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AQUATIC JUNKYARDS EXIST IN CONTRA COSTA COUNTY

SUMMARY

Contra Costa County's 200 miles of waterways and shorelines are dotted with scores of abandoned recreational and commercial vessels, dilapidated buildings, abandoned docks and pilings, junk, and debris that not only detract from the region's natural beauty but also pose potential safety and health hazards.

County law and code enforcement have been marginally effective in dealing with what have, over the years, become aquatic junkyards in a county with more than one million residents.

The relatively low priority placed on the problem by the county board of supervisors, a shortage of funds to adequately handle clean-up efforts, overlapping responsibilities of multiple county departments, adjacent counties, and state and federal agencies, have led to an uncoordinated and inadequate approach to an unsightly and unhealthy regional problem.

The county has dealt with the problem slowly in some instances and not at all in others. The sheriff has worked closely with the state legislature, the board of supervisors, and the California Department of Boating and Waterways to develop laws and ordinances that have resulted in the removal of over 300 derelict vessels from the county's waterways since 1987. However, there has been little or no progress made on removing abandoned commercial vessels because of restrictions placed on the available funds.

Contra Costa County is surrounded on three sides by water, on the west by San Francisco Bay, on the north by the Sacramento River and Carquinez Strait, and on the east by the San Joaquin River, and canals and sloughs that together constitute an important part of the California Delta.

These waterways are not only important to the county, but to a large segment of the state because the drinking and irrigation water for millions of the state's citizens flows through the rivers and canals that are within the eastern border of the county. They also support numerous fishing and recreational activities.

The complete grand jury report is available on the Contra Costa County Grand Jury web site: www.cc-courts.org/grandjury.

CONTRA COSTA COUNTY GRAND JURY REPORT 0808

AQUATIC JUNKYARDS EXIST IN CONTRA COSTA COUNTY

**TO: Contra Costa County Board of Supervisors
Office of the Sheriff, Contra Costa County**

BACKGROUND

Contra Costa County is surrounded on three sides by water, on the west by San Francisco Bay, on the north by the Sacramento River and Carquinez Strait, and on the east by the San Joaquin River and many canals and sloughs that constitute part of the California Delta. 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.

County enforcement of laws pertaining to these waterways is, at best, marginal. This has caused numerous problems. Recreational and commercial vessels abandoned over the years are a threat to navigation and water quality. Trash of all kinds has been left in and adjacent to the waterways. Houses and docks have been built in locations not zoned for habitation. There are also abandoned, dilapidated commercial buildings and docks along the water's edge and many thousands of aging, creosote-treated pilings

The county has dealt with these problems slowly in some instances and not at all in others. The Office of the Sheriff (Sheriff) has worked closely with the state legislature, the board of supervisors and the California Department of Boating and Waterways to develop laws that have resulted in the removal of over 300 derelict vessels from the County's waterways since 1987.

However, matching state grants for these efforts have come with the stipulation that the money can be used only for the removal of abandoned pleasure craft and cannot be used to remove derelict commercial vessels or trash. This limitation has left many large abandoned commercial vessels on or adjacent to the waterways. The Sheriff has the authority to remove these, but not the necessary financial or staff resources, to do so.

Abandoned vessels and junk that cannot be dealt with by the Sheriff include: tugboats, commercial fishing boats, schooners, houseboats, barges, dredges, cranes, dilapidated buildings on barges, and other large vessels. Some of these exceed 300 feet in length. Some of these derelict vessels are partially or totally submerged and are difficult to locate and remove. They are often accompanied by unhealthy debris that includes butane and propane tanks, kitchen appliances, tires, barrels, scrap iron, and portable toilets.

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.
2. Contra Costa County (County) shares waterway boundaries with Sacramento, Solano, San Joaquin, and Alameda Counties.
3. The County is responsible for approximately 200 miles of waterways and shorelines.
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.
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.



Junk and debris on Quinn Island

District 3



Derelict commercial vessels, about 50 and 80 ft. long, abandoned in Fisherman's Cut next to Bradford Island

District 5

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.



Quinn Island, with houses and docks that are not in compliance with county ordinances and codes

District 3

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.
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.



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





Pilings and dilapidated structures
at Point San Pablo, Richmond, CA

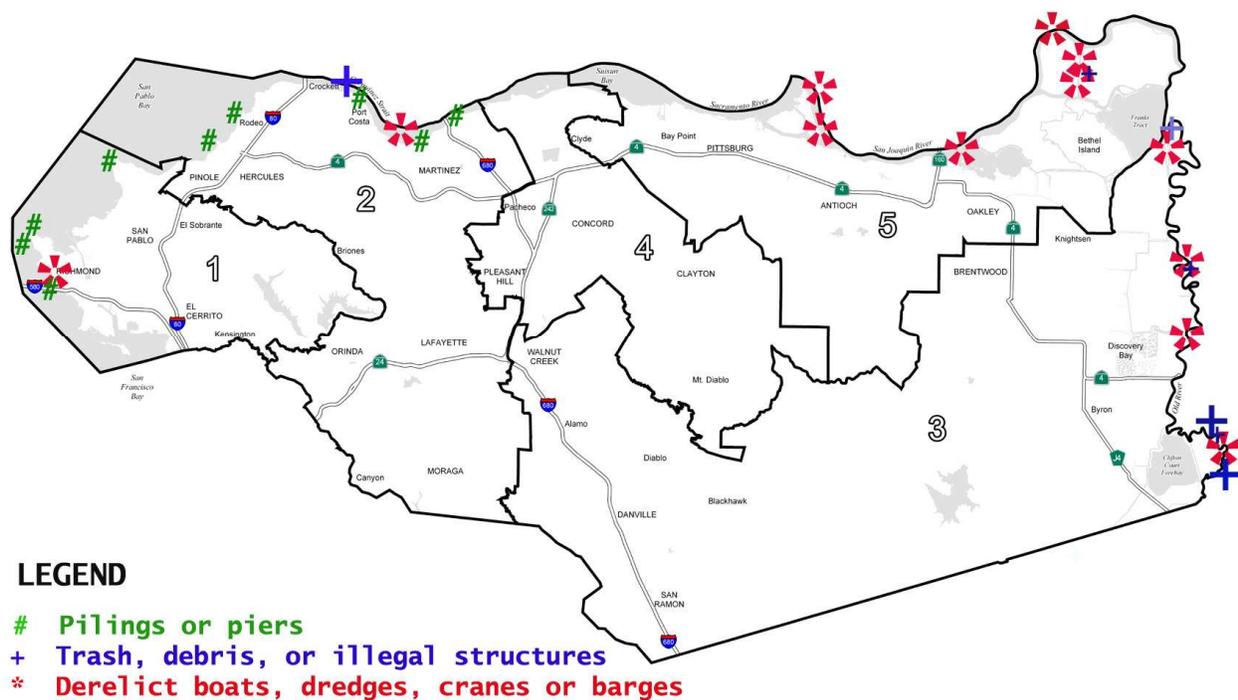
District 1



Dilapidated building and docks
at Point San Pablo, Richmond, CA

District 1

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



14. The Sheriff started patrolling the Delta in the 1960's with its Marine Patrol Unit (MPU).
15. The Sheriff began removing abandoned recreational vessels from the Delta in 1987.
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.



Junk and debris on Quinn Island

District 3



Abandoned house trailer next to the Old San Joaquin River

District 3

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.
18. The Sheriff is not aware of the total number and location of all abandoned commercial vessels located in the County's waterways.
19. Over the past 10 years, the MPU has removed an average of 30 abandoned recreational vessels per year.



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

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





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





Dredge Located by Salisbury Island

District 3



Derelict mine sweeper, 170 ft. Long,
near Rock Slough and Old San Joaquin River

District 3

29. No County agencies are charged with removing garbage, debris, and junk from within the County's waterways.
30. The Sheriff is authorized by County ordinance to cite individuals who litter the waterways.
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.
32. The MPU assists other County departments and agencies by providing water transportation to help them fulfill their duties.
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.

* Photographic sources for this report were the Contra Costa County Grand Jury, the Office of the Sheriff, and Contra Costa County's Geographic Information System. Images provided by the County Geographic System were licensed through Pictometry International Corporation. Additional photographs appear as an appendix.

CONCLUSIONS

1. The Sacramento Delta waterways are an important state resource. Illegal dumping activities in the Sacramento Delta have an impact on much of the state since water from the Delta is conveyed across much of the state for drinking, recreation, manufacturing, and farming.
2. The level of pollution in the Delta caused by abandoned vessels, debris, garbage, and human waste is unknown and it could present a potential health hazard.
3. Cooperation among adjacent counties concerning the removal of derelict or abandoned vessels appears to be weak.
4. The Supervisors have not placed a high priority on cleaning up the Delta waterways.
5. Among County agencies having responsibilities over water quality, environmental protection, environmental health, and water pollution, only the Sheriff is taking a proactive role in the cleanup of the Delta waterways.
6. Given the constraints on funding, the Sheriff's MPU is efficient in identifying and disposing of derelict recreational vessels.
7. 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.
8. Abandoned vessels, both recreational and commercial, will continue to be a County problem.

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.
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.
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.
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.
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.

REQUIRED RESPONSES

Findings:

Contra Costa County Board of Supervisors: 1 through 33
Office of the Sheriff, Contra Costa County: 1 through 33

REQUIRED RESPONSES

Recommendations:

Contra Costa County Board of Supervisors: 1 through 5
Office of the Sheriff, Contra Costa County: 1, 4 and 5

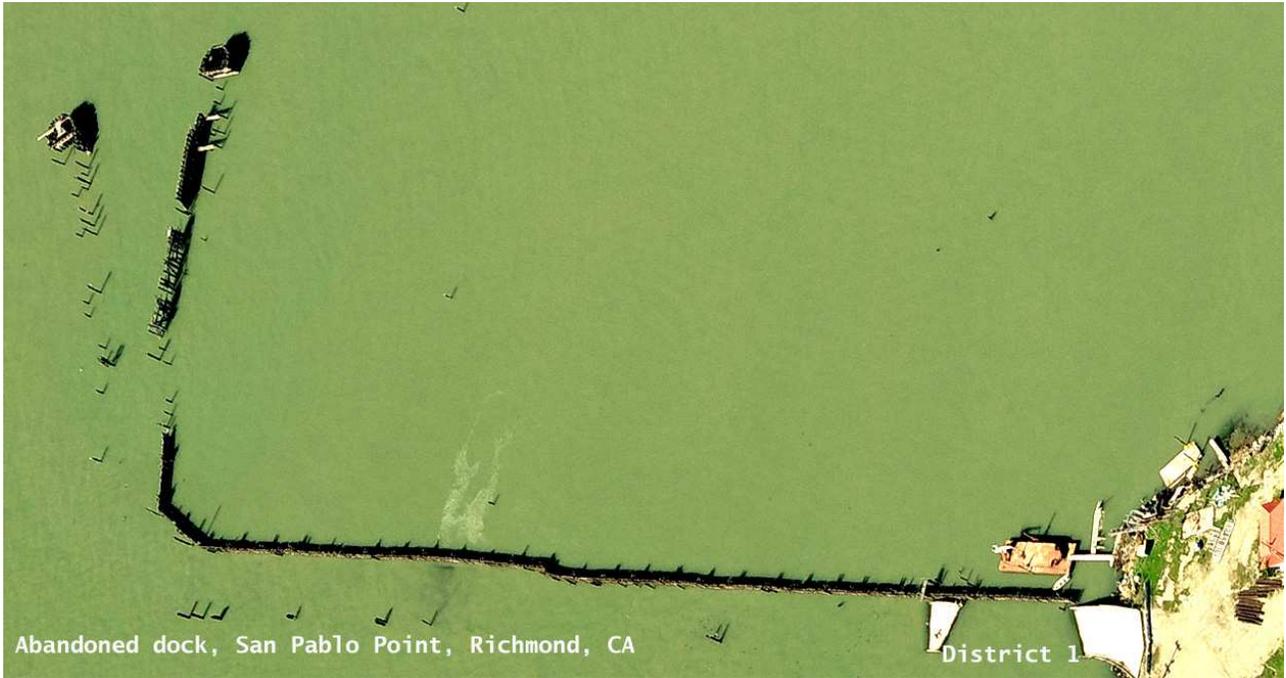
APPENDIX





Pilings and delapidated structure, Carquinez Strait, east of Crockett, CA

District 2



Abandoned dock, San Pablo Point, Richmond, CA

District 1



Derelict house, Quinn Island

District 3



Barge, 255 ft. long, Winter Island, North of Antioch, CA

District 5



Derelict vessel, 160 ft. long, and barge-like structure, 180 ft. long. Located in the San Joaquin River north of Oakley, CA



Barge-like vessel, 175 ft. long, on Winter Island, north of Pittsburg, CA



Partially sunken houseboat on Old San Joaquin River

District 3



Abandoned structure, Quinn Island

District 3



Abandoned boat north of Holland Tract and west of Quimby Island

District 3



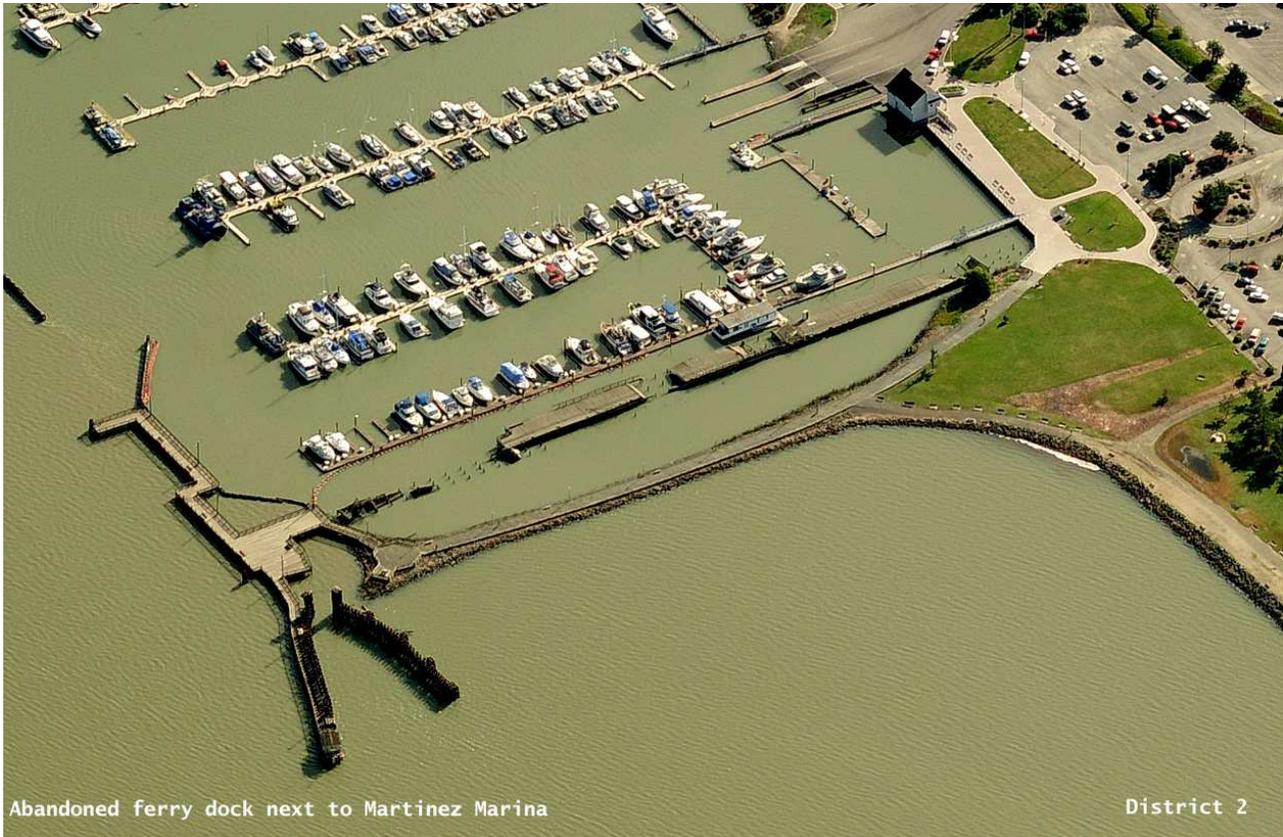
An assortment of abandoned vessels, including a crane, barges, small and large boats, and junk in Fisherman's Cut, Next to Bradford Island

District 5



Junk and abandoned vessels located near tip of Holland Tract, west of Quimby Island

District 3



Abandoned ferry dock next to Martinez Marina

District 2



Junk in the Old San Joaquin River

District 3



Abandoned commercial vessel in Fisherman's Cut, Bradford Island

District 5