

Following is the Office of the Sheriff's response to Grand Jury Report No. 0808, "Aquatic Junkyards Exist in Contra Costa County":

FINDINGS

Finding No. 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

Finding No. 2:

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

Response: AGREE

Finding No. 3:

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

Response: AGREE

Finding No. 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

Finding No. 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

Finding No. 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: PARTIALLY DISAGREE

The Office of the Sheriff does not maintain information regarding building permits and County code compliance with respect to electrical wiring, plumbing, treated water, fire protection and building integrity.

Finding No. 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

Finding No. 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: PARTIALLY DISAGREE

Houseboats are defined as recreational vessels.

Finding No. 9:

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

Response: AGREE

Finding No. 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

Finding No. 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 County and San Joaquin County have written similar ordinances and are currently in the legislative review process.

Finding No. 12:

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

Response: AGREE

Finding No. 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

Finding No. 14:

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

Response: DISAGREE

The Sheriff's Office started patrolling the Delta in 1954.

Finding No. 15:

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

Response: DISAGREE

The Sheriff's Office began removing abandoned recreational vessels from the Delta in 1997.

Finding No. 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

Finding No. 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

Finding No. 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 Office of the Sheriff does not maintain an up to the minute inventory; however the Marine Services Unit maintains a semi-annual inventory of identified abandoned recreational and commercial vessels.

Finding No. 19:

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

Response: AGREE

Finding No. 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 Office Marine Services Unit is funded by County boat tax revenue, (not vessel registration fees) financial aid from the Department of Boating and Waterways and the County General Fund. The Sheriff's Office Air Support Unit is primarily funded by State and Federal grants.

Finding No. 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 Marine Patrol has 8 full-time-equivalent staff consisting of 4 1/2 deputy sheriffs, one sergeant, one lieutenant, four Per-Diem positions to provide part-time support and 1 1/2 deputy sheriffs assigned to the Air Support Unit. The Air Support Unit has two helicopters.

Finding No. 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

Finding No. 23:

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

Response: AGREE

Finding No. 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

Finding No. 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

Finding No. 26:

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

Response: AGREE

Finding No. 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

Finding No. 28:

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

Response: AGREE

Finding No. 29:

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

Response: AGREE

Finding No. 30:

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

Response: AGREE

Finding No. 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

Finding No. 32:

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

Response: AGREE

Finding No. 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

The Office of the Sheriff is not aware of the operating procedures of the Environmental Health Division or the Building Inspection Department.

RECOMMENDATIONS

The 2007-2008 Grand Jury makes the following recommendations:

Recommendation No. 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 requires further analysis. A minimum of six months is required to identify funding sources, create a joint task force, identify and determine the nature and scope of work to be done and prepare a formalized cleanup plan for presentation to the Board of Supervisors.

Recommendation No. 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.*

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:

No reply requested from Contra Costa County Sheriff's Office

Recommendation No. 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:

No reply requested from Contra Costa County Sheriff's Office

Recommendation No. 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 yet been implemented, but will be implemented in the future. The Office of the Sheriff, in cooperation with the California State Sheriff's Association, will propose a change in state law that would allow the existing annual funds available in the Department of Boating and Waterways Abandoned Watercraft Abatement Program to be used for the abatement of abandoned commercial as well as recreational vessels.

Recommendation No. 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 Office of the Sheriff Marine Services Unit maintains a semi-annual inventory of identified abandoned vessels, both recreational and commercial, and is able to provide additional evidence and documentation to support a request for additional funding.