

**CALENDAR ITEM
C72**

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S 5

09/01/11
W26494
Pelkofer

**CONSIDER AUTHORIZATION FOR STAFF AND THE OFFICE OF THE ATTORNEY
GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO
CAUSE THE REMOVAL OF BOATS, BARGES, AND ORTHER FLOATING OBJECTS
ILLEGALLY MOORED IN MONTEZUMA SLOUGH AT VAN SICKLE ISLAND,
SOLANO COUNTY**

PARTIES:

State Lands Commission

Thaddeus G. Woodin

AREA, LAND TYPE, AND LOCATION

State sovereign tidelands and submerged lands in Montezuma Slough, adjacent to Van Sickle Island, in Solano County.

BACKGROUND INFORMATION:

Mr. Thaddeus Woodin has moored, without permission, two large barges on State sovereign tide and submerged lands in Montezuma Slough adjacent to Van Sickle Island in Solano County. Mr. Woodin does not own the upland at that location, although he claims to be purchasing it. One of the barges is a LASH (Lighter Aboard Ship) barge with a double-wide mobile home on it. The other barge is a steel working barge with various pieces of construction equipment on it. There are also a number of small boats, a crane and an all-terrain vehicle on its deck.

Staff conducted a site visit with the Solano County Sheriff's marine patrol unit at their request. Mr. Woodin moved his barges from a prior location in Spoonbill Creek where his activities and vessels posed a hazard to navigation and caused a pollution problem. Their present location poses a similar hazard and risks in addition to being a trespass on State sovereign lands. Solano County is taking enforcement actions against Mr. Woodin for sanitary and other code violations.

Mr. Woodin was served a State Lands Commission Notice of Trespass by the Sheriff and was also notified by mail. After receipt of the notice from the Sheriff, he called the Commission office and was advised by staff of the Commission's

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jurisdiction, its duty to protect the public trust, and that his failure to remove the trespassing vessels would lead to legal action. He has declined to remove them.

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), the 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 indentified as possessing significant environmental values pursuant to Public Resources Code section 6370 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.

EXHIBIT

- A. Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

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 section 6370, et seq.

AUTHORIZATION:

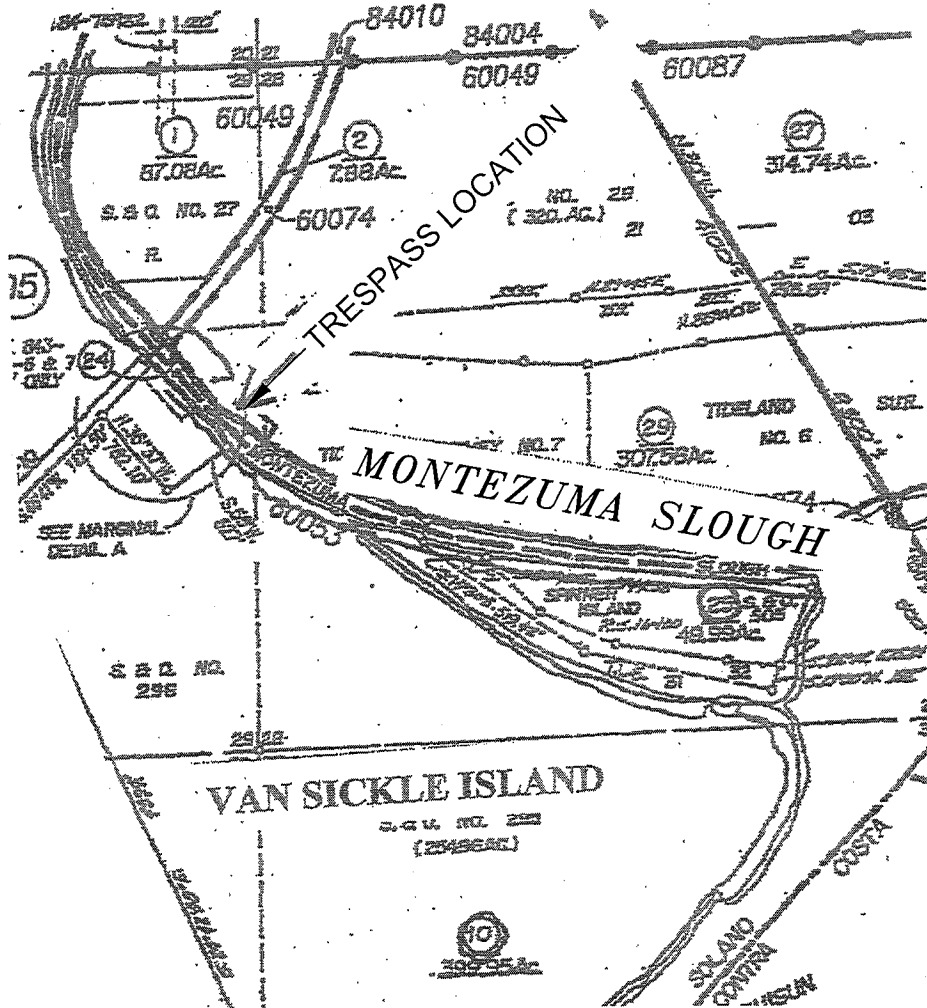
Authorize staff and/or the Office of the Attorney General to take all steps necessary, including litigation, to cause the removal of boats, barges, and other

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floating objects illegally moored in Montezuma Slough at Van Sickle Island in Solano County and to recover any costs and damages.

NO SCALE

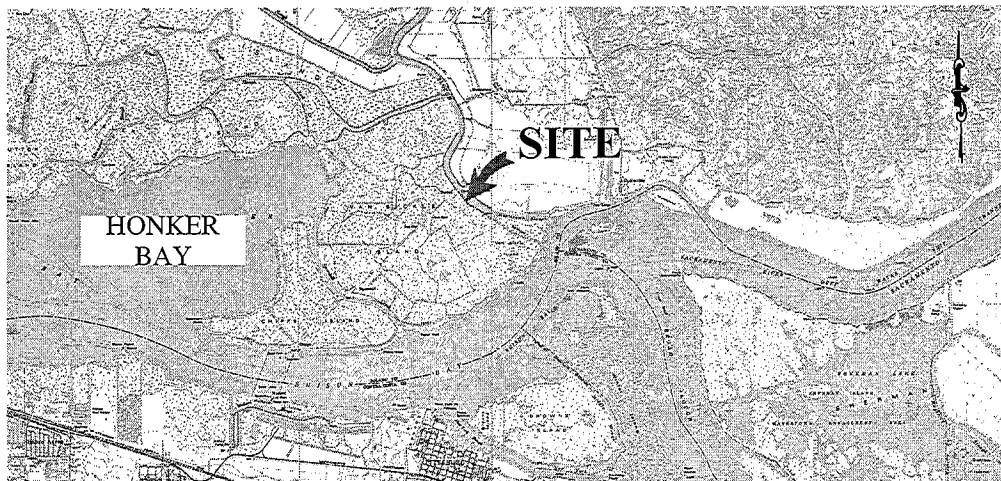
SITE



MONTEZUMA SLOUGH TRESPASS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26494
 APN'S VARIOUS
 TRESPASS
 SOLANO 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.