



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

March 12, 2025
Agenda Item No. 6.4

TO: HARBOR COMMISSION

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TITLE: Harbormaster Update – February 2025 Activities

ABSTRACT:

The Harbormaster oversees the City Harbor Department and is responsible for the management of the City's mooring fields and Balboa Yacht Basin marina, support for the Harbor Commission, municipal code enforcement on the harbor, events and marine activities permitting, safety and rescue operations, management of the Marina Park visitor serving marina, marine sanitation pump out equipment and public pier maintenance, water quality monitoring and maintenance, impound and disposition of abandoned and unclaimed vessels and public relations and information dissemination on and about Newport Harbor as well as several special projects.

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

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

The weather in February was not particularly conducive to recreational boating. There was, however, a surprising amount of activity in Newport Harbor and lots for the Harbor Department team to look after. Perhaps most surprising was the need to escort three different vessels out of the harbor for various reasons. In all of 2024, there was only one instance when a vessel required an escort to the harbor entrance to ensure it departed. The need to escort three vessels in a single month to ensure they really did leave the harbor was quite extraordinary.

Clean

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

- Maintenance, cleaning and security for the arrested vessel continued
- A very heavy and bulky free-range concrete float was retrieved from a beach in the Coves. The electric boat was used to pull the float off the beach and tow it to Marina Park for eventual disposal. We were very pleased with the power application and the limited power (battery) consumption for the vessel while performing this task
- A vessel on a permitted mooring was observed pumping oil into the harbor, presumably from the bilge. We contained it with heavy duty oil boom within 20 minutes of identifying the source and contacted the permittee as well as the National Reporting Center. The permittee subsequently identified and staunched the source of discharge
- An alert Harbor Service Worker (HSW) observed and removed a five-gallon bucket of used oil from the harbor near the F Mooring Field. This action prevented a potential hazmat spill
- HSWs removed an old auger-style anchor considered a hazard from the beach at China Cove near the sea wall. The auger was then disposed of. This action came with a nice note from the reporting party who observed our swift and comprehensive response
- The Harbor Department has taken responsibility for inspections and maintenance (with the help of the manufacturer/contractor) of the three City trash skimmers
- A second boat abandoned by the same registered owner was left at the 15th Street public dock. We quickly took responsibility for its disposal
- Harbor Department staff spent a good portion of several days de-watering small boats throughout the harbor. More than three dozen vessels were de-watered in the month
- A submerged hazard was identified and located in the upper bay. A contractor with sufficient equipment to remove it was engaged to remove it in March
- Three large sunken items were also identified in the Balboa Yacht Basin Marina and will be recovered and removed by a contractor with sufficient equipment
- Our trash rover was delivered. There is some commissioning, calibration, and a bit of training to be done before deployment

Safe

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

- HSWs towed a vessel in distress out of the way of the Ferry Crossing
- We were obliged to impound and tow a disabled, unoccupied vessel that had dragged its anchor to a location outside the East Anchorage and was impeding traffic

- Several navigation light patrols were carried out. Education was provided to nine electric rental vessels and three large privately owned vessels
- Annual inspections for all Harbor Department vessels were conducted by the US Coast Guard Auxiliary. All vessels passed and are appropriately marked
- HSWs added absorbent boom, an anchor and a strobe light to a motor vessel that was discharging in the H Mooring field
- A disabled dinghy with two people on board was assisted near the Lido Bridge
- A fully clothed male adult fell in water from a dock on Bay Island. An associate got the attention of a passing Harbor Department patrol boat that rendered aid and pulled the man aboard. The man was fine but cold. No medical attention was needed. Both parties reached out to thank us for our action and capability
- Additional lighting was installed on all the fingers at Marina Park
- HSWs cleaned and organized our storage yard in preparation for fence repair and replacement with a shared adjacent residence
- Training on towing was delivered to the team over the course of several morning briefings. The training presentation was followed up with practical application including drills in the marina. The sessions focused on reversing, landing, and turning maneuvers, providing a valuable opportunity to reinforce best practices

Well-enjoyed

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

- HSWs put out an all-points bulletin for a tender lost by a permittee in the C Field. The tender was quickly located and reunited with its owner/permittee, who was extremely grateful
- Early morning generator noise in the A Field was reported by a nearby resident and addressed that day to the satisfaction of all
- HSWs assisted a sailing vessel onto its mooring in the J Field. This is just one example of a mooring assist requested and then quickly delivered. The permittee indicated they learned the mooring assist service was available through interaction with Harbor Department personnel over the years
- HSWs collected a small boat found adrift by a local citizen. The boat was secured at Marina Park and the owner was contacted. The grateful owner collected the boat the following day
- Three vessels unable to pay their sub-permit or slip fees, misusing the public docks, and/or overstaying their welcome in the anchorages were escorted out of the harbor after significant interactions. It is never a pleasant experience, and we do not like having to do it, but diligence in these matters prevents such situations from deteriorating further. One of the vessel owners had to be intercepted as he tried to access his vessel while it was in impound. These experiences highlight that we do pay attention to what goes on in the harbor and we do enforce the rules judiciously, comprehensively, and consistently. Information about these vessels and our experiences with them were communicated to local OCSD Harbor Patrol and US Coast Guard representatives as well as with the larger Southern California Unified Marine Working Group on Vessels of Concern

- For the second time, we impounded a recreational vessel using the 19th Street public dock, essentially as free dinghy storage
- Much effort was put into preparation for an “all hands” team meeting focused on customer service. The theme for the meeting is “Keeping Newport Harbor clean, safe, and well-enjoyed while anticipating and exceeding expectations of harbor users. The Manager of a local luxury hotel will be the featured presenter
- Reminder: in addition to being reported on in these monthly updates, the services the Harbor Department offers and a great deal of information about Newport Harbor can be found on the Harbor Department website. The address is www.newportharbor.org

Odds and Ends

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

- We submitted an application to the US Army Corps of Engineers (USACE) for two buoys alerting mariners to potential bridge jumpers at the Lido Bridge and the four boundary buoys for the West Anchorage. The USACE permits are required per the US Coast Guard
- One of the motors on a patrol vessel was out of service for more than a week due to an electrical/alternator issue that was covered under warranty. We were grateful to have three operational patrol vessels while the one was down
- Some equipment belonging to a local dredging contractor fell in a sinkhole and was submerged in the Coves. We supported them in bringing in additional equipment to conduct a rescue. In addition, we provided booms in case discharge became evident
- One of the full-time stalwarts of the department, Joey White, has moved to part-time while he pursues his dream of becoming a commercial airline pilot. We're pleased to be supporting him in the pursuit of his professional aspirations and are grateful that he is still on our roster
- Three of the four patrol boats were scheduled for new bottom paint and some cosmetic repairs at a local boat yard
- Reminder: as a result of operational efficiencies and better application of technology, five of 29 fees associated with Harbor Department services were reduced on July 1, 2024. They include:
 - Appeal of Harbormaster Decisions to the Harbor Commission was reduced from \$1,250 to \$622 (50%). This fee is refunded to the appellant if the Harbormaster's decision is overturned
 - Appeal of Harbor Commission Decisions to the City Council was reduced from \$940 to \$498 (36%). This fee is refunded to the appellant if the Harbor Commission's decision is overturned
 - Application for a mooring adjustment was reduced from \$533 to \$515 (3%)
 - Application for a multi-vessel mooring system was reduced from \$533 to \$515 (3%)
 - Application for a variance to a harbor-related permit from reduced from a range of \$2,500 to \$6,000 to \$498 (80% to 92%)

These fees are all determined by an independent study and audit of department functions and procedures. Fees are adjusted annually. On average, an in-depth study of a particular department's fees takes place every three years. Harbor Department fees were the subject of an in-depth study in Fiscal 2023-24. The Harbormaster and Department Administrative Assistant contributed significantly to the in-depth study

- We worked diligently and supportively with an onshore mooring permittee for several weeks on obtaining proper documentation for a vessel the permittee had allowed to occupy the mooring but for which he was not a registered owner. After proffering several excuses but ultimately missing a final deadline for producing the required documentation, HSWs were sent to impound the vessel. Upon arrival, they observed that the vessel had been removed. A short time later, HSWs observed the same vessel secured to a dock at a local shipyard and contacted the yard operator who confirmed the vessel had permission to be there. This is another example of the Harbor Department judiciously, comprehensively and consistently enforcing the rules

Two communications were received that made the "Most Amusing" list in February. Both came in the form of letters from enforcement authorities. The first amusing email of the month came from a California Coastal Commission Enforcement Office in the form of a Notice of Violation indicating we were in violation of the California Coastal Act for the "No Fishing" signs at the Balboa Marina Public Dock. The implication was that the signage was not in compliance with the Coastal Development Permit (CDP) and that no restriction on fishing at the location is allowed. The letter went on to suggest that we dedicate a parking space in the adjacent road vehicle parking lot so people could better make use of the human lift at that facility. We responded with documentation and evidence indicating:

- The signage plan associated with the CDP clearly and distinctly included "NO FISHING" signage and that the plan was approved and stamped by Coastal staff as part of the CDP
- The usage characteristics of the public dock, including the no fishing restriction and restriction on hours of use, were clearly communicated to Coastal Staff and incorporated by them into the CDP
- The upland parking lot is private property and the City has no authority to designate an accessible parking spot on that private property

Coastal Commission Enforcement staff acknowledged our response and the evidence we provided supporting the restrictions and signage at that public dock. They indicated no further action was required at present but they encouraged us to consider revising the restrictions and applying for an amended CDP when we felt the fishing restriction could be lifted. They also went on to recommend that we reach out to the private property owner and encourage them to make an accessible parking spot adjacent to the public dock available to the public.

The second amusing communication of the month came in the form of a letter from an Orange County Deputy District Attorney (OCDA) threatening civil action for an alleged fuel or oil spill that took place in May of last year. The letter was surprising for several reasons, including that it is extremely rare for the OCDA to pursue civil matters. In

addition, the opening paragraph refers to an oil spill in one sentence and a diesel spill in the final sentence. It's unclear which alleged spill is the subject of the investigation and possible action. We are aware of and contributed to the response for a couple of spills on the day in question. There was a coach boat that belongs to Recreation and Senior Services (RSS) that was a target of some investigation that day but ultimately proven not to be a source of oil or gasoline discharge. No vessel belonging to the Harbor Department was suspected of being a source of discharge. The US Coast Guard (USCG) and OC Sheriffs Harbor Patrol (OCSD) were both part of follow-up investigations. The USCG provided documentation that the RSS Vessel was not a source of the spill. The OCSD conducted at least two more follow-up investigations questioning whether it was a vessel belonging to the Harbor Department that was the source. In all those investigations we were able to provide documentation on our response and that none of the Harbor Department vessels were suspected sources of any of the spills investigated that day. It was quite the "fire drill" and significant resources were convened to document our actions and respond to the OCDA's letter. We have an in-person meeting with the OCDA late in March to review all the documentation related to this investigation. Among the evidence we will provide to the OCDA in that meeting is that none of the RSS coach boats or any of the Harbor Department vessels carry diesel. We will also point out that the RSS boat that was investigated as a potential source for an oil spill was proven the following day not to be missing any oil from its reservoir, which was confirmed and documented by the USCG. It is hoped that the investigation will conclude, and the threat of any potential civil action will cease as a result of the planned in-person meeting.

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