



CITY OF NEWPORT BEACH WATER QUALITY/COASTAL TIDELANDS COMMITTEE AGENDA

Crystal Cove Conference Room

Thursday, September 1, 2022 - 3:00 PM

Water Quality/Coastal Tidelands Committee Members:

Council Member Duffy Duffield, Chair
Council Member Noah Blom, Vice Chair
Peter Belden, Member
Curtis Black, Member
Louis Denger, Member
Charles Fancher, Member
Lawrence Houston, Member
Richard McNeil, Member
George Robertson, Member

Staff Members:

Jim Houlihan, Deputy Public Works Director/City Engineer
John Kappeler, Senior Engineer
Karen Gallagher, Administrative Assistant

The Water Quality/Coastal Tidelands Committee meeting is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Water Quality/Coastal Tidelands Committee agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Water Quality/Coastal Tidelands Committee. The Chair may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

The City of Newport Beach's goal is to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, we will attempt to accommodate you in every reasonable manner. Please contact John Kappeler, Water Quality Enforcement Manager, at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3218 or jkappeler@newportbeachca.gov.

NOTICE REGARDING PRESENTATIONS REQUIRING USE OF CITY EQUIPMENT

Any presentation requiring the use of the City of Newport Beach's equipment must be submitted to the Public Works Department 24 hours prior to the scheduled meeting.

- 1) **CALL MEETING TO ORDER**
- 2) **ROLL CALL AND INTRODUCTIONS**
- 3) **PUBLIC COMMENTS ON AGENDA ITEMS (10 min)**

Public comments are invited on agenda items. Speakers must limit comments to five minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 4) **REVIEW AND APPROVAL OF MINUTES (5 min)**

[WQCT Draft Minutes 07072022](#)

- 5) **CURRENT BUSINESS (55 min)**

(a) **Committee Goals/Objectives (Bob Stein) (10 min) Review and status update on the committee's goals and objectives.**

Recommendation: Committee Discussion

(b) **City Of Newport Beach Water Quality Report and Drought Update (Shane Burckle) (20 min) Update on the City of Newport Beach's Water Quality Report and Drought Update.**

Recommendation: Committee Discussion

(c) **Shellfish Monitoring (Bob Stein) (25 min) Update on the Newport Bay Shellfish Monitoring Program.**

Recommendation: Committee Discussion

6) **ON-GOING BUSINESS (5 min)**

Bay and Ocean Bacteriological Test Results (John Kappeler) (5 min) Review and discussion of recent water quality test results within Newport Bay and along the ocean shoreline.

(a) Recommendation: Receive and File

7) **COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM) (5 min)**

(a) **City of Newport Beach Street Sweeping Program (October 2022) - Objective 3**

(b) **Trash Interceptor Public Outreach Plan (October 2022)**

(c) **IRWD Siphon Reservoir Project (Fall 2022) - Objective 18**

(d) **Balboa Island Drainage Plan (Winter 2022) - Objective 12**

(e) **City of Newport Beach Foodware Service Ordinance (Winter 2023) - Objective 3**

8) **PUBLIC COMMENTS ON NON-AGENDA ITEMS (5 min)**

Public comments are invited on non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

9) **SET NEXT MEETING DATE (5 min)**

Recommendation: October 6, 2022

10) **ADJOURNMENT**

Date: July 7, 2022
Time: 3:00 p.m.
Location: Newport Beach Civic Center, Crystal Cove Conference Room
Meeting Minutes prepared by:

1. Call meeting to order

The meeting was called to order at 3:00 p.m. by Vice Chair Blom

2. Roll Call and Introductions

Committee Members Present:

Councilmember/Vice Chair Noah Blom
Peter Belden
Curtis Black
Louis Denger
Charles Fancher
Tom Houston
Richard McNeil
George Robertson

Committee Members Absent:

Councilmember/Chair Duffy Duffield
Richard McNeil

Guests Present:

Nancy Gardner, Orange Coast River Park
Monica Mazur, Resident
Jim Mosher, Resident
Jon Wadsworth, Surfrider Foundation

Staff Present:

Karen Gallagher, Administrative Assistant
John Kappeler, Senior Engineer
Bob Stein, Assistant City Engineer

3. Public Comment on Agenda Items

None

4. Review and approval of minutes (5 min)

Committee Member Chuck Fancher requested the minutes from June be amended to include more detail defining the scope of the Committee

Motion. Committee Member Houston moved to approve the minutes as amended; Committee Member Belden seconded; motion approved unanimously.

5. Current Business (50 min)

- (a) Committee Goals/Objectives (John Kappeler) (10 min) Review and status update on the committee's goals and objectives.

Recommendation: Committee Discussion

Senior Engineer Kappeler reported the Floating Restroom project is on the Harbor Commission's July 13th meeting agenda. He noted he will send the Committee a copy of the staff report. He advised the City is looking at one to two floating restrooms and a grant has been identified. He noted the grant would pay 75% and the City would pay the remaining 25% and would include 10 years of maintenance. He reported the restrooms will cost approximately \$175,000.

Committee Member Tom Houston inquired if the floating restrooms would be an eyesore. Assistant City Engineer Stein advised the floating restrooms look good.

Committee Member Fancher inquired how large the restrooms were. Senior Engineer Kappeler reported they are American with Disabilities (ADA) compliant and are 20 feet long. He noted that Harbor Master Paul Blank has identified a few locations which will be discussed at the Harbor Commission meeting.

Nancy Gardner inquired if there was data on floating restroom usage from other areas that have them in place. Senior Engineer Kappeler advised the City has usage data and noted the City of Big Bear, Castaic Lake, and Lake Shasta currently use floating restrooms.

Jon Wadsworth inquired if the City needs approval from the California Coastal Commission (CCC) before putting it in the Bay. Senior Engineer Kappeler confirmed approval is needed but believes they are in favor of the floating restrooms. Mr. Wadsworth recommended having dialogue in advance with the CCC. Senior Engineer Kappeler explained that pre-meetings have not proven useful in the past.

There was no further action taken on this item.

- (b) Trash Interceptor Public Outreach Plan (John Pope) (20 min) Update on the Newport Bay Trash Interceptor Public Outreach Plan.

Recommendation: Committee Discussion

Senior Engineer Kappeler provided a brief update due to Public Information Manager John Pope's absence. He reported the CCC has given their approval for the project. He noted the budget is a concern as the original budget was determined in 2019, and costs have increased since then. He expressed hope the City will be able to obtain additional \$200,000 through a grant from the Orange County Transportation Authority (OCTA). He reported ABC journalist Philip Palmer wrote a news story regarding the trash interceptor. He advised he would send a copy of the article to the Committee. He noted there will need to be extensive public education on the trash interceptor.

Mr. Wadsworth inquired about the project timeline now that it has been approved by the CCC. Senior Engineer Kappeler explained the CCC has approved the trash interceptor but a permit has not been issued. He noted there are 12 special conditions that need to be satisfied before the permit is issued. He speculated the work would probably begin in January 2023 and would need to work around the bird nesting season.

Ms. Gardner inquired about the funding sources for the project. Senior Engineer Kappeler reported the funding is coming via grants from the Ocean Protection Council and OCTA's Measure M.

Ms. Gardner inquired if the City has approached the Newport Bay Watershed Executive Committee for funding. Senior Engineer Kappeler explained there is a Total Maximum Daily Load (TMDL) group from various municipalities that contribute funds for activities such as bacteria studies and dredging. He noted he has been trying to get the trash interceptor as a line item on the agenda for discussion.

Committee Member Fancher reported he and Committee Member Curt Black will be meeting Harbor Commission leadership on June 19th.

Senior Engineer Kappeler encouraged the Committee to attend the next Harbor Commission meeting.

There was no further action taken on this item.

(c) NOAA Sea Level Rise Study (Bob Stein) (25 min) Review of the NASA Sea Level Rise Study.

Recommendation: Receive and File

Assistant City Engineer Bob Stein provided a brief overview on the topic of Sea Level Rise as suggested by Committee Member George Robertson. He presented the National Oceanic and Atmospheric Administration's (NOAA) 2022 Sea Level Rise Technical Report.

Senior Engineer Kappeler said the highest tides of the year will take place in the evenings from July 11th through July 13th. He reported pumps and sandbags will be in place and it is predicted the tides will be 8'3" and would go over the seawall.

Assistant City Engineer Stein continued describing the physical factors of sea level rise and the causes of global sea level rise. He provided a brief overview of factors affecting coastal flooding. He explained higher sea levels amplify the impacts of storm surges, high tides, and coastal erosion. Senior Civil Engineer Kappeler mentioned the loss of the major glacier in Italy today.

Assistant City Engineer Stein reported the primary drivers of changes in sea level are thermal expansion due to the heating of the ocean and the addition of water mass associated with ice-mass loss from ice sheets and glaciers. He noted the sea level rise in the Atlantic Ocean is much faster than in the Pacific Ocean. He reported the predicted sea level rise in the Southwest Region is predicted to be 9 inches (plus or minus 2 inches) by 2050, 39 inches by 2100, and 75 inches by 2150. He further explained those predictions could change by earlier-than-projected ice-shelf disintegration in Antarctica, the abrupt, widespread onset of marine ice-sheet instability and/or marine ice-cliff instability in Antarctica, and faster-than-projected changes in surface-mass balance on Greenland, potentially associated with changes in atmospheric circulation, cloud processes, or albedo changes.

Assistant City Engineer Stein reported along with rising sea levels, stronger storms are expected. He explained with stronger storms come wave contributions. He advised NOAA expects wave set-ups to increase by half a meter.

Committee Member Houston inquired if the statistics were measured at the maximum high tide. Assistant City Engineer Stein explained NOAA predicts a 1-foot increase in tide by 2050. He noted the maximum King Tide at this time is 8 feet, but by 2050 the maximum King Tide would be 9 feet with the potential addition of 4 feet of wave action. He noted by 2050 the peninsula would probably still be okay.

Committee Member Curt Black inquired if there has been mapping or research conducted of vulnerabilities on the Harbor side as some of those are private areas. Assistant City Engineer Stein noted the sea wall at the Balboa Fun Zone is 8 feet. Senior Engineer Kappeler reported the City will

sandbag that area next week. He explained the challenge is that private owners cannot simply raise their sea walls as there need to be permits from CCC and it needs to be planned. Vice Chair Blom referenced Collins Island and noted the exorbitant cost of raising the sea wall.

Ms. Gardner inquired if this incorporates brown water rise. Assistant City Engineer Stein explained brown water tends to lag behind sea level rise by approximately 3 feet. Ms. Gardner inquired if the projections and goals are set by practical standards. Assistant City Engineer Stein explained all of the projections are based on a 1.5-degree change in temperature but noted there is a lot of uncertainty.

Committee Member Fancher noted that this discussion has revealed an imminent impact on the City. He inquired if the Committee needs to complete an impactful needs analysis to plan for a budget to address the sea level rise issue. Committee Member Houston advised the Harbor Commission has it under their radar. Vice Chair Blom reported the City is working on raising the sea walls at Balboa Island and how it works with the new pump station. He noted there are many cost-prohibitive ideas on how to address sea level rise and the City would need federal funding to help bring it to fruition.

Ms. Gardner recommended an assessment similar to how homeowners fund undergrounding projects. Vice Chair Blom explained that to build new sea walls new anchors need to be dropped per code and private coastal homeowners cannot be forced to complete the work. He referenced the sea walls that are privately owned and noted the City owns the Balboa Island and street end sea walls. Ms. Gardner suggested a regional approach to finding the funding.

Jim Mosher inquired if the 8-foot and 11-foot sea walls and the 8-foot and 9-foot tides are being referenced to the same height system. Assistant City Engineer Stein reported the City is using the North American Vertical Datum of 1988 (NAVD 88) for the height reference.

Mr. Mosher reported that during the City's planning, the City relied on the tide records from Los Angeles Harbor to predict what the highest tide would be in Newport Beach. He inquired if the City is still using those values if it has installed its tide gauges, and if so, are there any results from those tide gauges to learn about the City's sea level heights compared to the Los Angeles Harbor.

Senior Engineer Kappeler advised the City's tide records used to be .3 feet over the Los Angeles Harbor's predictions but are now almost a foot over those predictions.

Assistant City Engineer Stein explained the sea level rise for both San Diego and Los Angeles should be the same for Newport Beach but there may be some slight local differences.

Mr. Mosher inquired what City has measured as the highest water level so far. Assistant City Engineer Stein reported in 2010 the City experienced an 8-foot tide that came to the top of the sea walls on Balboa Island.

There was no further action taken on this item.

6) On-Going Business (5 min)

- (a) Bay and Ocean Bacteriological Test Results (John Kappeler) (5 min) Review and discussion of recent water quality test results within Newport Bay and along the ocean shoreline.

Recommendation: Receive and File

Senior Engineer Kappeler provided a brief overview of the most recent Bacteriological Test Results and reported the Lower Bay looks good but there were random hits at Sapphire Avenue Beach and

Abalone Avenue Beach.

Ms. Gardner reported the pump out station at Harbor Patrol has been down for about a month. Senior Engineer Kappeler advised he will follow up on the outage.

Senior Engineer Kappeler reported the Newport Dune's diversion was turned on two weeks ago. He advised the City is working with the Orange County Sanitation District (OCSD) to obtain a permit. He noted that OCSD will allow the City to run the diversion through September 30, 2022.

Committee Member Fancher inquired which beach was cited by the State as one of the 10 worst beaches in California. Senior Engineer Kappeler advised Heal the Bay listed Vaughn's Launch in Newport Bay in its top ten Beach Bummers list. Committee Member Fancher inquired if it is possible to improve the water quality there and noted the area is not used by residents. Senior Engineer Kappeler explained there is no beach and it is illegal to trespass in the area. He explained the beach has always been tested but noted the area is inhabited by ducks. He reported the City spoke with Heal the Bay who indicated that freshwater is coming from the creek and the ducks are going to the area to drink the fresh water.

Committee Member Fancher inquired if the City should cordon off the beach so people could not trespass. Committee Member Houston explained it is a natural area and it would be unrealistic to install a fence. Senior Engineer Kappeler explained that water samples can only be captured at high tide. He noted he invited Heal the Bay to visit the site to no avail. Committee Member Fancher inquired if their rating was resolvable.

Ms. Gardner reported the same argument happened 10 years ago with Heal the Bay. Monica Mazur reported the Natural Resources Defense Council (NRDC) is assigning the City's creeks as beaches and it is hard to get this location off of the list.

The item was received and filed.

7) Committee Announcements on Matters which Members would like placed on a future agenda for discussion, action, or report (Non-Discussion Item) (5 min)

- (a) Shellfish Monitoring (September 2022)
- (b) City of Newport Beach Street Sweeping Program (September 2022) – Objective 3
- (c) IRWD Siphon Reservoir Project (Fall 2022) – Objective 18
- (d) Balboa Island Drainage Plan (Winter 2022) – Objective 12
- (e) City of Newport Beach Foodware Service Ordinance (Winter 2023) – Objective 3

Committee Member Fancher recommended that sea level rise be a topic for future Committee discussion. He inquired if any member of the Committee concurred. He noted he believes there needs to be a coordinated effort to conduct a major analysis of how the City tackles the effort cost-effectively.

Assistant City Engineer Stein reported he would reach out to Public Works Deputy Director Jim Houlihan to get his thoughts on the subject and possibly invite him to speak to the Committee.

Senior Engineer Kappeler reported shellfish and the street sweeping program will be discussed at the next meeting.

8) Public Comments on Non-Agenda Items (10 min)

None

9) Set Next Meeting Date (5 min)

Recommendation: September 1, 2022

Vice Chair Blom set the next meeting for September 1, 2022.

10) Adjournment

The meeting was adjourned at 3:42 p.m.

Vice Chair / Noah Blom