

Staff Report 46

PARTIES:

Claus von Wendel

California State Lands Commission

PROPOSED ACTION:

Consider taking title to and authorizing the removal and disposal of three abandoned vessels owned or controlled by Claus von Wendel.

AREA, LAND TYPE, AND LOCATION:

Sovereign land in Mayberry Slough, near Donlon Island, Sacramento County (as shown in Figures 1 and 2, below).

Figure 1. Location

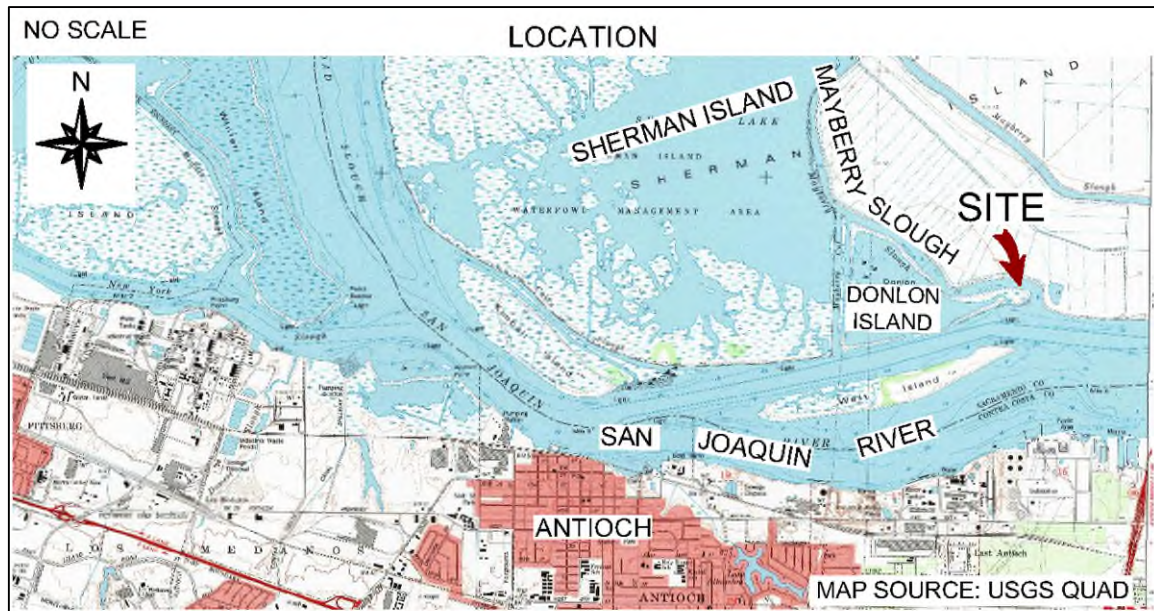
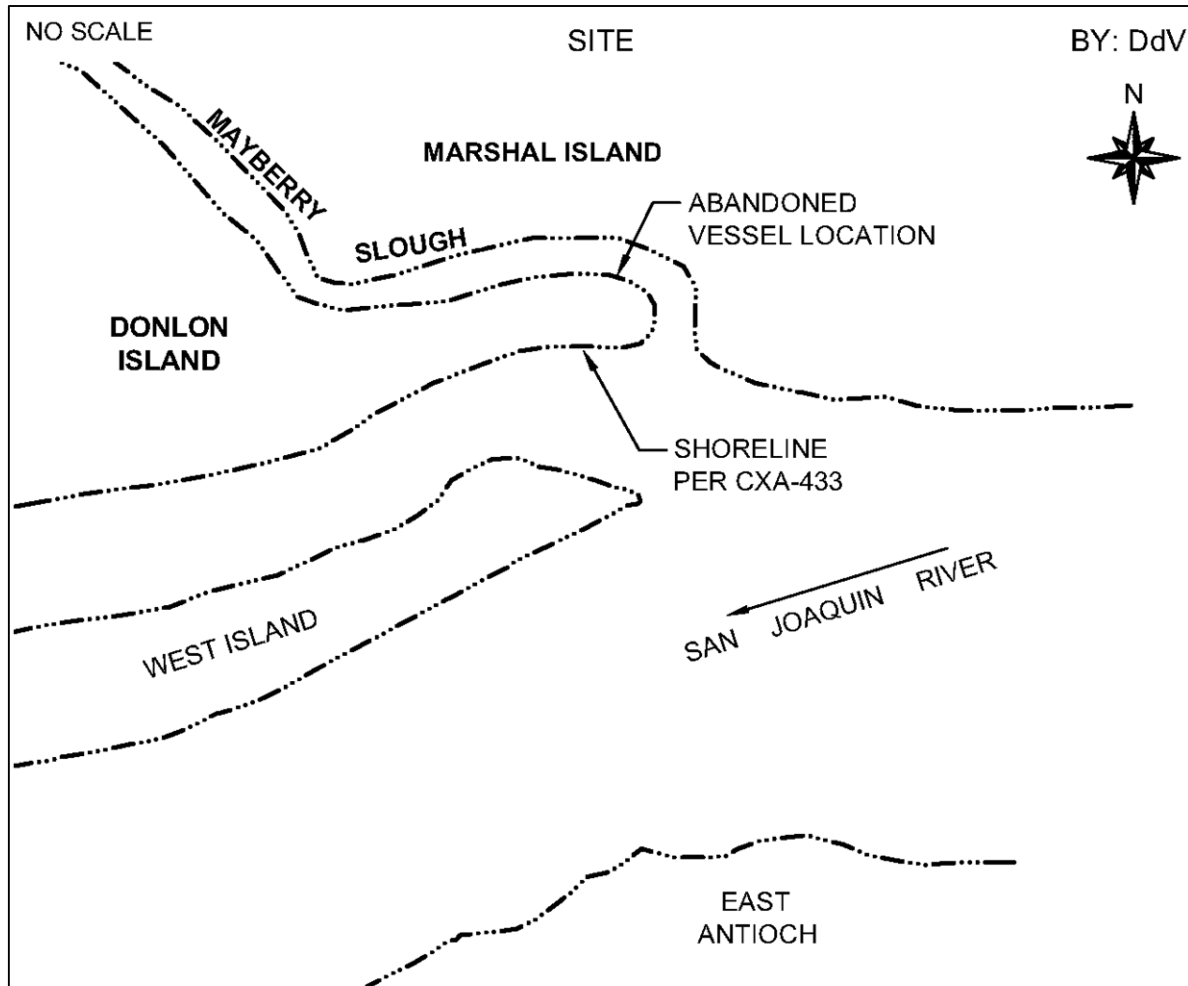


Figure 2. Site Map



BACKGROUND:

Claus von Wendel has maintained a substantial unauthorized presence in Mayberry Slough for more than 10 years. Von Wendel owns a portion of the upland on Donlon Island (sometimes spelled Donlan Island) but has illegally moored large commercial and recreational vessels, barges, and docks in the Slough.

In 2011, the Commission authorized staff and the Office of the Attorney General to take action against von Wendel ([Item 71, September 1, 2011](#)). Despite this authorization, staff and partner agencies could not find a feasible way to dispose of von Wendel’s property or to compel von Wendel to remove his property. State, federal, and local agencies have kept in contact with Mr. von Wendel and encouraged him to dispose of unused vessels and equipment voluntarily. Those efforts have been unsuccessful.

In August 2023, the Commission authorized staff to remove and dispose of one of von Wendel's vessels, the *Bosco Baby*, USCG No. 653963, an approximately 50-foot-long fishing vessel. This action resulted in von Wendel temporarily relocating the *Bosco Baby* to a marina. The marina refused to allow the vessel to remain, and von Wendel has since returned the *Bosco Baby* to state sovereign lands.

Several other commercial or military vessels are on site, including a sunk crane barge and six to eight former military LASH (Lighter Aboard Ship) barges, one of which is burnt and one or more of which are sunk.

Following staff's completed survey of Delta commercial abandoned vessels, staff has determined that the von Wendel compound is a high priority because of its significant threats to public health and the environment. Staff now recommends disposing of the *Bosco Baby*, the sunk crane barge, and the burned LASH barge. Von Wendel lives in trailers on two or three LASH barges, and staff does not recommend taking his only known shelter at this time.

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:

Commission staff and other state, local, and federal agencies have expended substantial resources attempting to abate the von Wendel compound and to prevent additional environmental harm. Staff most recently visited Mayberry Slough on January 24, 2025. Von Wendel was present and stated that he is attempting to sell the *Bosco Baby*. Von Wendel did not object to disposing of the crane barge or the burned LASH barge.

Staff affixed tags to the three vessels, starting a 30-day time period after which the vessels will be abandoned according to law. Once abandoned, the Commission may take title to the vessel and direct its disposition at a public meeting.

Staff recommends that, if the vessels are not removed from state lands or to a permitted location, the Commission authorize staff to take title and to direct one of its on-call contractors to assess the vessel, prepare a workplan, and remove and demolish it and its contents. To minimize liability for the Commission and state, staff

proposes not taking title to the vessels until a contractor is prepared to perform the work.

CONCLUSION:

Staff believes that taking title to the vessels, if they have not been removed from state waters within the statutory period, and directing their 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. Public Resources Code section 6302.3 requires that any action regarding the disposition of a vessel must be delayed by 30 days following Commission action. Staff recommends that the authorization to take title be delayed until this period has passed to minimize the period of state ownership.
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 Regulation, title 14, section 15269, subdivision (c).

EXHIBIT:

- A. Photos of the von Wendel compound in Mayberry Slough

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 the *Bosco Baby*, a sunk crane barge, and a burned LASH barge, on or after May 2, 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 May 2, 2025, to direct one of the Commission's on-call abandoned vessel services contractors to remove and dispose of the vessel.
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



Sunk crane barge in foreground; *Bosco Baby* on right. Two LASH barges and other vessels pictured, not to be removed at this time.



The burned remains of a LASH barge, with derelict RV.