



CITY OF

NEWPORT BEACH

City Council Staff Report

October 12, 2021
Agenda Item No. 17

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

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TITLE: Resolution No. 2021-99: Ratifying the October 5, 2021 Proclamation
of Local Emergency

ABSTRACT:

On October 5, 2021, City Manager Grace Leung, serving in her capacity as director of emergency services for the City of Newport Beach (City), signed a proclamation of local emergency in response to the oil spill that occurred approximately five miles off the coast of Huntington Beach and was first reported to the City on October 2. The oil reached City beaches on October 3.

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) Adopt Resolution No. 2021-99, *A Resolution of the City Council of the City of Newport Beach, California, (i) Ratifying the Proclamation of a Local Emergency Issued on October 5, 2021, by City Manager Grace Leung, the Director of Emergency Services of the City of Newport Beach, and (ii) Approving and Authorizing Certain Actions Relating Thereto.*

DISCUSSION:

The City was notified on Saturday, October 2, of an oil spill located approximately five miles off the coast of Huntington Beach. The spill created an oil slick that stretched approximately 13 square miles. On Sunday, October 3, oil was observed onshore on City beaches, between 52nd Street and the Santa Ana River. The City issued a public notice advising residents and visitors to avoid contact with ocean water and the oiled areas of the beach.

The multi-agency, cleanup response and incident investigation is being led by the United States Coast Guard (Coast Guard). It includes the State of California (State), County of Orange (County), and the cities of Huntington Beach, Newport Beach and Laguna Beach.

The County, in coordination with the Coast Guard and State, closed the entrance to Newport Harbor on October 4. That same day, California Governor Gavin Newsom proclaimed a State of Emergency in Orange County in response to the oil spill. The City of Huntington Beach also declared a local emergency on October 4, and the County of Orange and the City of Laguna Beach approved their local emergency declarations on October 5.

Also on October 5, City Manager Grace Leung, serving in her capacity as director of emergency services for the City of Newport Beach (City), signed a proclamation of local emergency.

As of the writing of this staff report on October 5, the spill is estimated at 126,000 gallons and is impacting 15.67 miles of Orange County's shoreline. Oil is now on City beaches along its entire stretch of coastline, and is impacting the shorelines of Huntington Beach and Laguna Beach as well. City staff, including personnel from the Fire Department/Lifeguard Division, Harbor Department, Public Works, Police Department and City Manager's Office continue to work closely with the incident response team.

City beaches have remained open with the water advisory in place. Though boats are prohibited from entering and exiting Newport Harbor, vessels are permitted to operate within the harbor itself. There is a growing concern that the oil's effects on local beaches and ocean water, coupled with the loss of harbor access, will create economic hardships for tourism-related businesses, commercial and recreational fishing, charter operations, watersports, and other businesses.

Staff recommends the City Council adopt Resolution No. 2021-99, thus confirming and ratifying the October 5 proclamation of local emergency. If approved, the order will remain in effect until the local emergency is terminated by proclamation of the City Council.

FISCAL IMPACT:

The City has and will continue to expend resources on its response to the oil spill. The proclamation of local emergency will bolster the City's ability to access federal and state disaster assistance if needed, pursue reimbursement for its costs associated with the oil spill, and allow the City to procure services and goods in an expedient manner if necessary.

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).

ATTACHMENT:

Attachment A – Resolution No. 2021-99