



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

November 9, 2022  
Agenda Item No. 6.7

**TO:** HARBOR COMMISSION

**FROM:** Paul Blank, Harbormaster  
[pblank@newportbeachca.gov](mailto:pblank@newportbeachca.gov)  
(949) 270-8158

**TITLE:** Harbormaster Update – October 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 sea star living on a pile at Marina Park, though shy, has been captured on film! Sea stars were eliminated from many coastal areas in southern California in 2012 and 2013 due to a wasting disease. It's a very encouraging sign to see them reintroduced into Newport Harbor. Clean water with excellent tidal flow and a growing source of food for the sea stars make excellent conditions for the reintroduction and proliferation of these colorful creatures. Sea stars are an important part of the Harbor ecosystem. The sea star currently enjoys the mussels and oysters growing on seawalls and piles at Marina

Park. In addition to the sea star living at Marina Park, others have been spotted on the beach near the Fernando Street Public Pier and further down the Peninsula in front of a private residence.

The summary notes on the three items which should be reported in this section were inadvertently deleted in the Outlook Note in which they are maintained. Rest assured, there were three additional items worthy of reporting for the month in terms of the health and cleanliness of the water in Newport Harbor

## **Safe**

Additional “Mooring Assist Training” was conducted on a 44’ sailboat belonging to a Harbor Department team member. All participants gained experience as the skipper on the vessel attempting to moor as well as on a patrol boat attempting the assist. Great skills building as well as a clearer understanding of what the experience is like onboard the vessel trying to moor resulted.

Department personnel also participated in CPR (re)certification training provided by a fellow team member. Shortly we expect each of the patrol vessels and the marina office to be equipped with Automated External Defibrillators (AEDs). It is hoped the training and equipment are never needed but comfort is gained and risks of negative outcomes reduced by ensuring the team is capable and well-equipped.

On the subject of being well-equipped, two of the three Department patrol vessels have been repowered and undergone their break-in periods. One of those patrol vessels was significantly underpowered and improperly balanced for the work the Department does. The other motor that was replaced had become unreliable and was requiring more maintenance than was wise to provide.

An unsafe diver with no spotter was encountered under the Lido Bridge. The diver was advised to dive somewhere else and ensure his dive location was properly marked.

The Harbor Department continues to work with USCG Aids to Navigation (ATON) group on the recurring obscuring of Nav Marker 11 near Bay Island. On a couple of occasions, we have taken representatives from the ATON group out to clean off the paint obscuring the green light lens. On several occasions, Harbor Services Workers (HSWs) have cleaned the obscuring paint off the lens and reported back to the ATON group. In October the ATON group installed a camera on Nav Marker 11 to capture images of or at least deter anyone attempting to obscure the light lenses. Since the camera was installed, no further obfuscation has been observed.

The Dockmasters at Marina Park with support from HSWs carried out a replacement project of for the starboard non-skid pieces in the marina dock decking. The slip hazard inherent in the previous deck material has been greatly reduced.

It was great to get the Dockmasters away from the Marina Park facility and underway for a few hours during a couple of patrol shifts. They were of great help and provided excellent and unique perspectives of what they saw on the water. It remains a goal to

cross-train and provide all team members with the widest variety of experiences across the Harbor Department's breadth of operations.

Department staff collaborated with the City Utilities Department to replace the cover of a navigation light on the Balboa Island Bridge and with Public Works to survey the space beneath the bridge deck for upcoming infrastructure improvements.

### **Well-enjoyed**

A 28' sailboat was abandoned in a slip at Marina Park at the end of a reserved and paid-for stay. We reached out to the owner and issued a Notice of Violation. Having seen and heard nothing from the owner the vessel was subsequently impounded and moved to a mooring where it remains impounded. It will be considered for a future vessel auction or scheduled for destruction using SAVE grant funds.

Department team members celebrated the end of our busy, summer season with a BBQ. A couple of Harbor Commissioners also attended. All agreed it was a fantastic summer season and a great way to celebrate its successful conclusion. A blue blazer or two was spotted.

The human lift was used to support the Sail for the Visually Impaired hosted by the American Legion Yacht Club. One of the attendees came with their own harness to be used with the lift which appeared to have some advantages over the version delivered with our lift. We are investigating adding that style of harness to broaden the offering and appeal of using the human lift at Marina Park.

The Harbor Services Leads (HSLs) and Code Enforcement team conducted a discussion on the process and particulars for impounds. Most impounds are made at the Public Docks but they also come from other locations in the harbor. Important points reviewed include the basis of evidence to support an impound and challenges associated with the current code. It was acknowledged that there are relatively easy ways to get around the time limits or at least restart the clock. Capturing sufficient evidence to execute an impound frequently involves replacing Notice of Violation tags removed by someone though the vessel did not move. Part of the Department's process is to photo document situations where the same vessel is tied to the same cleat in the same manner with the same line over the course of more than the posted limit. Zip ties are sometimes used to further identify and document vessels that have overstayed the limit in various locations.

Based on a comment made at the October Harbor Commission meeting, extra emphasis on public dock enforcement at the Fernando Street pier was conducted throughout the month. The extra effort netted three impounds from that location. When the location was inspected by the Harbormaster early in the morning of October 28, the dock was in good order and there was room for at least two more vessels on each side of the floats in the 72-hour zone.

## Odds and Ends

The most bizarre phone call of the month came from a Peninsula resident who has an offshore mooring near his residence that he keeps vacant. Occasionally the Harbor Department will put a sub-permittee on that mooring which always results in a call from the permittee expressing his unsubstantiated claim that his mooring is to be left vacant perpetually. This month however the call, actually several calls over the course of two days came in claiming the floats associated with his mooring, which do not have a spreader line, were off station. The permittee suggested the vessel that had recently been sub-permitted on that mooring had done damage to the tackle and pulled it off station. Upon visual inspection and corroboration with GPS and GIS coordinates for the mooring permit, HSWs confirmed the mooring was not damaged and was in the correct location. Not satisfied with the work of the HSWs, a mooring service provider was called to confirm the placement and condition of the mooring. The confirmation was provided to the permittee by the service provider.

The most bizarre email of the month came from a live-aboard permittee who rescued a dinghy that had accompanied a larger impounded vessel. The dinghy associated with that impound was not secured properly and eventually broke loose. The permittee questioned rather pointedly why he was the one who had to retrieve the dinghy and then hand it over to the Harbor Department. The permittee was thanked for taking action to secure the dinghy which had broken loose outside the Harbor Department's normal hours of operation. The budgetary constraints on our hours of operation and the several requests that have been made to extend them were explained to the permittee along with a reminder that all mariners are asked to take responsibility for keeping our harbor clean, safe, and well-enjoyed. HSWs will improve efforts to ensure all impounded vessels and dinghies in our care are properly secured.

An audit and reconciliation of records for offshore mooring including documenting assigned vessels began in October and will continue through the end of the year.

We were notified that the California Air Resources Board is requiring short-haul ferries (routes of less than three miles) to convert to electric propulsion systems by 2026. This requirement will include the Balboa Island Ferry. Efforts to support meeting this requirement are being convened.

Code Enforcement Supervisor Cosylon collected the award for "Most Innovative Code Enforcement Program of 2022" at the Code Convention put on by the California Association of Code Enforcement Officers. This achievement was reported in the City Manager's Week In Review. In addition, a proclamation recognizing this achievement by the Code Enforcement Division of the Harbor Department as well as the Harbor Services Workers and Harbor Services Leads who contribute to the stellar code enforcement efforts will be presented by the Mayor at the November 15 Council Meeting.

An excellent example of collaboration with the OCSD Harbor Patrol took place when an electric vessel went aground at Dukes Point in an outgoing tide. A coordinated rescue was quickly and effectively arranged. The skipper and passengers were all taken off the stuck vessel by HSWs and placed safely on a nearby dock. The OCSD boat, with the

permission of the owner, towed the vessel off the hard and refloated it. While the boat was not leaking, all were concerned about the operability of the vessel. HSWs towed the vessel and ensured the captain and crew were transported safely back to the private dock from which all had departed.

Harbor Department team members began participating in the school-year-long Mayor's Youth Council, mentoring three students from local high schools and showing them what it is like to work for the City in general and on the harbor in particular. The program is run by our colleagues in the Recreation and Senior Services Department. The students selected for the program participate in this unpaid internship program comprised of three parts; education, service, and outreach. Members of the Harbor Department are contributing to the education component by helping these future leaders learn, in-depth, about the different careers offered within Newport Beach. Student participants will then use their acquired experience and knowledge to better inform their community and govern the Mayor's Youth Council events and projects.

#### **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