

**CALENDAR ITEM
C40**

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**AUTHORIZE THE EXECUTIVE OFFICER TO TAKE ACTION NECESSARY AND
APPROPRIATE TO REMOVE AND DISPOSE OF AN ABANDONED VESSEL FROM
STATE SOVEREIGN LANDS, LOCATED WITHIN THE SACRAMENTO RIVER AT
COURTLAND, SACRAMENTO COUNTY**

BACKGROUND:

A pontoon houseboat, CF 7782FE, rests partially sunken on land under the jurisdiction of the Commission in the Sacramento River at Courtland, California. Commission staff was alerted to this situation by a concerned citizen who owns property, including a dock, immediately downriver from the vessel's location. This citizen is concerned that the vessel will break loose and damage her property.

The boat has remained in its present location approximately six months. Staff investigation determined the houseboat had been given by its registered owner, Mr. William Drake, to persons who removed it from the Sherwood Marina and presumably abandoned it near its present resting place where it was found unattended and floating by the owner of the Courtland Docks Marina. The Courtland Docks Marina owner subsequently tied the houseboat to some bushes on the bank of the river prior to it becoming partially sunk. On June 17, 2010, the Sacramento County Sheriff affixed a notice to remove to the vessel. Additionally, on June 17, 2010 and July 7, 2010, the Sacramento County Sheriff sent letters to Mr. Drake providing notice to remove the vessel. Each letter was returned as being undeliverable.

STATUTORY AUTHORITY:

Under the provisions of Public Resources Code Section 6302.1 (a) the Commission may remove from areas under its jurisdiction any vessel, boat, raft, or other similar watercraft which is left unattended and is moored, docked, beached, or made fast to land in a position to obstruct the normal movement of traffic or in a condition as to create a hazard to other vessels using a waterway, to public safety, or to the property of another.

Under the provisions of the Harbors and Navigation Code, Section 522 (a) any hulk, derelict, wreck, or parts of any ship, vessel, or other watercraft sunk,

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beached, or allowed to remain in an unseaworthy or dilapidated condition upon publicly- owned submerged lands, without the consent of the entity having jurisdiction or control over those lands, for a period of 30 days without consent, is abandoned property. Thereafter, that public entity may take possession of the abandoned property for purposes of abatement and may cause the property to be sold destroyed, or otherwise disposed of in any manner it determines is expedient or convenient.

STAFF RECOMMENDATION:

Staff has examined the vessel and its location and believes the vessel is sunk, beached and allowed to remain unattached in an unseaworthy or dilapidated condition upon publicly- owned submerged lands under the jurisdiction of the Commission without its consent for longer than 30 days. Further, staff believes that increased river flow and the rise of the river with the winter rain may cause the vessel to float into the river or drag downriver and into nearby docks or vessels located downstream. It is staff's opinion that the vessel is a hazard to other vessels using the waterway, to public safety, and/or to the property of another. Therefore, staff recommends that the Commission authorize the Executive Office to take action necessary and appropriate to remove and dispose of the vessel.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), 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; Title 2, California Code of Regulations, section 2905 (d)(3).

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

2. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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 staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

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CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (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 sections 6370, et seq.

FINDING OF FACT:

Find that the pontoon houseboat CF 7782FE has remained unattended on publicly-owned submerged lands under the jurisdiction of the Commission without its consent for longer than 30 days and is moored, docked, beached, or made fast to land in a position to obstruct the normal movement of traffic or in a condition as to create a hazard to other vessels using a waterway, to public safety, or to the property of another.

AUTHORIZATION:

Authorize the Executive Officer and the staff under his direction to take those actions necessary to remove the pontoon houseboat, CF 7782FE, from State sovereign lands and dispose of it in any manner determined to be the most expedient or convenient.