

CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Crystal Cove Room (Bay 2D)

Thursday, September 4, 2025 - 3:00 PM

Water Quality/Coastal Tidelands Committee Members:
Councilmember Michelle Barto, Chair
Mayor Joe Stapleton, Vice Chair
Peter Belden, Member
Curtis Black, Member
Charles Fancher, Member
Craig Hudson, Member
Sharon Ray, Member
George Robertson, Member
John Wadsworth, Member

Staff Members:

Jim Houlihan, Deputy Public Works Director/City Engineer John Kappeler, Senior Engineer Bob Stein, Assistant City Engineer Karen Gallagher, Administrative Assistant

The Water Quality/Coastal Tidelands Committee meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Water Quality/Coastal Tidelands Committee agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Water Quality/Coastal Tidelands Committee. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact John Kappeler, Water Quality Enforcement Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3218 or jkappeler@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Public Works Department 24 hours prior to the scheduled meeting.

1) CALL MEETING TO ORDER

2) ROLL CALL AND INTRODUCTIONS

3) PUBLIC COMMENTS ON AGENDA ITEMS (10 min)

Public comments are invited on agenda items. Speakers must limit comments to five minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

4) REVIEW AND APPROVAL OF MINUTES (5 min)

Recommendation: Approve minutes as presented

071025 NPB WQCT

5) CURRENT BUSINESS (55 min)

(a) Surfline Coastal Intelligence (Peter Belden/Austin Heimark) (30 min) Presentation by Surfline on how they leverage Al in their live webcasting cameras to track beach erosion, map the nearshore bathymetry, provide accurate beach attendance, and other benefits for municipalities throughout California and Australia.

Recommendation: Committee Discussion/Approval

(b) City of Newport Beach's General Plan – Harbor, Bay and Beaches Element (Curtis Black) (25 min) Update on the draft plan elements.

Recommendation: Committee Discussion

6) COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) (10 min)

- (a) Santa Ana River Trash Mitigation Project Field Trip (October 2025 TBD)
- (b) Newport Bay Trash Interceptor Viewing Platform (October 2025 Mark Ward)
- (c) Draft Copper Total Maximum Daily Load (TMDL) (October John Kappeler)
- (d) Seal Beach Naval Station Sand Replenishment Field Trip (October Bob Stein)
- (e) Committee Goals/Objectives Sub-committees Final Reports (November TBD)
- (f) Newport Bay Trash Interceptor Trash Characterization (Winter 2026 Ellis Peterson)
- (g) Newport Beach Trash Interceptor Public Outreach Campaign (Winter 2026 John Pope)

7) PUBLIC COMMENTS ON NON-AGENDA ITEMS (5 min)

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

8) SET NEXT MEETING DATE (5 min)

Recommendation: October 2, 2025

9) ADJOURNMENT

2

Date: July 10, 2025 **Time:** 3:00 p.m.

Location: Newport Coast Conference Room, Newport Beach Civic Center

Meeting Minutes prepared by:

1. Call meeting to order.

The meeting was called to order at 3:02 p.m.

2. Roll Call and Introductions

Committee Members Present:

Councilmember/Chair Michelle Barto
Committee Member Peter Belden
Committee Member Curtis Black
Committee Member Charles Fancher
Committee Member Craig Hudson
Committee Member George Robertson
Committee Member John Wadsworth

Committee Members Absent:

Mayor/Vice Chair Joe Stapleton Committee Member Sharon Ray

Staff Present: John Kappeler, Senior Engineer

Karen Gallagher, Administrative Assistant

Bob Stein, Assistant City Engineer

Charles Springer, Senior Management Analyst

Kayla Nyberg, Management Analyst

Guests Present: Paul Blank, Newport Beach Harbormaster

Dennis Baker, SPON Jim Mosher, Resident

Nancy Gardner, Orange Coast River Park

Nancy Scarbrough, SPON Nancy Skinner, SPON

Virginia Anders-Ellmore, Resident

3. Public Comment on Agenda Items

None.

4. Review and approval of minutes

Motion: A motion was made by Chair Barto to approve the June 5, 2025, minutes as presented, seconded by Committee Member Belden. The motion passed unanimously.

5. Current Business

a. Committee Goals/Objectives (Bob Stein)

Discussion on subcommittee coordination meetings in August.

Recommendation: Committee Discussion

Assistant City Engineer Bob Stein reported in April that the Committee agreed on three objectives and the creation of a subcommittee to discuss each one further. He added that, as there is no

Committee meeting in August, the subcommittees are expected to conduct meetings in August towards a goal of presenting a draft of their respective recommendations to City staff in September. He added that the goal is to have formal subcommittee presentations in November.

Committee Member Fancher presented on behalf of the Objective 1 Subcommittee, reporting that the Subcommittee has held discussions, including a Zoom meeting earlier in the day with Orange County's Coastal Coordinator. He added that they are in the process of identifying where the City can fit into the business of obtaining, placing, and retaining sand. He added that their focus is to create a program process to be able to present to the City Council, identifying how the City can better position itself, along with potentially needed funds and funding sources.

Committee Member Belden reported Surfbreak Engineering Sciences, Inc., President Bill Dally, could be a contributor in the future. He reported he will meet next week with civil coastal engineer and former Newport Beach lifeguard James Jackson about his potential involvement. He added that his goal is to find coastal engineering experts to propose initial design concepts.

Committee Member Wadsworth stated there was a lot of discussion in the Subcommittee about how to add sand but cautioned they should not lose focus on finding ways to better retain the City's existing sand, preferably through nature-based solutions. He noted they will soon hear a presentation about dune restoration, adding that dunes naturally retain sand. He pondered if more dunes could be built along Balboa Peninsula, noting it would require community support.

Orange Coast River Park's Nancy Gardner noted Orange County regularly dredges the Santa Ana River and wondered if the City could do this too.

Chair Barto requested any available information about dredging activities at Randall Preserve in the City of Costa Mesa, adding it could be a potential sand source.

Ms. Gardner noted that the General Plan updating process is ongoing and added that the Committee will soon review two or three elements. She noted the Committee does not meet in August but urged the Committee to find a way to add reviewing the updated General Plan to its schedule.

Senior Engineer John Kappeler confirmed reviewing the General Plan updates is a future Agenda item for the Committee, but a date has not been set.

In response to Committee Member Fancher's inquiries, Ms. Gardner confirmed that the Draft Elements have not yet been sent to the Committee. She confirmed they will be sent when ready, adding that the General Plan Advisory Committee likely assumed the Water Quality/Coastal Tidelands Committee meets in August.

In response to Committee Member Wadsworth's inquiry, Senior Engineer Kappeler agreed that a review of the General Plan updates can be added to the September Agenda.

Committee Member Wadsworth reported that the Objective 2 Subcommittee is focused on preventing trash from the Santa Ana River from ending up on Newport Beach's beaches. He stated this task starts with an investigation into the sources of the trash, noting the Surfrider Foundation has pulled over 15 tons of trash from the river over the past five years, with about 80% of it being plastic. He reported that Surfrider will be holding a cleanup event on Saturday morning from 9-11 a.m., meeting at Adams Ave. in the City of Huntington Beach with river access from a dirt parking lot just past Monroe Pacific Nursery.

Committee Member Wadsworth reported that everyone upstream seems to be guilty of adding trash to the river, and the investigation will be complicated. He added that the next major storm will help reveal the largest offenders. He added that the Subcommittee will also work to see what agencies want to be involved in adding mitigation technology. He added that Orange County Public Works Environmental Resources Specialist Kim Buss is onboard to help. He reported that the Subcommittee will also ponder how the City can be a good participant in these trash-reducing

endeavors, adding it is critical to help obtain upstream support. He suggested a public relations campaign like the one used to help create ocean-friendly businesses, and added Balboa Point's Ocean Friendly Neighborhood program is also a model worth studying on a Citywide level.

Chair Barto added that the City is also piloting putting three-bin trash receptacles on the beaches.

Committee Member Wadsworth lamented that there cannot be a City mandate but noted they can call on voluntary participation while raising awareness of the trash issues. He added that the City must be a good steward of the ocean environment if it expects other municipalities to follow suit.

Assistant City Engineer Stein reported that staff can scout major tributaries flowing into the Santa Ana River with cameras during a storm to see what is flowing out of the tributaries. He stated this can help find a particularly robust flow and bring it to the attention of the appropriate jurisdiction with a request for action.

Still Protecting Our Newport's (SPON) Dennis Baker recommended including the Southern California Coastal Water Research Project (SCCWRP), which has performed past tributary trash research, to either share previously collected information or to potentially assist in future endeavors.

Assistant City Engineer Stein reported that some ideas the Objective 3 Subcommittee can consider are the Santa Isabella Channel, invasive plants in Upper Newport Bay south of Hot Dog Island, the Big Canyon Bluffs restoration, and construction of a Trash Interceptor viewing platform.

Assistant City Engineer Stein presented a recommended timeline for the three subcommittee's meeting in August to provide a draft of their recommendations to City staff in September, with a presentation to the Committee in November so Chair Barto can take the final recommendations to the City Council for funding and study endorsements for the next Fiscal Year.

In response to Committee Member Wadsworth's inquiry, Assistant City Engineer Stein stated the available funding levels would depend on the projects, adding that it must be compelling for approval.

Santa Ana River Drainage Area Trash Mitigation (Bob Stein)
 Update on a recent staff field trip of the Santa Ana River Drainage Area.

Recommendation: Committee Discussion

Assistant City Engineer Stein reported that he and Committee Member Wadsworth will investigate where a boom can be placed with a camera to monitor trash flows in the next major storm. He added that the information will be brought to the appropriate jurisdictions with a request to create a program to reduce trash entering the Santa Ana River. He stated the County will be eager to receive this information and offer its support. He added he expects the trash content to be like what they see on San Diego Creek in its composition and can help persuade the County to start an outreach program, noting it would be cheaper for Newport Beach to help subsidize garbage cans for other cities than what it spends to collect the trash off the City's beaches.

In response to Committee Member Fancher's inquiry, Senior Engineer Kappeler clarified that there is probably 2-3 times more trash exiting the Santa Ana River than San Diego Creek.

In response to SPON's Nancy Skinner's inquiries, Assistant City Engineer Stein confirmed the City still collects trash by the Back Bay Golf Course, but it has to remind the County to install its boom. He added that the County has not begun evaluating the collected trash.

In response to Ms. Skinner's inquiries, Assistant City Engineer Stein reported that the City of San Clemente is making moves to obtain Santa Ana River sand, reflecting how the sand has become a competitive commodity where the County is not completely on Newport Beach's side, and the City may have to stake a claim to some. Senior Engineer Kappeler added that the City does have a permit to place sand from on the south side of Balboa Island. Assistant City Engineer Stein added

that sand from behind Prado Dam is a matter to pursue with the County. Senior Engineer Kappeler noted that Orange County Executive Director of Planning and Natural Resources Lisa Haney recently presented to the Committee and encouraged bringing her back for another presentation.

Committee Member Fancher stated that the two biggest potential sources for sand are Prado Dam and offshore. He reported that Ms. Haney's presentation to the Committee noted the County could increase its water storage capacity by 20% if it could remove the sand from behind Prado Dam.

Peninsula Point Dunes Enhancement/Creation Project (Nancy Scarbrough)
 Update on the Dunes Restoration project, including discussion on a future grant proposal.
 Recommendation: Committee Discussion

Committee Member Peter Belden reported that this project speaks to Committee Objective 1 in its search for grant funding to expand the dunes at Peninsula Point, enhance 1.7 acres with natural vegetation, and create 0.34 acres of new vegetated beach dunes. He added that it will also positively impact the City's flood vulnerability. He reported on native seed growth and lamented the seeds spread too far in some areas, leading to over-vegetation challenges.

Assistant City Engineer Stein added that the over vegetation led to complaints from residents who had trouble getting from their homes to the beach without traversing excessive shrubbery. He stated the solution was an attempt to carve out islands of vegetation to help recreate the dune's feeling.

Committee Member Hudson noted the east coast of the United States uses boardwalks to help people traverse the vegetation with berms on the beach side.

Committee Member Belden noted that the dune enhancement concept will be difficult depending on the residents, but efforts are being made to build up the dunes. He added that the plants have proven to be resilient and commended Assistant City Engineer Stein's work in determining which ones are working the best. He reported on July 4, 2020, flooding as an example of why the dunes and vegetation need to be improved to help keep the ocean away from homes by creating a flood barrier.

In response to Committee Member Hudson's inquiry, Senior Engineer Kappeler clarified that native plants have habitat value as a food source for native wildlife, whereas the ice plants have little to no habitat value. Assistant City Engineer Stein added that using native species is important to the California Coastal Commission (CCC) as the City pursues grant funding opportunities.

In response to Committee Member Fancher's inquiry, Assistant City Engineer Stein confirmed ice plants can be considered invasive because they prevent the native plants from growing.

Committee Member Belden reported that the City is preparing a preapplication to the CCC for a \$150,000 grant. He added that being able to enact this project would also provide the City with beneficial experience and learning opportunities for use in other areas.

SPON's Nancy Scarbrough noted that when the dunes have vegetation, they retain sand.

Assistant City Engineer Stein noted they have removed ice plants and other non-native plants, as the City is required to use native plants in the restoration. He added that the City of Manhattan Beach irrigates native plants and has seen beautiful, colorful results.

Mr. Baker noted that many native plants get their water from the air, naturally occurring beach moisture, and surface condensation. He cautioned that the City would have to face a contradiction between the desire for a natural dune barrier from floods and the fact that the dunes' height can obstruct the ocean view of residents. He added that residents complaining about dunes blocking their views should be reminded of the damage caused by past flooding events.

Committee Member Belden agreed this contradiction could come into play if they expand the program to other parts of the City, but noted it is less likely to meet resistance near Peninsula Point, which regularly floods.

Resident Virginia Anders-Ellmore noted high tides currently approach houses on the western side of the City.

Ms. Gardner stressed the importance of using grant money as opposed to City funds to dispel the perception that tax dollars from the City's non-coastal residents are going to protect the homes of coastal residents.

Committee Member Belden reported that their plan is in line with what the CCC looks for in issuing grant funding.

In response to Committee Member Black's inquiry, Assistant City Engineer Stein clarified that the City does not have a coherent beach policy, as protecting this resource is spread among many different departments. He stated this project is considered a stepping stone to show the City Council that the City can make improvements such as these and have them accepted by the public.

In response to Committee Member Wadsworth's inquiry, Assistant City Engineer Stein noted that in the 1940s, the Peninsula Point area was completely clear of dunes. He added they are relatively new.

In response to Ms. Skinner's inquiry, Assistant City Engineer Stein agreed that sandbags can be used for reinforcement.

Motion: A motion was made by Committee Member Wadsworth to direct City staff to submit the grant funding preapplication to the California Coastal Commission, seconded by Committee Member Black. The motion passed 5-2.

d. Total Maximum Daily Load for Copper (CU) (John Kappeler)
Presentation from Surf Break Engineering Inc.
Recommendation: Committee Discussion

Senior Engineer Kappeler reported that the Copper Total Maximum Daily Load (TMDL) will be back before the State Water Resources Control Board on August 5th. He stated approval of the current standard is likely and will not be helpful to the City.

Senior Engineer Kappeler reported that copper paint for boats can be legally purchased in California and helps keep barnacles off boats. He reported that the Santa Ana Region 8 Water Board is concerned that the releases too much copper into the water and chooses to regulate the City with a TMDL while also making the City responsible for the boats in its harbor. He noted the City is not allowed to prohibit the sale of copper paints because they are legal in the State. He reported that the City is required to follow the same policies as the City of San Diego, whose regional Water Board has acknowledged that the TMDL didn't work there. He noted that State regulations only allow for 3.1 parts per billion of copper in the water.

In response to Committee Member Belden's inquiry, Senior Engineer Kappeler reported that the City has been pushing back against this for decades. He added that tests reveal no toxicity in the water. He added that Assemblymember Diane Dixon tried to pass a bill recently about TMDLs, and it failed.

Senior Engineer Kappeler noted the copper paint regulations apply only to recreational watercraft and not commercial watercraft. He added that there are 47 testing points in Newport Bay, and he conducts tests annually with State officials.

In response to Ms. Gardner's inquiries, Senior Engineer Kappeler noted that potable drinking water does not meet the copper standard, so if a boat is washed in potable water, it will not meet the

TMDL. He agreed there is no damage to wildlife and noted the City has also had third parties conduct tests. He lamented the City's inability to get buy-in from the Water Board, which only intends to enforce the State's rules. He added that the City has lobbied with legal and technical experts in addition to having the County's support. He noted they had an expert from the State of Washington come to the Water Board and report that Washington banned copper paints and found the replacements have per- and polyfluoroalkyl substances (PFAS), which are even more toxic than copper.

In response to Committee Member Black's inquiries, Senior Engineer Kappeler stated that the City Council will come into play if the City receives a TMDL order with which it cannot comply. He confirmed the City can challenge the standards in a court of law. He added that all of this is occurring while the City is actively participating in California Department of Pesticide Regulation (DPR) studies of its waters.

Committee Member Fancher lamented that the City does a good job of monitoring for copper and already has the lowest levels of what is the best paint for boat protection. He expressed concerns about liability exposure. He lamented that commercial boats can do whatever they want with their paint.

Chair Barto stated she would like to speak with the City Attorney about their options.

Senior Engineer Kappeler confirmed the City Attorney is well-versed on the matter. He expressed hopes that a field expert attorney will be able to join the City for the August 5th meeting. He noted the City's last comment letter to the State was 300 pages long, and they did not respond for three years.

In response to Mr. Baker's inquiries, Senior Engineer Kappeler confirmed the regional Water Board continues to hold Newport Beach to the 3.1 parts per billion standard despite all it has heard to this number being too low. He stated the issue is what is written into State law, and Assemblymember Dixon hit a dead end attempting to change it. He added that the City has also contemplated a Site-Specific Objective but found the cost prohibitive as opposed to the likelihood of only a small potential increase in the City's TMDL.

In response to Chair Barto's inquiry, Senior Engineer Kappeler confirmed he can draft a letter on behalf of the Committee. He lamented that the City was only given three weeks to prepare for the meeting after the State had held its last letter for three years. He added that Water Board Chief of Basin Planning Terri Reeder is out on permanent vacation before retirement and is unavailable.

Committee Member Black stated that a letter is actionable.

Committee Member Fancher moved to direct Senior Engineer Kappeler to draft a letter for Chair Barto to sign stating the Committee's opposition to the copper TMDL standards.

Chair Barto requested that a similar letter be drafted for the City Council.

In response to Ms. Anders-Ellmore's inquiry, Senior Engineer Kappeler theorized that the Water Board's response to a hypothetical request to ban copper paint from commercial vehicles would be to note that vessels over 78 feet are regulated by another body. He expressed anxiety over being liable for the copper content coming from boats that the City cannot regulate.

Committee Member Hudson noted that the current mood of both the Democratic and Republican parties at the State level is to push against overregulation. He lamented that Senior Engineer Kappeler will be speaking to a committee of hard-nosed bureaucrats but added that the current political mood is the opposite. He cited as an example how Governor Gavin Newsom recently repealed many of the California Environmental Quality Act provisions holding back development.

Senior Engineer Kappeler cautioned that even if the Board approves something on August 5th, it still must pass through the EPA, Office of Administrative Law, and other hurdles before taking effect.

Committee Member Fancher reported that he has been informed that his motion must be amended to specify the letter going to the Water Board.

Motion: A motion was made by Committee Member Fancher to direct City staff to draft a letter to the Water Board opposing the Copper Total Maximum Daily Load standard for Chair Barto to sign on behalf of the Committee, seconded by Committee member Black. The motion passed unanimously.

Senior Engineer Kappeler noted the City has strong engineering, monitoring, and technical analysis in its favor and there is no toxicity, harm or degradation happening in the bay.

6. COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)

- a. Newport Bay Trash Interceptor Trash Characterization (September 2025 Ellis Peterson)
- b. Committee Goals/Objectives Sub-committees (September 2025 Bob Stein)
- c. Newport Beach Trash Interceptor Public Outreach Campaign (Fall 2025 John Pope)
- d. City of Newport Beach's General Plan Harbor, Bay, and Beaches Element (Fall 2025 TBD)

Committee Member Black reported that multiple General Plan update elements will be relevant to the Committee, and not only the Harbor, Bay, and Beaches Element. He stated all applicable elements are currently in draft form.

Ms. Scarbrough inquired if the Committee could receive drafts of the elements in August so they can be looked over ahead of the September meeting.

Committee Member Fancher informed Senior Engineer Kappeler that he can obtain copies from Planning Manager Ben Zdeba.

Senior Engineer Kappeler agreed to email the drafts to the Committee.

Committee Member Robertson recommended swapping Item No. 06a and Item No. 06d for the September meeting due to the General Plan's time sensitivity.

Committee Member Fancher stated that those two items could take up their entire September meeting by themselves and should be the meeting's whole focus.

7. PUBLIC COMMENTS ON NON-AGENDA ITEMS

Mr. Baker reported the decals on the City's ocean drains are faded and illegible.

Senior Engineer Kappeler reported that the decals are inspected annually in October and requested that Mr. Baker let him know about ones presently needing replacement. He added that the City replaces 40-50 decals a year while they clean the catch basins.

Ms. Scarbrough noted the City of Ontario has similar decals stating its drain leads to the ocean, even though it is well inland.

Committee Member Fancher reported seeing a news item about 28 people being trapped in a light-treated water tunnel, which leads to the ocean, and questioned why the light-treated water in the tunnel is not being used to recharge the groundwater supply.

Ms. Anders-Ellmore noted the recent flooding in the State of Texas despite a lengthy dry spell. She expressed concerns that a storm dropping 14 inches of rain triggered by warming oceans could trigger catastrophe in Newport Beach as the water heads from the mountains down to the coast. She

called for a warning system for the Santa Ana River comparable to the tsunami warning system, noting her Newport Shores neighborhood does not have an evacuation route, which would be suitable for a river flood.

Committee Member Wadsworth lamented the City's trash cans overflowing over Independence Day weekend and noted that some of the trash can eventually end up in the ocean.

Chair Barto noted Republic Services, which handles the City's commercial trash, had a nationwide strike delaying service.

Ms. Skinner reported the City's Boy Scouts were the first ones to mark the storm drains, adding this could be a cost-saving idea for the City with their ongoing maintenance.

Harbormaster Paul Plank reported the City has received \$175,000 over recent years in Surrendered and Abandoned Vessel Exchange (SAVE) grants. He noted Governor Newsom has cut the budget for this year, but the City is still hoping to receive some funds for this popular program. He added that there is a waitlist of 15 boats in Newport Beach.

8. SET NEXT MEETING DATE

Recommendation: September 4, 2025

9. ADJOURNMENT

The meeting was adjourned at 4:14 p.m.

Chair / Michelle Barto