

**County Executive**

Ann Edwards

**Governmental Relations and
Legislative Officer**

Elisia De Bord

**County of
Sacramento****Board of Supervisors**

Phillip R. Serna, District 1
Patrick Kennedy, District 2
Rich Desmond, District 3
Sue Frost, District 4
Patrick Hume, District 5

September 13, 2023

The Honorable Gavin Newsom
Governor of California
1021 O Street, Suite 9000
Sacramento, CA 95814

**Re: AB 748 (Villapudua). California Abandoned and Derelict Commercial Vessel -
Request for Signature**

Dear Governor Newsom,

On behalf of the Sacramento County Board of Supervisors, I respectfully request that you sign AB 748 (Villapudua). This bill creates a statewide program that brings federal, state, and local agencies together to cleanup and remove commercial abandoned and derelict vessels (CADVs) from our waterways.

Types of Vessels and Hazards: Former WWII era and other military craft, crane barges, tug boats and other commercial vessels strewn throughout the Sacramento-San Joaquin Delta (Delta) and other California waterways are broken down, rusted, sinking, sunk, or at risk of sinking creating pollution and navigation hazards. Many of these vessels contain high levels of hazardous materials from their construction or other use, including solvents, asbestos-containing materials, polychlorinated biphenyls (PCBs), lead paint, batteries, and petroleum products, such as fuel, oil, oily waste, hydraulic fluid, and grease. These pollutants leach into the waterway creating potential water quality and health hazards.

Pervasive Problem with Few Resources: The Delta encompasses the Counties of Sacramento, Yolo, Solano, Contra Costa and San Joaquin. The Sacramento portion is littered with roughly 35 abandoned and derelict commercial vessels. A 2017 Department of Fish and Wildlife aerial survey of the entire Delta identified 55 commercial vessels and estimated a removal cost of about \$34 million. While the Delta has a high concentration of these vessels, the San Francisco Bay, Oakland Estuary, Richardson Bay, Long Beach, San Diego, and Bodega Bay also have unaddressed commercial abandoned and derelict vessels.

The State Lands Commission received a one-time State General Fund allocation of \$12 million in FY 2021-22 to remove CADVs in the Delta. This commitment of funds is a great step toward removing these hazards, but the size of the problem requires ongoing funding, operational support, and policy guidance to make real progress to clean up California's waterways.

Unlike Recreational Vessels, No Commercial Vessel Program Exists and Authorities for CADV Removal and Disposal are Disjoined: Unlike recreational vessels, such as ski, fishing and house boats, a statewide program does not exist to fund the removal and destruction of commercial abandoned and derelict vessels.

State and local agencies must rely on cooperation by vessel owners, lengthy legal approaches such as trespass and nuisance abatement actions, and limited federal actions to address CADVs.

The U.S. Coast Guard (USCG) and the U.S. Army Corps of Engineers (USACE) have federal authority to address CADVs, but the authority is constrained. The USCG addresses vessels that pose a substantial pollution threat (by removing the pollutants) but, generally, does not remove and dispose of a vessel once the immediate threat is addressed. The USACE has the authority to remove floating or sunken debris, but only if that debris is a hazard to navigation in a federally maintained navigation channel.

Various state agencies have authorities to take ownership of a vessel, remove pollution, hazmat, and solid waste, and to recycle and dispose of the material. However, the biggest impediment to addressing CADVs, beyond ongoing funding, is that there is no single federal, state or local agency with the authority or expertise to effectively address the issue. The complexity of this problem requires all relevant stakeholders working together collaboratively. SB 1065 addresses the critical impediment to cleaning up our waterways by requiring the State Lands Commission to enter into a memorandum of agreement with relevant agencies and departments to identify authorities and abilities and to assign responsibility for specific vessel cleanup and removal activities, such as pollution and hazmat cleanup and solid waste disposal.

Statewide Inventory and Coordinating Council: While we know the problem is pervasive, the bill requires that the State Lands Commission conduct a statewide inventory of CADVs to better measure the extent of the problem. This inventory can be completed with the use of available data from state and local agencies, among other sources.

The Coordinating Council is intended to bring experts from various federal, state and local agencies to provide overall policy guidance for the program. The Coordinating Council will also develop a system of prioritizing the removal of vessels, develop an action plan to address the problem, research possible prevention measures, and make recommendations to the Legislature on possible actions to help prevent and address CADVs.

Other State Examples of Similar Legislative Actions: In 2002, Washington established a statewide program that provides state and local agencies with authority and funding for the removal and disposal of CADVs. Washington keeps an ongoing inventory of vessels and prioritizes funding based on certain criteria.

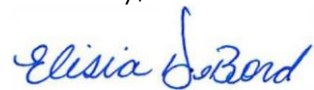
September 13, 2023
AB 748 (Villapudua). CADV.
Page 3

Florida passed legislation that took effect on July 1, 2016, giving authority to law enforcement officers of the Florida Fish and Wildlife Conservation Commission to declare a vessel at-risk of becoming abandoned or derelict. Establishing this authority allowed the state to get ahead of the problem by addressing the vessel before it is in a condition that is much more difficult and costly to remove. SB 1065 gives similar authority to state and local peace officers with jurisdiction.

Federal, state, and local authorities must work together to address this problem. Without a statewide program to cleanup, remove, and dispose of abandoned and derelict commercial vessels, these vessels will continue to harm California's water quality, habitat, and ecosystems.

For these reasons, Sacramento County asks that you sign AB 748. Please feel free to contact me at (916) 874-4627 or deborde@saccounty.gov.

Sincerely,



Elisia De Bord
Governmental Relations and Legislative Officer

cc: Hon. Carlos Villapudua
Chair and Members, Board of Supervisors
Audrey Ratajczak, Cruz Strategies