

**CALENDAR ITEM  
C108**

A 15  
S 5

03/29/12  
W 26534  
P. Pelkofer  
V. Caldwell

**CONSIDER AUTHORIZATION FOR STAFF AND/OR THE OFFICE OF THE  
ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING  
EJECTMENT AND LITIGATION, TO CAUSE THE REMOVAL OF TWO VESSELS  
ILLEGALLY OCCUPYING STATE LAND IN THE OLD RIVER AT BEAVER ISLAND,  
CONTRA COSTA COUNTY**

**PARTIES:**

California State Lands Commission

Alvin M. Oga

**AREA, LAND TYPE, AND LOCATION:**

State sovereign tidelands and submerged lands in the Old River, adjacent to Beaver Island, Contra Costa County.

**BACKGROUND:**

Mr. Alvin Oga is the owner of two vessels, a derelict wooden vessel, reputed to be the former *USS Advance* 173-foot mine sweeper built for the Navy in 1955 and a 70-foot steel recreational vessel known as the *Steel Toy* documented as U.S. Coast Guard number 682667. Both vessels are illegally moored on State sovereign land adjacent to Beaver Island. Beaver Island is an 8.5 acre parcel of land located in Old River in Contra Costa County. Assessor's records indicate it is owned by Beaver Island LLC, which the Secretary of State's records indicate is owned by Mr. Oga.

The Contra Costa County Sheriff's Marine Patrol cited Mr. Oga on a number of occasions and also placed trespass notices on the vessels. Mr. Oga was represented by an attorney, Ms. Julie Rogers, in one transaction in which the Sheriff sought removal of both vessels. Staff contacted Ms. Rogers, who acknowledged that she "sometimes" represents Mr. Oga, but does not represent him at this time. A number of letters were sent to Mr. Oga at four different addresses advising him of the trespass and requesting he remove the vessels. A letter was also sent to Ms. Rogers requesting she forward it to Mr. Oga. No response was received from either Mr. Oga or Ms. Rogers. Sheriff officers state that the *Steel Toy* is without power or sanitary facilities, and the mine sweeper is disintegrating.

CALENDAR ITEM NO. **C108** (CONT'D)

**OTHER PERTINENT INFORMATION:**

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit 14, § 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 to land; California Code of regulations, Title 2, section 2905, subdivision (d)(3).

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

2. This activity involves lands identified as possessing significant environmental value pursuant to Public Resources Code section 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 the 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 California Code of Regulations, Title 14, section 15061, as a categorically exempt project, Class 4, Minor Alteration of Land; California Code of Regulations, Title 2, section 2905, subdivision (d) (3).

**SIGNIFICANT LANDS INVENTORY FINDING:**

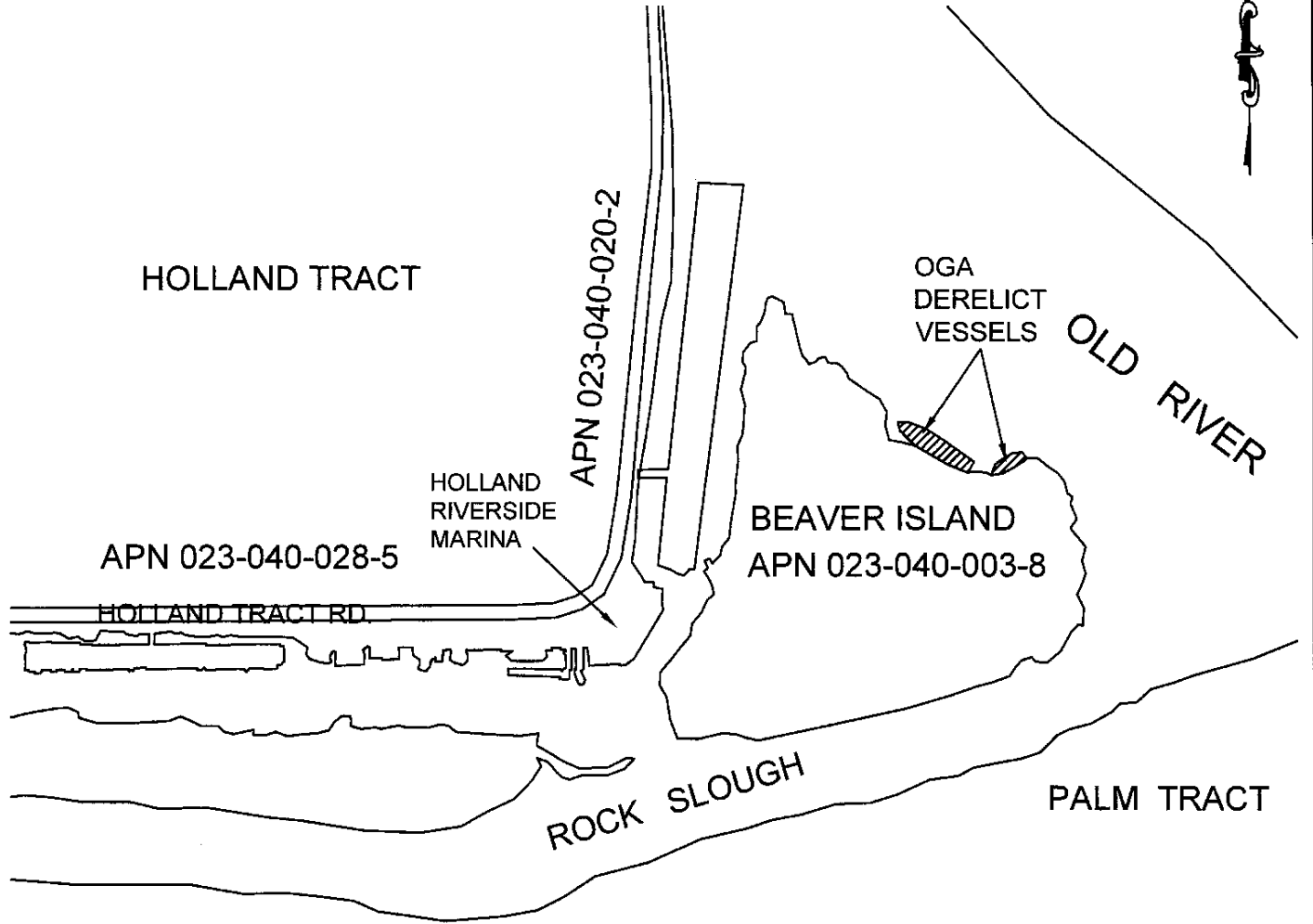
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370, et seq.

**AUTHORIZATION:**

Authorize the staff and the Office of the Attorney General to take all steps necessary, including ejectment and litigation, to cause the removal of the two vessels illegally occupying State land in the Old River adjacent to Beaver Island, Contra Costa County and to recover any costs and damages.

NO SCALE

**SITE**



**OLD RIVER AT BEAVER ISLAND, CONTRA COSTA COUNTY**

NO SCALE

**LOCATION**



MAP SOURCE: USGS QUAD

**Exhibit A**

W 26534  
 ALVIN M. OGA  
 APNs 023-040-003-8,  
 023-040-028-5 & 023-040-020-2  
 TRESPASS / LITIGATION  
 CONTRA COSTA COUNTY



TS 03/07/12

This Exhibit is solely for purposes of generally defining the premises and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.