



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

September 14, 2022  
Agenda Item No. 6.3

**TO:** HARBOR COMMISSION

**FROM:** Paul Blank, Harbormaster  
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**TITLE:** Harbormaster Update – August 2022 Activities

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### **ABSTRACT:**

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

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

### **RECOMMENDATION:**

- 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:**

#### **Clean**

The City Harbor Department was asked to help our counterparts in the City of Long Beach Harbor Department with the removal of a vessel from the Shoreline Marina. Long Beach does not currently have SAVE or VTIP grant funds available for the removal of abandoned or turned-in vessels. This vessel had been well documented as a nuisance and the folks in Long Beach were eager to have it removed and put an end to the story. In the interest of keeping all our local waters clean, Newport agreed to help and contribute to a definitive conclusion to an unfortunate situation.

The Harbor Department assisted with containment and cleanup of fluids released when a road vehicle left the road on which it was traveling, crashed through a community playground, and then entered the harbor. Our spill response trailer was moved to the scene, six segments of containment boom were deployed as well as a supply of oil absorbent materials. The boom and absorbents were collected once the road vehicle was retrieved from the harbor.

Alert Harbor Services Workers noticed inappropriate construction techniques being used on some new docks. Sawdust and debris were falling directly into the water as construction continued. Upon advisement, the construction team did what they could to collect the debris. Upon referral to code enforcement, further investigation revealed the work was being done without approved permits. The property owner had applied for the proper permits, but the review and approval process had not yet occurred. A Stop Work Notice was issued.

## **Safe**

The City of Laguna Beach Marine Division is considering adding a vessel to its service and patrol offerings. One of the many challenges associated with adding a vessel is where to berth it. We've been able to create a plan for them that would potentially have the vessel in a slip at Marina Park when fast access is important and out on a mooring when access is more routine. The arrangement would not violate berthing limits at Marina Park or for mooring sub-permits. The Marine Division and Laguna Beach City Leaders have expressed gratitude to the Harbor Department for helping them find a creative solution when other agencies and commercial providers could not find them a berth. In discussing the potential arrangements with CNB Fire and Lifeguard leadership, all agree that having additional mutual aid agency assets here in Newport Harbor is of benefit.

Code Enforcement team members are making a habit of having positive encounters with as many constituents as possible. When the Code Enforcement team encounters a young mariner, they have begun handing out stickers and badges that "deputize" those folks in support of keeping the harbor clean, safe and well-enjoyed.

Two well publicized electric vessel versus bridge incidents where the bridge prevailed prompted the Harbor Department to evaluate, repair, improve and supplement the bridge height markers. We found most height markers to be in good shape and easily visible. There was one height marker missing from the north side of the 38<sup>th</sup> Street Bridge. Fortunately, we had a replacement in inventory and the necessary equipment to install it. Should the need arise to replace others in the future, we have the contact information for the supplier. These markers are of a unique construction that makes them very functional and very durable. We've also supplied at least one rental concession operator with an image of the height markers so their customers can be educated about what to look for when approaching a bridge and how to gauge whether the vessel can fit safely under. Most rental concession operators advise and forbid their customers from transiting under any bridges in the harbor.

Making effective use of the technology available to us, team members assigned to the front desk at the Harbor Department office at Marina Park were able to witness several individuals jumping off the Lido Bridge one day. Once having captured the images, the team member called the non-emergency dispatch line for the NBPD to report the activity. NBPD had a resource in the area that was able to respond quickly enough to have an interaction with the individuals which results in compliance with CNB Municipal Code 11.12.150 - Diving or Jumping from Public Property.

### **Well-enjoyed**

While conducting some public dock enforcement, alert Harbor Services Workers noticed a vessel that was taking on water due to a broken hose. Using the dewatering equipment aboard their patrol vessel they discharged over 150 gallons of water from the bilge. While dewatering continued, the owner arrived to take possession of the vessel and express his gratitude.

Another vessel in mild distress was assisted by capable Harbor Department staff when they mistakenly “skied” the main halyard on their sailboat. Using available equipment and some ingenuity, the Harbor Service Workers retrieved the halyard without going aloft. Ultimately a fun day sailing on the harbor was saved for the constituents and a positive encounter with the Harbor Department resulted.

Harbor Services Lead Fischbacher was able to put his first aid training to use for a guest in the Marina Park marina. It seems the guest had gotten a hook from a fishing lure lodged in his forearm. Upon inspection of the gentleman's arm, the recommendation was that he go to an urgent care facility. The guest did not want to go to an urgent care facility and asked that the hook be cut off the lure. With some effort, the lure was removed from the hook and then the hook was immobilized. The guest was then able to remove the hook himself.

It's not only humans to which we administer first aid. Harbor Services Workers Dumas and Lebano observed an unusual ripple in the waters near Crab Point. Upon further investigation they realized it was a seabass in distress swimming erratically. Using the debris collection net onboard their patrol vessel they were able to scoop up the fish and examine it. Using a multi-tool, they were able to remove an errant hook and fishing line from the fish who was subsequently released and observed to be swimming normally.

Also alert with their heads and eyes continually on the lookout for things that just don't seem right, Harbor Service Workers Mastro and Pinel identified and documented an unpermitted charter operating on the harbor. Information, documentation and photos collected were handed off to the Code Enforcement team which subsequently reached out to the vessel owner indicating he was not allowed to offer his vessel for hire without a Marine Activities Permit (MAP). Follow-up and observation continue as the owner decides whether to pursue the required MAP.

### **Odds and Ends**

The Harbor Department team on duty was very pleased to participate in National Eat Outside Day on August 31. According to the promoters, “National Eat Outside Day encourages you to celebrate the sunshine (or moonlight) while eating your meal.” The Harbor Department enjoyed an unpermitted raft-up of all three patrol vessels and some pizza from a local provider. A great experience for all involved. A photo of the Harbor Department participating has been shared with the Public Information Manager to be included in an edition of the City’s internal publication, “The Rabbit Reads.”

The most interesting call received from a constituent this month concerned the role of the Harbormaster in the deliberations and discussions of the Harbor Commission. It was flattering to hear the caller’s opinion of the Harbormaster’s skills, experience and ability to reason toward beneficial solutions. It is, however not the role of the Harbormaster to influence the decisions of any deliberative body. The following explanation of roles and responsibilities was provided to the caller as a model for how we all operate:

- the Harbor Commission studies issues and recommends policy
- the City Council adopts policy
- the Harbormaster implements adopted policy

The caller found that explanation unsatisfactory and ultimately very frustrating.

The City transitioned the system used for all permitting and code enforcement activities from Permits Plus to EnerGov, a module within the City’s larger Tyler-MUNIS enterprise system in early July. We’re making good progress at coming up to speed on the use of this new application but there have been some challenges. Among the challenges has been the absence of our standard, automatic reporting of Code Enforcement activities for this monthly update. Once we get over these challenges there will be improved reporting capabilities and we will have a single repository for all code enforcement activities and Harbor Events Permitting.

### **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