

Staff Report 64

PARTY:

California State Lands Commission

PROPOSED ACTION:

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

AREA, LAND TYPE, AND LOCATION:

Private submerged lands in Little Potato Slough, between Little Venice Island and Empire Tract, San Joaquin County (as shown in Figures 1 and 2, below).

Figure 1. Location

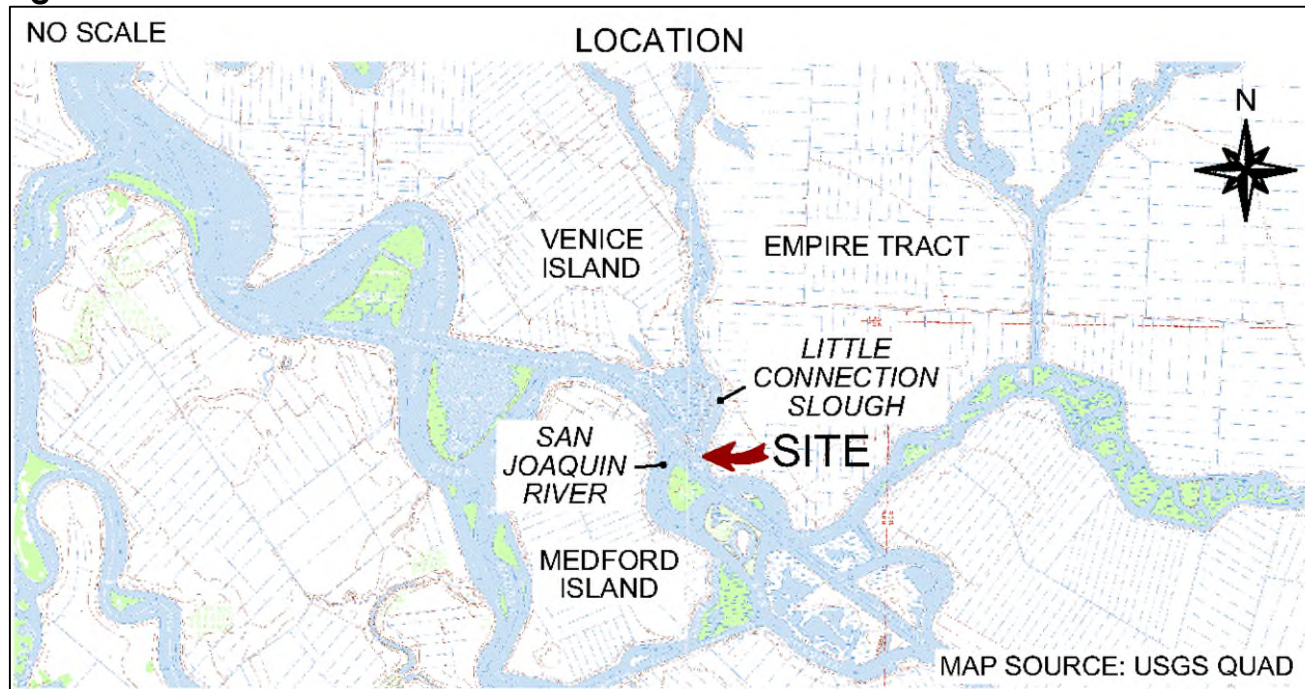
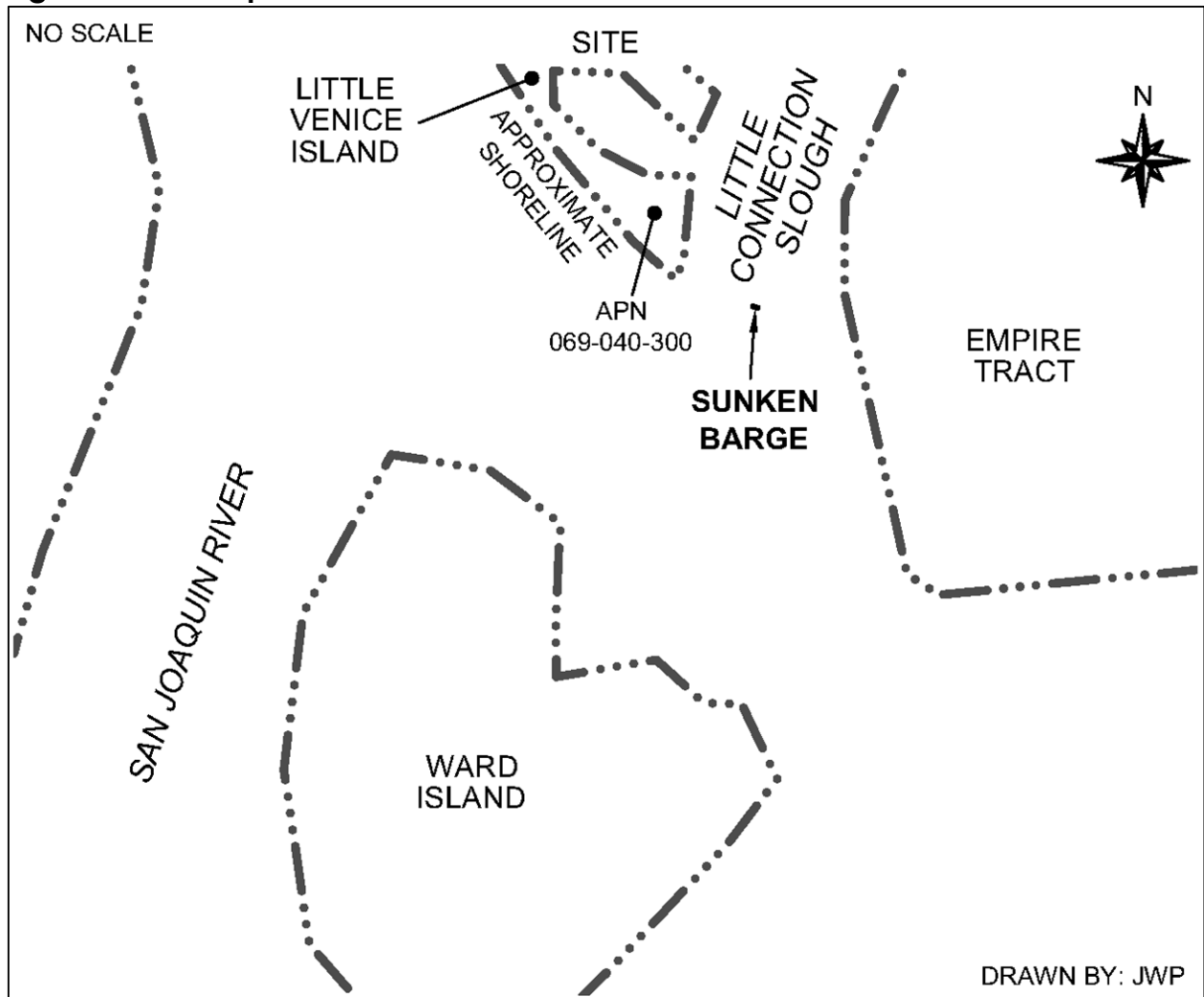


Figure 2. Site Map



BACKGROUND:

In February 2022, the Commission authorized staff to contract for studies that would help implement the Commission’s 2019 [Abandoned Commercial Vessel Removal Plan \(Item 49, February 25, 2022\)](#). Staff engaged an environmental services contractor to perform a survey of abandoned commercial vessels on waterways within the Sacramento-San Joaquin Delta. This survey is nearly complete, and staff have begun analyzing the data and prioritizing vessels for removal.

Staff’s initial analysis identified four commercial vessels in San Joaquin County as high priority because of the vessels’ location, condition, suspected or known pollutants, and hazards presented, among other factors. One of these four vessels is a sunk approximately 20-foot-by-40-foot steel barge. The barge is fully submerged

just below the water line at high tide. Staff of the San Joaquin County Sheriff's Office Marine Patrol Unit has reported that at least two recreational boats have collided with this hazard in the past year, causing one of the recreational boats to sink.

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:

Staff visited the vessel on July 18, 2024, for inspection and tagging. The barge is in poor condition sitting on shallow privately owned submerged lands. The hull is deteriorated with large holes. Staff did not observe any pollutants and does not believe the barge contains petroleum.

The barge was above water at low tide and presents a clear and immediate navigation hazard. At high tide, the barge is submerged in shallow water. A boater unaware of the barge would be snagged on protruding steel cleats and bars. Indeed, staff found that someone had placed an orange traffic-warning type cone on one of the protruding rods.

County tax records indicate that the owner of the submerged parcel (San Joaquin County APN 069-090-170) is Worrell Industries, Inc. Staff contacted Worrell Industries by certified mail in October 2023. Wendy Connolly responded that Worrell Industries is a defunct corporation with no assets that was formerly owned by her father. Her father passed away many years ago. Connolly did not claim the barge and recommended staff contact the barge owner.

Public Resources Code section 6302.1, subdivision (d), allows the Commission to use its abandonment and removal process on private waterways when requested to do so by a public agency with regulatory authority over the area. The San Joaquin Sheriff's Office requested by letter that the Commission exercise its authority to remove this abandoned vessel.

Staff posted physical notice of trespass on the vessel on July 18, 2024, by attaching a notice tag to a float tied to a cleat. The float will rise and fall with the tides, providing the required legal notice of abandonment and also a warning to boaters. The notice starts a 30-day period after which the vessel will be abandoned

according to law. (Pub. Resources Code § 6302.1). Once the vessel is abandoned, the Commission may take title to it and direct its disposition. Staff did not identify a vessel name or possible owner for this vessel. Therefore, notice by mail is not required. If a claimant comes forward, staff will work with the person to remove the vessel.

If authorized by the Commission and after all notice periods, staff will contract with one of its on-call vessel services contractors to assess the vessel and prepare a work plan and cost estimate for removal.

CONCLUSION:

Staff recommends that taking title to the vessel, 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 authorizations are discretionary actions 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.
2. Public Resources Code section 6302.3 requires that any action regarding the disposition of a vessel must be delayed by 30 days following Commission authorization. Staff recommends that the authorization to take title be delayed until this period has passed to minimize liability to the state.
3. 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.
4. 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, California Code of Regulations, title 14, section 15061, and California Code of Regulations, title 2, section 2905.

EXHIBIT:

A. Photographs of sunk steel barge

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 through the combination of the following exemptions: 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 an unnamed abandoned and sunk steel barge on or after September 30, 2024, unless before that date the vessel has been removed from state lands and not returned or has been moved to a permitted location.
2. Authorize the Executive Officer, or her designee, on or after September 30, 2024, to direct one or more of the Commission's on-call abandoned vessel services contractors to remove and dispose of the vessel taken by the Commission and all of its contents.

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.

EXHIBIT A

