

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
Council Chambers, 100 Civic Center Drive
Wednesday, January 11, 2017
6:30 PM

1) CALL MEETING TO ORDER

The meeting was called to order at 6:32 p.m.

2) ROLL CALL

Commissioners: Paul Blank, Chair
Dave Girling
Bill Kenney
Duncan McIntosh
Joe Stapleton
Doug West

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

City Council Liaison: Mayor Pro Tem Duffield (absent)

3) PLEDGE OF ALLEGIANCE – Harbor Resources Supervisor Levin

4) PUBLIC COMMENTS

Jim Mosher noted the California Coastal Commission was scheduled to give final approval to the City's Local Coastal Program Implementation Plan. With that approval, he believed the City could begin issuing coastal development permits but not issue permits or change permitting for anything on or over the water of the harbor. The Harbor Commission presentation to the Planning Commission regarding harbor-related businesses, tentatively scheduled for January 19, was not on the Planning Commission's January 19 agenda. He suggested the Harbor Commission seek an update.

Chair Blank concurred with Mr. Mosher in that the Local Coastal Plan did not include City authority for structures over the water, extending over the water, in tidelands, etc. A port plan similar to the Local Coastal Plan could be developed in the near future to give that authority to the City. The Planning Director requested the Harbor Commission presentation be continued to February, to which Chair Blank agreed.

5) APPROVAL OF MINUTES – December 10, 2016 Minutes

Commissioner West moved approval of the December 10, 2016 Minutes as submitted. Commissioner McIntosh seconded the motion.

Jim Mosher commended staff for the excellent minutes in that they detailed the harbor tour. He questioned the lack of a City Council Liaison being stated in the minutes. Council Members Curry and Selich were present for the tour.

Chair Blank clarified that the lack of a City Council Liaison indicated he was not present.

The motion carried with 6 aye, 0 no and 0 abstaining votes.

6) CURRENT BUSINESS

1. *Harbor Commission 2017 Objectives: Committee Assignments*

The Harbor Commission will assign committee members for each of the previously approved 2017 Objectives.

Recommendation:

- 1) Assign committee members for the Harbor Commission's 2017 Objectives.

Commissioner West reported the purpose of Objective 1 was to develop safety standard briefing materials regarding stand-up paddleboards and other human-powered craft to be distributed to all public rental outlets in Newport Harbor and informing all rental customers of the rules and best practices for safe navigation in the harbor. The subcommittee's recommendation to the Commission and the Council of how materials would be used and whether or not the Council would authorize a requirement for their use was implicit within the Objective.

Commissioners Kenney (chair), Girling and Blank volunteered for the stand-up paddleboard subcommittee.

Commissioner West advised that the purpose of Objective 2 was to recommend a Harbor Code amendment to the City Council.

Commissioners West, Stapleton and Blank (chair) volunteered for the speed limit subcommittee.

Commissioner West indicated the purpose of Objective 3 was to establish a dialog with representatives of the harbor charter fleet industry to promote best practices for charter boat operations in Newport Harbor.

Commissioners McIntosh (chair) and Blank volunteered for the charter fleet subcommittee. The to-be-appointed Commissioner was appointed to the subcommittee.

Commissioner West reported the purpose of Objective 4 was to support Harbor Resources Division staffs presentation of public information on the revised Regional General Permit 54 and related Newport Harbor Eelgrass Protection and Mitigation Plan, and to support staff in identifying any available means to streamline the permitting process for applicants.

Commissioners West (chair), Kenney and Girling volunteered for the RGP 54 subcommittee.

Commissioner West stated the purpose of Objective 5 was to support Harbor Resources Division staff and Harbor Patrol in efforts to identify and resolve ongoing derelict vessels in the harbor.

Commissioners Stapleton (chair) volunteered for and the to-be-appointed Commissioner was appointed to the derelict vessel subcommittee.

Commissioner West indicated the purpose of Objective 6 was to complete the Commission's evaluation of two seasonal trials of the turning basin anchorage, and to develop a recommendation to the City Council regarding same, and to evaluate the public suggestion of establishing day moorings off Big Corona Beach.

Commissioners West (chair), McIntosh and Kenney volunteered for the trial anchorage subcommittee.

Commissioner West advised that the purpose of Objective 7 was to collaborate with City staff in creating a principally web-based update to the Complete Cruising Guide of Newport Harbor. As the 2016 update had been completed recently, he questioned whether a 2017 update was necessary.

The Commission agreed a 2017 update of the Harbor Cruising Guide was not necessary, and the subcommittee was not needed in 2017.

Commissioner West reported the purpose of Objective 8 (now Objective 7) was to investigate the availability and sufficiency of public launch ramp facilities in the harbor, to report findings to the Commission, and to present a specific recommendation to the City Council if appropriate.

Commissioners Kenney (chair) and Girling volunteered for and the to-be-appointed Commissioner was appointed to the launch ramp subcommittee.

Harbor Resources Manager Miller advised that he would email a list of subcommittee members to all Commissioners.

In response to Commissioner Kenney's question, Chair Blank reported the Harbor Commission Objectives were scheduled for the City Council meeting of January 24, 2017. He would be present at the meeting, and all Commissioners were invited to attend as well.

Commissioner West suggested a brief discussion of the Objectives at the Council meeting would be better than having them listed as a consent item. Harbor Resources Manager Miller concurred.

Commissioner Stapleton moved approval of the Harbor Commission 2017 Objectives and the committee assignments and chairs. Commissioner West seconded the motion. The motion carried with 6 aye, 0 no and 0 abstaining votes.

Chair Blank announced that the City Council disbanded the Tidelands Management Committee and referred the Committee's responsibilities to the Harbor Commission. The Harbor Commission would be working on the Tidelands capital fund, capital plan and capital project prioritization. He had discussed with his Council Liaison the Harbor Commission's desire to work better on fewer Objectives and the Commission's anticipation of receiving additional work from the Council. Harbor Resources Manager Miller indicated staff would agendaize Tidelands items for the February Harbor Commission meeting.

2. *Commissioner Assignments of Council Members for 2017*

In an effort to maintain a close relationship with the City Council on harbor-related issues, each Harbor Commissioner is assigned a Council Member. The Harbor Commissioners will keep their assigned Council Members informed. This evening, the Harbor Commission will make those assignments for 2017.

Recommendation:

- 1) Assign Commissioners to a respective Council Member for 2017.

Chair Blank related the duties of Commissioners with respect to Council Liaisons.

Commissioner West requested to liaise with Councilman Avery, Commissioner McIntosh with Councilman Duffield, Commissioner Girling with Councilman Muldoon, Commissioner Stapleton with Councilman Dixon, Commissioner Kenney with Councilman Herdman, and Chair Blank with Councilman Peotter. The to-be-appointed Commissioner was assigned to liaise with Councilman O'Neill.

Commissioner Girling moved approval of the Council Liaison assignments. Commissioner McIntosh seconded the motion.

Jim Mosher lauded the Commission for keeping the City Council informed by assigning liaisons. The Commission should be cautious that communication was one way in order not to violate the Brown Act. A brief written report to the City Council would not only inform the Council of Harbor Commission activities but also raise visibility of the Harbor Commission.

Commissioner West questioned whether communication between a Commissioner and his assigned Council Liaison would violate the Brown Act and requested clarification of the issue. Mr. Mosher clarified that Commissioners should not report reactions from their Council Liaisons to the Commission. Chair Blank did not believe any Commissioner had violated the Brown Act in this manner in his tenure with the Harbor Commission.

The motion carried with 6 aye, 0 no and 0 abstaining votes.

3. Eelgrass Restoration in the Upper Bay – A Coastkeeper Update

Sara Briley, Coastkeeper's Marine Restoration Director, will update the Commission on Coastkeeper's eelgrass restoration progress in the Upper Bay.

Recommendation:

- 1) Receive and file.

Harbor Resources Manager Miller introduced Sara Briley who had been working with the City regarding eelgrass issues. She focused on the Upper Bay, while the Harbor Commission focused on the Lower Bay. Coastkeeper would be assisting the City with mitigation measures as needed.

Sara Briley provided an update of the eelgrass restoration project in Upper Newport Bay. She described eelgrass, its habitat, its economic and ecological importance, threats to eelgrass, goals of the restoration project, restoration methods and their advantages and disadvantages. More than 8 acres of eelgrass had been established in Upper Newport Bay with the help of over 250 volunteers.

In response to Commissioner Girling's questions, Ms. Briley did not have the exact number related to growth of the half acre into 8 acres of eelgrass. She believed the decline of eelgrass in previous years was related to dredging performed by the Army Corps of Engineers. Dredging was not beneficial to eelgrass in the short term, but good in the long term.

In reply to Commissioner McIntosh's inquiries, Ms. Briley advised that large amounts of freshwater was not beneficial to eelgrass. Storms with a great deal of wave action could disturb eelgrass beds as well. Testing was not performed between November 1 and March 1 because eelgrass grew at a much slower rate.

In response to Commissioner West's questions, Ms. Briley indicated eelgrass could be found around the Newport Aquatic Center and the Back Bay Science Center dock. Coastkeeper planted eelgrass near the Back Bay Science Center to determine whether it would grow there. Eelgrass grew naturally no higher than the Newport Aquatic Center in the Upper Bay. Coastkeeper's planting further north in the Upper Bay did not succeed.

In reply to Commissioners' questions, Ms. Briley reported silt increased as you moved north in the Bay. She did not have eelgrass information specific to the Lower Bay; however, eelgrass in the overall Bay was doing well.

Commissioner West stated the Harbor Commission was aware of the eelgrass population in the Lower Bay because of work on the Mitigation Plan. In response to his inquiry, Ms. Briley had no hard evidence but believed eelgrass from the Upper Bay could be dispersing into the Lower Bay.

Commissioner McIntosh had noticed more polluted sediment in the Lower Bay and did not believe anything could grow there.

In reply to Commissioner Girling's questions, Ms. Briley stated the grass found north of the Newport Aquatic Center was marsh grass. Marsh grass could tolerate exposure for longer periods of time than eelgrass. Marsh grass supported birds and invertebrates and improved water quality.

In response to Commissioner West's questions, Ms. Briley was aware of the eelgrass population at Linda Isle. Eelgrass flourished there because the water was shallower and protected from wave action and boat traffic.

In reply to Commissioner Kenney's inquiry, Ms. Briley reported the dive technique had been used to plant eelgrass in the Lower Bay. If conditions were right, eelgrass could grow in the Lower Bay.

In reply to Chair Blank's questions, Ms. Briley advised that flushing in the Lower Bay was much better than in the Back Bay. The species of eelgrass in the entrance channel was slightly different from the species in the rest of the Bay. Restoration efforts in the Lower Bay should be mindful not to cause hybridization of the two. She was not aware of any tracking of sunny versus cloudy days and the effect on eelgrass population, but that could have an effect on eelgrass. Harbor Resources Manager Miller added that a number of years ago a study was conducted to attempt to isolate factors that promoted eelgrass growth. The study utilized readings both above and below the water surface.

7) COMMISSIONER ANNOUNCEMENTS (NON-DISCUSSION ITEM)

Commissioner Stapleton thanked everyone for a successful boat parade.

Chair Blank had attended the Marine Committee meeting where a concept for placing nautical-themed statutes around the Harbor was presented.

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

None.

9) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

Harbor Resources Manager Miller reported staff was reviewing the plans and specifications for the Central Avenue public pier in order to issue a request for bids in early February. He hoped to begin construction by summer. The plaza project would follow the pier project, but he hoped both could be completed by the end of the year. Any funds remaining from Newport Harbor Yacht Club's donation of \$350,000 for the pier could be used for the plaza. Both projects were sufficiently funded. The agenda for the Harbor Commission February meeting would include budget items, capital improvement projects and Tidelands funding. The Council goal-setting meeting was scheduled for January 14, where harbor items could be discussed. Technical issues had prevented the removal of Marker 11 prior to the boat parade, but the contractor would remove it the following week. Marker 11 was lit and buoyed.

Harbor Resources Supervisor Levin advised that two derelict boats would be demolished soon. Staff was investigating two other boats for removal and disposal. Grant funds would be exhausted in the next few weeks. The next grant would open February 1, and she would apply for the grant. Awards would be made in April, and funds could be available in June. An auction of small craft was scheduled for Friday, January 20, at the Harbor Patrol dock. She anticipated more applicants for grant funding.

Harbor Resources Manager Miller noted sediment testing for the Regional General Permit would need to occur in 2017.

In response to Chair Blank's inquiry, Harbor Resources Manager Miller advised that landscaping with drought tolerant plants would be added to the Central Avenue public pier plaza. The footprint would remain the same.

In reply to Commissioner West's question, Harbor Resources Manager Miller indicated copies of the updated Cruising Guide were available.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER

None.

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

Chair Blank noted future items of SUP and the Tidelands Capital Plan.

Commissioner Kenney advised that the SUP Safety Committee expected to hold a meeting for interested parties in early February.

Commissioners suggested future items regarding the proposed trash skimmer, marine recycling and Marina Park updates.

12) DATE AND TIME FOR NEXT MEETING: Wednesday, February 8, 2017 at Marina Park @ 7:00 PM (Please Note: Different location and time)

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:40 p.m.