

Staff Report 15

PARTIES:

Thomas Trost

City of Antioch

California State Lands Commission

PROPOSED ACTION:

Consider taking title to and authorizing the removal and disposal of an abandoned barge.

AREA, LAND TYPE, AND LOCATION:

Granted sovereign land in the San Joaquin River, Antioch, adjacent to 111 Fulton Shipyard Road, Antioch, Contra Costa County.

BACKGROUND:

For at least 10 years, a barge containing a house has been moored 100 feet from the southern shore of the San Joaquin River in the city of Antioch. The barge and house that it conveys belong to Thomas Trost. Mr. Trost owns an adjacent submerged land parcel (APN 066-020-002) and adjacent undeveloped upland parcel (APN 066-032-024). The barge has drifted over the years and is now located at least partly on public tide and submerged lands granted to the City of Antioch (City) pursuant to Chapter 1067, Statutes of 1989 (G 02-01; APN 066-020-009). The City holds these lands in trust for the people of California and must use the lands for Public Trust purposes, such as water-related commerce, navigation and fishing, and recreation and open-space. The grant conveys the State's legal title to the sovereign lands subject to certain terms and conditions and the common law Public Trust Doctrine.

The barge is approximately 30-feet wide and 60-feet long. It contains an old wood-framed home that was initially constructed on land and loaded onto the barge at an unknown location. Mr. Trost previously operated a business moving homes by barge throughout the Delta. The house is not connected to any utilities and, as such, is not habitable. It is also in a deteriorated state of disrepair. Despite the City's outreach to Mr. Trost, he has been unable or unwilling to move the barge or house from public land.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6302.1, 6302.3, and 6302.4.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

City staff believes that the barge and house present a significant public nuisance and an immediate threat to the health and safety of the City's residents. The barge is frequented by unhoused residents who boat or swim to the vessel and occupy the house. City staff is concerned with the potential for unlawful drug use and the difficulty of emergency response. Further, the poor condition of the house poses a physical threat to any visitors due to advanced deterioration and likelihood of collapse or fire. Finally, the barge presents visible blight at the primary entrance to the historic Rivertown area of Antioch.

Vessels that are not adequately maintained will eventually sink, impacting Public Trust resources and creating hazards to navigation in state waters. Residential use is generally not consistent with the Public Trust Doctrine because residential use is not water-related or dependent, it essentially privatizes public lands and resources, and significantly impairs public access. Liveaboard vessels also raise concerns with trash and sewage management and impacts to Public Trust resources. The unmaintained structure on the barge will eventually collapse, depositing debris into the San Joaquin River and public lands. Commission staff understands that no one presently permanently resides on the barge or in the unmaintained house.

The City will be able to finance the removal and disposal of the barge if the Commission first takes possession. If the house and barge are seaworthy, they would be towed to a marine salvage yard for demolition and disposal. If the house is not fit for transport, it will be demolished on the barge and removed prior to removal of the barge itself. The final methods would be determined by the marine salvage operator based on a study of conditions. If the Commission adopts the recommendation in this staff report, staff intends to transfer title to the City of

Antioch for disposal at no cost to the Commission. The cost of this removal would be covered by the City's General Fund or other local funding sources.

Staff tagged the barge and house on July 20, 2022, initiating a 30-day time period after which the vessel/barge will be abandoned property according to law. Once abandoned, the Commission may take title to the Barge and direct its disposition at a public meeting. Staff recommends that the Commission authorize staff to take title and immediately deliver title, control, and liability of the barge and its contents to the City. This will minimize liability to the Commission and the state and allow the City to remove or dispose of the barge as quickly as possible.

CONCLUSION:

For the reasons stated above, staff believes that taking title to the Barge, if it has not been removed from state waters within the statutory period, and directing its disposal, is consistent with the Public Trust and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. The recommended authorization is a discretionary action by the Commission. Each time the Commission approves or rejects an action on sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
2. The Commission has residual oversight authority over the City's granted lands and is responsible for ensuring that land is used in conformance with the California Constitution, granting statutes, and the Public Trust Doctrine. (Pub. Resources Code, § 6301.)
3. Commission staff posted notices on the barge on July 20, 2022, and mailed notices to all of Thomas Trost's known addresses on July 21, 2022, pursuant to Public Resources Code section 6302.1. Pursuant to Public Resources Code section 6302.3, an action regarding the disposition of a vessel must be delayed for 30 days following Commission decision to allow the owner to pursue any legal action or remedy. Staff recommends that authorization to take title be delayed until this period has passed to minimize the period of State ownership.
4. This action is consistent with the "Meeting Evolving Public Trust Needs," "Prioritizing Social, Economic, and Environmental Justice," and "Committing to Collaborative Leadership" Strategic Focus Areas of the Commission's 2021-2025 Strategic Plan.

5. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land, California Code of Regulations, title 2, section 2905, subdivision (d)(3), and Class 30, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances; California Code of Regulations, title 14, section 15330.

Authority: Public Resources Code section 21084 and California Code of Regulations, title 14, section 15300 and California Code of Regulations, title 2, section 2905.

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity 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 2905, subdivision (d)(3), and Class 30, Minor Actions to Prevent, Minimize, Stabilize, Mitigate or Eliminate the Release or Threat of Release of Hazardous Waste or Hazardous Substances; California Code of Regulations, title 14, section 15330.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed action will not substantially impair the public rights to navigation and fishing or substantially interfere with Public Trust needs and values at this location, at this time, and for the foreseeable future; is consistent with the common law Public Trust Doctrine; and is in the best interests of the State.

AUTHORIZATION:

1. Authorize the Executive Officer, or her designee, to take title to the barge on or after August 23, 2022, unless before that date the barge has been removed from and not returned to state lands.

2. Authorize the Executive Officer, or her designee, to transfer all of the Commission's right, title, and interest in the barge and its contents to the City of Antioch.
3. Authorize the Executive Officer or her designee, in cooperation with the Office of the Attorney General, to recoup the Commission's costs through any available administrative or civil means, if determined feasible and prudent.

NO SCALE

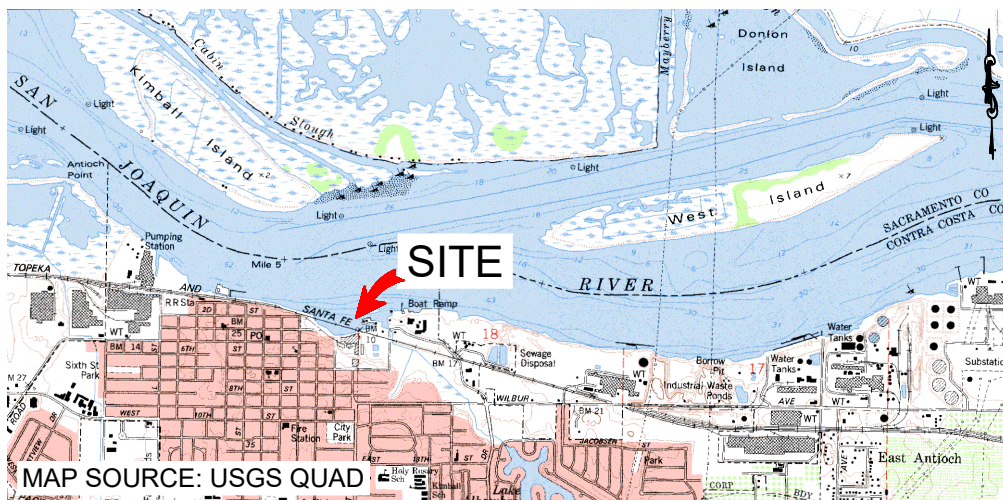
SITE



111 FULTON SHIPYARD ROAD, ANTIOCH

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

W 27250

APN 066-020-009

ABANDONED VESSEL
REMOVAL
CONTRA COSTA COUNTY



TS 07/11/2022