

Biddle, Jennifer

From: Jacobs, Carol
Sent: Monday, November 11, 2019 10:37 AM
To: Biddle, Jennifer
Subject: Fwd: BYC Mooring Field independence

For the HC meeting

Carol Jacobs
Assistant City Manager
City of Newport Beach

Begin forwarded message:

From: Daniel O'Madigan Gribble <dogribble@cox.net>
Date: November 10, 2019 at 9:28:07 PM PST
To: "Jacobs, Carol" <cjacobs@newportbeachca.gov>, Title 17 Review <Title17Review@newportbeachca.gov>
Cc: "Nmaboard@indigoharbor.com" <Nmaboard@indigoharbor.com>, John Fradkin <john.fradkin@gmail.com>, Daniel O'Madigan Gribble <dgribble@boatswainslocker.com>, "Blank, Paul" <pblank@newportbeachca.gov>, "Kenney, William, Jr." <wkenney@newportbeachca.gov>, "Yahn, Don" <DYahn@newportbeachca.gov>, "Cunningham, Scott" <SCunningham@newportbeachca.gov>, "Beer, Ira" <IBeer@newportbeachca.gov>, "Marston, Marie" <mmarston@newportbeachca.gov>, "Scully, Steve" <sscully@newportbeachca.gov>, "Borsting, Kurt" <KBorsting@newportbeachca.gov>
Subject: BYC Mooring Field independence

Dear Assistant City Manager Carol Jacobs,
My name is Dan Gribble and I am a long-time Newport Harbor mooring owner, a life-long boater, the owner of a local marine business, and a member of the Newport Mooring Association. I recently had an experience regarding my mooring in the BYC mooring field (#118) that I thought merited some review and discussion, particularly in light of the upcoming finalization of Title 17.

I recently allowed a visiting yachtsman with whom I had become friends to use my mooring for three months while he and his family went home to Uruguay for the holidays. I met him through a mutual friend and since we both have done significant long-distance cruising in our sailboats, we became friends. My boat is in a slip over at Lido Yacht Anchorage near Newport Harbor Shipyard and will be there for several months while work is being done to it so my mooring is empty. Knowing this, and wanting to be welcoming to a visiting cruising yachtsman, I said he could use my mooring for the three months he and his family would be away. He supplied a letter of introduction from his yacht club and I helped arrange for he and his family to get a guest card at Balboa Yacht Club so they could use the facilities and dine there, etc. for the week or so before his departure for Uruguay. He departed Oct. 30th and will be back mid-January.

Shortly after making this arrangement, I received a call from the Harbor Master's office asking why this boat was on my mooring. I explained that my boat was in a slip for several months for

some work and I had allowed a friend to use my mooring. First they insisted that I had to fill out a Permission Form, one for each of the initial two consecutive months he was to use it (couldn't use one form for all months!), and then following that he either had to move the boat or pay rent to the Harbor Master. I told them they must be mistaken because the BYC mooring fields were supervised by the BYC Dockmaster. I was told I was wrong and I had to comply.

On reading the sections of Title 17 related to this, I found the language ambiguous and could see how they might interpret it one way and I another. I met with Harbor Master Kurt Borsting and explained the situation and while he was gracious and listened, ultimately he chose to enforce the regulations as he interpreted them. Surprisingly he told me that the person loaning the mooring can loan it for a maximum of two consecutive months, while the person using the borrowed mooring can do so for three consecutive months. They just have to move to a different mooring. How ridiculous is that?! Since I had no choice but to comply, and since my friend and his family were leaving for home the next day, I managed to arrange with John Fradkin, who is a fellow BYC member and also owns a mooring in the BYC field, to allow my friend to move to his vacant mooring for the last month. John and I will have to move the boat on December 26th. Very convenient.

Now, for all the years I have owned the mooring in the BYC field, whenever my boat was off the mooring I have always told the BYC Dockmaster that it was available for him to use as he saw fit and it has been used by visiting yachtsmen on more than one occasion. I also have made it available to other members, such as when I was between boats and when my current boat was back east and we were sailing her from Newport, RI to Newport Beach, CA. NEVER was this ever questioned by anyone. There is a tradition and decades-long precedent that WITHIN the BYC (and NHYC and LIYC) mooring fields, jurisdiction over the moorings was the responsibility of the respective Clubs' Dockmasters. Until now.

As you probably are aware, there are 75 moorings in the BYC field, 60 of which are permitted to BYC. From what I understand 13 or the remaining 15 are held by BYC members. I also understand that there is effort to claim the remaining two by BYC members if and when they become available. That being the case it only makes sense for my interpretation of the use of those moorings be clarified in writing in the Title 17 Ordinance before it is finalized. I will say that every BYC member I have spoken with about this agrees with me and was of the same understanding. I have also spoken with members of NHYC and had the same response.

I would like to appeal to you and the Harbor Commission to support me and all other yacht club members and provide an exception for those moorings within the Yacht Club designated fields from the regulations about sub-letting and allowing the City to rent them out. If anything the Clubs should be able to rent them out and earn the income! There is no reason for the Harbor Master to even be concerned with the boats and moorings in the Club designated fields because the Clubs' Dockmasters are fully capable and motivated to enforce all the relevant regulations about keeping the boats clean and safe, etc. and should have jurisdiction over the use of the moorings as well to accommodate members' guests and visiting yachtsmen to the respective Clubs. In fact, I spoke with our BYC Dockmaster and he said that he was surprised at my experience because historically he has been the one to administer the field of moorings, with the City's encouragement and support.

[Proposed Changes to Title 17 - Harbor Code_November 13, 2019 Harbor Commission Meeting](#)

I plan to attend the next Harbor Commission meeting on Wednesday November 13 and would like to speak to this issue. I hope that in providing this letter in advance perhaps it can be included in the agenda, as this is an issue that must be addressed in the interests of the mooring holders and the yacht clubs.

Thank you in advance for your consideration,

Dan Gribble
Mooring BYC -118
NMA Member
Owner - SY Brigadoon
CEO – Boatswain's Locker
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