

CITY OF SANTA BARBARA WATERFRONT

DEPARTMENT MEMORANDUM

Date: November 21, 2013
To: Harbor Commission
From: Scott Riedman, Waterfront Director
Subject: Harbor Operations Report

Annual Training Conference—CA Harbormasters and Port Captains Association

During the week of October 28th, Mick Kronman, Harbor Operations Manager, attended the 65th annual training conference of the California Harbormasters and Port Captains Association in Aptos, California. He participated in many informative sessions, including:

1. A legislative update from the Association's Sacramento advocate;
2. The latest news on copper-free anti-fouling hull paints;
3. Adapting to sea level rise; and
4. Rebuilding a marina after a tsunami (Santa Cruz)

The conference provided valuable information and contacts that staff can use for different issues and projects moving forward. At the awards ceremony, the Association honored a four-man team from Pillar Point Harbor/San Mateo Harbor District for a lifesaving rescue of a man trapped in a sea cave. The Association also honored the Port of San Francisco for its contribution to the 2013 America's Cup race, characterized by a remarkable comeback by the Oracle Team U.S.A., which won the Cup by a 9-8 margin.

Finally, the coveted State Harbor Master of the Year award went to Brad Gross, Dana Point Harbor Director, who brought training opportunities from an internationally recognized marina management organization to the West Coast for the first time.

Definition of "Vessel"

Over time, Department staff has recognized a growing interest in the placement of floating homes in Santa Barbara Harbor. Currently, four such homes that never leave the dock are assigned slips in Santa Barbara Harbor. Their owners have found ways to comply with the Department's "operability" requirement that a vessel demonstrate its ability to maneuver safely under its own power from to the open waters of the Pacific and back to its point of origin.

This "workaround," however, has left open a loophole for persons who wish to berth floating homes in Santa Barbara Harbor, contrary to Coastal Act Section 30224Z: "*Increased recreational boating use of coastal waters shall be encouraged,*" and Section 30234: "*Existing commercial fishing and recreational boating harbor space shall not be reduced unless the demand for those facilities no longer exists or adequate substitute*

space has been provided. Furthermore, the Harbor Master Plan states, “*The Harbor shall be a working harbor with priority given to ocean dependent uses, such as commercial fishing and recreational boating.*” Finally, using slips for floating homes that don’t go to sea does not serve the needs of the 33 persons on the Department’s Master Slip Waiting List, some of whom have been on the list since the mid 1970s.

Earlier this year, the Supreme Court took up the floating-home issue (from a lower-court case in Florida), ultimately ruling that every home that floats is not a vessel. The Court said, “*A floating residence is not a vessel, unless a reasonable observer, looking to the home’s physical characteristics and activities, would consider it to be designed to any practical degree for carrying people or things on water.*”

This case provides important guidance for the Waterfront Department, and staff has discussed its significance with two prominent maritime attorneys—one from Rhode Island and one from San Diego. Both said this finding could be utilized to help prevent the berthing of floating homes in municipal marinas. Working with the City Attorney’s Office, staff is drafting a definition of “Vessel” to be included in Title 17 of the City’s Municipal Code (MC 17) that reflects, in language tailored for a local Ordinance, the Supreme Court’s finding.

This issue will return to the Harbor Commission next spring, as part of an overall discussion of proposed amendments to MC 17 and the Department’s Rate and Fee Schedule. In addition, staff will draft an article about this subject in the winter issue of *Docklines*, alerting the boating community to the proposed change.

As of the date of this report, with the definition of “Vessel” under consideration, the Department does not intend to assign slips to floating homes that do not meet the Supreme Court standard. Per the pending Ordinance, floating homes already assigned Harbor slips would be “grandfathered in” and not required to meet the new standard.

Fisheries Report—Squid Fishery Reaches Quota Early

On October 18th, the California Department of Fish and Wildlife (CDFW) closed the state’s commercial squid fishery, which reached its 118,000-ton quota early for the fourth straight year (the season runs from April through March unless the quota is met). It was the earliest closure since 2005, when the fishery began operating under a quota.

The difference this year was twofold. First, nobody can remember a year when there was so much squid available at the Channel Islands and on the Southern California coast. Second, CDFW collaborated with the squid industry on day-to-day management, including the closure date. With assistance from squid fishermen and seafood processors, CDFW tracked daily catches in anticipation of reaching the harvest limit, which was established to ensure a sustainable fishery.

The harvest limit is one of many provisions governing the squid fishery, which has been managed under the state’s Market Squid Fishery Management Plan (MSFMP),

developed under provisions of California's Marine Life Management Act, (1999). The MLMA created state policies, goals and objectives to govern the conservation, sustainable use and restoration of several California fisheries.

Parade of Lights December 8th

On Sunday, December 8th, boats will decorate to the theme of Rockin', Rollin' Holidays during the 28th annual Parade of Lights. Activities begin at 3:00 p.m. with Santa's Village on the City Pier, where Santa Claus and his elves will treat kids to goody bags, a 10-ton snowfield and a visit with the bearded one. The parade begins at 5:30 p.m., followed by a five-minute fireworks show provided by Bay Fireworks and a lively awards party at the Maritime Museum. Slip permittees received sign-up forms in their November billing statements. Forms are also available at the Waterfront Office and Harbor Market. Best views of the Parade are from Stearns Wharf and the breakwater.

Prepared by: Mick Kronman, Harbor Operations Manager