

MINUTE ITEM

4. APPLICATION FOR RENEWAL OF PERMIT TO SALVAGE ABANDONED SUBMARINE CABLE FROM STATE TIDE AND SUBMERGED LANDS ALONG THE CALIFORNIA COAST; L. MILLS BEAM - W.O. 4598, P.R.C. 2576.9.

After consideration of Calendar Item 19 attached, and upon motion duly made and unanimously carried, the following resolution was adopted:

THE EXECUTIVE OFFICER IS AUTHORIZED TO ISSUE A FIVE-YEAR RENEWAL OF A PERMIT DATED JANUARY 22, 1958, ISSUED BY THE DEPARTMENT OF FINANCE TO L. MILLS BEAM TO SALVAGE ABANDONED CABLE FROM STATE-OWNED TIDE AND SUBMERGED LANDS.

Attachment

Calendar Item 19 (1 page)

CALENDAR ITEM

19.

APPLICATION FOR RENEWAL OF PERMIT TO SALVAGE ABANDONED SUBMARINE CABLE FROM STATE TIDE AND SUBMERGED LANDS ALONG THE CALIFORNIA COAST; L. MILLS BEAM - W.O. 4598.

A permit was issued by the Director of Finance on January 22, 1958, for a five-year period to Mr. L. Mills Beam to salvage abandoned submarine cable located on State tide and submerged lands. Paragraph 4 thereof provided that the permit "...may be renewed at the option of the State upon good cause shown for an additional period of five (5) years." Mr. Beam has made application for renewal to the State Lands Division, which has succeeded the Department of Finance in the administration of salvage activity.

In view of the complexities involved in determining what cable may have been abandoned and the ownership thereof (which could be challenged because of the fact that much of the submerged land is under the jurisdiction of other entities), the Attorney General recommended that the original permit be issued subject to a disclaimer by the State of all knowledge of the ownership of the cable, and an agreement by the Permittee to indemnify and hold harmless the State of California from any damage or liability connected with the performance of salvage operations under the permit.

The opinion concluded further that a permit to salvage the submerged cable could be issued with the only consideration being the public interest in minimization of hazards to shipping and the facilitation of harbor defenses. This was the consideration for issuance of the permit. Furthermore, practically, the normally wide area over which abandoned cable is distributed should preclude any high concentration of salvage values.

Mr. Beam has obtained clearances from the Defense Services involved. The U. S. Corps of Engineers previously indicated that its office is without authority to grant permission to locate submarine cables which are the property of others, but that it will grant a permit to salvage if permission to remove cable is received from the owners.

The applicant asserts that activity to date has been confined to test operations when and where conditions permit.

IT IS RECOMMENDED THAT THE EXECUTIVE OFFICER BE AUTHORIZED TO ISSUE A FIVE-YEAR RENEWAL OF A PERMIT DATED JANUARY 22, 1958, ISSUED BY THE DEPARTMENT OF FINANCE TO L. MILLS BEAM TO SALVAGE ABANDONED CABLE FROM STATE-OWNED TIDE AND SUBMERGED LANDS.