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MEMORANDUM

TO: Coastal Resources Commission
FROM: Roy Brownlow, DCM Compliance Coordinator
SUBJECT: Division of Coastal Management Compliance Overview

As with any regulatory program, monitoring and compliance of permit conditions is an essential part of the State's coastal program. The Division of Coastal Management (DCM) continues to implement an efficient compliance and enforcement program within its regulatory section. Over the past four decades, the Division has taken the initiative to develop innovative enforcement methods to achieve compliance and enforce the terms and conditions of permitted development. Some of these methods include:

- Tiered enforcement for enforcement of Minor CAMA development violations;
- Aerial overflight program for shoreline monitoring, dredge and fill violations;
- An informal civil penalty assessment procedure;
- Implementation of a Compliance and Enforcement Coordinator position;
- Graduated civil penalties, where penalties are in proportion to the degree of harm to coastal resources;
- Implementation of four Field Specialists as a result of the Coastal Habitat Protection Plan.

The most recent change to the Division's compliance and enforcement program involved implementation of a Department-mandated Tiered Enforcement process for Major CAMA development violations. Under this process, there are three tiers of graduated enforcement actions dependent upon the severity and degree of the impact upon coastal resources:

- Tier 1 – Cease and desist, warning letter, no civil penalty;
- Tier 2 – Cease and desist, restoration of adversely impacted resources if applicable, civil penalty; and
- Tier 3 – Cease and desist, dredge and fill violations, repeat violators, continuing violations, willful and intentional violations.

The Division continues to have one of the highest compliance rates of permitted inspected facilities within the Department (97% of annual inspections reveal compliance with CRC rules and permit conditions). Although DCM has experienced a downward trend in formal enforcement actions since 2012, this trend is consistent with the number of permits issued and follows that of other state and federal regulatory natural resource agencies. Enforcement trends are closely associated with the number of permits issued as well as other external and internal factors. The trend in 2016 has been an increase over the previous four years of enforcement actions taken by state and federal resource agencies. This trend is typically consistent with recent economic and development activity.

The Division has effective compliance tools and fair but firm enforcement actions to ensure authorized development is consistent with the CRC's rules, and to bring unauthorized development into compliance. Our primary focus is always on the restoration of impacted natural resources. I look forward to discussing in more detail how DCM's Compliance Program helps to protect coastal resources, property rights and the state's economy at our September meeting.

