

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers – 100 Civic Center Drive, Newport Beach
Wednesday, March 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: Scott Cunningham, Chair
Ira Beer, Vice Chair
Marie Marston, Secretary
Steve Scully, Commissioner
Rudy Svrcek, Commissioner
Don Yahn, Commissioner

ABSENT: Gary Williams, Commissioner

Staff Members: Paul Blank, Harbormaster
Jennifer Biddle, Administrative Assistant
Chris Miller, Public Works Administrative Manager
Cynthia Shintaku, Administrative Assistant

3. PLEDGE OF ALLEGIANCE – Led by Commissioner Yahn

4. PUBLIC COMMENTS (NON-AGENDA ITEMS)

Chair Cunningham opened public comments.

Ken Rinker, a resident of 707 Bayside Drive, reiterated his opposition to the proposed dock, building on comments he made at the previous meeting. He emphasized that Promontory Bay was specifically designed for residential boat access, and the addition of a public dock would disrupt navigation, especially for larger vessels, and create safety concerns.

Mr. Rinker warned that a public dock would attract more kayakers and paddleboarders, exacerbating unauthorized use of private property. While public access is permitted up to the high tide line, he argued the dock would likely encourage trespassing beyond that limit. He likened the proposal to a form of inverse eminent domain, where government action inadvertently harms private property rights, and cautioned the commission about potential legal consequences. Citing strong opposition from the homeowners' association and neighbors, he urged the Harbor Commission to reject the proposal and thanked them for their time.

Chair Cunningham closed public comments.

5. APPROVAL OF MINUTES

1. Draft Minutes of the February 12, 2025 Harbor Commission Regular Meeting

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

Vice Chair Beer moved to approve the February 12, 2025 Harbor Commission Regular Meeting minutes, as amended. Seconded by Commissioner Yahn. The motion carried by the following roll call vote:

Ayes: Scully, Svrcek, Yahn, Beer, Cunningham

Nays: None
Abstain: Marston
Absent: Williams

6. CURRENT BUSINESS

1. Update on Eelgrass and *Caulerpa* in Newport Harbor - Update 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 provided an update regarding the current status of eelgrass and *Caulerpa* in Newport Harbor. He invited the commission to ask detailed questions at any point during the presentation. He began by outlining the Eelgrass Management Plan which was established in 2015. He explained that this ecosystem-based management program required several years of negotiations with regulatory and resource agencies. Under this plan, the City committed to regular surveys every two years to accurately assess eelgrass abundance therefore eliminating previous speculative assessments of the eelgrass population.

Mr. Miller emphasized the importance of eelgrass as a biological resource, noting its role in providing habitat for fish, birds, and other marine animals, and aiding in carbon sequestration. He advised that before implementing the management plan, strict regulations required detailed mitigation for any disturbance to eelgrass, specifically, replanting eelgrass at a ratio of 1.38 square feet for every square foot impacted by dredging, with a mandatory five-year survival monitoring period. He reported that if the eelgrass failed to meet this survival rate after five years, the mitigation process had to restart. He noted that, consequently, residential dredging largely ceased because of these stringent regulations.

Mr. Miller explained that the 2015 management plan sought to transform the perception of eelgrass from a hindrance into a valued resource. He explained that the plan allows limited impacts to eelgrass, supported by comprehensive surveys conducted every two years. He noted that the harbor is divided into mapping regions to facilitate precise analysis of eelgrass distribution. He explained that these regions are further categorized into unvegetated, transitional, and stable zones, with the stable zone near the harbor entrance providing ideal conditions for eelgrass growth. He noted that he believes this is the only plan of its kind in the states.

Mr. Miller presented survey data highlighting significant eelgrass growth since regular surveys began. He noted that shallow-water eelgrass coverage increased from 30.4 acres in 2003 to 125 acres in 2024 which is a 313% increase. He also mentioned periodic surveys of deep-water eelgrass, which are conducted less frequently but provide valuable additional insights. He noted that the eelgrass management plan applies exclusively to dredging projects.

Mr. Miller mentioned that throughout the year, residents frequently inquire about using this plan for dock construction when eelgrass is present. He clarified that the plan cannot be utilized for such purposes because it addresses only temporary impacts related to dredging. He explained that dredging typically occurs when a slip becomes filled with sediment. He further explained that after dredging, sediment gradually accumulates again over a period of several years, creating favorable conditions for eelgrass to regrow until subsequent dredging is necessary. He emphasized that this cyclical, temporary disturbance is the fundamental principle behind the 2015 Eelgrass Management Plan. He noted that, in contrast, docks represent permanent structures, typically lasting 25 years or more, making their impact on eelgrass permanent rather than temporary. He noted that this explains why the Eelgrass Management plan does

not encompass permanent structures or construction projects related to docks, limiting its application solely to dredging activities.

Mr. Miller continued the presentation by explaining a graph illustrating eelgrass data from the previous slides. He further mentioned another graphic representation mapping the harbor into zones: unvegetated, transitional, and stable. He pointed out the noticeable improvement trend of eelgrass, particularly evident from 2007, 2010, and 2014 onward.

Mr. Miller introduced resources regularly used by dredging contractors and industry professionals, providing snapshots from the city's Geographic Information System (GIS) website. He noted that the GIS resource contains mapped survey data dating back to 2003, and displayed images of eelgrass distribution for the years 2020, 2022, and 2024, as well as a combined map overlaying data from all years. He noted that 2024 data was particularly abundant, overshadowing earlier years.

Mr. Miller clarified that while many harbors typically use vessel-based side scan sonar surveys to detect eelgrass due to its unique sonar signature, Newport Harbor employs a diver-based survey approach. He emphasized that since 2003, the City has stipulated diver-based surveys for shallow water eelgrass to achieve precise mapping. He noted that divers meticulously swim the survey areas, mapping individual eelgrass patches. He further explained that a kayaker assists by recording GPS coordinates, which are later corrected on a computer and integrated into the GIS platform.

Mr. Miller emphasized the thoroughness and labor-intensive nature of this survey approach, stating that divers typically work four to five days per week for approximately four months. He explained the importance of this precise methodology, noting that identifying even small patches of eelgrass is crucial since higher eelgrass coverage directly influences the City's allowance for impact during dredging activities.

Mr. Miller addressed *Caulerpa* and described this invasive algae as problematic because it rapidly overtakes eelgrass habitats and easily spreads. He reported that Newport Harbor experienced outbreaks in 2021 at China Cove, in 2022 at Collins Isle, and in 2024 at Linda Isle. He advised that prompt eradication methods, including suction removal and tarping were implemented, and supported financially by state and federal agencies. He emphasized ongoing surveys and monitoring efforts to ensure complete eradication. He reported that he is a member of the management team responsible for addressing *Caulerpa* and this team successfully advocated for legislation that made the sale of *Caulerpa* illegal in California. He noted that this significant achievement involved working with state and federal agencies, which then coordinated with major retailers such as Amazon and eBay to enforce the prohibition on selling any of the 20 identified varieties of *Caulerpa*. He noted that this legislative action was a critical step taken by the team to address the threat posed by this invasive algae.

Commissioner Svrcek inquired why there was an increase in eelgrass.

Mr. Miller acknowledged that conditions for eelgrass were partly due to effective water quality management and favorable environmental factors. While he expressed pride in the positive trends, he noted that precise reasons for the growth were difficult to pinpoint. He reaffirmed the City's commitment to continuing detailed surveys and management efforts.

Commissioner Scully inquired about the funding of the diver-based eelgrass surveys, asking whether the State or the City was responsible for the cost and the length of time to conduct the surveys.

Mr. Miller clarified that the City covers the full cost of the surveys. He clarified that each survey cycle costs approximately \$200,000 and takes about six months to complete with roughly four months dedicated to diving and two months for data processing and report preparation.

Commissioner Scully also observed that eelgrass appeared to be expanding in transitional zones near residential areas like Bayside, Mariners' Mile, and Lido, and asked whether that growth might extend further into the channel.

Mr. Miller explained that the City does not currently survey deep-water eelgrass in those channel areas. He noted that the deep-water survey area extends roughly to the ferry and stops slightly beyond it, as well as to the Balboa Island Bridge in that section of the harbor. He noted that these deep-water zones are surveyed using vessel-based side-scan sonar, as diver-based methods would be unsafe and impractical in deeper, high-traffic areas. He advised that expanding surveys further into the channel would be cost-prohibitive, and the likelihood of locating significant eelgrass growth in those zones is uncertain.

Commissioner Scully asked about the unvegetated zone and whether it was a matter of water flow or simply a lack of eelgrass.

Mr. Miller clarified that while eelgrass typically does not thrive in these areas, there are isolated patches. He noted that these are documented in the GIS system, although they may be difficult to see without zooming in closely. He emphasized that the City does not rule out eelgrass presence in any zone, but distribution is sparse in the unvegetated areas.

Commissioner Scully inquired about who receives the completed eelgrass survey reports and why the surveys are important to the City.

Mr. Miller responded that the surveys are a foundational component of the City's 2015 Eelgrass Management Plan. He explained that the plan was made possible because the City had already conducted several baseline surveys and then pledged to continue surveying biennially. He advised that the completed reports are submitted to a wide array of regulatory agencies, including the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, the California Coastal Commission, the National Marine Fisheries Service, and the California Department of Fish and Wildlife. He reported that these agencies maintain copies of the reports, either in print or electronically, and the data is also publicly available on the City's website.

Commissioner Scully followed up by asking whether the positive trends in eelgrass growth allow the City and its residents to do things they otherwise could not.

Mr. Miller confirmed that it allows dredging without triggering mitigation requirements. He confirmed that it is one of the key benefits of the plan. He noted that while this has no bearing on large-scale projects like the Army Corps' Lower Bay dredging, the plan is essential for residential and commercial dredging within marinas and under private docks. He explained that, without this plan, the City would not be able to offer relief to property owners needing to maintain navigable depths at their slips.

Commissioner Yahn inquired about whether there is a "critical mass" of eelgrass needed before dredging can proceed without mitigation.

Mr. Miller explained that the plan does not rely on a specific target acreage or "magic number" of eelgrass coverage. He further explained that instead, it uses a complex formula, negotiated extensively with regulatory agencies, that considers the total eelgrass surveyed, survey frequency, and demonstrated trends. He noted that the formula allows for incremental increases in allowable impact as eelgrass coverage increases. To provide context, he explained that after the project was approved in 2015, the City was allowed to impact just under one acre of eelgrass, approximately 43,000 to 44,000 square feet. He noted that that was a substantial amount, enough to accommodate many annual dredging requests. He reported that in the early years of the plan's approval, demand for dredging surged as residents took advantage of the new allowances. Today, he reported that the City receives approximately 20 to 25 dredging applications per year.

Mr. Miller concluded by emphasizing that the plan was never intended to reach a point where every square inch of the harbor is covered in eelgrass. He explained that the goal is to sustain positive trends and maintain the data necessary to justify continued flexibility in permitting dredging activity. He noted that, as long as eelgrass health remains strong and the City maintains its rigorous survey schedule, the program will continue to provide essential relief to residents.

Vice Chair Beer requested clarification regarding eelgrass survey coverage, noting that although the City does not survey the transitional zone within the federal channel, it appears that some survey activity does occur in the stable zone of the channel. He inquired whether the area just below the east side of Lido, between that location and the yacht club, was being surveyed.

Mr. Miller confirmed that the City itself does not survey that specific area as part of its Eelgrass Management Plan. However, he noted that the U.S. Army Corps of Engineers does survey it as part of their Lower Bay dredging project. He explained that the Corps is subject to the same set of regulatory requirements, so it conducts both *Caulerpa* and eelgrass surveys accordingly. Additionally, Mr. Miller noted that the City has access to some eelgrass data for that area through its past Confined Aquatic Disposal (CAD) discussions, even though the data was collected by other agencies.

Chair Cunningham requested that the commission be provided with a map or floor plan showing the areas expected to be dredged later in the year. He noted that it would help identify where eelgrass has been or will be surveyed, particularly in deep-water zones, allowing for a better understanding of how current data fills in gaps in the City's survey areas.

Mr. Miller acknowledged the request and indicated that he could share those materials.

Chair Cunningham reflected on the evolution of perceptions around eelgrass. He noted that years ago, eelgrass was viewed negatively by many harbor users, particularly residents who felt it prevented necessary dredging. He confirmed that, in recent years, public sentiment has shifted. He noted that thanks to ongoing surveys and data-backed progress, complaints about eelgrass have nearly disappeared. He commended the steady upward trend in eelgrass coverage, and the resulting flexibility it allows for temporary dredging, which has helped demonstrate the value of the City's management approach.

Chair Cunningham inquired whether the City had received any positive recognition from the regulatory agencies for its work. Mr. Miller confirmed that he had and cited a recent meeting of the *Caulerpa* Action Team, where a representative from NOAA's National Marine Fisheries Service (NMFS) publicly acknowledged and praised the City for the high eelgrass values reported in the most recent survey submission. He noted that while the acknowledgment was not provided in writing, it was nonetheless a significant show of support.

Vice Chair Beer asked a subsequent question regarding the jurisdiction of the U.S. Army Corps of Engineers, specifically and whether it applied only to the deep-water channel areas of the harbor.

Mr. Miller clarified that the Corps' jurisdiction encompasses all "waters of the United States," which includes the entire harbor and extends to rivers, estuaries, and other waterways.

Chair Cunningham reminded the commission that Regional General Permit 54 (RGP 54) governs residential and marina dredging along the harbor perimeter, and was largely developed in response to eelgrass considerations.

Chair Cunningham inquired which agency is responsible for taking the lead in eelgrass management. He believed it to be NMFS.

Mr. Miller confirmed that NMFS is generally considered the lead authority on seagrasses and eelgrass with the California Coastal Commission likely the second-most involved agency. However, he noted that

their guidelines do not always align perfectly, which can pose challenges. Despite these differences, he clarified that both agencies maintain equal authority on paper, and collaboration between them is essential for successful project approvals.

Chair Cunningham, returning to the subject of eelgrass ratios and survey results, emphasized the importance of understanding that the current program applies to temporary impacts, such as dredging, not permanent shading caused by docks or other structures. He inquired if there had ever been efforts to establish a similar ratio-based approach for permanent construction.

Mr. Miller explained that while the City has consistently raised the topic with agencies since the 2015 plan was first proposed, the response has been overwhelmingly cautious. He explained that regulatory staff have warned that pushing for a permanent impact framework could risk derailing the current program. As a result, he noted that the City has not pursued it further but remains open to future dialogue. He expressed gratitude that the current plan has enabled temporary dredging and reaffirmed his intent to continue raising the issue in a measured way.

Chair Cunningham inquired about how such conversations typically begin with the California Coastal Commission.

Mr. Miller clarified that discussions usually start at the staff level, particularly within the Coastal Commission's Southern California district. He explained that while all agencies ultimately contribute to decision-making, NMFS plays a critical role in shaping the language and structure of eelgrass-related policies. He emphasized that much of the original program was negotiated over several years in close coordination with NMFS staff before being presented to other agencies for formal approval.

Chair Cunningham referenced the eelgrass data trends referenced earlier and noted that recent years, particularly 2022 and onward, have experienced favorable water conditions, contributing to positive eelgrass growth. He highlighted turbidity as the primary threat to eelgrass, often caused by uncontrollable factors such as storms and runoff. He noted that dredging, though impactful, is a necessary and manageable process. He acknowledged that another major dredging project is anticipated later in the year, and expressed interest in seeing how the 2026 eelgrass survey reflects the outcome of that work. He noted that it will be a key data point for determining whether eelgrass growth continues, plateaus, or declines.

Chair Cunningham referenced the large amount of eelgrass growth in the Upper Bay. Mr. Miller noted that while the chart shown during the presentation primarily focused on the Lower Bay, the bottom row did include limited Upper Bay data, such as approximately 0.33 acres recorded near North Star Beach and the Back Bay Science Center.

Chair Cunningham remarked that because RGP 54 does not apply to the Upper Bay it will not be dredged.

Mr. Miller confirmed that dredging is generally not planned for that area and noted that there is minimal emphasis on eelgrass conditions there.

Chair Cunningham opened public comments.

Adam Leverenz asked for clarification on the eelgrass data, noting that several Back Bay sites were marked "no data" and inquiring if those areas had not been surveyed during those periods. He also referenced past declines in eelgrass from 2006 to 2010, which were attributed to dredging, and asked whether similar impacts were expected with the upcoming project. Additionally, he asked how long it typically takes eelgrass to recover in areas that have been dredged or tarped during *Caulerpa* removal.

Chair Cunningham recalled that when the Grand Canal between Little Balboa Island and Balboa Island was dredged several years ago, eelgrass fully regrew within two years, sometimes even sooner, demonstrating strong recovery.

Mr. Miller confirmed that the “no data” labels on the chart indicated areas that were not surveyed during those periods. He noted that the survey program has expanded and improved over time in both scope and methodology. Looking ahead, he expressed cautious optimism about the upcoming Lower Bay dredging. He noted that, unlike the previous Upper Bay project, where shallow channels, fine grain suspended sediment, and storm activity led to significant eelgrass loss, the Lower Bay offers deeper, more contained conditions. While some impact is expected, he believes the risk to eelgrass will be much lower this time.

Chair Cunningham closed public comments.

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

2. Ad Hoc Committee Updates

- 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)

Commissioner Scully responded that there was nothing new to report at this time. He noted that the committee had held a fairly detailed discussion at the previous meeting regarding the ferry, but that the process is progressing slowly. He indicated that it would be appropriate to allow a couple more months to pass before expecting further developments.

General Plan Harbor & Bay Element Update Ad Hoc – Commissioners Scully, Marston, and Yahn (10-09-2024)

No update.

Public Dock Utilization Ad Hoc – Commissioners Beer, Svrcek, and Williams (04-10-2024)

No update.

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

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

3. Harbor Commission 2024 Objectives

- a) 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
- b) Receive and file.

Commissioner Yahn reported on Objective 1, Title 17 Updates, and confirmed there were no new recommendations for the current month’s meeting. He referenced Objective 5, “Identify opportunities to enhance harbor services such as additional pump-out dock space, shore boat services, and improved launch and ramp access”, and noted that he, along with Commissioner Svrcek and Secretary Marston,

had participated in a discussion with Mr. Miller regarding dock replacements at the Balboa Yacht Basin. He advised that the group reviewed several dock material options, including aluminum, concrete, timber, steel, and hybrid materials. He noted that the evaluation considered installation costs, maintenance costs, and useful life. He explained that it became evident during the discussion that concrete docks offered the best long-term value. He further explained that concrete had significantly lower maintenance costs and the longest useful life, standardized at 50 years, but with the potential to last as long as 80 years according to a Bellingham report. He noted that additional benefits of concrete included minimal piling requirements. He explained that, in contrast, timber and steel docks often require retrofitting at mid-life, adding long-term expense. He concluded that concrete was the most practical and cost-effective option and thanked Mr. Miller for including the commissioners in the evaluation process.

Chair Cunningham inquired about a projected timeline for the Balboa Yacht Basin replacement project.

Mr. Miller explained that the City is currently finalizing the 30% design and will soon begin the permitting phase based on that design. He noted that while the layout will appear largely unchanged to casual observers, it will be upgraded to meet modern design standards, including wider fingers. If permitting and other steps proceed smoothly, he anticipates construction to begin in approximately 18 months if permitting and other steps proceed smoothly.

Vice Chair Beer reported no updates related to Objectives 3 or 8.

Secretary Marston agreed with Commissioner Yahn's summary of Objective 5. She then addressed Objective 9 and noted that she thought it was removed from the list.

Commissioner Scully noted that there had been previous discussions on the topic, primarily concerning moorings for larger vessels (60–70 feet) and later shifting towards Harbor 20s. He acknowledged the topic was still under evaluation and intends to bring a recommendation back to the Harbor Commission at a future meeting.

Chair Cunningham inquired if Commissioner Svrcek had been inadvertently skipped.

Commissioner Svrcek confirmed he had no updates to report.

Chair Cunningham invited Mr. Miller to provide an update on Objective 10, Dredging.

Mr. Miller shared that the City and the U.S. Army Corps of Engineers are in the final stages of finalizing plans and specifications for the Lower Bay dredging project. He advised that once the Corps completes its review, the project is expected to go out to bid in mid-April. He explained that the bidding period will last approximately 30 days, with the goal of having dredging equipment mobilized and in the harbor by late May or June. He emphasized the importance of adhering to the six-month operational window granted by the Port of Long Beach. He noted that should the City miss that deadline, it would lose the opportunity, not the Port, so timely execution is essential. He expressed confidence in the planning process and indicated the City was on track.

Commissioner Svrcek asked whether the dredging activity would interfere with the movement of large vessels through the harbor.

Mr. Miller acknowledged there would be some temporary impacts, as is typical with large-scale infrastructure projects. However, he assured the commission that the harbor would remain operational and that communication with the public would be a priority. He confirmed that the Harbor Department and Harbor Master would coordinate closely to keep users informed.

Commissioner Svrcek inquired how far up the channel dredging goes.

Mr. Miller clarified that the dredging path will go up through the anchorage area, the entirety of the Newport Harbor Yacht Club mooring field, and through the navigational channel leading to Marina Park, ending near the 19th Street Public Pier.

Chair Cunningham opened to public comments.

Adam Leverenz spoke in reference to Objective 5, specifically highlighting the apparent removal of “restrooms” from the list of harbor service enhancements. He noted that public restroom access, particularly in light of misuse of the harbor by passengers on tour and Duffy boats, had been discussed passionately at several previous meetings. He cited Chair Cunningham’s acknowledgment at the prior meeting that restroom access is a recurring concern. He expressed confusion and disappointment that restrooms had been struck from the objective, given the clear public interest in addressing the issue.

Chair Cunningham responded that while he could not recall the exact rationale for striking restrooms from the list, he believed the item was referred to floating restrooms.

Commissioner Scully noted that the commission had explored floating restroom solutions in the past and acknowledged the subject had come up many times before. He also referenced the existing restroom locator app developed by staff, which outlines current facilities.

Chair Cunningham closed public comments.

Mr. Miller asked to add a brief update related to the public docks objective. He reported that the City is preparing to replace floats on 10 public piers (floats and select gangways) across the harbor. He expected the work to begin within the next 30 to 45 days. He announced that each pier would be out of service for approximately three to five days during replacement. He confirmed that a notice will be provided to ensure boaters are aware of the temporary closures.

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

4. Harbormaster Update – February 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 Paul Blank provided the Harbor Commission with his regular monthly update, focusing on highlights from February. Harbormaster Blank began by discussing efforts related to keeping the harbor clean. He shared that the department’s electric patrol vessel had once again exceeded expectations most notably by successfully towing a heavy cement float off a beach with less power consumption than anticipated. He noted that the vessel continues to perform exceptionally across all specifications.

He reported that the department responded to a bilge spill caused by a mooring permittee. He noted that while the contaminated area remained boomed off, the source of the spill was promptly identified and contained. He reported that in another incident, a vigilant harbor worker retrieved a floating five-gallon drum filled with disused oil. He advised that the drum was brought aboard a patrol boat and responsibly recycled.

Harbormaster Blank reported that a significant hazard was also removed from China Cove following a report from an alert resident which resulted in a large auger partially buried in the sand being quickly extracted. He noted it had likely been left behind from a nearby construction project and was long obscured by sand until shifting tides revealed part of it. He advised that submerged hazards reported in the Upper Bay by rowers at the Newport Aquatic Center and by a diver in the Balboa Yacht Basin were identified and cleared.

Harbormaster Blank noted that the Harbor Department has now assumed responsibility for the maintenance and operation of the harbor's three stationary trash skimmers, following the retirement of key staff within Public Works' Water Quality Division. He announced that, the long-awaited "Trash Rover" vessel has arrived at Marina Park. He advised that the vessel is currently undergoing final commissioning and staff training before it will be fully deployed. He noted that the department also intentionally postponed its launch to allow attention to remain on the recent ribbon-cutting for the Trash Interceptor.

Harbormaster Blank described a towing exercise conducted for all harbor service personnel, including code enforcement officers. He reported that over several shifts, all staff members participated in hands-on training, taking turns towing disabled vessels out of the marina. He explained that this training increased staff confidence in executing real-life towing scenarios, and several successful tows were performed in February.

Harbormaster Blank reported that the department also conducted early morning and late-night navigation light patrols, yielding positive results. He advised that all four patrol vessels successfully passed their annual Coast Guard Auxiliary inspections and are now fully certified. He reported one significant safety incident occurred when a man fell into the harbor from a dock on Bay Island. He explained that there was no swim ladder available, but Harbor Service Lead Stanley quickly responded to calls for help and rescued the man. He confirmed that both the individual and a nearby witness later contacted him to express deep gratitude for the swift and effective response. He emphasized that this situation could have had a very different outcome without timely intervention.

Harbormaster Blank announced that the department also added lighting to the extensions of slip fingers at Marina Park. He presented several images in the presentation showing a towing exercise, the electric vessel assisting a disabled boat near the ferry landing, and harbor staff training in progress.

Harbormaster Blank reported that a missing tender was successfully reunited with its owner, who expressed appreciation for the department's assistance. He noted that a noise complaint involving a liveaboard vessel using a generator early in the morning was addressed promptly. He confirmed that the permittee was cooperative and corrected the issue the same day. He reported that during a mooring assist in the J field, the permittee shared that her request stemmed from previous positive experiences with harbor staff and an awareness of the service offered by the department.

Harbormaster Blank reported that, in a rare occurrence, the department escorted three separate vessels out of the harbor during February. He noted that these vessels had overstayed their welcome or failed to comply with regulations. He acknowledged that while such actions are never pleasant, they were necessary and handled professionally. He noted, for context, that only one such escort had occurred in all of 2024 prior to February. He referenced another case involving a vessel that had repeatedly misused the 19th Street public dock. He reported that after being impounded for the second time, the City negotiated with the owner and his representatives to permanently remove the vessel from the harbor to prevent further issues.

Harbormaster Blank encouraged all interested members of the public and stakeholders to visit the department's website, NewportHarbor.org, which is regularly updated and contains extensive information about all services and resources offered by the Harbor Department. He shared that the department applied to the U.S. Army Corps of Engineers for boundary buoys in the west anchorage and cautionary signage for bridge jumpers near the Lido Isle Bridge. He advised that these must be approved by the Corps before the Coast Guard and NOAA can officially map and authorize them. He expressed appreciation for the Corps' support throughout the application process, which he described as complex and not especially intuitive for the average applicant.

Harbormaster Blank reported that Joey White, a former full-time Harbor Team Lead and Dockmaster, has transitioned to part-time status to pursue a career in aviation. He expressed strong support for Mr. White's career path and acknowledged that he would be missed around the department.

Harbormaster Blank highlighted that five of the 29 fees collected by the Harbor Department have been reduced as of July 1, 2024. He credited improved processes and technology deployed under his leadership as the driver of these reductions. He acknowledged recent criticism suggesting that he had not been fiscally responsible and offered this as evidence to the contrary, stating that lowering fees is a direct reflection of his commitment to using public funds effectively.

Harbormaster Blank addressed two regulatory matters that arose during the month. He advised that the first was a notice of violation from the California Coastal Commission related to signage at the Balboa Marina Public Dock, which restricts fishing. He explained that the California Coastal Commission had claimed this signage violated the California Coastal Act and also suggested a vehicle parking space be available to use the human lift. He and his team responded by providing documentation that the fishing restriction was, in fact, a condition of the Coastal Development Permit, complete with agency approval. He also clarified that the upland parking area is private property, not controlled by the City. He confirmed that the Coastal Commission later acknowledged the City's response and accuracy of the documentation, though they continued to encourage outreach to the property owner regarding parking.

Harbormaster Blank reported that the second matter involved a letter from the Orange County Deputy District Attorney accusing the Harbor Department of being responsible for an oil, later cited as a diesel spill. He explained that this was not accurate as the department had responded to the spill, but was not the source. He noted that the incident had already been reported appropriately to both the Coast Guard and the Department of Fish and Wildlife. He advised that the department will meet with the Deputy District Attorney's office to clarify the issue, which he characterized as a significant and unnecessary use of resources.

Harbormaster Blank shared updated activity heat maps and utilization statistics. He advised that in February, the department responded to nearly 2,000 calls for service, and overall utilization of amenities remains consistent with prior years. He reported that permit activity is also on track, with a noted increase in harbor event permits compared to this time last year, even as marine activity permits have slightly decreased. He noted that anchorage usage was minimal due to seasonal weather. He concluded by presenting the Harbor Department's year-to-date scorecard and thanked the commission for their continued support.

Commissioner Scully praised the report and inquired about the large auger discovered at China Cove. Harbormaster Blank responded that its exact origin remains unknown, though it likely originated from nearby construction. He clarified that shifting sands had recently revealed it, leading to its removal.

Vice Chair Beer also commended the report.

Chair Cunningham opened public comments.

Adam Leverenz acknowledged the comprehensive nature of the report and raised a concern about dock float replacements, asking whether temporary alternative docking solutions could be arranged, such as space at Balboa Yacht Basin or Marina Park, during the 3-to-5-day closure windows for each public dock.

A member of the public referenced a previous meeting discussion involving a boater, Samantha McDonald, who had difficulty securing her vessel to a mooring due to apparent staff inexperience. She asked whether Harbor Department staff were receiving updated training to avoid similar issues in the future.

Chair Cunningham closed public comments.

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

7. MOTION FOR RECONSIDERATION

None.

8. COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEMS)

Chair Cunningham reported his recent attendance at the ribbon-cutting ceremony for the Trash Interceptor project, held the previous Friday. He described the Trash Interceptor as an impressive and innovative piece of equipment. He explained that it was not yet fully operational at the time of the event, due to ongoing installation of the solar panels and cover, the system itself is a remarkable sight. He noted that on the day of the ribbon-cutting, it was intended to be powered by a generator, but unfortunately, the generator was not functioning. Nonetheless, he remarked that the scale and potential impact of the equipment were evident.

Chair Cunningham encouraged fellow commissioners and members of the public to visit the site to see the Trash Interceptor in action once it becomes fully functional. The project, he noted, was more than a decade in the making with ten years from initial concept to operational deployment, underscoring the importance of patience and long-term commitment when undertaking large-scale environmental and infrastructure initiatives. He commended the City of Newport Beach for its ongoing investment in the harbor, expressing pride in the progress being made and the City's dedication to forward-thinking projects that benefit the community and marine environment.

9. MATTERS WHICH COMMISSIONERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION, OR REPORT (NON-DISCUSSION ITEM)

None.

10. DATE AND TIME FOR NEXT MEETING:

The next regular meeting is scheduled for Wednesday, April 9, 2025 at 5:00 p.m. Chair Cunningham reported that he will not be in attendance.

11. ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 6:30 p.m.