



# NEWPORT BEACH

## Harbor Commission Staff Report

April 10, 2024  
Agenda Item No. 6.5

**TO:** HARBOR COMMISSION

**FROM:** Paul Blank, Harbormaster  
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**TITLE:** Harbormaster Update – March 2024 Activities

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### **ABSTRACT:**

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields, enforcement of the municipal code, events permitting, safety and rescue operations, the Marina Park Guest Marina, marine sanitation pump out equipment and public pier maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor.

This report will update the Harbor Commission on the Harbor Department's recent activities.

### **RECOMMENDATION:**

- a) Determine this action is exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the CEQA Guidelines because this action will not result in a physical change to the environment, directly or indirectly; and
- b) Receive and file.

### **FUNDING REQUIREMENTS:**

There is no fiscal impact related to this item.

### **DISCUSSION:**

The Harbor Department kept the hatches battened down and all aspects of the harbor secure during the severe weather in February. Though it was the shortest month of the year, there was no shortage of activity on the harbor and for the Harbor Department team. Efforts in direct support of the Department's mission are listed below in summary.

#### **Clean**

Significant efforts were expended to maintain and improve the cleanliness of the harbor. Highlights included:

- Fishing line from the recycling stations at Coral, Opal, and Washington Public Docks was collected and processed
- Large debris was removed from the Emerald St. public dock. Colleagues from Public Works helped us dispose of properly
- We participated in the response to the offshore oil spill
- A permittee was cited for unsanitary conditions on the assigned vessel
- An issue with low pressure in the pump-out system at Marina Park was addressed and corrected with support from our service provider (George Hylkema)
- A 10' long log was removed from the harbor in the pathway of the Balboa Island Ferry crossing. The log was eventually cut up and disposed of
- A shopping cart reported on the bottom of the harbor evaded detection for several days (maybe even weeks). It was finally spotted, removed, and disposed of properly
- We retrieved a submerged dock box for a resident on West Bay Ave that blew off their dock during a wind event
- We responded to a medical call on the Balboa Island Ferry (sprained/broken ankle). Upon arrival at the scene, Harbor Service Workers (HSW) rendered first aid and called 911 for further support. EMTs arrived shortly after

## **Safe**

Significant efforts were expended to maintain and improve the safety of the harbor. Highlights included:

- HSWs participated in training exercises with the CA State Guard and the USCG. The exercise included transporting a “patient” on a backboard and transferring from a smaller vessel to a much larger one
- Severe weather including wind and rain occurred several times during the month. Along with our service providers, we’re pleased to report no significant incidents
- The Department hosted a Tsunami Preparedness meeting with Yacht Clubs and First Responders. All in attendance considered the event very successful
- HSWs secured, and in some cases replaced lines on several moored boats to ensure they stayed put during severe weather events
- HSWs secured a vessel that had come loose from a private dock in the Coves
- Personal Water Crafts observed speeding were contacted, educated and subsequently complied with the speed limits in the harbor
- The California Challenge Cup Regatta for college rowers took place in front of Marina Park. Department vessels rotated traffic control responsibilities in the main channel to ensure competitors were safe and other mariners had a clear path for navigation
- We assisted a person in the water that could not reboard his electric boat
- HSWs educated another Personal Water Craft rider on the requirements to wear a PFD/lifejacket
- We identified and contacted the owner of a boat in the A field that needed new mooring lines as the thimbles had worn through

- Mooring line checks were conducted again in advance of another expected high-wind event
- The Harbormaster wrote to the USCG in opposition to the removal and replacement of the harbor entrance bell buoy with a virtual buoy only useful to vessels with AIS equipment. The bell buoy has been removed from the list of those to be replaced
- HSWs fixed a conduit that had come unmounted from the Fernando St public dock
- HSWs stopped a foil board rider exceeding the speed limit and were successful in convincing the rider not to exceed the speed limit
- We assisted a utility service repairing and reattaching conduit and cable at the Central Ave. public dock
- Two paddleboarders were assisted by HSWs back to their point of departure at the Sea Base

### **Well-enjoyed**

Significant efforts were expended to maintain and improve the enjoyment of the harbor. Highlights included:

- We received a nice note from Mike Homes, UCI Women's Rowing Head Coach thanking the on-duty HSWs for their assistance in keeping their regatta safe and the course clear for excellent racing at the California Challenge Cup Regatta
- We convened the second session of the working group on vessels of concern. Vessel dossiers, the variety of berthing opportunities across the various harbors and marinas, and the variety of authorities in each harbor were discussed. The CA Division of Boating and Waterways participated and pledged their support for our efforts. An excellent experience for all who contributed
- We established and then rescinded a nine-foot limit on a section of the Fernando St. public dock. Sometimes proposed improvements don't produce the expected results. Thankfully we realized it quickly and learned from this experience
- HSWs made contact with two young harbor constituents and provided them with Junior Code Enforcement badges
- Several new mooring licensees executed their licenses, passed their vessel inspections, and moved on to their moorings
- Early morning patrols by the Code team netted multiple berthing violations observed around the harbor, as well as better compliance with noise restrictions from the rowing programs
- A vessel in the J mooring field was contacted after complaints of excessive noise from land and nearby vessels were received. Upon contact with the occupant, the music was turned down
- The ribbon cutting for the new public dock at Balboa Marina took place. All three patrol boats were present for the ceremony, which was a success. One patrol boat had the privilege of transporting the Mayor to the event and ensuring he safely disembarked onto the dock

## Odds and Ends

Significant efforts were expended to address harbor-related matters other than cleanliness, safety, and enjoyment. Highlights included:

- The new fly-by-wire motor installed on one of the patrol boats has proven itself successful after the break-in period and has become a crowd favorite
- A vessel from a local rental provider was found one morning fouled on a mooring in the H field without any occupants aboard. The rental company was contacted and a diver was sent to free the vessel. The rental company subsequently retrieved their freed vessel. There is no word on how the rental customers or other occupants made it ashore
- New signage at Marina Park was deployed to help visitors better find the services they seek
- Harbor tours were conducted for attendees of the CA Code Enforcement Officers training session conducted at Marina Park. All were pleased and impressed with our operations

The most amusing call of the month came from a waterfront resident (via an elected official) asking that we immediately enforce the “no painting” regulations on the harbor. This same resident had called in previously (via the same elected official) asking us to have a boat removed from a residential dock because it might be used for commercial purposes. The resident was not satisfied with the explanation that we had reached out to the vessel owner and obtained his assurance that the vessel would not be used for any commercial activity in Newport Harbor. When the resident took the tack toward asking us to enforce the “no painting” rules we provided the following information:

Nowhere in the Harbor code are routine maintenance tasks on vessels specifically permitted or prohibited. We consider routine maintenance tasks to include washing of decks and topsides, polishing and waxing of topsides, varnishing, painting or other forms of refinishing the exterior materials including teak treatments, fiberglass repair, wood repair and restoration, metal finishing and polishing. This is by no means an exclusive or exhaustive list of routine maintenance activities. Further, these tasks routinely take place on vessels throughout the harbor including at residential docks, commercial marinas and on moorings.

The specific code sections on discharge we look to as we evaluate the situation discussed are:

17.45.030(C) - Waste and Refuse - Refuse in Navigable Waters. No person shall throw, discharge, deposit or leave or cause, suffer or permit to be thrown, discharged, deposited or left, either from the shore or from any pier or vessel or from any factory or elsewhere, any refuse, debris, garbage, litter, timber or other waste matter of any description into the navigable waters of Newport Harbor or on the shore of Newport Harbor or any

navigable water within the boundaries of the City where the same may be washed into Newport Harbor or such navigable water, either by tides, or by floods or otherwise.

17.45.030(E) - Waste and Refuse - Marinas and Piers. Any owner or operator of a marina or any owner or permit holder who maintains a pier shall keep the area in and around such marina or pier located on the shorelines of Newport Harbor within the City reasonably free and clear from beached or floating refuse, debris or litter at all times.

Clearly not satisfied that her neighbor is not violating some rules as he berths his new vessel at his residential dock, we await the next contact (via the elected official, or perhaps several) from this concerned resident.

**ENVIRONMENTAL REVIEW:**

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in a physical change to the environment, directly or indirectly.

**NOTICING:**

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

**ATTACHMENTS:**

- Attachment A – Harbor Department Statistics Infographic
- Attachment B – Harbor Department Statistics by Month, Current Year
- Attachment C – Harbor Department Statistics, Year over Year Comparison
- Attachment D – Harbor Department Definitions