

**CALENDAR ITEM
C93**

A 9

02/22/13

503.2054

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J. Frey

CONSIDER AUTHORIZATION FOR STAFF OF THE CALIFORNIA STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION TO CAUSE COMPLIANCE WITH THE COMMISSION'S LEASING AUTHORITY; AND TO PROHIBIT UNAUTHORIZED MOORING OF VESSELS ON STATE SOVEREIGN LAND IN THE SAN JOAQUIN RIVER AND SEVEN MILE SLOUGH; AND TO REMOVE ABANDONED BARGES AND CRANES, AT THE CONFLUENCE OF THE SAN JOAQUIN RIVER AND SEVEN MILE SLOUGH, SACRAMENTO COUNTY

PARTY:

Michael Skarry

AREA, LAND TYPE, AND LOCATION:

Sovereign land at the confluence of the San Joaquin River and Seven Mile Slough near the town of Isleton, Sacramento County.

AUTHORIZED USES:

None

PRESENT SITUATION:

Mr. Skarry is the owner of two floating cranes and barges tied to pilings driven into sovereign lands at the confluence of the San Joaquin River and Seven Mile Slough, Sacramento County. The barges holding the cranes have been tied up there for an extensive period of time without any authorization from the State Lands Commission.

On November 8, 2012, the Commission's staff received a telephone call from a member of the public alerting staff that one of the cranes was partially submerged and that the other was continuously pumping water to keep it afloat. This was confirmed by a staff inspection on November 9, 2012. A photo taken on January 9, 2013 shows the partially submerged barge sunk deeper into the river. In their present state, the cranes present an imminent hazard to navigation because of several marinas located in Seven Mile Slough. Additionally, the partially sunken barge presents a threat of pollution because of the presence of fuels used by the cranes in their operation.

CALENDAR ITEM NO. C93 (CONT'D)

By letter dated November 13, 2012, Mr. Skarry was asked to remove the cranes from sovereign lands or apply for a lease by November 25, 2012. To date, there has been no response from Mr. Skarry. Consequently, staff believes it is in the best interest of the State to bring an action for trespass, ejectment, and recovery of damages from Mr. Skarry.

OTHER PERTINENT INFORMATION:

1. The United States Coast Guard was notified of the condition of the cranes.
2. The staff recommends that the Commission find that the subject authorization to take legal action does not have a potential for resulting in either a direct or a reasonable foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA)

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the subject authorization to take legal action is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

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 staff of the State Lands Commission and the Office of the Attorney General to take all steps necessary, including litigation, to cause compliance with the Commission's leasing authority and to remove the barges and cranes from submerged lands at the confluence of the San Joaquin River and Seven Mile Slough, Sacramento County; and to recover the Commission's damages and costs.

EXHIBIT A

503.2054

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Seven Mile Slough, lying adjacent to that parcel of land as described in that Grant Deed recorded in Book 920219, Page 1319, Sacramento County Records, State of California and more particularly described as follows:

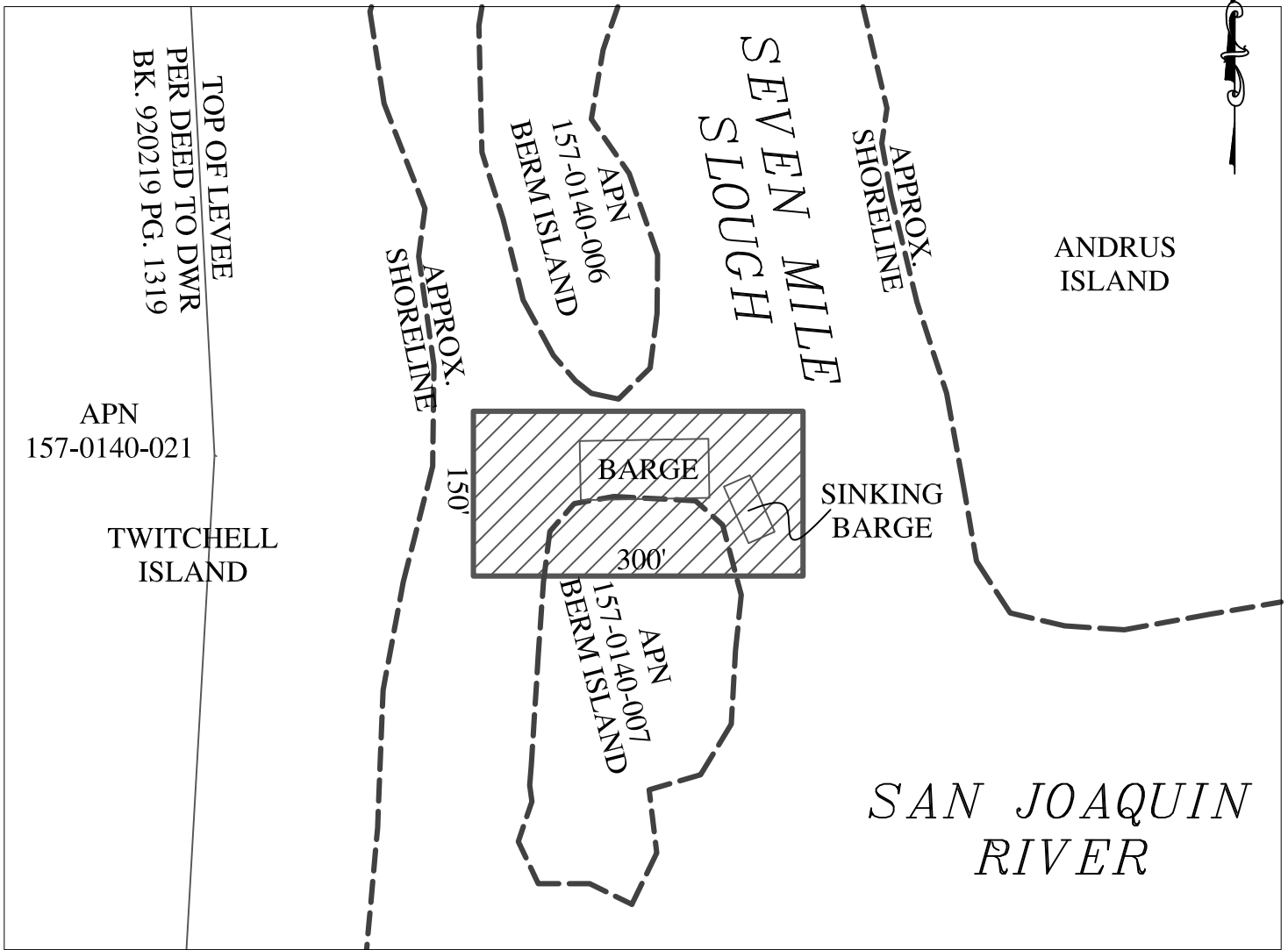
COMMENCING at the southerly terminus of that course South 03°00'00" East 594.00 feet [9.00 chains] of said deed; thence South 65°00'00" East 260.00 feet to the POINT OF BEGINNING; thence North 150.00 feet; thence East 300.00 feet; thence South 150.00 feet; thence West 300.00 feet to the POINT OF BEGINNING.

END OF DESCRIPTION

PREPARED 11/20/12 BY THE CALIFORNIA STATE LANDS COMMISSION BOUNDARY UNIT

NOT TO SCALE

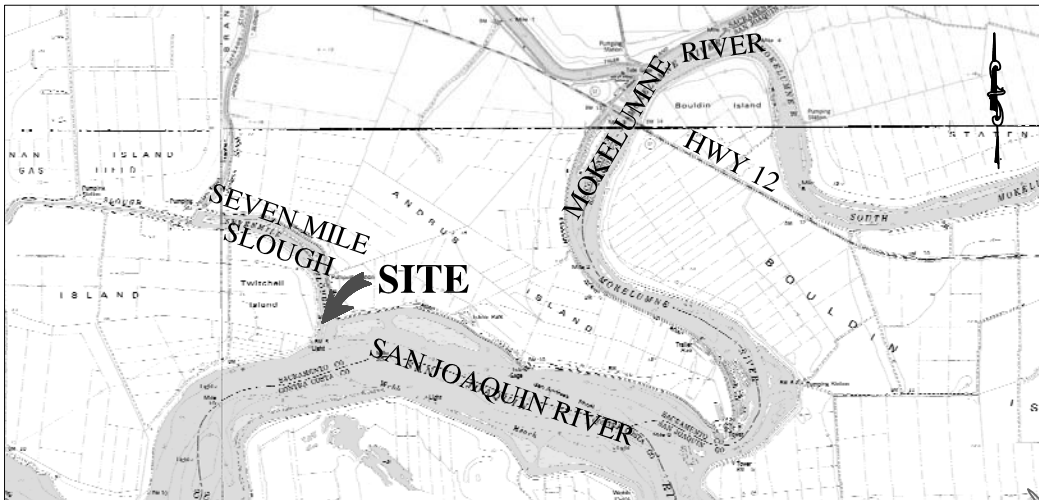
SITE



SEVEN MILE SLOUGH - ADJACENT TO TWITCHELL ISLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

503.2054
REMOVAL OF
DERELICT VESSELS
SACRAMENTO CO.



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties 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.