

San Francisco Bay Conservation and Development Commission

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March 27, 2024

TO: Enforcement Committee Members

FROM: Matthew Trujillo, Enforcement Policy Manager (415-352-3633;
matthew.trujillo@bcdc.ca.gov)

SUBJECT: Draft Minutes of March 27, 2024, Enforcement Committee Meeting

1. Call to Order. The hybrid meeting was called to order by Chair Gilmore at 9:37 a.m. The meeting was held with a primary physical location of 375 Beale Street, San Francisco, California, and online via Zoom and Teleconference.

Chair Gilmore gave instructions to all attendees on procedures for participating in the meeting.

2. Roll Call. Mr. Trujillo called the roll. Commissioners Eisen, Vasquez and Chair Gilmore were present. A quorum was achieved.

Staff in attendance included General Counsel Greg Scharff, Enforcement Analyst Rachel Cohen, Principal Enforcement Analyst Adrienne Klein, Legal Secretary Margie Malan, Senior Staff Attorney Michael Ng, and Enforcement Policy Manager Matthew Trujillo.

Chair Gilmore stated a quorum was present and the Committee was duly constituted to conduct business.

3. Public Comment. Chair Gilmore invited the general public to comment on items not on the day's Agenda.

Chair Gilmore stated no written comments were received in advance of the meeting.

Chair Gilmore then gave instructions for members of the public to offer public comment.

No members of the public addressed the Committee.

4. Approval of Draft Minutes from the March 14, 2024, Enforcement Committee Meeting.

MOTION: Commissioner Eisen moved approval of the January 24, 2024,

Meeting Minutes; Commissioner Vasquez seconded the motion.

The minutes were approved unanimously by affirmation with no abstentions or opposition.

5. Enforcement Report. Chair Gilmore called on Enforcement Policy Manager Matthew Trujillo to provide the Enforcement Report.

Mr. Trujillo informed the Committee that staff was working hard every day conducting site visits, patrols, discussing and evaluating continuous program improvements and pushing progress on case queues.

Mr. Trujillo reported that since January 24, 2024, 11 new cases were opened, and 8 cases were resolved. As of March 27, 2024, there are 78 unresolved cases.

Commissioner Vasquez stated there are homeless encampments in White Slough in Vallejo. He asked who is responsible for helping to clean White Slough and does it fall under BCDC Jurisdiction?

Mr. Trujillo stated it does fall under BCDC jurisdiction and there is an enforcement case pending. He added that the jurisdictional questions are nuanced because the water that feeds White Slough originates from the Napa River, which is a certain waterway; by extension White Slough itself is considered part of that certain waterway regime, which means BCDC does not have shoreline band jurisdiction; which means that anything occurring on the shoreline technically does not fall within a traditional jurisdiction. There are some questions because White Slough has its own area management plan, so enforcement staff is considering how far BCDC can go in terms of enforcement.

Commissioner Vasquez asked for email confirmation of that so he could pass it on to Solano County folks.

Mr. Trujillo added that there are a number of owners, both private and public, and that further complicates this matter. There is only one parcel or one owner that has a permit that BCDC can actually take action on and that happens to be either the State of California or the City of Vallejo, depending on what their contract with each other specifies. BCDC may be able to take more assertive action in the shoreline band area based on that permit.

Commissioner Eisen asked if the 78 pending cases were more or less than those reported in the prior reports.

Mr. Trujillo stated he believed it was more.

Commissioner Eisen asked if it was possible to have a dynamic report that was current at all times and posted to BCDC's website. Due to the limitations of the current process, Mr. Trujillo felt it would be difficult to accomplish.

Chair Gilmore asked if at a future meeting the Committee, or the full Commission could be updated on software to help with tracking permits and cases.

Mr. Trujillo stated he would inquire and report back.

6. Public Hearing and Vote on Recommended Enforcement Decision and Proposed Settlement Agreement to Resolve Enforcement Case ER2015.024.00, City of San Rafael, Marin County).

After a presentation, Principal Enforcement Analyst Adrienne Klein offered the staff recommendation:

The Executive Director recommends that the Enforcement Committee recommend that the full Commission adopt the proposed Settlement Agreement to resolve Enforcement Case ER2015.024.00.

MOTION: Commissioner Eisen moved approval of the staff recommendation, seconded by Commissioner Vasquez.

VOTE: The motion carried with a vote of 3-0-0 with Commissioners Eisen, Vasquez and Chair Gilmore voting, "YES", no "NO" votes, and no "ABSTAIN" votes.

(A verbatim transcript is available for this Agenda Item.)

7. Adjournment. There being no further business, upon motion by Commissioner Eisen, seconded by Commissioner Vasquez, the Enforcement Committee meeting was adjourned at 10:25 a.m.