

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 02-09-06 meeting.

CALENDAR ITEM  
C49

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S 28

02/09/06  
W 503.1906  
P. Griggs

CONSIDER RATIFICATION OF AMENDMENT  
CONCERNING DISPOSITION OF THE WALKING BEAM  
FROM THE SS *BROTHER JONATHAN*

**PARTY:** California State Lands Commission

**BACKGROUND:** A previous authorization provided for the walking beam to be conserved for interpretive use or placed at an underwater site accessible to sport divers near Crescent City (Calendar Item C34, June 02, 2003). Neither of these options was found to be prudent and feasible because of cost and liability issues.

As reported in the previous Calendar Item, the walking beam was a component of the historic SS *Brother Jonathan* steam engine that was accidentally removed from the *Brother Jonathan* wreck site during demobilization of a salvage vessel in 2000. Deep Sea Research, Inc., under permit from the Commission to conduct salvage of the *Brother Jonathan*, chartered the vessel *American Salvor* from Crowley Marine Services, Inc. to conduct its salvage operation. At the end of the operation, when the *American Salvor* tried to raise one of its anchors, a heavy, unidentified object was snagged. The ship's crane could not lift the combined weight of the anchor and the object out of the water. The *American Salvor* then returned to its home port of Long Beach with the anchor and object suspended from the vessel.

Upon arrival in Long Beach, a larger crane removed the object from the anchor and it was identified as the walking beam from the *Brother Jonathan*. Attempts to convince the salvage company to return the beam to the wreck site were not successful. Pursuant to Commission authorization, the Attorney General's Office filed the case entitled *State of California (State Lands Commission) v. Crowley Marine Services, Inc. et al., Del Norte County Superior Court No. CV UJ 01-1543* alleging violations of Public Resources Code section 6314 and negligence law for Crowley's unauthorized removal of the walking beam from the *Brother Jonathan* wreck site. The Commission and Crowley agreed to a settlement, with the Commission receiving \$27,000 in damages (Calendar Item C34, June 02, 2003).

CALENDAR ITEM NO. C49 (CONT'D)

After its recovery, the walking beam remained submerged in Long Beach harbor at a site leased by a private construction company, with the company's permission. The company has recently notified staff that they are moving and the beam must be moved off the site.

Commission staff investigated whether the beam could be conserved or returned to the sea floor, either at a site accessible to sport divers or at the wreck site. Initially we believed that the Del Norte County Historical Society in Crescent City could conserve the beam. The Historical Society has successfully conserved many of the small artifacts from the *Jonathan*. Because of the beam's weight, 11,500 pounds, and large size, about 22 feet by 12 feet, the cost to conserve it is estimated at well over \$100,000, and possibly several times that amount. The Historical Society declined to accept the beam because of the estimated cost.

Placing the beam at an underwater site for sport divers to enjoy was also examined. The beam has many jagged and sharp surfaces that pose a hazard to divers. A deeper site such as the *Jonathan* wreck site (250 feet) would be inaccessible to all but technical divers, and the beam could snag commercial fishing nets. When the beam was raised, it was covered with fishing nets, lines, and cables. Placement of the beam on the sea floor thus raised serious liability issues.

Commission staff contacted the Office of Historic Preservation (OHP) concerning the walking beam because the *Brother Jonathan* shipwreck site is listed on the National Register of Historic Places and the California Register of Historical Resources. Loss of the walking beam is considered an adverse effect on an historical resource. The OHP indicated that it concurs with Commission staff that there are no prudent and feasible measures that will eliminate this adverse effect.

To preserve information about the walking beam's size and construction details, an archeologist and civil engineer measured, documented, and photographed it. A report containing this information is available to researchers. Although this documentation does not eliminate the adverse effect, it helps mitigate its loss.

The company that has allowed the walking beam to remain on its premises offered to dispose of the walking beam at no cost to the Commission; however, funds are available if necessary from the Crowley settlement for disposal of the walking beam, and any remaining funds will be used to interpret the *Brother Jonathan*, including the walking beam, to the public. Staff will work to make the best use of these funds to develop materials that will increase public appreciation of the important role the *Brother Jonathan* played in California history and the human tragedy of her loss.

CALENDAR ITEM NO. C49 (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Public Resources Code section 5024.5 requires consultation with the State Historic Preservation Officer concerning actions that may affect state-owned historical resources.
2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code Section 21065 and Title 14, California Code of Regulations, Sections 15060(c)(3) and 15378.

**PERMIT STREAMLINING ACT DEADLINE:**

N/A (not a "development project" subject to the Act)

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(C)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**AUTHORIZATION:**

1. AMEND THE PRIOR AUTHORIZATION CONCERNING THE WALKING BEAM AND ALLOW IT TO BE DISPOSED.
2. AUTHORIZE THE \$27,000 SETTLEMENT TO BE USED TO PAY, IF NECESSARY, FOR DISPOSAL OF THE WALKING BEAM, AND FOR ANY REMAINING FUNDS TO BE USED TO INTERPRET THE BROTHER JONATHAN TO THE PUBLIC.