

MINUTE ITEM

This Calendar Item No. C51 was approved as Minute Item No. 51 by the California State Lands Commission by a vote of 3 to 0 at its 10/20/03 meeting.

CALENDAR ITEM  
C51

A	1	10/20/03
S	2	PRC 7408
		P. Griggs

CONSIDER AUTHORIZING THE TRANSFER OF OWNERSHIP  
OF ARTIFACTS RECOVERED FROM THE 1850 *FROLIC* SHIPWRECK  
TO THE MENDOCINO COUNTY MUSEUM

**APPLICANT:**

Mendocino County Museum  
400 East Commercial Street  
Willits, CA 95490

**BACKGROUND:**

In 1850, the brig *Frolic*, carrying Chinese trade goods to Gold Rush San Francisco wrecked near Point Cabrillo, on what is now State sovereign land. Although Pomo Indians salvaged some of the cargo soon after the wreck, the incident was largely forgotten until sport divers rediscovered the wreck in the 1960s. As with many other shipwrecks, divers retrieved artifacts from the *Frolic* for many years before such wrecks became valued as important archeological sites. The *Frolic* is listed on the National Register of Historic Places.

In 1984, archeologist Tom Layton was investigating an abandoned Pomo Indian village when he unexpectedly found Chinese porcelain and cutting tools made from green bottle glass. Looking for the source of these items, Layton connected them to the *Frolic* shipwreck. He eventually earned the trust of divers who had visited the shipwreck and persuaded them to contribute their artifacts to the Mendocino County Museum. To further encourage the return of artifacts into public custody, staff recommends that the California State Lands Commission (Commission) not seek criminal prosecution or civil damages from the persons who, without permission, collected artifacts that have been returned and are included in this transfer.

The Mendocino County Museum accepted these artifacts but acknowledged that title to the artifacts remained with the California State Lands Commission. Additional artifacts were collected in the 1990s under authority of Permit PRC 7408 issued by the Commission to the California Department of Parks and Recreation. The Mendocino County Museum was selected as the repository for those artifacts, but title was not transferred.

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The Museum has formally requested that the Commission transfer ownership of the artifacts so that it can more effectively pursue funding to increase the collection's interpretive and research potential. The Museum has many *Frolic* artifacts on display in a special exhibit and actively assists archeologists and researchers studying the shipwreck and its artifacts.

The artifacts to be transferred include trade goods such as gold filigree jewelry, cooking and table wares, decorative items, sewing box pieces, pottery shards, navigation and ship equipment, guns, cannon, shell panes for a prefabricated house, and remnants of the ship itself. An inventory of the items is on file at the California State Lands Commission's Sacramento office. Most of the ship remnants have been photo-documented and the Museum plans to continue cataloging the trade artifacts and make them available to a wider audience via online access.

Staff recommends that title to the *Frolic* artifacts, which is vested in the State, pursuant to Public Resources Code section 6313(a), be transferred under authority of that section to the Mendocino County Museum. It is recommended that title be transferred consistent with best museum practice. The Museum has the expertise, facilities, and security to properly care for these artifacts.

The Museum will acknowledge and credit the Commission in any exhibits or publications showing these artifacts. Also, the Museum may not convey ownership of any artifact(s) that is the subject of this transfer without first obtaining the written consent of the Commission.

Furthermore, it is likely that additional *Frolic* artifacts are in private collections and would be offered to the Museum, except for fear of prosecution for illegally collecting them. The Commission strongly encourages private parties to donate artifacts from the *Frolic* to the Mendocino County Museum to avoid possible future consequences. Should additional artifacts be donated, staff will recommend that the Commission consider a future calendar item specifying that it will not seek criminal prosecution or civil damages from the persons who, without permission, collected the artifacts that are returned to public custody.

**STATUTORY AND OTHER REFERENCES:**

A. P.R.C. Division 6, Public Lands, Part 1, Section 6313; Division 13, Environmental Quality, Section 21065.

B. Cal. Code Regs. Title 2, Div. 3; Title 14, Div. 6., Section 15378(a).

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

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**OTHER PERTINENT INFORMATION:**

1. P.R.C. 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. The Mendocino County Museum is an established museum with a professional staff operated by Mendocino County. It actively interprets the *Frolic* shipwreck to the public and assists researchers studying the shipwreck.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 California Code of Regulations 15378), the staff has determined that this activity is exempt from the requirements of CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF CEQA PURSUANT TO 14 CALIFORNIA CODE OF REGULATIONS 15378 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE 21065 AND 14 CALIFORNIA CODE OF REGULATIONS 15378(a).
2. AUTHORIZE THE TRANSFER OF OWNERSHIP (TITLE) OF THE *FROLIC* ARTIFACTS TO THE MENDOCINO COUNTY MUSEUM FOR PERMANENT PUBLIC DISPLAY AND/OR RESEARCH.
3. NOT SEEK CRIMINAL PROSECUTION OR CIVIL DAMAGES FROM THE PERSONS WHO, WITHOUT PERMISSION, COLLECTED ARTIFACTS THAT HAVE BEEN RETURNED AND ARE INCLUDED IN THIS TRANSFER TO FURTHER ENCOURAGE THE RETURN OF ARTIFACTS INTO PUBLIC CUSTODY.