

Calendar Item No. 38
was approved as Minute Item
No. 33 by the State Lands
Commission by a vote of 2
to 2 at its 06/30/87
meeting.

CALENDAR ITEM

38

06/30/87
W 23635
Beutler

A)
) Statewide
S)

STAFF REPORT ON ENFORCEMENT ACTIVITIES

At their June 26, 1986 meeting the Commission authorized the implementation of a pilot, two year enforcement program to evaluate Commission enforcement needs. Items to be considered included:

1. Volume of work
2. Cost effectiveness
3. Enforcement techniques

The Commission directed staff to return with a report evaluating the program after one year. Copies of the complete staff report are on file at the main office of the State Lands Commission, 1807 13th Street, Sacramento. Exhibit "A" contains the Executive Summary of the staff report.

Commission staff found the enforcement program to be cost effective with \$393,819 in actual revenue collected or savings to trust funds achieved during the fiscal year. The cost of the enforcement services contract was less than \$45,000, including employee benefits.

The enforcement officer opened eighty-one investigation files and participated in ten major staff projects during the fiscal year. Of those, 58% of the investigations are closed, pending litigation or some other action.

The primary enforcement technique involved utilizing concurrent jurisdictions to assist in enforcement actions, both in identification and implementation of actions. This pro-active approach resulted in thirty-four agencies providing enforcement referrals and 40.7% of cases coming from outside agencies.

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An unexpected finding of the program was the magnitude of problems relative to trespass and unauthorized use of State Land. It can be expected that case load will grow as public knowledge increases.

AB884:

N/A

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 CAL. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

EXHIBIT

A. Executive Summary.

IT IS RECOMMENDED THAT THE COMMISSION;

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.
2. ACCEPT THE STAFF REPORT ON THE STATUS OF THE ENFORCEMENT PROGRAM.
3. DIRECT STAFF TO PROVIDE A SUMMARY REPORT TO THE COMMISSION AT THE JUNE 1988 MEETING ON THE STATUS AND EFFECTIVENESS OF THE ENFORCEMENT PROGRAM.

EXECUTIVE SUMMARY

On June 26, 1986, the State Lands Commission authorized a two year pilot program to evaluate enforcement needs and the effectiveness of enforcement techniques. Identified enforcement program goals were protection of State resources and public compliance with Commission rules, regulations, and contracts. Staff identified six major objectives to achieve those goals:

1. INFORMATION AND EDUCATION
2. REVENUE ENHANCEMENT
3. EXPEDITION OR RESOLUTION OF VIOLATIONS
4. INVESTIGATION SERVICES
5. ASSISTANCE TO THE HAZARD REMOVAL PROGRAM
6. SERVICE AS A MEMBER OF THE EXECUTIVE STAFF

Efforts to improve information and education were extremely effective. Staff established six major relationships with agencies and community groups to provide expanded on-site reporting and enforcement activities. As a result thirty-four agencies made enforcement referrals and 40.7% of case load came from sources outside of State Lands Commission staff.

Staff found the program to be revenue effective, with actual revenue of \$103,819 collected (as of June 10, 1987) from enforcement involvement and an additional \$290,000 savings achieved to a grant trust fund through settlement agreement.

With over eighty-one investigations opened this fiscal year, 58% of cases are now closed or pending action such as litigation. Investigations included locating trespassers, finding non-payers, and gathering evidence on cases involving resource theft, destruction of state lands, and violations of environmental laws. In addition the enforcement officer provided training and assistance to the Department of Justice and Fair Political Practices Commission in land related investigations.

The enforcement officer also assisted the hazard removal program through several enforcement related clean-ups of areas for health and safety purposes.

In addition to enforcement duties, the enforcement officer served as a member of the executive staff and participated in ten major staff projects, including duties as the Safe Water Drinking Act of 1986 (PROP 65) Coordinator.

To achieve good case management and officer safety, the enforcement officer worked very closely with local law enforcement. Enforcement activities included retrieval of two stolen vessels, seizure of two vessels, service of notice of violations, and eviction of trespassers. In addition, through routine patrol with local jurisdictions, the enforcement officer opened 17% of her total cases.

A complete list of cases opened during fiscal year 1986/87 is found beginning on page 20.

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