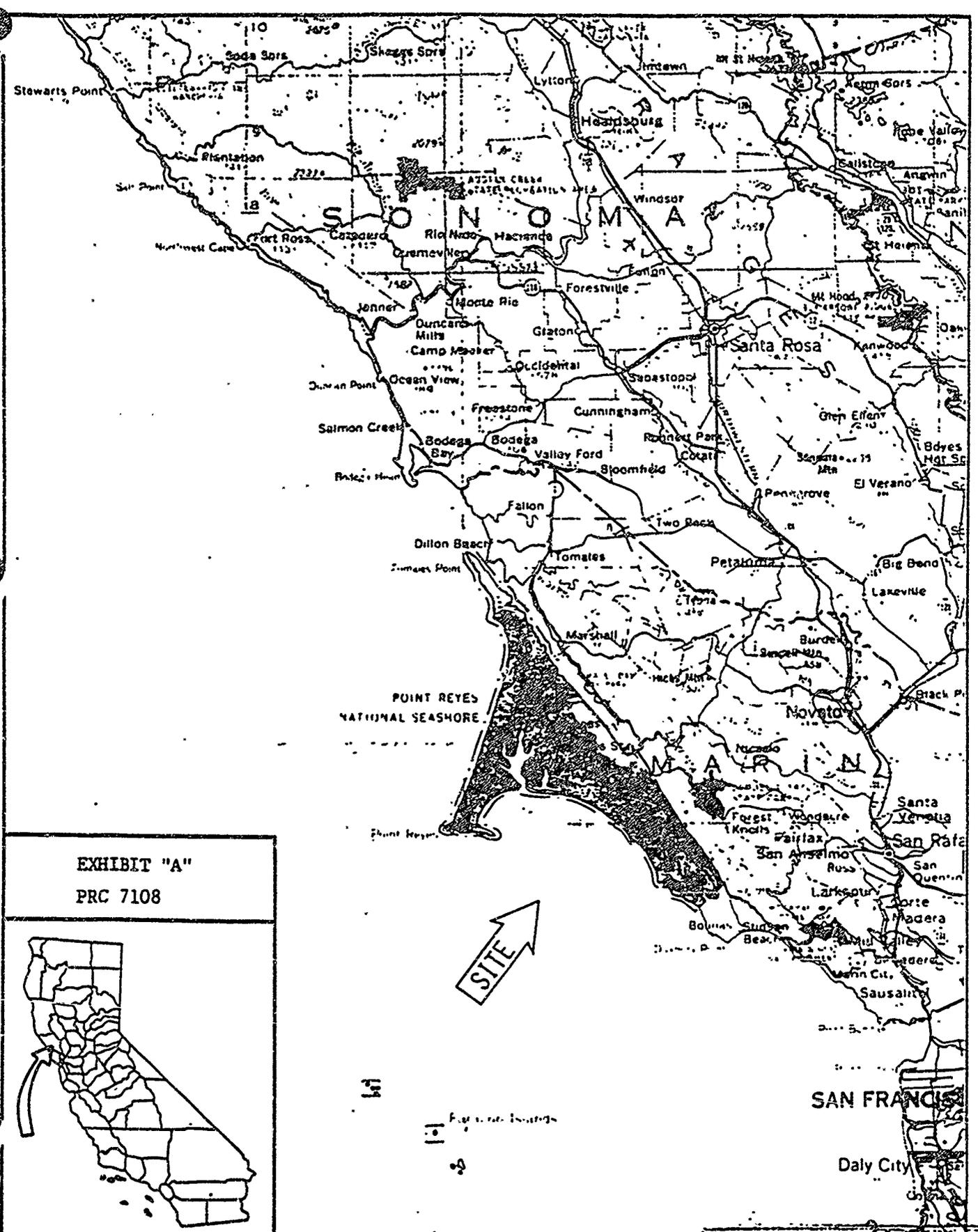


EXHIBIT "A"
 PRC 7108



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