MINUTE ITEM

This Calendar Item No. C49 was approved as Minute Item No. 49 by the California State Lands Commission by a vote of 3 to 0 at its 10/20/03 meeting.

CALENDAR ITEM
C49

A 37

S 18

10/20/03
W 24763
P. Griggs

CONSIDER AUTHORIZING THE EXECUTIVE OFFICER TO ENTER INTO AGREEMENTS FOR THE LONG-TERM SHARED MANAGEMENT OF SUBMERGED ARCHAEOLOGICAL SITES AND SUBMERGED HISTORIC RESOURCES IN THE SANCTUARY AND/OR PARK THAT ALLOWS MINOR LAND DISTURBANCE, COLLECTION OF AT-RISK ARTIFACTS, AND TRANSFER OF SUCH ARTIFACTS

APPLICANTS:

Sanctuary Manager
Channel Islands National Marine Sanctuary
National Oceanic and Atmospheric Administration
113 Harbor Way, Suite 150
Santa Barbara, CA 93109

Superintendent
Channel Islands National Park
National Park Service
1901 Spinnaker Drive
Ventura, CA 93001

BACKGROUND:

Over 140 shipwrecks have been documented in the area surrounding the Channel Islands, of which about 30 have been recorded. Many of these are important historical resources and archeological sites. In addition, there are numerous Native American ancestral sites that were submerged during the rise in sea level thousands of years ago.

The California State Lands Commission (Commission) has jurisdiction over the state's tide and submerged lands and administers the Shipwreck and Historic Maritime Resources Program (Public Resources Code sections 6309, 6313, and 6314). The Channel Islands National Marine Sanctuary (Sanctuary) and the Channel Islands National Park (Park) have overlapping jurisdiction with the Commission over these important cultural resources within their respective sanctuary and park boundaries.

Scuba divers frequent many of these shipwrecks and ancestral sites to explore, study, and photograph them. Unfortunately, some divers destroy the archeological and recreational value of the sites by moving or removing artifacts illegally. Natural ocean processes also cause deterioration of the sites.
The Sanctuary and Park have actively monitored several of the shipwrecks for many

years to document their condition and help protect them from looting. The Sanctuary and Park receive assistance with this effort from a community group of avocational archeologists, Coastal Maritime Archaeology Resources (CMAR). The Commission has issued permits to allow collection of at-risk artifacts and transferred ownership of them to recognized scientific or educational institutions for public display and/or research.

The Sanctuary and Park would like to strengthen the relationship with the Commission by entering into memorandums of understanding (Agreements) for the long-term, shared management of these cultural resources. The Agreements would continue to recognize the State's ownership of abandoned shipwrecks as provided by Congress in the Abandoned Shipwreck Act of 1987.

PROPOSED ACTIVITIES TO BE ALLOWED UNDER MEMORANDUMS OF UNDERSTANDING

The Agreements would provide a process through which the Sanctuary and Park could install survey datums, and conduct emergency recovery of at-risk artifacts, and allow the Commission to transfer the title to such artifacts to an appropriate scientific or educational institution for public display and/or research. The Commission would not transfer any funds as part of these Agreements.

1. Installation of Survey Datums

The Sanctuary and Park propose to permanently install a maximum of eight survey datums at each of the historic shipwreck sites of the Winfield Scott, Aggi, Cuba, and Goldenhorn. The datums would be imbedded into the sea floor and/or rocks near each of these four shipwrecks. Each datum would serve as a reference point for establishing Differential Global Position System (DGPS) positions. With a series of datum locations, accurate measurements can be established for recording the current positions of submerged artifacts. The datums would also be utilized for permanent camera positions for recording still and videotape documentation of major artifacts. The established Shipwreck Reconnaissance Program will revisit each shipwreck site on an annual basis implementing a repeatable non-intrusive site recording process, utilizing measurements and photography. The datum installation program would establish a baseline of data for evaluation of human and environmental impacts occurring on the shipwreck sites, ultimately assisting the agencies in making informed decisions on managing the sites.

The datums would be installed by drilling holes into the sea floor and/or rock using a small portable pneumatic (air activated) drilling machine. The depth of the holes would vary depending on the hardness of the rock, but typically would not exceed 20 inches. The datums would consist of copper-covered steel survey markers 1 inch or less in diameter and up to 24 inches long. The datums would be inserted into the holes and fastened in place with epoxy. The posts would extend above the substrate about 4 to 6 inches.

Commission staff has begun consultation with the State Historic Preservation Officer (SHPO) on installation of the survey datums. No work would be undertaken until the SHPO concurs with staff's determination that this project will not have an adverse effect on historical resources.

2. Emergency Recovery of At-Risk Artifacts.

During regularly scheduled cultural (archaeological/historical) monitoring surveys, emergency surveys of looting incidents, or surveys of artifacts exposed by natural forces, artifacts at risk of being collected or lost may be discovered unexpectedly. A potential component of these surveys would be to collect or reposition such at-risk artifacts.

The Sanctuary and Park would be allowed to conduct emergency recovery of at-risk artifacts that are historic resources as defined in Public Resources Code section 6313(b) under the following specified conditions:

a. The artifact(s) must be at immediate risk of being collected by unauthorized individuals or of being destroyed or lost by immediately impending natural forces, such that collection of the artifact(s) is warranted to prevent the loss of the artifact(s). Repositioning of the artifact(s) at the wreck site may also be conducted, if Sanctuary or Park personnel consider that as the best option to save the artifact. Park or Sanctuary personnel will notify Commission staff within 3 days of any recovery or relocation.

b. The location of artifact(s) to be recovered must be recorded and all artifacts documented according to accepted archeological standards.

c. Recovery will be conducted in a manner that results in minimal disturbance to the surrounding environment.

d. Any artifacts recovered will be properly conserved and stabilized according to professional standards.

e. In addition to the notification provided in (a) above, the Park and/or Sanctuary will provide a report of any emergency recovery within 30 days that includes a written inventory list and brief description of the artifacts and a recommendation for the proposed disposition of the artifacts to a recognized scientific or educational institution.

3. Transfer of Title to Artifacts Recovered.

The ownership of any artifacts recovered as described above may be transferred to an appropriate scientific or educational institution located in California for public display and/or research, provided the fair market value of individual artifacts does not exceed

$2,500, and the combined value does not exceed $20,000. The receiving institution must have the expertise, facilities, and security to properly care for the artifacts to be transferred.

Staff recommends that title be transferred consistent with best museum practices. Such institutions are more likely to receive funding and grants to interpret and manage artifacts they own. The receiving institution would be required to acknowledge and credit the Commission in any exhibits or publications showing the transferred artifacts. Also, the institution may not convey ownership of any artifact(s) that is (are) the subject of such transfers without first obtaining the written consent of the Commission.

CONDITIONS

All activities authorized by the Commission shall be conducted in compliance with all applicable federal, state and local laws, rules and regulations.

AUTHORIZATION PERIOD:

October 1, 2003 through September 30, 2008.

STATUTORY AND OTHER REFERENCES:

A. Public Resources Code sections 6309, 6313, and 6314.

B. Cal. Code Regs. Title 2, Div. 3, section 2905; Title 14, Div. 6, section 15306.

PERMIT STREAMLINING ACT DEADLINE:

N/A

OTHER PERTINENT INFORMATION:

1. Public Resources Code section 6313(a) provides: "The title to all abandoned shipwrecks and all archaeological sites and historic resources on or in the tide and submerged lands of California is vested in the state. All abandoned shipwrecks and all submerged archaeological sites and submerged historic resources of the state shall be in the custody and subject to the control of the commission for the benefit of the people of the state of California. The commission may transfer title, custody, or control to other state agencies or recognized scientific or educational organizations, institutions or individuals by appropriate legal conveyance."

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 6: Information Collection; Title 2, California Code of Regulations, section 2905(e)(3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 6, INFORMATION COLLECTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(e)(3).

2. AUTHORIZE THE EXECUTIVE OFFICER TO TAKE ALL STEPS NECESSARY TO ENTER INTO AND IMPLEMENT MEMORANDUMS OF UNDERSTANDING WITH THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY AND THE CHANNEL ISLANDS NATIONAL PARK AS DESCRIBED HEREIN FOR LONG-TERM, SHARED MANAGEMENT OF SUBMERGED ARCHAEOLOGICAL SITES AND SUBMERGED HISTORIC RESOURCES.

3. AUTHORIZE THE TRANSFER OF OWNERSHIP (TITLE) OF ARTIFACTS RECOVERED AS DESCRIBED HEREIN TO AN APPROPRIATE SCIENTIFIC OR EDUCATIONAL INSTITUTION FOR PUBLIC DISPLAY AND/OR RESEARCH, PROVIDED THE FAIR MARKET VALUE OF INDIVIDUAL ARTIFACTS DOES NOT EXCEED $2,500 AND THE COMBINED VALUE DOES NOT EXCEED $20,000.