

**CALENDAR ITEM
C112**

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S 9

12/02/13
W 26701
P. Pelkofer

**CONSIDER AUTHORIZATION FOR STAFF OF THE STATE LANDS COMMISSION
TO DISPOSE OF VESSELS ILLEGALLY OCCUPYING STATE GRANTED LANDS
WHICH WERE IMPOUNDED DURING THE CLEANUP OF THE OAKLAND/
ALAMEDA ESTUARY, A JOINT PROJECT OF THE CITY OF OAKLAND, CITY OF
ALAMEDA, CALRECYCLE, AND THE COMMISSION**

PARTY:

California State Lands Commission (Commission)

AREA, LAND TYPE, AND LOCATION:

State granted tidelands and submerged lands in the Oakland/Alameda Estuary, Alameda County, California.

BACKGROUND:

Commission staff along with a representative of California Department of Resources Recycling and Recovery (CalRecycle) surveyed the Oakland/Alameda Estuary at the request of the City of Oakland Police Department in August 2012 to observe and record the extensive amount of debris on the shores of the Estuary and the numerous derelict and abandoned vessels that existed in the Estuary. The City requested that the Commission use its authority under Public Resources Code (PRC) section 6302.1 and CalRecycle's funds to execute a project to clean up the Estuary.

To fund the project, CalRecycle obtained a grant from the Cosco Busan Oil Spill Penalty Trust Fund and the project began in August 2013. Commission's staff posted abandoned, derelict and anchor-out vessels with trespassing notices which provide a 30-day period for compliance. Additionally, written notices were sent to owners whose names and addresses were obtained from DMV records using the vessel's registration numbers (CF numbers) that were present on the vessels.

In August a total of 27 vessels were posted with notices. A final survey of the area in October found only 8 vessels remained. These vessels were impounded and towed to the Alameda Marina. Owners who could be located were advised

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they could recover their vessels after payment of impound fees and by agreeing to remove the vessels from the Estuary entirely or place them in a marina.

The remaining vessels in impound are either unclaimed or have been determined by U.S. Coast Guard to be safety hazards and unseaworthy. Under PRC section 6302.1, the Commission may take action to remove any vessels that constitutes a safety hazard, a public nuisance or are abandoned. As stated above, the eight vessels are abandoned and constitute a safety hazard and a public nuisance. The Commission 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." Disposal will be conducted by CalRecycle at an on-shore facility it has established in Alameda for this purpose.

Staff recommends the Commission authorize staff to demolish and dispose abandoned and derelict vessels held in impound as a result of the Oakland/Alameda Estuary Cleanup Project.

OTHER PERTINENT INFORMATION:

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 If 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.

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 it uses classification.

EXHIBIT:

A. Pictures of the derelict vessels

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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).

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 (REQUESTED):

Authorize the staff to exercise the authority provided in Public Resources Code section 6302.3 to demolish and dispose abandoned and derelict vessels held in impound as a result of the Oakland/Alameda Estuary Cleanup Project.

EXHIBIT A

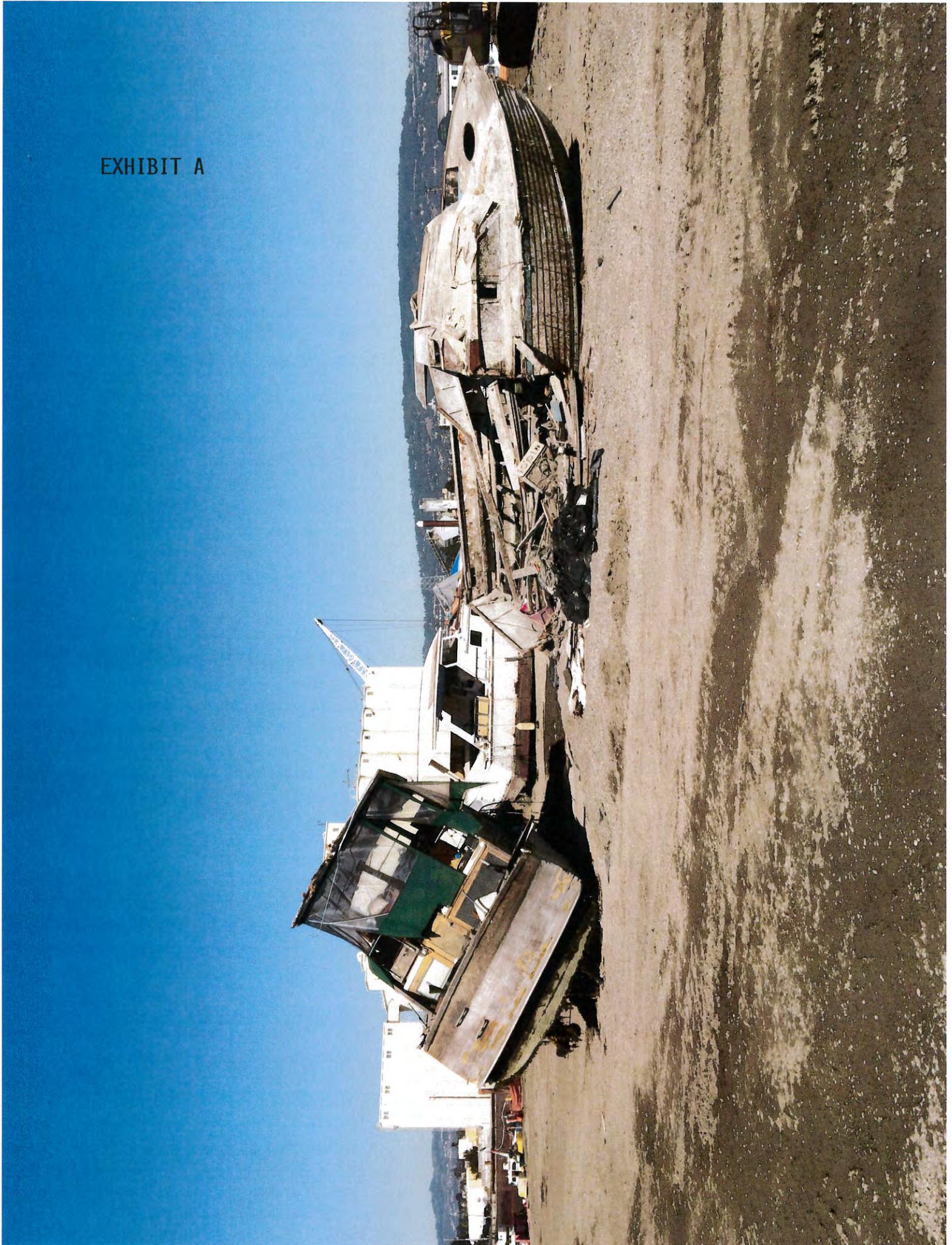


EXHIBIT A



10/15/2013



10/30/2013