

## **DECLARATION OF CHRIS MILLER**

I, Chris Miller, declare as follows:

1. I have personal knowledge of the following facts and matters.
2. I have been continuously employed by the City of Newport Beach (hereafter "City") since 2003 and have been the Harbor Resources Manager for the City since 2008.
3. My essential duties as the City's Harbor Resources Manager include, but are not limited to, the following:
  - a. Act for and assist the City Manager in administering the provisions of the City's Harbor Code.
  - b. Administer the harbor-related policies adopted by the City Council and the Harbor Commission, and maintaining files and records of all pier permits issued.
  - c. Conduct regular inspections of both public and private facilities and structures located upon or over the waters of Newport Harbor or the Pacific Ocean or any other water where the tide ebbs and flows within the City.
  - d. Issue approvals in concept for development located on tidelands or submerged lands pursuant to the City's Municipal Code.
4. As part of my job duties, I am responsible for all docking, anchorage, berthing and mooring of boats in Newport Harbor, which means that I am responsible for designating areas where such activities are permitted and for issuing permits for such activities.
5. I have reviewed an aerial survey which documents the vessels berthed or moored in Newport Harbor in February 2014 ("Aerial Survey").
6. Based on my review of the Aerial Survey and the City's permit records, there are 800 off-shore moorings in Newport Harbor. The average length of a vessel in an off-shore mooring is between 35' and 40'.
7. Based on my review of the Aerial Survey and the City's permit records, there are 400 on-shore moorings in Newport Harbor. The maximum length for any vessel in an on-shore mooring is 18 feet. Based on the aerial survey, I estimate that half of the City's on-shore moorings, or 200, are occupied by small recreational vessels with bottom paint and 18 feet or less in length.

8. Based on my review of the Aerial Survey and the City's permit records, there are 1,925 slips in commercial marinas. Included in this figure are the 172 slips located in the Balboa Yacht Basin, which is a commercial marina owned and operated by the City.
9. Based on my review of the Aerial Survey and the City's permit records, there are 1,600 vessels at residential slips.
10. The City maintains four boats for use by its Lifeguard and Harbor Resources Department. The County maintains nine boats for use by its Harbor Patrol.
11. My review and analysis indicates that there are 4,470 vessels in Newport Harbor that have bottom paint. Of these, an overwhelming majority use copper antifouling paint.

Executed on October 12, 2016, at Newport Beach, California.

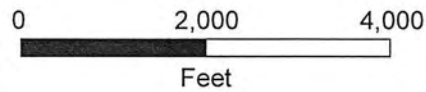


Chris Miller

# **EXHIBIT A**



Newport  
Beach  
GIS



Disclaimer: Every reasonable effort has been made to assure the accuracy of the data provided, however, The City of Newport Beach and its employees and agents disclaim any and all responsibility from or relating to any results obtained in its use.

Imagery: 2009-2013 photos provided by Eagle Imaging [www.eagleairial.com](http://www.eagleairial.com)