

**STAFF REPORT  
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08/23/19

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**CONSIDER TAKING TITLE TO AND AUTHORIZING STAFF TO  
REMOVE AND DISPOSE OF ABANDONED VESSEL VAMANOS  
ON SOVEREIGN LAND IN THE SACRAMENTO RIVER**

**PARTIES:**

Todd Speer

Jerry Dean Stake

California State Lands Commission

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

State sovereign submerged lands in the Sacramento River, adjacent to 14031 Highway 160, Walnut Grove, Sacramento County.

**BACKGROUND:**

Landing 63 was a small commercial marina on the right bank of the Sacramento River near Walnut Grove. The Commission had leased the sovereign land underlying the marina to the upland property owners since at least the early 1980s ([Item C11, August 26, 1982](#)). Over the decades, Landing 63 fell into disrepair. Following a public complaint in 2017 about the condition of the property, staff began investigating the marina's conditions and attempting to work with Lessee to bring Landing 63 into compliance with its lease terms. Both the Lessee and the upland occupant, Todd Speer, the Lessee's adult son, were generally unresponsive. Finally, at its meeting on April 5, 2019, the Commission found PRC 6200.1 in default and authorized staff to terminate the lease ([Item C36, April 5, 2019](#)).

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, 6302.1, 6302.3, and 6302.4.

## STAFF REPORT NO. 71 (CONT'D)

### **Public Trust and State's Best Interests Analysis:**

Among the problems staff observed at Landing 63 were vessels in poor condition. Vessels that are not adequately maintained will eventually sink, impacting Public Trust resources and creating hazards to navigation in state waters. Many vessels were also apparently being used as permanent residences. Residential use is generally not consistent with the Public Trust Doctrine because such residential use is not water-related or dependent, it essentially privatizes public lands and resources, and significantly impairs public access. Liveaboard vessels also raise concerns with trash and sewage management and impacts to Public Trust resources.

Landing 63 consisted of thirteen total berths. Most of these berths appeared occupied by liveaboard vessels or abandoned vessels during staff visits in 2018. After lease termination [the Commission's April authorization](#), all the vessels but one dispersed or were removed from the lease premises.

The one vessel remaining is the *Vamanos*, an approximately 40-year-old cabin-cruiser style recreational boat. On earlier staff visits, the *Vamanos* was apparently being used as a floating storage unit. When staff visited on July 19, 2019, the *Vamanos* had been cleaned out though it was still in poor condition. Mr. Speer said that it was not operational because of a fault in the steering mechanism. He was working to fix this problem.

The owner of the *Vamanos*, according to DMV records, is Jerry Dean Stake. Mr. Speer told staff that Mr. Stake sold the boat to him. Because staff are unsure who the legal owner is, staff have given notice to both Mr. Speer and Mr. Stake, in addition to physically tagging the vessel with notice (see Exhibit B) pursuant to Public Resources Code section 6302.1.

Staff appreciates Mr. Speer's past efforts to clear Landing 63 of liveaboards and abandoned vessels. But staff also believes it best to proactively address the last remaining floating vessel at the marina, the *Vamanos*. If Mr. Speer is unable to repair the *Vamanos*, it would eventually sink and create a possible navigational and environmental hazard, as well as significantly increasing the cost of removal. Therefore, staff tagged the vessel on July 19, 2019, initiating a 30-day time period after which the vessel will be abandoned property according to law. Once abandoned, the Commission may take title to the *Vamanos* and direct its disposition.

STAFF REPORT NO. 71 (CONT'D)

Staff recommends that the *Vamanos* be removed from the water and destroyed as quickly as feasible. A floating vessel of the *Vamanos*'s size will likely cost several thousand dollars to remove and destroy. The statewide Surrendered and Abandoned Vessel Exchange (SAVE) program, administered by the Division of Boating and Waterways, reimburses local public agencies for removal of abandoned vessels. The Commission, as a state agency, is not eligible for the SAVE program. Staff therefore focuses on building relationships with local agencies who have funds and capabilities for abandoned vessel removal. The Sacramento County Sheriff's Department, Marine Enforcement Detail, has agreed to use its SAVE grant resources to remove and destroy the *Vamanos*. This is a beneficial result of months of cooperation between Commission staff and Sacramento County staff in addressing hazards in the Sacramento Delta.

**Conclusion:**

For the reasons stated above, staff believes that taking title to the *Vamanos*, if it has not been removed from state waters within the statutory period, and directing its disposal, is consistent with the Public Trust and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. Pursuant to Public Resources Code section 6302.3, any action regarding the disposition of the *Vamanos* must be delayed for 30 days to allow the owner to pursue any other cause of action in law or equity. Staff recommends that the Commission not take title to the *Vamanos* until this period has passed to minimize the length of time the *Vamanos* will be in state ownership.
2. The proposed action is a discretionary decision by the Commission. Each time the Commission approves or rejects a proposed activity on sovereign land, it exercises legislatively delegated authority and responsibility as trustee of the State's Public Trust lands as authorized by law.
3. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
4. Staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 4,

STAFF REPORT NO. 71 (CONT'D)

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.

**EXHIBITS:**

- A. Site and Location Map
- B. Photographs of Abandoned Vessel *Vamanos* and Trespass Notice

**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).

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

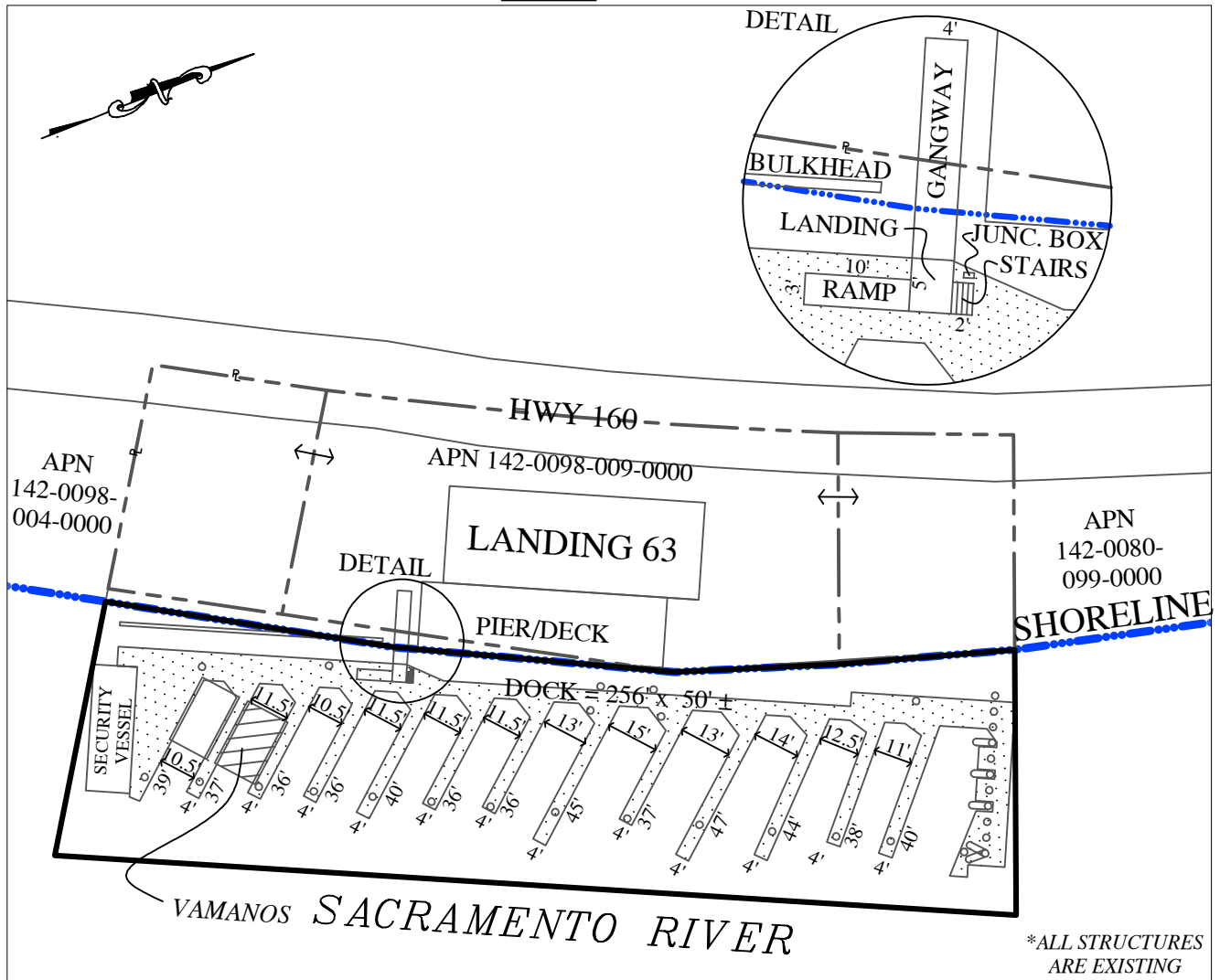
Find that the proposed action is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

**AUTHORIZATION:**

1. Take title to the vessel *Vamanos* on September 23, 2019, unless before that date the *Vamanos* has been removed from and not returned to state lands.
2. Authorize the Executive Officer, or her designee, to remove and dispose of the *Vamanos* in any manner determined to be expedient or convenient, if the Commission takes title to it.
3. Authorize the Executive Officer, or her designee, in cooperation with the Office of the Attorney General, to recoup the Commission's costs through any available administrative or civil means, if determined feasible and financially prudent to do so.

NO SCALE

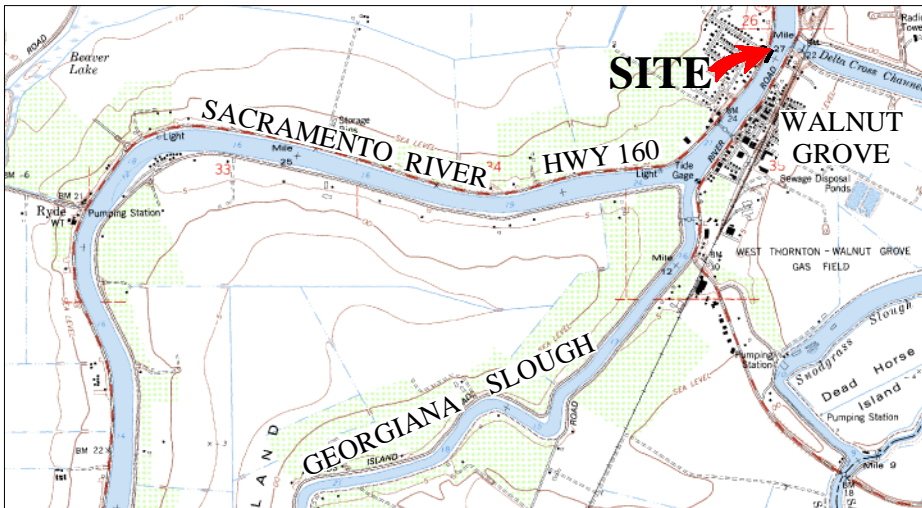
# SITE



Landing 63  
14031 River Road (HWY 160), Walnut Grove

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit A

I 1263  
APN 142-0098-009-0000  
ABANDONED VESSEL  
VAMANOS  
SACRAMENTO COUNTY



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



Exhibit B



Exhibit B

