

# San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

May 24, 2019

**TO:** Commissioners and Alternates  
**FROM:** Enforcement Committee Members  
**SUBJECT: Enforcement Committee's Recommended Enforcement Decision Regarding Proposed Commission Cease and Desist and Civil Penalty Order No. CDO2019.001.00; Salt River Construction Company (SRCC)**  
(For Commission consideration on June 6, 2019)

## Enforcement Committee's Recommendation

**Executive Summary.** On May 16, 2019, the Enforcement Committee held a noticed public hearing to consider the Executive Director's Recommended Enforcement Decision regarding proposed Cease and Desist and Civil Penalty Order No. CCD2019.001.00,<sup>1</sup> and the evidence and arguments submitted by BCDC staff and Salt River Construction Corporation (SRCC). At the conclusion of the meeting, the Committee recommended adoption of the proposed Order. This report briefly summarizes the proceeding and the Enforcement Committee's decision to adopt the Executive Director's Recommended Enforcement Decision.

**Enforcement Committee Recommendation.** At the Enforcement Committee hearing, BCDC enforcement staff presented the facts of the case, as summarized in the Executive Director's Recommended Enforcement Decision, along with the recommended decision. SRCC appeared and presented their position on the matter. SRCC's representative explained the reasons that their barges remained in Belmont Slough beyond the period of the authorized dredging operation and noted that they would have difficulty paying the proposed penalty. One public speaker appeared and spoke in favor of the enforcement action, particularly in regard to the order prohibiting the unauthorized storage of barges.

The Committee unanimously voted to adopt the Executive Director's Recommended Enforcement Decision and proposed Cease and Desist and Civil Penalty Order.

The Executive Director's Recommended Enforcement Decision and the Enforcement Committee's proposed Cease and Desist and Civil Penalty Order are attached to this memo as Exhibits A and B, respectively. The Index of Administrative Record in support of the findings in the Order is attached to the Order and the documents cited therein are available to view online at <http://www.bcdc.ca.gov/cm>.

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<sup>1</sup> Staff recently revised the numbering system for enforcement orders to incorporate a nine-digit numbering system. The prior proposed order that was considered by the Enforcement Committee used the previous six-digit numbering system and lettering system (i.e. CDO 2019.01), but the numbering on the recommended order has now been revised to use the new nine-digit numbering and revised lettering (i.e. CCD2019.001.00).