



**CITY OF**

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# **NEWPORT BEACH**

## **Harbor Commission Staff Report**

June 9, 2021  
Agenda Item No. 6.5

**TO:** HARBOR COMMISSION

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

**TITLE:** Harbormaster Update - May 2021 Activities

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### **ABSTRACT:**

The Harbormaster is responsible for the management of the City's mooring fields, the Marina Park Guest Marina, a variety of Harbor activities and Harbor on-the-water City code enforcement. This report will update the Commission on the Harbor Department's activities for May 2021.

### **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:**

#### **Status of West Lido Channel Temporary Anchorage**

On April 23, 2021, the Harbor Department received notice of Coast Guard Sector Long Beach/LA's provisional approval authorizing the City to establish a temporary anchorage in the west Lido Channel. The significant provisions of approval included:

1. Filing a request for inclusion in the USCG District 11 Local Notice to Mariners (LNM) identifying the anchorage for the approved period of May 21 through September 7
2. Obtaining approval for the buoys to be used to mark the boundaries of the anchorage from the USCG District 11 Private Aids to Navigation Group (PATON)

We were successful at submitting our request for inclusion in the LNM. In fact, the existence of the anchorage is being published in the LNM weekly. We also received notification that our application to the PATON group was received. Initially the PATON permit administrator indicated the application looked complete and routine and should receive swift (same day) approval. Subsequently we learned there is scrutiny of our application ongoing at the District and National levels. Several phone calls and emails to local Sector Long Beach/LA and District 11 representatives have resulted in the same explanation; the application is still under review at the District and National level. Through City leadership we have sought support for removing

whatever roadblocks remain via Congresswoman Steel's office. To date, we have seen no evidence of progress.

We are ready to deploy the buoys and will open the anchorage when approval is achieved.

### **Safety and Registration of Department Patrol Boats**

At present, none of the three Department patrol vessels are properly registered with the CA DMV. With great support from the Finance Department we now have a declaration from the CA Department of Fees and Taxation indicating the appropriate Use Tax was paid on the newer Maritime vessels (HD2 and HD3). That declaration can now be presented to the DMV and the original registration process can proceed. We expect successful registration of those two vessels in the next 30 days. After paying late fees and penalties on the Boston Whaler (HD1) for the registration that expired at the end of 2019, that process is once again moving and we anticipate successful conclusion in 6 – 8 weeks.

All three patrol boats have been outfitted with ground tackle more than sufficient for their safety and security in the event of an engine failure or other emergency. All are configured with 13lb pivoting fluke ("Danforth") style anchors, 15' of 1/4" galvanized chain and 200' of 7/16" rode. While the bitter ends of the rode are secured on each vessel, should the need arise, the ground tackle could be swiftly deployed for another vessel in peril up to 35'.

HD2 and HD3 are both equipped with depth sounders as well as Global Positioning System (GPS) and Automatic Identification Systems (AIS). When HD1 next goes in for service we have asked that it be outfitted with a depth sounder and yellow lightbar to make it consistent with the other two patrol vessels.

### **Requests for Large Vessel Anchorage Permit**

In May, we received two requests to establish temporary large vessel anchorages. One was for a vessel visiting in June and participating in a special event at Lido Marina Village. The other was for a vessel planning to visit in early July. This process involves a City Harbor Events Permit and a separate permit from the US Coast Guard completed and submitted by the City Harbor Department. The vessel planning to visit in July has subsequently changed its plans and cancelled their request. After a great deal of digging and research, the application for the vessel planning to visit in June was submitted and is presumably under review by the local Sector LB/LA USCG Commander. In the absence of an approval by the USCG for this temporary anchorage we have worked with the applicant and Newport Beach & Company on alternatives that will still allow the vessel to be featured in the scheduled event at Lido Marina Village on June 26 but spend all the nights it plans to visit in another, safe and approved location.

### **NBPD Uniformed Support Arrangement over Memorial Day Weekend**

In anticipation of the Memorial Day holiday weekend and intense harbor use, the Harbor Department proposed an arrangement by which we could request NBPD uniformed officer support should it be necessary for any of the approved raft-up events or other challenges we encountered. Deputy Chief Rasmussen and Lt. Carpentieri were fantastic to work with. They assured us they would have resources available should the need arise. They reviewed the raft-up permits for the weekend which were of particular concern and became familiar with the conditions and people involved. We agreed on protocol and procedures for requesting support and worked out the logistics for how and where we would rendezvous with such resources. Ultimately, we did not call out for service but it was very comforting to know that we could have. Discussions with the Harbor Department are ongoing about how and when we might call for

support in the future. We will also reach out to the Fire and Lifeguards to establish a similar protocol and procedures should a need for those services arise.

### **Support deterring Bridge Jumping**

Significant discussion took place during the May 22 City Council meeting about bridge jumping and the associated challenges. The Harbor Department has proposed being part of the solution. We have the authority to write citations to those observed jumping from bridges into the harbor. The citations include financial penalties. We plan to begin writing administrative citations with financial penalties on June 5. In the case of juveniles who are caught, citations will be issued to their parents. Otherwise, citations will be issued directly to the individual(s) observed engaging in this activity. The initial focus will be on activity at the Lido bridge. Focus may broaden to other bridges in the harbor if and when necessary.

### **Contracting/Purchasing and Service Arrangements**

Significant effort was put into renewing or establishing new contracts for Public Pier cleaning, mooring and buoy services, patrol vessel maintenance, vessel demolition services under VTIP and SAFE programs etc. New contract and purchasing agreements with various service providers under several Department programs are in the works. The agreements will be presented to Council for review in June. The City starts a new fiscal year on July 1, 2021 and we expect to have all such arrangements in place shortly thereafter.

### **ENVIRONMENTAL REVIEW:**

Staff recommends the City Council 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, Chapter 3, because it has no potential for resulting in 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 City Council considers the item).

### **ATTACHMENTS:**

Attachment A – Harbor Stats – Year to Date

Attachment B – Harbor Stats – Year over Year Comparison