

# Staff Report 45

## PARTY:

---

California State Lands Commission

## PROPOSED ACTION:

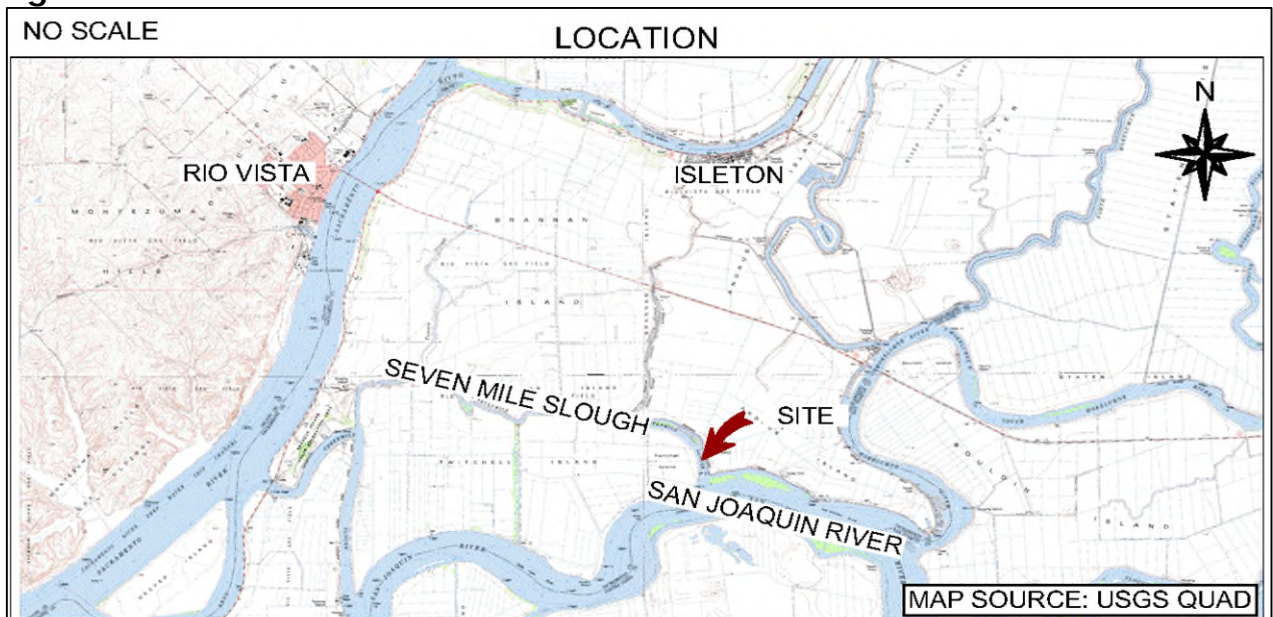
---

Consider taking title to and authorizing the removal and disposal of crane barge *BD-245*, crane barge *Peanut*, and an unnamed sunk work barge and associated debris; and entering into an agreement with the California Department of Parks and Recreation for the temporary use of state park land.

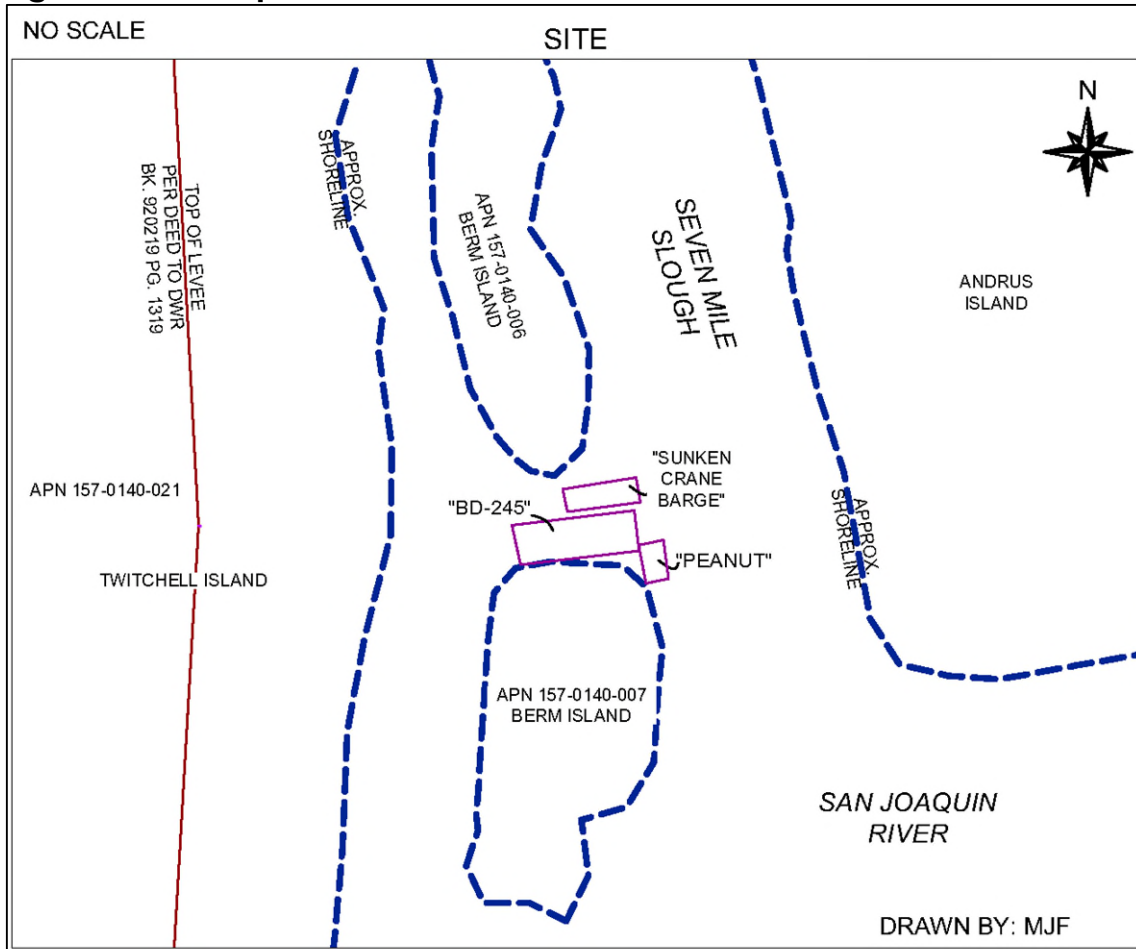
## AREA, LAND TYPE, AND LOCATION:

Sovereign land in Sevenmile Slough, Sacramento 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 survey abandoned commercial vessels on waterways within the Sacramento-San Joaquin Delta. This survey is complete, and staff have begun analyzing the data and prioritizing vessels for removal.

One of the highest priority sites is the “Skarry” site in Sevenmile Slough, which contains the remains of a former commercial operation. In 2013, the Commission required Michael Skarry, the former owner, to properly maintain or dispose of his property ([Item 93, February 22, 2013](#)). Mr. Skarry died in 2019 without disposing of his vessels and machinery, which included at least two crane barges, two tugboats, and smaller work and recreational vessels.

After Mr. Skarry's death, a task force that included the U.S. EPA, U.S. Coast Guard, the Commission, the Department of Fish and Wildlife, Department of Toxic Substances Control, and the Sacramento County Sheriff's office, attempted to find resources to abate the Skarry debris, but was unsuccessful. Although the vessels and debris remain, the Department of Toxic Substances Control did remove and dispose of a substantial volume of hazardous waste, the U.S. Coast Guard removed recoverable petroleum product, and the U.S. EPA prepared a hazardous materials survey and removal work plan.

In 2021, the Commission authorized staff to remove and dispose of two tugboats at the Skarry site, the *Valiant* and *Standard No. 2* ([Item 31, October 21, 2021](#)). This was timely because the *Valiant* had drifted into the San Joaquin River channel, requiring emergency contracting by the Commission. In September 2022, the Commission removed the *Standard No. 2*. The other Skarry debris, including two crane barges, remains in place near the mouth of Sevenmile Slough on the San Joaquin River.

## **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:**

The Skarry debris is a long-standing, high-profile cluster of abandoned vessels and debris. At least three vessels are sunk in place: the 120-foot crane barge *BD-245*, the 40-foot crane barge *Peanut*, and a sunk 60-80-foot work barge. Several other small vessels or debris may be sunk at the same location.

This cluster of abandoned vessels is highly visible and known to attract scavengers and vandals. The site is a common dumping ground for other derelict vessels. Deputies from the Sacramento County Sheriff's Marine Patrol Unit observed an oil sheen emitting from the location in December 2024. Although the U.S. Coast Guard has attempted to remove pollutants, residual fuel, oil, and lubricants remain in the machinery, and there is a strong possibility that not all fuel or oil tanks have been discovered or examined.

This debris has been abandoned in the water for many years. The vessels will continue to deteriorate over time, and the submerged barge poses a navigation

threat. On January 24, 2025, staff posted a trespass notice on the vessel, starting a 30-day period after which the vessel will be abandoned according to law. (Pub. Resources Code § 6302.1.) There is no known living owner or claimant for the debris. If a claimant comes forward, staff will work with the person to remove the vessels.

The Commission's contractor has proposed using a paved parking lot and shoreline at Brannan Island State Recreation Area for staging and demolition. The Recreation Area is near the Skarry site and has direct access to a waterway, unlike the high-leveed tracts nearby. Using the site would minimize the distance the debris must be towed before it can be removed from the water. Not only will this reduce time and cost of the operation, but it will reduce the potential for the marine debris to break down or release contaminants as it is removed. Staff intends to collaborate with the California Department of Parks and Recreation on a right of entry permit for the short-term use of this property.

**CONCLUSION:**

Staff believes that taking title to the vessels and debris, if they have not been removed from state waters within the 30-day statutory period, and facilitating their disposal is consistent with the common law Public Trust Doctrine 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 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 statutorily exempt because it involves a specific action necessary to prevent or mitigate an emergency.

Authority: Public Resources Code section 21084, and California Code of Regulations, title 14, section 15061 and section 15269, subdivision (c).

## **EXHIBIT:**

---

A. Photograph of Skarry debris site.

## **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 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 several abandoned vessels, known as the Skarry debris, including crane barge *BD-245*, crane barge *Peanut*, and an unnamed sunk work barge, on or after April 2, 2025, unless before that date the debris 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 April 2, 2025, to direct one or more of the Commission's on-call abandoned vessel services contractors to remove and dispose of the debris taken by the Commission and all of their contents.

3. Authorize the Executive Officer, or her designee, to enter into an agreement with the California Department of Parks and Recreation for the temporary use of state park land.
4. 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

---



*Peanut* on the left; *BD-245* on the right. The sunk barge is to the right of *BD-245*.