

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, November 13, 2024
5 p.m.

1. CALL MEETING TO ORDER

The meeting was called to order at 5:03 p.m.

2. ROLL CALL

PRESENT: Scott Cunningham, Chair (attending remotely)
Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Rudy Svrcek, Commissioner
Gary Williams, Commissioner
Don Yahn, Commissioner

Staff Members: Paul Blank, Harbormaster
Jennifer Biddle, Administrative Assistant
Chris Miller, Public Works Administrative Manager
Cynthia Shintaku, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Williams

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Vice Chair Beer addressed public comments referencing two non-agendized topics to address inaccuracies in recent correspondence. The first relates to the mooring field optimization initiative, which passed through the Harbor Commission and City Council and is now undergoing environmental and Coastal Commission reviews. The initiative aims to improve navigation and expand open water spaces but does not involve or suggest installing helical anchors in the mooring field. The second concerns a proposed project in the Harbor and Beaches Master Plan. This project is a placeholder and has not been formally agendized or discussed. He advised that any consideration of converting to a helical anchor system would require agendizing, public comment, and standard review processes.

Adam Leverenz acknowledged the comments made by Vice Chair Beer and expressed uncertainty about whether the topic is agendized. He noted that the Harbor and Beaches Master Plan lists the project under "potential projects" as a "mooring helical anchor upgrade onshore and offshore," identifying 1,500 total units. Vice Chair Beer emphasized that if the discussion pertains to items within the Master Plan, it would be more appropriate to address them when the plan itself is agendized.

Chris Bliss, a Mooring Field C permittee, addressed the commission with concerns about the proposed mooring realignment program. He began by asking if the topic of helical anchors in Mooring Field C was agendized. Vice Chair Beer clarified it was not and could only be addressed during public comments, noting the issue had already been forwarded to the City Council. He expressed opposition with the proposed program as unnecessary, costly, and unwarranted, disputing claims that the moorings, misdated to the 1940s in the 2025 Master Plan budget, were outdated. He highlighted their regular inspections and upgrades, asserting their long-standing safety and reliability. He refuted claims that mooring tackle damages eelgrass, explaining the depths under Mooring Field C are unsuitable for eelgrass. He cited the April 2024 Eelgrass Report to argue that double-point moorings, unlike single-point moorings, do not drag the seabed, causing less disruption. He proposed converting single-point moorings to double-point systems as a more cost-effective, environmentally friendly alternative that could also reduce mooring field sizes.

He emphasized widespread permittee opposition to the optimization system for Mooring Field C, citing safety concerns. He questioned the need to spend over \$450,000 on a new system, calling it unnecessary, unwanted, and unsafe.

Jennifer Kresten raised concerns about the Harbor Commission's decision to hire Netzer & Associates and Noble Engineering, citing issues with the accuracy of their information on moorings. She questioned the transparency of the RFP process for the mooring increase and helical anchor projects, suggesting that more qualified firms might have delivered better outcomes. Drawing on her professional experience with engineering proposals and contracts, she emphasized the importance of clear communication and providing comprehensive information to ensure consultants meet expectations.

Vice Chair Beer closed public comments.

5. APPROVAL OF MINUTES

1. Draft Minutes of the October 9, 2024 Harbor Commission Regular Meeting

Vice Chair Beer opened public comments. Seeing none, Vice Chair Beer closed public comments.

Vice Chair Beer moved to approve the October 9, 2024 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Yahn. The motion carried by the following roll call vote:

Ayes: Scully, Svrcek, Williams, Yahn, Marston, Beer
Nays: None
Abstain: Cunningham
Absent: None

6. CURRENT BUSINESS

1. 2025 Harbor and Beaches Master Plan - Approve

Recommendation:

- 1) 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, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.
- 2) Approve the 2025 Harbor and Beaches Master Plan and recommend staff forward to the Finance Committee for consideration.

Public Works Administrative Manager Chris Miller presented the Harbor and Beaches Master Plan, a planning tool outlining long-term infrastructure projects like pier, seawall, and tide valve maintenance. The plan, reviewed annually by the Harbor Commission, guides funding decisions but is not a formal budget document. He explained that the process begins in the fall with Harbor Commission input before being forwarded to the City Council's Finance Committee. The plan includes estimates and timelines but remains flexible to accommodate updated evaluations and financial considerations. Projects are planned proactively to replace infrastructure on schedule rather than waiting for the infrastructure to fail. Also within the plan are placeholders for potential initiatives requiring further review. Acknowledging the spreadsheet's complexity and potential minor inaccuracies, he emphasized his commitment to transparency and noted the plan integrates into the City's budget through the Public Works Capital Improvement Program.

Commissioner Scully asked about the timeline for replacing slips at the Balboa Yacht Basin. Mr. Miller explained that the design phase is underway with construction expected in two to three years after permitting and document preparation. Commissioner Scully also raised concerns about the \$50–\$60

million cost of the Balboa Island Bulkhead project, with Mr. Miller noting design will start in 2026, though construction depends on permitting and funding.

Mr. Miller explained that beach nourishment is an ongoing program funded by the Public Works budget, with annual costs for Balboa Island beach maintenance estimated at \$70,000 to \$100,000. He also referenced the Surfside Sunset Beach project which benefits Newport Beach through regional sand deposits.

Commissioner Scully suggested adding Corona del Mar beach moorings to the potential projects ~~list~~ section of the Master Plan and removing the already-approved Lower Castaways Aquatic Center. Mr. Miller clarified that the Aquatic eCenter will move to the main list once official, allowing for progress monitoring.

Commissioner Yahn thanked Mr. Miller and inquired about the Lower Castaways project, highlighting the City Council's recent approval of \$500,000 for a feasibility study and a preliminary \$47 million budget. He suggested listing it as an active project. Mr. Miller explained that it remains in the feasibility stage until environmental reviews and public hearings are completed, proposing it stay in the potential projects section with updated notes and budget details.

Commissioner Yahn asked how projects transition to the official budget. Mr. Miller explained that after Finance Committee approval, Public Works assesses its capacity to execute projects, prioritizing based on available resources. Deferred projects remain in the rotation for future consideration.

Regarding the dredging project, Commissioner Yahn referenced the \$22 million estimate and \$10 million external contribution, asking about cost updates. Mr. Miller stated the estimate would likely remain stable but would be finalized after bidding which is expected in the coming months. He noted the planning phase focuses on refining material disposal specifications, with construction anticipated to begin in late spring.

Commissioner Svrcek inquired about the \$200 million Balboa Island Bulkhead project, asking what factors determine its progress in 10 years and whether federal funding could offset costs. He noted the City would need to save \$20 million annually without external support. Mr. Miller explained the estimate is based on historical data and engineer consultations, with numbers subject to change during design phases. He emphasized proactive planning to avoid financial burdens and clarified that bulkhead maintenance is the City's responsibility, though grants or external funding would be pursued if available.

Commissioner Svrcek also asked about public piers and dock replacements. Mr. Miller confirmed materials are being procured, Coastal Commission approval is secured, and construction is expected to start in late January or February. He expressed satisfaction with the project's progress and winter construction timeline.

Commissioner Williams thanked Mr. Miller for sending the report to the Harbor Commission in the large format and before the meeting for review.

Commissioner Marston asked if the Confined Aquatic Disposal (CAD) project was going out to bid. Mr. Miller clarified that the bidding pertains to the overall dredging project and noted ongoing discussions with the Port of Long Beach regarding material disposal, with final approval pending. He emphasized the Port's valuable past collaboration and the intent to extend it for the 2025 project. Commissioner Marston also inquired about the West Newport bulkhead, which Mr. Miller described as a regional category covering various street ends, agreeing that greater specificity could clarify its scope. She supported adding day moorings to the plan and asked about trash wheel maintenance, which Mr. Miller said could be evaluated for inclusion in the plan.

Regarding Marina Park slips, Mr. Miller confirmed the 2015 construction start date. Commissioner Marston also asked about additional moorings in the Mooring Field Optimization Project, which Harbormaster Paul Blank confirmed includes \$450,000 for new equipment and optimization.

Vice Chair Beer proposed updating the start dates for the Mooring Helical Anchor Upgrade and MVMS project to 2025, to which Mr. Miller agreed. Vice Chair Beer also asked about incorporating past subcommittee design elements into public pier projects. Mr. Miller noted some features were included, but eelgrass restrictions limited the scope. Vice Chair Beer raised concerns about the impact of sand replenishment on surf conditions, suggesting public outreach. Mr. Miller confirmed monitoring and outreach efforts, emphasizing the importance of sand management with input from Public Works Assistant City Engineer, Michael Sinacori.

Vice Chair Beer inquired whether dredged material could be used for beach replenishment, but Mr. Miller clarified that only unsuitable fine silts and clays are being removed and transported to the LA-3 site. Vice Chair Beer praised Mr. Miller for maintaining the Harbor and Beaches Master Plan despite its challenges.

Chair Cunningham highlighted the importance of coastal sand management, noting the loss of 250,000 cubic yards of sand between the piers. He commended Mr. Miller for the detailed report and his efforts in managing complex projects.

Vice Chair Beer opened public comments.

Mr. Leverenz thanked Mr. Miller, his staff, and the finance team for their work on the Harbor and Beaches Master Plan. He raised concerns about several items, including the Lower Castaways bulkhead replacement (\$2.65–\$2.9 million), suggesting it be delayed until the feasibility of a proposed \$47 million pool at the site is resolved. He recommended partial renovations for the Balboa Yacht Basin slip replacements (\$6–\$6.5 million) to reduce costs and noted the need to monitor the Coastal Commission review of Mooring Field C optimization (\$450,000). He also called for greater transparency on the \$11 million estimate for the Helical Anchor Upgrade and emphasized the importance of planning for the Lower Castaways Aquatic Center as a potential \$47 million project.

Mr. Mosher questioned various items in the plan, including whether the west Balboa Island bulkhead replacement involves strengthening or full replacement and how it relates to the Collins Island Bridge project. He asked if the Promontory Bay bulkhead is public or private and highlighted a cost discrepancy for helical anchors between the two projects. He also noted the exclusion of a \$600,000 public pier project at Promontory Bay from the plan's total and suggested relocating the Lower Castaways pool project to the Facilities Finance Plan, as it is not harbor-related.

Anne Stenton, representing the Newport Mooring Association, thanked Mr. Miller for providing large-format copies of the plan. She requested a breakdown of the \$450,000 allocation for Mooring Field C and expressed concerns over the \$11 million cost of replacing the mooring system, emphasizing collaboration for cost-effective solutions.

Wade Womack, advocating for mooring holders, urged careful management of mooring-related expenses to avoid burdening permit holders and to preserve affordability. He also identified a potential calculation error in the plan's potential projects total, suggesting it should be \$12,120,000.

Vice Chair Beer closed public comments.

Vice Chair Beer addressed Ms. Stenton's inquiry, noting that the detailed breakdown of the \$450,000 allocation for Mooring Field C was presented at a prior Harbor Commission meeting and is available on the City's website.

Commissioner Yahn asked if the commission would approve the document as presented or include recommendations from the meeting. Mr. Miller clarified that comments from the meeting would be incorporated before the document is sent to the Finance Department.

Vice Chair Beer suggested adding the Big Corona moorings proposal as a line item if approved later in the meeting.

Chair Cunningham moved to approve the 2025 Harbor and Beaches Master Plan and recommend staff forward to the Finance Committee for consideration. Seconded by Commissioner Yahn. The motion was then put to a vote and carried with unanimous approval, 7-0.

2. Consider Amending the Rules of Procedures of the Harbor Commission Related to a Motion for Reconsideration

Recommendation:

- 1) 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
- 2) Amend the Rules of Procedures of the Harbor Commission Section VIII. VOTING PROCEDURE Item E to allow a Motion for Reconsideration to be made at the current meeting or the subsequent meeting at which the action was taken; and
- 3) Update future Harbor Commission agendas to reflect the revised language related to a Motion for Reconsideration.

Harbormaster Blank presented proposed amendments to the Harbor Commission's Rules of Procedure. He explained that the current rules, adopted on March 10, 2021, after the commission was added to the City Charter under Section 713, allow motions for reconsideration only during the same meeting in which the action was taken. This differs from City Council Policy A-1, which permits reconsideration at the same or subsequent meeting. The amendment aims to align the commission's rules with City Council Policy for consistency.

Harbormaster Blank outlined the procedural requirements for amending the rules, confirming that notice had been provided at the prior meeting, as required. He stated that if the amendment is approved, the updated rules will be submitted to the City Clerk.

Commissioner Marston noted uncertainty about the attachments, observing the redlined document did not display correctly, and asked if Section 9, "Order of Business," needed modification to include motions for reconsideration. Harbormaster Blank clarified that the attachments included both redlined and clean versions and confirmed Section 9 did not require changes, as additional items could be added at the Chair's discretion.

Vice Chair Beer suggested formally adding "Motions for Reconsideration" as a distinct item in the "Order of Business," placing it between items 8 and 9 for consistency. Harbormaster Blank agreed this could be included in the motion to adopt the proposed amendments.

Vice Chair Beer opened public comments.

Mr. Leverenz supported aligning the Harbor Commission's policy on motions for reconsideration with the City Council's approach, highlighting the value of consistency and accountability. He noted that allowing reconsideration ensures controversial decisions can be revisited when warranted, calling the proposed amendment a positive step.

Mr. Mosher agreed with Commissioner Marston on formally adding "Motions for Reconsideration" between items 8 and 9 in the rules, suggesting it should not be left to the Chair's discretion. He proposed revising paragraph E for clarity to read: "A motion to reconsider any action taken by the Harbor Commission must be made at the meeting at which the action was taken or the subsequent meeting." Vice Chair Beer asked if "or the subsequent meeting to which" might be clearer, but Mr. Mosher emphasized the issue was placement within the sentence.

Mr. Mosher clarified that motions for reconsideration should ensure public awareness by revisiting items in future meetings, cautioning against changes to decisions after the public has left, which could harm transparency and trust.

Vice Chair Beer closed public comments.

Vice Chair Beer summarized staff's recommendations to determine the action as CEQA-exempt and amend the Harbor Commission's Rules of Procedure, specifically Section 8, Item E, to allow motions for reconsideration at the current or subsequent meeting. He noted the proposal includes updating agendas to reflect this change, formally adding "Motions for Reconsideration" as Item 9 in the Order of Business, and making minor grammatical corrections to Section 8, Item E, as suggested by Mr. Mosher.

Commissioner Scully moved to 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 amend the Rules of Procedures of the Harbor Commission Section VIII. VOTING PROCEDURE Item E to allow a Motion for Reconsideration to be made at the current meeting or the subsequent meeting at which the action was taken; and update future Harbor Commission agendas to reflect the revised language related to a Motion for Reconsideration. Seconded by Commissioner Marston.

The motion was then put to a vote and carried with unanimous approval, 7-0.

3. Consider the Proposal for Day Use Moorings in Corona del Mar Cove
Recommendation:

- 1) 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
- 2) Consider a proposal from the subcommittee responsible for current Harbor Commission Objective 9 on establishing day-use moorings in Corona del Mar Cove; and
- 3) If approved, direct Staff to forward the proposal to the City Council for approval and funding.

Harbormaster Blank reported that the proposal for day moorings off Big Corona Beach originated over a decade ago and aligns with Harbor Commission Objective 9. Advances in helical anchor systems, which are less intrusive to the seafloor, support the plan. The site, within a State Marine Conservation Area (SMCA), includes four moorings spaced 300 feet apart, 300 feet off the swim area east of the harbor entrance. Estimated costs are \$15,000 per mooring (\$60,000 total), with additional expenses for permitting, engineering, and an Environmental Impact Report (EIR), ranging from \$10,000 to \$100,000 depending on complexity.

Commissioner Scully noted the day moorings project as a longstanding Harbor Commission objective and expressed support for moving it forward. He asked if the helical system would be two-point, and Harbormaster Blank confirmed it would be single-point, consistent with the cost estimates.

Commissioner Scully described the location outside the breakwater as ideal for visitors, enhancing Newport Harbor's amenities with a cost-effective recreational option. He noted that Title 17 grants the Harbor Department jurisdiction over the area, ensuring no regulatory issues with managing the moorings.

Harbormaster Blank supported the concept, calling it an excellent long-standing suggestion but expressed concerns about misuse during off-hours, noting limited Harbor Department resources and staff availability after 6 p.m.

Commissioner Svrcek raised concerns about maintenance and asked if the day moorings would be first-come, first-served, or reservation-based and whether they would restrict nearby anchoring. He expressed opposition to the idea.

Commissioner Williams noted resident support for the day moorings and saw no downside, emphasizing the goal of increasing public access despite potential cost and maintenance debates.

Commissioner Marston asked about the selection of four moorings and their spacing. Commissioner Scully clarified these were conceptual placeholders, subject to refinement if the project advances. She also inquired about the next steps if approved, and Commissioner Scully outlined seeking City Council funding, followed by feasibility studies, design, and permitting, with Harbormaster Blank agreeing.

Commissioner Yahn asked about the seafloor at Big Corona Beach, and Harbormaster Blank confirmed it is mostly sand with minimal eelgrass and some kelp beds. He also inquired about a usage fee for the moorings to offset costs. Harbormaster Blank noted the subcommittee had not discussed fees, explaining that temporary daylight mooring use in Newport Harbor is currently free, and the proposal envisions a first-come, first-served system with no reservations or overnight use.

Commissioner Yahn expressed concerns about the project's limited benefit, noting that only four moorings primarily serve boats without anchors, while boats can already anchor in the area. He agreed with Harbormaster Blank that the location lies outside typical patrol areas and may require upgraded patrol resources. He also highlighted potential maintenance and Environmental Impact Report (EIR) costs, questioning the feasibility of the project for just four moorings. Despite these concerns, he acknowledged and appreciated the subcommittee's efforts in advancing the proposal.

Vice Chair Beer supported the proposed day moorings as a valuable amenity long requested by residents. He questioned the 60-foot vessel limit, suggesting larger vessels up to 80 feet could be accommodated, as Noble Engineering confirmed helical anchors can handle this size with minimal additional cost. Beer raised concerns about the space required by single-point moorings for larger boats and proposed exploring two-point mooring systems, like those in Catalina, to reduce spatial constraints and allow more boats in the area. He also highlighted the importance of addressing monitoring and maintenance concerns.

Commissioner Scully emphasized the need to consider the Harbor Department's capacity to oversee the moorings due to their remote location and asked if the Orange County Sheriff's Department could assist. Harbormaster Blank clarified that enforcement in Emerald Bay is on County land, and that the Corona del Mar moorings would be outside the Sheriff's current responsibilities.

Commissioner Scully proposed a straw vote to gauge the commission's interest in advancing the project, stressing the importance of majority support before proceeding. While open to moving forward, he acknowledged the need to address outstanding concerns if the project progresses.

Vice Chair Beer opened public comments.

Mr. Leverenz agreed with Commissioners Williams, Beer, and Scully that the proposed moorings would be a valuable amenity but raised concerns about costs, especially with no fees to offset expenses. He questioned whether harbor vessels could safely operate in challenging weather conditions and noted potential risks from losing anchorage space and hazards from mooring buoys and lines. He also sought clarification on the \$15,000 cost per single-point mooring, which he noted was double the cost of helix anchors in the harbor, and initially assumed this reflected a double-point system.

Ms. Kresten questioned how adding more moored boats in the bay could be considered charming, noting residents' common concerns about obstructed views.

Michael Spano, a frequent Corona del Mar visitor, confirmed the seafloor is mostly sand with some rocks in a small area. He noted low boat activity, observing boats only four times in five years, including his own. He recommended a study to assess demand for moorings over a year before proceeding, comparing potential usage to Emerald Bay's occasional peak days. He suggested starting with one mooring to gauge interest and questioned the project's financial viability, noting slow cost recovery and

the availability of anchoring as a free option. He emphasized preserving traditional anchoring skills to enrich the boating experience.

Mr. Womack appreciated the Harbor Commission's openness to new ideas but opposed the proposed moorings, calling them an unnecessary expense. He favored the current system, noting few boats anchor in the area and leave quickly which he described as the cleanest and least intrusive option. Drawing on his 13 years as a Newport Beach lifeguard, he warned of liability risks from large swells, arguing the current "anchor at your own risk" policy limits the City's exposure, unlike city-maintained moorings.

Len Bose supported the proposed moorings, comparing them to Catalina's successful use of moorings in similar conditions. He noted that responsible boaters avoid unsafe weather and argued the moorings could reduce pressure on Newport Harbor's anchorages by providing an alternative for boaters. He suggested monitoring the moorings with webcams to oversee occupancy and conditions remotely. He emphasized the proposed location allows ample space for anchored boats, swimmers, and the beach, advocating for moving the proposal forward to enhance the boating experience and refine it as needed.

Mr. Mosher questioned whether the Harbor Commission has jurisdiction over the proposed moorings, noting its authority is limited to matters within the harbor, while the project lies in open ocean waters. Citing Section 17.25.020, he argued the provision allows the City to regulate extended anchoring but does not authorize creating permanent moorings. He also pointed out that the City Charter restricts the commission's role to harbor-related recommendations. He criticized the report's diagram, stating it inaccurately emphasized a 500-yard anchoring limit unrelated to moorings and lacked clarity about the proposed placement.

Vice Chair Beer closed public comments.

Vice Chair Beer clarified that the subcommittee is gauging the Harbor Commission's interest in further exploring the moorings proposal, not seeking City Council approval. He emphasized the need to decide if the initiative should remain a commission objective for future investigation and development, acknowledging its challenges but potential value.

Commissioner Svrcek stated that he would not support revisiting the matter, citing the numerous negatives associated with the project.

Commissioner Williams noted that during his five years on the Harbor Commission, the proposed moorings had faced no opposition until recently. He emphasized that the lack of detailed information makes it premature to form a fully informed opinion. Supporting the initiative, he advocated for advancing it to gather comprehensive details, enabling the commission and the public to make an informed decision.

Commissioner Marston agreed with Commissioner Williams, noting the proposal is too preliminary for a definitive opinion and highlighting the need to address unanswered questions before deciding its future.

Commissioner Yahn asked if the mooring project requires U.S. Coast Guard approval. Harbormaster Blank confirmed the area is under Coast Guard jurisdiction but is not designated as a managed mooring field, and no proposal has been submitted.

Commissioner Yahn acknowledged the proposal's good intentions to enhance amenities but emphasized preserving access for anchored boats and balancing costs. He highlighted the need for more information on financial implications, including return on investment and operational costs. He advocated for gathering public input and delaying decisions until comprehensive data and community feedback are available, supporting revisiting the topic later.

Chair Cunningham, reflecting on public comments, emphasized evaluating new projects with an open mind. Comparing the proposal to amenities in Avalon Harbor, he noted similar concerns but stressed their

value there. He expressed strong support for advancing the proposal, highlighting its potential as a valuable public asset.

Vice Chair Beer acknowledged the project's challenges but supported further exploration to assess feasibility. He emphasized addressing regulatory issues, cost recovery options, and operational logistics like buoy removal. Confident in the project's potential benefits, he encouraged the subcommittee to continue its work.

Commissioner Scully concurred, proposing that the commission express its appreciation for the subcommittee's efforts and encourage it to continue developing the proposal.

There was no further action taken on this item.

4. Report on Conversion to Helical Anchor System for Moorings

Recommendation:

- 1) 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
- 2) Receive and file OR
- 3) Recommend the Harbor Department move forward with the pilot project to convert three moorings in the C Mooring field to the helical anchor system.

Harbormaster Blank reported Newport Harbor has 16 city-owned moorings, with a pilot project to convert three moorings in the C Field (C32, C34, C36) to a helical anchor system. Helical anchors offer reduced seafloor impact, better holding power, and less maintenance than traditional systems, which use heavy anchors like forklift parts and truck wheels. The helical system uses an auger embedded in the seafloor, elastic mooring rode and floats to minimize environmental impact and improve reliability. The pilot project is estimated at \$43,037.50, covering installation, testing, and contingencies, with an engineer available for technical questions.

Commissioner Yahn asked about the durability of rope versus steel cable in the helical system. Harbormaster Blank noted rope may degrade faster but said experts could recommend suitable marine-grade materials.

Vice Chair Beer, citing prior experience, explained the rope connects the helical anchor to the CFlex elastic rode and is designed for durability and elasticity, with manufacturers claiming a long lifespan. Commissioner Svrcek asked about maintenance needs for the helical system versus traditional moorings. Harbormaster Blank stated that helical systems typically require less maintenance, with no need for annual lifting, though annual inspections of the elastic system are similar to chain inspections in traditional moorings.

Vice Chair Beer highlighted that helical systems eliminate corrosion and leaching problems seen with traditional anchors, which degrade and release materials into the harbor, requiring frequent replacement and increasing environmental impact.

Commissioner Williams appreciated the pilot project's focus on replacing unconventional anchors, emphasizing the importance of addressing misconceptions about environmentally sound practices. He asked about the prevalence of non-traditional anchoring methods. Harbormaster Blank noted a variety of materials, including engine and train parts, and offered to provide updated data. He clarified that while privately owned moorings cannot be mandated for change, the City's 16 moorings use environmentally friendly materials.

Commissioner Williams asked if mooring permit holders can replace anchor materials over environmental or structural concerns. Harbormaster Blank confirmed they can, as long as replacements meet approved standards, but noted the high cost of upgrades is a barrier.

Vice Chair Beer noted that any replacement with helical systems must meet the manufacturer's weight load specifications to ensure safety and compliance.

Commissioner Marston asked if other local harbors are using the helical anchor system. Harbormaster Blank replied that Newport Harbor employs helical anchors for dock and temporary dock applications but not for moorings, as there are no approved specifications yet. He noted that while he is not aware of any West Coast harbors using this system for moorings, it is effectively utilized in several harbors on the East Coast.

Commissioner Marston asked about the estimated costs and whether any permitting or environmental review would be required before implementation. Harbormaster Blank clarified that the listed costs are for implementation and, according to staff and the City Attorney's office, no specific permitting is required. He explained that since the project aligns with the City's biannual maintenance requirements, reduces environmental impact, and uses less intrusive materials, a coastal development permit is not anticipated. The equipment replacement can be incorporated into routine maintenance and inspections already mandated by the City, complying with existing regulatory requirements.

Vice Chair Beer opened public comments.

Mr. Leverenz addressed Commissioner Williams' observations, referencing a possible requirement from Title 17 or the Harbor Department website for metal weights in mooring systems. He expressed uncertainty about the proposed helical anchor system, recognizing its potential benefits and areas needing further clarity. He noted that traditional moorings' shifting during severe weather can act as shock absorption, whereas the superior holding power of helical anchors, claimed to be up to 40% stronger, might risk structural damage to boats. He urged the inclusion of these studies in agenda materials and raised concerns about environmental impacts, such as microplastics and forever chemicals from elastic straps and plastic floats in the helical system. He called for empirical data on the system's life expectancy, failure rates, and maintenance costs, emphasizing the need for real-world insights from existing installations to guide decisions.

Mr. Spano echoed Mr. Leverenz's concerns about the helical anchor system's maintenance, noting that while it might require less upkeep under normal conditions, failures could demand costly, specialized interventions like scuba divers. He questioned the durability of materials like elastic bands and cables in submerged environments, raising concerns about pit and differential corrosion in stainless steel screws due to galvanic reactions. He inquired about similar issues in East Coast installations and praised Vice Chair Beer for advancing the project. He urged involving more mooring holders in the pilot to test the system under real-world conditions and advocated for pull tests on all anchors rather than a sample. He recommended long-term monitoring for corrosion, removal procedures, and overall performance, emphasizing the need for comprehensive data collection during the pilot phase to address concerns and refine the system.

Mr. Womack opposed recommendation C of agenda Item 4, which proposes converting three moorings to the helical tackle system. He argued the project requires a Coastal Development Permit (CDP) and compliance with CEQA, disputing the City's exemption claim. He emphasized that helix anchors alter the seabed and could impact marine ecosystems, necessitating environmental review to mitigate potential harm. He expressed opposition with the project's expense, warning it might raise mooring rates and restrict coastal access for lower-income individuals. He questioned the need for the change, defending the current system as effective and cost-efficient. He challenged claims of significant environmental harm from the current setup, noting minimal eelgrass presence and pointing out that any scraping reduction would result from the float system, not the helix. Highlighting Redondo Beach's abandonment of a similar system due to failures, he urged the Commission to reconsider the project pending environmental analysis and a CDP.

Ms. Stenton, representing the Newport Marine Association, raised concerns about the proposed helical anchor system. She questioned the extent of metal leaching from traditional moorings and whether alternative solutions had been explored. Referencing a 2012 report from Santa Barbara where nine of twelve helix anchors failed, she cautioned against similar issues and called for examples of successful implementations. She also questioned the system's cost-effectiveness, noting potential maintenance expenses, such as diver involvement, compared to the current system's \$2,000 biannual cost. She supported limiting the pilot to three units and emphasized the need for thorough data collection to guide future decisions, thanking the Commission for prioritizing analysis.

Vice Chair Beer closed public comments.

Commissioner Williams stressed the need to simplify the issue, arguing that a purpose-built helical anchor is clearly superior to an engine block as a mooring anchor. He expressed astonishment that such outdated practices were still debated and dismissed the need for further studies to confirm the obvious advantages. He expressed opposition with the justification of using engine blocks or train wheels as cost-effective, calling it unacceptable for a community like Newport Beach, and urged the adoption of modern, appropriate solutions.

Commissioner Scully moved to recommend the Harbor Department move forward with the pilot project to convert three moorings in the C Mooring field to the helical anchor system and determine that the action is exempt from the California Environmental Quality Act (CEQA). Seconded by Chair Cunningham.

The motion was then put to a vote and carried with unanimous approval, 7-0.

5. Ad Hoc Committee Updates

- 1) Find this action exempt from 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 physical change to the environment, directly or indirectly; and
- 2) Receive and file.

Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)

No update.

General Plan Harbor & Bay Element Update Ad Hoc – Commissioners Scully, Marston, and Yahn (10-09-2024)

No update.

Public Dock Utilization Ad Hoc – Commissioners Beer, Svrcek, and Williams (04-10-2024)

No update.

Vice Chair Beer opened public comments.

Mr. Mosher updated the Harbor and Bay Element Ad Hoc Committee's progress on the General Plan update, announcing a public workshop on December 5th, 6-8 p.m., at Marina Park, to discuss the Land Use and Harbor, Bay, and Beaches Elements. The workshop details are on the City's online calendar. He noted a likely meeting of the Harbor, Bay, and Beaches Subcommittee beforehand to finalize the workshop format. He cautioned commissioners about attending the workshop, advising coordination with the Harbormaster to ensure fewer than a majority are present to avoid Brown Act violations.

Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed unanimously.

6. Harbor Commission 2024 Objectives

- a) Find this action exempt from 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 physical change to the environment, directly or indirectly; and
- b) Receive and file.

No Commissioners presented updates for the Harbor Commission 2024 Objectives.

Vice Chair Beer revisited Commissioner Svrcek's interest in the Promontory Bay public dock initiative, suggesting he join the Objective 5 subcommittee on harbor amenities with Commissioners Marston and Yahn to lead the effort and provide updates.

Commissioner Svrcek agreed to lead the initiative, and Vice Chair Beer confirmed the other subcommittee members' support. The subcommittee was expanded to include Commissioner Svrcek.

Vice Chair Beer opened public comments. Seeing none, he closed public comments.

7. Harbormaster Update – October 2024 Activities

Recommendation:

- 1) 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
- 2) Receive and file.

Harbormaster Blank reported October harbor activities, highlighting the electric patrol vessel, Sparky, engaging with Orange Coast College students during a sailing class. Efforts were needed to address a significant sea lion infestation and vandalism of "No Fishing" signs at Balboa Marina Public Dock. Surveillance cameras were installed at Marina Park to monitor public docks, and resources were allocated during the air show to manage speed and mooring under foggy conditions. Residential dock lighting violations emerged as a key issue, requiring advanced investigations to resolve disputes.

Harbormaster Blank reported citing an unpermitted charter operator for misuse of a public dock, with efforts ongoing to ensure compliance. Despite foggy conditions, the air show was well-received. The department cleared 26 impound items, generating \$1,400, while two unsold items were disposed of. New signage was installed at public docks, and a vandal identified via surveillance replaced removed signs as part of restorative justice. The Harbor Department's \$2.8 million FY 2024 budget supports expanded services like code enforcement and water quality monitoring, with reduced mooring management costs compared to prior contracts. Calls for service average 2,000 monthly, with permits significantly increasing, including marine activities permits rising from 29 to 67 annually over four years. Anchorage usage was high, and permit issuance is on track to surpass previous years, with revenues exceeding the budget by 10% and expenditures under budget due to unexecuted projects. He highlighted enforcement statistics and invited further discussion, noting the harbor's efficient management and improved community access.

Commissioner Svrcek commended the Harbormaster.

Commissioner Williams had no comments but noted that the City is fortunate to have someone of the Harbormaster's caliber in the role.

Commissioner Yahn thanked the Harbormaster for clearly outlining the expanded services provided by the department, highlighting the added value to the City.

Commissioner Scully commended the Harbormaster's presentation and praised the exemplary management of Newport Beach's harbor, highlighting its alignment with the city's commitment to excellence and its strong collaboration with other departments like police and fire.

Vice Chair Beer expressed appreciation for Harbormaster Blank and the department, noting strong commission support for their contributions to the community.

Vice Chair Beer opened public comments.

Mr. Leverenz thanked Harbormaster Blank for his presentation and encouraged more public engagement with the updates. On sign vandalism, he suggested photographing each instance, a practice used by police, to link multiple offenses to offenders if apprehended. He also proposed adding "Smile, You're on Camera" signs to deter vandalism, noting the irony of removing surveillance warnings and emphasizing cost-saving benefits of such measures.

Mr. Bose praised Harbormaster Blank's intelligence and efforts, referencing an article on cleanup initiatives by Steve Smith and recommending collaboration with Robert Sloan, Mr. Smith's skipper. He highlighted Mr. Sloan's unique access to areas of the harbor and his ecological insights, including bird counts, overfishing, and littering, even though these issues fall outside the Harbormaster's jurisdiction. He encouraged connecting with Mr. Sloan, noting his approachable nature, and humorously envying his ability to work alongside his dog.

Vice Chair Beer closed public comments.

There was no further action taken on this item and it was received and filed unanimously.

8. MOTION FOR RECONSIDERATION

None.

9. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Commissioner Svrcek updated on pavilion lighting concerns after re-roofing diminished its highlights. He met with owner Armen Gugasian, who is addressing the issue by installing lower eave lighting and plans to complete ridge line lighting by December. He expressed appreciation for Mr. Gugasian's efforts and investment in the community. Vice Chair Beer thanked Commissioner Svrcek for his follow-up.

Vice Chair Beer announced the "Beaver Moon" this weekend, best viewed Sunday at sunset as it rises in the eastern sky. Additionally, a 7-foot king tide, one of the highest in years, will occur on Saturday at 8:20 a.m., offering a unique opportunity to observe the harbor.

10. MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)

Commissioner Williams asked about the December 11 meeting at the Oasis Senior Center, noting past cancellations. Harbormaster Blank stated no decision had been made, as there's currently no urgent business, though a dock appeal might arise. He assured commissioners they would be updated. Vice Chair Beer proposed tentatively canceling the December meeting if no business arises, but keeping it on the schedule in case it becomes necessary. Harbormaster Blank confirmed that this approach was appropriate and agreed to circulate information promptly once the status is clear.

Commissioner Svrcek requested a discussion on the possibility of establishing public dock access to the Bayside retail center in Newport. The proposal was accepted for inclusion.

11. DATE AND TIME FOR NEXT MEETING:

The next regular meeting is scheduled for Wednesday, December 11, 2024, at 5:00 p.m.

12. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:46 p.m.