

**CALENDAR ITEM
C111**

A 14
S 9

12/02/13
W 26728
P. Pelkofer

**CONSIDER AUTHORIZATION FOR THE STAFF OF THE CALIFORNIA STATE
LANDS COMMISSION TO REMOVE AND DISPOSE OF A DERELICT VESSEL, THE
POLARIS (USCG # 511032),
ILLEGALLY OCCUPYING STATE LANDS IN
SAN PABLO BAY, OFFSHORE OF LONE TREE POINT,
CITY OF RODEO, CONTRA COSTA COUNTY**

PARTY:

California State Lands Commission (Commission)

AREA, LAND TYPE, AND LOCATION:

State sovereign tidelands and submerged lands in the San Pablo Bay, Contra Costa County, California.

BACKGROUND:

The *Polaris* (USCG#511032) is a 69-foot steel tug boat that ran aground on the rocks at Lone Tree Point near the City of Rodeo in Contra Costa County on the night of April 14, 2013. The U.S Coast Guard, (USCG) Rio Vista Station, responded, but the owner, Larry Speer, declined assistance and remained on board. The boat is located within the East Bay Regional Park District (District). The District's marine officer issued a notice to remove it, but Mr. Speer did not comply.

After weeks of negotiation between the original owner, subsequent owners, the District, the USCG, Commission staff, and potential salvors, the vessel was cleared of fuel and moved off the rocks to a nearby marina. Efforts to repair the vessel were undertaken, but ultimately abandoned; and the vessel sank. The vessel now constitutes a public nuisance. The USCG has removed any remaining petroleum products from the vessel and California Department of Resources Recycling and Recovery (CalRecycle) has agreed to fund its removal. CalRecycle and the Contra Costa County Sheriff's Marine Patrol have requested the Commission exercise it's authority to remove the derelict vessel under Public Resources Code (PRC) section 6302.1. Under PRC section 6302.1, the Commission may take action to remove a vessel that constitutes a public nuisance. As stated above, the *Polaris* is abandoned and constitutes a public

CALENDAR ITEM NO. **C111** (CONT'D)

nuisance. The Commission now has the authority to conduct a hearing under the provisions of section 6302.3 and “may cause the property to be sold, destroyed or otherwise disposed on in any matter it determines is expedient or convenient.” This action by the Commission will provide the legal basis for removal of the vessel, which will be carried out by CalRecycle with the cooperation of Commission staff and the Contra Costa County Sheriff.

Staff recommends the Commission authorize staff to remove and dispose of the *Polaris* in cooperation with CalRecycle and the Contra Costa County Sheriff's Marine Patrol.

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that this activity is exempt from the requirements of California Environmental Quality Act (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.

EXHIBITS:

- A. Location Map
- B. Picture of the *Polaris*

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 to Land; California Code of Regulations, Title 2, section 2905, subdivision (d)(3).

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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 Commission staff to remove and dispose of the *Polaris* in cooperation with CalRecycle and the Contra Costa County Sheriff's Marine Patrol.

NO SCALE

SITE

TIDELAND SURVEY 58

SUNKEN/ABANDONED
VESSEL
"POLARIS"

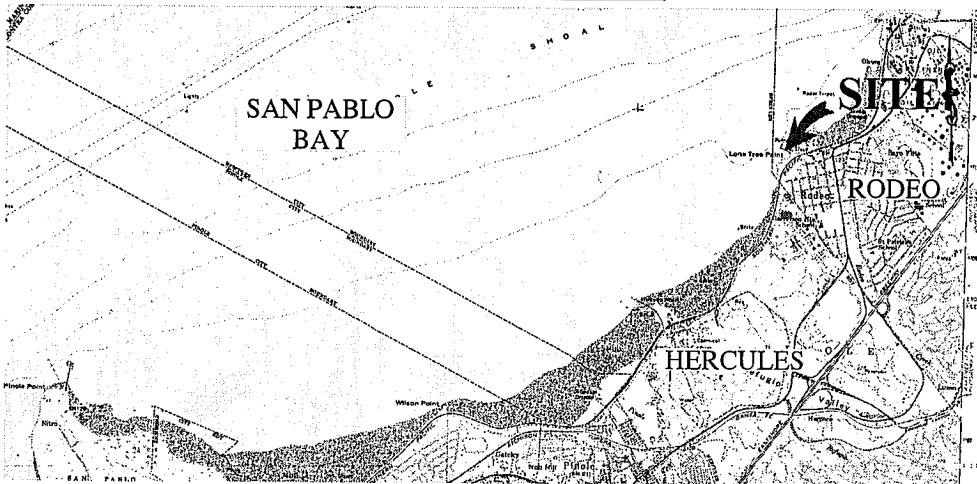
APPROX.
SHORELINE

APN
357-020-010-9

SAN PABLO BAY, RODEO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26728
APN 357-020-010-9
TRESPASS
CONTRA COSTA COUNTY



SITE

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.



EXHIBIT B