

SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

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TO: Commissioners and Alternates

FROM: Will Travis, Executive Director (415/352-3653 travis@bcdc.ca.gov)
Adrienne Klein, Chief of Enforcement (415/352-3609 adriennek@bcdc.ca.gov)

SUBJECT: Annual Summary of Enforcement Activities
(For Commission Information Only)

Staff Report

This report provides a summary of the activities undertaken by the Commission's enforcement staff during the past year. The milestone section describes some of the important accomplishments related to specific enforcement cases. The review section provides a summary of the enforcement program's accomplishments. The last section contains two charts that summarize the enforcement staff's work in tabular format.

Enforcement Milestones

On October 23, 2007, BCDC issued an amended permit to Caltrans to memorialize an agreement between Caltrans and BCDC to provide \$784,000 to mitigate for habitat impacts caused by unauthorized construction of storm water treatment facilities at the Emeryville Crescent. When added to the \$185,700 previously required to mitigate for the originally-anticipated project impacts, Caltrans will provide a total of \$969,619 to fund the creation or enhancement of shoreline habitat at Eastshore State Park, which stretches from Emeryville to Richmond. The funds will be administered by the California Coastal Conservancy and made available either to the East Bay Regional Park District or the California State Parks Department. The agreement was reported to the Commission in the Executive Director's report on September 20, 2007.

On December 7, 2007, BCDC and K.M.C. Inc., entered into a Petition for Enforcement of Cease and Desist Order No. CCD 1-06 and a Complaint for Civil Penalties and Injunctive Relief, to cause completion of the Paradise Cay Marina in Tiburon, Marin County.

The Year In Review

In 2007, the enforcement staff opened 60 cases, closed 31 cases, issued two after-the-fact permits and eight after-the-fact amendments, and collected a total of \$55,901 in standardized fines and civil penalties. For comparison, during 2006, the enforcement staff opened 30 cases, closed 35 cases, issued zero after-the-fact permits and 12 after-the-fact amendments, and collected a total of \$37,500 in standardized fines and civil penalties.

This past year, the enforcement staff monitored 62 permits (33 major permits and 29 minor permits) and three cease and desist orders, all for compliance with the terms of issuance. Of the 62 permits that the staff monitored, 12 authorize private business on the shoreline, three authorize shoreline restaurants, 11 authorize marinas and boatyards, five authorize various restoration or public access projects, five authorize multi-unit residential developments, one authorizes a private school, eight were issued to public agencies (excluding Caltrans), and 14 were issued to Caltrans.



Mitigating San Francisco Bay Wetlands

Staff reviewed 29 of these 62 permits as part of enforcement investigations commenced in response to reports provided from the public. Staff reviewed 33 of these 62 permits for permit compliance, 11 of which were in compliance with the conditions of authorization and 21 of which were out of compliance with the conditions of authorization and, therefore, resulted in the commencement of an enforcement investigation. Two of the three cease and desist orders were out of compliance and staff is continuing to work with the respondents to achieve full compliance.

I. Summary of Bi-monthly Activity in 2007

Time Period	January-February	March-April	May-June	July-August	September-October	November-December	Cumulative Total
Cases Opened	9	12	8	18	8	5	60
Cases Closed	1	0	2	16	5	7	31
Permits Issued for Enforcement	0	0	0	0	0	2	2
Amendments Issued for Enforcement	1	0	0	0	2	5	8
Standardized Civil Fines Received	0	0	\$10,001	0	0	\$22,000	\$32,001
Other Civil Penalties Received	0	0	\$23,900	0	0	0	\$23,900

II. Summary of Open Cases by Year Initiated

Year Initiated	1983-1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	Cumulative Total
Number of Open Cases as of 12/31/01	26	24	27	59	44							180
Number of Open Cases as of 12/31/06	5	6	6	20	4	0	8	25	28	20		122
Number of Open Cases as of 12/31/07	5	6	6	20	4	0	4	25	22	18	36	146