



## YIMBY Law

Santa Cruz, CA 95060

[hello@yimbylaw.org](mailto:hello@yimbylaw.org)

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7/25/2025

California State Lands Commission  
100 Howe Avenue Suite 100-South  
Sacramento, CA 95825

Re: Newport Beach Mooring Policies

Dear Members of the California State Lands Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. I am writing to formally protest the City of Newport Beach's recent adoption of Ordinance 2024-15, which would increase mooring fees by as much as 500% overnight and eliminate all future liveabards from Newport Harbor. We believe this ordinance violates Chapter 74 of the California State Lands Act, specifically Section 1(d), which 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."

Newport Beach has long hosted a small but vital liveaboard community—including veterans, retirees, captains, marine tour guides, and teachers—who contribute to the stewardship and vibrancy of the harbor. These individuals pay rent to the City, maintain their tackle and vessels, and submit to annual safety and environmental inspections. They are lawful tenants of tidelands property under the City's own rules. Yet they now face displacement under a fee structure and policy that appears explicitly targeted at pricing them out and preventing similar households from accessing this unique and historically affordable form of housing.

The City allows only 7% of its ~731 offshore moorings to be designated for liveabards, with a current waitlist confirming demand. This amounts to approximately 51 permits, affecting at least 80-100 residents by conservative estimates. Meanwhile, the City's appraisal-based justification for these drastic fee increases has come under serious scrutiny for likely violations

of the fair market value requirements, as previously noted by the State Lands Commission.

Further, the City's disparate treatment of other harbor users raises serious equity concerns. For example, 12 out of 14 categories of commercial pier permits pay lower fees than offshore mooring permittees, despite being for-profit operations. Liveaboard mooring permittees, by contrast, are prohibited from subleasing or profiting from their permits in any way. These discrepancies strongly suggest discriminatory intent in how the City is applying rates and regulations.

It must also be noted that Newport Beach has failed to meet its housing obligations under state law. The city must plan for 4,845 new housing units by 2029, including units affordable to low- and very-low-income households. Yet the City has instead razed affordable housing stock, bulldozed mobile home parks, and converted residential lots into parking. In February, a 9-1 Coastal Commission vote rejected further attempts by the City to erode harbor safety. Meanwhile, public records signal potential issues with the City's appraisal process, including indications that the City pre-selected its preferred appraiser—one with ties to City commissioners and a known interest in harbor leases—months before a public bidding process even began.

We urge the State Lands Commission to withhold approval of the City's proposed changes and to investigate the discriminatory and exclusionary impacts of the ordinance. The liveaboard community in Newport Harbor is one of the last of its kind in California, and its preservation is not only a matter of law—it is a matter of equity and decency.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is fluid and cursive, with the "S" and "T" being particularly prominent.

Sonja Trauss  
Executive Director  
YIMBY Law

August 14, 2025

Greetings to you,

California State Lands Commissioners and California Coastal Commissioners,

The City of Newport Beach has shown mooring permit holders that it lacks the requisite integrity to manage the Newport Harbor public tidelands fairly. By its inequitable and discriminatory dealings, it's been made clear that we're not the favored user group. Instead of protecting affordable access to the harbor, it's worked to make sure that we can't afford it.

My name is Coeli (chā-lē) Hylkema. Along with my husband, George, I'm a Newport Harbor mooring permit holder in the "C field", C-81, which is located at the end of the row close to shore. We have a classic wooden sailboat, *Sea Dragon*, which George has kept well-maintained. He jokes that he probably holds the record for the most hours worked on his boat as compared to hours sailed. I'm delighted to say that he recently got her out into the ocean with wind in her sails!

George was "bitten by the wooden boat bug" in the middle of winter in Michigan when the adventurous sailor, Irving Johnson, came to his high school to tell the tales of his global expeditions aboard the brigantine, "Yankee". George soon made his way to the sea.

We live in a little beach cottage on the Balboa peninsula, in Newport Beach. George has lived in our neighborhood for over 50 years. He was able to afford the place by working as an aerospace engineer for nearly 3 decades, and he has spent countless hours, over the past 5 decades, working to maintain it. It's a block away from where his boat is moored and George, who will be 90 years old in December, rides his bike to and from the Fernando Street dock and rows his dinghy back and forth to the boat just about every day. He's been a friendly neighbor and a thoughtful boater who has assisted many people, locals and visitors alike, who enjoy Newport Beach and its harbor.

George is conscientious, and he recognizes the importance of a clean environment to support the many species with whom we share our harbor.

Some years ago he had a conversation with a repairman who was fixing a pump, at a pump-out station, on the dock. George learned that sharp particles, like screws, often got ingested into the pumps which ruined internal hoses. When the pump-out stations were out of order it increased the possibility that sewage would be dumped into the harbor. George put on his engineer thinking cap and invented what he calls a “Particle Separator”, which is a device that stops screws and like items from entering a pump's peristaltic system. His Particle Separators have been installed at each of the City-owned pump-out stations, and George has been acknowledged by the Newport Beach City Council, with a “Proclamation” from the mayor, for his efforts to keep our harbor clean.

For about 35 years, George has been a board member of the Newport Mooring Association (NMA) and for 27 of those years I've shared his many mooring-related concerns, through a kind of marital osmosis! The NMA advocates, on behalf of mooring permit holders, for equitable treatment by those in the City who have the power to affect mooring policy. It strives to keep boating affordable in Newport Harbor, for all of the citizens of California.

There was a time when NMA board members were invited to the table to share their informed opinions on mooring-related issues, and their input was appreciated and considered during the decision-making process. The City directly benefitted from their cost-free expertise. However more recently, there have been occasions when NMA board members and mooring permit holders have been disrespected by City employees and even denigrated publicly. A particularly memorable accusation-packed attack was slung by Harbor Commissioner, Ira Beer, during a harbor commission meeting, in 2022. The City's policymakers haven't been truthful about their intentions regarding crucial mooring-related matters and hard-won decisions that were made in the past have been reversed, to the detriment of mooring permit holders.

The City of Newport Beach has regulated discrimination against mooring permit holders, and it seems intent on making us feel like unwelcome, second-class boaters. There are 9 pages of “Mooring Specific Regulations” in the City's Harbor Code (Title 17), with an extra 4 pages of regulations for those with live-aboard permits, compared to the 1 page regulating those with residential pier permits. Moored boats are thoroughly inspected, monitored and photographed by the City's Harbor Department. Those with live-aboard permits are subjected to additional invasive requirements like having to maintain a log which shows

the days and nights they reside on their boat during the 243 days, in any calendar year, that they are required to stay on their boat. Proof of insurance is required for moored boats owned by mooring permit holders, with the City additionally insured, but no insurance is required for boats at residential piers.

The Harbor Department has a regimented daily ticketing campaign to target dinghies at the too few public docks. It seems a kind of pointed harassment since we have such limited access and because dinghies are such a necessity for those of us with moored boats. It's been particularly difficult for the many mooring permit holders who aren't locals. The City has been unwilling to provide access to moorings by way of normal customary dinghy docks, though it's had many opportunities when it could have shown us some consideration. The \$40 million dollar "Marina Park" facility has an abundance of slips and docks that are being used for other purposes. Recently, docks with 3-hour only limits were built to service mostly small boats, like "Duffy boats", for those going to the local restaurants and businesses at Lido Village. There are other 3-hour only docks in the harbor that seem to only provide boat parking for a few restaurants. Unlike every other harbor with moorings, the City of Newport Beach hasn't provided the dinghy docks necessary for mooring permit holders to have adequate access to their moorings.

The relentless focus on changing policy that affects the mooring permit holders has been troubling, but there are three highly contentious issues that have raised our concerns so much so that many of us unsure if we'll be able to afford to keep our boats in Newport Harbor. These issues include the exorbitant tidelands fee increase that was approved by Newport Beach harbor commissioners, the efforts to reconfigure the "C" mooring field and the threat to revoke mooring transferability, again.

Mooring permit holders pay more for their private use of the public tidelands than many other boat owners who park their boats in Newport Harbor.

**Harborfront homeowners with residential pier permits pay a fraction of our tidelands fees and that's just for their docks, as they pay nothing for the**

**boats tied to them.** The City allows them to rent their dock space and, by doing so, has created an opportunity for them to make a pretty profit from their private use of the public tidelands. Looking at websites like dockskipper.com, one can see Newport Harbor docks advertised with monthly rental fees in the thousands. Mooring permit holders aren't allowed to rent their moorings, as we don't have exclusive rights like those that were given to the residential pier permit holders. Though we own the mooring tackle, pay for its maintenance and pay much higher tidelands fees, the City sublets our empty moorings and keeps the fees.

Besides paying far less for their private use of the public tidelands, some harborfront homeowners have claimed public land by fencing off the area around their docks, landscaping, and/or posting "Private Property" or "No Trespassing" signs, with the clear intent to deny the public access. Our California Constitution states that, "[n]o individual...possessing the frontage or tidal lands of a harbor... shall be permitted to exclude the right of way to such water whenever it is required for any public purpose...", however Lower Newport Harbor is nearly encircled with multi-million dollar homes, an expensive stronghold for those who can afford to be here and an effective "Keep Out" sign for others.

The Newport Harbor Code states that development in Newport Harbor shall "[p]rotect shore moorings and offshore moorings as an important source of low-cost public access to the water and harbor" (17.05.090 C. 4.), however last year the harbor commissioners unanimously approved a 300-500% tidelands rental rate increase for moored boats belonging to mooring permit holders. The commissioners conspicuously overlooked other tidelands users including those with residential pier permits, the boats tied to those docks, and those boats owned by yacht club members (Balboa Yacht Club and Newport Harbor Yacht Club) and the members of the Lido Isle Community Association. This unfair treatment of some boaters over others is contrary to the City's duty as manager of the tidelands under the "Beacon Bay Bill", which requires that the City "shall make no discrimination in rates, tolls, or charges for any use or service...[Chapter 74(3)(d)]". **The City has said much about its duty to set mooring fees at fair market value, but nothing about its duty to be fair in doing so.**

At a harbor commission meeting in June of 2022, Ira Beer presented the "C" Mooring Field Reconfiguration Plan. He was instrumental in its design, and he's been an ardent advocate. Mr. Beer suggested that the "C" mooring field is

unsafe, though he's not provided supporting evidence. We've be unable to find any documentation of major boating accidents in any of the mooring fields. George and other boaters who are familiar the Harbor's daily tidal currents and occasional strong winds quickly recognized that the Plan's design isn't right for Newport Harbor. Arranging boats bow to bow and closer together will make picking up and leaving a mooring difficult and dangerous, and it will increase the likelihood of damaged boats, injury, lawsuits, and strained relationships between boaters and between boaters and the City.

We've wondered if Ira Beer understands sailing, as he's stressed safety then so carelessly reduced the much needed maneuvering room for boats. Did he consider those boats that don't have engines that can be quickly shifted into reverse? George has a degree in physics; he knows about momentum and what it takes to stop our 33,000 pound boat. I know that I've been relieved to have the space to go around when I've needed a second shot at picking up the mooring line. It seems to me that the safety of those of us with boats in the "C" mooring fields wasn't Mr. Beer's priority.

The trendy environmental-sounding catch phase, "Open Water Initiative", has been used to described how organizing boats by size will widen fairways and add open water to the main channel. Some of us familiar with the harbor's mooring fields questioned whether "open water" was really a priority; if it was, Mr. Beer should've first redesigned Newport Harbor Yacht Club's larger and much less dense single-point mooring field for space efficiency.

There's been much talk about how the Plan would improve the views from the shoreline and widen the fairway between the mooring field and the residential docks. There are some harborfront homeowners who want to extend their docks into the fairways, so perhaps a priority of the Plan was to placate them. As to improving the view, pictures of George's boat, *Sea Dragon*, have been featured in several high-end realty brochures, so the realtors certainly thought the view was good enough to sell multi-million dollar homes. In my mind, lining boats up by size and packing them closer together in tidy rows will look a lot like a strip mall parking lot or, worse, a North Korean military parade!

The City wants to shuffle around and squeeze our boats into less space to make room for 7 new city-owned moorings. Recently, the City developed an administrative infrastructure for a new kind of leased mooring in Newport Harbor

called “long-term city moorings”. It has falsely declared that there's a demand from mariners who “seek longer-term arrangements for moorings in Newport Harbor, but wish not to become mooring permittees”. This is not so, as there is always an abundance of empty moorings that could be rented, but they're not because boaters don't want to pay the City's high fees. Currently, a 50 foot city-owned mooring rents for \$875.00 per month. So, making more money was a top priority of the Plan. Our mayor, Joe Stapleton, approves of the Plan and has explained that the additional city-owned moorings will support affordable boating and more access to the general public. Really? It seems to me that requiring boaters to pay \$10,000.00 a year for a mooring is more about the further gentrification of our harbor, not access.

As a resident who lives a block away from the harbor and the Fernando Street dock, and a few blocks away from Balboa's “Fun Zone”, I'm also concerned that the City intends to add moorings to the field without first addressing the congestion problem and the lack of services in the area. Nobody wants to pay for parking and our streets are usually overcrowded with vehicles belonging to residents, short-term renters, harbor and beach goers, boat owners, boat renters, harbor cruisers, fishermen, whale watchers, Catalina Flyer travelers, local business employees, shoppers, eaters, gardeners, healthcare aids, housecleaners, construction workers, package deliverers, etc. The Fernando Street dock is always jammed with boats. George lends his dinghy to a dozen boat-owner friends to open up dock space. There's no public restroom, no rinse-off shower, no drinking fountain, and the City even removed the bike rack that was next to the dock. As one who has let pregnant women and mothers with kids into my home to use my bathroom, because they couldn't wait any longer, I know that some basic amenities are needed.

The City has ignored the overwhelming opposition to the Plan from mooring permit holders, especially those of us with boats in the “C” mooring field. George has had *Sea Dragon* moored in the field for over 35 years. Many of the boaters there know him as a friend who is knowledgeable and helpful. That he is there at all is pretty remarkable, because he didn't inherit a thing. He worked hard and saved what he could while tending to family and home so he could fulfill a dream, just like others we know. Many of us with moored boats are part of a community of folks who have known each other for years and we care about each other, and our place in the harbor.

For more than a couple of decades, we've had an ongoing struggle with the City

to protect the long-established practice of mooring transferability. Many of us paid tens of thousands of dollars for our mooring permits, to secure places to park our boats. The market rates are generally around \$1,000.00 per linear foot, with prices negotiated between sellers and buyers. We've had the expectation that we'd be able to recover our initial investment when we sell our boats and transfer our mooring permits.

Those anticipated monies are needed for our retirement plans. Had we put \$40,000.00 into a CD earning 4.5% for 30 years, with added compound interest, we'd have \$153,907.92 in the bank. Instead, we have a lovely boat on rented tidelands and now the landlord wants to evict us. If the City ends permit transferability and raises mooring rates to amounts that are unaffordable for most, it will not only ruin our ability to recoup our substantial mooring permit investment, it will also make selling our boat nearly impossible. That story will be told a thousand times.

**Paying a standardized permit application fee to get a mooring wasn't an option.** There was a mooring waiting list in the past, but it was ineffective. People who were on it for more than 25 years never got a mooring. Even if someone from the list did get one, it may not have been in a convenient location. So, the market solved issues related to place and time, and for those of us who had hopes of sailing while we were still able to do so, purchasing a mooring permit was the only option.

We know that the City is aware of the huge financial investment made by mooring permit holders. In a Harbor Commission Staff Report from Administrative Manager Chris Miller to the Harbor Commission, dated October 12, 2022, under "Potential Projects" we see, "Mooring Buyback: Potential \$1 M per year for 30 years". So, when the Newport Beach City Council voted to go forward with the "C" field reconfiguration plan and increase the mooring permit fees some 300-500% we knew its plan was to fight dirty. That one-two punch was meant to knock the wind out of our sails and us out of the harbor, but we've decided to fight back!

With much appreciation of your efforts to promote equity,

Coeli Hylkema

**Archived:** Wednesday, August 20, 2025 9:58:48 PM

**From:** [Rudy Alvarez](#)

**Sent:** Wednesday, August 20, 2025 2:17:32 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Fairness in our Harbor

**Sensitivity:** Normal

**Attachments:**

[Staff Report 66-08-21-25.pdf](#);

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commissioners,

Although I'm not rich, I own a mooring in Newport Harbor, and believe in fair access to our harbor.

I respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you,

Rudy Alvarez

Sent from my iPhone

**Archived:** Wednesday, August 20, 2025 10:07:10 PM  
**From:** [Hein Online](#)  
**Sent:** Wednesday, August 20, 2025 5:53:03 PM  
**To:** [CSLC CommissionMeetings](#)  
**Subject:** Postponing Public Comment 8/21/2025: Item #66  
**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear Commissioners,

As a tidelands user in Newport Beach, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We very much appreciate the attention given by you to issues that directly impact access and fairness on the Tidelands.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide more meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

Sincerely,

Hein Austin

**Archived:** Wednesday, August 20, 2025 12:04:46 PM

**From:** [Christopher](#)

**Sent:** Wednesday, August 20, 2025 12:00:43 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Public Comment 8/21/2025: Item #66

**Sensitivity:** Normal

**Attachments:**

[66-08-21-25\\_66.pdf](#);

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commissioners,

As a tidelands user in Newport Beach, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

Christopher Bliss

Bliss Photography

949 887 9737

NewYorkPictures.com

**Archived:** Wednesday, August 20, 2025 9:57:24 PM

**From:** [Sandra Manich Cea](#)

**Sent:** Wednesday, August 20, 2025 1:54:15 PM

**To:** [CSLC CommissionMeetings](#)

**Cc:** [Sandy Manich](#)

**Subject:** Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Land Commissioners,

As a tidelands user in Newport Beach, I want to thank you for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management.

That said, we have been waiting for this report for over a year and now have less than 48 hours before this Commission meeting. Stakeholders respectfully request that agenda Item #66 be scheduled for a special meeting in September, to allow the community adequate time to review and provide input. Some areas are concerning and do not seem to match with the facts presented, such as the cost of obtaining a mooring permit. We would like to have the time to clarify these complex issues and address the commission in the near future.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

Sincerely,

Sandy Manich  
Morning  live aboard  
California public school teacher  
serving Canyon High School in Anaheim Hills, CA

**Archived:** Wednesday, August 20, 2025 10:05:24 PM

**From:** [Sandra Manich Cea](#)

**Sent:** Wednesday, August 20, 2025 3:51:10 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Special meeting in September

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Good afternoon,

This email is following up from one prior today regarding the request for a special meeting in September pertaining to tidelands in Newport Beach. I wanted to clarify that request is not in place of the meeting as scheduled tomorrow. There is much in the document that the public needs time to be addressed.

Thank you for time and consideration again.

Get [Outlook for iOS](#)

**Archived:** Wednesday, August 20, 2025 9:49:48 PM

**From:** [Pat and Bud C](#)

**Sent:** Wednesday, August 20, 2025 12:14:13 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Newport Beach Mooring rate increase

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commision,

As a nine year offshore Mooring permittee and permitted live-a-board here in Newport Beach harbor I very much want to thank you for taking the time these many months to study the city's proposed mooring rate increase. We are boaters. We have lived on boats more than 25 years. My wife is a USCG Captain. We have sailed the South Pacific. Being on the water is a part of our lives. Now, as a retiree living on a fixed income, any increase in cost to be here will affect our already frugal lifestyle, as is the case with many mooring holders and almost all the live-a-boards. We actually waited until 2016 to obtain a mooring permit because of proposed changes to both the fees and the transferability of the moorings in the years roughly 2012 -2015. As it seemed settled and locked in in 2015, we became a mooring permittee with the expectation of annual increases in fees tied to CPI, the right to transfer intact and reasonable rule changes in the future as deemed necessary. We bought this boat with those (or any reasonable cost increases) in our budget. In fact, a year later, the city of Newport Beach took over the management of the harbor from the Sheriff's department and began the process of updating Article 17, basically the rules of the harbor. There were many meetings that the mooring permit holders not only attended but offered input that the Harbor Commision both listened to and, in many cases, implemented. Among many changes was two directly impacting us. One was the confirmation that rates would rise with CPI and the other was that the waiting list for obtaining a permit would be abolished and transfers would continue as it had been for years, basically private arrangements between each other, unfortunately, usually the selling of a permit. Although we got our mooring a year earlier, by necessity in our budget, the cost of buying the permit was not something we wanted, certainly not what we thought of as an investment, but it was the only way, helped through the process by the mooring management and, in every way but officially, condoned by the city. The revamping of Article 17 in 2016 made it official!

I write this in total dismay and frustration. Yes, no argument the monthly payment to have the permit is well worth it. Even a significant raise beyond CPI, although against the agreement with the city, would be palpable. But almost 500 percent!!!

So, I could go on and on with all the many inequitable things against the mooring permit holders compared to other tideland users, as this discussion continues, you will hear of them all. I write this the day before you meet next and less than 24 hours since you announced the agenda. I want to express my thoughts based on more than anecdotal history. With the impact this latest report will have on all the mooring permittees, many, if not the majority, are retirees and especially us live-a-boards which is far less a discretionary expense, I respectfully ask that you postpone agenda item #66 for either a later date or, because of it's significance to so many of present and future permit holders, you schedule a special meeting in the future. I feel that your in depth report takes more than a quick reading and a quick response.

Thank you very much for all you do, your time reviewing this matter and your consideration of my and many other permit holders in giving us time to respond to this report in a respectful and thoughtful manor.

Sincerely, Herman (Bud) Coomans

**Archived:** Wednesday, August 20, 2025 11:56:34 AM

**From:** [bgriffith](#)

**Sent:** Wednesday, August 20, 2025 11:49:37 AM

**To:** [CSLC CommissionMeetings](#)

**Subject:** #66 be rescheduled for a special meeting in September.

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

**Dear State Lands Commissioners,**

As a mooring holder in Newport Beach, I would like to thank you and your staff for the time and effort dedicated to preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We value the Commission's attention to issues that directly affect access and fairness in our harbor.

The report was only made available to the public less than 48 hours before this meeting. Given the complexity and importance of the findings, we respectfully request that Agenda Item #66 be **rescheduled for a special meeting in September**. This would allow stakeholders and the broader community sufficient time to review the report and provide meaningful input.

Thank you for your consideration and for your continued commitment to **ensuring the fair and equitable management of California's public trust lands**.

**Barbara Griffith  
Newport Beach Resident**

**Archived:** Wednesday, August 20, 2025 9:54:48 PM

**From:** [Coeli Hylkema](#)

**Sent:** Wednesday, August 20, 2025 12:31:33 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** 8/21/2025: Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commissioners,

As a mooring permit holder for Newport Harbor, I appreciate the Commission's intent to promote and protect access and fairness in our harbor. I want to thank you and your staff for the efforts you have made to prepare the staff report for Agenda Item #66 regarding the tidelands management by the City of Newport Beach.

I had planned to speak at tomorrow's SLC meeting, however my comments were prepared before I received your 30 plus page report, which was just made available yesterday, and, now, I am at a loss for words. I have not had adequate time to read the document and, because I have yet to understand its complexities and how its findings will affect mooring permit holders, I cannot provide appropriate input. I am requesting that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review your report.

Mooring permit holders have been anticipating this report since July of 2024, and your findings will greatly affect our lives. Please allow us the opportunity to thoughtfully respond.

With appreciation,

Coeli (chā-lē) Hylkema

**Archived:** Wednesday, August 20, 2025 11:59:48 AM

**From:** [thomas iovenitti](#)

**Sent:** Wednesday, August 20, 2025 11:56:31 AM

**To:** [CSLC CommissionMeetings](#)

**Cc:** [Ad lever](#)

**Subject:** Fwd: Item 66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Sent from my iPhone

Begin forwarded message:

**From:** thomas iovenitti [REDACTED]

**Date:** August 20, 2025 at 11:55:14 AM PDT

**To:** CommissionMeetings@slc.ca.gov

**Cc:** Ad lever [REDACTED]

**Subject: Item 66**

**Subject:** 8/21/2025: Item #66

Dear State Lands Commissioners,

As a tidelands user in Newport Beach, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We recognize the depth of analysis this report represents and appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

In addition to this letter, I personally need time to digest certain items covered. I have ideas to suggest and prepare for consideration given my experience with owning boat moorings and Newport Beach real estate is extensive. I have owned moorings in Avalon and can offer some insight into options that could simplify this evaluation and provide ample revenue for all concerned. Additionally, I have offered improvements to title 17 that have reached def ears. Please allow this to be scheduled at a time that gives ample consideration to review each document and reply accordingly.

Thank you,

Tom iovenitti

Newport Beach, CA

Sent from my iPhone

**Archived:** Wednesday, August 20, 2025 9:58:06 PM

**From:** [L. Scott Karlin](#)

**Sent:** Wednesday, August 20, 2025 2:14:42 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Public Comment 8/21/2025: Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

re: 8/21/2025: Item #66

Dear Commissioners,

Thank you for all your hard work in making California a wonderful place to live and work for all.

I ask that item 66 be set for a special meeting so that all of the facts can be taken into consideration. I ask this on behalf of myself, my family, and twenty to thirty other friends and relatives who regularly enjoy the wonderful harbor by boating with me on my modest boat.

For over a year, we have been waiting for this staff report so that we might provide comment, further input, and additional relevant facts. With the report being made public just a few hours before the meeting, there is not enough time for the people affected to fully review the report and to ascertain if there is missing information and/or incorrect information and to provide relevant comments.

Following a very brief look at the report, it appears to me that there are many important, missing, and relevant facts that need to be taken into consideration, and then shared with the Commission. This would supplement and correct parts of the report. To fully present this additional information, and obtain and then present any supporting documentation, and to organise and present these important facts and documents will, of course, take a bit of time.

Given all the time and effort already devoted to this matter by the hard working people at State Lands (as well as efforts by the Coastal Commission to look into concerns about the treatment of people with boats on moorings in Newport Harbor), it would serve the public well to have this matter set as a special meeting so that all of the relevant facts can be known and shared.

Thank you for your time and consideration.

Respectfully,

Scott Karlin

13522 Newport Ave, Suite 201

Tustin, California 92780  
Main Office Phone: 714-731-3283  
email: [Scott@Karlinlaw.com](mailto:Scott@Karlinlaw.com)  
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**Archived:** Wednesday, August 20, 2025 9:51:22 PM

**From:** [Pit Kaz](#)

**Sent:** Wednesday, August 20, 2025 12:15:56 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Fwd: Please postpone items 66 due to less than 48 hours published staff report

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Good morning State Land commissioner,

Hope you are well, please kindly postpone the agenda item # 66 from 8/21/25 meeting to next meeting since the staff report was published just last night.

Thank you for your consideration.

Best regards,

Peter Kaz

**Archived:** Wednesday, August 20, 2025 9:55:49 PM

**From:** [Greg Kline](#)

**Sent:** Wednesday, August 20, 2025 12:50:07 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Public Comment 8/21/2025: Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Re: Public Comment 8/21/2025: Item #66

Dear State Lands Commissioners,

As a tidelands user in Newport Beach, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

Best Regards,

- Greg Kline

**Archived:** Wednesday, August 20, 2025 10:00:22 PM

**From:** [Emma Rose Klinger](#)

**Sent:** Wednesday, August 20, 2025 2:32:13 PM

**To:** [CSLC CommissionMeetings](#)

**Cc:** [Jordan Klinger](#)

**Subject:** Time Sensitive Comment on 8/21/2025: Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commissioners,

As a tidelands user and mooring boat users in Newport Beach, we want to thank you and your staff for the diligent time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management.

We recognize the depth of analysis this report represents and appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024 (of which we are sure the depth of analysis necessitated that much time), and, unfortunately, it was only made available to the public less than 48 hours before this Commission meeting.

Given the complexity, significance, and impact of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders, like myself and my husband (cc'd) and the rest of the diverse boating community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

We appreciate all you do,

Emma Rose & Jordan Klinger

NB, CA

Sent from my iPhone

**Archived:** Wednesday, August 20, 2025 10:08:51 PM

**From:** [Richard Klinger](#)

**Sent:** Wednesday, August 20, 2025 6:34:17 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Urgent Request to Postpone Agenda Item #66 for Newport Beach Tidelands

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Urgent Request to Postpone Agenda Item #66 for Newport Beach Tidelands

Dear Esteemed State Lands Commissioners,

As a passionate advocate for Newport Beach's tidelands, I am deeply grateful for the meticulous effort your team has invested in crafting the staff report for Agenda Item #66. This comprehensive analysis underscores your unwavering commitment to safeguarding equitable access and fairness in our cherished harbor.

Yet, the release of this pivotal report, a mere 48 hours before the upcoming Commission meeting, leaves stakeholders with insufficient time to fully digest its profound implications. The weight and intricacy of these findings demand robust community engagement to ensure voices are heard and decisions reflect our shared values. I urgently implore you to reschedule Agenda Item #66 for a special meeting in September, granting our community the opportunity to provide thoughtful, impactful feedback.

Thank you for your steadfast dedication to the just management of California's public trust lands and for considering this critical request.

With respect,

Richard Klinger

**Archived:** Wednesday, August 20, 2025 11:51:19 AM

**From:** [Jennifer Krestan](#)

**Sent:** Wednesday, August 20, 2025 9:17:16 AM

**To:** [CSLC CommissionMeetings](#)

**Subject:** 8/21/2025-Item 66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commissioners,

As a tidelands user in Newport Beach, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We recognize the depth of analysis this report represents and appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

Sincerely,  
Jennifer Krestan

July 28, 2025

- Additional information
- Updated information
- Revised Information
- Expanded list of recipients

June 25, 2025

Results of the investigation by the attorney for The Stewards of the Harbor, (incl: Mooring Permit Holders of Newport Beach, and The Newport Mooring Association), regarding a pending lawsuit with **the City of Newport Beach** regarding DISCRIMINATION against moorings, and the DECADES LONG GROSS AND WILLFUL MISMANAGEMENT of the California Tidelands, and Tidelands Fund.

Compiled at a cost of tens of thousands of dollars

Copies to:

1. **Lt. Gov. Eleni Kounalakis:** (949-770-100) State Lands Commission (SLC)
2. **Comm. Caryl Hart:** (415-554-7002) CA Coastal Commission (CCC)
3. **Dr. Kate Hucklebridge:** (949-770-1008) CCC
4. **Wade Crowfoot:** (949-562-556) CA NATURAL RESOURCES AGENCY
5. **Gen. Mngr. Grant Parks:** (949-555-555) CA STATE AUDITOR
6. **Insp. Gen. Amarik Singh:** (949-770-112) CA INSPECTOR GENERAL
7. **Shaun Spillane:** (949-770-112) Chief Deputy Inspector General
8. **Att. Yana Garcia:** (949-770-176) State of CA Dept of Justice
9. **Att. Gen. Rob Bonta:** (949-770-176) State of CA Dept of Justice
10. **Comm. Malla M Cohen:** (949-770-100) CCC
11. **Comm. Joe Stephensaw:** (949-770-141) SLC
12. **Analyst Jefferey Plovnick:** (949-770-147) SLC
13. **Vicki Caldwell:** (949-770-194) SLC
14. **Att. Benjamin Johnson:** (949-770-120) SLC
15. **Att. Seth Blackmon:** (949-770-100) SLC
16. **Acting Ex. Dir. Grace Kato:** (949-770-100) SLC
17. **Sheri Pemberton:** (949-770-100) SLC
18. **Dr. Matthew Dumlao:** (949-770-100) SLC
19. **Karl Schwing:** (949-770-100) CCC
20. **Amrita Spencer:** (949-770-100) CCC
21. **Shannon Vaughn:** (949-770-100) CCC
22. **Comm. Susan Lowenberg:** (415-554-7200) CCC
23. **Comm. Ann Notthoff:** (415-554-7200) CCC
24. **Att. Louise Warren:** (415-554-7200) CCC
25. **Chair. Meagan Harmon:** (415-554-7200) CCC
26. **Comm. Linda Escalante:** (949-770-100) CCC
27. **Comm. Effie Turnbull-Sanders:** (415-554-7200) CCC
28. **Comm. Mike Wilson:** (949-770-100) CCC
29. **Comm. Jose Preciado:** (949-770-100) CCC
30. **Comm. Raymond A. Jackson:** (949-770-100) CCC
31. **Comm. Christopher Lopez:** (949-770-100) CCC
32. **Att. Sahar Durali:** (949-770-100) CA DEPT OF JUSTICE (Los Angeles)
33. **Katrina Foley:** (949-770-100) Orange County Board of Supervisors 5<sup>th</sup> Dist
34. **Erika I. Ritchie:** (949-770-100) Orange County Register

- 35. **The Log Staff:** Local Newspaper for Boaters
- 36. **Lilly Nguyen:** (714) 500-1123 Daily Pilot
- 37. **Agalina Hicks:** (714) 500-2242 Voice of OC
- 38. **NMA:** Newport Mooring Association

All the information is known by the Newport Mooring Association

[www.newportmooringassociation.org](http://www.newportmooringassociation.org)

and Att. Michael Laifer at PHL: (949) 851-7294, email: [mleifer@palmierilawgroup.com](mailto:mleifer@palmierilawgroup.com)

# **Historic Discrimination against People with Moorings**

*REVISED AND UPDATED*

**July 28, 2025**

Moorings were established lawfully by Mooring Permittees on the State Public Tidelands in Newport Harbor over the past 100 years, and have provided an important source of low cost access for boaters to the California Coastal Waters. The City did not create, or “own,” moorings in Newport Harbor, until recently. The CA Granting Statutes enabling and allowing the **City of Newport Beach**, including, but not limited to, the Beacon Bay Bill, clearly prohibits discrimination related to the administration of the tidelands among different users, in both the letter of the laws as well as the spirit of the laws. What follows is an outline showing the ways in which the City abuses its position as **Administrator** over the Tidelands.

According to Google Earth, there are an estimated ~ **7500 boats** in Newport Harbor, depending on the season. These boats park along **1200 Moorings**, 800 Private Docks, 7 Yacht Clubs, and 16 Marinas. All the boats in the Harbor pay for parking except the 3000+ boats (and mega yachts) located at the 800 Private Docks belonging to affluent waterfront homeowners, including past and present Harbor Commissioners. These 800 Docks can berth 3-8 boats per dock depending on the shape and size of the dock.

The Following are but a Few Examples of the Systematic Socioeconomic Discrimination against the Moorings, and how The City, along with the Newport Harbor Foundation, is attempting to mount a long term Hostile Takeover of the Moorings.

## **1. Killing Access to Off-shore Moorings:**

Historically, shore moorings were readily available, and provided access to offshore moorings. Over time the shore moorings were transferred to people who did not have offshore moorings. This created the need for dinghy docks for dinghies to access the offshore moorings, similar to other harbors in California where there is a substantial number of offshore moorings. However, for decades the City has consistently ignored requests to provide sufficient access for in-water dinghy docks for offshore-moorings. The City’s reply has been that there is no place available for such access. Yet at the same time, the City has found such areas, and developed them for exclusive access to other projects.

A mooring without access is like the sound of one hand clapping. Failing to provide reasonable access is a method by the City of making the acquisition, and use, of offshore-moorings unattractive to people who are not fortunate enough to own Waterfront Properties. The exception might be these local residents who have docks, slips, access to a friends’ docks, or other options for access to offshore-moorings. By failing to provide reasonable access, the end result is to make offshore-moorings increasingly inaccessible to lower income

people, and non-residents, while local residents are better able to use the moorings because they are much more likely to have alternative means of access.

The limited number of Public Dinghy Docks are difficult to navigate due to insufficient dredging. The tides recede three times a day leaving half the dinghy spaces at most docks exposed to mud. People have to trek knee deep in mud to get their dinghies back on the water, and to their offshore moorings. The City has been dragging its feet for years to solve the dredging problems at Public Docks. Instead, the City spends most of its time, and resource, planning and plotting how to make life more difficult for Moorings.

An areal view of the Harbor shows many open spaces that have potential for Public Dinghy Docks. (the City just don't care about the needs of lower income mooring holders)

## **2. Failing to Provide Access for Off-shore Moorings While Building Access for Others Tidelands Users.**

While the City has claimed for decades “there is no space” for dinghy docks for access to offshore-moorings, the City has built exclusive docks for short term tie-ups to benefit businesses such as restaurants, and sailing clubs. For example, the New City-owned Marina Park Complex is reported to have been built at a cost of over \$40M, which created what appears to be a 200-foot-long dock, along with 25 guest slips, and approximately 18 dinghy-sized docking areas. The long dock and slips provide access for boaters going to restaurants and businesses, and the 18 dinghy docks provide extra revenue to the City through small boat rentals. At the same time, not a single dock space was created for use of a motorized in-water dinghy for access to the off-shore mooring fields nearby, even though the designer of Marina Park specifically included sufficient Dinghy Dock Parking. A single guest slip could be used for day parking for around 8 in-water dinghies to alleviate overcrowding at the nearby 15<sup>th</sup> Street Public dock. These exclusive Marina Park slips, many of which are not used most of the year, are located directly in front of the two largest mooring fields in Newport Beach (J-Field/H-Field). The City shows little to no effort to improve the Dinghy Parking situation.

As a very minor concession, in a token-show of separate but equal access, the City did allow land-based **“RACKS” FOR RENT** for dinghy storage of non-motorized dinghies, inflatables, or kayaks, but these dinghies have to be manhandled, and hauled by hand to the shoreline to be rowed out to the off-shore moorings, a feat possible only if the mooring holder is physically capable, and the weather permits. This is nothing like the real access provided by most other harbors, where inwater dinghy parking is considered essential mooring access.

### 3. Milking the Moorings for Profit

**California Government Code Section 66016** specifically prohibits local agencies from levying new fees or increasing existing fees to an amount exceeding the estimated **cost of providing the public service**. If the fees generate excess revenue, it should be used to reduce the fees, instead of padding the overhead, or the budget.

The City collects around \$1.5M per year from 1200 Moorings that cost them nothing to built and maintain, yet the estimated cost to administer 1200 moorings, according to the last OC Sheriffs Contract of 2016, is around \$350K/yr. The Sheriffs employed one front desk administrator who managed all 1200 moorings, **part-time**, for decades, and was paid a salary of around \$65k/yr. This administrator handled all the admin paperwork for the Moorings, while Highly qualified Harbor Patrol Boat Deputies patrolled the Mooring Fields 24/7 (see the Newport Beach City Council Staff Report of Nov 24, 2015)

Historically the mooring permit holders were required by the City to carry the cost burden to create a mooring, and to maintain the mooring tackle (buoys, weights, chain). Other than collecting fees, and inquiring about boat insurance, and contact information, or sending out notices, very little costs are associated with the administration of moorings. Mooring fees are handled by the City's billing dept. Yet, over the last 20 years, the City may have collected over \$20,000,000 in excess fees without creating a single new in-water dinghy dock to provide reasonable access to offshore-moorings. The failure to use the excess revenue to provide reasonable access is just another form of discrimination against moorings, and the gross mismanagement of the CA Tidelands.

In 2016 the OC Sheriffs submitted a contract to the City to renew their decades long management of the 1200 Moorings for around \$330,000.00. At that time the City Council decided to cancel the OC Sheriff's Contract, and established a New Harbor Department under the pretense the City can manage the moorings cheaper and better. That was their cover story, and the plan turned out to be a costly failure, perhaps by design, because from day one the City wanted to annex the moorings by pricing them out of the Harbor. If the City is doing it for cheaper, as it sometimes claims, the moorings are not benefiting from the savings, as they should, because the City is opportunistic. Today the Harbor Department Budget is \$2.3M (and counting), to manage the same 1200 Moorings. The New Employees appear to have inflated salaries, and the Harbormaster patrol boat operators seem far less capable than the OC Sheriffs. The Harbormaster Patrol Boats patrol mostly by day, w limited off-hours patrols, while the Sheriffs patrolled 24/7. The highly paid Harbormaster, who is supposed to be focused only the Harbor Dept., is out of the office most of the time, for who knows what, possibly tending to other City business and networking, unrelated to the day to day operations of the Harbor Dept. The Budget for boats and equipment also seem unreasonably high. According to CA Resource Code 6009.1 Sec. 1 (i) The Tidelands Funds cannot be used

for **Municipal Purposes (Code Enforcement?)**. (see CA Public Resource Code attached) There is no independent oversight of the Harbor Department to identify Waste, Fraud, and Abuse, or to check if the City is using Tidelands Funds properly, or for things outside the scope of its administrative duties of the moorings.

Meanwhile The City leaves no stone unturned to find ways to inflate mooring rates, and make them pay for the out-of-control Harbor Dept Budget the City intentionally created. The City points to this inflated budget, and upcoming capital projects, to justify a 500% rate increase as “FAIR MARKET VALUE” for Moorings ONLY. (Unrealistic “Fair Market Rates” for Moorings, and ARBITRARY low rates for Docks and Yacht Club Moorings)

One example of unreasonable fees: The City charges \$430 to process an annual liveaboard renewal application that takes an hour to process, including the safety inspection, and a holding tank dye-tab test. (Docks and Yacht clubs are exempt from dye-tab inspections and excessive admin fees, the City does not seem to keep logs either, yet they have 5x as many vessels)

Another example: Permit Transfer Fees for Moorings are 6x higher for moorings than Permit Transfer Fees for Docks. When a Mooring Holder Transfers his/her Mooring Permit to another party, the Mooring Permittee must pay a transfer fee that is 6x more than a Dock Permit. The numbers are staggering when all are added up.

The list of discriminatory fees and double standards against Moorings is long, and this list can be found online at the City’s **Municipal Harbor Code, Title 17**. (70 pages)

#### **4. Rates Discrimination on the Tidelands**

The City is charging Moorings around 12x more than Docks, and wants to further increase Mooring rates by an additional 500%, never mind the fact that, Moorings and Docks are **like-for-like users**, both are self-installed and self-maintained, **longterm storage, recreational users, on the same Tidelands, paying permit fees to the City**.

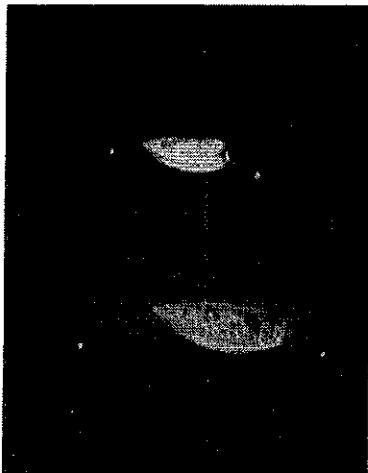
Here is an example of how current fees are determined for the Harbor (using approximate numbers):

- **OFF-SHORE MOORING:** price per square foot – example **Mooring B-52:** 40’ mooring – (60’ x 20’) ~1200 square foot (including exclusive use space around boat / or drift area) / price per year ~ **\$1,600/yr = \$1.33 per sq foot per year** (Harbormaster insists moorings must pay for the drift area around their boats, not just the boat, while exempting all similar buffer areas and water areas around docks and Yacht Club Moorings of similar charges) (If the

Dock below is held to the same standard as moorings, The Dock rate would go up from the current \$650/yr to \$7,182/yr @ \$1.33/sqf)

- **HOMEOWNER:** (charged for dock structure only / water is free): price per square foot – example **351 East Bay Front:** 1160 square foot U-Shape dock structure only / price per year around \$650 = **\$0.56 per sq foot per year per City Dock Rates** (Free exclusive use of water spaces, and beach areas, “**NO TRESPASSING**” signs posted)

MOORING



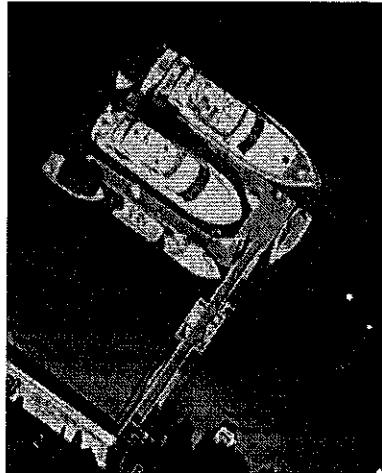
TOTAL FOOTPRINT

1200 sqf

MUST PAY \$7200/YR

CANNOT RENT

DOCK



TOTAL FOOTPRINT

5400 sqf

PAYS \$650/YR

CAN RENT

Here is an example of how much this Dock actually pays for all that space:

- **HOMEOWNER:** dock + water footprint: price per square foot **occupied** – example **351 East Bay Front:** Total Square Foot of Dock structure and boats on water = 5400 sqf (using a free online map calculator) / price per year **\$650/yr = \$0.12 per sq foot per year** (\$650/yr to park 2 Large Yachts and 5 smaller boats) (Dock fees depend on the shape and size of the docks)

If the Dock wants to have exclusive use of the extra beach areas, the Dock should pay for that too into the Tidelands Fund. “No trespassing” signs = Exclusive use areas. Currently exclusive use of the beach areas + water areas are all free of charge per city ordinance that says no charge for **buffer areas** around Docks. The water is a gift of Public Tidelands Space

by the City to the Docks, and the Docks are allowed rent for rental income. (see Attachment Article XVI Public Finance, and Attachment of March 9, 2022 CA Public Resources Codes Slides by SLC to the City)

**EQUITABILITY** means all Moorings (Incl Yacht Club Moorings) and Docks pay equal rates for all the exclusive space they are pre-assigned. When Docks pay 12c/sqf/yr, Moorings must also pay 12c/sqf/yr, or less, based on the ease of accessibility. (not more)

Here is an example of when Mooring Rates are calculated the same as Dock Rates.

▪ **OFFSHORE MOORING:** price per square foot – example **Mooring B-52:** 40' mooring – (60' x 20') ~1200 square foot (including exclusive use / buffer area or drift area around boat) / price per sqf 12c x 1200 sqf = **\$144/yr** (\$144/yr is what is should cost to moor a 40' boat on a mooring using the same formula applied to Docks) (The Current rate is ~ \$1600/yr, The Proposed rate is \$ 7200/yr)

Here is an example of what the Newly proposed 500% Mooring Rate increase for 2025 would be if the **State Lands Commission** did not put a Hold the plan on July 9, 2024:

▪ **OFFSHORE MOORING:** price per square foot – example **Mooring B-52:** 40' foot mooring – (60' x 20') ~1200 square foot / \$600/m = **\$ 7,200.00/yr** (\$6/sqf/yr) (ie. The New City Proposed Permit rate for a 40' mooring is \$ 7200/yr) (The City recently began charging \$7,200/yr for a 40' City Owned Mooring License) (If held to the same standard, The Above Dock should pay ~ \$32,400/yr @ \$6/sqf, excluding the beach areas)

This means the Newly Proposed Mooring Rate, and all similar City Owned Mooring licenses will turn existing Moorings (**\$1.33/sqf/yr**) into Super High Cost Moorings (**\$6/sqf/yr**), while the Dock rates remain practically free at around **12c/sqf/yr**. The City wants to charge working class boaters \$7200/yr to moor a 40' boat, while the affluent Docks pay around \$650/yr, some can park as many as 7 boats, and are allowed to rent their dock for thousands of tax free dollars each month to third parties, with no City oversight. **IS THAT FAIR?** The City says it is, that's why The City Council voted 7-0 in favor of the Harbor Commission's recommendation to adopt. Others see this as the City's ongoing systematic socioeconomic discrimination, and another Environmental Injustice case that implicates the City. (See attachment of Corona Del Mar Fire Pits EJ Case in 2012)

Here is an example of when Both Moorings and Docks Pay the same CA State Lands Commission Benchmark rates of 45c/sqf/yr, for the total footprint each are assigned to use. (see attachment with CA State Lands S Cal 2022 Benchmark Rates).

- **OFFSHORE MOORING:** price per square foot – example **Mooring B-52:** 40' mooring – (60' x 20') ~1200 square foot (including exclusive use / buffer area around boat / preassigned boundary lines) / price per sqf = 45c x 1200 sqf = **\$540/yr** (\$540/yr to moor a 40' boat on a mooring using the SLC Benchmark Rate) (The Current rate for a 40' mooring is \$1600/yr, The Proposed rate is \$ 7200/yr)
- **HOMEOWNER:** dock + preassigned water footprint boundary lines: price per square foot occupied – example **351 East Bay Front:** Total Square Foot of Dock structure and potential boats on water / ~ 5400 sqf (using online map calculator) / price per sqf = 45c x 5400 sqf = **\$2430/yr** (Based on the SLC rate of 45c/sqf/yr This Dock should pay a min of \$2430/yr, The Current Dock Rate is around \$650/yr, because the water is free, and free to rent for profit)

Generally speaking, the State charges less for uses that are **non-commercial**, not more. That's because commercial uses are for profit and should not be given favorable rates. The City says in **Harbor Code Title 17**, that Commercial users must pay less per square than moorings.

The State Lands Commission calculates the total square foot of tidelands occupied by a user to determine the fair rates to be charged for **exclusive use rights of tidelands space**, including offshore moorings on State Tidelands. Recent reports and appraisals from the State Lands Commission set guidelines. Ironically, many people would argue that tidelands which touch the shore, where Docks are located, should have a higher \$/sqft value than offshore moorings due to the ease of access, when compared to offshore-moorings. In other words, Docks should pay more per square foot than offshore moorings, yet the City of Newport Beach does the exact opposite. The City charges more per square foot for Moorings than for Docks.

To be clear, Moorings are not advocating for higher rates for anyone, but for **equal rates with Docks**. If the **FAIR MARKET RATE** for Docks is 12c/sqft/yr, Moorings too must pay 12c/sqft/yr, or less, depending on accessibility, not more. That's the definition of **EQUITABILITY**.

Based on all the above, it would appear the City has been grossly overcharging the Moorings for decades, compared to the affluent Docks, partly due to a lack of oversight by the State. Moorings are defenseless against a City so powerful and well funded by Tax Payer Funds, individual mooring holders are easy targets, and have endured abuse from the City for far too long.

The City Leaders give the impression the City owns the Harbor, and they were given the authority by the State to pick and chose who gets favorable treatment and who does not. Through their actions it is clear EQUITABILITY Compliance is irrelevant.

**Needless to say, Reparations, Investigations, and a Full Audit are long over due!**

## **5. Rental Rights for Docks but not for Moorings**

Docks and Moorings are like-for-like users on the Tidelands. Docks and Moorings 1) apply for permits that must be renewed, 2) both store boats longterm, 3) both are self installed and self maintained, and 4) both are recreational, non-commercial, Tidelands Permit Users.

Docks are allowed to rent to third parties under **City Resolution 2015-10**, and have been for decades (see 2002 LA Times Article on Newport Beach Dock Rentals), but Moorings are prohibited under Harbor Code Title 17, on penalty of Permit Revocation, if caught renting their moorings to third parties. (**see Resolution 2015-10**)

Per City Harbor Code Title 17, if an offshore-mooring is unoccupied, the City has the exclusive right to rent it out to visitors, and The City keeps the fees as pure profit. However, the City is not allowed to rent out vacant spaces at Docks. Dock Permit Holders have exclusive rights to rent their Docks to third parties, and most do. Equitability means, if Docks can rent, Mooring Holders should also be allowed to rent.

When a Dock is available for rent, the Dock Permit Holder is supposed to declare to the City their Dock is available for rent and pay the extra rental rate (~30c/sqf extra), using an honor system, but most Docks don't, and City oversight is conveniently non-existent. (~ 20% of Docks are Commercial Rental Vacation Income Properties and ~ 50%+ of Docks rent either a portion of the dock, or the whole dock, for rental income) Very few declare, < 20 Docks declare. (City leaders choose to turn a blind eye for docks, with lax rules, but moorings are micromanaged with strict rules and severe penalties)

Big Docks with large Yachts, as above, can have their own “private Marinas,” can park 7 boats for around \$650/yr, and are enabled to generate **\$100k/yr** in Tax Free rent income, and with no City oversight. (a 40' slip at the City Owned Marina rents for around \$2000/m and a 75' slip for around \$6000/m) Marinas have waiting lists, so Private Docks are in high demand. A large percentage of docks have boats that belong to owners other than the property owners.

Recreational Moorings and Recreational Docks should have parity according to the Coastal Act, and the CA Granting Statutes, and the CA Public Resource Codes.

**POSSIBLE REMEDY** (see Attachment Possible Remedies): If the City begins by lowering all Mooring rates immediately down to the same as Docks (12c/sqf/yr/), and give Moorings the same rental rights as Docks, (for an extra fee), that would go along way towards creating

a level playing field, and restoring **Equitability on the Tidelands**. These actions will take State intervention because the City cannot be trusted to establish and maintain any meaningful Equitability on the Tidelands. The City has proven its promise about keeping moorings as low cost coastal access in is not worth the paper it's written on, after delenting all such language from its 2015 Local Coastal Plan.

## 6. The City Prioritizes Profits over Safety for Moorings

**The Mooring Realignment Plan:** For the past 5 years, and many Public hearings, the City advocated to densify the moorings, beginning with mooring field C, while exempting the Yacht Club Mooring Fields where moorings have a much larger footprints. Moorings at Yacht Clubs are spaced further apart than in regular mooring fields. The City wanted to realign low income boaters into tight double row moorings to create space for more high cost **City Owned Commercial Moorings**. This Mooring Realignment Plan would have created unsafe mooring conditions for ordinary boaters, and thereby limit their access to the CA Coastal Waters. The City could not care less about these concerns. The justification the City cooked up for this Plan was: 1) to create more “open water” conditions in the Harbor for better views for some resident homeowners (but worse views for others), and 2) to improve general navigation the general public through the Mooring fields. The real reasons behind the plan was to boost revenues by adding more City Owned Moorings. The yacht club mooring fields were exempt from the “Open Water Initiative,” as several City leaders hold equity memberships at the Yacht Clubs, further underscoring the double standards of the City. (one standard for mooring permittees, and another for Yacht Club Moorings)

Ironically, during the time the City sought to densify Mooring Fields, several waterfront homeowners obtained permits to expand their docks bay-ward, beyond their designated pier limits, exposing the City’s hypocrisy when advocating for more space for Docks and less space for Moorings, simultaneously. Its a familiar plot, more space for docks and less space for moorings.

After weighing all the facts, on Feb 5, 2025, The CA Coastal Commission rightly voted 9-1 against the City’s Mooring Realignment Plan, with the vice chair, Caryl Hart, even calling it a “terrible plan.” When the facts about safety concerns were presented by the mooring holders, The CCC saw the “Open Water Initiative Plan” for what it really was, an unsafe plan driven by local politics, instead of facts and Proper Small Craft Harbor Design Standards.

During this meeting, the President of the Newport Harbor Foundation, William Kenney (a former Harbor Commissioner turned lobbyist, and architect of the Open Water Initiative Plan), advocated on behalf of the NHF and the City. The NHF was founded by previous members of government who now lobby the current members of government to implement the NHF plans for the Harbor.

Mooring Holders presented evidence how Unsafe Coastal Access is No Access.

## **7. Pricing The Working Class Boaters off the Tidelands**

According to Google Earth, at any given time, there are over 100 vacant moorings and docks available for use by short term visitors. These are moorings and docks that are vacant from anything from a few days to permanently. As noted above, the City has the right to rent vacant mooring out to visitors, but not Docks. For over 20 years, the City could have easily make these 100 empty moorings more available to boaters, instead the City set daily the rate so high most cannot afford it.

Privately Installed Vacant Moorings can be used by the Public, but vacant Docks are off limits to the public. Docks come in different configurations. Some docks are connected directly to properties with no direct access to land, others have a public walkway separating the dock from the property, which means boaters do have access to land from these docks. All docks have “NO TRESPASSING” sings.

When the New Harbor Department was established in 2016, The City, purposely, gradually increased the daily-rates from \$12 per night up to \$57 per night, and thereby pricing out working class boaters on Public moorings, and keeping most of the 100 vacant moorings empty. Local boaters, who have boats on trailers in their backyards, can no longer afford a few nights on the water with their families because by the time a boater launches a boat at the only local Newport Boat Landing, for \$20 a day, and pay \$57 per night to the City, the cost of spending a night on a mooring jumps to \$87/day. Yet at a local Angeles National Forrest campsites, in the local mountains, Public campsites rent for \$12 per day, and can park two vehicles, and have restrooms. The campsites have easier access than moorings, yet moorings rates are much higher, thanks to the City. Daily Rates should be the same on all public lands, \$12/day. These Excessive City Visitors Rates call for an Investigation, because it costs the City nothing to let visitors use the vacant moorings. All the expenses for Mooring maintenance are carried by the Mooring Permit Holders. These actions by the City are not about the daily rates, its about something else, the City is working on a bigger plan, one that is much more sinister. The City deliberately created this price barrier because the City has long term plans to turn Newport Harbor into an exclusive playground for the affluent, free from undesirable participants.

This became evident in 2024, when The City introduced its new City Owned Mooring License program. The City has claimed that one reason for the unusually high mooring vacancy rate, and the “need” for their new Mooring Licenses, is that they cannot offer 3, 6, or 12-month leases on the 100 Vacant Moorings. That is why boaters do not want to use these 100 moorings. They claim that they cannot offer longer-term leases because the Mooring

Permit Holder has the “right” to put a boat on the mooring at any time, so the would-be long-term lessee is not interested if he or she can be asked to move on short notice. This explanation has no merit, and the City should not be allowed to Commercialize Moorings. First, many vacant moorings have been vacant for extended periods of time, while people go cruising, doing work in a boatyard, or something else, but they still maintain the mooring and pay their fees. If the City wants to act in good faith, a simple inquiry can find out if the Mooring Holder has any plans for occupancy in the short term. Second, most people understand the risks of using a Mooring temporarily. Moving from one mooring to the next can be inconvenient for temporary users, but with 100 moorings available, moving a few moorings down is doable. Third, during public stakeholder meetings the Newport Mooring Association has proposed that the City ask Mooring holders of vacant moorings if they would agree not to put a boat on a mooring for an agreed upon period, such as 6 months, or 12 months, in exchange for a relief of having to pay mooring fees during that time. Having heard these possible solutions, the Harbor Commissioners never even studied the proposal, they already had other plans. The City would rather create an artificial Mooring scarcity problem, at the expense of the Public, which they can then solve by creating High Cost City Owned Mooring Licenses, for “the good of the Public.” (While Docks remain virtually free of charge)

## **8. The New Mooring Licenses:**

This mooring scarcity problem the City created is a cover story, one that drives the New City Owned Mooring License Program for the 17 “City- Owned” Moorings. A few people might claim they are willing to pay the High Cost Mooring License Fees that The City says is representative of what everyone would pay, as if there is a high demand and an open market. However, an investigation into the New Mooring License Scheme, and **the Exaggerated List of Applicants for Mooring Licenses**, the City purports to have, will reveal that the City’s List is misleading at best, most are just email addresses. The demand for Mooring Licenses are not nearly as high as the City wants to lead everyone to believe. The City never was, and should not be allowed to be in the Commercial Mooring Leasing Business for profit, because 1) moorings are supposed to provide low cost access to the CA Coastal Waters for working class boaters, and 2) the City is supposed to be the **Impartial Administrator**, overseeing both Commercial Tidelands Users (Yacht Clubs/Marinas/Marinas), and the two Non-Commercial Tidelands Users (Moorings & Docks). The City has shown it cannot be trusted to be impartial and equitable. The City acts as if it owns the Harbor, and disregards any appearances of conflicts of interests.

According to the **CA Public Resource Code 6009.1** (See CPR attachment)

- 1) The City has a duty to act **impartially** in managing the trust property.
- 2) The City has a duty to not use or deal with trust property for the **trustee's own profit**.
- 3) The City cannot use the trust funds for general **municipal purposes**.

(also see SLC Slides on CA Public Resource Codes by the SLC to the City Harbor Com.)

By Commercializing the public moorings for its own benefit, the City is violating its assigned role as **Impartial Administrator of the Tidelands**, the role it originally applied for, and was granted, under the CA Granting Statutes. According to PRC 6009.1 The City has a “Duty to not use trust property for Trustee’s own profit.” (see attached SLC slides)

The SLC and CCC has the authority to preserve all moorings for Low Cost Coastal Access.

**MONOPOLY:** The City appears to be engaged in Government Overreach, and is creating a Monopoly for itself on the Tidelands in multiple ways, 1) it creates Harbor Codes for its own benefit, through which it can manipulate, or over regulate, moorings to its own advantage, 2) it enforces the Harbor Codes for its own benefit, and can wait for opportunities to annex moorings that are out of status for whatever reason, to populate its own mooring inventory as City property, 3) it can engage in favoritism in the Harbor for its own benefit, as it does with Docks, and 4) it can awards itself as many benefits as possible on the Tidelands it Governs, all the while competing with other less powerful users of the Harbor.

If the City is allowed to establish new moorings, or take any existing hard earned moorings from mooring holders, and turn them into high cost City owned commercial moorings its obvious the City has an **incentive** to do everything possible **to claw** as many moorings from the limited pool of Private Mooring Permit Holders. Once a private mooring is turned into a City Owned Mooring, there is no going back. That mooring is forever lost to the affordable boating community, each and every low cost mooring counts. The City has put itself in direct competition with the working class mooring community, and has clear intentions, it wants all the moorings, the sooner the better. The City wants a Monopoly on moorings. If the State does not step in, and cancel the Mooring grab, the private moorings are doomed. The City will leverage its position, and do all it can to manipulate the levers of government to grind away at the low cost moorings until none are left. There is no hope for moorings unless the State intervenes. Dock permits are exempt from revocation procedures.

**NO CDP:** When the City cooked up the New Mooring License Program in 2024, it did so quietly in the background, and deliberately bypassed the Coastal Development Permit Application process, which would have exposed the many problems of this plan. Launching a Mooring License Program without the proper public participation, and State input, is consistent with The City’s reputation for using tactics like “act first, apologize later.” Its a calculated game the City is good at playing. There are major concerns about the Mooring License Program that has not been given the light of day during public meetings due to the fact that the City drew all the attention away from this License Plan, and towards the alternative plans it pushed during the same time, such as the Mooring Rate Plan and Mooring Realignment plan, and other ideas. The City has a reputation for moving goals posts and

sowing confusion with last minute decoy plans. The City purposely diverted the Public's attention, and the State's attention, away from the Mooring License Program during the time the State Lands Commission launched its **Permit Review** of the Harbor letter. Since the City's high mooring license fees affect public access to the CA Coastal Waters, a Coastal Development Permit is called for. This Licens Program must be canceled immediately. The City plays by its own rules, with no regard for the lower income boating community, or its duty to maintain **EQUITABILITY on the Tidelands**. When challenged on these issues, the City has many tricks up its sleeve (play ignorant, virtue signaling, showcasing all the token concessions it made in the interest of benevolence, etc) All smoke and mirrors. They know how these games are played, and how to outsmart the State, or any other opponents.

Hopefully the State can see through all the smoke and mirrors tactics, and challenge the lack of a CDP for the City Owned Mooring Licenses. The longer the State waits the harder it will be to hold the City accountable.

**ALTERNATIVE PLANS:** Furthermore, it appears the City's Mooring License Program (MLP) is in **direct violation** of the State Lands Commission's request that the City hold off on adopting the 500% Rate Hike Plan in Resolution 2024-15 as per the Harbor Commission's recommendation on July 9, 2024, pending the outcome of a Harbor Permit Review. Prior to the second reading, the counsel for the Moorings issued objections to the City's proposed actions, to the SLC and to the City, and wrote, "We are hereby submitting objections to the City of Newport Beaches' express intention to adopt the Harbor Commission's recommendation or the "**alternative**." (see PHL Law Firm cover page) These objections prompted the SLC to intervene. As a result, On July 22, 2024 the SLC recommended the City delay a second reading of Ordnance 2024-15, the City agreed, or so it seems. The Mooring License Plan appears to qualify as one of the "**alternatives**" the City had in its bag of plans. If the Mooring License program is one of those "**alternative**" plans it needs to stop immediately. This Mooring License plan was put in motion during the same time when Resolution 2024-15 was drafted, and appears to be in direct violation of the State's request. The City mentioned the Mooring License Program in passing a few weeks prior, but there was no public input on this Mooring License Plan as is required under **the Brown Act**. Implementing The City Mooring License Program with public moorings without public input might be a violation of the Brown ACT. At the time, the City was playing its usual bait and switch games, switching between **alternative plans**, over a holiday weekend, while the public showed up at City Hall prepared to make comments on an entirely different plan, throwing everyone off guard. The City has a reputation adopting misleading ordinances and resolutions. (see Popular Fire Rings Scandal Article) The Mooring License Plan is one of those self serving plans that the City and the Newport Harbor Foundation hatched behind closed doors. This MLP has all the makings of another **Environmental Justice** case study in Newport Beach because, like the Fire Rings Case, the MLP too will adversely affect Low Cost Coastal Access for the Public for future generations. The Mooring License Program can

now be found on the City's website under "**Moorings and Licenses.**" If all above can be confirmed, it might be grounds for the SLC to request that the City halt this program immediately, as it might be one of the "**alternatives**" that are supposed to be on hold pending the the outcome of the SLC's Harbor Permit Review that is still in progress. The License Program, in itself, calls for a serious inquiry, as the City might try and make a case that it launched the Mooring License Program long before the July 22, 2024, letter from the SLC, in and effort to preserve, and legitimize, the MLP. (Another tactic in the City's toolbox)

**RIGHTS STRIPPED AWAY:** With every revision of the Harbor Code, Title 17, since 2016, The City has been gradually stripping the Mooring Permit Holders of all their Rights, while leaving the rights of Docks intact. Its death by a thousand cuts for the Moorings. Turning Mooring permits into Mooring Licenses is akin to killing the "Canneries in the Cole Mine," the only watchdog group in the Harbor, and might be the final nail in the coffin for Mooring Permit Holders who went through great lengths to organize to keep the State informed about the issues in the Harbor, over the years. Mooring Permits Holders with no Rights will no longer be motivated to organize and spend out of pocket resources to advocate for **Equitability on the Tidelands** at SLC and CCC meetings. With no rights and all equity in their moorings stolen by the City, boaters will be too afraid to speak up against the abuses of the City for fear of retaliation. The Newport Mooring Association will probably have to shut down if Private Mooring Permits are converted into City Owned Mooring Leasees. There will be nothing left to fight for. All the voices of those who stand up to fight for what is right today will fade away. Newport Harbor will become a low cost exclusive playground for the affluent, free from lower socioeconomic long-term boaters. All will be priced out.

The Restoration of Permit Rights of Moorings are called for.

**EQUITY IN PERMITS:** The City discriminates against Mooring Permit Holders by attempting to steal the Equity/Deposits they have in their Permits, while protecting the Equity Dock Permit Holders have in their Dock Permits. All permits in Newport Harbor have Equity or Value (Mooring Permits, Dock Permits, Marina Permits, Rental Permits, all have value) Mooring Permits have the least amount of equity/value among all the permits, considering all expenses. (mooring tackle, mandatory mooring inspections, fees, etc)

A fraction (~ 5-15 %) of the 1200 Mooring Permit Holders give up their Mooring Permits every year by transferring their permits to third parties in exchange for a sum of money, similar to a **deposit refund**. The City is now trying to use this exchange as a cover story to convince everyone that the Mooring Holders are trading public assets for personal profit, while staying silent about the Docks. Typically, an applicant enters into a transaction with an existing Mooring Permit holder, and both sign the permit transfer paperwork at the Harbor Dept Office to transfer the mooring permit from the Existing Permit Holder to "the buyer."

Money changes hands from buyer to seller prior to them filling out the permit transfer paper work, and the seller gets his/her original **deposit** back. Since no new moorings can be created, putting up money for a permit allows a user to get a permit faster, the user uses and maintains the mooring for a period of time, until the user wants to transfer the permit to the next person. And so the process is repeated since 1920. The City **FACILITATED AND PARTICIPATED IN** these arrangements for over 100 years. Now the City cooked up a New Mooring License Program, and found a way to gradually annex and convert ALL 1200 Mooring Permits into High Cost City Owned Mooring Licenses. Many moorings stay in families for generations, the City wants those as well. The City License Plan cancels all permit transfer rights, increase the rate by 500% for all, and thereby allows the City to steal people's investments, without just compensation. This City Owned License Plan is the definition of **EXPROPRIATION WITHOUT COMPENSATION!**

Likewise, a fraction (~ 5-15 %) of the 800 Dock Permit Holders give up their Dock Permits every year by transferring their permits to third parties in an exchanges for money, or a trade during the sale of their home. A Buyer enters into a transaction with an existing Waterfront Homeowner who has a Dock Permit. After Escrow closes on the Home, both parties sign the permit transfer paperwork at the City to transfer the dock from the Seller to the Buyer. The City has facilitated this arrangement for decades. The City has no plans to change Dock Permits into City Owned Dock Licenses, or to cancel the transferability rights of Docks. (Protection for Dock Permits, and No protection for Mooring Permits)

Both Mooring Permits and Dock Permits have Equity or value. According to some, the open market value for a Mooring can be ~ \$500- \$1000/ft, depending on the location and condition of the tackle, and the open market value for a Dock can be as high as ~ \$500k-\$1M. The Mooring Permit holder can ask as much as \$40k for a 40ft Mooring, and according to the Docks they can add as much as \$1M to the asking price for their Home-for-Sale with a Dock. (see March 5 2014 article by The Log) (**\$40k vs \$1M**) According to the City, its perfectly acceptable for Docks to have permits with this level of equity, yet, as of recent, for Moorings any equity is considered taboo and outright profiteering, according to the City. In addition, most Docks are more than places to berth boats or store paddle boards or kayaks, the majority have extra patio spaces that are extensions of the living space from land out over the Tidelands. Some Docks also come fully equipped with utilities and other comforts: water, wifi/internet, electricity, gazebos, patio furniture, and barbecues ready for entertainment. Similar Docks in nearby Huntington Beach Harbor pay upwards of \$41/sqf/yr for these extra wide extended entertainment spaces on their docks over Public Tidelands. In NPB the cost is around 12c/sqf/yr, with no City oversight.

Soon after the City established a new Harbor Department in 2017 it passed a rule that Mooring Permit Holders must declare the full sales price of their mooring to the City. The City posts all mooring transfer prices on a single spreadsheet on the Harbor Department

Website. Similar Dock permit transactions are exempt from such City oversight, making it harder to determine the value of individual Dock Permits, or to draw a comparison. (Accountability for Moorings but none for Docks)

The City also discriminates between permit transfer fees, and permit transfer terms. Per **Harbor Code Title 17**, The transfer fee for a 40ft Mooring is the same as the annual mooring fee of ~ \$1600 (depending on the size of the mooring), while the transfer fee for a Dock permit is a flat \$250, regardless. Mooring Permits are valid for 1 year, while a Dock permits are valid for 10 years, (Mooring Licenses - month to month).

Mooring Permit Holders want parity with Docks in accordance with the CA Granting Statutes, that say, “No Discrimination in rates, tolls, and charges.”

**ADVOCATES FOR EQUITABILITY:** Private Mooring Stakeholders, who have protected rights as lawful permit holders (like Docks), also have incentives to serve as the eyes and ears of the SLC and the CCC at the local level. They provide a public service at no cost to the State. These stakeholders painstakingly study the local issues to identify questionable proposals by the City, and take time off work to address these concerns during public comments. The City, on the other hand, appears to be driven by self serving interests, politics, and cronyism, and violating the need for Equability, the consideration of the facts, and the equal administration of the Law. The City even went as far as to publically denounce a section in the CA Granting Statutes that says, “No Discrimination in rates, tolls, and charges for any use of the Tidelands,” and they act as if it is irrelevant. (its on video) The City indicated during several meetings, over the past 10 years, the “NO Discriminaton” and “Equitability FOR ALL” requirements of the Coastal Act do not apply to them. Based on the City’s own statements, an dismissive attitude, The City has shown it will not fulfill its duty to maintain EQUITABILITY voluntarily, its sole focus is on the furtherance of its own agenda, **TURNING THE MOORINGS INTO A CASH COW FOR THE CITY, regardless.** Mooring Holders have been the only ones advocating for Equitability on the Tidelands, in Newport Beach, over the decades, while the City has used every sales pitch and argument in the book to circumvent its DUTY to maintain a Harbor that is Equitable.

Protecting the rights of Mooring Permit Holders means protecting the one, and only, group of volunteer watchdogs for Equitability in Newport Harbor.

**RENTERS:** The City turned the Mooring Permits into Rental Agreements, but Dock Permits remain Dock Permits. When the City established the New Harbor Department in 2016, it immediately overhauled the City Harbor Code Title 17, and began stripping away all the permit holder rights and protections Mooring Permit Holders had for decades prior. The City also began converting People’s Private Mooring Permits into City Mooring Rental Agreements in 2017, without a CDP. Mooring Permit holders were converted to renters,

under duress, with a “sign or have your permit revoked” agreement. (Docks were exempt from all these abuses) These changes paved the way for the future New Mooring License Plan the City rolled out recently. Now The City wants all Mooring Permits to be converted into City Owned Mooring Licenses. Allowing the City to have any Mooring Licenses is the beginning of the end for **low cost coastal access** along the Southern California Coast. If the City is allowed to have a Mooring License Program, The City will undoubtedly leverage its power to chip away at the Moorings until every permit is converted into a City owned mooring license. This might take time, but the City is determined, and will use all the advantages it has on the Tidelands to exploit all the advantages it creates for itself in Harbor Code Title 17, and gradually take Private Mooring Permits away from working class individuals, one mooring at a time. The Docks have nothing to fear from the City for the next 50 years under the special Out-of-Court Settlement with the City in 2013 (see March 5, 2014 Article in the Log), and the adoption of Resolution 2015-10. (see Attachment of Res. 2015-10) The only hope for the Moorings is if the State steps in and rolls back the injustices the City are perpetrating against Moorings, and if the State establishes Equitability between Docks and Moorings on the Tidelands by telling the City to merge the Docks and Moorings as a single user group with equal rights. (see Attachment Possible Remedies)

**RATE INCREASES:** The New City Moorings that are being annexed by the City, will be administered by the City Owned Marina called, **The Balboa Yacht Basin Marina**. The City converts newly annexed low cost mooring permits into high cost City Owned Mooring Licenses, that have rates that will automatically increase along with the City Owned Marina slips, bypassing the existing annual Consumer Price Index (CPI) rate increases for moorings that have been in place for decades. Docks, on the other hand, will continue to benefit from the modest CPI rate increases. Currently rates increase gradually for both Moorings and Docks according to the CPI rates every year, but under the New Mooring License Program Mooring fees are tied directly to slip rates in the City Owned Marina. Under this system, rate increases for Mooring Licenses are expected to far outpace the CPI rate increases, and thereby further marginalize the working class boaters on the Tidelands. Mooring and Slip rates are expected to soar, much like they do in Dana Point Harbor. The City of Newport Beach wants to duplicate the Dana Point Harbor model. In the meantime, Docks have nothing to fear, the City will continue to let them park 3000+ boats virtually free of charge, and protect their low cost Access to the CA Coastal Waters. (3000+ boats is the estimated capacity, or the number of boats the 800 Private Docks can accommodate, some docks can accommodate as many as 7 boats)

The City owned **Balboa Yacht Basin Marina** is currently scheduled for a multi million dollar overhaul in an effort to imitate other yacht clubs in the Harbor, like the **Newport Harbor Yacht Club**, where both slips and moorings, and a club house, generate substantial revenues. The City Mooring Licenses promise to help fund the City Owned Marina operation and the Harbor Dept. The City wants to quietly merge the moorings with the City

Owned Marina even though the SLC clearly directed the City to keep Trust Properties separate from other properties. (see Attachment with SLC Slides March 9 2022)

Most Private Mooring Permit Holders want nothing to do with the City's Marina operation, and all the amenities the City has to offer. Most Mariners on moorings are self sufficient, and fiercely independent, and wish to be left alone by the City, just like with the Docks. They do not need the City to babysit them, or for the City to gouge them for special services. The City is opportunistic, and has a reputation for taking advantage of every gouging opportunity. The less moorings have to deal with the City, the better. Boaters were accustomed to the Off-Grit boating lifestyle, doing their own thing at low costs, that was until the New Harbor Department was established in 2017, and when the City began to micromanage, and victimize, the moorings. To the City Private Mooring Permit Holders are standing in the way of progress for the City. Mooring Holders, on the other hand, feel over regulated, harassed, singled out, and bullied by the City. (Daily photo graphing and scrutiny for Moorings, and lax oversight for Docks) An investigation, or a public records request, will confirm the disproportionate number of **citations and code enforcement notices** the City issues against moorings compared to docks, even though there are 3-4 times as many boats at docks than at moorings. This Two Class System is the definition of a Socioeconomic Environmental Injustice.

**CASCADING AFFECT:** If the State Lands Commission allows the City to convert any low cost Mooring Permits into high cost City Owned Mooring Licenses, this will cause irreparable damage to the low cost boating community in Newport Harbor in the long term. Low cost coastal access will gradually disappear along the CA Coast, while Coastal access for affluent Dock owners will remain virtually free of charge. The cascading affect that will result from pricing the low cost moorings out of Newport Harbor will reverberate throughout Southern California, as others, like the San Diego Port Authority, are closely monitoring the developments in Newport Harbor. The San Diego Mooring Company is waiting for the outcome of the State Lands Commission's Permit Review Results of Newport Beach. They stand ready to join the City, and want to send low cost mooring rates through the roof in San Diego Harbor, if The City of Newport Beach prevails. Moorings in Newport Beach and San Diego will go up together by around 500%, while the affluent dock owners continue to park 3000+ boats free of charge in Newport Harbor.

Low Cost Moorings is the last Frontier for low cost Coastal Access in Southern California, and the last option for those who cannot afford a waterfront property. The City is already busy taking this option away forever, one mooring at a time. To do this, The City cooked up a type of "**Trojan Horse**," called, the **City Owned Mooring License Program**. This program is designed to gradually take over all private mooring permits away from working class individuals, one mooring at a time. This program is supposed to be on HOLD.

**IN SUM:** The City is attempting to steal the Low Cost Private Moorings from Mooring Permit Holders with cooked up plans. Mooring Holders invested in their Moorings for the past 100 years, and now the City wants to annex the Moorings by converting the Mooring Permits into City Owned Commercial Mooring Licenses, and thereby forever silencing Mooring Holders. The City owns a Marina, called, **The Balboa Yacht Basin Marina**, where low cost Public Moorings are turned into high cost Commercial City Owned Mooring Licenses, and where they become a permanent part of the City's Slip/Mooring Marina inventory, disregarding the fact that the State Lands Commission told the City that it has a **"Duty to keep Trust Property separate from other property."** (see attachment of SLC slide presentation March 9, 2022)

**The Mooring License Program puts Low Cost Coastal Access for the working class boaters permanently at risk.**

Banning the City's New Mooring License Program means removing a direct threat to moorings, and Saving the last Low Cost Coastal Access for Lower Income People on the Tidelands.

The City cannot be trusted to protect low cost coastal access for the working class boaters for as long as it has a self-dealing interest in the Commercialization of Moorings, and at the same time showing favoritism to Docks and Yacht Clubs. The City was granted custody of the Tidelands to be the **Impartial Administrator**, for the sole purpose to collect **reasonable administrative fees** to manage the Tidelands. Instead of being an Impartial Administrator, the City has willfully abandoned its role, and has chosen to abuse its position by picking favorites among recreational users of the Tidelands, and creating discriminatory Harbor Codes to over regulate one user group over the rest.

Mooring Permit Holders request that the State compel the City to immediately: 1) Comply with the Equitability requirements of The Grating Statutes, by merging Docks and Moorings as one user group with equal rights, 2) return all the Hard earned Moorings the City took from the Public back to the Pool of Public Moorings, to preserve **ALL EXISTING AND FUTURE MOORINGS** in Newport Harbor to remain as low cost Coastal Access for the lower income boaters, 3) allow Moorings to rent their spaces just like Docks, with impartial City oversight for both, 4) restore the rights of Mooring Permit Holders to match the rights of Dock Permit Holders, 5) restore the City's role as Impartial Administrator of the Tidelands, 6) freeze all new City driven proposals for changes in the Harbor pending the final report of the State's Harbor Permit Review. No more piecemeal changes in the Harbor, like the New Mooring License Program, or other alternative plans, until the final report from the State Lands Commission Permit Review.

All the above abuses and violations have generated a lot of public **OUTRAGE!** It appears an independent forensic investigation will likely confirm The City has been engaging in a decades long systematic practice of Socioeconomic Discrimination against moorings, and a **“Willful and Gross Mismanagement of the CA State Tidelands, and the Tidelands Fund,”** possibly involving tens of Millions of Dollars, over the past two decades, in uncollected Tidelands Fees from Docks and Yacht Clubs.

Thank you for your interest.

## Conclusion

**The City is showing a clear pattern of Systematic Discrimination against Moorings in an Effort to create a Harbor that is the exclusive playground for the affluent, free from Undesirable Boaters.**

When seen as a whole, the City's discrimination is obvious, blatant, and needs to stop. These coordinated acts of discrimination each by themselves, and taken together violate plain decency, and violate State and Federal Laws, including the Beacon Bay Act, the regulations governing Public Resources, and Federal Civil Rights Laws.

### **A. The Beacon Bay Bill Prohibits Discrimination.**

This decades long discrimination in rates and charges violates the Beacon Bay Bill, often referenced by the City of Newport Beach as guiding its administration of the harbor, provides that:

**(d) In the management, conduct, operation, and control of the lands or improvements, betterments, or structures thereon, the city or its successors The City of Newport Beach shall make no discrimination in rates, tolls, or charges for any use or service in connection therewith.**

**The City feels under no obligation to adhere to the No Discrimination**

### **B. The City Has A Duty to Administer the Harbor Impartially.**

In addition to "NO DISCRIMINATION" in the rates charged for the same amount of the harbor used by persons with moorings compared to those with waterfront docks, and persons running commercial businesses, under the Public Resources Code the City has the duty to administer the harbor impartially in the interest of the beneficiaries. If the above examples show anything, they show how far the City has drifted from its Duties as the Impartial Custodian of the CA Tidelands.

(Reference Public Resources Code § 6009.1, subd. (c)(6))

### **C. Possible Federal Civil Rights Violations**

What is more, without having to conduct any studies, it would appear obvious that persons with offshore moorings are far more likely to live outside the City than homeowners with private docks and persons who rent expensive slip space for their yachts. When one combines the significant overcharges and acts of discrimination demonstrated above and adds

to that the radical proposed increases in rates in furtherance of the decades long history of discrimination, it appears on its face to be intentionally, or unintentionally, designed to rid the harbor of lower income boaters, and non-residents of Newport Beach. Clearly these acts of discrimination will have a disparate impact on protected minorities, the disabled vets, and the retirees. These acts cry out for a major investigation.

All the above information is known by the Newport Mooring Association and

Att. Michael Laifer at PHL

[www.newportmooringassociation.org](http://www.newportmooringassociation.org)

Michael H. Leifer  
Direct Dial: (949) 851-7294  
E-mail: [mleifer@palmierilawgroup.com](mailto:mleifer@palmierilawgroup.com)

File No.: 41508-000

## California State Lands So Cal 2022 Benchmark

The benchmark rental rate for berths is calculated by multiplying the average berth length by the average monthly rental rate. This product is then multiplied by 12 months to arrive at the gross annual income. The gross annual income is multiplied by 5% to get the income attributable to the submerged land. The income attributable to the submerged land is then divided by the amount of submerged land needed to accommodate the average berth length within a marina.

The submerged land area needed to accommodate an average berth is found in a publication entitled "Layout and Design Guidelines for Small Craft and Berthing Facilities" by the California Department of Boating and Waterways last updated in 2005. This publication provides formulas and tables for calculating the submerged land area needed to accommodate various sizes and layouts of berths in marinas. Among other variables, the formulas take into account the berth length, berth layout (single vs. double), and the type of vessel (powerboat vs. sailboat). The submerged land area used in this benchmark analysis is based on a double berth layout (on the premise that it represents the typical marina berth layout in the area and is the most economically efficient for the marina operator) and represents an average of the powerboat and sailboat areas.

From the tables in the publication, a submerged area of 1,153 square feet is shown as being necessary to accommodate the 37-foot average slip length indicated by the survey for Southern California. Taking all of the aforementioned into account, the current benchmark rental rate for Southern California is calculated as follows:

- Average berth rate: \$23.40
- Average boat length: 37 linear feet
- Submerged land area necessary to accommodate a 37-foot boat slip: 1,153 SF
- Percent of income attributable to the submerged land: 5 percent

$$37' \times \$23.40/\text{linear foot} \times 12 \text{ months} = \$10,389.60$$

$$\$10,389.60 \times 5\% \text{ of gross income} = \$519.48$$

$$\$519.48 / 37 \text{ ft} = \$14.02 \text{ In ft/yr}$$

$$\$519.48 / 1,153 \text{ square feet} = \$0.451 \text{ per square foot rental rate}$$

**Benchmark Rental Rate =**

**\$0.451 per sq. ft.**

The indicated benchmark rental rate for Southern California area is \$0.451 per square foot. In contrast, the 2016 benchmark was \$0.374 per square foot. The 2022 benchmark therefore represents an overall increase of \$0.077 (20.6%) from the 2016 benchmark.



## \* CALIFORNIA CONSTITUTION - CONS

### ARTICLE XVI PUBLIC FINANCE [SECTION 1 - SEC. 23] (*Article 16 heading amended Nov. 5, 1974, by Prop. 8. Res.Ch. 70, 1974.*)

The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, SEC. 6. or of any county, city and county, city, township or other political corporation or subdivision of the State now existing,

or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or

otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; provided, that nothing in this section shall prevent the Legislature granting aid pursuant to Section 3 of Article XVI; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; provided, further, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country; provided, further, that irrigation districts for the purpose of acquiring water and water rights and other property necessary for their uses and purposes, may acquire and hold the stock of corporations, domestic or foreign, owning waters, water rights, canals, waterworks, franchises or concessions subject to the same obligations and liabilities as are imposed by law upon all other stockholders in such corporation; and

Provided, further, that this section shall not prohibit any county, city and county, city, township, or other political corporation or subdivision of the State from joining with other such agencies in providing for the payment of workers' compensation, unemployment compensation, tort liability, or public liability losses incurred by such agencies, by entry into an insurance pooling arrangement under a joint exercise of powers agreement, or by membership in such publicly-owned nonprofit corporation or other public agency as may be authorized by the Legislature; and

Provided, further, that nothing contained in this Constitution shall prohibit the use of state money or credit, in aiding veterans who served in the military or naval service of the United States during the time of war, in the acquisition of, or payments for, (1) farms or homes, or in projects of land settlement or in the development of such farms or homes or land settlement projects for the benefit of such veterans, or (2) any business, land or any interest therein, buildings, supplies, equipment, machinery, or tools, to be used by the veteran in pursuing a gainful occupation; and

Provided, further, that nothing contained in this Constitution shall prohibit the State, or any county, city and county, city, township, or other political corporation or subdivision of the State from providing aid or assistance to persons, if found to be in the public interest, for the purpose of clearing debris, natural materials, and wreckage from privately owned lands and waters deposited thereon or therein during a period of a major disaster or emergency, in either case declared by the President. In such case, the public entity shall be indemnified by the recipient from the award of any claim against the public entity arising from the rendering of such aid or assistance. Such aid or assistance must be eligible for federal reimbursement for the cost thereof.

And provided, still further, that notwithstanding the restrictions contained in this Constitution, the treasurer of any city, county, or city and county shall have power and the duty to make such temporary transfers from the funds in custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by any city, county, city and county, district, or other political subdivision whose funds are in custody and are paid out solely through the treasurer's office. Such temporary transfer of funds to any political subdivision shall be made only upon resolution adopted by the governing body of the city, county, or city and county directing the treasurer of such city, county, or city and county to make such temporary transfer. Such temporary transfer of funds to any political subdivision shall not exceed 85 percent of the anticipated revenues accruing to

such political subdivision, shall not be made prior to the first day of the fiscal year nor after the last Monday in April of the current fiscal year, and shall be replaced from the revenues accruing to such political subdivision before any other obligation of such political subdivision is met from such revenue.

*(Sec. 6 amended Nov. 2, 1982, by Prop. 8. Res.Ch. 60, 1982.)*

sscott March 5, 2014

## Newport Beach Dock Owners Settle Brown Act Lawsuit

NEWPORT BEACH — After a year of battling the city, the Newport Beach Dock Owners Association has settled its lawsuit with the City of Newport Beach for violating the Ralph M. Brown Act.

The Newport Beach Dock Owners Association filed a lawsuit against the city after city officials implemented an annual pier permit fee increase that raised prices from 800 to 5,000 percent, depending on the size of the dock. The fee increases adopted at a Dec. 11, 2012 city council meeting changed the annual \$100 residential pier fee to 52.5 cents per square foot charge, leading to a new annual charge for a majority of piers that averages \$300 to \$700. Owners of larger residential piers will pay as much as \$3,000 per year.

The lawsuit was filed after the fee increase was adopted on Feb. 21, 2013, alleging violations of California state law requiring open meetings.

“I think they did it unintentionally,” said Bob McCaffrey, volunteer chairman of Stop the Dock Tax Political Action Committee (PAC) and Newport Beach Dock Owners Association, describing what he felt was naiveté on the part of city council members.

The settlement was executed Feb. 21, 2014 by McCaffrey. An agreement not to initiate discovery, including depositions of city council members and key staff was made in return for: replacement of the 1-year permit with a **10-year pier permit** that renews for an additional 10 years; upon sale or transfer of the upland homeowner, the pier permit must transfer to the new owner and a **50 year** total term allotted to pier permit holders.

In order for the changes in dock owner rights to become official, Newport Beach must first process the ordinance of change, said Aaron Harp, city attorney for Newport Beach.

“You have to have two readings before they go into effect,” he said. “We’ll bring it to city council the second meeting in March and the first meeting in April.”

The ordinance will go into effect 30 days after the second meeting.

“It is unfortunate that we had to sue our own city to restore the equity in our docks that they stole in passing the Dock Tax, [it] was an unnecessary money grab that while distasteful, paled in comparison to the city stripping us of the property right to our residential pier,” McCaffrey said.

This property right is estimated at **\$1 million** in some cases, he added.

Stop the Dock Tax Political Action Committee is in the process of ending its affairs, McCaffrey noted, but the Newport Beach Dock Owners Association will remain active.

“Anytime government takes a million dollars in our value we will fight, sue and make changes at city hall” he added. “We will make an announcement in the next few weeks about our plans to make sure taxpaying residents are never again forced to sue our city to protect our property from an overbearing government.”

## SLC SLIDES for the City

On **March 9, 2022** the SLC delivered a zoom slide show presentation from San Francisco during a monthly Harbor Commission Meeting. Below are some points the SLC spelled out to the City regarding the management of the Tidelands Trust. Afterwards, Chair William Kenney, quickly bypassed the normal public comments and questions, to prevented the public from engaging with the SLC.

### Public Trust Revenues

- Trustee is required to charge fair rental rates for the commercial or private use of trust lands. The California Constitution prohibits the gift of trust lands to private persons
- Trustee is required to maintain accurate records of all revenues received from the trust lands and assets, and all expenditures of those revenues
- Revenues generated by from use or operation of its granted lands are public trust assets of the State and must be reinvested back into the trust
- Revenues must be kept separate from the general funds of a local government
- May not be used for any municipal purpose, or any purpose unconnected with the trust
- Expenditures must be consistent with the common law Public Trust Doctrine and the statutory trust grant

Trustee Obligations – Fiduciary Duties  
Public Resources Code 6009.1

- Duty of **loyalty**
- Duty of **care**
- Duty of **full disclosure**
- Duty to keep clear and adequate **records and accounts**
- Duty to administer the trust solely in the interest of the **beneficiaries**
- Duty to act **impartially** in managing the trust
- Duty to keep control of and **preserve** the trust property
- Duty to make trust property **productive**
- Duty to keep trust property **separate** from other property
- Duty **not to delegate** trust responsibilities
- Duty to not use trust property for **trustee's own profit**



YIMBY LAW

## YIMBY Law

877 Cedar Street #150  
Santa Cruz, CA 95060  
[hello@yimbylaw.org](mailto:hello@yimbylaw.org)

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7/25/2025

California State Lands Commission  
100 Howe Avenue Suite 100-South  
Sacramento, CA 95825

Re: Newport Beach Mooring Policies

Dear Members of the California State Lands Commission,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. I am writing to formally protest the City of Newport Beach's recent adoption of Ordinance 2024-15, which would increase mooring fees by as much as 500% overnight and eliminate all future liveaboards from Newport Harbor. We believe this ordinance violates Chapter 74 of the California State Lands Act, specifically Section 1(d), which 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."

Newport Beach has long hosted a small but vital liveaboard community—including veterans, retirees, captains, marine tour guides, and teachers—who contribute to the stewardship and vibrancy of the harbor. These individuals pay rent to the City, maintain their tackle and vessels, and submit to annual safety and environmental inspections. They are lawful tenants of tidelands property under the City's own rules. Yet they now face displacement under a fee structure and policy that appears explicitly targeted at pricing them out and preventing similar households from accessing this unique and historically affordable form of housing.

The City allows only 7% of its ~731 offshore moorings to be designated for liveaboards, with a current waitlist confirming demand. This amounts to approximately 51 permits, affecting at least 80-100 residents by conservative estimates. Meanwhile, the City's appraisal-based justification for these drastic fee increases has come under serious scrutiny for likely violations of the fair market value requirements, as previously noted by the State Lands Commission.

Further, the City's disparate treatment of other harbor users raises serious equity concerns. For example, 12 out of 14 categories of commercial pier permits pay lower fees than offshore mooring permittees, despite being for-profit operations. Liveaboard mooring permittees, by contrast, are prohibited from subleasing or profiting from their permits in any way. These discrepancies strongly suggest discriminatory intent in how the City is applying rates and regulations.

It must also be noted that Newport Beach has failed to meet its housing obligations under state law. The city must plan for 4,845 new housing units by 2029, including units affordable to low- and very-low-income households. Yet the City has instead razed affordable housing stock, bulldozed mobile home parks, and converted residential lots into parking. In February, a 9-1 Coastal Commission vote rejected further attempts by the City to erode harbor safety. Meanwhile, public records signal potential issues with the City's appraisal process, including indications that the City pre-selected its preferred appraiser—one with ties to City commissioners and a known interest in harbor leases—months before a public bidding process even began.

We urge the State Lands Commission to withhold approval of the City's proposed changes and to investigate the discriminatory and exclusionary impacts of the ordinance. The liveaboard community in Newport Harbor is one of the last of its kind in California, and its preservation is not only a matter of law—it is a matter of equity and decency.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,



Sonja Strauss  
Executive Director  
YIMBY Law

City of Newport Beach Harbor Code (Title 17; 70 pgs.)  
Mooring Specific Regulations: 9 pgs.  
(Liveaboards have an additional 4 pgs.)

City of Newport Beach  
Moored Vessel Inspection Form: 2 pgs.

**City of Newport Beach Harbor Code (Title 17)  
Regulating Residential Piers: 1 Page**

**City of Newport Beach  
Residential Pier Vessel Inspection Form: 0 Pages**

**17.50.630 Pier Permits for Noncommercial Piers.**

**A. Noncommercial Pier Permits.** Upon the request of the abutting upland residential property owner, or lessee, or the authorized agent of the owner or lessee and in accordance with all applicable laws including, but not limited to, Sections 17.35.020(A) and (B), a residential pier permit shall be issued for up to ten (10) years. The City shall extend the term of any residential pier permit for up to ten (10) years upon:

1. Permit expiration and the request of the owner or lessee, or the authorized agent of the owner or lessee; or
2. Upon sale of the abutting upland property and the request of the new owner or lessee, or the authorized agent of the owner or lessee. The maximum term of any permit issued hereunder, with extensions, shall be fifty (50) years. After fifty (50) years, the abutting upland residential property owner, or lessee or authorized agent of the owner shall be required to apply for a new residential pier permit.

**B. Rental Fees.** Every owner or permit holder who maintains a pier used for noncommercial purposes, any part of which extends into public tidelands, shall pay to the City the applicable pier permit rental fee for such portions of the pier that extend into public tidelands, as established by City Council resolution.

**C. Transfer of Noncommercial Pier Permits.**

1. Permits for noncommercial piers are issued subject to the condition that any improvements constructed shall not be sold in whole or part, leased, or transferred without the prior written consent of the City.
2. Whenever a permittee sells the abutting residential upland property, a request shall be made to the City to transfer the permit. Forms for this purpose may be obtained from the Public Works Department. Failure to apply for a transfer within thirty (30) days from the date that the abutting upland residential property changed ownership will result in an additional fee as established by resolution of the City Council.
3. Along with the City Manager, the Public Works Director is authorized to approve transfers to the new owners or long-term lessees of the abutting upland residential property.
4. Prior to the transfer of a pier permit, all harbor structures shall be inspected for compliance with the City's minimum plumbing, electrical and structural requirements, and the conditions of the existing permit. All structural deficiencies must be corrected prior to the transfer of the permit.
5. Noncommercial piers may be rented/leased in whole or in part, by the permittee to a third party or parties. Such rental/lease shall not be deemed a transfer under this section.
6. The provisions of this section shall not apply to piers, docks or other structures located in Proprietary Bay and in other waters over privately owned land. (Ord. 2020-5 § 1 (Ent. 1) (part), 2020; Ord. 2018-17 §§ 56, 57, 2018; Ord. 2014-8 § 1, 2014; Ord. 2013-27 § 3, 2013; Ord. 2013-1 § 9, 2013; Ord. 2008-2 § 1 (part), 2008)

City of Newport Beach Harbor Code (Title 17; 70 pgs.)  
Mooring Specific Regulations: 9 pgs.  
(Liveaboards have an additional 4 pgs.)

Some Conditions: City may assign mooring to another vessel when it is unoccupied; Must provide proof of insurance for assigned vessel naming City as an additional insured to the satisfaction of the Risk Manager; Must provide registration or other proof of right in the assigned vessel; Agree to move the vessel from the mooring to another location when deemed necessary... and authorize the City or its designee to move the vessel upon the mooring permittee's failure to do so, at the permittee's expense; Agree to allow the Harbormaster, or his designee, to board the permittee's vessel at any time without judicial oversight...; Agree that if the permittee's maximum mooring length is shorter than the established length of its mooring row by five feet or more, permittee is subject to relocation;... Agree that the City shall charge mooring permittee for the right to transfer a mooring permit in an amount equal to seventy-five (75) percent of the annual mooring rent; liveaboards may not live aboard for less than two hundred forty-three (243) days in any calendar year; The live-aboard permittee shall maintain a log, which shall be updated by the end of each calendar month and kept on the vessel subject to the liveaboard permit, which shows the days/nights the liveaboard resided on the boat; Compliance shall be considered a condition to each live aboard permit; A pump out log and supporting material shall be made available for inspection by the Harbormaster at all reasonable hours and upon request. The decision of the Harbormaster shall be final and nonappealable.

City of Newport Beach  
Moored Vessel Inspection Form: 2 pgs.

City of Newport Beach - Harbor Department - Vessel Inspection Form						
Notices displayed by City of Newport Beach Harbor Department staff, or the staff of this vessel, shall be held in accordance with the required terms.						
Reporting Requirements		Vessel Name:				
Reporting Number:		C/S DOC #:				
Vessel Length:		Sail [ ] Power [ ]			Vessel length must be indicated in feet.	
Reporting Categories						
	VES	HO	AFA	Master		
1. Demonstration of Vessel Operability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
2. Display of Numbers [Includes: Numbers, Serials]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
3. Registration / Documentation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
4. Personnel Related Items [PPI]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
5. Visual Distress Signals [VDS]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
6. Fire Suppression	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
7. Ventilation [gas powered]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
8. Search Party Contact [gas-powered]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
9. Sound Producing Device / Alert	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
10. Navigation Lights	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
11. Position Report	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
12. MARPOL Annex Five	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
13. Marine Distress Device [DysTwo Test]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
14. Overhead Hatch Cover	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
15. Dead Peat of Hatch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
16. Klein Edge / Operable Edge Rung	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
17. Safety Covering Device	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
18. Access Ramps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
19. Anchoring Line Rig / Anchored Line	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
20. First Aid Kit	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>			
Boat Related Dimension Items						
21. Length / Use of Public Dock	<input type="checkbox"/>					
22. Disposal of Trash / Public Dumping	<input type="checkbox"/>					
23. Regular Checks on Vessel Condition	<input type="checkbox"/>					
24. Anchoring of Weather / Wind	<input type="checkbox"/>					
25. Public Pump Out Locations	<input type="checkbox"/>					
26. Sea Lion Deterrants	<input type="checkbox"/>					
27. Reporting in: <i>area of Observations</i>	<input type="checkbox"/>					
Addendum Comments: This is not an official inspection for enforcement purposes. Some areas addressed may result in consequences in order to never return to Newport Beach and/ or Tidelands. Please be sure to fully read the addendum before releasing this document to any enforcement officer.						
Comments: Please use this opportunity to fully communicate what is known about the condition of the vessel in Newport Harbor. Let the operator and crew know why any areas of this vessel are not addressed and communicate the status of any equipment on board.						
Vessel inspection started by: _____ DATE: _____						
Vessel inspection Completed: <input type="checkbox"/> Vessel inspection in Progress: <input type="checkbox"/> Vessel inspection CANCELLED: <input type="checkbox"/>						
Follow up email sent to: _____ Date: _____						
Additional Info/ Notes: _____						

City of Newport Beach Harbor Code (Title 17)  
Regulating Residential Piers: 1 Page

City of Newport Beach  
Residential Pier Vessel Inspection Form: 0 Pages

**17.60.030 Pier Permits for Noncommercial Piers.**

A. **Noncommercial Pier Permits.** Upon the request of the abutting upland residential property owner, or lessee or the authorized agent of the owner or lessee and in accordance with all applicable laws including, but not limited to, Sections 17.15.020(A) and (B), a residential pier permit shall be issued for up to ten (10) years. The City shall extend the term of any residential pier permit for up to ten (10) years upon:

1. Permit expiration and the request of the owner or lessee, or the authorized agent of the owner or lessee; or
2. Upon sale of the abutting upland property and the request of the new owner or lessee, or the authorized agent of the owner or lessee. The maximum term of any permit issued hereunder, with extensions, shall be fifty (50) years. After fifty (50) years, the abutting upland residential property owner, or lessee or authorized agent of the owner shall be required to apply for a new residential pier permit.

B. **Rental Fees.** Every owner or permit holder who maintains a pier used for noncommercial purposes, any part of which extends into public tidelands, shall pay to the City the applicable pier permit rental fee for such portions of the pier that extend into public tidelands, as established by City Council resolution.

C. **Transfer of Noncommercial Pier Permits.**

1. Permits for noncommercial piers are issued subject to the condition that any improvements constructed shall not be sold in whole or part, leased, or transferred without the prior written consent of the City.
2. Whenever a permittee sells the abutting residential upland property, a request shall be made to the City to transfer the permit. Forms for this purpose may be obtained from the Public Works Department. Failure to apply for a transfer within thirty (30) days from the date that the abutting upland residential property changed ownership will result in an additional fee as established by resolution of the City Council.
3. Along with the City Manager, the Public Works Director is authorized to approve transfers to the new owners or long-term lessees of the abutting upland residential property.
4. Prior to the transfer of a pier permit, all harbor structures shall be inspected for compliance with the City's minimum plumbing, electrical and structural requirements, and the conditions of the existing permit. All structural deficiencies must be corrected prior to the transfer of the permit.
5. Noncommercial piers may be rented/leased in whole or in part, by the permittee to a third party or parties. Such rental/lease shall not be deemed a transfer under this section.
6. The provisions of this section shall not apply to piers, docks or other structures located in Proprietary Bay and in other waters over privately owned land. (Ord. 2010-5 § 1 (Ench. 1) (part), 2010; Ord. 2013-17 §§ 56, 57, 2013; Ord. 2014-8 § 1, 2014; Ord. 2013-27 § 3, 2013; Ord. 2013-1 § 9, 2013; Ord. 2008-2 § 1 (part), 2008)

From: What Happened <whathappenedtoal@gmail.com>  
Date: Wed, Oct 16, 2024 at 11:37 AM  
Subject: Docks  
To: [Infelise.Madison@newportbeach.ca.gov](mailto:Infelise.Madison@newportbeach.ca.gov)

Hi does the city collect information on boats at docks at houses?  
insurance, owner, registration, etc?  
thnx

From: Infelise, Madison <[Infelise.Madison@newportbeach.ca.gov](mailto:Infelise.Madison@newportbeach.ca.gov)>  
Date: Wed, Oct 16, 2024 at 11:51 AM  
Subject: RE: Docks  
To: What Happened <whathappenedtoal@gmail.com>

Hello,

Thank you for your email. ~~We do not collect vessel information for vessels on private docks.~~

Let me know if you have any questions.

Thank you,



**Madison Infelise**  
Permit Technician  
Harbor Department  
Main Line: 949.718.3429  
Front Office: 949.270.8159  
1600 W Balboa Blvd  
Newport Beach, CA 92663

From: What Happened <whathappenedtoal@gmail.com>  
Date: Sat, Oct 19, 2024 at 2:59 PM  
Subject: Re: Docks  
To: [Infelise.Madison@newportbeach.ca.gov](mailto:Infelise.Madison@newportbeach.ca.gov)

~~Will I need to add the city to my insurance policy for my boat I put at a house dock? someone said I might.~~

**From:** Infelise, Madison <[minfelise@newportbeachca.gov](mailto:minfelise@newportbeachca.gov)>  
**Date:** Mon, Oct 21, 2024 at 6:47 AM  
**Subject:** RE: Docks  
**To:** What Happened <[whathappenedtoal@gmail.com](mailto:whathappenedtoal@gmail.com)>

No, you do not need to add the city to your insurance policy on your private dock.

Let us know if you have any other questions.

Have a great week.



**Madison Infelise**  
Permit Technician  
Harbor Department  
Main Line: 949.718.3429  
Front Office: 949.270.8159  
1600 W Balboa Blvd  
Newport Beach, CA 92663

**From:** What Happened <[whathappenedtoal@gmail.com](mailto:whathappenedtoal@gmail.com)>  
**Date:** Mon, Oct 21, 2024 at 12:37 PM  
**Subject:** Re: Docks  
**To:** Infelise, Madison <[minfelise@newportbeachca.gov](mailto:minfelise@newportbeachca.gov)>

What kind of inspection process is all I have to pass to place a boat at a house dock? I'm sorry, learning as I go.

**From:** Infelise, Madison <[minfelise@newportbeachca.gov](mailto:minfelise@newportbeachca.gov)>  
**Date:** Mon, Oct 21, 2024 at 12:39 PM  
**Subject:** RE: Docks  
**To:** What Happened <[whathappenedtoal@gmail.com](mailto:whathappenedtoal@gmail.com)>

There is no inspection to place a vessel on your private dock.

## **Newport Harbor Moorings Transferability, Affordability, and Responsibility**

This report addresses current and past policies on the transfer of mooring permits in Newport Harbor. The report was originally presented to the City Council in 2015 and was updated on July 8, 2024. The report first looks at the history of the moorings, and then addresses how to best honor this history while at the same time increasing accessibility and affordability of moorings. The report also addresses how to encourage responsible use of the moorings and the boats on the moorings. The report concludes that the goals of Affordability and Responsibility are best achieved through an active, unrestricted market, together with the reduction of the current excessive annual fees being charged by the City of Newport Beach (“City”) for the use of moorings. In short, this report finds that, like other goods and services, a free market with rights to transfer results in affordability and promotes responsibility.

### **Historical Policy Supports Transfers**

Moorings in Newport Harbor were pioneered by early boaters who were encouraged to contribute to the development of the harbor by establishing moorings that allowed boaters affordable use of the harbor.<sup>1</sup> These early pioneers experimented with different arrangements including anchors, weights, single point and double point moorings, and various tackle. Some things worked, others didn't. Prevailing winds and differing currents in areas of the harbor were found to affect the accessibility and safety of moorings and boats. Adjustments were made for tides and the seasonal winds and storms which could come from different directions, including the occasional Santa Ana winds and winter storms. Equipment was placed, lost, broken, modified and redone at significant cost to the pioneers of the day, and there was always the risk of injury from a boat breaking loose. The establishment of the moorings by individuals and some yacht clubs was encouraged by agencies having oversight, including the Federal Government, State Government and City of Newport Beach, all at the risk and expense of these boating pioneers.

With the addition of the moorings in the 1930s, boating activities flourished. Tourism and property values increased significantly, all to the benefit of the local businesses and property owners, as well as to the benefit of boaters. The sailboat became the symbol of Newport Beach. Moorings were given formal approval. The City did not question the right of the person(s) who developed the mooring to transfer his or her right to use the mooring to a family member, a friend, or another boat owner. No one questioned the rights of those who received the mooring by transfer to do the same. Yacht clubs were among these early pioneers. They and other groups were able to establish programs that developed sailing and boating skills for children, as well as educational programs that developed leadership skills.

In the 1970s, the City of Newport Beach took over the administration of the technical requirements for moorings and established use fees for boats on moorings. A reasonable fee was imposed for the use of the harbor and uniform regulations put in place. In doing so, the City was not charging a fee for something the City or State had developed. The development had been

accomplished by these early pioneers at their risk, expense, and safety, not at the risk or expense of the City or State.

It is instructive to look at other public resources developed through the permit process. Permit holders with rights to use public resources have a long and accepted history in this country, to the benefit of both the permit holder and to the nation. Radio and television networks, for example, were developed knowing that the airwaves belonged to the public. Oil and gas exploration is another example of a permitted use on and under public land. Grazing rights is a third example. Ranchers are allowed the use of public lands for grazing cattle. In every case, the development by the private sector would not have occurred unless the permit holder was assured that the permit could be transferred. Because of the great risk inherent in these early endeavors, the enterprise would never have been attempted by the early pioneers unless they had the implied understanding that what they developed was transferable to those who followed. Simply put, without transferability the endeavor would have been a waste of time.

In connection with these endeavors, the government, of course, had, and has, the right to ask the permit holders to give back something for the public good. In the case of oil and gas rights, a fee based on a percent of sales was, and is, charged. In the case of television airway rights, the station is required to offer programming with public content, such as news, election coverage, and other public interest services. In the case of moorings, the permittees give back significantly to the public. They give back by maintaining the equipment available to other boaters when boaters seek shelter from the sea. They give back by providing moorings for major events, such as the Newport to Ensenada race, the largest international race in America. They give back by paying an annual fee to the City. They give back by being the eyes and ears of the harbor, reporting problems to the City, and the permittees which are yacht clubs give back with the many educational and childrens' programs, including sailing, boating and water safety programs. Our system of transferable permits has a long history. It is a win-win for the government, for the people, and for the permit holders. The denial of transferability to the pioneers and their transferees is not only contrary to the history and spirit of this great enterprise, but the destruction of transfer rights also hurts the City and the public.<sup>ii</sup>

The American people have benefited from the private sector's development of public resources. The few examples mentioned above demonstrate this: the development of radio and television, the development of oil reserves with the resulting reduction of dependence on foreign oil, and the availability of affordable meat as a result of grazing rights on public land. None of these activities are "giveaways". Instead, they are great benefits to the American people. These public benefits have been achieved at great risk to those early pioneers, and to those to whom the rights were transferred, and who continue to contribute to the development and maintenance of these resources. A look at this history provides an understanding of why transferability of mooring permits is good public policy.

## Transferability Promotes Affordable Access

Affordable access to public resources, including access to sailing and boating activities in Newport Harbor is good public policy, provided that the activity is done safely and responsibly. While public access is something to be encouraged, it is not a right. Everyone, for example, does not have the right to own a radio or television station. There are only so many airwaves and channels. It would not be fair to the pioneers of these resources to lose their permits, just because some folks think that everyone should have the right to own a television channel by putting themselves on a waiting list. CBS, NBC, ABC, and Fox should not be required to give up their permits to people on a waiting list who are unwilling to compensate the networks for the development they, or their predecessors, have done. The resource is limited. It was the early pioneers who, at great risk, developed these resources. They did so with the expectation of being able to transfer them in the future. These original permit holders and their successors should continue to have the right to transfer their permits provided they follow reasonable regulations regarding the use of moorings.

Affordable access is best achieved by acknowledging, furthering, and encouraging transferability. Here's how: A holder of a permit with full rights to transfer can transfer his or her rights to a family member as a gift, or by a sale with full payment at the time of transfer, or by a sale with a small down payment with payments over time (an installment sale).

On the other hand, when rights to transfer are limited, access is reduced or denied in a number of ways. First, restrictions on transfer make it unattractive for an individual to acquire a mooring because the person acquiring the mooring may not be able to transfer the mooring. This results in fewer moorings available for acquisition. Second, with fewer moorings available, fewer people will be able to acquire a mooring.

To further illustrate this principle, the current restriction renting moorings by permit holders substantially reduces the availability of moorings to those who may not have the ability to acquire a mooring. Renting a mooring is just a form of short-term transfer of the right to use a mooring. According to the Harbormaster, at any given time there are 120 vacant moorings, most of which sit idle for years. If the restriction on renting moorings were eliminated there would be a free market for mooring rentals. This would be far better than the City renting only a very small supply of moorings. Allowing access to a substantially larger number of rentals would result in both a dramatic increase in public access to moorings, and with the expansion of supply, the cost to rent a mooring would go down. The City's current artificial manipulation of the rental market for moorings restricts access to the public by artificially reducing the number of moorings available for rent and at the same time driving up the price of the few available rentals of moorings owned by the City. This point about renting moorings is mentioned to simply illustrate how restrictions on transfers (a rental being a form of short-term transfer) results in less access and higher prices to the public.

As mentioned above, putting aside renting a mooring, the transfer of mooring rights can take many forms. The person transferring the mooring rights could transfer the mooring to a member of his or her family or could ask a non-family member for a one-time payment, or he or she could accept payments over time to make the acquisition affordable.

## **Transferability Means Responsibility**

It is a well-known fact that the more a person has a stake in an enterprise, the more responsible the person will be. The opposite is also true. The lower the stakes, the less one cares about the enterprise. Pick any human activity to see the principle at work. Pride of ownership is an established principle. If transfer rights are eliminated, there is little incentive for mooring owners (i.e. owners of the mooring equipment and the permit rights) to care about their moorings, or about how they are maintained, or about what boats end up on the moorings. Problems will result from the devaluation of mooring rights, including issues with the maintenance of moorings, types and sizes of boats on moorings, possible equipment/mooring tackle failure, safety, and crime. How safe would it be for a kayak or paddle board to navigate through a future mooring field where the permittees have little or no stake in their moorings? Historically, permit holders had the right to transfer, and as a result, they maintained their boats and their moorings. They had pride of ownership. It is easy to see that transferability promotes the responsible use of the mooring fields. Surely, the public good is not served by the elimination of transferability. It is just the opposite - Transferability means Responsibility.

## **Transferability Provides Revenue to the City**

If transfers are no longer allowed, the City would receive no revenue from transfers. Allowing transfers means substantial revenue to the City.

## **Profiting from Mooring Transfers is a Myth**

In addressing transferability of moorings, some people have expressed concerns that transfer of moorings is a form of profiting from a public resource, although the same people would likely not deny the right of a marina owner to sell his or her marina together with the transfer of the right to use the tidelands, nor would they deny the right of a homeowner to transfer the right to the use of the tidelands around his or her dock when selling a waterfront home, or the right of permit holder for oil and gas extraction on public land to transfer that permit.

The concern that a mooring holder profits from a public resource when the mooring is transferred is a myth. While it is true that it is possible that a person could transfer a mooring for an amount more than what it was acquired for, it's just as true that someone can lose money on the sale of a mooring. For example, if a person acquired a mooring in 2009, it is likely they would have paid about \$1,000 per foot, but if they sold the mooring any time between 2012 and 2015, it is likely they would have sold it for about \$500 per foot, or a 50% decrease. What is more, if they acquired the mooring in 2009 for \$1,000 per foot and sold it this last year, they would have received about the same amount or even less since they would have to pay the transfer fee, as well as having paid the maintenance, inspection and other costs of having a mooring for the years before the transfer. If inflation was factored in, the person transferring the mooring would have lost even more money. The concern about profiting from public resources is simply a myth.

As discussed elsewhere, it is unfair to single out mooring permit holders when almost every other type of permit holder of a public resource is freely able to transfer their permits in an open market, including the transfer of permits to use the tidelands by marina owners and by homeowners with docks.

### **Conclusion – Transferability Means Access, Affordability, and Responsibility**

The City should not enact any ordinance that would restrict the transferability of moorings.

Responsibility is a two-way street. The City should acknowledge the debt it owes to the pioneers who came forward and who risked their time, money, and personal safety to establish the moorings. This debt should be honored by acknowledging what has always been known: transferability is fair to those who created the moorings and to those who acquired the moorings from them.

Avoiding restrictions on transferability also allows more access by the public and furthers responsible boating and enjoyment of our great harbor.

Respectfully Submitted,

**Scott Karlin**

L. Scott Karlin

Email: [Scott.Karlin@comcast.net](mailto:Scott.Karlin@comcast.net)

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**FOOTNOTE (i)**

**The article on the next page is from the Newport Harbor Yacht Club 1991 historical documents, referring in part advertisements in the 1930s encouraging individuals to establish moorings in Newport Harbor:**

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mense ballroom . . . large boat locker room . . . sail loft . . . mooring and dock service under the supervision of Leonard G. Swales . . . house manager, Mr. Neal . . . house chef, John Banks.

During this era the Newport Harbor Chamber of Commerce ran a variety of advertisements in the same magazine, to lure yacht owners and their wallets to Newport Beach with such attractions as:

- Pay no rent to the city for mooring space if you maintain a private mooring.
- You can keep your boat at your front door if you own a home at Newport Harbor.
- Year-round climate. Warmer ocean water. Every modern comfort and convenience. An hour from Los Angeles.
- Like numerous other Balboa home

owners, Harry J. Bauer of Pasadena (club member) takes advantage of the opportunity offered and keeps his 102-foot, all-steel, topmast schooner *Puritan* at his front door.

#### The Log of the Newport Harbor Yacht Club

There is no record of a club yearbook, roster, or other official publication from 1929 through 1937. The last existing issue of the club's *Motor and Sail* yearbook was published in late 1923. After that, there appear to have been no club publications until a new yearbook was published in 1937. The annual Commodore's Scrapbook and short-lived "Main Brace" newsletter were launched in 1950, and *Hold On The Wind* was first published in February 1953.

*Pacific Coast Yachting* magazine ran a monthly

THE DEPRESSION YEARS: 1929-1941 61

refers to April 1935 issue of *Pacific Skipper* magazine

From *The Newport Harbor Yacht Club*, © 1991 Newport Harbor Yacht Club, Allan Trane, Steve Barnard editors

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FOOTNOTE (ii). The federal government owns the airwaves and holds these lands, in effect, in a public trust. In the case of airwaves, the FCC was created by President Roosevelt in the 1930s, and only requires the permit holders (e.g. CBS, ABC, NBC) to give back to the community, with public content (e.g. news, election coverage etc). In the case of Oil and Gas, the permittee is required to give about 12.5% of the selling price of the oil and gas to the government. The system of permits has a long history and only requires some "give back" by the permit holder.

Regarding permits for Television airwaves: See  
<http://chnm.gmu.edu/exploring/20thcentury/regulatingtelevision/>

The FCC was established by Franklin Roosevelt with the assumption that the airwaves, the broadcast "bandwidth," belonged to the people, much in the same way as, for example, federal forest land belongs to the people. Broadcasters applied for a license to use a section of that public property, a specific frequency. In return, broadcasters had: *an obligation to serve the interest of the community. This obligation requires the licensee to 'ascertain the needs of the community' and then provide program service to foster public understanding of those issues. How the licensee provides programming to serve the needs [was] left to the licensee's discretion.*

Regarding oil and gas permits, see [http://ewg.org/oil\\_and\\_gas/part2.php](http://ewg.org/oil_and_gas/part2.php)

*Since 1982, the federal government has leased or offered for oil and gas drilling 229 million acres of public and private land in 12 western states. Lessees pay a royalty of 12.5 percent to the Department of the Interior's Minerals Management Service on the amount or value of the oil or gas removed or sold from each lease.*

Some references used in the above article

Bureau of Land Management (BLM LR2000). 2004. Correspondence from BLM to Environmental Working Group, July 19, 2004.

Bureau of Land Management (BLM Leasing Instructions). 2004. General Oil and Gas Leasing Instructions. Accessed online May 17, 2004 at [http://www.ut.blm.gov:80/MineralsAdjudication/general\\_info.html](http://www.ut.blm.gov:80/MineralsAdjudication/general_info.html)

Bureau of Land Management Rawlins Field Office (BLM Rawlins Exceptions). 2003-2004. Wildlife, Greater Sage-grouse & Raptor Winter Range Exceptions to Date, October 1, 2003 to September 30, 2004. The report was last updated June 18, 2004.

Bureau of Land Management Pinedale Field Office (BLM Pinedale Wildlife Exceptions). 2003. Wildlife Winter Range Exceptions 2002-2003. The report was last updated December 26, 2002.

Bureau of Land Management Pinedale Field Office (BLM Pinedale Raptor Exceptions 2003). 2003. Raptor Winter and Nesting Exceptions 2002-2003. The report was last updated August 1, 2003.

- ~ 1356 Docks in Newport Harbor (Private and Commercial., **3-8 boat capacity per dock depending on the size of the dock**)
- ~ 1230 MOORINGS (~ 400 Onshore & ~ 800 Offshore)
- ~ 9900 BOATS in Harbor (according to 2007 Grand Jury Report)

January 27, 2015  
Agenda Item No. 593

## Harbor Fees: Moorings, Commercial Piers, Residential Piers

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### Overview and Alternatives

Council Study Session  
January 27, 2015

## City of Newport Beach

### Residential Piers

- 882 Residential Piers over Public Trust Tidelands - City
- 330 Residential Piers over other waterways (not charged)
- 144 Residential Piers over Public Trust Lands – County (not charged)

*Note: Pre-2013, the City used to charge for all piers regardless of where they were located.*

- Since 2013, residential piers are charged for the “footprint” they occupy over Public Trust Tidelands. No buffer area.
  - First Council action in 2012 added a 10' buffer to footprint.
  - Deleted the buffer in 2013 in the “look back.”

## City of Newport Beach

CITY WEBSITE:

I AM A...  VISITOR  ALUM  Newport Beach  City Employee  City Resident  Other

## DEMOCRAPHICS AND STATISTICS

Font Size:    Share & Bookmark  Print  Feedback

GENERAL INFORMATION	
Incorporation	September 3, 1908
Elevation	Sea Level to 1,184 ft.
City Flower	Bougainvillea
City Tree	Coral tree



NEWPORT HARBOR	
Boats	4,300
Piers	1,230
Commercial Slips & Side Ties	1,925
Bay Moorings	1,235

## 2007 GRAND JURY REPORT (p2)

Newport Harbor: Newport Harbor is a jewel in the crown of Orange County. Covering 800 acres, or 1.25 square miles, it includes seven islands and is considered one of the finest small boat harbors in the world. Although primarily residential, the Harbor contains extensive commercial and charter activity, waterfront businesses, public anchorage and public launching facilities, and approximately 9,900 permanent vessels. These are located at [REDACTED] 2,330 slips, and approximately 1,235 moorings. There are residential and private docks, public docks, and a public marina. Maintaining a vessel on a mooring has traditionally been less expensive than in a marina or dry storage.

## Commercial Tidelands Permits and Leases

Commercial use of City Tidelands within Newport Harbor is allowed with the issuance of an annual Commercial Tidelands Permit or under a Commercial Tidelands Lease Agreement.

### Permit or Lease Documents

The choice between a Permit or Lease document is at the commercial tidelands user's discretion. Please find samples of the annual Permit and Lease here:

- Annual Commercial Tidelands Permit (<https://www.newportbeachca.gov/home/showpublisheddocument/62831/636881811959530000>)
- Commercial Tidelands Lease Agreement (<https://www.newportbeachca.gov/home/showpublisheddocument/15585/635682493202100000>)

To obtain a Permit or Lease, please complete and return one of the following forms:

- Request for Permit Form (<https://www.newportbeachca.gov/home/showpublisheddocument/62835/636881811964530000>)
- Request for Lease Form (<https://www.newportbeachca.gov/home/showpublisheddocument/62833/636881811962030000>)

### Transfers

To transfer a Permit or Lease, please follow the instructions found here:

- Transfer Instructions (<https://www.newportbeachca.gov/home/showpublisheddocument/62837/636881811967170000>)

### Rental Rates

The annual rental rate for each commercial tidelands user is determined based on the type of activity(ies) occurring upon the tidelands, and the square footage dedicated for each activity.

The following rates are effective March 1, 2023 through February 28, 2025:

Commercial Use Category*	Annual Rental Rate (Per SF) 3/1/23 - 2/29/24	Annual Rental Rate (Per SF) 3/1/24 - 2/28/25
Large Commercial Marinas	\$1.42	\$1.46
Medium Commercial Marinas	\$1.08	\$1.11
Small Commercial Marinas	\$0.93	\$0.96
Shipyards	\$0.45	\$0.46

### HOA Marinas/Docks for Non-members' Use

> 30,000 SF	\$1.42	\$1.46
13,000 SF to 30,000 SF	\$1.08	\$1.11
< 13,000 SF	\$0.93	\$0.96
Yacht Club Guest Slips	\$0.45	\$0.46
Free Public Access Docks (not associated with a restaurant)	\$ -	\$ -
Vessel Rental Facility (Boat Rentals)	\$0.93	\$0.96
Sport Fishing Charters	\$0.93	\$0.96
Restaurants' Guest Slips	\$0.45	\$0.46
Vessel Charters	\$0.93	\$0.96
Fuel Docks *	\$0.93	\$0.96
All Others	\$0.93	\$0.96

\* The Annual Rental Rate for commercial tidelands being used as Fuel Docks can be calculated one of three ways, per City Council Resolution No. 2018-09. The table above reflects the base rent only calculation option.

Beginning on March 1, 2019, annual rental rates may be adjusted on the first day of March each Permit/Lease year to reflect an increase in the cost of living, as indicated by the Consumer Price Index. Additional information regarding rental rates can be found in City Council Resolution No. 2017-49 (<http://ecms.newportbeachca.gov/Web/0/doc/1212985/Page1.aspx>) and No. 2018-09 (<https://www.newportbeachca.gov/home/showpublisheddocument/58775/636554983301130000>).

### Permit/Lease Area & Appeal Process

Included in each Permit/Lease is an exhibit identifying the tidelands associated with each commercial user.

The commercial tidelands have been mapped using the City's GIS system and the Permit/Lease area for each property can be viewed here:

- GIS Aerial Maps of Commercial Tidelands (<https://nbgis.newportbeachca.gov/NewportHTML5Viewer/?viewer=pierpermitsinfo>)

If you would like to discuss the commercial use category or the square footage used to calculate your annual rent, please contact Chris Miller (<mailto:cmiller@newportbeachca.gov>), Administrative Manager, at [cmiller@newportbeachca.gov](mailto:cmiller@newportbeachca.gov) (<mailto:cmiller@newportbeachca.gov>) or 949-644-3043.

### Insurance

Insurance is required of Commercial Tidelands Permit holders (Permittees) and Commercial Tidelands Lease holders (Lessees); the most current requirements can be found here:

- Insurance Requirements for Permittees (<https://www.newportbeachca.gov/home/showpublisheddocument/58775/636554983301130000>)

/635682493202100000)

- Insurance Requirements for Lessees (<https://www.newportbeachca.gov/home/showpublisheddocument/15583/635682493202100000>)

Each Permittee/Lessee is responsible for carrying insurance coverage required by the Permit/Lease, and providing proof of such insurance coverage to the City. Upon renewal each year, please submit the required insurance documentation to Lauren Wooding Whitlinger (<mailto:lwooding@newportbeachca.gov>), Real Property Administrator, at [lwooding@newportbeachca.gov](mailto:lwooding@newportbeachca.gov) (<mailto:lwooding@newportbeachca.gov>) or 949-644-3236.

### **Pollution Legal Liability Program**

In 2017, after receiving feedback from Permittees/Lessees that pollution legal liability coverage, one type of insurance coverage required by the Permit/Lease, was difficult to obtain and cost prohibitive for some tidelands users, the City created a harbor-wide pollution legal liability policy program.

The program has been renewed as of April 2023, and a new 3-year pollution legal liability policy has been purchased through Ironshore Insurance Services LLC, a subsidiary of Ironshore Holdings (US) Inc. Each Permittee/Lessee that elects to participate in the program is listed as an additional insured under the policy and is billed for their allocated share of the 3-year premium. Details of the new 2023-26 policy can be found below.

Permittees and Lessees must complete the following application form:

- Application Form (<https://www.newportbeachca.gov/home/showpublisheddocument/73813/638307208666470000>)

Policy information can be found here:

- 2023-2026 Pollution Legal Liability Policy Overview (<https://www.newportbeachca.gov/home/showpublisheddocument/73811/638307208421300000>)
- 2023-2026 Policy Text (<https://www.newportbeachca.gov/home/showpublisheddocument/73815/638307212323770000>)

### **Additional Information**

Appraisals:

- October 30, 2017 Tidelands Appraisal for Fuel Dock Use (<https://www.newportbeachca.gov/home/showpublisheddocument/57528/636510189350500000>)
- July 12, 2017 Tidelands Appraisal for Other Commercial Uses (<https://www.newportbeachca.gov/home/showpublisheddocument/55811/636354683478370000>)
- April 7, 2016 Tidelands Appraisal for Large Commercial Marinas (<https://www.newportbeachca.gov/home/showpublisheddocument/53221/636240664111300000>)

Recent Meeting Notices and Meeting Information:

- Public Hearing Notice for February 13, 2018 City Council Regular Meeting (<https://www.newportbeachca.gov/home/showpublisheddocument/58773/636554982118600000>)
- Public Hearing Notice for July 25, 2017 City Council Regular Meeting (<https://www.newportbeachca.gov/home/showpublisheddocument/55819/636354684689470000>)
- Meeting Notice for July 25, 2017 City Council Regular Meeting (<https://www.newportbeachca.gov>)

[/home/showpublisheddocument/55815/636354684108200000\)](/home/showpublisheddocument/55815/636354684108200000)

- March 14, 2017 City Council Meeting Study Session - PowerPoint and Minutes ([https://www.newportbeachca.gov/home/showpublisheddocument/55813/636354709242800000\)](/home/showpublisheddocument/55813/636354709242800000)
- Meeting Notice for March 14, 2017 City Council Study Session ([https://www.newportbeachca.gov/home/showpublisheddocument/55817/636354684427600000\)](/home/showpublisheddocument/55817/636354684427600000)

## City Council Resolutions

**City Council Resolution 2018-09**  
(<https://www.newportbeachca.gov/home/showpublisheddocument/58775/636554983301130000>)

**City Council Resolution 2017-49**  
(<http://ecms.newportbeachca.gov/Web/0/doc/1212985/Page1.aspx>)

**City Council Resolution 2013-88**  
(<http://ecms.newportbeachca.gov/Web/0/doc/548383/Page1.aspx>)

**City Council Resolution 2012-98**  
(<http://ecms.newportbeachca.gov/Web/0/doc/59726/Page1.aspx>)

**City Council Resolution 2012-97**  
(<http://ecms.newportbeachca.gov/Web/0/doc/59725/Page1.aspx>)

**City Council Resolution 2012-96**  
(<http://ecms.newportbeachca.gov/Web/0/doc/59724/Page1.aspx>)

**City Council Resolution 2012-92**  
(<http://ecms.newportbeachca.gov/Web/0/doc/59721/Page1.aspx>)

**CITY OF NEWPORT BEACH**  
**Tide and Submerged Lands**  
**Statement of Revenues, Expenditures, and Changes in Fund Balance**  
**For the Fiscal Year Ended June 30, 2022**

	Tide and Submerged Land - Operating	Tide and Submerged Land - Harbor Capital	Tide and Submerged Land Total Funds
<b>Revenues:</b>			
Licenses, permits, and fees	\$ 121,046	\$ -	\$ 121,046
Charges for services	30,430	-	30,430
Fines and forfeitures	37,365	-	37,365
Investment income	127,362	416,225	543,587
Net decrease in fair value of investments	(515,127)	(1,434,907)	(1,950,034)
Income from the use of property and money			
Parking			
Balboa Lot	2,296,881	-	2,296,881
Other parking	1,937,368	-	1,937,368
Total Parking	4,234,249	-	4,234,249
Leases			
Balboa Yacht Basin Slips (net of increment)	653,171	600,292	1,253,463
Balboa Yacht Basin Garages (net of increment)	35,344	36,042	71,386
Balboa Yacht Basin Apartments (net of increment)	30,456	3,183	33,639
Balboa Yacht Basin Offices	17,930	-	17,930
Balboa Yacht Basin Electricity	8,605	-	8,605
Balboa Bay Club	3,011,162	2,246,724	5,257,886
Beacon Bay	1,543,443	-	1,543,443
Other Leases	1,312,058	217,036	1,529,094
Total Leases	6,612,169	3,103,277	9,715,446
Rent			
Moorings Off-Shore (net of increment)	617,608	548,624	1,166,232
Moorings On-Shore (net of increment)	89,546	94,642	164,188
Moorings Guest (net of increment)	-	331,810	331,810
Moorings Transfers (net of increment)	-	76,424	76,424
Residential Piers Rent (net of increment)	118,000	155,911	273,911
Commercial Piers Rent (net of increment)			
Large Com Marina Rent	248,441	541,278	789,719
Medium Com Marina Rent	-	85,465	85,465
Small Com Marina Rent	47,662	96,365	144,027
Vessel Charter Bus Rent	26,833	31,475	58,308
Vessel Rental Facility Rent	20,560	25,547	46,107
HOA NONMEM <13,000 sqf	5,693	14,672	20,365
HOA NONMEM 13K-30K sqf	6,927	7,746	14,673
Yacht Club Guest Slip Rent	13,471	1,296	14,767
Restaurant Rent	7,873	1,774	9,647
Shipyard Rent	6,559	10,084	16,643
Other Rent - Bldg over Tld	5,325	5,903	11,228
Fuel Dock - Base/Plus Rent	4,710	5,522	10,232
Sport Fishing Charter Rent	4,446	5,212	9,658
Total Commercial Piers Rent	398,500	832,339	1,230,839
Total Rent	1,203,654	2,039,750	3,243,404
Sale of Oil	1,679,870	-	1,679,870
Other	519,922	-	519,922
Total property income	14,249,864	5,143,027	19,392,891
<b>Total Revenues</b>	<b>\$ 14,050,940</b>	<b>\$ 4,124,345</b>	<b>\$ 18,175,285</b>

See accompanying notes to basic financial statements

**Archived:** Wednesday, August 20, 2025 10:06:22 PM

**From:** [Michael Lawler](#)

**Sent:** Wednesday, August 20, 2025 4:36:04 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Public Comment 8/21/2025: Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commissioners,

As a tidelands user in Newport Beach, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

Mooring [REDACTED] in Newport Beach.

Thanks,  
Michael

**Michael R. Lawler, Jr.**

Newport Beach, CA

**Archived:** Wednesday, August 20, 2025 11:54:39 AM

**From:** [Ad lever](#)

**Sent:** Wednesday, August 20, 2025 11:41:08 AM

**To:** [CSLC CommissionMeetings](#)

**Subject:** CSLC Agenda Item #66 - 08/21/2025

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Good day State Lands Commissioners,

While I greatly appreciate the time CSLC Staff has invested in the Report for this agenda item, the fact that it was released so shortly before the 08/21/2025 meeting, impedes stakeholders and interested parties' ability to fairly offer input. Given that the results of this analysis and process put at risk of elimination coastal boating access for 1,000's; the loss of affordable housing for those on 51 vessels, including seniors and the disabled; the loss of proximity to work for multiple school teachers, Licensed Captains who live and work on the Harbor/Ocean, etc., etc., and who have diligently paid higher Tidlelands fees than other users for at least a decade, and who have also been subjected by the Trustee to extremely high levels of regulation and oppression, not applied to other Permit holders, I request that these matters be agendized for a CSLC Special Meeting in September, in addition to the anticipated opportunities for public engagement in August, October, and December.

Thank you,

Adam Leverenz

**Archived:** Wednesday, August 20, 2025 9:52:46 PM

**From:** [Taraneh Mehrgan](#)

**Sent:** Wednesday, August 20, 2025 12:17:46 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Please Delay the item 66 to the next meeting

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Hi commissioners,

Please kindly postpone the item 66 for Newport Mooring to the next meeting..

The staff report came out just last night

Thank you and best regards 

Tara

**Archived:** Wednesday, August 20, 2025 10:07:48 PM

**From:** [Colton Murdock](#)

**Sent:** Wednesday, August 20, 2025 6:10:29 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** 8/21/25. Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

**Subject:** 8/21/2025: Item #66

Dear State Lands Commissioners,

As a tidelands user in Newport Beach, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We recognize the depth of analysis this report represents and appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

**Archived:** Wednesday, August 20, 2025 10:01:11 PM

**From:** [Dr. Richard A. Navarro](#)

**Sent:** Wednesday, August 20, 2025 2:35:38 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** SLC Public Comment 8/21/2025: Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Honorable Commissioners,

I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

--

Richard A. Navarro, Ph.D.



**Archived:** Wednesday, August 20, 2025 9:53:45 PM

**From:** [Haso Pooli](#)

**Sent:** Wednesday, August 20, 2025 12:18:51 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Fwd: Request to Dear commissioner for Newport Mooring rate discrimination item 66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Hello honorable commissioners,

I'm sending this letter to postpone item 66 in regards to Newport Beach Mooring discrimination to the next meeting since we only had 48 hours to go over 35 pages off staff report.

Thank you

Haso

**Archived:** Wednesday, August 20, 2025 10:04:33 PM  
**From:** [Chris Rinaldi](#)  
**Sent:** Wednesday, August 20, 2025 3:23:52 PM  
**To:** [CSLC CommissionMeetings](#)  
**Subject:** Item 66, Newport beach tidelands management  
**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Dear State Lands Commissioners,

As a tidelands user in Newport Beach, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. I have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for an additional special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

Chris Rinaldi  
S.V. SKYSAIL  
Mooring [REDACTED]

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

**Archived:** Wednesday, August 20, 2025 10:09:43 PM

**From:** [Scully, Steve](#)

**Sent:** Wednesday, August 20, 2025 8:07:32 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** Item 66 - Report on the City of Newport Beach's Public Trust Lands Management

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

### **Public Response – Steve Scully - Newport Beach Harbor Commission**

#### **Appreciation for the Report**

I would like to begin by thanking the State Lands Commission and its staff for the thoroughness and depth of research outlined in this report. The effort to study decades of history, consider numerous public inputs, and frame these issues within the broader context of the Public Trust is recognized and appreciated. This report provides a valuable foundation for ongoing discussion, and I am grateful for the time and care that has gone into its preparation.

#### **Recognition of Community Concerns**

I would also like to recognize that these issues are not theoretical. They directly affect members of our community who care deeply about Newport Harbor. Mooring permittees are understandably concerned about the financial impacts of higher rates and the uncertainty that accompanies change. Similarly, the discussion around residential pier permits has become politically sensitive and presents challenges for our City Council. I believe is important to acknowledge these concerns openly and respectfully.

#### **Balancing Legal Obligations and Local Realities**

The Harbor Commission understands our responsibility to manage Newport Harbor consistently with the Public Trust Doctrine, the California Constitution, and the City's grant statutes. At the same time, we must navigate the practical and political realities of our community. The balance between fairness, legal compliance, and longstanding traditions is not simple, and we believe it is essential that all stakeholders — the City, the State Lands Commission, and our harbor users — collaborate to find solutions that are both fair and equitable.

#### **Commitment to Collaboration**

The Harbor Commission is committed to listening carefully, considering the perspectives of all user groups, and exploring pathways that uphold the State's trustee obligations while also respecting the unique character of Newport Harbor. Our goal is not to create winners and losers, but rather to ensure that Newport Harbor remains accessible, fair, and vibrant for generations to come.

#### **Conclusion**

In that spirit, speaking for the Newport Beach Harbor Commission, we welcome continued dialogue with the State Lands Commission, City staff, and members of the public. Together, we can use this report as a roadmap to address difficult issues thoughtfully, with the shared objective of preserving and improving Newport Harbor for the benefit of all Californians.

Steve Scully  
Newport Beach Harbor Commission  
[sscully@newportbeachca.gov](mailto:sscully@newportbeachca.gov)

**Archived:** Wednesday, August 20, 2025 9:56:30 PM

**From:** [Admin](#)

**Sent:** Wednesday, August 20, 2025 1:13:27 PM

**To:** [CSLC CommissionMeetings](#)

**Subject:** SLC Public Comment 8/21/2025: Item #66

**Sensitivity:** Normal

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**Attention:** This email originated from outside of SLC and should be treated with extra caution.

Honorable Commissioners,

On behalf of the Newport Mooring Association, I want to thank you and your staff for the time and effort that has gone into preparing the staff report for Agenda Item #66 regarding Newport Beach's Tidelands management. We appreciate the attention given to issues that directly impact access and fairness in our harbor.

That said, we have been anticipating this report since July of 2024, and unfortunately, it was only made available to the public less than 48 hours before this Commission meeting. Given the complexity and significance of the findings, we respectfully request that Agenda Item #66 be scheduled for a special meeting in September, so that stakeholders and the community have adequate time to review and provide meaningful input. We recognize that this is a draft report, but all the same the public needs additional time to process this information in order to be able to fully engage with the process.

Thank you for your consideration and for your continued commitment to ensuring equitable management of California's public trust lands.

Sincerely,

Anne Stenton

President, Newport Mooring Association