

**CALENDAR ITEM
C112**

A	15	09/20/13 W26534
S	5	P. Pelkofer V. Caldwell

**CONSIDER AUTHORIZATION FOR THE STAFF OF THE CALIFORNIA STATE
LANDS COMMISSION TO REMOVE AND DISPOSE OF AN ABANDONED
VESSEL FROM SOVEREIGN STATE LANDS IN THE OLD RIVER**

PARTIES:

Alvin Oga
California State Lands Commission

AREA, LAND TYPE, AND LOCATION:

State sovereign tidelands and submerged lands in the Old River, adjacent to Beaver Island, Contra Costa County.

BACKGROUND:

At the Commission meeting on March 29, 2012, the Commission authorized the staff and/or the office of the Attorney General to take legal action against Mr. Alvin Oga (Calendar Item C 108) to cause removal of two trespassing vessels, the former *USS Advance*, a 173-foot mine sweeper built for the Navy in 1955, and a 70-foot steel recreational vessel known as the *Steel Toy* documented as U.S. Coast Guard Number 682667, both moored in the Old River adjacent to Beaver Island in Contra County.

The Office of the Attorney General filed suit against Mr. Oga, on May 23, 2012, in Contra Costa Superior Court. Summons was issued and the Commission staff and the Attorney General's Office sought to serve Mr. Oga with the Summons and Complaint. After an initial search, Mr. Oga could not be located. A more intensive search during the next 60 days (the time permitted by the Court for service of process) involving the Sheriff, and public and private investigative services failed to locate Mr. Oga. The search did determine Mr. Oga had left California with numerous unpaid obligations, and was being sought by a number of individuals and businesses. The State suit was dismissed without prejudice at the end of 60 days. Continued efforts by the staff have failed to locate Mr. Oga and his vessels remain in trespass.

CALENDAR ITEM NO. **C112** (CONT'D)

The *USS Advance* is a wooden vessel and completely derelict having no value and needs to be removed and destroyed when funds become available. The *Steel Toy* is completely made of steel and has a scrap value, which staff believes is sufficient to cover the cost of removal and salvage. Following the procedures set out by Public Resources Code section 6302.1, the staff has posted notice on the *Steel Toy* and attempted to give notice to the owner. With the passage of 30 days, the *Steel Toy* is, as a matter of law, abandoned. The Commission now has the authority to conduct a hearing under the provisions of section 6302.3, subdivision (a) and “may cause the property to be sold, destroyed or otherwise disposed of in any manner it determines is expedient or convenient.”

The *Steel Toy* remains afloat and can be removed from the area to an appropriate salvage location or facility without any disturbance of the surrounding water or land area. Staff therefore request the Commission authorize staff to remove and dispose of the *Steel Toy* with recovery of costs from the disposal of the vessel.

OTHER PERTINENT INFORMATION:

1. The 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, 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.

2. 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 the staff’s opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Location Map
- B. Pictures of the derelict *Steel Toy* vessel and trespass notice

CALENDAR ITEM NO. **C112** (CONT'D)

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

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 FINDINGS:

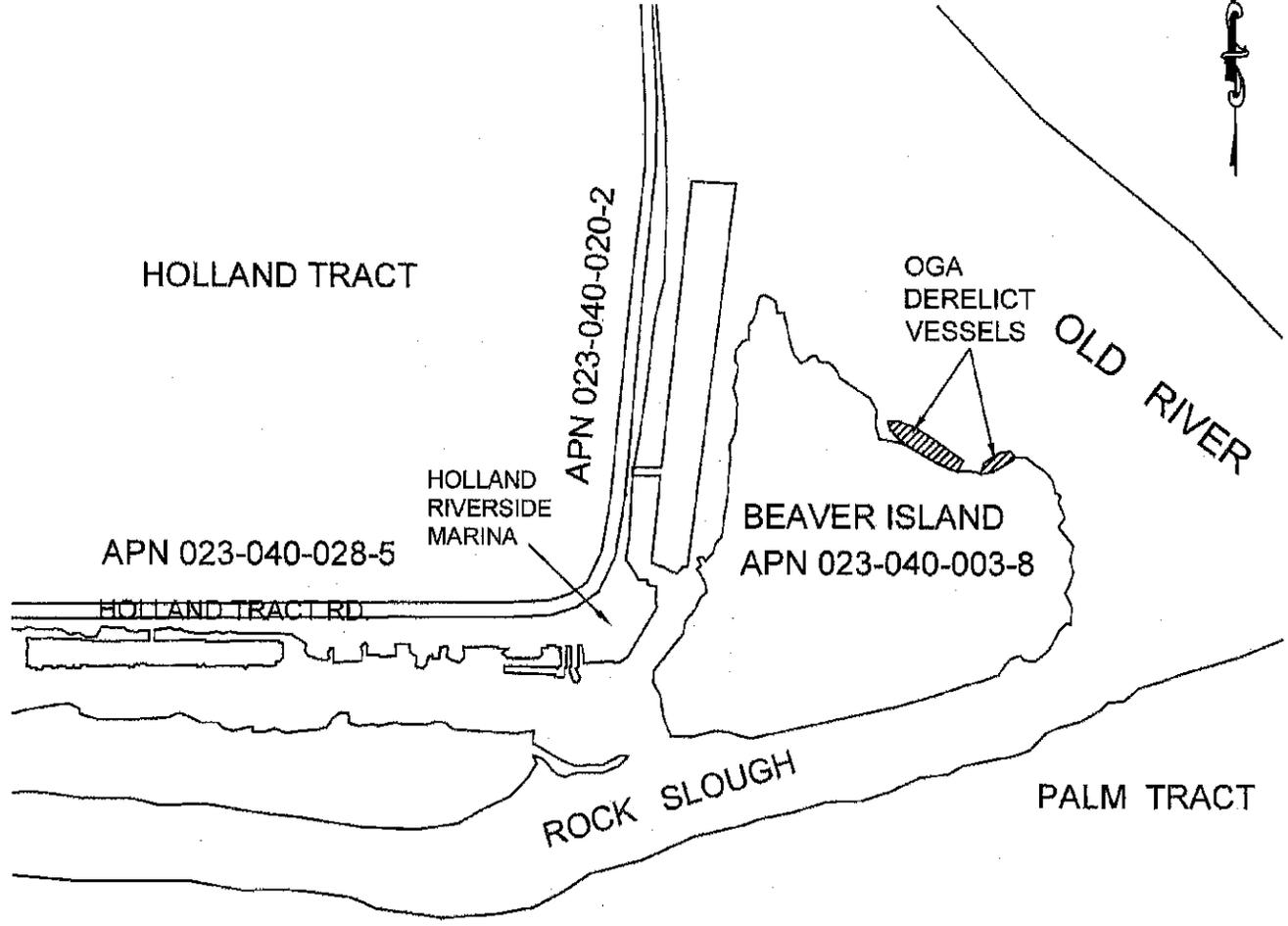
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code section 6370 et seq.

AUTHORIZATION:

Authorize the Commission's staff to remove and dispose of the *Steel Toy* in any manner it determines is expedient or convenient with all costs to be recouped by the disposition.

NO SCALE

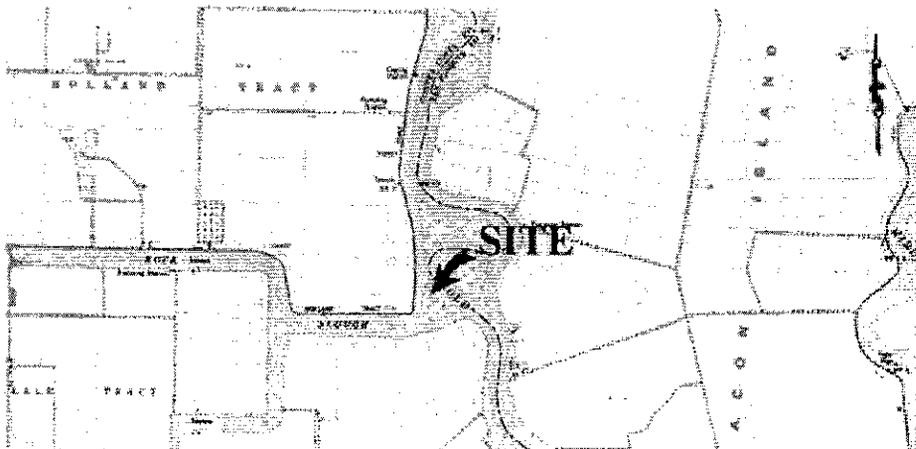
SITE



OLD RIVER AT BEAVER ISLAND, CONTRA COSTA COUNTY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26534
 ALVIN M. OGA
 APNs 023-040-003-8,
 023-040-028-5 & 023-040-020-2
 TRESPASS / LITIGATION
 CONTRA COSTA COUNTY



This Exhibit is solely for purposes of generally defining the premises 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.

TS 03/07/12

W 26534

EXHIBIT B

CALIFORNIA STATE LANDS COMMISSION

NOTICE OF TRESPASS

Pursuant to Cal. PRC 6302.1 (b) (1), (d) & 6302.3

THE VESSEL, ON WHICH THIS NOTICE IS POSTED IS TRESPASSING. YOU HAVE **30 DAYS** TO REMOVE IT TO A LEGAL MOORING OR ANCHORAGE. AFTER THAT PERIOD IT IS ABANDONED PROPERTY AND THE COMMISSION WILL DISPOSE OF IT. THE COMMISSION MAY ALSO TAKE LEGAL ACTION AGAINST YOU TO RECOVER ITS COSTS AND DAMAGES. FOR INFORMATION, PLEASE CONTACT THE COMMISSION'S OFFICES AT **916-574-1850**

DATE POSTED 7/10/2013

BY [Signature]

07/10/2013

EXHIBIT B
W 26534



07/10/2013

EXHIBIT B
W 26534



07/10/2013