

CASE PRIORITIZATION SYSTEM

AGENDA ITEM 7

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SEPTEMBER 25, 2019

PRESENTATION OUTLINE

- Overview of current case prioritization procedures
 - Step 1 - Data collection
 - Step 2 - Impact scoring, including three examples
 - Step 3 - Effort scoring, only for priority cases
- Questions for Committee discussion

STEP ONE - DATA COLLECTION STEPS

- Review new enforcement report and supporting documentation
- Identify location of alleged violation and BCDC's corresponding jurisdiction(s) (if any)
- Identify site conditions (no site visit)
- Identify property owner(s) and other responsible parties
- Identify any relevant BCDC permit(s) or consistency determinations
- Determine whether the enforcement report constitutes a violation of any relevant permit authorization and its special conditions, or of the MPA or SMPA
- Assign a case number

STEP TWO – DETERMINE IMPACT (ALL CASES)

- In one or two minutes, assign impact score
- Assign a number (1 – 3 in severity) to each of six criteria
 - Habitat value
 - Durability
 - Toxicity
 - Size
 - Nature
 - Visibility
- Impact score is automatically calculated
- Score of 60 and higher constitutes case priority

CRITERIA ONE - HABITAT VALUE

(I.E. WHERE IS IT?)

	BAY	UPLAND	SUISUN MARSH
1	Open bay, previously degraded habitat (e.g. marina), salt pond	Limited-to-no habitat value; urban, suburban, developed	Industrial, commercial, residential/clubhouse
2	Fringe marsh, mud flats, subtidal marsh, intertidal zone, beaches	Moderate habitat value (not upland refugia for listed species); adjacent to open space that has potential to be impacted by the violation; graded, vacant, abandoned	Agriculture
3	Listed endangered species, tidal marsh, eel grass, near pristine habitat	Near-pristine habitat, refugia for listed species	Managed wetland, riparian zone, trees, listed endangered species, tidal or brackish marsh

CRITERIA TWO - DURABILITY OR PERMANENCE (I.E. HOW LONG WILL IT LAST?)

	BAY	UPLAND	SUISUN MARSH
1	Transitory (non-boat), easily removed, self-dispersing, dredging	Temporary Events	Transitory (non-boat), easily removed, self-dispersing, dredging
2	Moored structures (e.g. boats), unpermitted live-aboards, anchor-outs	Portable, easily removed/remedied (lock on gate, pruning, stored container, fencing, cars, outdoor dining furniture, “no trespassing” signs, trash issues)	Moored structures
3	Permanent or long lasting (e.g., solid fill, water control structure, moorings, pilings)	Bolted down, built in, absence of required public access improvements including severely neglected maintenance issues (includes homeless camps); lot split	Permanent or long lasting (e.g., restoration required, solid fill including pilings for a boat dock, water control structure)

CRITERIA THREE - TOXICITY / ECOSYSTEM EFFECT (BAY AND MARSH) AND HEALTH / SAFETY EFFECTS (UPLAND) (I.E. HOW DANGEROUS IS IT?)

	BAY	UPLAND	SUISUN MARSH
1	No or low health or ecosystem hazard to humans, fish, wildlife, or aquatic life	No or low health or ecosystem hazard	No or low health or ecosystem hazard to humans, fish, wildlife, or aquatic life (shipping container, boat dock)
2	Medium health or ecosystem hazard to humans, fish, wildlife, or aquatic life	Medium health or ecosystem hazard (uneven surface, tripping/falling hazard, potentially unsafe conditions i.e. wet/slippery, jagged metal, planting of invasive species); closed public RR	Medium health or ecosystem hazard to humans, fish, wildlife, or aquatic life (possibility of improperly treated or untreated sewage)
3	High health or ecosystem hazard to humans, fish, wildlife, or aquatic life	High health or ecosystem hazard (toxic or biohazardous fill/material, sewage, oil, superfund site, leachate, slag)	High health or ecosystem hazard to humans, fish, wildlife, or aquatic life (offsite fill importation - content unknown but therefore potentially contaminated)

CRITERIA FOUR - AMOUNT AND/OR SIZE (I.E. HOW MUCH IS THERE?)

	BAY	UPLAND	SUISUN MARSH
1	Minor shoreline fill, minor fill of other sorts (< 250 square feet of fill; < 100 cubic feet of fill)	Limited to a few locations on site (i.e. single violation of permit or MPA)	Limited to a few locations on site (i.e. single violation of permit or SMPA)
2	Dock or deck of certain size (250 square feet to 1000 square feet of fill; 100 cubic feet to 300 cubic feet of fill)	Extends throughout property (i.e. multiple violations of permit or MPA or violation blocks all public access opportunities at site covered by complaint even if permit covers multiple sites)	Extends throughout property (i.e. multiple violations of permit or SMPA)
3	Larger size and types of fill (> 1000 square feet of fill; > 300 cubic feet of fill)		

CRITERIA FIVE - NATURE, TYPE OR USE (SLIDE 1 OF 2)

(I.E. WHAT IS IT, AND COULD IT BE AUTHORIZED?)

	BAY	UPLAND	SUISUN MARSH
1	Yard waste, individual boat dock, one-off use, private use of private land	Unauthorized fill in, or use of, privately-owned shoreline band	Covered by the Suisun Marsh Mgt Program (e.g. standard discing, ditching, levee maintenance, duck blinds, water control device, flooding/draining)
2	Marina, unauthorized mooring balls/devices, private use of public land	Unauthorized fill in, or use of, required public access area (utilities, trash receptacles, outdoor dining; locked gate; unauthorized parking in public access); absence of required public access improvements (includes maintenance issues and public use preclusions)	Expansion of existing structure (includes docks); riprap on interior levee; levee repair that needs a permit and can be authorized

CRITERIA FIVE - NATURE, TYPE OR USE (SLIDE 2 OF 2)

(I.E. WHAT IS IT, AND COULD IT BE AUTHORIZED?)

	BAY	UPLAND	SUISUN MARSH
3	Chemical, un-engineered fill; cannot be authorized after the fact, not water-oriented use (e.g. non-public trust use); responsible party has prior history of violations with respect to the permit or site	Unauthorized fill in, or use of, required public access area or shoreline band that probably cannot be authorized after-the-fact); commercial use of public space; prior history of violations with respect to the permit or site.	Riprap on exterior levee; importing offsite material; installation of a new structure (includes water control device, docks, and vehicles, shipping container); chemical release; dredging of tidal marsh; expansion of developed area; lot split; cannot be authorized after-the fact; work that occurs outside the established window; prior history of violations with respect to the permit or site.

CRITERIA SIX – VISIBILITY

(I.E. HOW VISIBLE IS IT TO THE PUBLIC?)

	BAY	UPLAND	SUISUN MARSH
1	Not that visible to the public; small amount of viewers	Not that visible to the public (office parks, industrial, residential, biking/walking trail)	Not that visible to the public; small amount of viewers
2	High visibility to the public; many viewers; multiple reports	High visibility to the public (destination point, heavily trafficked, water sports hub (non marina), commercial/bar/restaurant district, presence of ferry terminal, tourist attraction); multiple reports	High visibility to the public; many viewers; multiple reports

HOW TO CALCULATE IMPACT SCORE

In one jurisdiction:

$$(Habitat\ Value + Toxicity) \times [2(Durability) + 2(Nature) + Amount + Visibility] = Score$$

In more than one jurisdiction:

$$\sqrt{(Bay\ Score)^2 + (Upland\ Score)^2 + (Marsh\ Score)^2} = \text{Combined score}$$

Note: Scores are automatically calculated by Excel

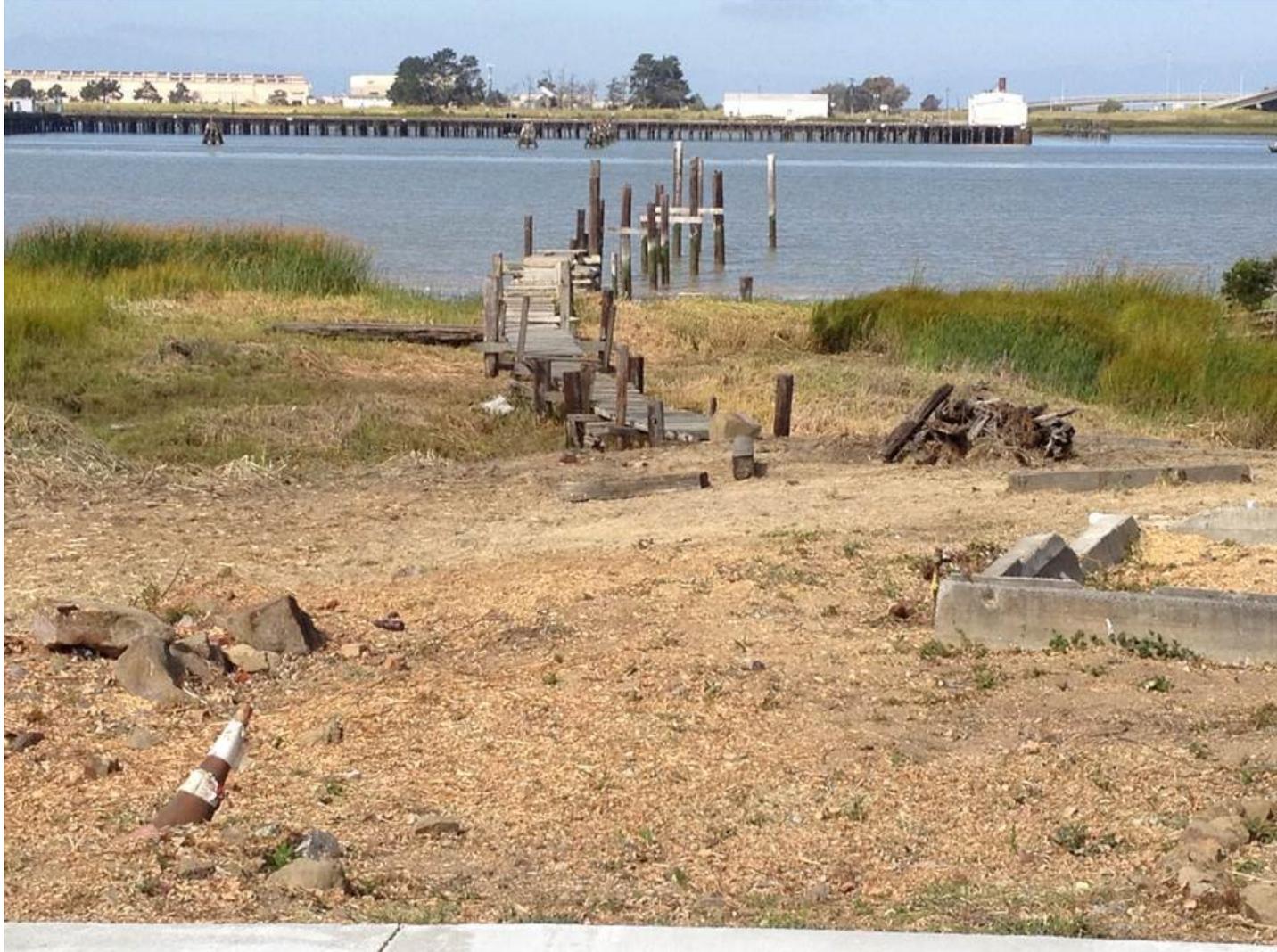
WHY THE SYSTEM IS EFFECTIVE

- Consistent scoring among enforcement staff
- All formulas tested had comparable results
- Quantitative scores are measurable and discrete
- Qualitative scores (e.g. habitat value) limit discretion and variability
- Staff discuss all scores that range from 50 to 70 to ensure consistent application for case on the margin

WHY THE SYSTEM IS NECESSARY

- System removes bias and establishes consistency and objectivity
- Identifies the cases with highest potential impact to Bay resources, public access and managed wetlands

CASE PRIORITIZATION EXAMPLE #1



CASE PRIORITIZATION EXAMPLE #1 - BAY

- Description – Vegetation mowing and in-kind repair of the deck boards of an existing, dilapidated pile-supported pier in a tidal marsh on public property by an adjacent private property owner with recent past history of violations
- **Bay**, Upland or Suisun Marsh
- Habitat Value = 3
- Durability or Permanence = 2
- Toxicity and/or Ecosystem Effect = 2
- Amount and/or Size of Fill = 3
- Nature Type of Use of Fill = 3
- Visibility = 1
- **Total Score = 70**
- Time to calculate = Approximately 1 to 2 minutes

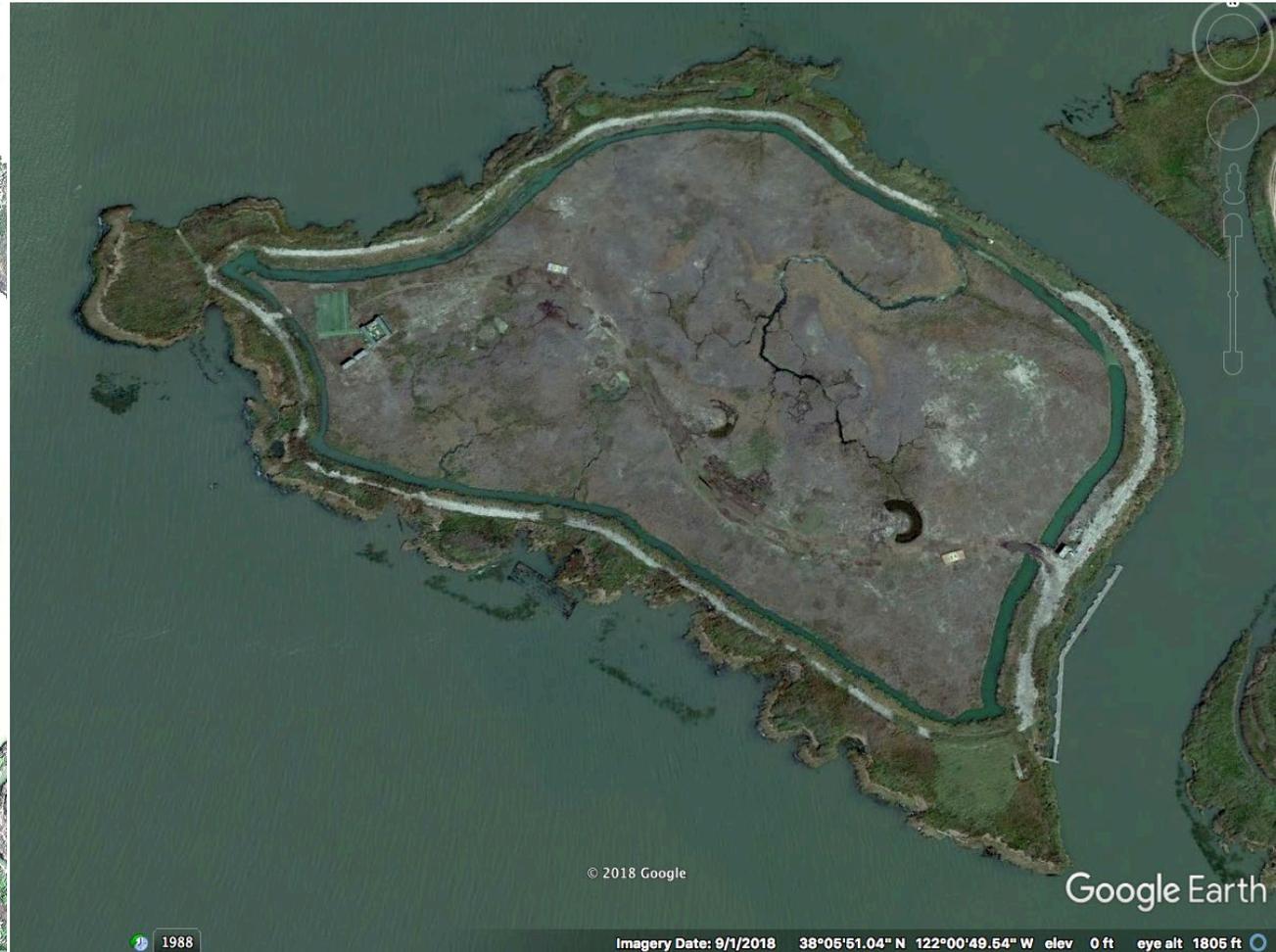
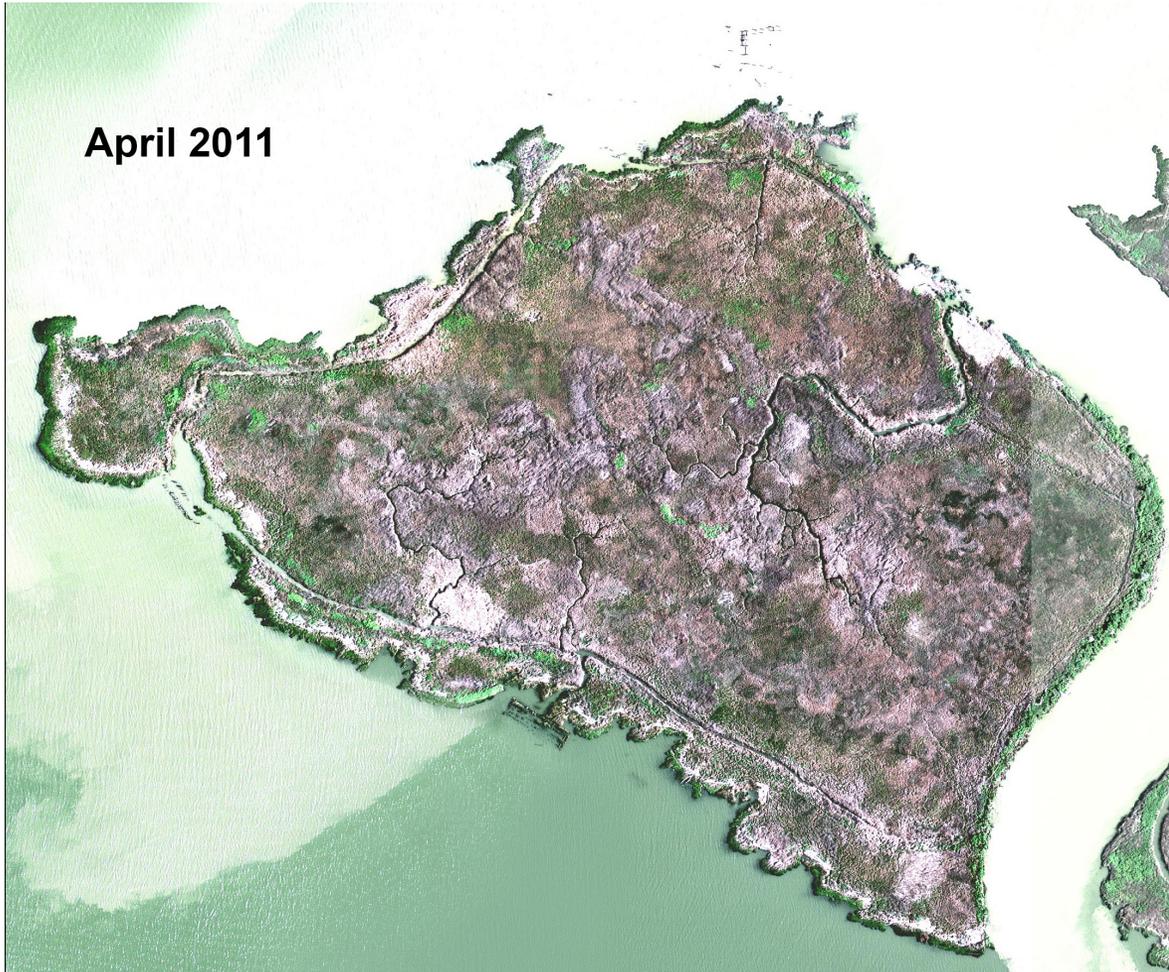
CASE PRIORITIZATION EXAMPLE #2



CASE PRIORITIZATION EXAMPLE #2 - UPLAND

- Violation Description – Failure to maintain a section of landscaping (i.e. to prune fennel) along an infrequently used, rural section of Bay Trail on publicly owned property near a bridge touchdown resulting in view impacts. No priority history of violations at this site.
- Bay, **Upland** or Suisun Marsh
- Habitat Value = 2
- Durability or Permanence = 2
- Toxicity and/or Ecosystem Effect = 1
- Amount and/or Size of Fill = 1
- Nature Type of Use of Fill = 2
- Visibility = 1
- **Total score = 24**
- Time to calculate = Approximately 1 to 2 minutes

CASE PRIORITIZATION EXAMPLE #3



CASE PRIORITIZATION EXAMPLE #3 - MARSH

- Bay, Upland or **Suisun Marsh**
- Habitat Value = 3
- Durability or Permanence = 3
- Toxicity and/or Ecosystem Effect = 3
- Amount and/or Size of Fill = 2
- Nature Type of Use of Fill = 3
- Visibility = 1
- **Total score = 90**
- Time to calculate = Approximately 1 to 2 minutes

PRESENTATION OUTLINE (REPEAT OF INTRODUCTORY SLIDE)

- Overview of current case prioritization procedures
 - Step 1 - Data collection
 - Step 2 - Impact scoring, including three examples
 - **Step 3 - Effort scoring, only for priority cases**
- Questions for Committee discussion

STEP THREE – HOW MUCH STAFF RESOURCES TO RESOLVE

- Assign a number (1 - 3) to each of four criteria
 - Responsiveness of permittee/respondent
 - Anticipated complexity
 - Staff familiarity with circumstances
 - External agency involvement
- Effort score is automatically calculated
- Combined effort and impact scores identify most bang for least buck
- Approach was being piloted before the audit and audit now takes precedence

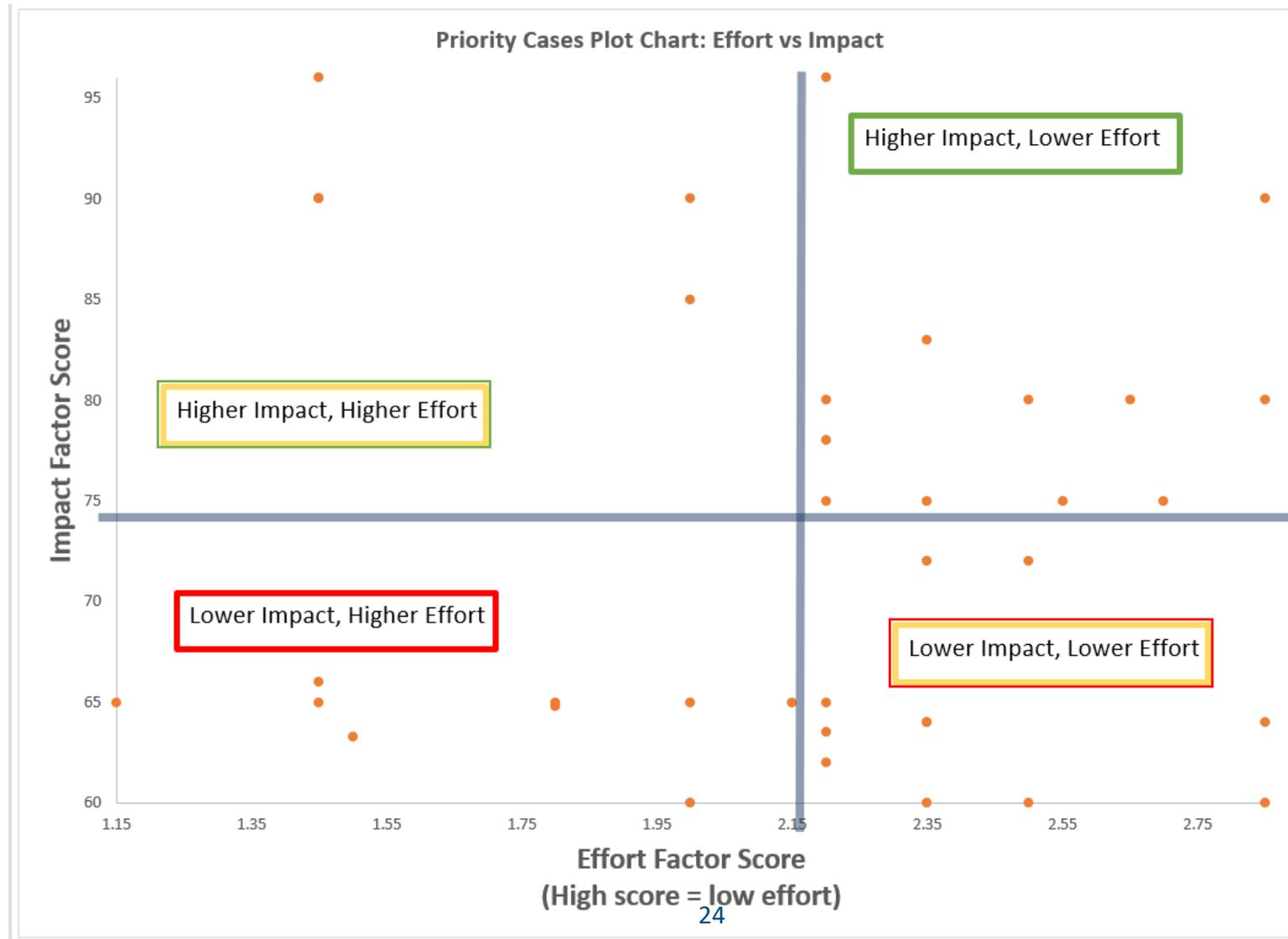
EFFORT SCORE CALCULATION (HIGH PRIORITY CASES ONLY)

Effort score:

$$= (0.35 \times \textit{Permittee Responsiveness}) + (0.35 \times \textit{Complexity}) + (0.15 \times \textit{Staff Familiarity}) + (0.15 \times \textit{External Agency Cooperation})$$

Note: Scores are automatically calculated by Excel

PLOT OF COMBINED EFFORT AND IMPACT SCORES



QUESTIONS FOR COMMITTEE CONSIDERATION AND DISCUSSION

- Does the existing system provide the Committee with the confidence that staff can determine adequately which cases to prioritize for action?
- If so, should staff address other audit recommendations to improve the enforcement program before focusing on changing the current prioritization system?
- Note that other areas for program improvement include:
 - Penalty matrix
 - Template letters for case management
 - Workflow improvements (case intake, etc.)
 - Defining substantial harm
 - Database improvements
 - Developing a permit compliance program
 - Case management plans

THANK YOU



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