

STAFF REPORT

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06/23/20

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A. Kershen

CONSIDER RESCINDING THE AUTHORIZATION TO TAKE TITLE TO AND REMOVE AND DISPOSE OF AN ABANDONED VESSEL; AUTHORIZE THE EXECUTIVE OFFICER IN COOPERATION WITH THE OFFICE OF THE ATTORNEY GENERAL TO BRING ANY APPROPRIATE CIVIL ACTION AGAINST THE REGISTERED OWNER OF THE VESSEL JEREL D. ELLIOTT, JR., AND ANY OTHER POTENTIALLY RESPONSIBLE PARTY, TO REMOVE AND DISPOSE OF ABANDONED VESSEL CF 5601 CK OR TO RECOUP COSTS RELATED TO ITS REMOVAL AND DISPOSAL; DIRECT STAFF TO SEEK FUNDS THAT CAN BE EXPENDED TO REMOVE AND DISPOSE OF VESSEL CF 5601 CK AND, IF SUCH FUNDS ARE FOUND AND THE EXECUTIVE OFFICER DETERMINES IT TO BE FINANCIALLY PRUDENT AND IN THE STATE'S BEST INTERESTS, TO CONTRACT FOR REMOVAL AND DISPOSAL OF THE VESSEL; ON SOVEREIGN LAND IN THE SACRAMENTO RIVER

PARTIES:

State Lands Commission

Jerel D. Elliott, Jr. (registered vessel owner and potential responsible party)

Sacramento County Sheriff, Marine Enforcement Detail

AREA, LAND TYPE, AND LOCATION:

State sovereign land in the Sacramento River, adjacent to Assessor Parcel Numbers 119-0230-042 and 119-0230-043, near Clarksburg, Sacramento County.

BACKGROUND:

At its April 29, 2020 public meeting, the Commission authorized staff to take title to and cause the removal and disposal of an abandoned vessel, CF 5601 CK, located on the left bank of the Sacramento River, near Clarksburg ([Item 68, April 29, 2020](#)). Pursuant to Public Resources Code section 6302.3, any staff action was delayed for 30 days until May 29, 2020. Staff had intended to take title to the vessel and release it to the Sacramento County Sheriff's Department, Marine Enforcement Detail, for removal and disposal, as described in the prior authorization.

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On May 10, 2020, Sheriff staff discovered that Vessel CF 5601 CK had sunk in place and become partially submerged. A sunken vessel is significantly more difficult and expensive to remove than a floating vessel. It may no longer be feasible to remove and dispose of the vessel as planned.

The Commission's April authorization gave staff discretion to take title to, remove, and dispose of Vessel CF 5601 CK. Based on the changed circumstances, staff no longer believes it to be in the State's best interests to take title to the vessel at this time. Rescinding the prior authorization will provide a public record of the Commission's decision. Staff will continue to work cooperatively with other interested parties to find a way to remove and dispose of the vessel.

OTHER PERTINENT INFORMATION:

1. The proposed action is a discretionary decision by the Commission. Each time the Commission approves or rejects a proposed activity on sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction, and specifically with Key Action 1.1.4 of the Commission's Strategic Plan to identify and abate hazards and associated liability on sovereign and school land.
3. Rescission of the previous authorization is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

4. Staff recommends that the Commission find that removal and disposal of abandoned vessel CF 5601 CK is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 14, section 15304.

STAFF REPORT NO. **58** (CONT'D)

EXHIBITS:

- A. Site and Location Map
- B. Photograph of Vessel

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

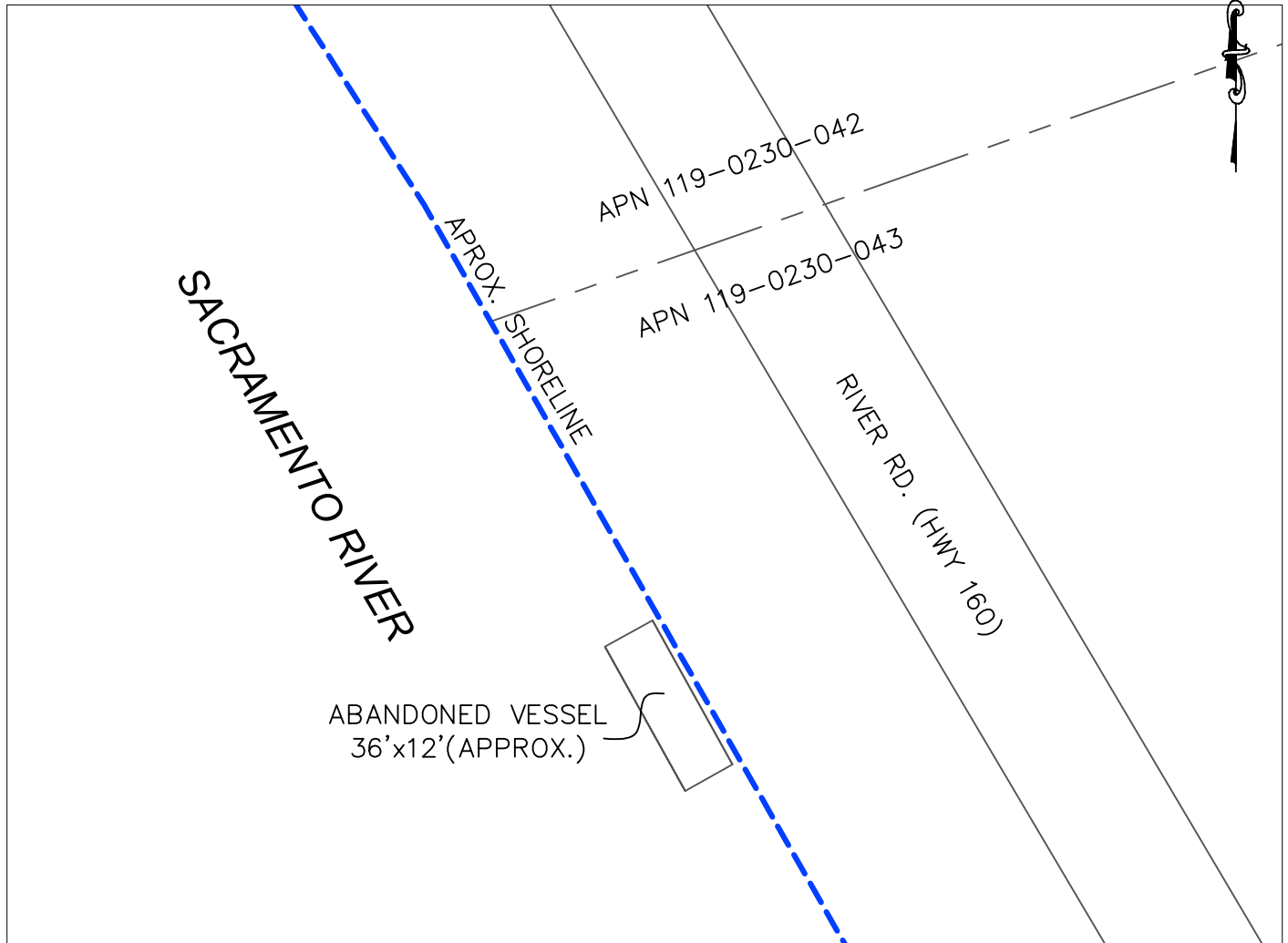
Find that removal and disposal of abandoned vessel CF 5601 CK is exempt from the requirements of CEQA pursuant to California Code of Regulations, title 14, section 15061 as a categorically exempt project, Class 4, Minor Alterations to Land; California Code of Regulations, title 14, section 15304.

AUTHORIZATION:

1. Rescind the previous authorization (Item 68 of the April 29, 2020 agenda) to take title to and cause the removal and disposal of an abandoned vessel, CF 5601 CK, authorized on April 29, 2020.
2. Authorize the Executive Officer, or her designee, in cooperation with the Office of the Attorney General, to bring any appropriate civil action against the registered owner of the vessel Jerel D. Elliott, Jr., and any other potentially responsible party, to remove and dispose of abandoned vessel CF 5601 CK or to recoup costs related to its removal and disposal.
3. Direct staff to seek funds within the Commission's authority or otherwise available that can be expended to remove and dispose of Vessel CF 5601 CK and, if such funds are found and the Executive Officer determines it to be financially prudent and in the State's best interests, to contract for removal and disposal.

NO SCALE

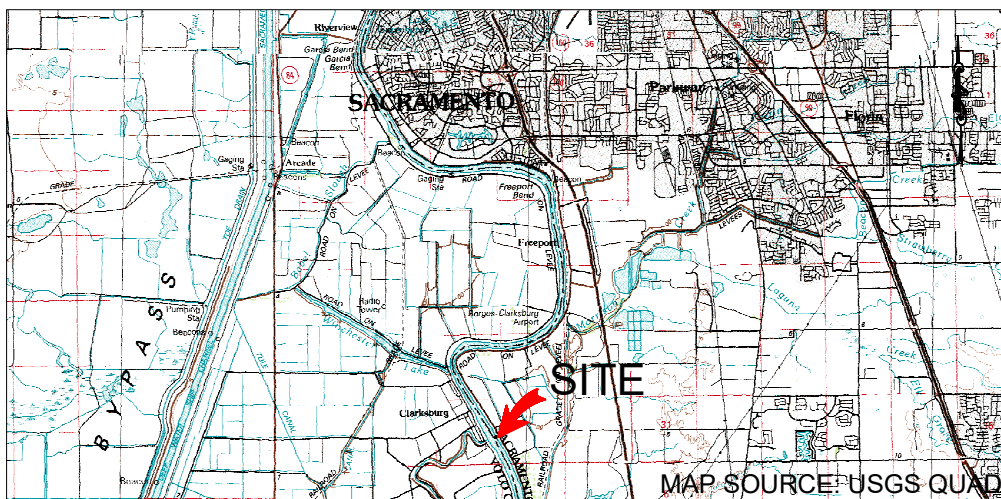
SITE



EAST BANK OF SACRAMENTO RIVER, NEAR CLARKSBURG

NO SCALE

LOCATION



THIS EXHIBIT IS SOLELY FOR PURPOSES OF GENERALLY DEFINING THE LEASE PREMISES, IS BASED ON UNVERIFIED INFORMATION PROVIDED BY THE LESSEE OR OTHER PARTIES AND IS NOT INTENDED TO BE, NOR SHALL IT BE CONSTRUED AS, A WAIVER OR LIMITATION OF ANY STATE INTEREST IN THE SUBJECT OR ANY OTHER PROPERTY.

EXHIBIT A

I 1752
APN 119-0230-042,-043
ABANDONED VESSEL
SACRAMENTO COUNTY





I 1752
EXHIBIT B

I 1752
EXHIBIT B

