

Meeting Date: 10/17/24
Work Order Number: 27250
Staff: A. Kershen
V. Caldwell
J. Bryant

Staff Report 53

PARTIES:

California State Lands Commission

Barge World, Inc.

Sean Faul

PROPOSED ACTION:

Consider taking title to and authorizing the removal and disposal of an unnamed floating barge, California registration number CF 3542 SX.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the original bed of the San Joaquin River, adjacent to Mandeville Tip County Park, San Joaquin County (as shown in Figures 1 and 2, below).

Figure 1. Location

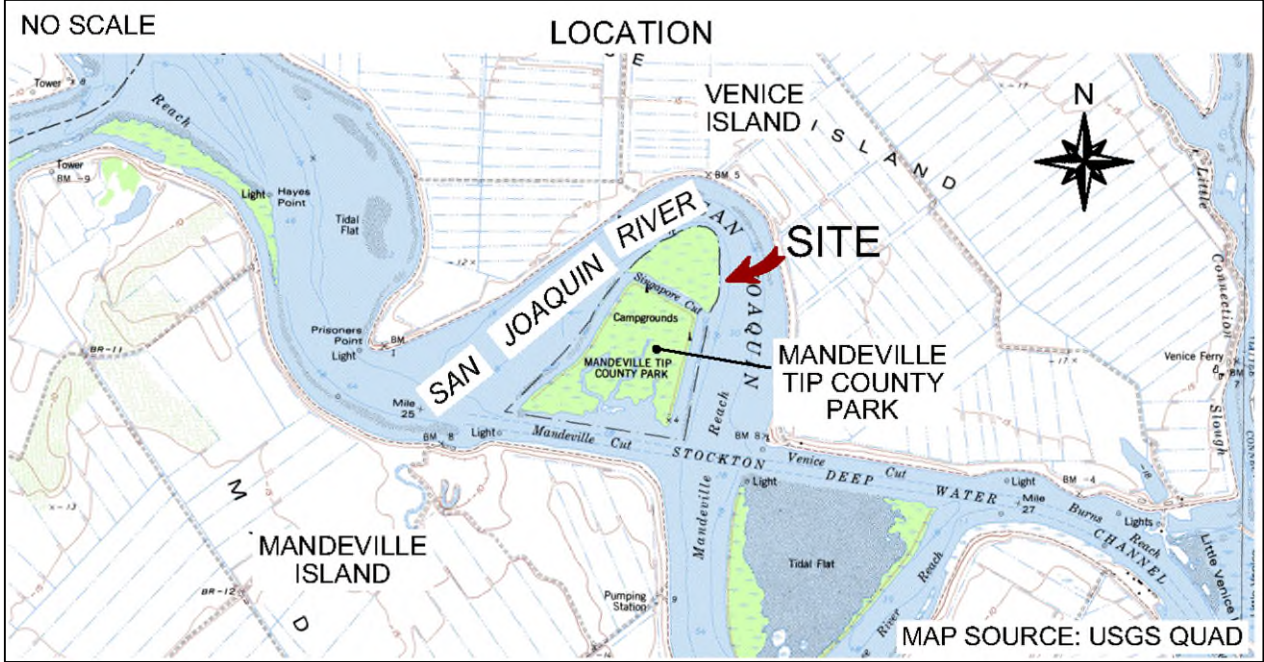
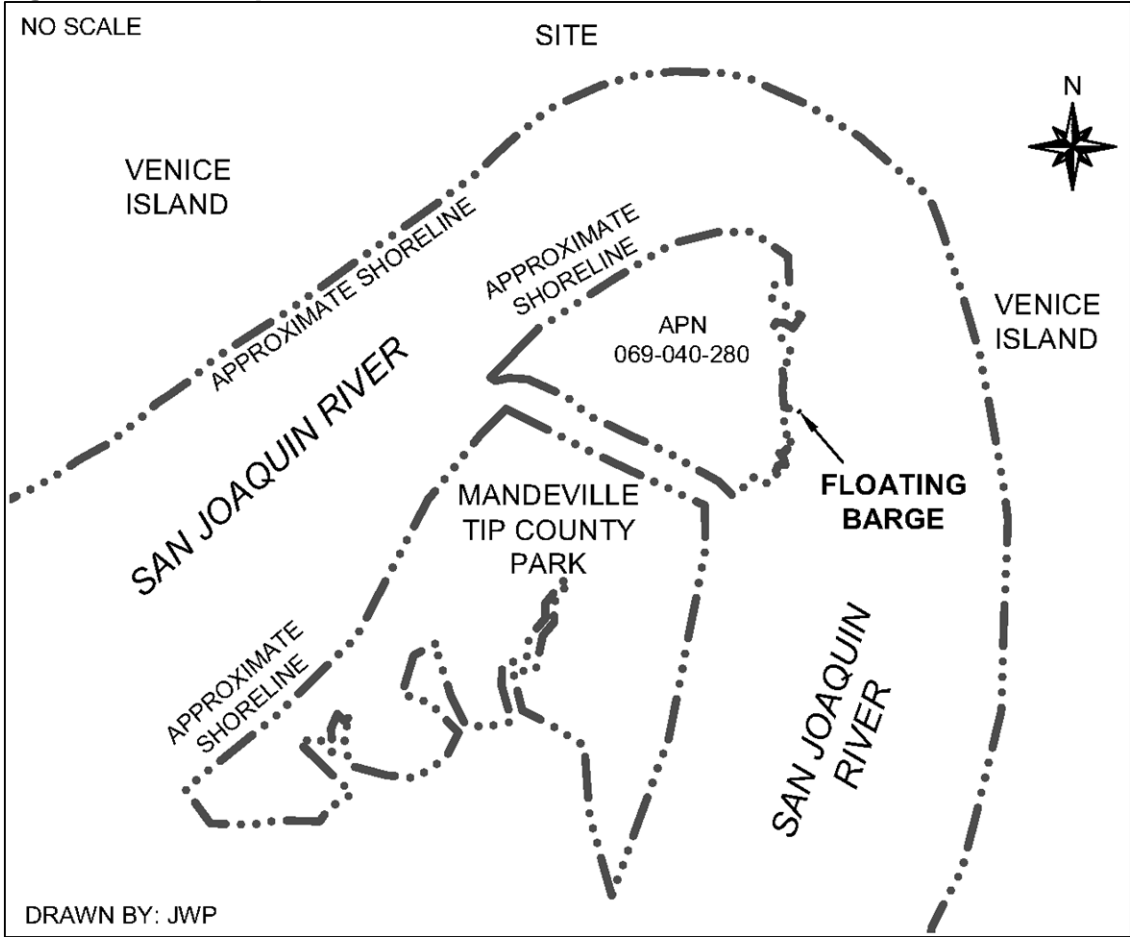


Figure 2. Site Map



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 an approximately 120-foot-long floating barge.

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 of the San Joaquin County Sheriff's Office Marine Patrol Unit asked Commission staff to consider disposing of this barge because it could be a navigational hazard, and it has a large amount of trash and hazardous materials on board. Sheriff staff reported that the barge had been in this location unattended for over a year. Barge World, Inc. is the registered owner of the vessel. Sheriff staff contacted Sean Faul, a possible owner of the vessel or officer of Barge World, in early July 2024.

Staff visited the vessel on July 18, 2024, for inspection and tagging. The barge is held in place by two "spud" shafts and floating, possibly partly aground. The hull appeared to be generally in good condition. The barge contains a large quantity of debris and household hazardous waste on board and in a small below-deck room. Staff found several engines, one battery, fire extinguishers, fuel cans, paints and chemicals, propane tanks, tools, lumber, commercial kitchen equipment, and household goods.

Staff's experience is that any unattended vessel will deteriorate and sink over time. A barge such as this presents a potential hazard and a potential attractive

nuisance to people seeking informal shelter or thieves and vandals. Further, it is far less expensive and hazardous to the environment to remove a floating vessel compared with a sunk vessel.

Staff posted physical notice of trespass on the vessel on July 18, 2024, starting 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 sent notice letters by certified mail to three addresses associated with Barge World, Inc., and Sean Faul on August 6, 2024, and again on August 26, 2024. 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. Staff will coordinate with staff of the California Department of Toxic Substances Control for disposal of household hazardous waste.

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 floating 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 though 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 abandoned floating barge, CF 3542 SX, on or after November 18, 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 November 18, 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

