

MINUTE ITEM
This Calendar Item No. 46
was approved as Minute Item
No. 26 by the State Lands
Commission by a vote of 2
to 0 at its 4/23/87
meeting.

CALENDAR ITEM

A)
S) Statewide

46

04/23/87
W 23666
Lane
PRC 7074

AUTHORIZATION FOR EXECUTION OF
A MEMORANDUM OF UNDERSTANDING BETWEEN
STATE LANDS COMMISSION (SLC) AND
CALIFORNIA STATE HISTORICAL PRESERVATION OFFICE (SHPO)

APPLICANTS: State Lands Commission
1807 13th Street
Sacramento, California 95814
and
California State Historical
Preservation Office
P. O. Box 942896
Sacramento, California 94296-0001

Setting standards for offshore salvage projects affecting historical or potentially historical artifacts has been an evolving, complex process over the past several years. The issue has become more prevalent because of 1) advanced technology which allows the salvage of formerly "untouchable" sites; 2) increased public interest; and 3) the on-going controversy between archeologists and salvors. Shipwreck sites located in State waters contain potentially valuable historical and cultural resources that need to be carefully regulated to ensure their protection whenever a salvage retrieval project is proposed.

In 1986, Section 5020.4 of the P.R.C. was amended to authorize SHPO to adopt guidelines for the review of excavation and salvage permit applications for waters under SLC jurisdiction. Provision for recommendations by SHPO of permit terms to protect resources was enacted by the addition of Section 6313 to the P.R.C.

Therefore, stewardship of these interests is shared by SLC and SHPO. To establish procedures and coordinate review of projects before they generate conflict, the two agencies have agreed to develop criteria to regulate such salvage activities.

(ADDED 04/22/87)

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CALENDAR ITEM NO. 46 (CONT'D)

This will involve a Memorandum of Agreement to be executed by SLC, SHPO and salvage project proponents covering procedural requirements for salvage. This item requests Commission approval to enter into the attached Memorandum of Understanding with SHPO in order to accomplish that goal.

AB 834: N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBIT: A. Memorandum of Understanding

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. AUTHORIZE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN STATE LANDS COMMISSION AND CALIFORNIA STATE HISTORICAL PRESERVATION OFFICE WHICH DEFINES GUIDELINES FOR ENTERING INTO SUBSEQUENT MEMORANDUMS OF AGREEMENT IN SUBSTANTIALLY THE FORM ON FILE IN THE PRINCIPAL OFFICE OF THE COMMISSION SPECIFYING PROCEDURAL REQUIREMENTS WITH SALVAGE PROJECT PROPONENTS.

(ADDED 04/22/87)

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EXHIBIT "A"

MEMORANDUM OF UNDERSTANDING
between

California State Lands Commission (SLC)
and
the California State Historical Preservation Office (SHPO)

I. PURPOSE: To establish procedures and coordinate review of excavation and salvage projects pursuant to formal filing of applications with State Lands Commission for such activities on shipwreck sites over 50 years old. It is the intent of the MOU to effectively protect and regulate valuable historical resources which are potentially eligible for inclusion in the National Register of Historical Places and lies in or upon State sovereign lands.

II. AUTHORITY: Authority is contained in Public Resources Code, Division 5, Chapter 1, Article 2, Section 5020.4 and Section 5024.6 and Division 6, Part 1, Chapter 4, Article 1, Section 6309 and 6313.

III. CRITERIA: Adoption of procedures for review and concurrence by all parties precedent to implement of salvage projects will facilitate application processing. SLC and SHPO agree to develop a general Memorandum of Agreement (MOA) with allowance for modifications as necessary for each proposed project.

IV. RESPONSIBILITIES:

A. The SLC will act through its Executive Officer or an authorized designee. The SHPO will act through its State Historic Preservation Officer or an authorized designee.

B. SHPO shall adopt guidelines for the review of salvage applications and make recommendations to SLC. The two agencies will communicate with each other and each proponent to achieve concurrence on a proposal in accordance with regulations relative to salvage permits and SHPO's recommendations. The MOA shall be executed by SLC, SHPO and the applicant.

V. IMPLEMENTATION:

A. The MOA shall define stipulations regulating activities allowed by any salvage permit and shall be executed precedent to State Lands Commission action to grant or deny a project.

B. SLC shall notify SHPO within ten (10) days of receiving any applications filed for a salvage project. SHPO shall review and comment on the application project plan within thirty (30) days of receiving such information.

C. This memorandum of understanding is effective on the date of the last signature affixed below.

Kathryn Gualtieri
State Historic Preservation
Officer (SHPO)

Claire Dedrick
Executive Officer (SLC)

Date

Date