NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, November 12, 2025
5 p.m.

1. CALL MEETING TO ORDER

The meeting was called to order at 5:00 p.m.

2. ROLL CALL

PRESENT:	Ira Beer, Chair Marie Marston, Vice Chair Steve Scully, Secretary Bob Miller, Commissioner Rudy Svrcek, Commissioner Don Yahn, Commissioner
ABSENT:	Gary Williams, Commissioner
Staff Members:	Paul Blank, Harbormaster Jennifer Biddle, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Vice Chair Marston

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Chair Beer opened public comments.

Adam Leverenz thanked Commissioners Yahn, Miller, and Williams for hosting the Monday evening Town Hall. He said it was refreshing to have a dialogue where people could exchange thoughts and ideas, and that many attendees left feeling better about that format than the meetings held here, where questions often go unanswered. He also thanked Management Analyst Cynthia Shintaku for her administrative support. He noted that when he checked the City calendar today, the meeting was no longer listed and all related information links had been removed. He said he did not know whether that was typical for a Town Hall, but that several items were things people still wanted to review. He expressed hope that those materials could be restored to the calendar so the community could continue accessing them.

Coeli Hylkema stated that a negative narrative persists about Newport Harbor mooring permit holders, including the insinuation that they profit significantly from mooring permit transfers. She asserted that this is untrue but is perpetuated by past and present Harbor Commissioners and enters the public realm through Harbor Commission meetings, City Council meetings, and sources such as the Newport Harbor Foundation, where well-connected former City policymakers share their views publicly. She emphasized that this narrative is used to denigrate mooring permit holders, which must benefit those who may have an undisclosed future plan for Newport Harbor.

Ms. Hylkema stated that former Harbor Commissioner and Chairman, and current Newport Harbor Foundation board member Skip Kenney, had recently circulated derogatory opinions in a letter to the editor regarding the presentation given by Newport Mooring Association President Anne Stenton at the September 10 Harbor Commission meeting. Ms. Stenton was invited to speak, attended the meeting, and presented both historical context on Newport Harbor moorings and current concerns of mooring permit holders. She noted that Ms. Stenton articulated goals of promoting fair policy for all mooring permit holders as equal tidelands users and fostering constructive dialogue with the Commission.

Ms. Hylkema observed that Ms. Stenton was competent and civil, but that Mr. Kenney characterized her as impertinent for not expressing gratitude to volunteers and for outlining grievances related to broken promises, shifting policies, and fee increases experienced by mooring permit holders. She stated that following Ms. Stenton's presentation, Commissioners were invited to respond, and while several expressed strong views, it was Commissioner Williams who, in her view, made antagonistic remarks. She recalled Commissioner Williams stating that the NMA leadership had "done a disservice" to its members, and that his comments escalated from there.

Ms. Hylkema recounted that Commissioner Williams referenced missing a slide showing mooring holders profiting "$30,000, $40,000, $50,000," described the presentation as "fluff," and stated, "So we sat through ten slides of nothingness." She added that he characterized perceived profiteering as "the piece that nobody wants to talk about."

Ms. Hylkema stated that she did want to address that issue. She argued that if the Commission sought to prevent private profit from public tidelands, it should also examine City-authorized dock rentals that generate private income. She noted that many mooring permit holders pay substantial sums for permits and ongoing maintenance, yet continue to pay higher fees than other boat owners using the same tidelands due to what she described as discriminatory regulations. She explained that there was no standardized permit fee, the waitlist process was ineffective, and applicants were routinely directed toward permit transfers. She emphasized that permit transferability had long been sanctioned, regulated, and processed by both the City and County, which therefore had full knowledge of transfer activity and any associated profits.

Ms. Hylkema concluded by stating that the issue of profiteering had been addressed years earlier by the Mooring Master Plan Subcommittee, chaired by Commissioner Duffy Duffield, and had already been resolved.

She requested additional time to speak, and Chair Beer agreed.

Ms. Hylkema noted that her husband had served on both relevant committees, one with Brad Avery and one with Duffy Duffield, and expressed frustration over the amount of time he devoted to the issue. She asserted that Mr. Kenney misrepresented what occurred at the September 10 meeting and admonished NMA members by stating they "should show respect for the Commissioners and exhibit the same level of decorum with which they are treated by the Harbor Commission." She encouraged the Commission and the public to watch the meeting video and judge for themselves, noting it is available at NewportMooringAssociation.org.

Ms. Hylkema stated that she generally appreciates the service of volunteers and was not suggesting that she does not value the Commission's work for the community, including the mooring community. However, she questioned whether mooring permit holders are expected to be grateful for efforts to increase mooring fees by 300 to 500 percent and eliminate permit transferability once again. She concluded by asserting that the City treats mooring permit holders unfairly and stated that while Mr. Kenney may not acknowledge this, those affected by the City's inequitable policies are paying close attention. She added that the lack of decorum and respect shown to Ms. Stenton, who is also a volunteer, only adds to the long list of grievances.

Chair Beer closed public comments.

5. APPROVAL OF MINUTES

1. Draft Minutes of the October 8, 2025 Harbor Commission Regular Meeting

Chair Beer opened public comments. Seeing none, Chair Beer closed public comments.

Vice Chair Marston moved to approve the October 8, 2025 Harbor Commission Regular Meeting minutes, as amended with the additions from Secretary Scully, Vice Chair Marston, and Chair Beer. Seconded by Secretary Scully. The motion carried by the following roll call vote:

Ayes: Miller, Svrcek, Scully, Marston, Beer
Nays: None
Abstain: Yahn
Absent: Williams

6. CURRENT BUSINESS

6.1 2026 Harbor and Beaches Master Plan – Review

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, California Code of Regulations, Title 14, Division 6, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.
2. Receive and file.

Public Works Administrative Manager Chris Miller reported that the item was the annual review of the Harbor and Beaches Capital Plan and Master Plan, noting that it is a living document. He explained that the plan serves as a roadmap for harbor and beach projects, not something fixed, but a guide that helps staff plan for the coming year and for future years, both from a Capital Improvement Project (CIP) standpoint and, importantly, from a budgeting standpoint. He emphasized that the plan enables the City to outline how much money should be set aside, considered, or earmarked over the next 5, 10, 15, and 20 years and beyond. He stated that it provides a long-term financial roadmap for what the City will need to save.

Public Works Administrative Manager Chris Miller noted that he had printed larger copies of the spreadsheet for the audience, but acknowledged that it remained difficult to read. He explained that he had reviewed it and that the document was not in its final form, commenting that he could still adjust dates and dollar amounts. However, he emphasized that the primary purpose — and what he asks the Commission to do each year — is to focus on the projects themselves rather than the other columns. He asked the Commission to look at the left-hand side of the spreadsheet to determine whether the listed projects align with their objectives and their vision for how the harbor should evolve. He observed that the items on the left have been included for many years and that staff has been checking them off as they are updated.

Public Works Administrative Manager Miller explained that the primary input the Commission relates to the final section on page two, titled “Potential Projects.” He clarified that Commissioners were free to comment on the line items above that section, but those projects had already been vetted by prior Commissions. He emphasized that the potential projects list is where Commissioners can identify items they believe should be added or at least retained as placeholders. He noted that inclusion on the list does not mean those items must rise in priority; staff sometimes places items there even when limited information exists simply to avoid losing sight of them. He observed that most of the five or six items listed are not yet well developed, they are highly conceptual, but staff anticipates they will likely need attention at some point.

Public Works Administrative Manager Miller noted that the potential projects section was the portion of the document he expected would generate significant discussion. He explained that the purpose of the item that evening was for him to answer any questions, particularly broader, higher-level questions, that Commissioners might have about the document. He emphasized that he did not expect the Commission to review the document line by line at that time, but instead to take it home, study it, and then consider it for approval at the next meeting, whether that meeting occurred in December or January.

Public Works Administrative Manager Miller stated that the Commission could discuss the item further at that time and, pending any comments from Commissioners, approve the document and move it forward.

He explained that the plan is typically reviewed by the Finance Committee, usually in February and sometimes in March, before continuing through the process. He noted that the purpose of the evening's discussion was simply to take a big picture look at the document.

Secretary Scully stated that on the potential projects list of the plan, the CDM ocean beach moorings item had been removed from the Harbor Commission's objectives.

Public Works Manager Miller acknowledged this and stated that he would delete the item.

Secretary Scully asked whether the Capital Plan should continue displaying the $47 million figure for developing Lower Castaways.

Public Works Administrative Manager Miller commented that keeping such a large dollar amount was not appropriate, though retaining the project name was.

Secretary Scully agreed and remarked that the $47 million estimate was excessive.

Chair Beer noted that the intended use is still unknown. He added that the item was now under a City Council ad hoc committee, making it a strong candidate for a TBD designation.

Secretary Scully then raised the topic of the mooring field optimization item and expressed uncertainty about its inclusion. Chair Beer responded that it should be removed.

Secretary Scully added that he would like to see a helical anchor test added to the plan and stated that he personally would like to see a couple installed on City-licensed moorings to test them.
Chair Beer agreed and stated that, based on discussions with Harbormaster Blank, the helical anchor concept was something being discussed with contractors who could provide that service. He noted that they were close to obtaining numbers and that information had gone out as recently as that day identifying City moorings suitable for evaluation. He stated that it would be appropriate to add a line item for a helical anchor system for City-owned moorings and that they would work with Harbormaster Blank to obtain numbers so that the Commission could insert an amount that made sense when they reconvened.

Public Works Administrative Manager Miller asked whether that meant the existing item should be retained. Chair Beer clarified that it instead required adding a new line item for a helical anchor system for City-owned moorings. He explained that Potential Project A: Mooring Helical Anchor Upgrade had already been evaluated, was incremental in scope, and listed as TBD at $11 million. He noted that the existing item referred more to a long-term concept of ultimately converting all moorings to helical anchors. He added that combining the two items could undermine the near-term improvements the City sought to pursue for City-licensed moorings that should be upgraded to helical anchors.

Chair Beer asked the Harbormaster Blank whether he agreed with that approach, and the Harbormaster Blank confirmed that he did.

Public Works Administrative Manager Miller asked whether both items should remain or whether one should precede the other. Chair Beer indicated that the City-licensed helical mooring test should occur first.

Secretary Scully commented that the presentation offered an excellent overview of the work underway and served as a testament to the City's continued investment in infrastructure, pier maintenance, and other critical components of the harbor. He described the work as outstanding, expressed his appreciation, and voiced his support for continuing these efforts in the years ahead.

Commissioner Miller remarked that he had watched Public Works Administrative Manager Miller cut the ribbon for the Newport Harbor Dredging Project and noted that it was an exciting moment. He commented that, given the significant funding allocated on that side of the ledger, he looked forward to seeing how the project's progress unfolded. He congratulated Public Works Administrative Manager Miller for bringing the project across the finish line and stated that he looked forward to seeing the results for many years to come.

Commissioner Yahn observed that certain parts of the harbor, such as Linda Isle, the Lagoon, and Promontory Bay, appeared to have private or association ownership. He asked whether dredging in those areas was funded by City dollars or by the respective associations. He added that he was unclear about how ownership in those specific areas functioned within the broader harbor.

Public Works Administrative Manager Miller stated that Linda Isle was scheduled to be dredged very soon, with work beginning in February. He explained that these locations are private waterways where dredging occurs—such as the inner lagoon and areas within certain properties. He emphasized that all of this dredging is private and that no City funds are being used for the work.

Commissioner Yahn asked whether the project appeared in the CIP. Public Works Administrative Manager Miller stated that Linda Isle and the Lagoon are privately owned and are not listed on the CIP. Commissioner Yahn inquired whether Promontory Bay fell into the same category.

Public Works Administrative Manager Miller stated that Promontory Bay was the City's responsibility to maintain. He clarified that while the private docks were not the City's responsibility, the City-maintained areas did not have a significant dredging need.

Commissioner Yahn clarified that he had meant bulkheads rather than dredging.

Public Works Administrative Manager Miller acknowledged the clarification and stated that portions of the entrance channel would be the City's responsibility, while portions would be the responsibility of private homeowners. He explained that the entrance channel area was where the City would be responsible for the bulkhead, such as the street end at the end of Harbor Island Drive and the area along Basin Marine Shipyard.

Commissioner Yahn noted that the water taxi item did not have a letter next to it.

Public Works Administrative Manager Miller stated that the designation would be added when the document was cleaned up. Commissioner Yahn expressed that he was glad the item had been included, as the Commission had discussed it previously.

Vice Chair Marston asked whether the dredging of the Federal Channel, shown at $22.8 million represented City funding or federal funding.

Public Works Administrative Manager Chris Miller stated that this item represented the larger dollar figure and that, for the purposes of the spreadsheet, he planned to leave it in for this year and adjust or clean it up next year. He explained that while the project cost is now lower, the City had spent funds in 2021, and that figure was being used for planning purposes; therefore, he chose to keep it in the document.

Vice Chair Marston observed that the $22.8 million, $10 million, and $12.8 million figures could be confusing. She asked whether the $10 million and $12.8 million amounts were additive to the $22.8 million.

Public Works Administrative Manager Miller responded that he would need to review each figure individually.

Vice Chair Marston then asked whether the project cost was $20 million and whether that amount was accurate for the Lower Bay dredging project.

Public Works Administrative Manager Miller clarified that the official figure was $14 million, which represented a significant savings. He noted that the City had previously allocated funds, but $14 million was the amount at which the bids came in. He added that this was prior to change orders and before the project had begun.

Vice Chair Marston commented that she had provided additional comments earlier and noted that they appeared to have been incorporated.

Chair Beer stated that most of his comments had already been addressed but wished to follow up on the issue raised by Commissioner Yahn. He explained that he had long been unclear about the Grand Canal, particularly regarding replacement of the bulkhead. He noted that he did not know what portions of that area fell under City maintenance or where the tidelands began and ended. He added that there had been discussion about moorings on shore and that some owners tied up to the seawall because they owned it. He remarked that he had heard differing accounts and sought clarification on whether the entire bulkhead was City-owned.

Public Works Administrative Manager Miller confirmed that the entire bulkhead was City-owned. He added that when the Grand Canal costs were combined with the outside portion, the total approached $70 million, and he would not be surprised if the actual cost ultimately proved to be much higher. He noted that the figures being used were outdated and that staff was in the process of completing initial engineering and conceptual design work to determine the scope of the project. He reiterated that all bulkheads in that area were City-owned.

Chair Beer then inquired about the water taxi item, noting that it had been included several years earlier. He stated that there had been conversations with private entities that had proposals for water taxis and the possibility of some level of City participation. However, he stated that he had not heard much progress in about a year and asked whether Harbormaster Blank had an update, and whether the item needed to remain in the document.

Harbormaster Blank recommended keeping the item on the list as a concept. He explained that within the past twelve months, one organization had shown strong interest in providing the service commercially with limited support from the City. He noted that the organization had developed a workable approach but had scheduled three meetings with him and failed to attend any of them. He added that another enterprise already existed and had permits ready but was requesting a significant operational allowance that would require a code change permitting the use of public piers for a commercial process. He stated that he did not foresee that change happening quickly but believed the concept was still worthy of remaining on the list.

Chair Beer opened public comments.

Adam Leverenz stated that under Potential Projects, Item B referred to the multi-vessel mooring system concept and that the six identified units appeared to be helical anchors costing approximately $7,500 each. He explained that he had understood this concept to be tied to the Mooring Field C realignment, which would involve three anchor points for two boats. He asked whether it might be more appropriate to revise the item to reflect the City-licensed helical anchor program, noting that a Coastal Development Permit would likely be required if the City pursued a multi-vessel mooring system. He observed that the listed anchors seemed to correspond with installing three or four City moorings in Mooring Field C and asked whether it would be advisable to begin with a smaller number rather than pursuing all seventeen licenses at once, potentially in different areas. He noted that the harbor floor varies in composition depending on the location and suggested that a test approach may be preferable to implementing all installations simultaneously.

Jim Mosher stated that the City's website page for the Water Quality Coastal Tidelands Committee indicated that one of its responsibilities was advising the City Council on implementation of the Tidelands Infrastructure Capital Plan, an older name for what he believed had evolved into the current spreadsheet.

He noted that the committee was also tasked with advising the City Council on projects related to sea-level rise, ocean beach, ocean beach sand replenishment, and other capital projects affecting the ocean beaches and tidelands not addressed by other committees. He then asked whether the spreadsheet, particularly the items related to sand and ocean-facing piers, would also be reviewed by the Water Quality Coastal Tidelands Committee. He observed that Public Works Administrative Manager Miller might now be the liaison to that committee and suggested that it could be helpful for him to know whether they would be participating in the review.

Chair Beer close public comment.

There was no further action taken on this item, and it was received and filed unanimously.

6.2 Update on Copper TMDLS in Newport Harbor

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;
2. Receive and file.

Chair Beer explained that in 2022 the Santa Ana Regional Water Quality Control Board adopted a Total Maximum Daily Load (TMDL) for copper in Newport Bay to meet the U.S. Environmental Protection Agency's toxic rule standard of 3.1 parts per billion for dissolved copper. He noted that the TMDL, approved by the State Water Resources Control Board in 2025, established a twelve-year schedule to achieve a 60 percent reduction in copper loading, primarily targeting copper-based vessel hull paints. He stated that the City had taken a proactive role in implementing the TMDL requirements through water quality monitoring, public education, and best management practices in collaboration with the California Department of Pesticide Regulation and regional partners. He reported that monitoring results showed copper concentrations trending downward and, in many cases, already meeting water quality objectives. He added that challenges remained, including technical uncertainties, limited alternatives to copper-based paints, and differing regulatory perspectives on the benefits of dredging.

Chair Beer stated that the City remained on track to meet TMDL milestones through continued monitoring, outreach, and adaptive management. He emphasized that these efforts supported the City's commitment to maintaining Newport Harbor as a clean, safe, and well-enjoyed resource. He further noted that Harbormaster Blank would be collaborating with the Port of San Diego or another agency on this issue and expressed appreciation for the work.

Harbormaster Blank stated that he would be giving the same presentation the following day on Coronado Island in San Diego to the Marina Recreation Association (MRA). He explained that the association was holding its annual conference there and had invited him to provide an update on copper TMDLs in Newport Harbor. He thanked the Commission for allowing him to rehearse the presentation before them.

Harbormaster Blank noted that John Kapler was currently the City's subject-matter expert on this issue but would be retiring at the end of the year. He added that Public Works Administrative Manager Miller was also highly knowledgeable on the topic, and that he himself was working to come up to speed quickly because he and the Harbor Department would play a role in the implementation plan. He explained that the City was now required, over the next twelve years, to comply with the TMDL standard of 3.1 parts per billion of copper in the water column. He emphasized that the regulatory assumption is that copper in Newport Harbor results primarily from leaching of vessel anti-fouling paints. He stated that the City of Newport Beach, and he personally dispute that assumption. He noted that numerous potential sources exist and that no scientific evidence definitively identifies anti-fouling paint as the source of elevated copper concentrations.

Harbormaster Blank explained that TMDL stands for Total Maximum Daily Load and defines the maximum amount of a pollutant that the waters of Newport Harbor can sustain. He stated that the City evaluates the TMDL by collecting samples throughout the harbor on multiple occasions and then assessing their concentrations. He further stated that the TMDL applies to cities such as Newport Beach, counties such as Orange County, marinas including Cal Rec, other commercial marina operators, boatyards, and vessel owners. He emphasized that all of these groups are subject to the requirements and share responsibility for achieving the objective of reducing copper levels in Newport Harbor.

Harbormaster Blank stated that the current regulatory requirements for the City of Newport Beach include an implementation plan to reduce copper concentrations in the harbor by 20 percent over four years, 40 percent over eight years, and 60 percent over twelve years. He noted that while a full plan is not yet finalized, the City is obligated to meet the twelve-year, 60-percent reduction requirement across the various monitoring tests. He explained that the implementation strategy calls for transitioning, as much as possible, to low-leach-rate or alternative anti-fouling paints. He emphasized that this presents challenges because the City itself applies anti-fouling paint only to its three lifeguard vessels and four Harbor Department patrol vessels. He clarified that the City is not responsible for the anti-fouling paint used on the more than 9,000 privately owned vessels in or adjacent to Newport Harbor, nor does it have an effective enforcement mechanism to evaluate which paint products those vessels use. He noted that , despite these limitations, he stated, the requirement remains in place.

Harbormaster Blank stated that the City is required to offer certified hull-cleaning practices and to certify hull cleaners, noting that a pilot program conducted several years earlier had demonstrated some effectiveness. He added that the City must also provide education and outreach for boat owners, divers, marina operators, and other stakeholders, as well as ensure monitoring and reporting by the responsible parties. He explained that the City's responsibilities include integrating TMDL actions into the Municipal Stormwater Runoff Program (the MS4 program). He stated that the City already maintains a robust stormwater evaluation program, and integrating the copper TMDL requirements would not present a significant challenge. He further stated that the City is responsible for monitoring and reporting dissolved copper concentrations, which it already conducts, and for implementing and tracking best management practices, which will be more difficult to evaluate but is still required. He added that the City must participate in regional coordination with other stakeholders, noting that this effort is underway, though additional work remains.

Harbormaster Blank stated that actions taken to date include a major partnership with the Department of Pesticide Regulation (DPR) on copper monitoring. He explained that the Department of Pesticide Regulation is responsible for determining what substances are safe to include in anti-fouling paints and how those paints can be improved. He noted that the department is actively working on lower-leach-rate products that will be effective, or hopefully effective, but that no product has yet been identified as a definitive solution. He added that the Regional Water Quality Control Board is assuming the DPR succeed within the next twelve years in identifying a viable solution and directing agencies on how to implement it.

Harbormaster Blank reported that the 2019 sampling included 47 sites, with only five exceeding the 4.0-parts-per-billion level. He stated that the average concentration across the harbor was 2.6 parts per billion, below the 3.1-parts-per-billion threshold. He added that ongoing public outreach and education efforts are in place for boaters and that the City continues to participate in regional copper-reduction initiatives. He further stated that the City is preparing to undertake a major dredging project that he believes will likely allow the City to meet the 60-percent reduction requirement once the project is completed.

Harbormaster Blank stated that the regulatory body imposing the implementation plan does not recognize dredging as an effective means of reducing copper under the TMDL, even though the City will achieve a 60-percent reduction through its dredging efforts. He added that the City will still be required to carry out all other mandated actions to satisfy the regulators, despite the fact that those actions are ineffective.

Harbormaster Blank stated that copper concentrations in the harbor are trending downward and expects they will decrease significantly once the dredging project is completed. He reported that most samples already meet or approach the 3.1-parts-per-billion threshold. He noted that monitoring occurs every two to three years, with the last full sampling conducted in 2022, and that staff is preparing for another sampling effort soon. He added that sampling may already be underway as part of another project.

Harbormaster Blank stated that low-leach-rate paints are showing some benefits in certain locations, particularly on the East Coast, but have not yet been proven effective in Southern California's marine environments. He explained that larger systems like Newport Harbor will take longer to demonstrate results compared to smaller estuaries and other locations experiencing more severe issues. He noted that three types of lower-leach paints are currently available and that he has direct experience with one of them, which he found ineffective. He stated that challenges persist, including the difficulty of isolating the actual sources of copper. He reiterated that he does not believe leaching from anti-fouling paints is the primary source, although the Water Board maintains that position, and he stated that the science supporting that conclusion is not, in his view or in the view of many others, conclusive.

Harbormaster Blank stated that the best management practices imposed on Marina del Rey and Shelter Island have been ineffective, noting that copper concentrations at both locations have shown no improvement as a result of those measures. He added that alternatives to copper anti-fouling paints may introduce other issues, including PFAS compounds, something not widely recognized at the Water Board level. He noted that the City of Seattle has banned those alternative paints. He reiterated his belief that dredging will be the definitive solution for Newport Harbor, even though that view is not currently supported by the regulators.

Harbormaster Blank outlined the next steps, which include continuing monitoring and reporting efforts; expanding education and incentive programs to encourage boat owners to transition to non-copper-based anti-fouling paints; enhancing marina best management practices with divers and marina managers; continuing coordination with regional partners; and adaptively managing as technology and paint options evolve. He summarized the presentation by stating that dissolved copper levels in the harbor continue to improve; the City's monitoring efforts and partnership with the Department of Pesticide Regulation are showing success; the twelve-year compliance timeline allows for steady progress; and the City remains committed to science-based, feasible, and cost-effective solutions.

Secretary Scully asked whether the reduction in copper levels associated with dredging was primarily due to increased flow. Harbormaster Blank confirmed that the anticipated improvement was primarily due to increased water flow rather than physically removing copper from the harbor floor. He explained that greater circulation would bring more water in and out of the harbor and that additional marine life would consume copper, noting that copper is an essential element for most life forms. He stated that as marine life in the harbor improves, TMDL levels will likewise improve.

Secretary Scully asked whether stormwater and runoff entering the harbor were being tested for copper before reaching the harbor.

Harbormaster Blank stated that, to his knowledge, they were not. Secretary Scully commented that such testing might be worthwhile and noted that there appeared to be considerable uncertainty about the actual source of the copper.

Secretary Scully then asked Harbormaster Blank to clarify what he meant when he stated that low-leach boat bottom paints were not effective.

Harbormaster Blank explained that alternative biocides can be used in anti-fouling paints, and that there are also alternative forms of anti-fouling paint such as ceramic coatings that create an inert or otherwise inhospitable surface for marine life. He referenced ceramic or hard coatings that can be scrubbed more aggressively, as well as ablative paints designed to deter marine growth.

Harbormaster Blank stated that he had personal experience with ablative paints using alternative compounds and found that they neither prevented marine growth nor lasted long enough to be cost-effective for a recreational boater in Newport Harbor. He added that he had indirect experience with ceramic coatings through two boaters he knew in San Diego who found them both ineffective and cost prohibitive. He explained that ceramic coatings are designed for vessels that operate roughly 300 days per year, whereas recreational boats in Southern California typically operate 60 days or fewer. He noted that the aggressive cleaning techniques required for recreational vessels differ significantly from those used for commercial vessels that are almost constantly underway.

Secretary Scully commented that he receives reports on the cleaning of his boat's hull and can see over time when the paint begins to degrade, observing that the paint is removed because of the aggressive nature of hull cleaning. He noted that it was interesting that the regulatory bodies were not working with paint manufacturers and the make-up of the paints but were instead directing cities individually to resolve the problem.

Commissioner Miller stated that he had recently walked through West Marine and noticed that no copper anti-fouling paint was available. He asked Harbormaster Blank whether, in his opinion, the non-copper alternatives were simply ineffective and whether he foresaw a time when the City might legislate or require the use of those products for boats in Newport Harbor.

Harbormaster Blank responded that, given the products currently available, he did not believe the City would move in that direction. He stated that he would not expect such a requirement and believed it would be irresponsible to impose one based on the paints on the market today. He added that twelve years is a long timeframe in which significant innovation could occur and expressed hope that a much better solution would be developed. He stated that, at present, the most cost-effective option still involves copper.

Commissioner Miller added that, in his view, the increased water circulation alone would provide enough dilution to bring copper concentrations to a level that would be acceptable to everyone.

Vice Chair Marston asked where the sampling was being conducted and whether it occurred throughout the harbor, including both the upper and lower bay. Harbormaster Blank indicated that the sites shown were those sampled in 2019.

Vice Chair Marston asked whether sampling results were consistent throughout the harbor or whether concentrations varied by location. Harbormaster Blank responded that elevated concentrations were seen primarily on the west side of the harbor, with some areas of concern on the north and east sides of Balboa Island. He stated that the highest concentrations appeared in West Newport, where circulation is limited, particularly around the coves area, the western side of Lido Isle, and the Lido Peninsula. He noted that these areas experience the least tidal movement and expressed his belief that concentrations would improve significantly once tidal circulation is enhanced.

Vice Chair Marston asked whether the ocean water had been tested.

Harbormaster Blank replied that, to his knowledge, it had not.

Vice Chair Marston commented that it would be interesting to see the copper levels if ocean water were included in the analysis, given the flushing effect. She then asked whether the copper was suspended in the water and whether the testing focused on the water column rather than the sediment.

Harbormaster Blank stated that sampling includes both. He explained that the water column is tested as well as the sediment. He noted that, although he is not a water quality scientist, he believed the sampling typically involves three feet of water and three feet of sediment, though it may in some cases be one foot and one foot. He stated that all testing sites include measurements from both the water and the sediment.

Vice Chair Marston asked whether the best management practices described in the staff report were primarily maintenance-related, such as cleaning, and whether any mechanical best management practices existed to treat copper.

Harbormaster Blank stated that, to his knowledge, no mechanical options were available. He explained that the existing practices focus on changing paint products and instructing divers to avoid overly aggressive scrubbing.

Vice Chair Marston observed that if those measures were ineffective in Marina del Rey, they would not work in Newport Harbor either. Harbormaster Blank agreed and stated that the City would still be required to implement them because they are mandated, just as they are for Shelter Island and Marina del Rey.

Vice Chair Marston noted that in other types of projects there are various forms of best management practices and asked whether any kind of device could be used in this context.

Harbormaster Blank reiterated that the existing best management practices consist of divers reducing the aggressiveness of hull cleaning and boat owners using alternative paints.

Vice Chair Marston then asked about potential damage to the ecosystem.

Harbormaster Blank stated that none of the testing the City had funded showed conclusive evidence of harm. He explained that testing had been conducted on mussel tissue, referring to the bivalve, not human muscle, and noted that the definitive scientific approach is to assess toxicity effects on mussels in the environment. He stated that in none of the reported concentrations from the 2019 sampling did the mussels show any degradation or impairment as a result of copper.

Vice Chair Marston asked whether the Regional Water Quality Control Board might consider revising its TMDL requirements.

Harbormaster Blank responded that such a change was unlikely. He noted that the City had been contesting the matter since 2010 and that he had personally attended multiple Regional Water Quality Control Board meetings. Based on his observations, he described the Board as operating in a closed manner and indicated that its position has consistently been that the City must comply with the directives issued.

Vice Chair Marston asked whether the City could elevate the matter to the State Water Resources Control Board.

Harbormaster Blank explained that the State Board typically supports the Regional Water Quality Control Board’s decisions. He added that the final level of appeal would be the Environmental Protection Agency (EPA). He noted that, to his knowledge, the EPA has never overturned a State Water Board determination on this type of issue.

Vice Chair Marston inquired if Marina Del Rey received direction at the same time as Newport Beach.

Harbormaster Blank indicated they were provided direction 5 years ago because their Regional Water Quality Board was heard before the City’s.

Vice Chair Marston noted that if there is data from Marina Del Rey’s Best Management Practices (BMP) implementation proving that it is not working it should be provided to the State Water Board for consideration. She inquired if staff was working with Marina Del Rey to have a dual-entity approach.

Harbormaster Blank remarked that when it came to put testimony in at the State level, the City referenced the lack of success in Marina Del Rey and Shelter Island but it was discarded.

Chair Beer inquired about additional testing and when it would occur.

Harbormaster Blank that testing had been conducted in 2025, as the schedule dictates sampling every two to three years. He noted that the sampling had been completed less than sixty days earlier and that the City did not yet have the results, but hoped to receive them soon and hoped the trend would continue.

Chair Beer inquired about the cost of conducting the sampling, obtaining the testing, and producing the report.

Public Works Administrative Manager Miller explained that the cost was shared and that the sampling was conducted jointly with the Department of Pesticide Regulation (DPR). He stated that the Department performed a portion of the sampling while the City conducted roughly two-thirds of the sampling to augment the data and develop a more complete picture. He noted that this approach has been used approximately three times over the past several years allowing the City to build a history of results and demonstrate trends. He stated that the cost was not significant and fell in the tens of thousands of dollars rather than the hundreds of thousands which represented the City's contribution. He added that City staff physically performed the sampling alongside the DPR to save money, with DPR collecting its portion and the City collecting additional samples.

Chair Beer inquired whether the City followed the same blueprint each time for sampling.

Public Works Administrative Manager Miller stated that they did, emphasizing that consistency was important for obvious reasons.

Chair Beer opened public comments.

Mr. Leverenz stated that he did not know whether this topic arose every year, but he recalled that during the last in-depth discussion there had been someone present, neither Public Works Administrative Manager Miller nor Harbormaster Blank, whom he assumed was a water quality expert. He observed that, as Harbormaster Blank had mentioned, most of the out-of-tolerance areas were located at the west end of the harbor, such as the Rhine Wharf Channel. He recalled that this individual had indicated that commercial operators on large charter boats in that area had access to more intense anti-fouling paint than what he might personally use, and he asked whether that was accurate.

Mr. Leverenz stated that, with respect to best management practices, someone had sent him information about a system referred to as "dry-on-water storage," in which a boat sits over a film or tarp supported by air bladders, with suction devices used to pull water out and contain it during bottom cleaning. He stated that it had been suggested that such a system could be installed at Balboa Yacht Basin or Marina Park in a slip, acknowledging that it would accommodate only one or two boats and could not apply to all mooring vessels. He stated, however, that it could nevertheless reduce copper if the leaching theory were accurate. He also noted that Harbormaster Blank did not believe anti-fouling paint leaching was the primary copper source and stated that he would be interested to know what the Harbormaster believed the source to be. He recalled Commissioner Williams previously suggesting that the source might be mooring weights and mentioning copper valve guides. He stated that copper valve guides are located in cylinder heads and that the documentation he reviewed described mooring weights as engine blocks, which he did not believe contained copper.

Mr. Leverenz then inquired about the requirement to reduce copper levels by 60 percent. He referenced the five out-of-tolerance areas and asked whether the reduction requirement applied even to sites already within acceptable limits. He questioned whether the mandate was based on a harbor-wide average or applied to each individual testing location. He further asked whether, if only five out of forty-seven sites were out of tolerance, the City was still obligated to reduce all locations by 60 percent. He stated that this remained unclear to him and expressed hope for clarification.

Ms. Hylkema stated that she was not a water quality expert, but that the discussion prompted her to consider other possible copper sources such as copper gutters, copper downspouts, and copper piping. She noted that water circulates across the entire planet and comes from many places. She stated that, for that reason, the regulatory requirement seemed odd. She added that she hoped the source was not bottom paint, as she did not want to feel guilty about something else.

Mr. Mosher stated that he was another non-expert on the topic but wished to raise two points about the presentation. He stated that he had heard similar presentations many times and that they often emphasized how small a number three parts per billion is. He noted that while it is an exceedingly small amount, the exact number did not seem particularly relevant to him. He stated that the important question was the one Harbormaster Blank later raised, whether three parts per billion is actually toxic to anything that matters. He stated that whether the toxic threshold was three parts per hundred, three parts per trillion, or three parts per quadrillion was irrelevant; what mattered was whether the concentration was harmful.

Mr. Mosher stated that he also struggled to understand the concept that dredging the harbor would result in increased circulation. He explained that, conceptually, this did not make sense. He offered an example: if a one-thousand-acre harbor experiences tides that rise and fall by one foot each day, then one-thousand acre-feet of water would move in and out from the ocean. He stated that the depth of the harbor seemed irrelevant to that calculation and argued that, theoretically, the most flushing would occur if the harbor were only one foot deep because it would be completely empty and refill with new water. He stated that the concept was counterintuitive to him and that a deeper harbor appeared to imply less flushing, not more. He acknowledged that a computer model may exist demonstrating that deeper dredging improves flushing, but said it was not intuitive and remained unclear to him.

Chair Beer closed public comments.

There was no further action taken on this item, and it was received and filed unanimously.

6.3 Recommendation on Draft Harbor, Bay, and Beaches Element of the General Plan

<u>Recommendation:</u>

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. Consider the report and proposal from the Ad Hoc Subcommittee on the Harbor, Bay and Beaches Element; and if appropriate, direct staff to forward the Commission’s recommendations to the General Plan Update Committee;
   OR
3. Determine not to adopt a formal recommendation on the draft Harbor, Bay and Beaches Element at this time;
   AND
4. Disband the Harbor, Bay and Beaches General Plan Update Ad Hoc Subcommittee

Chair Beer recalled that a few months earlier, Ben Zdeba from the Community Development Department had presented an overview of the plan and update process, introduced the draft for the Commission’s input, and requested feedback. He noted that the Ad Hoc subcommittee, consisting of Secretary Scully, Vice Chair Marston, and Commissioner Yahn, had worked diligently and contributed comments that were included in the evening’s agenda packet. He explained that the full Commission could either formalize those recommendations for transmittal to the General Plan Update Committee or conclude its review without adopting formal comments. He then turned the item over to the Ad Hoc committee and invited any observations they wished to offer.

Secretary Scully remarked that his comments had been prepared a few months earlier and that he had refined the wording to improve the flow. He noted that these comments had already appeared in the public record for several meetings. He added that Harbormaster Blank had advised the Commission that a decision needed to be made and the comments be transmitted soon because the public comment period was closing. He emphasized that his comments focused on the harbor, harbor operations, and the Harbor Department; subjects he believed were important to include because they were not explicitly reflected in the Harbors, Bays, and Beaches Element proposed plan.

Commissioner Svrcek pointed out a reference on page 5 regarding the support and continued long-term rental of small boats that would encourage vendors to teach customers how to safely operate them. He suggested considering the inclusion of paddle boats, paddleboards, wave runners, and other human-powered craft.

Chair Beer recalled that this may have been part of the Ad Hoc subcommittee's earlier comments.

Chair Beer asked Vice Chair Marston to read her comments.

Vice Chair Marston stated that comment number two for policy HBB 1.9 questioned whether the Commission should be more proactive than simply "teaching" customers how to safely operate watercraft. She questioned if this should involve more formal training, safety briefings, or informational materials.

Chair Beer noted that that the policy referred to craft in general, not specifically calling out different types of craft. He asked whether clarification was needed in the comment to distinguish between human-powered craft and motorized craft. Vice Chair Marston stated that the comment could be more detailed if desired.

Commissioner Svrcek stated that on page 6, Item 2.2, the draft referred to proactive preparedness for disaster, and he thought the Harbor Department could mention collaborating on preparedness with the City and County Fire Departments, which the Harbor Department already does.

Vice Chair Marston clarified that that the comment on policy HBB 1.9 had actually been Secretary Scully's comment, although she also had a comment on that same policy in their own list. She stated that there were multiple comments on that section, including clarification on the definition of a small boat. Chair Beer suggested adding language at the end of the comment indicating that the definition should include human-powered craft.

Commissioner Svrcek observed that page 8 contained a reference to water quality and advising the City Council on water quality and habitat protection. He noted that since the draft had been prepared, the City had installed water-quality sensing buoys that are actively monitored and that corrective action is taken when unacceptable levels occur. He asked whether it would be important to update the document to reflect that the City now has these sensing buoys. He continued and noted that further down on page 8, the draft described the City's development, operation, control, and maintenance of Corona del Mar State Beach. He asked whether it was necessary to add similar comments regarding the peninsula beaches and the operation and control in that area, and whether the arrangement there differed from Corona del Mar.

Commissioner Svrcek then referenced economic output information cited in the draft and stated that the numbers were from 2008 and needed to be brought up to date. Secretary Scully indicated where the reference appeared, noting it was included in the economic value of Newport Harbor section.

Commissioner Svrcek further stated that, since the initial project had been completed, the Newport Bay Trash Interceptor had been added, and he asked whether it should be incorporated into the document as a system that is actively managed and maintained. Chair Beer asked where such an addition would be relevant within the document. Commissioner Svrcek suggested that it might belong under Section 12.1. Chair Beer agreed that it could be appropriate for that section.

Chair Beer opened public comments.

Mr. Mosher stated that he is a member of the General Plan Advisory Committee (GPAC), one of twenty-four members serving on it. He expressed appreciation for the Harbor Commission's thorough review of the element and its comments, and he encouraged the Commission to forward all written comments, as well as those heard that evening, to the General Plan Update Steering Committee for its consideration and then back to the GPAC.

Mr. Mosher noted that Chair Beer had alluded to this but added that if any Commissioners who had not yet read the element could find time in the next couple of days, they could still submit last-minute comments online. He stated that typing "General Plan Update" into the City's website would direct them to the submission portal. He noted that the official deadline was Monday of the following week, November 17, but commented that he did not believe it was a hard final date, as the process would continue for several months. He advised that the final version would return to the Harbor Commission before going to the City Council early the following year, providing additional opportunities to see how the comments had been incorporated. He reiterated his appreciation for the Commission's work and remarked that not all boards and commissions had been as conscientious in their review.

Mr. Mosher clarified that the official deadline was Monday, November 17th.

Chair Beer closed public comments.

Chair Beer asserted that it was his understanding that the Commission needed to provide direction that evening, either to move forward with the Ad Hoc Committee's recommendations, as potentially amended through the discussion, or to decline adopting a formal recommendation at that time. He remarked that he believed the Commission should direct staff to forward the Commission's recommendations, but first wished to inquire of the subcommittee, noting that its members had invested significant time in the item and had provided substantial input.

Chair Beer referenced the comments raised by Commissioner Svrcek regarding policy HBB 1.9 and the proposal to further refine the definition of a small boat or vessel, including broadening it to encompass human-powered craft. He also acknowledged the proposed addition of the trash wheel under policy HPB 12.1, remarking that it made sense to incorporate the item since it was a new feature implemented after the initial draft had been prepared. He stated that if the Ad Hoc Committee concurred with these additions, the Commission could then deliberate on how best to integrate them. He then invited any member of the Ad Hoc Committee to comment.

Secretary Scully stated that the Commission should memorialize the comments raised by Commissioner Svrcek and those articulated by Chair Beer. He emphasized that these remarks should be formally captured in writing and noted that they aligned with the suggestions offered by Vice Chair Marston. He added that he was comfortable with the comments he had personally contributed. He recommended advancing the recommendations and, referencing Mr. Mosher's earlier remarks, observed that the item would return for further review.

Chair Beer stated that if the Commission were to move forward that evening, the two additional items discussed would need to be consolidated into the recommendations prepared by Secretary Scully and Vice Chair Marston. He advised that a motion could be entertained to submit the recommendation with those changes, and that the Ad Hoc committee would incorporate the two additional items sometime between this evening and the submission deadline so that the final product would clearly reflect what had been agreed upon.

Chair Beer moved to forward and direct the recommendation on behalf of the Commission, incorporating the comments, as well as the comments provided by Vice Chair Marston and Secretary Scully, along with the items referenced under policies HBB 1.9 and HBB 12.1, and that the matter was exempt from CEQA. Seconded by Commissioner Yahn.

Ayes: Miller, Svrcek, Yahn, Scully, Marston, Beer
Nays: None
Abstain: None
Absent: Williams

6.4 Discuss and Review Harbor Commission Objectives for 2026

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.

Chair Beer stated that the next item was a discussion and review of the Harbor Commission objectives for 2026. He explained that the Commission periodically evaluates its existing objectives, and that at the August 2025 meeting it approved the formation of an Ad Hoc subcommittee to conduct that review. He noted that the subcommittee—comprised of Chair Beer, Secretary Scully, and Commissioner Miller—intended to present recommendations regarding those objectives that evening.

Chair Beer continued by stating that he would take the lead and draw out the objectives, noting that they were not included in the packet but were provided as an attachment. He explained that the prior objectives were structured as individual line items assigned to specific commissioners, who would then provide updates throughout the year at public meetings. He added that each line item could have up to three commissioners assigned, depending on the topic and degree of involvement required. He further explained that the Ad Hoc committee was rethinking and reexamining the way the objectives were structured in order to make them more efficient. He stated that, instead of relying on a series of arbitrary line items, the subcommittee would like to return to the format that existed when he first joined the Harbor Commission nearly nine years earlier. At that time, the objectives were organized as functional areas tied to harbor-related initiatives that advanced the goals of the objectives outlined in the Commission's purpose and charter.

Chair Beer stated that the subcommittee believes this format enables the Commission to define objectives more precisely and ultimately move items across the finish line rather than keeping them vague. He added that the structure also allows for adjustments over time, including the addition of new items within the major functional areas the subcommittee monitors. He continued by noting that circumstances inevitably change in ways the Commission cannot anticipate, and, as a result, they may need to incorporate items that fall within those functional areas the subcommittee already understands and actively tracks.

Chair Beer explained that the subcommittee had developed a set of functional areas, which were included in the materials provided. He stated that there were five such areas: harbor regulations and operations, harbor infrastructure, harbor viability, harbor safety and compliance, and harbor vision. He noted that the subcommittee believes these categories align with the Harbor Commission's core responsibilities, ensuring the long-term welfare of Newport Harbor for all residential, recreational, and commercial users, and promoting the harbor as a preferred and welcoming destination for both visitors and residents. He noted that the only area where there is no objective is under Functional Area 2, Harbor Infrastructure.

Chair Beer added that the format also allows flexibility over time, as new issues may arise that fall within the major functional areas the subcommittee monitors. He noted that circumstances change in ways the Commission cannot always anticipate, and therefore additional items may need to be incorporated under those functional areas, which the subcommittee already understands and actively follows. He hoped to hear from the Commission and the public. He explained that the intention was to take the information back and give it some thought over the next month or two, with the hope of returning by the January meeting to have another discussion that incorporates all recommendations. He stated that the goal would be to bring everything together and hopefully have something that could be passed as a recommendation and implemented into 2026.

Chair Beer noted that, aside from the Ad Hoc committee, no one had much access to the material before that evening because it was submitted late to the agenda packet. He explained that the document had been a substantial work in progress and required many hours to assemble, even after consolidation. He remarked that the consolidation itself likely took the greatest amount of time because the subcommittee began with a large number of items and distilled them down to what made the most sense and to what they believed could realistically be accomplished.

Commissioner Yahn expressed appreciation for the hard work of the Ad Hoc committee.

Vice Chair Marston stated that she had no specific comments but remarked that the material appeared well organized and represented a solid starting point.

Secretary Scully stated that grom the standpoint of the Ad Hoc committee, requesting that between this meeting and the next one, Commissioners focus on the material for 30 minutes to an hour and identify any areas that may have been missed for objectives. He added that if there was something included as a proposed objective that did not seem appropriate or did not meet a commissioner's expectations for what an objective should be, that feedback would be helpful. He stated that he would like to see the Commission come to the next meeting getting closer to a finished product.

Chair Beer opened public comments.

Mr. Leverenz inquired whether the new framework was intended to replace the Harbor Commission's existing goals and objectives document included in the agenda packet, or whether the two documents were intended to coexist. Chair Beer confirmed that the new framework would replace the Harbor Commission's existing goals and objectives document included in the agenda packet.

Mr. Mosher stated that he believed the Commission was undertaking a very good effort. He cautioned, however, that the Commission should consult with Harbormaster Blank regarding potential Brown Act implications. He explained that if a group of commissioners is assigned to work on a task that can be completed within a finite period, with a definite goal and clear endpoint, that group may meet privately, finish its work, and present its recommendations to the full Commission. He noted that if the group instead has a vague, open-ended objective and continues for years, it becomes what is considered a standing committee. Standing committees, he emphasized, must conduct all deliberations in public, and City staff must provide public notice of their meetings.

Mr. Mosher added that, while the Commission's work was very good, he was offering a technical comment because state law requires it. He provided an example, explaining that if the Commission maintained an ongoing committee that reviewed revisions to Title 17 every year without a discrete assignment, that committee could resemble a standing committee rather than a temporary one charged with a specific, finite task. He reiterated that, from a Brown Act perspective, if the Commission wanted to remain technically compliant, each ad hoc group should be assigned a specific task with a clear endpoint, after which the committee should be dissolved, as has occurred with some of the current committees.

Chair Beer thanked Mr. Mosher and stated that the Commission had already discussed the issue, but that Mr. Mosher had raised it to a higher level of detail, which was greatly appreciated. He added that the Commission sincerely valued the clarification.

Chair Beer closed public comments.

There was no further action taken on this item, and it was received and filed unanimously.

6.5 Ad Hoc Committee Updates

Recommendation:
1. Find this action exempt from 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 physical change to the environment, directly or indirectly; and
2. Receive and file.

Balboa Ferry Ad Hoc – Commissioners Scully, Svrcek and Yahn (05-10-2023)
None.

General Plan Harbor & Bay Element Update Ad Hoc – Commissioners Scully, Marston, and Yahn (10-09-2024)
None.

Harbor Commission Objectives Committee – Commissioners Beer, Scully, and Marston(8-13-2025)
None.

Chair Beer opened public comments. Seeing none, Chair Beer closed public comments.

There was no further action taken on this item, and it was received and filed unanimously.

6.2 Harbor Commission 2025 Objectives

Recommendation:
1. Find this action exempt from 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 physical change to the environment, directly or indirectly; and
2. Receive and file.

Conduct annual review of Title 17 and recommend updates to City Council where necessary (Commissioner Yahn)

Commissioner Yahn extended his appreciation for his committee members, Commissioner Miller and Commissioner Williams, who attended the prior Monday, as well as City staff and Harbormaster Blank for organizing the meeting. He explained that the committee had held its stakeholder meeting to review revisions to Title 17, a meeting that had been about a year in the making. He expressed appreciation for all the thought and consideration that went into the effort. He noted that they had a private audience of roughly twenty attendees and reviewed the top thirteen items that had emerged.

Commissioner Yahn stated that Title 17 is a living document and that the Commission continues to learn what works, what does not work, and what requires additional clarification. He explained that the committee went down the list of proposed revisions and received helpful feedback. He thanked Adam Leverenz and others in attendance, noting that they raised strong points that helped the committee think through several items more thoroughly. He then provided a brief overview of the topics discussed, noting that additional detail appears in the specifications. The topics included: suspension of maps; violation hearings and appeals; unresolved issues with fish cleaning on public docks; the prohibition on bareboat charters advertising; sub-permits and the distinction between loaning versus leasing and rentals; and the issue of human waste in the harbor, which he noted did not generate significant controversy. He also mentioned discussion regarding public hearing and notification requirements.

Commissioner Yahn added that Public Works Administrative Manager Miller, when sending dock modification project notices, applies a 300-foot radius rule. However, he explained that sometimes the notice radius extends all the way across the bay, from the Peninsula to Balboa Island, and in those cases the waterways are not particularly relevant. He stated that the committee discussed eliminating waterways from that requirement.

Commissioner Yahn added that the topic of waste and refuse was also discussed, specifically how such waste is discharged. He noted that this became a very controversial topic, as the draft language stated that no other means than marine sanitation is allowed for waste and refuse. The question arose, he explained, about how that provision would apply to bird droppings. He continued that small issues like this emerged and prompted healthy debate, including a surprisingly robust discussion about bird droppings.

Commissioner Yahn stated that the committee also discussed tidal permits, emphasizing that being on title for a permit should mirror the requirements for vessel registration, and that permit holders should be limited to two individuals or two entities on title for any permit. He added that the committee examined requirements for marine sanitation devices, stressing that they must be directly connected to holding tanks and that any vessel staying overnight must demonstrate that it has a compliant device. He further noted that the committee underscored the need to prohibit improvised waste-containment methods such as using a bucket. He stated that this topic, too, was thoroughly and vigorously debated.

Commissioner Yahn continued by explaining that the committee discussed the danger to public safety and personal property caused by exposed propellers at the public docks. He noted that outboard engines kept in the up position, with the propellers exposed, have proven damaging to the docks, to vessels, and to people. He stated that the committee considered requiring engines to be kept down rather than up; however, there was significant debate about the safety risks of lowering engines in shallow water and at low tides. He expressed appreciation for the members of the public who raised those concerns. He stated that the committee also discussed liveaboards and the definition of a principal residence for liveaboard permits. He explained that dates and timelines were considered, including the idea that, on a mooring, a principal residence should be at least 243 days, while at a marina it should be 180 days. He added that sub-permittees would be allowed to occupy a liveaboard permit for up to thirty days.

Commissioner Yahn noted that the committee would reconvene to review them again before submitting them to the full Commission for final review and approval, after which the recommendations would be transmitted to the City Council. He thanked committee members for attending Monday's meeting and also expressed appreciation to the members of the public who participated.

Chair Beer asked what the anticipated timing would be for the committee to reconvene, review the items, and bring them back to the Commission.

Commissioner Yahn responded that the committee aimed to bring the material to the November meeting so that it could be scheduled for either the December or January agenda. He stated that now that public feedback had been received, the committee could incorporate those comments and return to the Commission with a fully vetted review, likely in January.

Chair Beer asked whether the public outreach and stakeholder meeting had been adequate to gather the necessary feedback on the items.

Commissioner Yahn stated that the group had covered a substantial amount of ground and, as Mr. Leverenz had mentioned, there had been extensive back-and-forth and valuable input. He noted that there did not appear to be any remaining items that would require another round of public comment to fully understand. He added that there was not much controversy and that most of the issues were cleanup items. He concluded that one stakeholder meeting was likely sufficient.

Commissioner Miller stated that he wanted to thank those who attended, noting that several commissioners and members of the public were present and that their input was excellent. He commented that he learned new things, including the impact of King Tides when motors are kept down. He explained that he had originally believed that motors should not be kept in the sand, but the discussion regarding King Tides added helpful perspective. He reiterated that the input and ideas were valuable. He added that he referred to the meeting as a Kaizen event, noting to Mr. Leverenz that they were able to do the CPI on it and get matters squared away. He again stated that the input was outstanding and said the committee looked forward to completing the work posthaste. He estimated that within two weeks the committee would have its initial review completed and would then, hopefully, have the material ready for the commission by the next meeting.

Chair Beer opened public comments.

Mr. Mosher noted that Commissioner Yahn had been too modest in stating that only twenty people attended the meeting. He stated that, in his estimation, approximately forty people were present and that many of them actively spoke and contributed.

Ms. Hylkema added that the item that stood out to her the most was the mooring permit limitation allowing only two people. She acknowledged understanding the rationale behind it, as it is often a husband-and-wife situation, but noted that they learned on Monday that many permits are held in trust names. She explained that the new requirement sounded as though the names on the boat would have to match the names on the permit, which she said is not workable. She stated that many boats are owned by two, three, or four people in partnership, and sometimes those arrangements last only a year or three years, while the mooring permit continues on. She emphasized that this is a major issue and that, while she understood the concern, it would need to be resolved because many husbands, wives, or boat partners would be unhappy if they were removed from a permit simply to place all boat owners on it. She continued by addressing the discussion about engines being kept down, noting that it is a significant issue. She explained that when dredging occurred around Fernando Street, near where she lives, a block away from the Fernando Street Dock, the tailings were placed right along the shore. She explained that as a result, dinghies could not be taken out of the water for a period of time, and they had to wait for the tides to change to do what they needed to do.

Chair Beer closed public comments.

<u>Collaborate with the Water Quality/Coastal Tidelands Committee to partner on areas within the Harbor that both Commission/Committees intersect (Commissioners: Svrcek, Scully)</u>
No update.

<u>Work with staff to identify opportunities to add additional harbor Services (Additional pump out stations, dock space, shore boat service, boat lunch ramp) and items on the Harbor Master Plan (Commissioner: Marston, Yahn)</u>
No update.

<u>Continue with the participation of businesses, nonprofits, and the Harbor Department with a Newport Harbor Safety Committee to promote best practices and address safety issues on the water (Commissioner: Scully).</u>
No update.

<u>Review Harbor Department responsibilities, evaluate the Department's readiness and effectiveness to deliver Harbor services as necessary for normal operations and during emergencies and make recommendations as determined necessary (Commissioner: Scully, Williams).</u>
No update.

Work with City Staff on an update of the market Rent to be charged for onshore and offshore mornings (Commissioner: Beer).
No update.

Support staff in all efforts related to the dredge completion of the Federal Navigation channels in addition to the upcoming agency renewals of Regional General Permit (RGP54) shallow water dredging permit. (Commissioners: Miller, Svrcek)

Chair Beer stated that, with respect to dredging, he did not believe there was anything additional to report other than that a ribbon-cutting ceremony had been held the previous Tuesday announcing that the contract had been issued and that the major dredging project is anticipated to begin on December 1st. He remarked that this was very exciting, noting that it had been thirteen years in the making to finally reach this point, with the help of many people, including Public Works Administrative Manager Miller, former Commissioner Cunningham, Harbormaster Blank, and others.

Chair Beer opened public comments.

Mr. Leverenz noted that, as Commissioner Yahn mentioned, the town hall discussion included three items relating to human waste, human and animal excreta, and marine sanitation devices. He remarked that the Commission had heard this from him before, and although he understood that Chair Beer did not want to revisit the topic of floating restrooms, he reiterated his request to reinstate restrooms in the goals and objectives. He stated that at 10th Street on the Peninsula, where the large dock is located, there is unquestionably a need for additional restroom facilities. He added that, given the ongoing concern about water quality, human waste, and animal waste, he believed it was inappropriate to remove the restroom issue from the goals and objectives. He apologized for being repetitive but emphasized that he was persistent because he wanted the harbor's water to be cleaner.

Chair Beer closed public comments.

There was no further action taken on this item, and it was received and filed unanimously.

6.6 Harbormaster Update – October 2025 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.

Harbormaster Blank reported that the harbor remains clean, safe, and well enjoyed, and he emphasized that this is the result of the Harbor Department staff's dedicated work. He clarified that, although he is not personally responsible for these outcomes, he leads a team that takes this mission very seriously every day. He stated that, in terms of maintaining cleanliness, staff addressed a significant amount of debris left on public docks. He added that the department also supported and provided security for the annual underwater cleanup, which was held in October instead of its traditional September date, and he noted that the event was very successful.

Harbormaster Blank reported that best management practices had been implemented and communicated to upland construction projects. He stated that several vessels that were at risk of sinking were addressed and secured. He noted that the first rainfall in October resulted in a significant influx of debris into the harbor, which staff addressed using multiple methods. He further reported that a contamination concern raised by a citizen was investigated and determined to be organic material that had washed into the harbor; however, the issue was addressed, nonetheless. He added that the Harbor Department was heavily involved, though not as extensively as Fire, Public Works, and Utilities, in responding to a methane and oil seepage issue beneath or associated with a property on Marcus Avenue.

Harbormaster Blank displayed an image of containment and absorbent booms deployed at the Marcus Avenue property to prevent oil or methane from entering the harbor and reported that no seepage from the upland property has occurred to date. He stated that the booms were further secured that day in anticipation of forecasted rain and that the property's storm drain had been shut off so any runoff would be diverted into the sewer system rather than the bay. He then described another significant vessel response during October, reporting that an inoperable vessel had entered the harbor and required extensive staff resources. He stated that staff had engaged repeatedly with the former occupant and responsible party, and that the vessel had become a substantial operational burden. He reported that the vessel had since been stabilized, taken into City custody, declared marine debris, and would be destroyed as soon as possible. He stated that the deadline for any party responsible to claim the vessel would expire on Friday. He added that the former occupant was temporarily housed in a motel at City expense while awaiting placement in a local shelter, and that two additional responsible parties would receive notices from the City Attorney's Office regarding reimbursement of response and disposal costs.

Public Works Administrative Manager provided an updates on dredging projects in the harbor over the coming year. He reported that the Lower Bay Dredging Project, the first project listed in the materials, would be kicking off. He explained that it is a joint federal and City project, with RE State Engineering serving as the contractor. He stated that the contractor would mobilize prior to Thanksgiving and was anticipated to begin work on Monday, December 1. He noted that most of the dredged material would be transported for open-ocean disposal at an Environmental Protection Agency–designated site known as LA-3. He added that approximately 20 percent of the material would be disposed of at the Port of Long Beach. He stated that the project timeline is constrained by a very tight window and emphasized that staff would do their best to manage the schedule accordingly.

Public Works Administrative Manager Miller explained that, as part of his outreach efforts, he has developed a plan to provide real-time updates on dredging activities through a GIS-based web page. He stated that the page would be incorporated into the Public Works website, where the public typically accesses information on capital projects. He described the map as using a color-coded system to show dredging status, with red indicating areas not yet started, orange indicating work starting soon, yellow indicating work in progress, and green indicating completed areas. He stated that he would manage the site directly and could update dredging locations in seconds to reflect current, upcoming, and completed work. He noted that the page also includes visual elements, such as an image of a dredge and a tugboat, to help orient users and represent dredging-related equipment. He further explained that rectangular boxes on the map identify the three laydown areas where dredging equipment will be staged. He stated that the City intentionally avoided using a single staging location in order to prevent barges from remaining in front of the same residences for extended periods. Instead, he explained that the equipment would rotate throughout the harbor every few months.

Public Works Administrative Manager Miller reported that the City maintains an extensive email distribution list and that regular updates would be sent to direct stakeholders to the website. He encouraged Commissioners to refer members of the public to the site if questions arise about project status. He concluded by stating that he expected the website to be live and operational by the following week.

Public Works Administrative Manager Miller reported that the second project was the Balboa Yacht Basin dredging and explained that the same GIS-based tracking approach would be used for that project. He indicated that the outlined area showed where dredging would occur and noted that the area was color-coded, with orange indicating work starting soon. He explained that dredging would begin in one fairway and then proceed sequentially through the remaining fairways. He identified the designated laydown area within the D mooring field and stated that he was coordinating with Harbor Department staff to work directly with affected mooring permittees. He explained that the dredger needs to stage a barge in that location in order to exit the marina during weekends and to maintain navigability of the channel. He stated that Harbor Department staff would relocate affected moorings at no cost, ideally to nearby locations, so permittees could continue using their moorings during construction. He noted that once the project is completed, anticipated by late January or early February, all moorings would be returned to their original locations. He acknowledged the concerns raised by permittees and stated that coordinating the project and keeping fairways clear is a complex task requiring significant coordination, which he is actively managing.

Public Works Administrative Manager Miller identified the laydown area would serve as a laydown area for two scows. He stated that the contractor would dredge material into one scow, stage it at that location, then dredge it into the second scow and stage it as well. He explained that during evening or nighttime hours, both scows would be towed to the Port of Long Beach for disposal and would then return to the site. He stated that staff is coordinating to ensure that both dredging projects are conducted in a manner that is compatible with the holiday boat parade. He noted that no scows or dredging equipment would be stored at the temporary mooring location during parade hours and that all equipment would be tucked away as required. He added that the project hours of operation would be Monday through Friday during normal daylight working hours. He stated that the dredger would leave the marina on Friday evenings, allowing boat owners to freely use their vessels on weekends. Lastly, he noted that the work is occurring during the winter season, outside of the boat parade period, when recreational boating activity is typically lower.

Public Works Administrative Manager Miller reported that the third project is not a City project but involves coordination with the Linda Isle community. He explained that the same contractor performing the Balboa Yacht Basin dredging will, upon completing that project, proceed to dredge the inner lagoon of Linda Isle, as well as approximately twenty-six residential docks located on both the interior and exterior sides of Linda Isle. He noted that, as a result, the Harbor Commission and the public will see a significant amount of dredging equipment operating in the harbor. He stated that he plans to publicize all three dredging projects on a monthly basis for the duration of their work.

Commissioner Svrcek inquired if all the residents were dredging or just selectively. Public Works Administrative Manager Miller confirmed that only 26 residents are dredging.

Commissioner Yahn asked whether, for the other dredging projects, specifically the basin and Linda Isle projects, any unsuitable material had been identified and whether disposal at the Port of Long Beach had occurred as a result of those projects.

Public Works Administrative Manager Miller responded that for the Balboa Yacht Basin project, 100 percent of the dredged material will be disposed of at the Port of Long Beach. He explained that this was the reason the project was expedited through permitting, bidding, and award, as it represents an immediate, and potentially longer-term, opportunity for disposal at that location. He stated that, in contrast, all material from the Linda Isle project has been determined to be clean and suitable for disposal at the LA-3 ocean disposal site. He added that, from a timing perspective, the major Lower Bay dredging project is expected to take approximately ten or more months to complete, noting that the exact duration will depend on the contractor's production rate, but that it is anticipated to last for most of a year.

Commissioner Yahn then asked how long the disposal window at the Port of Long Beach would remain open.

Public Works Administrative Manager Miller replied that this was the most challenging aspect of the schedule. He stated that the window is currently open and, according to the Port of Long Beach and its tenant schedules, is anticipated to close around mid-May 2026. He noted that the Port has a very aggressive and complex schedule with many moving parts, and while it is their goal to meet that timeline, there is some uncertainty. He stated that the City is pushing its contractor to dredge as quickly as possible to take advantage of the available window and that staff would keep the Harbor Commission informed if any schedule adjustments became necessary to ensure alignment with that timeframe.

Commissioner Yahn asked whether the map showing dredging and timing could be revisited, specifically the color-coded map where most areas appeared in red. He noted that the deepwater channel was being dredged and questioned why the turning basin was not fully reflected as deepwater dredging, particularly the central portion.

Public Works Administrative Manager Miller explained that the turning basin was already at, or very close to, the authorized depth and therefore did not require dredging across the entire area. He stated that dredging was needed primarily along the outer edges where sediment accumulation had occurred. He acknowledged that while the area technically still needs dredging, the quantities involved are very small and the depth variance is minimal. He explained that shallow cuts are difficult to dredge efficiently and that additional material along the edges would be addressed during the larger production dredging effort once work fully begins.

Commissioner Yahn commented that he was surprised that so little of the turning basin required dredging and observed that this suggested the area was already in relatively good condition.

Public Works Administrative Manager Miller confirmed that the turning basin was within a very tight tolerance of the authorized depth. He stated that while the condition was not negligible, it was close enough that only limited dredging was warranted along the fringes. He explained that the full production dredging would address those areas as part of the broader effort.

Commissioner Yahn then referenced the projected total of approximately 745,000 cubic yards and asked how that related to the bay depth.

Public Works Administrative Manager Miller explained that the federal authorized depth for the main navigation channel, from the turning basin through the entrance channel, is minus 20 feet. He stated that dredging would be conducted to approximately minus 21 feet to allow for over-depth tolerance.

Commissioner Miller asked whether the dredging status website would be updated weekly, in real time, or monthly. He commented that the tool was very effective, noting that people frequently ask about the project schedule. He stated that being able to direct the public to a regularly updated website—whether weekly, monthly, or otherwise—would reduce questions and improve communication, and he asked whether there had been any discussion about the update frequency.

Public Works Administrative Manager Miller responded that he shared the concern about outdated websites and stated that he was committed to keeping the information current. He explained that the updates take only seconds to complete and that he anticipated updating the site on a weekly basis. He noted that progress would likely be gradual, so changes might not appear every week, but emphasized that the site would remain accurate. He added that he had asked the GIS team earlier that day to include a visible timestamp so users could see when the information was last updated. He stated that this would allow the public to know the data was current and reliable. He concluded that the tool would be especially helpful in addressing concerns about dredging activity during events such as the boat parade and said he believed it would significantly improve public communication.

Commissioner Miller recommended additional outreach to drive traffic to the webpage, such as links on the City website or visual indicators, noting that it could answer many recurring questions.

Public Works Administrative Manager Miller noted that this was a good suggestion and that coordination would occur with the City's Public Information staff. He added that an email distribution list was already in development, with hundreds of contacts, and that coordination was underway to expand it further. He also clarified that during the boat parade, dredging operations for both the Yacht Basin and Lower Bay projects would pause around 4:00 p.m., or earlier if necessary, with all equipment secured outside the parade route. He stated that no towing or dredging activity would occur until after 11:00 p.m., at which point operations could resume during evening hours.

Commissioner Svrcek asked whether dredging operations would occur five days or seven days per week. Public Works Administrative Manager Miller advised that the Balboa Yacht Basin project, which is the City project, would operate five days per week, Monday through Friday. He further advised that the Lower Bay project was currently scheduled to operate six days per week. He noted that staff would evaluate additional options if schedule constraints required more time, but that six days per week was the current plan.

Chair Beer asked whether, based on a previously presented map showing areas of unsuitable material requiring disposal at the Port of Long Beach, much of that material ran parallel to Pacific Coast Highway. He noted that he recalled a significant portion of the unsuitable material being located along that stretch. He then asked whether, as the City dredges up to the project limits, there might be an opportunity for adjacent private property owners along that corridor to dredge beneath their docks as part of the City's project, thereby avoiding the substantial cost typically associated with disposing of unsuitable material.

Public Works Administrative Manager Miller explained that this would not be possible due to restrictions associated with the project. He further explained that the dredging contractor is operating under a federal contract through the U.S. Army Corps of Engineers, and neither the contractor nor any dredging operator could deviate from the terms of the contract or the permits governing the work.

Chair Beer acknowledged that there had previously been discussion of allowing a subsequent period during which private dredging could occur, but noted that this opportunity is not available under the current program. He agreed that, while the current project provides many benefits, this limitation represents a setback that may need to be revisited in the future.

Harbormaster Blank shared a quote brought to his attention by Harbor Safety Officer Mayberry, stating, "If you think safety is expensive, try an accident," and noted that this sentiment reflects the Harbor Department's focus on preventing serious incidents rather than responding to large-scale tragedies. He reported that all Harbor Safety Officers and staff completed recertification or new certification in CPR, AED, and first aid. He also reported that staff successfully recovered a Whaler vessel that had been stolen from a shore mooring and returned it to its rightful owner. He noted that the individuals responsible for the theft were unable to operate the vessel properly and abandoned it shortly after taking it.

Harbormaster Blank reported that staff rescued a man overboard in Mooring Field A and noted that the individual expressed appreciation for the response. He stated that, following reports from nearby residents, staff conducted an extensive investigation into lighting on a newly constructed dock. He reported that no permit violations or code issues were found and that the dock lighting would remain as installed. He added that the Harbor Department provided security zones for the underwater cleanup event, an event for the visually impaired at the American Legion, and the Newport Beach Film Festival. He concluded by reporting an unusual private party impound that was claimed by the Department of Homeland Security as part of an active investigation. He stated that the Harbor Department cooperated fully and transferred custody of the impound. He referenced images showing staff CPR training, the dock lighting investigation, during which he personally participated on a Saturday night and found no navigational impairment, and Harbor Safety Officers providing a security perimeter at the film festival gala, where actress Scarlett Johansson acknowledged the officers.

Harbormaster Blank reported that, with respect to keeping the harbor well enjoyed, the department received a complimentary note from a mariner whom staff assisted under difficult circumstances. He explained that the incident involved three generations of a family who experienced vessel trouble during a recreational outing and were rescued by Harbor Department staff. He noted that the individual who sent the note expressed particular appreciation for staff availability and the manner in which the rescue was conducted. He further reported additional collaboration with the U.S. Coast Guard Enforcement Division in Long Beach, which will continue, particularly with respect to unpermitted charter activity.

Harbormaster Blank also reported that staff recovered and replaced one of the East Anchorage boundary buoys that had been displaced after becoming entangled in a vessel's propulsion system. He stated that the buoy had been wrapped in chain and ground tackle around one of the vessel's propellers. He remarked that he was surprised the vessel was able to continue transiting and return to its slip. He noted that several hours later, staff recognized the buoy as the missing City buoy and completed the recovery.

Harbormaster Blank reported several additional items, beginning with recognition of Code Enforcement Officer Jeffrey Goldfarb, who was named California Code Enforcement Officer of the Year by the California Association of Code Enforcement Officers in October. He stated that it was a privilege to nominate Officer Goldfarb and noted that the selection process was extensive, requiring interviews and substantial documentation. He explained that out of approximately 550 eligible nominees statewide, Officer Goldfarb was selected as the recipient. He added that Officer Goldfarb traveled to Sacramento to receive the award on October 28, and stated that the department was very proud of his achievement.

Harbormaster Blank also reported that mooring permit transfer applications are now available online through the same system used for other harbor event permitting. He explained that this change streamlines the process for permittees, allows transfers to be completed entirely online, and eliminates the requirement for notarized signatures, which he described as a significant improvement. He stated that the Harbor Department has updated and rolled out a revised comprehensive training guide for Harbor Safety Officers, noting that it has been well received. He concluded by recounting what he described as the most unusual call of the month, involving an attorney representing a boat owner with a 99-percent ownership interest who was being required to remove the vessel from a mooring by the permittee, who held only a 1-percent ownership interest but was the sole name listed on the mooring permit. He stated that the attorney was frustrated to learn that, under the current rules, the permittee’s name on the permit controlled access to the mooring, leaving the majority owner without rights to continue using it.

Harbormaster Blank reported that a Public Records Act request had been submitted based on a comment he made during the September meeting while delivering his report. He explained that because the comment was part of a verbal report, there were no associated physical, written, or electronic records, no notes, emails, or documents, to produce in response to the request. He stated that responding substantively to the request would have required creating a record after the fact, which would set an undesirable precedent for City staff. He explained that such a precedent could effectively require staff to generate records in response to questions arising from verbal reports delivered without documentation.

Harbormaster Blank stated that, in an effort to be transparent and to provide the requester with context, without formally responding under the Public Records Act, he was instead providing information during the meeting regarding the ways in which the Harbor Department has worked to increase revenues, consistent with direction previously given by former City Council members. He explained that he would take this opportunity to verbally respond to request on which the ways the Harbor Department increases revenue. He explained that the green items shown represented improvements to existing revenue sources, while the blue items represented new revenue sources. He stated that new revenue initiatives include increasing visitor-stay occupancy at Marina Park, increasing occupancy for visitor stays on offshore mooring sub-permits, and making sub-permits available on onshore moorings, an initiative implemented three to four years ago that generates approximately $75,000 annually. He further stated that the Harbor Department has increased utilization of the harbor event permitting process, increased utilization and fees for large vessel anchorage, and added fees for new services. He noted new services include use and permitting of Rhine Wharf; use or consumption of City-owned equipment and supplies at Marina Park; the mooring license program; group and exclusive use of the Marina Park Marina; after-hours mooring services; and mooring assistance. He stated that these measures represent the results of the direction provided to him and expressed hope that this information addressed the inquiry raised by the requester.

Harbormaster Blank reported on a brief exercise using an artificial intelligence tool to generate an image and description of an “ideal” harbormaster. He explained that, after refining the prompt to reflect the broader responsibilities of harbormasters nationwide, the revised output largely aligned with the Harbor Department’s existing practices. He noted that most identified duties are already performed by the department, with a few areas identified for potential improvement. He stated that the department does not intend to take on two functions identified by the AI—harbor traffic control and human-in-the-loop control—

and concluded that the exercise affirmed the department's effective use of technology and alignment with best practices.

Harbormaster Blank presented a heat map showing calls for service in October and reported approximately 2,100 calls, consistent with the monthly average. He stated that call volume had returned to a sustainable level and that staff effectively covered the harbor. He reported that harbor amenity usage in 2025 closely matched prior years. He summarized permit activity through October 30, reporting issuance of 79 harbor event permits, 32 Rhine Wharf permits, and 57 marine activity permits, noting an increase in harbor event permits compared to the prior year. He explained that higher Rhine Wharf permit totals in the previous year were largely attributable to the boat show and later shifted permitting processes. He noted that while more marine activity permits were issued in 2024, not all were processed through the same system. He emphasized that not all applications are approved, reporting that in 2025 seven harbor event permits were denied, four were canceled, and two remained pending due to unpaid fees. He reported that 32 Rhine Wharf permits were issued, with one denied and five pending, and that 57 marine activity permits were issued, with six in progress and two withdrawn.

Harbormaster Blank also reported on public anchorage usage in October, noting continued heavy demand. He stated that there was not a single day during the month when both public anchorages were vacant. He explained that red bars on the chart represented vessels that used the anchorage without being dye-tabbed, while green bars represented vessels that were properly dye-tabbed. He noted that the department experienced a shortage of dye tablets during October, which extended into November, but that a new supply was received earlier in the week.

Secretary Scully asked about the report referencing multiple barrels of hazardous materials and twenty-one marine batteries, questioning whether the vessel owner had simply loaded the boat with such materials and left the City to address the issue.

Harbormaster Blank explained that approximately 350 gallons of diesel fuel were onboard to operate the vessel. He clarified that the former occupant had exhibited hoarding behavior and, rather than removing disused or nonfunctional batteries, continued adding more. He stated that the barrels contained materials classified as hazardous and that the occupant failed to remove them from the vessel.

Secretary Scully asked whether this was the same vessel previously discussed.

Harbormaster Blank confirmed that it was the vessel shown in the lower right-hand image. He reported that the vessel was now listing less and sitting higher in the water, though it continued to leak and remained at risk of sinking. He stated that most hazardous materials had been removed, though grease remained in the engine room. He explained that if the vessel were to sink, it could still cause damage to the harbor; therefore, it was surrounded with both containment and absorbent booms. He concluded that while the vessel remained a concern, it posed significantly less risk than it did more than a week after being brought into the harbor.

Commissioner Yahn asked about the reason for the denial of a Rhine Wharf permit, noting that there had been one denial and expressing curiosity about the circumstances.

Harbormaster Blank explained that it was likely due to a scheduling conflict. He stated that the purpose of the Rhine Wharf permitting process is to alleviate congestion and ensure that multiple entities are not attempting to use the wharf at the same time. He indicated that the applicant had likely requested a time slot that was already assigned to another user.

Commissioner Miller then referenced the earlier discussion about the heat map and shared an observation from that day. He stated that he watched Harbor Safety Officers respond to a mariner who exited Back Bay, anchored in the Newport Harbor channel, and began fishing beneath active vessel traffic. He noted that the officers handled the situation professionally, issued no citations, and simply directed the mariner to a more appropriate fishing location. He complimented the officers and their training, stating that the interaction was handled perfectly.

Harbormaster Blank responded by noting that the Harbor Safety Officers were required to document the encounter using their technology, including recording the location. He emphasized that the system does not automatically capture this information and that each interaction requires deliberate effort by staff to record every call for service. He stated that the data reflected in the heat map is the result of that work and does not occur automatically.

Chair Beer opened public comments.

Mr. Leverenz stated that he presumed the portion of the Harbormaster's update regarding revenue sources was in response to an inquiry he had made at a prior meeting. He recalled that the Harbormaster had indicated that two sitting City Council members had directed him to identify additional revenue opportunities, and he had simply asked that those two City Council members be identified. He clarified that he had not intended to generate additional work and had not submitted a Public Records Act request, emphasizing that it was meant as a straightforward question. He apologized for any additional effort the request may have caused and expressed appreciation for the information that was ultimately provided.

Chair Beer closed public comments.

There was no further action taken on this item, and it was received and filed unanimously.

7. <u>MOTION FOR RECONSIDERATION</u>

None.

8. <u>MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)</u>

Chair Beer stated that he would like to agendize the new Harbor Commission objectives for the January meeting. He noted that December meetings are often canceled due to light agendas and said he wanted to ensure the item would be posted for January.

10. <u>DATE AND TIME FOR NEXT MEETING – Wednesday, December 10, 2025 at 5 p.m.</u>

The next regular meeting is scheduled for December 10, 2025 at 5:00 p.m.

11. <u>ADJOURNMENT</u>

There being no further business coming before the Harbor Commission, the meeting was adjourned at 7:17 p.m.