The seal of Contra Costa County, California, is a circular emblem. It features a central landscape with a mountain range, a river, and a town. The words "THE SEAL" are at the top, "CONTRA COSTA COUNTY" are on the left, and "CALIFORNIA" is on the right. There are stars around the inner border.

**AQUATIC JUNKYARDS WORKING GROUP REPORT
TO THE CONTRA COSTA COUNTY BOARD OF SUPERVISORS
TRANSPORTATION WATER & INFRASTRUCTURE COMMITTEE**

February 2009

Working Group Members

Patty Cookson, Dept. of Conservation & Development - Building Inspection
Vanessa Cordier, Health Services Department – Environmental Health
Will Duke, Sheriff’s Office

Robert Erickson, Dept. of Conservation & Development, Building Inspection
Steven Goetz, Dept. of Conservation & Development - Community Development
Thom Huggett, Dept. of Conservation & Development - Building Inspection
Dan Jordan, Public Works Department

Richard Lee, Health Services Department – Environmental Health
Vivian Matuk, California Dept. of Boating and Waterways
Sherman Quinlan, Health Services Department - Environmental Health
Doug Powell, Sheriff’s Office

Tonya Redfield, Keep the Delta Clean
Kevin Ryan, Sheriff’s Office

Randy Sawyer, Health Services Department - Hazardous Materials
Michael Angelo Silva, Dept. of Conservation & Development - Building Inspection
Gano Thomas, Dept. of Conservation & Development - Building Inspection

INTRODUCTION

On August 19, 2008, the Board of Supervisors requested the Transportation Water & Infrastructure Committee (Committee) to study the Grand Jury recommendations on Aquatic Junkyards (Report 0808), with input from the office of the Sheriff, the County's Public Works, Building Inspection and Health Services Departments (see Appendix A). This report provides input to the Committee from the affected County departments. This input consists of the following recommendations:

1. Support the efforts of the Sheriff's Office to form partnerships with other agencies to help abate abandoned marine vessels and navigational hazards.
2. Request our State legislative delegation and boating organizations to support appropriation of \$1 million annually from the Harbors and Watercraft Revolving Fund to the Abandoned Water Craft and Abatement Fund (AWAF) in the budget of the Department of Boating and Waterways as authorized by state statute.
3. Support the efforts of the Sheriff's Office to work with other stakeholders to encourage the Department of Boating and Waterways to allow use of AWAF grants for abatement of abandoned commercial vessels.
4. Request County Counsel draft a fee schedule for Board adoption that will fund the removal, storage and disposal of marine vessels in violation of the County's mooring regulations.
5. Request the Sheriff's Office and the Department of Conservation and Development to monitor the activities of public agencies that propose projects near County waterways that could increase the exposure of the public to navigational hazards.
6. Support Assembly Bill 166 which will streamline the abatement process for abandoned vessels through a pilot program that authorizes the sale of surrendered vessels prior to their potential or eventual abandonment.

The support for these County staff recommendations is contained in the remainder of this report, which follows the organization of the Grand Jury recommendations. The Committee is to report back to the Board of Supervisors in six months.

I. Background research tasks identified by the Grand Jury Report:

- a) **The identification of state, federal and adjoining county agencies, and representatives that are responsible for monitoring and addressing problems related to the Delta waterways, especially those involving abandoned recreational and commercial vessels, navigational hazards, and possible health and water quality issues.**

Building Inspection Division of the Department of Conservation & Development is responsible for removal of derelict vessels, illegal buildings, junk, and debris on parcels adjacent to the waterways. The Building Inspection Division will also enforce building codes on parcels submerged under water. Building Inspection Division has numerous code enforcement cases on Delta islands.

Health Services Department is responsible for enforcing County ordinances for on-site water supply and sewage disposal for parcels adjacent to waterways.

Sheriff's Office has primary law enforcement responsibility for waterways within County boundaries. The Sheriff is authorized by County ordinance to cite individuals with derelict vessels in waterways. However, existing ordinances do not provide funding to tow and store derelict vessels. There is concern that the declining economy may increase the number of individuals using derelict vessels in the Delta for shelter. The Sheriff's Office maintains an inventory of abandoned vessels in county waterways (see Appendix B).

Department of Motor Vehicles (DMV) is responsible for registration of self-propelled boats and sailboats >8 feet long which are used in the waters of the State, unless the vessel is documented by the Coast Guard. Such boats are also subject to personal property taxes collected by the county tax collector in the county the vessel is moored or stored. The registered owner is required to notify DMV when the vessel has been destroyed or abandoned.

Department of Boating and Waterways is responsible for collecting accident reports that boat operators must submit when the total damage involved is more than \$500 or there is complete loss of a vessel. Failure to submit a report is punishable by a fine of up to \$1,000 or imprisonment up to six months or both.

Department of Fish and Game is responsible for issuing permits for installation of pilings on submerged lands in California's waterways.

State Lands Commission has jurisdiction over all submerged lands beneath tidal and non-tidal navigable waterways in California. This would include all submerged land in the Delta. This jurisdiction includes issuing permits for marinas, docks, piers, moorings, buoys, houseboats and salvage operations. Parcels owned by the Commission and located within Contra Costa's boundaries are subject to County regulation.

U.S. Coast Guard is responsible for documenting vessels of five net tons or more (e.g. >25 feet long) used in fishing activities on navigable waters of the U.S., or used in coastwise trade. In addition, towboats and dredges operating in the U.S. must be documented under the laws of the U.S. States may require documented vessels to be registered (but not numbered) and to display state decals showing that they have complied with state requirements. No information is available on how documentation fees are spent. The Certificate of Documentation must be renewed annually. The Coast Guard will send a Notice of Renewal to the managing owner approximately 45 days prior to expiration. The Coast Guard maintains a list of vessels documented under the laws of the U.S.

The Coast Guard will remove the source of contamination from vessels that contaminate navigable waters on a case-by-case basis. Their procedure can involve raising a vessel, removing the source of contamination, and then sinking the vessel in place. The Coast

Guard has not made available the criteria or procedures they follow to abate problem vessels. There is a potential opportunity for coordination between the County and federal agencies when taking action on abandoned vessels under shared jurisdictions. Such coordination could accomplish abatement action more cost effectively. However, as indicated earlier, the County's ordinance on illegal mooring of vessels does not provide funding to tow and store such vessels.

Bay Conservation and Development Commission issues permits to place fill, to extract materials, or to make any substantial change in use of any water, land or structure, within the area of the Commission's jurisdiction. The area of jurisdiction includes the San Francisco Bay to the Sacramento River line, including all sloughs and submerged lands, and a shoreline band consisting of all territory located between the shoreline of San Francisco Bay and a line 100 feet landward of and parallel with that line.

State Water Resources Control Board (Water Board) and its regional boards were established by the California Water Code as the primary State agencies for protecting the quality of waters. The Water Board issues orders to agencies or individuals whose actions have the potential for polluting the waters of California. A variety of remedies are used when agencies or individuals fail to comply with these orders or with other Water Board regulations. An example of such enforcement is its recent order to the U.S. Department of Transportation to abate unlawful and unpermitted discharges from the Suisun Bay Mothball Fleet into Suisun Bay. It is not known if abandoned vessels or pilings in Contra Costa waterways represent a high enough priority for enforcement action by the Water Board. The Water Board also administers funds from two state bonds, Proposition 13 and Proposition 40, to support local water quality projects including removal of contaminants from waterways.

California Conservation Corps works in the Delta and has the gear required for larger debris removal jobs, not just litter removal. It has to be determined to be a navigational hazard in order to justify use of the Corps debris removal team.

Army Corps of Engineers Operations Program (OP) maintains designated "federal channels" for navigation and provides technical assistance for vessel removal. The OP will dredge to maintain channel depth, and is authorized to remove channel obstructions that are hazards to navigation. The OP also removes potential federal channel obstructions from San Francisco Bay. The Corps has some debris collection boats that can pick up an average of 90 tons of material each month. For the Corps to consider vessel removal the vessel should be likely to disrupt navigation in a federal channel and the vessel is determined to be "hazard to navigation" under Corps regulations. Vessel removals are considered by Corps District Operations staff on a case-by-case basis. Corps Districts have some emergency vessel removal authority. Under the OP, the Corps provides technical assistance for removal of submerged or partially submerged vessels and advises state and local entities regarding removal options. The Corps OP points of contact include: Sacramento District (Sacramento County and points east: Michael Mahoney: 916-557-6714) and San Francisco District (west of Sacramento County: Michael Dillabough: 415- 503-6770)

The second program is the Corps' Regulatory Program (RP). This program is under two Federal Laws: the Rivers and Harbors Act (RHA) Section 10 and the Clean Water Act (CWA) Section 404. The first states that permits are required for structures (piers, dredging, wharves, bulkhead, crossings, and moorings) and obstruction in navigable waters (including most Delta waters). Permanently moored vessels are considered "structures" and so require Corps RHA permits. There are civil and criminal penalties for noncompliance. The CWA states that a permit is required for the discharge of dredge or fill-materials into navigable waters or "other waters of the US" ("Fill" includes roads, levees, and site development). An abandoned vessel could act as a "fill" and become a CWA, Section 404 violation. There are also civil and criminal penalties for noncompliance.

There is a Nationwide Permit (NWP) 22 for removal of wrecks. This permit is required if temporary structures or temporary fills are needed to remove wrecked, abandoned or disabled vessels otherwise no Corps permit is required. Coordination is required when a historic vessel is involved; could "take" an endangered species or effects of removal could be more than minimal (such as a large wreck). NWP 22 requires coordination with local Regional Boards. Authorization under NWP 22 does not establish property rights to remove vessel. The Corp's RP contacts are: Sacramento District (Sacramento County and points east: Lisa Gibson: (916) 557-5288) and San Francisco District (west of Sacramento County: Jane Hicks: (415) 503-6771).

The Sacramento and San Joaquin rivers in the Delta are designated as federal channels. All other waterways in the Delta are outside federally maintained navigation channels. Generally abandoned vessels in the Delta will not meet criteria for Corps removal. The Corps RP can pursue violations associated with abandoned vessels when appropriate. Corps practice for vessel removal is to relocate vessel within the waterway but outside the federal channel. Vessels relocated from federal channels in County waterways by the Corps may be subject to violation of County mooring regulations after 96 hours. There is a potential opportunity for coordination between the County and federal agencies when taking action on abandoned vessels under shared jurisdictions. Such coordination could accomplish abatement action more cost effectively. However, as indicated earlier, the County's ordinance on illegal mooring of vessels does not provide funding to tow and store such vessels.

- b) The identification of all state, federal, private sector, and non-profit organization funds that might be available to allow for the more timely and efficient removal of all abandoned vessels, dilapidated buildings, pilings, junk, and debris from the water and adjacent shoreline.**

Department of Boating and Waterways administers the Abandoned Watercraft Abatement Fund (AWAF). It provides funds to public agencies to remove recreational abandoned vessels or any other partially submerged objects which pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent. Removal of an abandoned vessel by a public

agency for abatement may require an appraisal, public noticing and is subject to a hearing process. It allows local public agencies to apply for funding and, upon approval, enter into a contract grant agreement with the Department. The Sheriff's Office Marine Patrol Unit has participated in this program since it began. In awarding grants, extra consideration will be given to applicant agencies that are proactive in keeping abandoned vessels off State waters and maintain a navigational hazard abatement plan. The Sheriff's Office has a navigational hazard abatement plan that provides for one deputy to abate vessels and policy and procedures manual to abate abandoned vessels. Grants awarded must be matched by a 10 percent contribution from the local agency receiving the grant. AWAFF receives funding from boater registration fees which are deposited in the Harbors and Watercraft Revolving Fund. Commercial vessels that are a navigational hazard are not candidates for abatement under this program.

Sheriff's Office Marine Patrol Unit participates in an annual community cleanup event along the Bay Point shoreline. Waste haulers often provide dumpsters for community clean up events as part of their franchise agreement with the local agencies responsible for solid waste disposal.

Contra Costa County, through the approved Land Use Permit for the Keller Canyon Landfill and County Transfer Station, receives revenue from the deliveries entering these facilities. Some of these revenues currently fund code enforcement activities of the Building Inspection Division. These funds are allocated annually by the Board of Supervisors.

Contra Costa County Watershed Program (within the Public Works Department) has received Proposition 13 and Proposition 40 funds from the State Water Quality Control Board to fund the Keep the Delta Clean Program. The major emphasis of this program is to reduce pollution in Delta waterways by setting up environmental services while educating boaters about clean and safe boating. To help reduce water pollution from abandoned vessels, the Watershed Program purchased a trailer for the Sheriff's Office for the removal and transport abandoned vessels to disposal sites. This purchase represented a minor part of the program. Research has shown that creosote pilings (a component of water debris) can impact aquatic habitat.

California Coastal Conservancy will allocate \$3.5 million (from Propositions 12, 40 and 84) to construct and enhance approximately 35 launch sites for the San Francisco Bay Area Water Trail. The Bay Conservation and Development Commission is currently developing the Water Trail Plan. The Coastal Conservancy is the lead agency for implementing the Water Trail and is preparing an Environmental Impact Report. Some of the proposed launch sites are adjacent to abandoned piers and pilings identified in the Grand Jury report. The County has requested the Coastal Conservancy to survey the shoreline for potential navigational hazards to trail users and to address any potential hazards in the Environmental Impact Report. The Sheriff will work with the project sponsors of these launch sites to determine if all or portion of these abandoned piers and pilings should be removed as part of constructing or enhancing these launch sites.

- c) **An investigation of the practicality of establishing a non-profit organization to assist in fund raising efforts in support of the effort to clean up the County's waterways and adjacent shoreline.**

Non-profits can donate or pass through funds from the private sector for equipment as well as for the removal of debris from the Delta. Discover the Delta Foundation is an existing non-profit organization whose mission is to increase awareness of the agricultural, cultural, historical, environmental, and recreational value of the California Delta so that this very important resource can be better understood, protected, enhanced, and enjoyed. Other non-governmental organizations that could support abatement efforts include the Recreational Boaters of California, the Marine Recreational Association and the California Association of Port Captains and Harbor Masters.

- d) **An investigation of the practicality of establishing a program similar to the state's "Adopt a Highway" effort to allow citizens and the private sector to actively and visibly support the effort to clean up the county's waterways.**

Debris in the Delta is often difficult to access and hazardous to remove. For these reasons the County should not sponsor citizens or private organizations seeking to clean up the County's waterways.

- e) **An investigation of the practicality of establishing and promoting a dedicated telephone tip line to allow citizens to report abandoned vessels and aquatic dump sites that are detrimental to the County's waterways.**

Citizens can readily contact the Sheriff through existing phone numbers to report abandoned vessels and aquatic dump sites. There is no need for a telephone tip line.

II. Scope and Possible Financing for a Cleanup Plan

County staff recommends that the County seek additional resources for the removal of abandoned vessels from Delta waterways at the federal, state and local level. This report identified 12 separate agencies that have some responsibility for monitoring and addressing problems involving abandoned recreational and commercial vessels, navigational hazards, and possible health and water quality issues. Opportunities exist to not only obtain additional resources but to channel existing resources of multiple agencies to help solve problems resulting from debris in our waterways.

Recommendation 1: Support the efforts of the Sheriff's Office to form partnerships with other agencies to help abate abandoned marine vessels and navigational hazards.

The Coast Guard and Army Corp of Engineers will abate abandoned marine vessels and navigational hazards on a case-by-case basis. The Sheriff's Office, in consultation with the District Attorney's Office, is exploring opportunities with these federal agencies for coordinated abatement actions in county waterways. These partnerships could help leverage federal resources to clean up county waterways.

The State Water Quality Control Board (Water Board) issues orders and fines against responsible agencies and individuals whose actions have the potential to pollute the waters of the State. The Water Board also allocates funds to local projects that improve water quality, expand recreational opportunities, and improve aquatic habitat. The Sheriff's Office has worked with the Contra Costa Clean Water Program to obtain funding and resources to remove abandoned vessels and other water contaminants from county waterways. County staff has begun investigating the potential for incorporating abatement of abandoned pilings piers in state or federally funded habitat restoration projects.

Recommendation 2: Request our State legislative delegation and boating organizations to support appropriation of \$1 million annually from the Harbors and Watercraft Revolving Fund to Abandoned Water Craft and Abatement Fund in the budget of the Department of Boating and Waterways as authorized by state statute.

Over the last 10 years the County has applied for and received AWAFF grants. This funding has allowed the removal of 280 vessels from County waterways at an average cost of \$3,272 per vessel. Competition for this state funding has gradually increased while the amount of revenue dedicated to the program has not.

State statute authorizes the appropriation of up to \$1 million annually in revenue from the Harbors and Watercraft Revolving Fund to AWAFF. Historically, the state has only appropriated \$500,000 annually to AWAFF. In FY 08-09, for the first time not all eligible AWAFF grant requests were funded. One agency's grant was rejected due to insufficient funds. A total amount of \$704,443 was requested by 19 agencies. With the increased competition for funding, the state should appropriate the fully authorized amount to AWAFF. Additional revenue could be generated by increasing the penalty for abandoning vessels which is now \$500 to \$3,000 (as proposed by AB 1950 last year) or by increasing the annual State boat registration fee which is now \$12 and deposit the increased revenue into the Harbors and Watercraft Revolving Fund.

Recommendation 3: Support the efforts of the Sheriff's Office to work with other stakeholders to encourage the Department of Boating and Waterways to allow use of AWAFF grants for abatement of abandoned commercial vessels.

Historically, abatement of abandoned commercial vessels has not been funded through AWAFF grants. The Sheriff's Office and the DBW have agreed to consider removal of abandoned commercial vessels on a case-by-case basis in future AWAFF grants. However, the DBW remains concerned that recreational boaters will object to the use of AWAFF grants for removal of abandoned commercial vessels because AWAFF is funded from fees paid by recreational boaters. The Sheriff's Office has started working with other Delta counties to document the extent of abandoned commercial vessels to demonstrate that this is a growing problem to recreational boaters. The Sheriff's inventory of identified abandoned vessels includes 20 commercial vessels. The Sheriff's Office will also be seeking support from recreational boater organizations for use of AWAFF grants on abandoned commercial vessels.

Recommendation 4: Request County Counsel draft a fee schedule for Board adoption that will fund the removal, storage and disposal of marine vessels in violation of the County's mooring regulations.

At the local level, the Board of Supervisors adopted an ordinance for sections of the Health and Safety Code prohibiting illegal mooring of vessels. Such vessels are subject to removal, storage and disposal by the County. At this point the Board has not adopted a fee schedule to implement this provision of the County Code. The Sheriff must use General Funds to enforce these sections of the County Code.

Recommendation 5: Request the Sheriff's Office and the Department of Conservation and Development to monitor the activities of public agencies that propose projects near County waterways that could increase the exposure of the public to navigational hazards.

Abatement efforts are currently limited to Delta waterways, where most boating occurs. However, the County has 240 miles of shoreline. The Sheriff's Office and the Department of Conservation and Development had begun monitoring actions by public agencies that may expand boating to other portions of our shoreline. If such actions are near debris along the shoreline and create the potential to expose the public to navigational hazards, the Sheriff's Office will work with these agencies to eliminate potential danger to the public.

III. Propose changes to legislation or procedures to allow abatement of abandoned commercial vessels through the Abandoned Watercraft Abatement Fund.

Recommendation 6: Support Assembly Bill 166 which will streamline the abatement process for abandoned vessels through a pilot program that authorizes the sale of surrendered vessels prior to their potential or eventual abandonment.

In 2008, the Sheriff's Office supported AB 1950 (Lieu) which would streamline the abatement process for abandoned vessels through a pilot program that authorizes the sale of surrendered vessels prior to their potential or eventual abandonment. Specifically, this bill:

- 1) Establishes a new class of vessels called "surrendered vessels" and would authorize the sale of them to public agencies prior to them being abandoned. As defined, "surrendered vessels" means a vessel that the verified title holder has willingly surrendered to a willing public agency under both following conditions:
 - a) The public agency has determined, in its sole discretion, that the vessel is in danger of being abandoned, and therefore has a likelihood of causing environmental degradation or becoming a hazard to navigation; and,
 - b) The decision to accept a vessel is based solely on the potential of the vessel to likely be abandoned and cause environmental degradation or become a hazard to navigation.

- 2) Increases the current minimum penalty for vessel abandonment from \$500 to \$1,000.
- 3) Allows the use by local entities of grant funds from the existing AWAFF to dispose of the surrendered vessels.
- 4) Authorizes surrendered vessels to be disposed of immediately upon acceptance by a public agency and exempts them from the provisions of transfer that must be followed by abandoned vessels.
- 5) Requires the Department of Boating and Waterways (DBW) to track the number of surrendered vessels accepted by a public agency for disposal under AWAFF grant funding over a two-year period from January 1, 2009 to January 1, 2011. Requires DBW to report the information, along with any recommendations to revise or continue the pilot program, to the Assembly Transportation Committee and the Senate Transportation and Housing Committee by July 1, 2011.
- 6) Sunsets the provisions of this bill on January 1, 2012.

This bill was passed unanimously by both houses of the Legislature, but vetoed by the Governor. His veto message said that due to a delayed state budget, he only had time to sign high priority bills. AB 1950 did not meet that standard. At the request of the Sheriff, the State Sheriff's Association obtained the support of Assemblyman Lieu (D-El Segundo) to reintroduce this bill in 2009 as AB 166.

IV. Role of the Sheriff's Inventory of Identified Abandoned Vessels

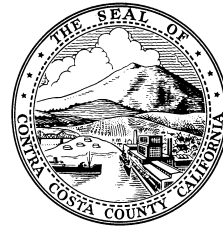
The Sheriff maintains an inventory of abandoned vessels, both recreational and commercial. This inventory includes a photo, location coordinates, and registration information for each vessel. This inventory is updated annually for the purpose of preparing applications for AWAFF grants and for tracking the effectiveness of the County's abatement efforts. The inventory includes 30 abandoned vessels located in county waterways. Some of the vessels shown in the Grand Jury Report were part of this inventory. See Appendix C for photographs of vessels identified in the Grand Jury Report and the same location after removal of the vessel by the Sheriff's Office.

Recently, the Contra Costa Watershed Program has agreed to survey these vessels for hazardous materials, determine the threat to water quality, estimate the additional cost to abate these vessels, and add this information to the inventory in 2009. The inventory will be performed based on availability of grant funding from the Keep the Delta Clean Program which is managed by Contra Costa County Watershed Program.

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APPENDIX A

**Response to Grand Jury Report No. 0808,
Entitled “Aquatic Junkyards Exist in Contra Costa County”**



Contra Costa County

TO: BOARD OF SUPERVISORS
 FROM: JOHN CULLEN, County Administrator
 DATE: AUGUST 12, 2008
 SUBJECT: RESPONSE TO GRAND JURY REPORT NO. 0808, ENTITLED "AQUATIC
 JUNKYARDS EXIST IN CONTRA COSTA COUNTY"

SPECIFIC REQUEST(S) OR RECOMMENDATION(S) & BACKGROUND AND JUSTIFICATION

RECOMMENDATION:

APPROVE response to Grand Jury Report No. 0808, entitled "Aquatic Junkyards Exist in Contra Costa County" and DIRECT the Clerk of the Board to forward the response to the Superior Court no later than August 31, 2008.

BACKGROUND:

On June 2, 2008, the 2007/2008 Grand Jury filed the above-referenced report, which was reviewed by the Board of Supervisors and subsequently referred to the County Administrator, who with the Sheriff-Coroner, Conservation and Development Director, and Health Services Director, jointly prepared the attached response that clearly specifies:

- A. Whether a finding or recommendation is accepted or will be implemented;
- B. If a recommendation is accepted, a statement as to who will be responsible for implementation and by what definite target date;
- C. A delineation of the constraints if a recommendation is accepted but cannot be implemented within a six-month period; and
- D. The reason for not accepting or adopting a finding or recommendation.

CONTINUED ON ATTACHMENT: YES _____ SIGNATURE: _____

____ RECOMMENDATION OF COUNTY ADMINISTRATOR _____ RECOMMENDATION OF BOARD COMMITTEE
 ____ APPROVE _____ OTHER

SIGNATURE(S): _____

ACTION OF BOARD ON _____ APPROVE AS RECOMMENDED _____ OTHER _____

VOTE OF SUPERVISORS
 _____ UNANIMOUS (ABSENT _____)
 AYES: _____ NOES: _____
 ABSENT: _____ ABSTAIN: _____

CONTACT: JULIE ENEA (925) 335-1077
 CC: PRESIDING JUDGE OF THE GRAND JURY
 GRAND JURY FOREMAN
 SHERIFF-CORONER
 CONSERVATION AND DEVELOPMENT DIRECTOR
 HEALTH SERVICES DIRECTOR

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF AN ACTION TAKEN AND ENTERED ON THE MINUTES OF THE BOARD OF SUPERVISORS ON THE DATE SHOWN.

ATTESTED: AUGUST 19, 2008
 JOHN CULLEN, CLERK OF THE BOARD OF SUPERVISORS AND COUNTY ADMINISTRATOR

BY _____, DEPUTY

**BOARD OF SUPERVISORS RESPONSE TO
GRAND JURY REPORT NO. 0808:
AQUATIC JUNKYARDS EXIST IN CONTRA COSTA COUNTY**

FINDINGS

1. Sections 663 and 663.5 of the California Harbors and Navigation Code specify that county sheriffs have the primary law enforcement responsibility for waterways within their respective jurisdictions.

Response: *Agree.*

2. Contra Costa County (County) shares waterway boundaries with Sacramento, Solano, San Joaquin, and Alameda Counties.

Response: *Agree.*

3. The County is responsible for approximately 200 miles of waterways and shorelines.

Response: *Agree.*

4. These waterways are important to the county and the state, not only because they are the source of drinking and irrigation water for millions of the state's citizens, but because they also offer fishing and recreational opportunities.

Response: *Agree.*

5. There are places in the County where waterways, shorelines, and adjacent land are littered with debris, abandoned vessels, docks and pilings, gutted mobile homes, and houses that have fallen into the waterway.

Response: *Agree. Further cleanup of county waterways is necessary. The County Department of Conservation and Development (DCD) code enforcement staff has been diligent in identifying code violations, discussing building, zoning, and health concerns with property owners, citing violations, and pursuing code enforcement action as necessary.*

6. Residences like those shown below have been constructed adjacent to Delta waterways without the necessary building permits and are not in compliance with County codes in regard to electrical wiring, plumbing, sewerage disposal, treated water, fire protection, and building integrity.

Response: *Agree. There remain many substandard buildings and structures, and junkyard conditions adjacent to Delta waterways. However, the DCD has been active in code enforcement related to structures on islands in the Delta waterways. These activities include:*

- ◆ *Bradford Island residents were provided with eight 20-yard trash dumpsters free of charge in 2000, courtesy of DCD and the Public Works Department.*
- ◆ *Salisbury Island was abated of 110 structures, including 39 residences and 42 docks in 2004.*

- ◆ *Golden Gate Island was approved for abatement by the Board of Supervisors in 2005, and that decision was upheld by the Superior Court. On July 25, 2008, the First District Court of Appeal ruled in the County's favor, triggering a new 40-day appeal period. Absent any further appeal, the County can begin abatement.*
- ◆ *Bradford Island has two current code enforcement cases that include the issues in the pictures in the Grand Jury report. On August 5, 2008, the Board of Supervisors denied the appeal on one case and granted the owners 90 days to comply with abatement order. The other case is still pending.*
- ◆ *Quinn Island has five current code enforcement cases that include the issues shown in the pictures in the Grand Jury report.*
- ◆ *Quimby Island has two pending code enforcement cases.*
- ◆ *Hammer Island has one pending code enforcement case.*
- ◆ *Holland Tract has one pending code enforcement case.*

The DCD has worked extensively in the past with the Sheriff's Department and other local agencies to clean up the County's waterways and shorelines. In fact, the barge, floating home, and derelict vessels shown in the picture on the top of page 22 of the Grand Jury report no longer exist because of just such a joint effort, which was featured in the cover story of the March 2007 edition of the Building Inspection newsletter (copy attached). Notably, the County's code enforcement efforts on Salisbury Island garnered national recognition, with the County being named a "2005 Achievement Award Winner" by the National Association of Counties.

7. Derelict vessels and many other abandoned objects in the County's waterways contain toxic substances. Examples include creosote-treated pilings, lead-acid batteries, fuel tanks, asbestos, and lead paint.

Response: *Agree.*

8. Abandoned commercial vessels in the waterways include tugboats, commercial fishing boats, schooners, houseboats, barges, cranes, and dredges. Some vessels exceed 300 feet in length. These vessels are often accompanied by junk and debris, including butane and propane tanks, kitchen appliances, tires, barrels, scrap iron, and portable toilets.

Response: *Agree, with the clarification that houseboats are generally considered recreational, not commercial, vessels.*

9. Abandoned creosote-covered pilings, some with the remnants of buildings on them, number in the thousands.

Response: *Agree. The DCD pursues code enforcement cases through the owner of the property on which the violation exists. Many of the pilings are located on land that is under the jurisdiction of the State Lands Commission.*

10. The Office of the Sheriff (Sheriff) reports that some individuals have purchased derelict vessels and moved them into out-of-the-way locations. These derelict vessels are then

inhabited in violation of County codes. Squatters also have moved into abandoned vessels. They pollute the waterways with garbage and untreated human sewage.

Response: *Agree.*

11. Counties adjacent to Contra Costa have not enacted ordinances that would enable them to participate with Contra Costa in removing derelict or abandoned vessels in the Delta.

Response: *Disagree. Solano County has enacted an ordinance similar to Contra Costa County's Vessel Mooring and Sanitation Ordinance in an effort to enforce illegal sewage disposal and mitigate the potential for future abandoned vessels. Sacramento and San Joaquin Counties have drafted similar ordinances, which are currently in the legislative review process.*

12. Several County agencies administer regulations pertaining to the waterways. The primary agencies are the Sheriff and the Building Inspection Department.

Response: *Agree. The Office of the Sheriff and the DCD will continue to work in conjunction with the Public Works Department, HSD-Environmental Health Division, and federal and State agencies to address code enforcement issues in the Delta.*

13. Four of the County's five supervisorial districts have waterways that are polluted by abandoned watercraft, junk, and debris as shown on the following map.

Response: *Agree. See the County's response to Finding No. 6.*

14. The Sheriff started patrolling the Delta in the 1960's with its Marine Patrol Unit (MPU).

Response: *Disagree. The Sheriff's Department started patrolling the Delta in 1954.*

15. The Sheriff began removing abandoned recreational vessels from the Delta in 1987.

Response: *Disagree. The Sheriff's Department began removing abandoned recreational vessels from the Delta in 1997.*

16. The County's Building Inspection Department is responsible for the removal of derelict vessels, illegal buildings, junk, and debris on land adjacent to the waterways.

Response: *Agree. See the County's response to Finding No. 6.*

17. Since 1997, the California Department of Boating and Waterways has provided grants to the County for derelict vessel removal. The use of this money is restricted to the removal of recreational vessels as well as pilings that are a threat to navigation.

Response: *Agree. The Sheriff's Department in 2007/08 received approximately \$102,000 in grant funding for derelict vessel removal and removed 22 vessels, 8 pilings, and 4 docks.*

18. The Sheriff is not aware of the total number and location of all abandoned commercial vessels located in the County's waterways.

Response: *Partially disagree. The Sheriff's Department maintains an inventory of identified abandoned recreational and commercial vehicles. The inventory is updated on a semi-annual basis.*

19. Over the past 10 years, the MPU has removed an average of 30 abandoned recreational vessels per year.

Response: *Agree.*

20. The MPU is funded by state boat registration fees, the County's general fund, and the state's Boating and Waterways Agency. The MPU annual budget is approximately \$1.3 million. The budget does not include funding for the Sheriff's Air Support Unit. This unit is funded through the federal Drug Enforcement Administration.

Response: *Partially disagree. The Sheriff's Department Marine Patrol Unit is funded by County boat tax revenue, financial aid from the California Department of Boating and Waterways, and the County General Fund. The Sheriff's Department Air Support Unit is primarily funded by State and federal grants. Neither program is funded with vessel registration fees.*

21. The MPU has 11 full-time-equivalent staff consisting of 4½ deputy sheriffs, one sergeant, 1½ staff in the air support unit, one lieutenant, and three full-time equivalent positions to provide part-time support. The MPU has seven boats, six vehicles, six trailers, and two helicopters.

Response: *Partially disagree. The Sheriff's Department Marine Patrol Unit has 8 full-time equivalent staff comprising 4½ deputy sheriff, 1 sergeant, 1 lieutenant, and 4 per-diem positions. The Sheriff's Department Air Support Unit has 1½ full-time equivalent deputy sheriff positions, contract pilot services, and two helicopters.*

22. In fiscal year 2007-08, the MPU received a grant of \$102,000 from the California Department of Boating and Waterways for derelict recreational vessel removal. This grant requires 10% matching funds from the County.

Response: *Agree.*

23. The Sheriff has participated, and continues to participate with state legislators, to develop maritime policing legislation.

Response: *Agree.*

24. The California Department of Motor Vehicles charges a \$20 registration fee every two years for recreational boats, but it fails to track ownership changes. After seven years of registration inactivity, the records are purged.

Response: *Agree.*

25. Abandoned vessels are often stripped of state registration numbers. This makes it impossible to identify vessel owners to charge them for removal of their property.

Response: *Agree.*

26. Based on available funds, 30 derelict recreational vessels are scheduled for removal in fiscal year 2007-08.

Response: *Agree.*

27. Submerged derelict vessels are difficult to locate, identify, and remove. The cost to remove and dispose of sunken vessels is approximately twice the cost to remove and dispose of floating abandoned vessels.

Response: *Agree.*

28. There is no County funding source for the removal of derelict commercial vessels.

Response: *Partially disagree. The County allocates 10% matching funds (\$9,325 in 2007/08) to secure the California Department of Boating and Waterway grant funding. There are no other County funds designated specifically for the removal of derelict commercial vessels.*

29. No County agencies are charged with removing garbage, debris, and junk from within the County's waterways.

Response: *Agree.*

30. The Sheriff is authorized by County ordinance to cite individuals who litter the waterways.

Response: *Agree.*

31. The MPU spends an average of 20 hours of staff time per week dealing with abandoned vessels. This represents 15% of the MPU's total staff hours.

Response: *Agree.*

32. The MPU assists other County departments and agencies by providing water transportation to help them fulfill their duties.

Response: *Agree.*

33. The Health Services Department’s Environmental Health Division and the Building Inspection Department do not proactively address code violations on or adjacent to the County’s waterways. They only respond to complaints.

Response: *Partially disagree. Since the abatement of Salisbury Island in 2003, The DCD has actively pursued code violations in the Delta. As indicated in the County’s response to Finding No. 6, there are 12 active code enforcement cases, including Golden Gate Island, and this list will expand as the County becomes aware of other similar situations.*

RECOMMENDATIONS

The 2007-2008 Contra Costa County Grand Jury recommends that:

1. Within six months of this report, the Supervisors and the Sheriff create a joint task force to develop and present to the Supervisors a plan for the cleanup up of the County’s waterways and adjoining shoreline. Task force members should include, but may not be limited to, representatives from the Office of the Sheriff and the County’s Public Works, Building Inspection, and Health Services Departments.

Response: *The recommendation will be implemented within six months. The Board of Supervisors will request its Transportation, Water & Infrastructure Committee (TWIC) to study this matter with input from the Office of the Sheriff, the DCD, and the Public Works and Health Services Departments.*

2. The Supervisors direct the joint task force to address the following elements in its Delta cleanup plan:
 - a. The identification of state, federal, and adjoining county agencies, and representatives that are responsible for monitoring and addressing problems related to the Delta waterways, especially those involving abandoned recreational and commercial vessels, navigational hazards, and possible health and water quality issues.
 - b. The identification of all state, federal, private sector, and non-profit organization funding that might be available to allow for the more timely and efficient removal of all abandoned vessels, dilapidated buildings, pilings, junk, and debris from the water and adjacent shoreline.
 - c. An investigation of the practicality of establishing a non-profit organization to assist in fund raising efforts in support of the effort to clean-up the County’s waterways and adjacent shoreline.
 - d. An investigation of the practicality of establishing a program similar to the state’s “Adopt-a-Highway” effort to allow citizens and the private sector to actively and visibly support the effort to clean-up the County’s waterways.

- e. An investigation of the practicality of establishing and promoting a dedicated telephone tip line to allow citizens to report abandoned vessels and aquatic dump sites that are detrimental to the County's waterways.

Response: *The recommendation will be implemented within six months. The Board of Supervisors will request the TWIC to address in its study the elements described in Recommendations 2(a)-(e), and report back to the Board with its findings and recommendations on the scope of and possible financing for a cleanup plan.*

3. The Supervisors identify the amount of general funds necessary to support the recommendations of the task force, including those that may be required to match state, federal, and private sector grants.

Response: *The recommendation will be implemented within six months. The cost to implement any recommendations of the TWIC will be identified in the report that results from the TWIC study described in the County's response to Recommendation Nos. 1 and 2.*

4. The Supervisors and the Sheriff should be proponents of legislation and actions regarding the identification and removal of both recreational and commercial derelict or abandoned vessels and other debris. They should consider advocating for an increase to the state's recreational watercraft registration fee and for a change in state law that would allow the additional revenue to be used for the abatement of abandoned commercial as well as recreational vessels.

Response: *The recommendation has not been implemented, but will be implemented in the future. The Sheriff's Department, in cooperation with the California State Sheriff's Association, has committed to propose a change in state law that would allow the existing annual funds available in the California Department of Boating and Waterways, Abandoned Watercraft Abatement Program to be used for the abatement of abandoned commercial as well as recreational vessels.*

5. The Sheriff conducts a semi-annual inventory of all abandoned vessels to provide additional evidence and documentation to support the department's requests for additional funding.

Response: *The recommendation has been implemented. The Sheriff's Department Marine Patrol Unit maintains an inventory of identified abandoned vessels that is updated semi-annually.*

APPENIDIX B

**Sheriff's Inventory of Abandoned Vessels in Contra Costa County
(Water Hazard Removal List Worksheet)**

WATER HAZARD REMOVAL LIST (WHRL)-WORKSHEET

Project Number	Vessel Name/ Description and Location	Type of Hazard: <i>please check</i> AV = Abandoned Vessel NH = Navigational Hazard EH = Environmental Hazard O = Other				Vessel Reg. # or HIN #	Length	Hull Material	Compliance w/ H&NC Chp. 3 Article 1 <i>please check</i>		Cost Estimate	Comment	Hazard Revision: D = Disposed S = Sold R = Reclaimed <i>please check one</i>		
		AV	NH	EH	O				Yes	No			D	S	R
1	N/W side of Quimby Isl. in tules Old River/Waterworld	X	X	X		None	30'	Fiber	X		\$6,000.00				
2	Old River/Sandmound Slough South of Phee's old place	X	X	X		None	30'	Metal	X		\$6,000.00				
3	N/W side of Quimby Isl. On levee Old /River	X	X	X		CF 1160 FL	25'	Fiber	X		\$5,000.00				
4	Dutch Slough-North side of the tules	X	X	X		None	25'	Fiber	X		\$5,000.00				
5	Twin Sloughs, south of R.R. tracks. Between Old and Middle River	X	X	X		CF 1914 CZ	18'	Fiber	X		\$3,600.00				
6	San Joaquin River - Federal Reserve Lands	X	X	X		None	18'	Fiber	X		\$3,600.00				
7	Bradford Island - Fishermans Cut	X	X	X		CF 7150 EW	25'	Fiber	X		\$5,000.00			X	
8	Old River/Sandmound Slough Levee of Quimby Isl.	X	X	X		None	38'	Wood	X		\$7,600.00				
9	North Bradford Isl. San Joaquin River	X	X	X		None	28'	Fiber	X		\$5,600.00			X	
10	East end of Little Franks Tract	X	X	X		None	35'	Wood	X		\$7,000.00			X	
11	Sandmound Slough- South of the "S" turns	X	X	X		None	42'	Metal	X		\$22,000.00				
12	IFO 2610 Taylor Slough	X	X	X		None	40'	Cement			\$8,000.00				

WATER HAZARD REMOVAL LIST (WHRL)-WORKSHEET

Project Number	Vessel Name/ Description and Location	Type of Hazard: <i>please check</i>					Vessel Reg. # or HIN #	Length	Hull Material	Compliance w/ H&NC Chp. 3 Article 1 <i>please check</i>		Cost Estimate	Comment	Hazard Revision:		
		AV	NH	EH	O	Yes				No	D			S	R	
13	Italian Slough near Clifton Forebay/ Stored at MSU office	X	X	X			9'	Fiber	X		\$100.00	PWC				
14	Broad Slough/ S.E. corner of Winter Island	X	X	X		CF 6972 EF	20'	Fiber	X		\$3,500.00					
15	Harris Marina East of McAvoy's Harbor	X	X	X		Unk	20'	Wood	X		\$3,500.00					
16	San Joaquin River/Antioch stored at delta yard	X	X	X		CF 1374 SE	14'	Fiber	X		\$100.00					
17	San Joaquin River/Antioch stored at delta yard	X	X	X		MC 7168 AF	16'	Fiber	X		\$100.00					
18	Sandmound Slough across from 4944 Sandmound Blvd.	X	X	X		CF 8161 FF	40'	Fiber	X		\$8,000.00	Sunk				
19	S.J. River just west of Antioch public launch	X		X		CF 3756 EU	18'	Fiber	X		\$3,600.00	Hard to reach, many submerged pilings in area				
20	S.J. River, east of the Gypsum plant(next to # 6)	X	X	X		CF 2647 HW	18'	Fiber	X		\$3,060.00					
21	2300 Dutch Slough Rd. Pontoons with wood slats (old houseboat?)	X		X		None	40'	Metal	X		\$7,000.00	Floating				
22	S.J. River, west of the Antioch public launch (Tommy's island)	X	X	X		CF 3521 AJ	40'	Wood	X		\$8,000.00	Sunk				
23	Fulton Shipyard/ S.J. River. Stored at Delta yard	X	X	X		None	10'	Fiber	X		\$100.00					
24	Fulton Shipyard/ S.J. River. Stored at Delta yard	X	X	X		CF 2638 BK	14'	Fiber	X		\$100.00					

EXHIBIT A

WATER HAZARD REMOVAL LIST (WHRL)-WORKSHEET

Project Number	Vessel Name/ Description and Location	Type of Hazard: <i>please check</i> AV = Abandoned Vessel NH = Navigational Hazard EH = Environmental Hazard O = Other					Vessel Reg. # or HIN #	Length	Hull Material	Compliance w/ H&NC Chp. 3 Article 1 <i>please check</i>		Cost Estimate	Comment	Hazard Revision: D = Disposed S = Sold R = Reclaimed <i>please check one</i>		
		AV	NH	EH	O	Yes				No	D			S	R	
25	Dutch Slough/Woods Harbor. Stored at Delta yard	X	X	X		None	10'	Fiber	X		\$100.00					
26	Dutch Slough/Viking Harbor. Stored at Delta yard	X	X	X		NV 7361 KJ	9'	Fiber	X		\$100.00	PWC				
27	Dutch Slough/Woods Harbor. Stored at Delta yard	X	X	X		None	10'	Metal	X		\$100.00					
28	Sandmound Slough/ South of "S" turns	X	X	X		CF 1444 EE	39'	Fiber	X		\$6,825.00					
29	Discovery Bay Channel / DB Marina	X	X	X		CF 5557 GM	18'	Fiber	X		\$0.00	RO paid for disposal	X			
30	San Joaquin River / Mayberry Cut	X	X	X		CF 3643 FJ	15'	Fiber	X		\$0.00	RO paid for disposal	X			

APPENDIX C

**“Before” and “After” Photos of Locations Identified
in the Grand Jury Report on Aquatic Junkyards.**



Junk and Abandoned Vessels near tip of Holland Tract "Before"



Junk and Abandoned Vessels near tip of Holland Tract "After"



Bradford Island "Before"



Bradford Island "After"



Fisherman's Cut "Before"



Fisherman's Cut "After"