

## Exhibit D

### Master Responses

- Master Response 1 (Residential Pier and Mooring Rates and Methodologies)

Many public comments stated that the discrepancy between rates for mooring permits and residential pier permits is unfair. Staff agrees that the mooring permit and residential pier permit rates have been inequitably managed by the City. While the City has reappraised its mooring permit rates, its rent for residential pier permits appear significantly below fair market rent, both because the rates have not been reappraised and because the City does not include an impact area – the area expected to be occupied by docked boats – for its rent calculations. Therefore, in the Report, staff recommends that the City comprehensively review its residential pier permit program, immediately reappraise its residential pier permit rates, review its omission of impact area, and set a regular schedule to reappraise both the residential pier permits and the mooring permits moving forward.

Many public comments stated that the mooring permits and piers should be charged the same rates, and that not charging the same rates violated the rate discrimination prohibition in the City’s grant. Staff does not agree that the City’s charging different rates for residential pier permits and mooring permits is rate discrimination as used in the granting statute. Section 1, subdivision (d) of the granting statute states, “In the management, conduct, operation, and control of the lands or any improvements, betterments, or structures thereon, the city or its successors shall make no discrimination in rates, tolls, or charges for any use or service in connection therewith.” Staff interprets this provision as prohibiting different rates for different users of the same use; for example, charging a different rate between residents and non-residents for the same use (e.g. use of a mooring buoy).

Staff does not agree that residential piers and mooring permits are the same use. Residential piers and moorings involve different infrastructures. If any use of tidelands or submerged lands for boat docking must, as a matter of law, be charged at identical rates, that would also impact rates charged for commercial and industrial uses, like commercial marinas. But permits or leases for these uses are often charged rent through different methodologies, such as through a percentage of income. Additionally, the Commission often charges different rates for piers and mooring buoys, such as in Lake Tahoe. That’s not to say the rates cannot be the same, or similar – it could be that appraisals for each use reach the same concluded value, and in that case the City could charge identical rates. But staff does not conclude that the “rates, tolls, and charges” must be the same, as a matter of law, for residential piers and mooring permits in Newport Bay.

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- Master Response 2 (Appraisals)

Many comments included criticism of the City’s Netzer Appraisal, which staff reviewed in early 2024, and urged staff to “reject” the appraisal and endorse the appraisal prepared by CBRE for the Newport Mooring Association (NMA) instead.

The Commission does not set the rates on granted lands and only reviews them to see if the rates are consistent with the grant. Additionally, the grant does not mandate a particular appraisal approach for setting rates.

Staff reviewed the City’s appraisal and determined that relying on it does not violate the grant. By this, staff means that the methodologies and analyses within the appraisal are reasonable and do not violate established appraisal practices. This is not to say that other appraisals with different conclusions could not be reasonable. Each appraisal is based on an appraiser’s personal experience and expert opinion, and thus different appraisals often arrive at different conclusions. Even if staff determined that a different appraisal (e.g. the CBRE appraisal contracted by the NMA) is also reasonable, that does not mean that the City is compelled to use it. Further, the Commission could not require that the City do what the Commission would have done, it can only require that the City act consistently with its grant.

Therefore, staff does not include additional comments on the Netzer appraisal or CBRE appraisal in the Report.

- Master Response 3 (Grand Jury Report and the City’s 2017 Revisions)

Some comments stated that the Report should not rely on the 2006-2007 Grand Jury Report, both because the Grand Jury Report was flawed and because its concerns were addressed by the City in 2017 after collaboration with the NMA.

Staff refer to the 2006-07 Grand Jury Report because it provides a useful summary of issues involved in the private mooring transfers, and because it provides evidence that the City was on notice of potential legal issues with the transfer program. Staff does not rely on the Grand Jury Report’s conclusions to make their own conclusions and recommendations. Additionally, whether the City did, or did not, attempt to address the Grand Jury Report’s concerns does not affect staff’s analysis of the current mooring transfer program.

Regarding the collaboration between the City and the NMA, the Introduction to the Report explains that “this report is focused on a review of the City’s actions and staff reports, and does not go into detail regarding the public participation process connected to the City’s actions, such as Harbor Commission outreach meetings or public comments [ . . . ] this

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report focuses on whether the City is exercising its discretion within the limits created by the California Constitution, the Public Trust Doctrine, and the City’s grant statutes.”

The Report notes that in 2010, and in response to the Grand Jury Report, the City voted to phase out mooring permit transfers by 2020. Staff are aware that in 2017 the City adopted revisions to the mooring permit program after collaboration with the NMA and other mooring holders and discusses the 2017 modifications beginning at page 23. These revisions included removing the transfer restrictions that would have gone into effect in 2020.

Staff concluded that the allowance of private transfers still appears to violate the City’s grant statute and other legal duties. Staff also concluded that the City did not adequately explain how the changes are consistent with the City’s obligations under its grant. Staff do not agree that the changes address the concerns about the private transfer program.

- Master Response 4 (Current Mooring Permit Program as Affordable Access)

Many comments stated that the City’s current mooring permit program provides low-cost access to Newport Bay and so should be preserved in its current form. Staff understands that raising mooring permit rates will pose difficulties for some current mooring permittees, and in its letters to the City stated that it would support a phased approach to raising rates to fair market values or other ways that could soften the impact to current mooring permittees. But staff does not agree that the current mooring permit program provides low-cost access to the Bay. The current program has lower rates, but it also requires that any new permittee purchase a permit from a private party on the transfer market, with a 40-foot mooring permit selling for an average of between \$40,000 and \$60,000. Even if a purchaser could recoup that cost by selling it themselves, the requirement of a \$40,000 up-front payment means that most people could not afford a permit.

Additionally, the City has never claimed that it operates its mooring permit program to provide subsidized, low-cost access for boaters. If the City wishes to do so, staff will be happy to assist with navigating the legal issues involved to ensure the program would be consistent with the City’s grant and the California Constitution. At a high level, staff would want to explore how the City would determine who is eligible for the subsidized rates, the length of terms for the permits, and other issues to make sure that the program provides broad public access instead of subsidized rates for a select group.

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- Master Response 5 (Compensation from Mooring Permits)

Some comments stated that the transfer fee along with the mooring permit rent provide significant revenue to the City's Tidelands Fund when compared to other uses in Newport Bay and therefore the current program should be preserved.

First, revenue generation does not justify or excuse a legal violation.

Second, comparing overall revenue generation between uses in Newport Bay does not show that a particular use's revenue is appropriate. For example, commenters pointed out that mooring permits provide more revenue than residential piers overall, concluding that current mooring permit rates are sufficient. But the Report determined that the residential piers are likely being charged at below market rates and using inappropriate rental calculation areas, so the revenue from residential piers is likely too low. Additionally, as discussed in Master Response #1, staff does not agree that mooring permits and residential piers permits must be charged the same rates, so comparison between total revenue of the two uses does not provide evidence on the appropriateness of either rate.

Regarding the transfer fee, staff does not agree that the permit transfer fee results in significant revenues for the Tidelands fund, considering the sale price of the mooring permits. The transfer fee is 75 percent of the mooring permit's annual rent, which averages about \$1,200 for a 40-foot mooring. In 2024, the City received \$72,678 in revenue from mooring permit transfer fees, while \$2,536,200 was paid to private parties for mooring permits transferred on the private market, according to City records.

In comparison, the average mooring permit transfer price is \$1,000 to \$1,500 per linear foot according to the NMA's FAQ page on its [website](#) (accessed November 17, 2025), meaning that a sale of a 40-foot mooring permit would be between \$40,000 to \$60,000. The City's [website](#) (accessed November 17, 2025) reports that, in 2024, the total price paid for private moorings sales was \$2,536,200. The average rent fee is less than 3 percent of the average transfer price, and the total revenue for the tidelands fund is about 2 percent of the total sale price of the mooring permits.

- Master Response 6 (Profit from Mooring Permit Transfers)

Some comments disputed whether individuals profited from private mooring sales, citing the transfer fee, tackle maintenance costs, and that sales were often for the price paid for the mooring. The NMA's comment letter estimated costs as \$1,200 for a transfer permit, \$6,000 per decade in maintenance. But this would not equal the transfer average sale price of \$40,000 to \$60,000 unless the permit is held for between 66 and 100 years – much more than the 15-year average span a person holds a permit. (See email from Lauren Wooden

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Whitlinger, October 7, 2025.) It is true that permittees are, in many cases, recouping some or all the cost that they paid to purchase the mooring permit. But that must mean that, at some point, individuals are profiting from the mooring transfers, because these purchase prices are set by the individuals. Someone must have been the first person to charge for a mooring transfer, and that person profited. And this also means that there is the potential for other private persons to profit from the transfers.

And it appears that sales prices are continuing to increase. According to City staff,

*“The Harbor Department recently analyzed the transfers we have kept record of, since taking over management of the permits from the County in 2017. To date, there have been 878 total mooring transfers since 2017. From the 730 arms-length mooring transfers, there are 113 139 moorings that have traded two, three, or more times since 2017, for a total of 252 transfer transactions. Across those 252 transaction records, there were 139 transactions that resulted in a profit/loss/neutral value where we were able to determine the sellers have collected \$715,275.77 in net profit. And the average profit margin across all of those 139 transactions, taking into account profit/loss/neutral value, is 52%.” (Email from Lauren Wooding Whitlinger, November 19, 2025.)*

Staff also does not agree that there must be a net profit to implicate the concerns contained in the Report. Defraying costs that would otherwise be borne by the permittee is also a profit.

To summarize: the maintenance costs alone are unlikely to equal or exceed the transfer fee; it is impossible that every seller only recouped the cost that they paid to another private party for the transfer; there is indication that prices are increasing at least over moorings that have been transferred at least two times since 2017; and even without a net profit, there may still be profiting from a sale. Staff does not agree that there is no profit generated from the sale of mooring permits.

Finally, the City allowing third parties to impose costs that it cannot impose itself violates the City’s grant statute and fiduciary duties to the state. In other words, if the City were to require an additional \$40,000 payment for a mooring, staff would object that the payment violates the grant as being unsupported by an appraisal and unconnected to the use itself. This is true even if the payment is considered a deposit that would be returned when the permit is relinquished: there would be no basis for the City to require that deposit. The City cannot allow private parties to create profit by imposing costs it could not impose itself.

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- Master Response 7 (Liveaboards)

The Report does not discuss the legal issues surrounding liveaboards. In general, liveaboard use is inconsistent with the Public Trust Doctrine, although in its own leases there are some cases where the State Lands Commission allows a limited number of liveaboards when the use supports another Public Trust-consistent use, such as providing security services in a marina. Staff has not objected to the City's current liveaboard program.

Even if liveaboard use was consistent with the Public Trust Doctrine, the City, as the State's trustee, has discretion to choose between competing Public Trust uses. In other words, even if the use was entirely consistent with the Public Trust Doctrine, the City could decide, in its discretion, to not allow liveaboard use in favor of increasing the amount of recreational-use moorings. Elimination of the liveaboard program does not violate the City's grant or the Public Trust Doctrine. Therefore, staff does not agree that this Report should be revised to discuss the City's proposed elimination of the liveaboard program.

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### Form Comment

- A1: See Master Response 1 (Residential Pier and Mooring Rates).
- A2: See Master Response 1 (Residential Pier and Mooring Rates).
- A3: See Master Response 1 (Residential Pier and Mooring Rates). Even if the City were required to charge the same rates for residential pier and mooring permits, that would not require a particular rate methodology.
- A4: See Master Response 3 (Grand Jury Report and the City's 2017 Revisions).
- A5: See Master Response 3 (Grand Jury Report and the City's 2017 Revisions).
- A6: See Master Response 5 (Compensation from Mooring Permits).
- A7: Staff supports this program but does not believe that it justifies the issues with the transfer program noted in the report. The sublet program could exist independent of the transfer program.
- A8: The 12-month bar on transfers attempts to limit a problem created by the transfer program and does not excuse or justify it. It recognizes one of the harms created by the program: that private individuals could use the City's mooring permits to generate revenue based on the speculative value of the permit.
- A9: This also seems intended to help limit the problems of speculation on mooring permits, but like the 12-month transfer bar, is also a recognition that the transfer program could be used to generate revenue based on the speculative value of the permit.
- A10: The Report and its recommendations are specific to the City of Newport Beach's tidelands management. If other grantees have similar circumstances, then this report could also be used to guide their analysis.
- A11: The report focusses on current management of Newport Bay, and not historical practices. It could be that when the mooring permit transfer program was first adopted it did not create the legal issues identified in the report. For example, if the demand for moorings was low enough that there were vacant mooring permits available from the City, then a private transfer sale market may not have developed. It is the combination of the City's transfer program; the scarcity of available mooring permits; and the effectively indefinite term of the mooring permits themselves that create the current issue.
- A12: See Response A10.
- A13: Commission staff commented that they agreed with the City's efforts to eliminate the private transfer market in its August 2024 letter to the City. The Report reviewed the City's actions and not individual statements by City officials, which are also not binding on Commission staff.

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- A14: See Responses A17 (mooring permittee reliance), A6 (fees), A7-9 (mitigation factors), A11-13 (past practices), and A13 (opinions from City officials).
- A15: The issues caused by the City’s mooring permit transfer program are due to the combination of the City’s transfer program; the scarcity of available mooring permits; and the effectively indefinite terms of the mooring permits. These issues are not necessarily present in other forms of leases and permits. If they are, the City can use this Report for guidance on how to address those situations.
- A16: Considering the responses above, staff is not removing the transfer section from the Report.
- A17: Whether the City’s elimination of its mooring permit transfer program is an uncompensated taking is outside the scope of this Report. Even if a court determined that elimination of the transfer program is an uncompensated taking, staff does not agree this requires the City to maintain the current transfer program; it would require the City to compensate the mooring permit holders for its elimination.
- A18: See Response A15 (other transfers), A17 (uncompensated takings).
- A19: See Master Response 2 (Appraisals).
- A20: Staff agrees that the City’s alternate proposal to mooring rate permit increases, presented in July 2024, was abrupt. This is one of the reasons that staff asked the City to pause its second reading of the ordinance.
- A21: Staff does not agree that the City engaged in legal violations related to its presentation of the July 2024 alternate proposal. See Response A1 (discrimination).
- A22: Staff anticipates that the City will review this Report and respond with either additional information or changes to its programs to address the issues identified by staff. Staff also supports a transparent and equitable process.

## NMA Letter

- B1: Staff’s recommendation is that the City reappraise its residential pier rates, and that new appraisal will determine fair market rates for the residential piers. Staff agrees with the comments on the impact area, which are also noted in the Report. If the new appraisal wishes to consider the Commission’s benchmark methodology, staff is available to answer any questions they may have.
- B2: No response necessary.
- B3: We are aware of these actions, and have concluded that, despite them, the allowance of private sale and transfers of mooring permits still appears to violate the City’s grant statute and other legal duties. See Master Response 3 (Grand Jury Report and the City’s 2017 Revisions).



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- B4: Staff reviewed the substance of the appraisal, and not allegations of Brown Act or public contracting law violations. These allegations are outside the scope of the Report.
- B5: See Master Response 4 (Current Mooring Permit Program as Affordable Access). Staff does not agree that the Report's recommendations on rates "disproportionately" impacts mooring permittees. The Report recommends that residential piers, like mooring permits, should be charged fair market rates based on appraisals.
- B6: See Master Response 2 (Appraisals).
- B7: The sentence following the language quoted in the comment is: "While this would be an extreme example, and staff has not seen any indication this has happened, the point is that the City's system allows for private parties to make those decisions, which is potentially an impermissible transfer of power over the sovereign land." Staff used the potential transfers based on residency status or belief system as a hypothetical example of the problems created by indefinite private control of moorings, and the Report does not accuse any mooring permit holder of engaging in that behavior. Staff appreciates the clarification that those forms of discrimination are prohibited in the City's transfer documents and will remove the hypothetical example from the Report.
- B8: Staff does not agree that the only distinction between a residential pier and a mooring permit is that a mooring permittee does not have to be a resident. See Master Response 1 (Residential Pier and Mooring Rates).
- B9: See Master Response 3 (Grand Jury Report and the City's 2017 Revisions).
- B10: See Responses A4-9.
- B11: See Master Response 5 (Compensation from Mooring Permits).
- B12: Comparison of total revenues from moorings permits compared to total revenues of other harbor users does not prove that mooring permit fees and rent are, or are not, appropriate.
- B13: See Master Response 1 (Residential Pier and Mooring Rates and Methodologies).
- B14: Staff agrees that residential pier rates appear too low. See Master Response 1 (Residential Pier and Mooring Rates and Methodologies), Response B1.
- B15: See Master Response 1 (Residential Pier and Mooring Rates and Methodologies). There are different ways to assess fair market rents for different uses, such as square-footage rates, rates based on generated income, and others. Staff does not agree that every use of Tidelands must be charged at the same rates and through the same methodologies.

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- B16: See Response A15 (transfer of other users)
- B17: See Response A10 (other grantees)
- B18: See Master Responses 1 (Residential Pier and Mooring Rates and Methodologies), 5 (Compensation from Mooring Permits), 6 (Profit from Transfers).
- B19: See Master Response 6 (Profit from Transfers).
- B20: Timeline noted. Staff agrees that the July 2024 Alternative proposal was sudden, which is why staff requested, and the City agreed, to pause its adoption while we reviewed the City's history of tidelands management.
- B21: See Master Response 4 (Current Mooring Permit Program as Affordable Access), Response B21.
- B22: The Report recommends that the City immediately reappraise and revise the residential pier rates, which will resolve the discrepancy between moorings being charged fair market rates and piers being charged less than fair market rates. On the affordability topic. See Master Response 4 (Current Mooring Permit Program as Affordable Access).
- B23: Staff supports open processes and equitable solutions that are consistent with the legal framework that the City must manage its granted lands within.
- B24: The Report recommends that mooring permits and residential piers be appraised at the same time if possible, and if not, on the same schedule. As stated in other responses, staff does not agree that moorings and residential piers must, as a legal requirement, be based on the methodologies.
- B25: See Master Response 2 (Appraisals).
- B26: See Master Response 3 (Grand Jury Report and the City's 2017 Revisions). Staff has reviewed and considered all information provided in public comments.

## City Letter

- C1: The Report states, "The City is responsible for managing its legislatively granted lands and has discretion to determine how it manages the granted lands, as long as it stays within its grant statutes, the Public Trust Doctrine, and the California Constitution." Additional clarification was added to the Report at page 5, in the subsection describing the State Lands Commission's role.
- C2: Staff will be happy to assist the City in developing a definition for the "impact area" for Newport Harbor. Staff is also comfortable with phasing-in rate increases.
- C3: Confirmation of this approach was added to the Report on page 21, under "Recommendation."
- C4: Staff is comfortable with the City implementing a reasonable sunset date for ending the private sale of mooring permits.

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- C5: Staff is comfortable with the City adopting a reasonable phasing-in period for both the mooring permit program and the residential pier permit program if necessary to prevent undue hardship.

### **Comment from Sawyer Jones**

- D1: See Master Response 2 (Appraisals).

### **Comments from Samantha McDonald**

- E1: See Master Response 7 (Liveaboards).
- E2: The Draft Report did not explicitly address Yacht Clubs. The Report is focused on the City's residential pier permits and mooring permits, and staff decided that the Yacht Club leases were outside of this scope. As noted in the comment, the City's Yacht Club leases may raise concerns like those listed in the Report. The Yacht Club leases also may have distinguishing characteristics, such as the leases are for terms of years, and the method of the lease's rent calculation. In the Introduction, the Report states, "There are other topics that have been raised in public comments that are not discussed in this report, or which could be addressed more comprehensively. However, staff believe that the analysis and recommendations in this report will provide guidance for how the City should investigate additional issues related to its granted lands management even if such issues are not directly or comprehensively discussed in this report." The Yacht Club leases are one of those topics that are not addressed in the Report, and staff expect the City to use the analysis in the Report as a guide for additional issues related to the City's Yacht Club leases.
- E3: See Master Response Master Responses 5 (Compensation from Mooring Permits).
- E4: Staff added a new section to the Report discussing residential pier subleasing.
- E5: See Master Response 6 (Profit from Mooring Permit Transfers).
- E6: See Response E4.
- E7: See Response E2 (Yacht Clubs), E4 (Pier Subleasing), and the discussion in the Report on Mooring Permit Transfers.
- E8: The Report and its recommendations are specific to the City of Newport Beach's tidelands management. If other grantees have similar circumstances, then this report could also be used to guide their analysis.
- E9: The scope of the Report is described in the Background section of the Report, which refers to the letter sent by Commission staff to City staff on August 12, 2024. The Report's scope does not include every aspect of the license program. Staff

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notes that the quoted provision from the Newport Beach Municipal Code does not include the subsequent sentence and subsections, which include exceptions to the termination for abandonment. These exceptions include an absence of up to 6 months with pre-approval from the Harbormaster. See Newport Beach Municipal Code, Section 17.60.045, subdivisions G(1) and (2).

- E10: Staff made the suggested edits to the Report.

### **Comment from Ivan Skobstov**

- F1: Comment noted. As discussed in Master Response 2 (Appraisals), Commission staff cannot mandate a particular methodology, and only reviews City appraisals to determine if they are within the bounds of the law. This comment could be provided to the City for its consideration.

### **Comment from Hein Austin**

- G1: See Master Response 1 (Residential Pier and Mooring Rates and Methodologies)
- G2: See the “Mooring Permit Transfers” section of the Report for staff’s analysis.

### **Comment from Hein Austin**

- H1: In some areas of Newport Bay residential piers abut a public walkway instead of directly connecting to a private residence, which is on the other side of the walkway. The Municipal Code specifies that the application for a permit or lease to use the public trust lands must be signed by the “owner, lessee, or agent of the property affected.” (Section 17.60). For pier noncommercial pier permits the language specifies the request must be from the “abutting upland residential property owner, or lessee or the authorized agent of the owner or lessee,” and then further clarifies more rules when the upland property is sold or transferred. (Section 17.60.030(A).) The City’s municipal code defines the Abutting Upland(s) Property in Section 17.01.030(A) as

*“the adjacent bordering property held in fee or by lease. In instances, such as on Balboa Island, where a City-owned public walkway exists between the harbor structure and the adjacent bordering property, the ‘abutting uplands property’ or ‘abutting upland(s)’ shall mean the property adjacent to and abutting the property held in fee or by lease on the landward side of the walkway.”*

City staff also explained that there would be practical issues with issuing residential pier leases to persons other than the abutting property owner, even if there is a public walkway next to the pier. Without a connection to the abutting property, there

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is a lack of public parking, restrooms, storage, and utility connections. There would also be concerns about noise and other disruptions to the abutting property if the pier was leased to a third party.

- H2: See Master Response 1 (Residential Pier and Mooring Rates and Methodologies)

### **Comment from Thomas LeBeau**

- I1: See Master Response 7 (Liveaboards).

### **Comment from Natalie Fogarty**

- J1: See Master Response 1 (Residential Pier and Mooring Rates and Methodologies) and 2 (Appraisals)

### **Comment from Peter Kaz**

- K1: See Master Response 2 (Appraisals).
- K2: See Master Response 7 (Liveaboards).
- K3: See Master Response 6 (Profit from Mooring Permit Transfers).

### **Comment from Mark Womble**

- L1: See Master Response 2 (Appraisals).
- L2: The State Lands Commission provides ongoing oversight of granted lands and will continue to monitor the City as it works to resolve the issues identified in the Report.
- L3: See Master Response 1 (Residential Pier and Mooring Rates and Methodologies).
- L4: See Master Response 2 (Appraisals).
- L5: See the “Mooring Permit Transfers” section of the Report for staff’s analysis.
- L6: See Master Response 7 (Liveaboards).

### **Comment from Rudy Alvarez**

- M1: See Master Response 1 (Residential Pier and Mooring Rates and Methodologies).
- M2: See the “Mooring Permit Transfers” section of the Report for staff’s analysis.

### **Comment from Morgan Coburn**

- This comment describes the value of the Newport Bay mooring fields. Comment noted; no responses required.

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### **Comment from Adam Leverenz**

- This comment is a proposed resolution. Comment noted; no responses required.

### **Comment from Adam Leverenz**

- This comment is excerpts from transcripts, the City of Newport Beach Municipal Code, emails, and other documents. Comment noted; no response required.

### **Comment from Hein Austin**

- This comment provides four proposed remedies for alleged discrimination against mooring permit holders by the City of Newport Beach. Comment noted; no response required.

### **Comment from Darrik Burns**

- This comment describes the value of the Newport Bay mooring fields. Comment noted; no response required.

### **Comment from Zac Dietrich**

- N1: Staff agrees that residential piers' value appears too low and must be reappraised by the City.
- N2: See Master Response 2 (Appraisals).
- N3: Comments noted. Whether compensation is required for current owners for any change in the transfer process is a separate legal issue and outside the scope of the Report.

### **Comment from Penny Elia**

- O1: The referenced email was sent to City staff after Commission staff provided additional documents regarding its appraisal review in a Public Records Act response, which may have contained additional comments on the appraisal that were not included in the letter sent to the City.
- O2: See Master Response 7 (Liveaboards).
- The remainder of the comment is copied from the Form Comment.

### **Comment from Adam Leverenz**

- P1: See Master Response 2 (Appraisals). Staff reviewed the substance of the appraisal and determined it was reasonable.

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### **Comment from Adam Leverenz**

- This comment was four documents “record for these matters, and for dissemination among policy and decisionmakers.” Comment noted; no response required.

### **Comment from Mark Mathewson**

- Q1: Whether the City’s elimination of its mooring permit transfer program is an uncompensated taking is a separate legal issue, and outside the scope of this Report.

### **Comment from Brian Miller**

- This comment describes the value of the Newport Bay mooring fields. Comment noted; no responses required.

### **Comment from Denise Rosa-Schroder**

- This comment describes the value of the Newport Bay mooring fields. Comment noted; no responses required.

### **Comment from Wade Womack**

- R1: See Master Response 2 (Appraisals).

### **Comment from Joel Spano**

- This comment describes the value of the Newport Bay mooring fields. Comment noted; no responses required.

### **Comment from Hein Austin**

- This comment was sent almost a week after the deadline for public comments and is an update to the comment sent on October 16, 2025. It adds copies of case law and legal pleadings from a dispute over the extent of a private party’s littoral rights. The caselaw confirms that the City, as grantee, has authority to manage the granted lands and that there is no private littoral right to a pier on state property. Staff reviewed the additional materials, and no additional response is required.