



NEWPORT BEACH

Harbor Commission Staff Report

July 10, 2024
Agenda Item No. 8.3

TO: HARBOR COMMISSION

FROM: Paul Blank, Harbormaster, (949) 270-8158,
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TITLE: Harbormaster Update – June 2024 Activities

ABSTRACT:

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

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

RECOMMENDATION:

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

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

Preparation for the busy summer season was the focus of activities for the Harbor Department in June. Details on the delivery of some services in support of our mission are summarized below.

Clean

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

- A dinghy at a public dock was observed discharging into the harbor. Alert Harbor Service Workers (HSW) boomed off the dinghy and absorbed the discharge
- Based on a public comment at a Harbor Commission meeting, we connected with Public Works on their "Clean Up" program initiated several years ago and mainly focused on the ocean beaches. In the future, they will incorporate harbor beach cleanups into their lineup. It is also worthy of note that there are active programs to remove debris from the surface of the harbor (Tim Smith's private skimmer, HD patrol boats equipped with skimmers (see Stats) and automated rovers coming to the harbor before the end of the year) plus a pilot program to remove large debris from the bottom of the bay using both divers to mark the material and cranes/davits to lift and remove
- The Marine Flare Disposal event was not as well attended as hoped (70+ cars) but no one had to wait and a significant amount of material was collected
- In a related story, the Marine Flare Producer Responsibility Act passed the State Senate 34-0. The State Assembly will consider the bill soon. The Governor would have to sign to become law
- A tire found floating in the coves was removed and disposed of properly
- A visiting vessel well-known to the Harbor team enjoyed an extended stay in the harbor. We suspect they illegally enjoyed a couple of nights on a public dock. We were unable to collect evidence that they were overstaying the time limit. HSWs gave them information on harbor rules, public docks, and the anchorage
- The team put significant effort into dock and facility maintenance at Marina Park. Trash receptacles and the entire Marina including gangway, piling caps, dock boxes and pedestals were prepared for the expected heavy use

Safe

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

- Several instances of speeding were observed, addressed, and resolved
- Several instances of bow and stern riding were observed and corrected
- Swimmers jumping off a moving electric vessel were contacted and educated about safe boating practices
- A local woman known to the Department attempted to board a boat in the marina at Marina Park, slipped, and went into the water. HSWs quickly retrieved her from the water and provided first aid to some abrasions and swelling. Nbfd was called they arrived quickly and confirmed the application of first aid. She was escorted home by NBPD
- HSWs on patrol were approached by a federal agency operating on the water. They asked if they could practice maneuvering alongside our vessel as part of their training. We were pleased to collaborate with them on their training. They expressed their gratitude and indicated they look forward to collaborating with us in the future
- The anchorage boundary buoy positions were confirmed with a little charting and navigation exercise. In the near future the east anchorage buoys will be replaced

to make them consistent with the west anchorage buoys and distinguish them from the racing marks

- Several mooring assists were provided including one that involved contact between the mooring permittee requesting service and the vessel on the next mooring. Follow-up with both permittees was conducted. Unskilled mariners can have trouble in any conditions including the current mooring layout. Mariners are advised to assess their skills and capabilities given current conditions and ask for assistance BEFORE they get into trouble
- Observers may well have mistaken an incident at Marina Park for a remake of the Hitchcock film, “The Birds”. Staff and marina customers were attacked by fowl associated with an impounded vessel. Hitchcock made the original film in 1963 to convey his concerns regarding humanity’s failure to appreciate and protect nature
- Discussions and techniques for gaining compliance with advisements on speed and wake were carried out
- Several instances of improper anchoring were addressed including education on proper tackle and techniques
- Solar-powered, US Coast Guard-approved lights were installed on various Private Aids to Navigation throughout the harbor. More lights will be installed by the end of July. Funds to purchase the lights were provided by the Newport Harbor Foundation via a grant
- Two wave runners speeding in the harbor were stopped and educated. Others who did not stop were cited
- HSWs provided first aid to another Marina Park customer
- A report of two missing children on a paddleboard was received at the end of the watch. A survey of HSWs coming off the water indicated the paddlers in question had been seen near Marina Par. A quick transit back out on the harbor resulted in an escort for the paddlers back to their parents anxiously awaiting their arrival
- At the invitation of the US Coast Guard, HSWs participated in training with the cutter “Narwhal” and tender “Narwhal 1” in the ocean
- Several disabled boats were assisted back to safety
- A sub-permittee/guest who lost reverse was assisted onto his mooring. Another sub-permittee was assisted off a different mooring at his departure
- An expensive camera was left on the Washington St. public dock. An investigation led to the discovery that the equipment belonged to a commercial charter operator. Upon contact and proof of ownership, the equipment was returned

Well-enjoyed

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

- The Dockmaster assisted a babysitter with kids visiting Marina Park in locating a lost pair of keys
- HSWs took the initiative to hire a diver to search for a pair of glasses lost by a mooring permittee when he fell off the dock after a recent surgery. Once retrieved, in an act of service well “above and beyond”, the glasses were delivered personally to the permittee in San Clemente by HSW Lebano

- A vessel exceeding noise limits was advised and complied
- An unpermitted electric vessel charter was observed using the Balboa Marina public dock to drop off guests. The registered owner of the vessel was identified and notified of various violations
- A recognizable commercial charter vessel was observed (and documented) loading and unloading passengers at the 15th St. public dock. The operators of the charter vessel were notified of this violation and restrictions on the use of public docks
- An argument between a boater and fisherman on the M Street public dock was settled by HSWs
- The Mayor was taken on harbor tour, along with the youth winner of “Mayor for the Day” and her family. The tour focused on code enforcement, water quality and recent improvements to the water quality and methods for measuring in the harbor
- Several calls were received about excessive noise and material discharge from a large vessel in the Lido Marina Village marina. HSWs responded, advised the crew working on the boat, and forwarded documentation which resulted in a citation
- A rental electric vessel enjoyed an unoccupied mooring and a break from their excursion. Day use of unoccupied moorings is permissible for private and chartered vessels

Odds and Ends

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

- In collaboration with Animal Control the Dockmaster captured a pelican on the dock at Marina Park and sent it to rehab. The capture was very impressive and the outcome was a success for the bird
- The Department has officially switched radio operations from VHF 19A to 17. Multiple daily announcements on channel VHF 19A are being made
- A vessel collision witnessed by HSWs was documented and communicated to the registered owners of both vessels and the OC Sheriffs Harbor Patrol. The vessel owner not on scene was very grateful for the contact and documentation
- Our application to the California Coastal Commission for the C Mooring Field optimization was accepted (deemed complete) on June 19 after honoring some last-minute graphics requests
- A film crew spent a day with HSWs obtaining footage/video for what will become a three-minute video on safety in Newport Harbor. We were grateful for some collaboration with our colleagues in the City Recreation Sailing program and a small vessel rental operation (Balboa Water Sports). They provided subjects and material to include in the video. A safety video that rental concessions can show their customers and anyone will be able to access from the Harbor Department website should be coming soon
- The registered owner of a large vessel which has been in impound for several months was observed aboard the vessel and cutting the lock on another impounded vessel that does not belong to him. After several contacts with the

owner, the police were called and the owner was arrested on a misdemeanor for taking another's property. After that arrest, we believe the subject was arrested on a felony warrant. He has yet to come to the Harbor Department to retrieve his impounded vessel as he indicated

- A contractor carrying out repairs to the Lido Isle Bridge was transported to a site accessible only by boat over the course of four early mornings commensurate with favorable tides
- A vessel wanting to be assigned to a mooring was inspected but did not pass. A list of deficiencies was provided and addressed by the owner/permittee. We expect the list to be addressed and the vessel to pass inspection soon

The most amusing call of the month came from an irate waterfront business owner and mooring permittee. He was irate over two items:

- 1) The 48-hour application requirement that one of his customers, a commercial fisherman must meet when he wants to make use of the Rhine Wharf to offload his for-profit catch
- 2) A notice of violation the business owner received related to the condition of the spreader line on his permitted mooring

After listening to the irate business owner use loud, threatening, and profane language, I explained that:

- As a commercial operator, the fisherman was at liberty to make whatever arrangements he wanted at any commercial facility for offloading his catch and ensuring its freshness. If however, that commercial fisherman wanted to continue to use the Rhine Wharf, for free, he is subject to the same requirements and conditions that all other users of that public amenity are and that no special accommodation can be offered to any one user as a matter of fairness to all users. Further, that public amenity is adjacent to waterfront residences. The peaceful enjoyment of those residences guides the intensity and characteristics of the use of the Rhine Wharf
- As a mooring permittee the caller is subject to the same conditions and requirements as every other mooring permittee who chooses to leave the mooring unoccupied with a spreader line. Further, he was not singled out by HSWs. HSWs performing mooring inspections do not reference who the permittee on any particular mooring might be but rather perform their inspections consistently across all permittees, of all skill levels in all fields. When any deficiency is noted a Notice of Violation (NOV) is issued to the permittee using consistent language reviewed and approved by the City Attorney. Lastly, submerged spreader lines constitute a significant hazard to mariners, especially inexperienced mariners operating during low visibility conditions transiting the harbor. Statistics on the assistance we provide for mariners in such unfortunate circumstances were also offered

The complaining business owner was not satisfied with my explanations and went on to accuse me of changing the character of the harbor and driving business (commerce) out of the harbor. He exaggerated the language in the NOV he received and took exception to the exaggerated language.

The specific (NOV) received by the caller is included with this report as Attachment E. The language in this NOV is consistent with all NOVs we issue.

The language on the welcome page of an application to use the Rhine Wharf appears in Attachment F and must be acknowledged by all who apply for permission to use this public amenity.

The Harbormaster seeks feedback from the Commission and the public on whether these arrangements are reasonable, in line with the objectives of the Commission, and support the Harbor Department's "clean, safe and well-enjoyed" mission. Suggestions for improvement to these aspects of the Harbor Department's operations are welcomed. Support for communicating and amplifying these policies and their rationale may be helpful in reducing the anger and abuse directed at department team members and the Harbormaster in particular as we carry out our duties.

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
- Attachment E – Notice of Violation Example
- Attachment F – Rhine Wharf Permit Application Welcome Page