

**CALENDAR ITEM
C71**

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Pelkofer

**CONSIDER AUTHORIZATION FOR STAFF AND THE OFFICE OF THE ATTORNEY
GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO
CAUSE THE REMOVAL OF BARGES, BOATS, A SUNKEN CRANE, AND OTHER
FLOATING OBJECTS ILLEGALLY OCCUPYING STATE LAND IN MAYBERRY
SLOUGH AT DONLAN ISLAND, SACRAMENTO COUNTY**

PARTIES:

State Lands Commission

Claus Wilhelm Von Wendel

Donald D. Ratts

AREA, LAND TYPE, AND LOCATION:

State sovereign tidelands and submerged lands in Mayberry Slough, adjacent to Donlan Island, in Sacramento County.

BACKGROUND INFORMATION:

Mr. Claus Wilhelm Von Wendel has moored, without permission, in Mayberry Slough, four LASH (Lighter Aboard Ships-30 x 60 feet) barges. Two of the barges have triple-wide pre-fabricated buildings on them in which he resides. An additional LASH barge, which is partially burned, contains a motor home. Tied to the barges is a 47 foot work boat, registered to Mr. Von Wendel as the BOSCO BABY. Adjacent to the barges is a large sunken crane and numerous small boats. The upland property is owned by Mr. Donald Ratts, who is a number of years delinquent in his property taxes. After considerable effort staff located Mr. Ratts in Coeur D' Alene, Idaho. In a phone conversation he admitted that he was aware of Mr. Von Wendel's presence in Mayberry Slough and that he owned some of the vessels at that location. Mr. Ratts was sent a trespass letter, but has not responded.

Staff's investigation involved obtaining information on both Mr. Von Wendel and Mr. Ratts from the Sacramento County Sheriff's marine patrol, who originally requested the investigation. Additionally the Solano County Marine Patrol provided a site visit and the Contra Costa County Sheriff's Marine Unit stated that

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they had several encounters with Mr. Von Wendel while he was within their jurisdiction. Mr. Von Wendel did respond to a letter from the Commission staff and also spoke with staff on the phone. He indicated he wanted to cooperate, but had limited resources and has not moved any of the trespassing vessels. Staff observed Mr. Von Wendel on the vessels and he admits to living there. There is no evidence of services to the vessels and the upland, which is swamp, has no utility or sanitary services and he is likely polluting Mayberry Slough.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration of Land. Title 2, California Code of Regulations, section 2905 (d) (3).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905

2. This activity involves lands identified as possessing significant environmental value pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061. As a categorically exempt project, Class 4, Minor Alteration of Land; Title 2, California Code of Regulations, section 2905 (d) (3). Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

SIGNIFICANT LANDS INVENTORY FINDING:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

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AUTHORIZATION:

Authorize the staff and/or the Office of the Attorney General to take all steps necessary, including litigation, to cause the removal of barges, boats, a sunken crane, and other floating objects illegally occupying state land in Mayberry Slough at Donlan Island, Sacramento County and to recover any costs and damages.