



May 12, 2014

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State Water Resources Control Board  
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Email: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

RE: Opposition To Proposed Amendment to the Los Angeles Regional Basin Plan To Revise the Total Maximum Daily Loads for Marina del Rey Toxic Pollutants

We lease the property at 4211 Admiralty Way in Marina del Rey. We have a direct interest in the economic health of the boating community and anchorages, which support many local businesses such as our own.

We are firmly opposed to the LA RWQCB proposed TMDL Amendment and ask the State Water Control Board to reject the Amendment for the reasons stated in this letter, and by other commentators.

The following points were also raised by other interested parties in opposition to the proposed amendment in comment letters that were sent to the LA Board (including, but not limited to, those by Alston & Bird and the County of Los Angeles) and at the Los Angeles Regional Water Quality Control Board's February 6, 2014 meeting. The Board's responses are inadequate or factually incorrect, as noted herein and in opposition comments and statements by others.

Although our business may have been on the mailing list to receive notice of the proposed TMDL Amendment, we don't recall seeing it and certainly never realized the importance of the notice because it referenced only "technical changes" to the TMDL. There was never any indication that the Board intended to impose significant new costs and liabilities on boaters and anchorages, which will adversely impact the local economy and our business. Whether intentional or not, the faulty notice deprived stakeholders of a meaningful opportunity to participate in the regulatory process during the initial phase of public comment and the subsequent public hearing.

By making boaters and anchorages liable for the copper in the water, and forcing boaters to spend many thousands of dollars to strip and replace their hull paint at a major cost, the Board is going to drive many boaters out of the marina and create economic uncertainty for businesses and the community at large, just as we are starting to recover from the harmful effects of the Great Recession.

The Board's Economic Analysis is obviously incomplete and doesn't even address the impact on surrounding businesses. The Board states that there will be no loss of business in the Marina. This is

simply not a credible claim, as you would be hard-pressed to find anyone in the business community who finds this economic analysis to be convincing. A significant number of boaters will, in fact, leave; while others may choose to sell their boats. As a result, boat values will be depressed. Slip vacancies will increase dramatically. The boaters who stay will have less money to spend. There will be a downturn for local businesses. The end result is that recreational boating, which is promoted by the California Coastal Act under the jurisdiction of the California Coastal Commission, will be discouraged and seriously endangered in Marina del Rey.

Unlike governments and regulatory bodies that are publicly financed, the anchorages, boaters and businesses have to earn the money to stay in the Marina and pay their bills. What the Los Angeles Board failed to realize is that even a small 5 to 10% loss of income to anchorages and to the surrounding community can mean the difference between running a successful business or one that is doomed to failure.

This Amendment is a potential negative tipping point that the Board ignores in its "Economic Analysis."

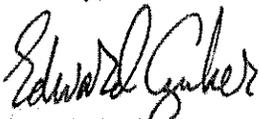
All of us have leases with the County of Los Angeles. Some of us have leases that are up for renewal--- with this dark economic cloud hanging over us, who would continue the lease renewal process? Others of us have bank loans and will need financing to reinvest in the community. What bank will loan to us when we're facing a loss of business?

This Amendment is just bad for business and the community.

In San Diego, that Regional Board adopted a phased program to give the boating community and businesses an opportunity to deal with the potential impact before incurring serious economic and legal risks and they provided for a 17 year compliance period. The Los Angeles Board chose to ignore testimony that noted that its proposed 10-year compliance period with more stringent requirements is simply unachievable and unrealistic. Additionally, the Los Angeles Board appeared indifferent and unwilling to entertain a more pragmatic approach to achieving water quality that is desired by boaters, anchorages and the business community.

We formally request that the State Board reject the TMDL Amendment as currently drafted.

Sincerely,



Edward Czuker  
Managing Partner  
Legado Marina, LLC