



To the Board:

I lived in Marina del Rey for several years in the early to mid-1970s, and have lived there again for the past couple of years. I had an office in the Marina for the majority of my career, and have always been active there since 1970. I continue to kayak and to row in the Marina.

### **Greater Numbers and Diversity of Marine Life:**

From personal experience, I can tell you that there are more species, in greater numbers, than ever before. When I was first in the Marina, it was a virtual desert. There might be an occasional pelican or a few gulls. I assume there were fish in the harbor, but I never saw them.

I rowed twice this week. On both days I saw dolphins in the channel, feeding. This has become an increasingly common experience. I don't know how much they consume in a day, but they are big animals and would not be feeding in the Marina in the absence of fish. A couple of years ago, a juvenile gray whale camped out at the mouth of the Marina for about a month. It needed a lot more food than even dolphins.

I have seen the numbers and types of birds increase. Instead of the occasional pelican or gull, they are present in the hundreds. Snowy egrets and blue herons also line the jetties in the morning, fishing for their breakfast. We even see the occasional pelagic bird, cormorant or osprey.

Whatever the intention of the regulations, I do not see how they can improve the numbers or diversity of wildlife in the Marina. With all the concern these days about invasive species, I do not see how eliminating an effective biocide can do anything other than give an advantage to those aggressive creatures that will be carried into the Marina. I do not see how dredging the Marina could do anything other than to turn it back into a desert.

Another question arises. What is to be done with the dredged sand? How does moving the problem from the Marina to somewhere else help?

### **Lack of Basic Due Process:**

As you can see from my email address, I am an attorney. Although I live in the Marina, I never received any official notice of the proposed regulations – or even that the local board's decision would be considered by the state board. Instead, I have heard about the proposal through various community outreach programs.

Notice and the opportunity to be heard are fundamental to our system of government. I know it's messy to have to listen to public input – but we believe that the collective wisdom of our citizens

is superior to the beliefs of a few insular regulators who mainly talk with each other. The only way to get to the truth is to air everything.

I have read that the proposed amendment intends to designate boaters and slip owners as Potentially Responsible Parties – exposing them to virtually unlimited liability. Facing such liability, only the wealthiest can afford to risk a confrontation with regulators. Frankly, this ex parte designation sounds like an *ex post facto* law, which is prohibited by our constitution.

**Objectives:**

I have read about a proposal to charge boaters “user fees” of more than \$1,000 per year. With 6,000 boats in the Marina, that equals six *million* dollars. What will be done with that money?

The proposal requires boaters to strip their boats. The proposal seems to require the County of Los Angeles to spend hundreds of millions of dollars to dredge the Marina. What is left for the Water Control Board to do?

Our constitution places the power of the purse in the legislature. It does not allow unelected regulatory bodies to fund their own budget through dubious fines and user fees.

**Conclusion:**

This is a bad proposal on several levels. Factually, it cannot improve the Marina, and is more likely to destroy its existing bio-environment than to improve it. Constitutionally, it violates due process by failing to give sufficient notice. It also violates the separation of powers by taking from the legislature the decision to fund this activity, or to end it. Please reject the proposed amendment.

Very truly yours,

Richard F. Hamlin

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