



Newport Mooring Association

Newport Mooring Association Winter/Spring 2021 Newsletter

To all Newport Harbor Mooring Permittees:

Please pay your Newport Mooring Association dues now. It's money well spent. The NMA is constantly vigilant in watching out for the rights of all Newport Harbor Mooring Permittees. Please send a check for \$50 or more to:

Newport Mooring Association, P.O. Box 1118, Newport Beach, CA 92659-1118

Another way to pay your NMA dues is to send us a Zelle payment from your bank via your online banking program or app. Send your Zelle payment to: mail@newportmooringassociation.org. You do not need to include a phone number. The email address is sufficient.

Zelle is used by almost all banks and is a very simple and easy way to transfer small sums of money. Try it. You'll like it. \$50 now and you are paid up until the end of 2021.

Notes: Because of the COVID-19 pandemic, the Newport Mooring Association did not hold an annual meeting in 2020. We hope to hold one later in 2021 if possible. This newsletter is going out via Email only this year so do not expect a paper mailing.

News Topics:

Brad Avery, the new Mayor of the City of Newport Beach, the lifelong sailor and harbor advocate, was appointed to the position at the Dec. 8, 2020 City Council meeting as part of the annual reorganization of the seven-person council. Council member Kevin Muldoon, a longtime friend of the Newport Mooring Association, was selected as the Mayor Pro-Tem. It is safe to say that the needs of the harbor are better represented at the local government level than ever before which should be good for all harbor stakeholders.

Current Harbormaster Kurt Borsting will be retiring on April 2nd and the City of Newport Beach will soon be doing a wide search to find a qualified candidate to replace him. Mr. Borsting has been the Harbormaster since December of 2018.

The Harbor Commission is now a "City Charter designated Appointive Board" which gives it more permanency and legal standing due to the passage of Measure Z in November 2020. The City of Newport Beach maintains a seven-person Harbor Commission whose purpose is to provide the City with an advisory body representing the diverse uses of Newport Harbor and the waterfront. Each member of the Harbor Commission is appointed by a sitting council person and serves a staggered

four-year term. The current Chairman of the Harbor Commission is William “Skip” Kenney, and the other 6 members are Scott Cunningham, Ira Beer, Gary Williams, Don Yahn, Marie Marston, and Steve Sculley. You may know some of them.

The commissioners are each assigned different areas of primary responsibility and it is Ira Beer who is in charge of Harbor Viability – Matters Pertaining to Assets, Amenities, and Access. In normal times the commission meets once a month at 6:30 PM on the second Wednesday of the month in City Council Chambers. However during the pandemic, the meetings have been held as Zoom calls and the starting time has been moved to 5:00 PM. The public is welcomed and encouraged to attend.

In a List of Proposed Harbor Commission Objectives dated November 9, 2020 the following items were listed under Harbor Viability:

1. Evaluate potential enhancements and/or services to City amenities which will improve the operation and enjoyment of the Harbor provided to mooring permittees, residents, recreational boaters, charter fleet, commercial slip holders, and visitors.
2. Support staff with permanent anchorage at the west end of Lido Island. . .
3. Evaluate options to consolidate and reduce the footprint of the mooring fields including the use of multi-vessel mooring systems. Finalize a new Harbor Policy H3 to set guidelines for approving mooring extension requests by mooring permittees, and better defining the rows and fairways within the mooring fields for improved navigation, safety, and optimization of space.
4. Study options to reduce the number of onshore moorings.
5. Evaluate options for additional City Moorings and/or Multi Vessel Mooring Systems (MVMS) for temporary use by visiting mariners or long-term mooring permittees.

There were a few other things, but it is item number 3 that is the most concerning. It is of note that Commissioner Beer is the appointee of Council Member (and Mayor Pro-Tem) Kevin Muldoon, who has always been very supportive to the needs of the mooring permittees, so maybe this won't play out as bad as it sounds at first glance. The NMA continues to monitor the situation.

The Harbor Commission has completed its comprehensive review of Title 17 – Harbor Code -- of the City's Municipal Code. Title 17 – Harbor Code sets the rules for the Harbor. It is sort of like a General Plan for the Harbor, and like a General Plan, it needs to be updated on a regular basis. Expect a review every five years.

The Harbor Department maintains a very good website: www.newportharbor.org and all of Title 17 can be reached from that website. Email addresses for the Harbor Commissioners are also available there.

A few current items of interest worth mentioning to mooring permittees:

1. There will be a significant lower bay dredging project coming soon and the turning basin will be greatly impacted for a lengthy period of time.
2. There is now a new anchorage located west of Lido Island that may become permanent.
3. Annual mooring fees will be reviewed soon. The City is going to do another appraisal of the moorings, which seems like a waste of time and money in the NMA's opinion, however it is required by law on a recurring basis according to the Harbor Commission as they follow the new Title 17 rules and the rules that were set when the City took over management of the moorings from the Orange County Sheriff's Dept.
4. Spreader lines between double moorings will remain optional.
5. The Harbor Department is now authorized to place sea lion deterrents on vessels if sea lions are aboard and the vessel owner cannot be reached within a reasonable amount of time. The vessel owner will be charged for this service.

6. Mooring extensions will once again be allowed soon subject to new and fairly strict rules under Section 17.60.040 (M). This language is still not finalized but some highlights are as follows:
 - a. There has to be room in your row and in your fairway for an extension to occur.
 - b. 5 foot maximum extensions can be granted by Harbormaster review.
 - c. Extensions greater than 5 feet need to go before the Harbor Commission.
 - d. If an extension is granted, mooring permittee must occupy the mooring with a vessel of appropriate size within 12 months following the date of approval.
 - e. If an extension is granted, mooring may not be sold or otherwise transferred for a period of 12 months following the date of occupancy of the mooring with the new (larger) vessel.
7. Marina slips at Marina Park are now available to offshore mooring permittees in good standing for 3 hour periods Sunday through Thursday subject to slip availability. The City is calling this their Get Ship Shape program and it should be useful to some mooring permittees for washdowns, pumpouts, replenishing the water tanks, light maintenance, etc.
8. Code Enforcement – It's ongoing and a general rule of thumb to avoid code enforcement citations is that your vessel needs to look good out on her mooring. Think of your vessel as part of the overall beautiful harbor landscape. Your vessel should not stand out visually in a negative way. In a well maintained garden the weeds will get picked. Make sure your vessel isn't perceived as a weed. Most citations have to do with lack of vessel upkeep -- excessive bird crap and/or sea lions, black mold, flaking varnish, even a big hairy growth underwater due to lack of bottom cleaning are all items that will result in your boat being noticed. Pay particular attention to the type of sea lion deterrent devices you chose to use. Any device that could permanently harm a sea lion is not going to be legal and you risk being cited -- an example might be a wooden batten filled with sharp nails that could break off of your vessel and stay lodged in a sea lion. Be ready for a dye tab test. The City has the right to board your boat when you are aboard to do a dye test of your marine sanitation device and holding tank.

Longer Term Issues and Topics:

Copper Bottom Paint – The State of California's Regional Water Quality Board, Los Angeles region, is once again pressuring harbors within its jurisdiction to adopt unreasonable rules regarding allowable bottom paints. The City of Newport Beach is on our side on this one and has displayed an admirable position in fighting for the rights of boaters in Newport Harbor.

Law Enforcement – The Harbor Patrol, which is run by the Orange County Sheriffs Department, remains the law enforcement agency in the harbor. The OCSD Harbor Patrol has no code enforcement responsibility with regards to City of Newport Beach rules and regulations (Title 17), and conversely the City of Newport Beach harbor workers and code enforcement personnel have no general law enforcement capability or responsibility when it comes to criminal activity. It is very probable that sometime in the not too distant future the City of Newport Beach police and fire departments will have a presence in the harbor in the form of a dedicated police boat and a dedicated city owned fire boat.

Accessibility – Most of the offshore moorings in Newport Harbor do not have shoreboat service and would have more value if they were more easily accessible. The beautiful City owned Marina Park facility would seem to be a natural spot to run a shoreboat service of some sort. There are rumblings that this might occur. In addition, it would seem that Marina Park should have some sort of dinghy dock

access and main dock access for mooring permittees. The NMA is pushing for these things and we get the feeling that the City is in fact considering these proposals.

Join the Board of the Newport Mooring Association – The NMA is looking for new board members to help with all NMA activities. If you are an active mooring permittee and are interested in being a part of the NMA board, please send an email to: mail@newportmooringassociation.org