

Chapter 1
THE CORPS OF ENGINEERS SAN FRANCISCO DISTRICT'S
REGULATORY ENFORCEMENT PROGRAM:
A CASE FOR LEGAL ACTION
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Introduction

Wetlands are an invaluable natural resource of unique ecological significance. They comprise a highly productive habitat for diverse plant and animal life, function as the purifying "lungs" of estuarine systems, and are nesting and mating sites for waterfowl. Unfortunately, the delicately balanced marsh ecosystem is extremely vulnerable to the enterprises of man. Dredge and fill activities have done disastrous and irrevocable damage to the wetlands resource.

In the San Francisco Bay Area wetlands are directly threatened by development pressures. For example, every acre of privately owned wetland in the South Bay and over one-third of the 19,000 acres of diked wetlands in the entire Bay Area have been slated for development (Kelly, 1985; San Francisco Chronicle, 1985). According to some estimates, the value of commercial projects being considered in Bay Area wetlands runs into the billions of dollars (Oakland Tribune, 1985).

The governmental agency with the most comprehensive regulatory authority over wetlands is the United States Army Corps of Engineers, the civilian branch of the Defense Department traditionally committed to the construction of federal public works projects. Though state and local agencies do play some role in wetlands protection, this role is primarily restricted to the influence these agencies wield with the Corps itself (SF BCDC, 1982). Cities and counties also could have a potentially significant impact on wetlands preservation through their respective land use zoning authorities; however, few cities have paid more than passing attention to these areas (SF BCDC, 1982).

In the Bay Area, the San Francisco Bay Conservation and Development Commission (BCDC) plays an important role in wetlands protection. Created by the California legislature under the McAteer-Petris Act in 1969, BCDC exercises regulatory authority over "a shoreline band consisting of all territory located between the shoreline of San Francisco Bay . . . and a line 100 feet landward of and parallel with that line . . ." (California Government Code, Section 66600). BCDC also exercises regulatory jurisdiction over "saltponds" and "managed wetlands" that had been diked off from the Bay within three years prior to the passage of the McAteer-Petris Act (California Government Code, Section 66610). BCDC's jurisdiction, however, does not extend to seasonal wetlands, those lands adjacent to large bodies of water that are

periodically inundated by rains or runoff. In these areas, the Corps of Engineers acts as the sole regulatory authority. The current controversy over wetlands protection around the San Francisco Bay is centered on seasonal wetlands, and particularly, on the Corps' regulatory enforcement program in these areas.

The purpose of this study is to examine the Corps' regulatory enforcement program as it relates to wetlands protection in the Bay Area. Specifically, this study analyzes the Corps' regulatory program at the federal level, and how this program is implemented in the San Francisco District. Particular emphasis is placed on the nature and cause of violations in the Bay Area, in order to identify the most appropriate enforcement response consistent with the Corps' resource protection and utilization goals.

Past Studies

Several studies have been completed relating to the Corps' regulatory program for wetlands protection. In a 1982 study for the San Francisco Bay Conservation and Development Commission, the law firm of Shute, Mihaly, and Weinberger analyzed the powers of various federal, state, and local agencies over wetlands in the Bay Area, including a thorough discussion of the Corps' authority.

A study completed in 1983 by Steve McAdam, a BCDC official, analyzes the regulatory enforcement programs of two state resource protection agencies, BCDC and the California Coastal Commission. This study is particularly useful in its "public policy" approach to the regulatory enforcement, focusing on the political, social, and economic consequences to the agency of a rigorous enforcement strategy. In addition, the study provides a framework to assess an enforcement program's success in achieving a regulatory policy.

Finally, research completed in 1980 by Robert Kagan and John Scholz looks at regulatory enforcement strategies based on the cause of violations, and emphasizes the need for a flexible enforcement response.

Methodology

The focus of this study is an analysis of the Corps' regulatory enforcement policies and practices in the protection of wetlands in the Bay Area. Initially, the enforcement program is discussed at the federal level, with brief descriptions of the Corps' geographic jurisdiction, permitting program, regulatory jurisdiction, and administrative and legal enforcement powers, as outlined in the United States Code and the Code of Federal Regulations. This overview is provided as background information for a more detailed look at how these policies are implemented at the district level.

The status of the San Francisco District's enforcement program is discussed in light of the number of unauthorized activities under investigation by the District. The violations in Bay wetlands are broken down into three categories: (1) intentional violations motivated by economic profits; (2) intentional violations caused by philosophical disagreement with the law being enforced; and (3) unintentional violations caused by ignorance of the law. The response to these violations is classified according to the types of enforcement actions, both administrative and legal, the SF District has

initiated against violators. Finally, the SF District's response is analyzed according to a theory of regulatory enforcement which emphasizes the need for flexible enforcement, based on the specific cause of the violation(s).

The analysis of the Corps' federal regulations primarily relies on published legal interpretations of the guidelines, as well as on the regulations themselves. The study of the SF District relies on two sources of information: (1) interviews with representatives from local environmental groups, and with officials from BCDC and the Corps, and (2) unpublished correspondence between local Congressional members and the Assistant Secretary of the Army for Civil Works, including a confidential "summary status report" of 77 unauthorized activities under investigation by the SF District. Finally, the analytical framework used to assess the appropriate enforcement strategy for the Bay Area is provided by a published report on regulatory enforcement.

The Corps' Regulatory Program

Regulatory jurisdiction over wetlands is vested in the Corps through two major federal statutes, Sections 9 and 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Sections 401 and 403) and Section 404 of the Federal Water Pollution Control Act as amended in 1972 and 1977, commonly referred to as the Clean Water Act. Pursuant to these statutes, two sets of regulations involving wetlands protection have been issued; one by the Corps, and the other by the Environmental Protection Agency (EPA) but administered by the Corps. In interpreting the Corps' authority under the Rivers and Harbors Act, only the Corps' own guidelines are applicable. When interpreting the Corps' authority under the Clean Water Act, however, both EPA and Corps regulations apply.

The 1899 Act regulates activities in the "navigable waters of the United States." Corps regulations define navigable waters as follows:

Navigable waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or are susceptible for use to transport interstate or foreign commerce. 33 CFR 329.4.

Wetlands are included in this definition, even though these areas may not be literally navigable:

Jurisdiction thus extends to the edge . . . of all [bays and estuaries], even though portions of the water may be extremely shallow, or obstructed by shoals, vegetation, or other barriers. Marshlands and similar areas are thus considered to be 'navigable in law' 33 CFR 329.12(b) (SF BCDC 1982)

The Corps exercises a broader geographic jurisdiction under the Clean Water Act than it does under the Rivers and Harbors Act. Section 404 requires permits authorized by the Corps for the discharge of dredged or fill materials into the "navigable waters" of the United States. Though the term "navigable waters" is defined in both statutes as "the waters of the United States, including the territorial seas," the Courts have adopted a broader interpretation of the jurisdictional limits under Section 404. Citing

the Statute's legislative history and functional purpose, the Courts have used a test focusing on whether the activity disturbing the wetlands would have an effect on water quality, not on the lands below the historic mean high water line used in the 1899 Act, when assessing the Corps' geographic jurisdiction (SF BCDC, 1982). For purposes of Section 404, the Corps regulations define the phrase "waters of the United States" according to five categories (33 CFR 323.1.1-5) which include "wetlands." Wetlands are defined as follows:

The term 'wetlands' means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. (33 CFR 323.2(c))

Regulated Activities

In general, most activities that could damage wetlands require a permit from the Corps either under Section 9 and 10 of the Rivers and Harbors Act or under Section 404 of the Clean Water Act (SF BCDC, 1982). Section 9 (33 U.S.C. Section 401) prohibits the construction of "any bridge, dam, dike, or causeway" in or over a navigable water of the United States without the appropriate federal and/or state authorization. Section 10 requires a permit for the construction of projects such as wharves, piers, and other structures. Section 10 permits also are required for any dredging, filling, stream channelization, or other work which could affect the navigable capacity of waters of the United States (SF BCDC, 1982).

Under Section 404 of the Clean Water Act, the Corps, subject to EPA guidelines and oversight, regulates the discharge of dredged and fill material into the waters of the United States. The phrase, "discharge of dredged materials," is defined broadly under Corps regulations:

Any addition of dredged material to the waters of the United States. The term includes, without limitation, the addition of dredged materials to a specified disposal site located in waters of the United States and the runoff or overflow from a contained land or water disposal. 33 CFR 322.2(1)

"Discharge of fill materials" is defined as:

[T]he addition of fill material into waters of the United States. The term generally includes, without limitation, the following activities: Placement of fill that is necessary to the construction of any structure in a water of the United States; the building of any structure or impoundment requiring rock, sand, dirt or other material for its construction; . . . causeways or roadfills; dams and dikes, artificial islands; property protection and/or reclamation devices such as riprap, groins, sea walls; breakwaters such as sewage treatment facilities; . . . artificial reefs. 33 CFR 323.3(n)

Permitting Program

The regulatory approach taken by the Corps employs a balancing process reflecting the "national concerns for both the protection and utilization of important public resources" (33 CFR 320.1(a)). In determining whether to issue a permit, district engineers are obligated to consider a detailed list of

factors including conservation, economics, general environmental concerns, recreation, energy production, and, in general, the needs and welfare of the people (33 CFR 320.4(a)). In considering permit applications involving the alteration of wetlands, the Corps requires applicants to demonstrate that the proposed project be "water dependent," and that no "feasible alternative sites are available" (33 CFR 320.4(b)(4)). Thus, permit applications are subject to a "public interest review" which balances the need for resource protection against the competing desire for resource utilization. For projects that are not inconsistent with the relevant Corps policies, or can be made consistent through conditions, permits are issued by the district engineer. If the project is not consistent with the policies, the permit is denied.

Administrative and Legal Action

The failure to comply with the law by obtaining a required permit, or to abide by the terms and conditions of a permit issued by the Corps, is considered a violation of the law, subject to enforcement action by the Corps (McAdam, 1983). Upon discovery of an unauthorized activity, the district engineer is required to commence an investigation to ascertain the facts surrounding the activity (33 CFR 326.3(a)). If the unauthorized activity is still in progress, the district engineer is required to "immediately issue an order prohibiting further work" in the affected area (33 CFR 326.2). In situations where as a result of the activity "life, property or important public resources are in serious jeopardy," the district engineer may require remedial work to be done, ranging from "minor modification of the existing work to complete restoration of the area" (33 CFR 326.3(b)(1)). The Corps' definition of "important public resources" explicitly includes wetlands areas (33 CFR 320.4). In cases of unauthorized activity, the district engineer is required to advise the responsible party of the option of applying for an after-the-fact (ATF) permit, and to accept such an application upon submission. If the party fails to submit an ATF permit application, the district engineer may proceed on his/her own initiative with the pre-permit public interest review of the activity (33 CFR 326.4(d)).

In addition to these administrative actions, the district engineer may initiate legal action, including civil and/or criminal sanctions, in cases of regulatory violations. Corps regulations provide guidelines detailing the circumstances in which civil or criminal action is appropriate (33 CFR 326.4(a)). Civil action is considered appropriate when the evaluation of the unauthorized activity reveals that (1) enforcement of a stop work order or remedial restoration is required; (2) attempts to secure voluntary alteration or modification of a project have failed; and/or (3) for "knowing, flagrant, or repeated or substantial impact" violations of the Clean Water Act's discharge and fill restrictions (33 CFR 326.4(a)(2)). Criminal action is considered appropriate when:

. . . facts surrounding an unauthorized activity reveal the necessity for punitive action and/or when deterrence of future unauthorized activities in the area is considered essential to the establishment or maintenance of a viable regulatory program (33 CFR 326.4(a)(1)).

If the district engineer determines that either civil or criminal action is required, he/she is authorized to forward a litigation report, including recommendations, to the local U.S. Attorney's office for appropriate legal action (33 CFR 326.4(c)).

Violations in the San Francisco District

In the Bay Area, regulatory violations in wetland areas pose a major challenge to the Corps' enforcement program. According to Robert Dawson, Assistant Secretary of the Army for Civil Works:

Recently, there has been a significant increase in pressure to develop seasonal wetlands around the San Francisco Bay, with a corresponding increase in unauthorized activities (Dawson, 1985b).

These pressures have become especially intense in South Bay wetlands, due to the rapid increase in commercial and industrial development in the Silicon Valley (Eft, 1986). As of November 21, 1985, there were 77 unauthorized activities under investigation by the San Francisco District. Forty-two of these investigations involved activities in Bay Area wetlands (Dawson, 1985b). Thirty-nine of the 42 unauthorized activities were commenced without the necessary Corps permit; the three remaining violations involved non-compliance with a previously issued Corps permit (Dawson, 1985b).

One of the most important factors in any analysis of regulatory enforcement is the cause of a violation. Not only can an understanding of causal factors assist in preventing future violations, but such knowledge also helps in determining what enforcement actions would be most effective in achieving the regulatory goal (McAdam, 1983). The causes of violations can be broken down into three categories (Kagan & Scholz, 1980). The first group of violators includes those parties whose actions are motivated by economic profit. These violators disobey the law when the probability of detection and anticipated fine are small in relation to the profits to be earned through disobedience, and can be properly classified as knowing and intentional violators. The second group of intentional violators includes "those regulated interests who either philosophically disagree with government regulations of privately owned lands or do not believe in the validity of the particular law or regulation" employed by the Corps (McAdam, 1983). The final group of violators are those firms or individuals that violate the law out of ignorance or incompetence. This final group can be classified as unintentional violators. In the analysis below, intentional violations are identified using the following criteria: (1) those involving illegal activities that continue after the responsible party is notified of the violation by the Corps, and/or (2) those activities involving commercial land development firms. This last criterion assumes that the overwhelming majority of land development companies are aware of the applicable federal, state, and local land use policies and regulations. Furthermore, this analysis assumes that the number of "philosophical" violators in Bay wetlands is negligible, an assumption supported by comments from a local Corps official (Reynolds, 1986, pers. comm.).

As mentioned above, as of November 21, 1985, 42 unauthorized activities in Bay wetlands were under investigation by the San Francisco District (Dawson, 1985b). In 15 of the 42 unauthorized activities, the responsible party was a local or state governmental agency (see Table 1). The remaining 27 unauthorized activities involved private parties, ranging from individual citizens to major land development companies. According to the criteria outlined above, 22 of the 27 violations involving private parties could be classified as knowing and intentional. In 14 of these cases, the unauthorized activity continued after Corps notification, while in 16 of the cases, the responsible party was a commercial development firm. In eight cases, the activity could be classified as knowing and intentional according to either criterion. Finally, the responsible party was a private individual in only five cases.

Table 1 Unauthorized Activities in Bay Wetlands (as of 11/21/85)

Total unauthorized activities	42
Cases where governmental agency is responsible party	15
Intentional violations according to "type of company"	8
Intentional violations according to "notification"	6
Intentional violations according to both criteria	8
Total number of private "knowing and intentional" violations	22

Source: Dawson (1985b).

According to this analysis, in over 95% of the cases, violations in Bay wetlands involved activities initiated without the necessary Corps permit. Furthermore, in 85% of the cases involving private citizens or firms, the responsible party knowingly and intentionally violated the law.

The San Francisco District's Enforcement Response

The enforcement process of most regulatory agencies includes the procedures used to discover, investigate, and resolve violations, and the actions used to punish violators (McAdam, 1983). The following sections focus on the procedures used by the SF District in resolving violations and punishing violators in cases involving Bay wetlands, particularly through the use of legal action in such cases.

The enforcement approach taken by the SF District is guided by the procedures contained in the Corps' federal regulations. In cases where a resolution cannot be accomplished through the administrative process, legal action may be initiated (Dawson, 1985b). Legal action is also reserved for certain types of violations, for example:

. . . if the violation is flagrant, or if a repeat offender is involved, a legal action may be brought against the violator to obtain appropriate penalties (Dawson, 1985b).

Despite the recognized increase in the number of violations in Bay wetlands, especially the number of knowing and intentional violations, the SF District has not referred a wetlands violation case to the U.S. Attorney for almost ten years (Eft, 1986, pers. comm.). The lack of referrals stems primarily from the lengthy and complex pre-litigation process established in the Corps federal regulations. Upon the discovery of an unauthorized activity, the district engineer does not immediately refer the matter to the U.S. Attorney for litigation. Rather, the district engineer is required to begin an investigation to determine the facts surrounding the activity (33 CFR 326.3(a)). This requirement poses a significant obstacle to quick enforcement action:

In the case of seasonal wetlands, this investigation is complex and time consuming. It frequently requires a determination of the character of the site before the activity took place (Dawson, 1985b).

If the district engineer issues a stop work order, the matter is still not immediately referred to the U.S. Attorney. Corps regulations authorize the district engineer to order immediate remedial work only if, "as a result of the unauthorized activity, life, property, or important public resources are in serious jeopardy and would require expeditious measures for protection" (33 CFR 326.3(b)). Otherwise, the violator must be offered the option to (1) voluntarily restore the site, and/or (2) apply for an ATF permit. If the violator submits an ATF permit application,

. . . referral for litigation would not be appropriate until the application has gone through the complete review and comment process, a permit has been denied, and the violator has refused to comply with a restoration order (Dawson, 1985b).

Even if the violator does not apply for an ATF permit, the district engineer still may proceed with a public interest review of the unauthorized work. According to the SF District's Counsel, only in "rare exceptions" will any type of legal action be initiated before the public interest review process is completed (Eft, 1986, pers. comm.).

The SF District's reliance on administrative remedies in its regulatory enforcement program is difficult to quantify. The SF District does not regularly publish any report on its past or present enforcement activities. In fact, the SF District normally does not keep statistical information on the types of violations, the total number of violations, the enforcement actions taken, or the disposition of violations, for its regulatory program. The unpublished summary status report mentioned above (Dawson, 1985b) was the District's first compilation of its enforcement program activities since the early 1970's (Reynolds, 1986, pers. comm.). This report does provide some quantitative information on the SF District's pending enforcement actions. In Table 2, the 27 outstanding wetlands violations involving private parties are grouped into eight categories according to their enforcement status as of November 21, 1985. The first five categories include cases proceeding through the administrative process. The sixth category includes one case that the Corps has postponed action on, pending the outcome of litigation

initiated by BCDC in 1980. The seventh and eighth categories include cases awaiting decision by the SF District's Office of Counsel (7) or cases in which the Office of Counsel had begun preparing a litigation report for referral (8).

Table 2 Status of Enforcement Action for 27 Wetlands Violations

Category	# of cases
1. Under investigation	4
2. Letter sent offering voluntary restoration/ATF permit application	4
3. ATF permit being processed	8
4. Public interest review proceeding without ATF application	4
5. Voluntary restoration agreement	1
6. Awaiting BCDC litigation	1
7. Under review by Office of Counsel	3
8. Litigation report being prepared	2

Source: Dawson (1985b).

The data from Table 2 documents that the SF District relies heavily on administrative procedures in resolving unauthorized activities in wetlands. It should also be noted that the Corps had sent out stop orders in 25 of the 27 cases; in four cases, stop work orders had been issued more than once. In only one case, involving the Stauffer Chemical Company, had a voluntary restoration agreement been reached.

Though the last referral to the U.S. Attorney involving a violation in Bay wetlands occurred in 1977, the SF District appears willing to refer some cases for legal action. In regard to the unauthorized activities currently under investigation in Bay wetlands, Robert Dawson has noted:

Many of the activities in this recent peak of development interest are moving through the [administrative] process now. It appears likely that some of these will be referred to the U.S. Attorney. The district engineer is examining each of these cases individually, and will not be at all reluctant to refer appropriate cases for litigation (Dawson, 1985b).

To some extent, the two cases which have been selected for referral may reflect a shift towards a more legalistic enforcement approach by the SF District. As of March 11, 1985, however, neither case had been referred.

A Case for Legal Action

The role of enforcement in regulatory programs has received growing attention from the academic community, public interest groups, and governmental agencies. According to one body of regulatory policy research, flexible enforcement strategies, based on the specific cause of each violation, are necessary for a successful regulatory program (Kagan & Scholz, 1980). As indicated by the data presented above, the overwhelming majority of regulatory violations in Bay wetlands are intentional, motivated by the economic profits to be derived from non-compliance and the small probability of detection and punishment. This section analyzes the enforcement strategy the SF District should adopt, based on

the type of violators in Bay wetlands, and the strategy most effective for this type of violator.

According to the theory of "corporate criminology" developed by Kagan and Scholz, the regulatory enforcement strategy suggested in cases of willful and intentional violations involves rigorous inspection and monitoring, and the imposition of severe legal penalties for violations:

If regulated businesses are seen as keen-eyed amoral calculators, wilfully violating the law for economic profits, the regulatory agency should emphasize inspection of all firms and promptly impose severe legal penalties for any violation . . . (Kagan & Scholz, 1980).

This type of enforcement strategy seems particularly appropriate for the SF District's wetlands protection efforts. As the breakdown in the "violators" sections shows, 85% of the unauthorized activities in Bay wetlands involving private parties could be classified as knowing and intentional violations. Furthermore, in over half of these violations, the responsible party continued to violate the law after some form of notification, usually a stop work order, had been issued by the Corps.

A rigorous enforcement approach, particularly the use of legal action, is further necessitated by inadequate staffing in the SF District's enforcement unit. As of November 21, 1985, the enforcement staff was operating at 55% of its normal level (Dawson, 1985b). As a result, the SF District's inspection and monitoring program has become increasingly reliant on other regulatory agencies in the Bay Area. According to Robert Dawson:

. . . since the district works closely with other regulatory agencies, it is able to use these agencies as additional resources, particularly in the area of surveillance (Dawson, 1985b).

The ineffectiveness of the local district's inspection and monitoring program lessens the probability of detecting violations in Bay wetlands. Since the probability of detection is a major factor in the economic calculus of intentional violators, the SF District's inadequate staffing levels further encourage regulatory non-compliance. This factor, however, could be offset by a greater probability that once detected, intentional violators would face serious legal consequences.

In addition, a more rigorous enforcement strategy would be entirely consistent with the Corps' existing federal regulations. According to these regulations, civil actions are deemed appropriate for "knowing, flagrant, or substantial impact violations," whereas criminal proceedings are authorized when such action is necessary to establish and maintain "a viable regulatory program" (33 CFR 326.3). Given the number of intentional violations in the Bay Area, the deterrent effect of the SF District's current enforcement strategy, based almost exclusively on administrative actions, is clearly inadequate.

Though a more rigorous enforcement strategy in the SF District does seem appropriate, there are limits to a legalistic enforcement approach. The most obvious limitation of such an approach is that if applied too broadly, the effect could be counterproductive. For violations involving unintentional activities, for example, a legalistic approach could destroy cooperation between the agency and the

regulated interest. In such cases, a regulatory approach emphasizing education and consultation would be more productive and less costly. Since sanctions have little or no deterrent effect on unintentional violators, a legalistic enforcement approach would be ineffective in promoting compliance. An additional limitation of the legalistic approach is that it sometimes stimulates fierce opposition by the regulated interests, which, when confronted with the possibility of legal penalties, frequently hire expert legal assistance to contest the Corps action. The regulated party may contest the Corps' jurisdictional determination, or use other means to delay the enforcement action. In cases of protracted and lengthy court hearings, the costs to the Corps in pursuing such actions may be greater than the potential penalty in each case, or even outweigh the value of any possible deterrent a decision favorable to the Corps might provide for the future.

Despite these limitations, there appears to be a strong case for a more legalistic approach to enforcement by the SF District. The large percentage of knowing and intentional violators in Bay wetlands suggest that these violators are motivated by the economic profits derived from non-compliance. Indeed, as development pressures have increased, wetland values have soared to \$100,000 per acre in some areas (Examiner, 1985). When combined with the small probability of detection and punishment, the SF District's current enforcement approach encourages non-compliance. A more rigorous enforcement strategy, particularly a demonstrated willingness to prosecute knowing and intentional violators, would decrease the profits to be derived from unauthorized development, thus decreasing the illegal degradation of Bay wetlands.

Such an approach has been incorporated into the Corps' past enforcement strategy with impressive results. According to Lieutenant Colonel Perkins, the SF District Engineer:

During the 1970's, when the Section 404 program was new, the district referred approximately 10 cases to the U.S. Attorney. The Government won essentially all of these cases, and for a period following that litigation, there was substantial compliance with Section 404 (Dawson, 1985b).

Given the current threat that illegal activities pose to the Bay's remaining wetlands, and the proven effectiveness of an aggressive enforcement strategy, a legalistic approach appears to be the most effective way to accomplish the SF District's regulatory goals, particularly the protection of Bay wetlands.

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