

MINUTE ITEM  
This Calendar Item No. 33  
was approved as Minute Item  
No. 33 by the State Lands  
Commission by a vote of 3  
to 0 at its 8/10/88  
meeting

CALENDAR ITEM

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08/10/88  
PRC 7108  
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APPROVAL OF AN EXTENSION SALVAGE PERMIT - PRC 7108

APPLICANT: Robert F. Marx  
dba Phoenician South Seas  
Treasures, Ltd.  
205 Orlando Blvd.  
Indiatlantic, Florida 32903

AREA, TYPE LAND AND LOCATION:  
A 20.0-acre parcel of ungranted tide and  
submerged land, located in the Pacific Ocean,  
Drake's Bay, Marin County.

LAND USE: Retrieval and salvage of a sunken vessel and  
the contents thereof.

TERMS OF EXISTING PERMIT:  
Initial period: One year beginning  
September 1, 1987.

Public liability insurance: Combined single  
limit coverage of \$500,000.

CONSIDERATION: \$500 land rental; and 25 percent of the net  
salvage value of \$25,000 or less, and  
50 percent of the net salvage value in excess  
of \$25,000.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2003.

STATUTORY AND OTHER REFERENCES:  
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.  
B. Cal. Adm. Code: Title 2, Div. 3; Title 14,  
Div. 6.

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AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. This project involves the potential retrieval and salvage of the remains and contents of the "San Agustin", a Manila Galleon purportedly sunk in Drake's Bay in 1595.

The Permittee is a well known underwater archaeologist who has many scientific underwater explorations and recoveries to his credit. His specialization is Naval and Maritime history with an emphasis on the Spanish Colonial period in the Caribbean and the Spanish Maritime trade between 1500-1800.

Terms of the Permit require the Applicant to provide the Commission with an acceptable archaeological recovery plan prior to recovery of any items. The plan must furnish a detailed description of recovery information and specific methods for conservation.

This permit is also subject to the terms and conditions of a Memorandum of Agreement between State Lands Commission, State Office of Historic Preservation, and the Permittee ensuring certain measures are carried out to protect the archeological resource. Permittee must also obtain all other required permits prior to commencement of operation.

2. On July 16, 1987, the State Lands Commission approved the issuance of Salvage Permit PRC 7108, to Robert Marx for a period of one year beginning September 1, 1987. Obtaining all of the necessary permits has taken longer than the Permittee had anticipated. Permittee has therefore not yet been able to proceed with the project as authorized by the Commission.

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Permittee expects to obtain all the necessary permits by September, to implement Phase 1 of the project, which will be to conduct a remote - sensing survey to locate the San Augustin. Since Permittee has paid the land rent required by PRC 7108, but has not been able to proceed with the project due to the time it has taken to obtain all necessary permits, staff is recommending that the salvage permit be extended for one year beginning September 1, 1988, with a waiver of the land rent during the period of extension. All other terms and conditions of the permit would remain in full force and effect.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15025), the staff prepared and circulated a Negative Declaration identified as EIR ND 411, State Clearinghouse No. 861104410 for the original permit. This Negative Declaration was circulated for public review pursuant to the provisions of CEQA and certified by the Commission. Staff believes that the conditions of the original permit and proposed extension are still properly covered under this Negative Declaration.
4. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. The project, as proposed, is consistent with its use classification.

**FURTHER APPROVALS REQUIRED:**

Gulf of the Farallones National Marine Sanctuary of NOAA's Marine and Estuarine Management Division, California Coastal Commission. (Notice of Intent to Issue Permit has been obtained from Coastal Commission; however, it is subject to fulfillment of special conditions.)

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EXHIBIT:           A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT A NEGATIVE DECLARATION, EIR NO 411, STATE CLEARINGHOUSE NO. 861104410, WAS PREPARED FOR THIS PROJECT PURSUANT TO THE PROVISIONS OF CEQA, THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN, AND THAT THE CONDITIONS OF THE ORIGINAL PERMIT AND PROPOSED EXTENSION ARE STILL PROPERLY COVERED UNDER SAID NEGATIVE DECLARATION.
  
2. AUTHORIZE ISSUANCE TO ROBERT F. MARX, DBA PHOENICIAN SOUTH SEAS TREASURES, LTD., OF A ONE-YEAR EXTENSION OF SALVAGE PERMIT PRC 7108 EFFECTIVE SEPTEMBER 1, 1988, AND A WAIVER OF THE LAND RENT IN THE AMOUNT OF \$500 DURING THE EXTENSION PERIOD; ALL OTHER TERMS AND CONDITIONS OF PERMIT PRC 7108 SHALL REMAIN IN FULL FORCE AND EFFECT.

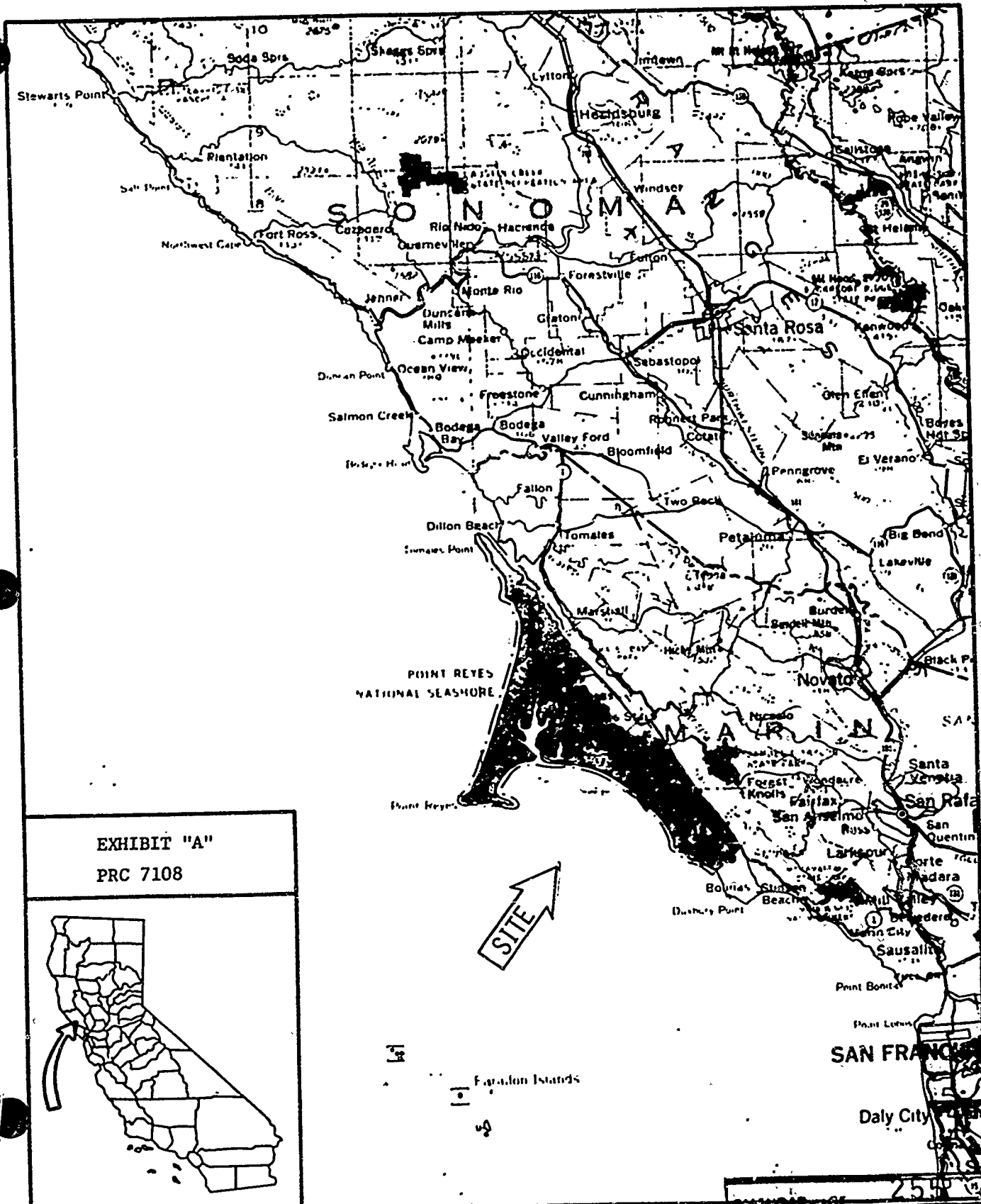


EXHIBIT "A"  
 PRC 7108

