

**CALENDAR ITEM
C79**

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06/28/10

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W26411

Pelkofer

**CONSIDER AUTHORIZATION OF LITIGATION
FOR TRESPASS AND EJECTMENT**

PARTY:

David Underwood

AREA, LAND TYPE, AND LOCATION:

Two areas of state sovereign tide and submerged lands in Lindsey Slough, off of the Sacramento River near Rio Vista, in Solano County.

BACKGROUND INFORMATION:

Mr. Underwood has collected and anchored or moored a number of old and derelict vessels and other floating objects in two locations in Lindsey Slough near the bridge between Hasting Road and Liberty Island Road, near Rio Vista in Solano County. Among these vessels and objects are tug boats, a house, boat, barges, and a channel marker buoy. This activity has apparently gone on for some years, and the collection now numbers approximately twenty vessels or objects. It has been informally labeled the "junkyard flotilla". The "junkyard" is moored on state sovereign lands without permission and is in trespass.

The Solano County Sheriff has cited Mr. Underwood on several occasions, but those citations, which carry minimal fines, have not convinced him to move the vessels. Commission staff has written two letters advising him that he is in trespass and requesting he remove the vessels. He has not responded. A review of property records indicates that Mr. Underwood owns no upland property in the area, although there is some indication that he may at times occupy a mobile home parked just off the road near where the vessels are located.

Because the collection of vessels are in poor condition, and because there is a potential for their sinking and/or breaking loose from the anchors or moorings and becoming a hazard to navigation and public safety, staff is recommending that the Commission authorize the staff of the Commission and the Office of the Attorney General to commence litigation for trespass, ejectment, reimbursement for costs expended, and to take all other steps as necessary to remove the vessels and other objects from state sovereign land.

CALENDAR ITEM NO. **C79** (CONT'D)

OTHER PERTINENT INFORMATION

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15060), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects.

Authority: Title 14, California Code of Regulations, section 15060 (c) (3).

This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et seq. 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:

FINDING:

1. Find that the activity is not subject to the requirements of CEQA, pursuant to title 14, California code of regulations, section 15060 (c)(3), because the activity is not a project as defined by public resources code section 21065 and title 14, California code of regulations, section 15378.
2. Significant lands inventory finding: find that this activity is consistent with the use classification designated by the commission for the land.

AUTHORIZATION:

1. Ratify the staff's findings and conclusion that David Underwood is in trespass on state sovereign lands located in Lindsey Slough off of the in the Sacramento river as shown on the location map Exhibit A.
2. Authorize staff of the commission and the office of the attorney general to take all steps necessary, including litigation, to remove the vessels and other objects from state sovereign land as shown on exhibit a and to recover the commissions damages and costs.

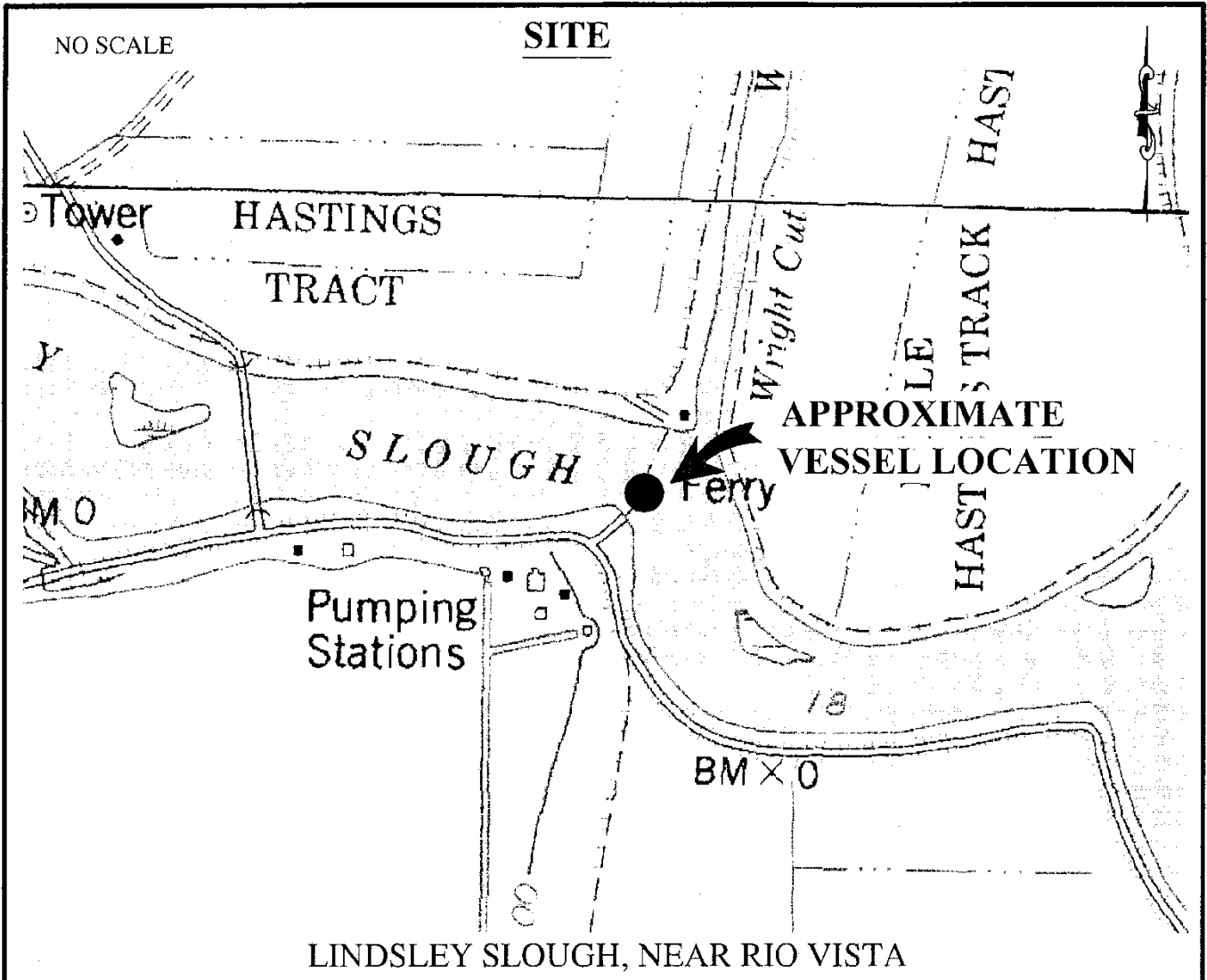
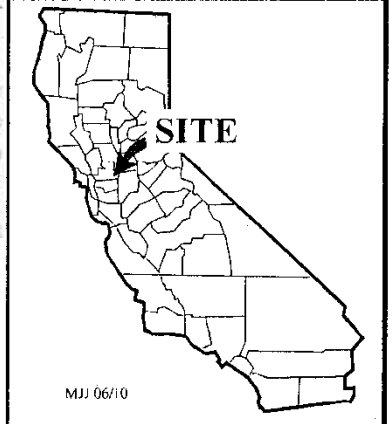


Exhibit A

W 26411
 UNDERWOOD
 TRESPASS & EJECTMENT
 SOLANO COUNTY



MAP SOURCE: USGS QUAD

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.

MJJ 06/10