

MINUTE ITEM
This Calendar Item No. C75
was approved as Minute item
No. 75 by the State Lands
Commission by a vote of 3
to 0 at its 4-20-00
meeting.

CALENDAR ITEM
C75

A 1
S 2

04/20/00
W 25513
P. Pelkofer

RENEWAL OF MARINE SALVAGE PERMIT

APPLICANT:

Deep Sea Research, Inc.
C/O Fletcher C. Alford, Esq.
Gordan & Rees
275 Battery Street, 20th Floor
San Francisco, CA 94111

AREA, LAND TYPE AND LOCATION:

The area is on State submerged land withing the Pacific Ocean approximately four nautical miles from Point St. George and Crescent City, Del Norte County, California. It is comprised of a circle with a radius of 5,200 feet and a center point at geographic coordinates 41.29N and 124.20 W and includes a 1,000 foot wide strip, the center of which is a straight line spanning the shortest distance between Jonathan Rock and the center of the above described circle.

LAND USE:

Permittee will conduct salvage operations on the *SS Brother Jonathan*, sunk in 1865 and resting on state submerged lands. Salvage operations will be conducted under the terms of the permit and in accord with the research design submitted by Deep Sea Research, Inc. as approved by the Commission.

TERM OF THE PROPOSED PERMIT:

One (1) year commencing June 17, 2000, and renewable for additional one year periods upon request of Deep Sea Research, Inc. with evidence of substantial compliance with the terms of the permit including due diligence in pursuit of recovery work.

CONSIDERATION:

Permittee and the State shall share the net recovery value as defined in the permit on a 80/20 % basis. The State shall retain ownership of all artifacts until division and any non-monetary artifacts will not be recovered without prior permission of the Commission's onboard representative.

CALENDAR PAGE **0000464**

MINUTE PAGE **8157**

CALENDAR ITEM NO. C75 (CONT'D)

BASIS FOR CONSIDERATION:

Pursuant to Public Resources Code Section 6309(I).

STATUTORY REFERENCES:

Public Resources Code Sections 6309, 6313 and 6414.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fees have been received.

PERMIT STREAMLINING ACT DEADLINE:

N/A

OTHER PERTINENT INFORMATION:

The permit to be issued is in furtherance of a stipulation filed with the United States District for the Northern District of California in the matter of *Deep Sea Research, Inc. v. the Brother Jonathan* (C 91 3889 LCB) and the subsequent judgment of the Court.

Deep Sea Research, Inc. (hereafter DSR) has been conducting salvage operations on the *Brother Jonathan* since 1995 as exclusive salvor under an order of the United States District Court for the Northern District of California. On site survey operations were conducted by American Underwater Search & Survey, Ltd. in September 1999 and a report of that survey has been provided to the Commission and the Federal Court. DSR has also filed a "Research Design for Continued Recovery of Trade Goods and Cultural Material from the Brother Jonathan" as a prerequisite to the renewal of this permit. DSR has substantially complied with all the terms and conditions of the current permit and is eligible for a one year renewal.

Operations authorized by this permit shall be conducted in compliance with all federal, state and local laws, rules and regulations and in strict conformity with the terms of the permit and the research design submitted by the permittee as approved by the Commission. Permittee acknowledges that the *Brother Jonathan* is eligible for listing on the National Register of Historic Places and understands the archaeological and historical significance of vessel and the site. All operations shall be conducted with due consideration of the *Brother Jonathan's* historical significance.

Pursuant to the Commission's delegation of authority and the State Clearinghouse Guidelines (14 Cal. Code Regs. 15025), the staff prepared a Negative Declaration identified as EIR ND 689, State Clearinghouse No. 1997-002009. Such

CALENDAR PAGE 0000465
MINUTE PAGE 8158

CALENDAR ITEM NO. C75 (CONT'D)

Negative Declaration was prepared and circulated for public review pursuant to the provisions of CEQA. Based upon the Initial Study, the Negative Declaration, and the comments received in response thereto, there is no substantial evidence that the project will have a significant effect on the environment. (14 Cal. Code Regs. 15074(b)). Staff believes that the conditions of the original permit and the proposed renewal are still properly covered under this Negative Declaration.

This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code Section 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

A. Location Map

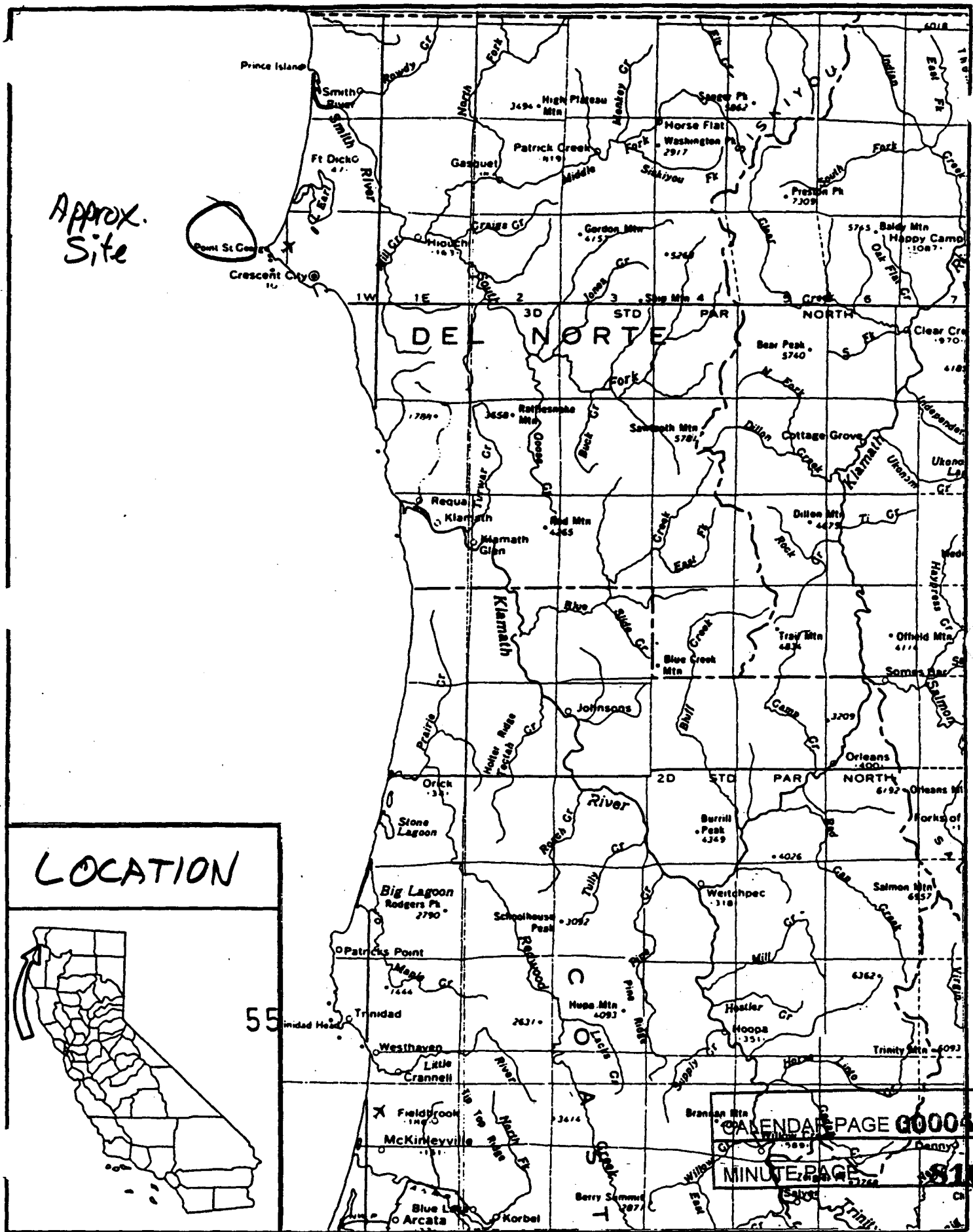
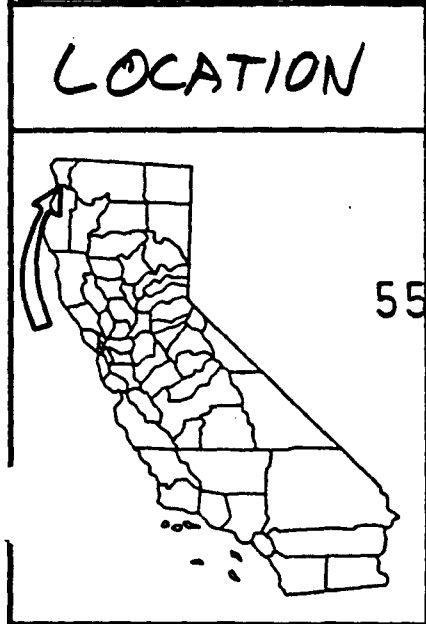
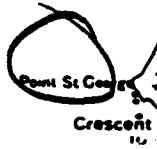
IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR ND 689, STATE CLEARINGHOUSE NO. 99022007, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF THE CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN, AND THAT THE CONDITIONS OF THE ORIGINAL PERMIT AND THE PROPOSED RENEWAL ARE STILL COVERED UNDER SAID NEGATIVE DECLARATION.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE 6370, ET SEQ.
3. AUTHORIZE THE RENEWAL TO DEEP SEA RESEARCH, INC., A ONE-YEAR SALVAGE PERMIT, COMMENCING ON JUNE 17, 2000, TO CONDUCT SALVAGE OPERATION ON THE SS *BROTHER JONATHAN*, UNDER THE TERMS AND CONDITION AS SET OUT IN THE DRAFT PERMIT ON FILE WITH THE COMMISSION AND IN ACCORD WITH THE RESEARCH DESIGN SUBMITTED BY DEEP SEA RESEARCH, INC.

CALENDAR PAGE **0000466**

MINUTE PAGE **8159**

APPROX. Site



CALENDAR PAGE 0000467
MINUTE PAGE 8160