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Sent: Friday, May 9, 2025 00:10
To: Brad Gross <bgross@rgs.ca.gov>; Jenna Brady <Jenna.Brady@marincounty.gov>; Laura D. Beaton <Beaton@smwlaw.com>; James Malcolm <james.malcolm@marincounty.gov>; Robbie .Powelson <robbiepowelson@gmail.com>; Nikki Silverstein <nikki_silverstein@yahoo.com>
Subject: Proposed nightly presence ordinance for anchored vessels

Dear Members of the Richardson Bay Regional Agency Board,

Unfortunately, I spent today mitigating a nearly sunken vessel that was moments away from releasing an appalling amount of refuse and pollution into the bay this task required an exuberant amount of extra time as much of my desperately needed emergency equipment remains locked in a vessel wrongfully taken in the RBRA impound slip. You didn't hear about it in the harbormaster report as it would only covered up until the 30th of last month and I'm sure the details will be left out in the future report. However the fact remains that this was a task far more urgent and worthy of agency attention than the proposed ordinance at hand. I was unable to attend the board meeting in person due to this necessary mitigation that was unassisted by the RBRA and despite two attempts to raise my hand virtually for public comment, I wasn't called on in time — a pattern that's becoming all too familiar.

I am writing to formally and emphatically oppose the proposed ordinance requiring mariners at anchor to remain on their vessels for at least four hours each night.

This rule is not only arbitrary and invasive — it is discriminatory, unworkable, and likely unconstitutional. To even entertain such a proposal while urgent environmental issues go unaddressed is not only tone-deaf but deeply revealing of the agency's true priorities.

There is no comparable regulation in any marina, mooring field, or anchorage in the State of California. Yacht owners and marina slip tenants routinely leave their vessels for days, weeks, or longer. No one questions their residency status or imposes minimum presence requirements Yet now, suddenly, there's a proposed "curfew" for a handful of working-class mariners still at anchor?

The agency has, in the past, insisted the Bay is not for residential use. But what, then, is this ordinance other than a contradictory attempt to micromanage and surveil the very lifestyle it claims to disallow? Would someone who works night shifts — as I did for over a decade — now be considered in violation? Is it illegal to be in more than one designated place at night? Are we still in the land of the free?

Let's call it what it is: targeted enforcement aimed at the last few independent anchor-outs, a population that's already endured years of coercion, surveillance, and attrition by policy.

This ordinance would:

Violate equal protection, as it selectively targets a vulnerable population while exempting wealthier or politically connected mariners;

Raise Fourth Amendment concerns, since enforcing it would require invasive monitoring of people's movements and personal habits — something this agency is already guilty of, as I've documented firsthand;

Interfere with lawful maritime commerce, disproportionately harming those who rely on land-based labor, caregiving, or flexible living arrangements to survive;

Serve no credible environmental or safety function, and instead appears tailored to continue the agency's longstanding campaign of displacement and control.

It is, in short, a continuation of the criminalization of water-based poverty — all dressed up in a faux-environmental/safty concern.

If enforced, this ordinance would punish people simply for sleeping ashore, helping a neighbor, or working a night shift. It would most definitely compromise people's safety during increment weather when it would be unwise to travel back and forth from shore And I believe the agency could be held liable should an accident occur. And furthermore I don't want to have to go rescue them like I did Wayne Summer's recently due to agency negligence. The fact that I'm having to explain this should bring the agency much concern over its own blatantly discriminatory thought processes. It would trap individuals in a precarious state of legal risk for failing to meet an absurd and unprecedented "nightly check-in" rule. If the board would like some suggestions of how to use their time for some

actual reasonable enforcement tactics aimed at ecological restoration and preservation of our beautiful bay my consulting fees are very reasonable in fact I would work for free. Good God… ..

I urge the Board to seriously reflect on the intelligence, legality, and moral compass of whoever authored this misguided proposal — and to take immediate steps to reject it. Otherwise, be prepared to defend it in the public arena, and if necessary, in a court of law.

Public waters are held in trust of the Commonwealth for all people — not just RBRA stakeholders or adjacent property owners.

Lastly, on a separate but related matter, I believe the 30-day period has elapsed since the formal notice from the Assembly of Bay Stewardship was served. Please confirm that the notice was received by the Board so that we may proceed accordingly. And in consideration that the director is also heads up the discrimination department I would like to appropriately request a response from an actual member or members of the board.

A congressman once suggested that a member of the anchor out community be given a seat on the board. Where are we at on that? LOL 🌈⛪🏠🏴‍☠️ But think of the amount of litigation that could be/have been avoided… I look forward to a timely response likely from one of your esteemed legal professionals.

In Reverence to Stewardship of the Bay
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