MINUTE ITEM
This Calendar Item No. 06
was approved as Minute Item
No. 6 by the State Lands
Commission by a vote of 3
to 0 at its 09/11/89
meeting.

CALENDAR ITEM

A 10

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06

09/11/89
C 8918 W 30007
D. Brown
Hall

DETERMINATION OF EXTREME HAZARD OF
DERELICT BARGE LOCATED IN SACRAMENTO RIVER

BACKGROUND

On February 18, 1988, the vessel "Neptune", an antiquated 60±-foot, steel-hulled, wooden-decked dredger caught fire and sank in the Sacramento River adjacent to and in the water entrance of the City of Isleton. (See Exhibit "A"). The vessel sank on submerged lands under the jurisdiction of the State Lands Commission and the City of Isleton.

The confirmed registered owner of the vessel is a Mr. Reed Wilson of Sacramento. Mr. Wilson was purportedly exercising his right to navigate and anchor in the River when the fire occurred. At this time, it still has not been determined how the fire started. Mr. Wilson was notified of the fire and sinking in February 1988 and was immediately asked by the City to remove the vessel, since it not only violated City ordinances, it posed a dangerous condition for the boating public.

On November 11, 1988, the City Council took formal action against Mr. Wilson in the form of a "Notice to Remove Vessel" (see Exhibit "B"). This action was taken after months of negotiations with Mr. Wilson who continually stated he did not have the funds to pay for the removal.

Frustrated by the its inability to negotiate the removal after months of trying, the City asked the State Lands Commission staff for assistance.

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No. ___ by the State Lands
Commission by a vote of ___
to ___ at the ___
meeting.

The Commission's Enforcement Officer investigated the complaint and found that Mr. Wilson was legally responsible for the removal of the vessel, but that it was unlikely he had the assets to perform. It was the recommendation of the Enforcement Officer that the "Neptune" be removed through the Commission's Hazard Removal Program. Due to specific control language within the appropriation, funding was restricted to those hazards identified in the Commission's original 1986 survey and report to the Legislature.

During Fiscal Year 1989/90, Budget Bill language for the Hazard Program was added to allow unencumbered funds to be used to remove newly identified extreme hazards (see Exhibit C).

JUSTIFICATION AS AN EXTREME HAZARD

The "Neptune" represents an extreme hazard as defined in the 1986 Hazard Removal Program language. The "Neptune" meets the exposure test since it blocks the main water entrance to the City of Isleton. The "Neptune's" presence has also had an economic effect on the small town of Isleton since potential visitors are discouraged from landing there because of the hazardous conditions. Annual loss is estimated at between $50,000 to $750,000.

Staff proposes that the "Neptune" be removed through the Hazard Program using existing funds from projects which came in under budget. Estimated cost of removal is $75,000. Subsequent to the determination of the method of removal and the solicitation of bids, staff will return to the Commission with the environmental considerations and authorization to execute the contract for removal.

Staff also proposes that it be authorized to pursue the recovery of the funds from the legal and responsible owner for reimbursement to the program.

EXHIBITS:
A. Isleton Volunteer Fire Department Report of Alarm.
B. Notice to Remove Vessel.
C. Budget Control Language.

"A"

CALENDAR ITEM NO. 06 (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.

2. FIND THAT THE HAZARD "NEPTUNE" LOCATED AT THE CITY OF ISLETON IS AN EXTREME HAZARD AS DEFINED BY THE COMMISSION'S CRITERIA CONTAINED IN THE 1986 HAZARDS INVENTORY REPORT.

3. AUTHORIZE THE EXECUTIVE OFFICER TO TRANSMIT A REQUEST TO THE JOINT LEGISLATIVE BUDGET COMMITTEE TO ADD THE HAZARD TO THE COMMISSION'S HAZARD INVENTORY.

4 AUTHORIZE THE EXECUTIVE OFFICER TO SOLICIT BIDS FOR THE REMOVAL OF THE HAZARD.

5. DIRECT THE EXECUTIVE OFFICER TO PURSUE RECOVERY OF THE COST OF THE REMOVAL FROM THE REGISTERED OWNER OF THE VESSEL.

EXHIBIT "A"

ISLETON VOLUNTEER FIRE DEPARTMENT

Isleton City & Rural Districts

ISLETON, CALIFORNIA 95641

REPORT OF ALARM

DATE: 02-18-88 Time Called: 23:56 On Scene: 23:59 Controlled 01:56
Secured: _____.

Name and/or Location: Dredger in the Sacramento river at first street.

Owner: Mr. Reed Wilson and Mr. Bequette.

ALARM called in By: Telephone

Radio XX Isleton Police Officer Grover

Other:

Type of Alarm:

Fire Truck #: 4210 XX, 4212 XX, 4215 XX, 4240 XX, 4242 XX, 4244 __, 4250 __, 4260 __, 4270 __.

Out on Arrival: yes or no. If not out on Arrival: How Extinguished and Equipment used: Isleton, Rio Vista, Ryer Island, and Walnut Grove Fire Department Equipments.

Apparent Cause: Undetermined

Defective Wiring:

Defective Heating Appliance

Other:

Material ignited:

Damage included the Following:

Structure All of the dredger.

Wiring

Plumbing

Summary and/or Explanation of any above items: The dredger was on fire at the stern on arrival, and spread to the bow, and to the super structure very fast. Rio Vista, Walnut Grove, Ryer Island, and the Coast Guard responded. The cause of the fire is undetermined. The public has excess through a unlock gate to the dredger. There were workers working on the dredger the same date of the fire. The wind was out of the north 10-12 miles per hour. Firecrews could only attack the burning dredger from a pier, and from the levee side. The Coast Guard arrived on the scene about 01:45 and attacked the fire from the north side of the dredger.

continued on page two.

Signed: Cecil L. Tomlin

Fire Chief: Cecil L. Tomlin

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"B" TIBIHXE

ISLETON VOLUNTEER FIRE DEPARTMENT

Isleton City & Rural District

ISLETON, CALIFORNIA 95641

REPORT OF ALARM

Page two

A house boat was tied to the bow of the dredger and removed by a tug boat that was called by the owner of the house boat. The dredger sunk bow first then settle to the bottom of the river, with part of the dredger sticking out of the water.

Signed: Cecil L. Tomlin

FIRE CHIEF: Cecil L. Tomlin

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EXHIBIT "B"

NOTICE TO REMOVE VESSEL

TO: REED WILSON
4225 Leafmont Way
Sacramento, CA 95826

YOU ARE HEREBY NOTIFIED that the hulk of the dredge "Neptune" is in an unseaworthy or dilapidated condition and has been allowed to remain upon submerged lands under the jurisdiction and control of the City of Isleton for a period of longer than 100 days. As a result thereof, such hulk is deemed abandoned and, unless removed, is subject to be sold, destroyed or otherwise disposed as determined by the Isleton City Council. Any proceeds derived from such disposition, shall be the property of the City of Isleton. If disposition costs exceed the proceeds realized by the City, you are liable for such difference.

Abandonment of said vessel is also punishable as an infraction.

YOU ARE FURTHER NOTIFIED that the vessel is located within the Open Space Zoning classification of the City of Isleton and that the maintenance thereof is not a permitted use within such zone. A violation of the zoning ordinance constitutes a public nuisance which is subject to abatement.

Dated: November 11, 1988

Philip Mering

Philip Mering
Isleton City Attorney

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EXHIBIT "C"

Item Amount

3560-490—Reappropriation, State Lands Commission. The balances of the appropriations provided in the following citations are reappropriated for the purposes, and subject to the limitations unless otherwise specified, provided for in the appropriations.

036—Special Account for Capital Outlay

(1) Item 3560-301-036(1), Budget Act of 1987-40.10.010-Statewide-Hazard Removal Program.

(2) Item 3560-301-036(1), Budget Act of 1988- 40.10.010-Statewide- Hazard Removal Program.

Provisions:

1. Notwithstanding any other provision of law, the commission may expend any unencumbered balance of Item 3560-301-036, Chapter 135, Statutes of 1987, and of Item 3560-301-036, Chapter 313, Statutes of 1988, for removal of additional hazards not identified in the commission's Hazards Inventory Report to the Legislature, if the commission determines that the additional hazards are in the extreme category, and not earlier than 30 days after notifying the Joint Legislative Budget Committee of its intent to make that expenditure.