

**STAFF REPORT  
107**

A Statewide

04/19/18

S Statewide

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**CONSIDER SUPPORTING STATE LEGISLATION (AB 2441, FRAZIER), THAT  
WOULD REQUIRE THE STATE LANDS COMMISSION TO DEPOSIT RENTAL  
INCOME FROM LEASES IN THE SACRAMENTO-SAN JOAQUIN DELTA INTO A  
NEWLY CREATED ABANDONED VESSEL REMOVAL ACCOUNT AND AUTHORIZE  
THE COMMISSION TO USE THE FUNDING TO REMOVE ABANDONED OR  
DERELICT COMMERCIAL VESSELS IN THE DELTA**

**SUMMARY:**

AB 2441 would require the Commission to deposit rental income from leases in the Sacramento-San Joaquin Delta into a newly created abandoned vessel removal account and allow the Commission to use the funding to remove abandoned or derelict commercial vessels in the Sacramento-San Joaquin Delta.

**BACKGROUND AND DISCUSSION:**

The problem of abandoned commercial vessels on state waterways is widespread, and the negative consequences to the public, navigational safety, and the environment are well documented. The purpose of AB 2441 is to create a program and funding source to remove abandoned and derelict commercial vessels in the Sacramento-San Joaquin Delta. Abandoned vessels damage the environment, impede navigation, and can emit fuel and hazardous substances into waterways and the ocean. Abandoned vessels can contain asbestos-laden materials, lead-based paints, batteries, petroleum products from lubricating oils, engine oils, fuel oils, gasoline, diesel fuel, kerosene, camping fuel, cooking oils, hydraulic fluid, antifreeze, acids in containers, pressure-treated wood, heavy duty cleaning solvents and degreasers, all types of automotive and mechanical sprays, and radioactive dials that came off old aircraft gauges and instruments.

During the last decade, there's been constant attention on abandoned and derelict vessels on state waterways—both commercial and recreational. This intractable problem is widely acknowledged. The state, however, does not have data or a metric, to identify how many abandoned vessels are in state waterways, though one recent example exists for the Sacramento-San Joaquin Delta. In 2017, the California Department of Fish and Wildlife conducted an aerial survey of abandoned and derelict vessels in the area. That survey tallied 250 abandoned and derelict vessels in the Delta. Fifty-one of those, 22 percent, are commercial vessels. According to the California Department of Fish and Wildlife, about two additional commercial vessels appear in the Delta annually.

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The California State Parks Division of Boating and Waterways administers two abandoned vessel programs for recreational vessels. The first, the abandoned watercraft abatement fund, provides matching grants to qualified local public agencies for removing, reducing, or preventing abandoned recreational vessels and marine debris on state waterways. The second, the boating safety and enforcement equipment grant program, provides grants to local government agencies to purchase boating safety and law enforcement equipment. Revenues collected from recreational boaters fund the abandoned watercraft abatement fund—commercial vessels do not contribute to the fund. Since 1999, about 2,000 recreational vessels have been removed from waterways through the fund, with an average cost of \$3,300.

The Commission's jurisdiction includes many navigable state waterways where vessels are abandoned, and it is often called upon when an abandoned vessel is discovered. But while the Commission has the expertise, authority, and jurisdiction over abandoned vessel removal, it lacks funding. Nonetheless, the Commission is authorized to remove and dispose of abandoned and derelict vessels on state waterways. The Commission can immediately remove a vessel from areas under its jurisdiction without prior notice if the vessel seriously hinders navigation, is a threat to vessel operators, a hazard to the natural environment, or creates a public nuisance. AB 2441 would provide a funding mechanism to enable the Commission to remove abandoned commercial vessels on waterways in the Sacramento-San Joaquin Delta, where the problem is particularly prevalent.

### **STAFF RECOMMENDATION:**

Commission staff recommends that the Commission support AB 2441 (Frazier) that would require the Commission to deposit rental income from leases in the Sacramento-San Joaquin Delta into a newly created abandoned vessel removal account and allow the Commission to use the funding to remove abandoned or derelict commercial vessels in the Sacramento-San Joaquin Delta.

### **RECOMMENDED ACTION:**

It is recommended that the Commission:

Support AB 2441 (Frazier) that would require the Commission to deposit rental income from leases in the Sacramento-San Joaquin Delta into a newly created abandoned vessel removal account and allow the Commission to use the funding to remove abandoned or derelict commercial vessels in the Sacramento-San Joaquin Delta.