

Commissioners, Alternates and Members of the ECRB and DRB:

Three members of the Enforcement Committee attended the August 14, 2019 BCDC Enforcement Committee meeting, which was held at SPUR, located at 654 Mission Street, San Francisco. Meeting minutes and an audio recording of the meeting may be accessed from the “Public Meetings” section of BCDC’s website (<http://www.bcdc.ca.gov>).

At the meeting, the Committee received two briefings, the first on the incorporation of certain factors for consideration in developing a penalty policy, particularly the recovery of any economic savings realized by a violator, and the second on the data management tools that staff currently use to track enforcement efforts and the limitations of those tools.

Regarding how to consider economic benefits as part of a penalty policy, the Committee directed staff to:

- Incorporate the recapture of economic benefit into the penalty policy that staff is developing and pursue an approach that assumes that economic benefit is the minimum acceptable civil penalty amount.
- Consider employing the same criteria for determining both: (1) the “impact priority” of an enforcement case, and (2) an appropriate penalty (i.e. habitat value; durability or permanence; toxicity and/or ecosystem effect; amount and/or size of fill; nature, type of use of fill; and visibility).
- Design a policy that is effective and transparent.

Regarding the data management tool, the Committee directed staff to:

- Recognize that manually entering data into the geospatial database is time consuming, but necessary and valuable.
- Continue identifying the need for a unified regulatory database, assess the available options, including what other agencies are using, and develop a proposal for future review and approval by the Resources Agency and the Department of Finance.

For details, contact Karen Donovan (415-352-3628; karen.donovan@bcdc.ca.gov) or Schuyler Olsson (415-352-3668; schuyler.olsson@bcdc.ca.gov).

The next Enforcement Committee meeting will be held from 9:30 AM to 12:30 PM on September 12, 2019 at the Bay Area Metro Center, 375 Beale Street, San Francisco. At that meeting, the Enforcement Committee will receive an update on Richardson’s Bay in Marin County, with presentations from the Richardson’s Bay Regional Agency and the City of Sausalito about their ongoing enforcement and anchorage management efforts. The Committee will also receive a briefing on other initiatives related to abatement of abandoned and derelict vessels and funding sources for these efforts.

For additional details on this or any upcoming Enforcement Committee meeting, contact Amy Chattopadhyay (415-352-3675; amitabho.chattopadhyay@bcdc.ca.gov).