

# Staff Report 58

## PARTIES:

California State Lands Commission

## PROPOSED ACTION:

Consider taking title to and authorizing the removal and disposal of the *Vaquero II*, U.S. Coast Guard Documentation Number 278560.

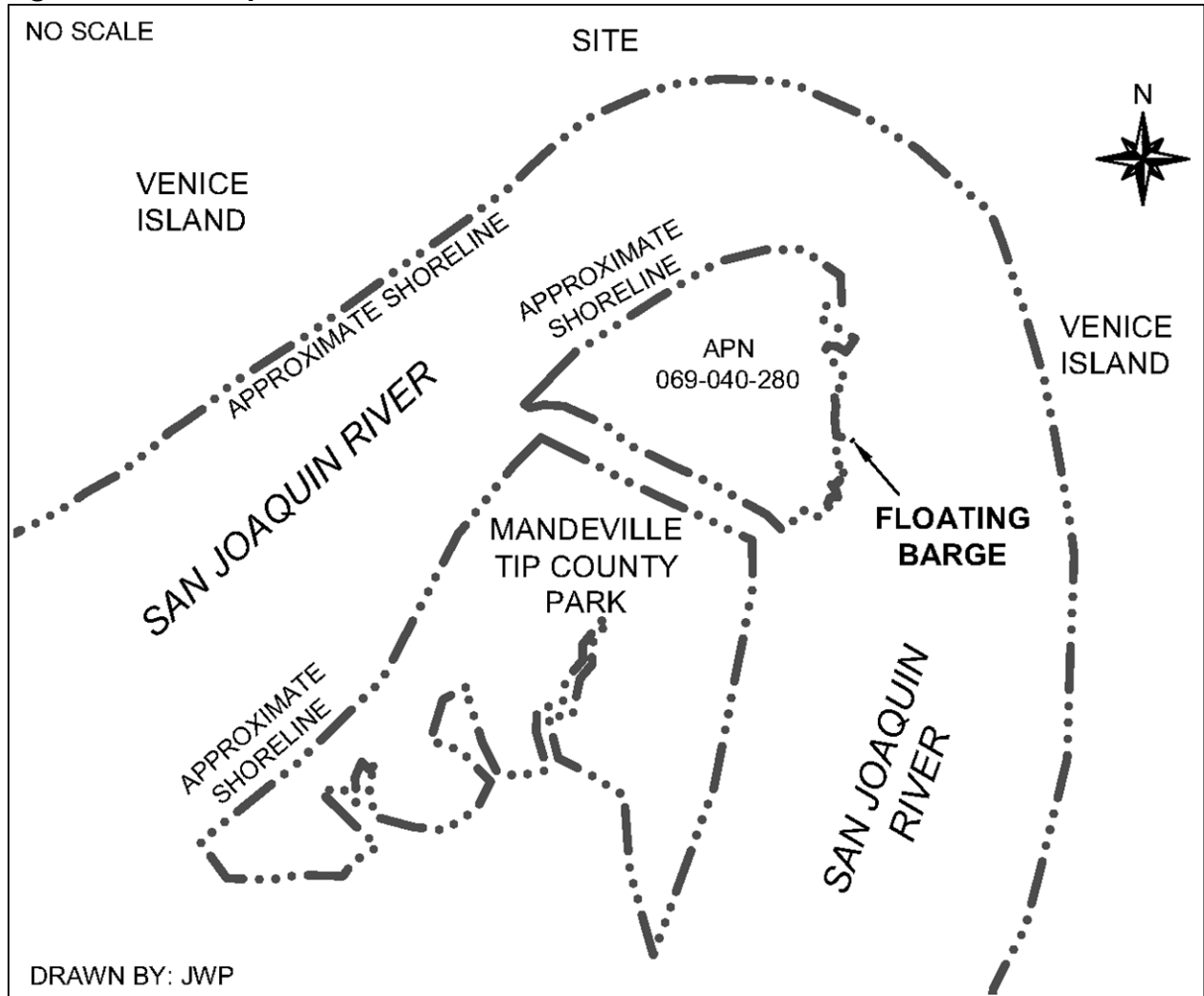
## AREA, LAND TYPE, AND LOCATION:

Sovereign land in Sandmound Slough, near Bethel Island, Contra Costa 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 complete, and staff have started analyzing the data and prioritizing vessels for removal.

Staff’s initial analysis identified several commercial vessels in Contra Costa County as high priority because of the vessels’ location, condition, suspected or known pollutants, and hazards presented, among other factors. One of these vessels is an approximately 65-foot-long wooden barge, the *Vaquero II*.

## **STAFF ANALYSIS AND RECOMMENDATION:**

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### **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 Contra Costa County Sheriff's Office Marine Patrol Unit asked Commission staff to consider this barge for removal, because it is highly visible and could be a navigation hazard. Staff visited the vessel on October 24, 2024, for inspection.

The *Vaquero II* is a former cattle barge that ran between Santa Barbara, Port Hueneme, and Santa Rosa Island from 1959 to 1999. The vessel then transferred among various owners, including an educational nonprofit. Eventually the *Vaquero II* was moved to the Delta region, neglected, and run aground. Present or recent ownership is unknown. The *Vaquero II* is not registered with the state of California. Its federal documentation has not been updated since 1999.

Today, the *Vaquero II* is grounded on an unnamed tule island near Emerald Point Marina, where it has been left unattended for at least three years. The vessel has been stripped of most components, with clear evidence of tampering and scavenging. The engine compartment is flooded. Staff observed a petroleum sheen on the water and reported the petroleum release to the California Office of Emergency Services. Staff believe that either the hull is compromised, or the engine compartment is flooded by tides. In either case, petroleum is likely to enter the surrounding environment and is an ongoing and unaddressed petroleum release.

Staff's experience is that any unattended vessel will deteriorate over time. When the vessel breaks apart, the navigation and environmental hazard increases. A barge such as this also presents potential hazard to people seeking informal shelter and has been a target for thieves and vandals.

Staff posted physical notice of trespass on the vessel on October 24, 2024, starting a 30-day period after which the vessel will be abandoned according to law. (Pub. Resources Code § 6302.1). If a claimant comes forward, staff will work with the person to remove the vessel. To date, no one has come forward to claim 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:**

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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 statutorily exempt project. The project is exempt because it involves a specific action necessary to prevent or mitigate an emergency.

Authority: Public Resources Code section 21080, subdivision (b)(4) and California Code of Regulations, title 14, section 15269, subdivision (c).

**EXHIBIT:**

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- A. Photographs of *Vaquero II*

## **RECOMMENDED ACTION:**

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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 statutorily exempt project pursuant to Public Resources Code section 21080, subdivision (b)(4) and California Code of Regulations, title 14, section 15269, subdivision (c), specific actions necessary to prevent or mitigate an emergency.

### **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 wooden barge, *Vaquero II*, on or after January 16, 2025, 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 January 16, 2025, 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

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