

CITY OF SANTA BARBARA WATERFRONT DEPARTMENT

MEMORANDUM

Date: November 21, 2019
To: Harbor Commission
From: Erik Engebretson, Acting Harbor Operations Manager
Subject: **East Beach Mooring Program**

RECOMMENDATION: That Harbor Commission:

- A. Receive a staff report on the status of the East Beach Mooring Program; and
- B. Provide direction to staff regarding possible revisions to the Program related to moorings located in State waters and allowed uses.

BACKGROUND:

Established in 2006, a Permitted Mooring Area east of Stearns Wharf includes 45 mooring sites. Moorings are owned by individual permittees and inspected annually by City-approved inspectors. Deployment and inspection costs are borne by permittees, who also pay annual permit renewal fees of \$250 apiece.

DISCUSSION:

The Harbor Commission has received periodic updates on the East Beach Mooring Program (Program) since it was established in 2005. In general, the Program meets the primary intent of providing an alternative and more secure means of mooring vessels off East Beach compared to anchoring, resulting in a tremendous reduction in grounded vessels. Nevertheless, lack of demand for mooring sites by boaters and recent inquiries from commercial fishermen for storing seafood products on moorings has prompted staff to solicit feedback from the Harbor Commission for possible revisions to the Program.

Mooring Field Occupancy

The mooring field has 45 permitted sites. Thirteen of the mooring sites are located more than ½ mile from the mean high tide line (as of 1925). It's important to note that although the City limits extend three miles offshore, the State requires a lease for the mooring sites outside the City limits as of 1925 when the submerged lands were granted to the City. The State Lands Commission (SLC) established a lease rate of \$3,575 for the mooring sites in their waters which has been paid annually since the project was permitted in 2005. At this time, there are 17 permittees. Of these 17, three are in State waters, one of which is currently in default. The Waterfront has the authority to relocate mooring permittees as necessary.

It's possible that the Waterfront could choose not to renew the lease with the SLC, therefore eliminating the availability of mooring sites in State waters. This would result in 32 remaining mooring sites within the pre-1925 City limits. This is more than enough to accommodate the current demand and would still result in 15 vacant moorings. All 45 mooring sites would still be permitted by a variety of regulatory agencies although those within the State waters would be unavailable unless the Waterfront enters into a new lease agreement with the State Lands Commission.

Seafood Products Storage

Several commercial fishermen have expressed interest in storing their seafood products in the mooring field. Crabs, lobsters, and urchins are commonly stored in receivers tied up at commercial fishing slips and incrementally brought to market based on a variety of factors (price, weather, catch rates, etc.). Water quality in the harbor varies compared to the open ocean, in this case, the mooring field. Dissolved oxygen is typically lower and occasionally low enough to kill seafood products stored in receivers within the harbor. Allowing commercial fishermen to tie up receivers in the mooring field could possibly reduce the risk of dead loss associated with storing receivers in the harbor.

SBMC Section 17.20.255 (C) (2) (a) authorizes the Waterfront Director to issue Special Activity Mooring Permits. Although this has been considered for seafood product storage, there is no record of a Special Activity Mooring Permit having been issued. Furthermore, slip permittees are not allowed to obtain Mooring Permits. It may be beneficial to the commercial fishing industry to codify storage of seafood products as an allowed use as well as allowing commercial fishermen to obtain mooring permits in addition to slip permits.

SUMMARY:

Establishing the East Beach Mooring Program was essential in reducing the amount of grounded vessels on City beaches. The current lack of demand for mooring sites by boaters, interest in storing seafood products on moorings, and cost to the City for unused moorings may warrant revisions to the Program.

Attachment: SBMC Title 17.20.255

Prepared by: Erik Engebretson, Acting Harbor Operations Manager

Chapter 17.20

SLIP AND MOORING REGULATIONS AND CHARGES

Section: 17.20.255 Santa Barbara Mooring Area.

A. MOORING OF VESSELS IN THE HARBOR DISTRICT.

1. Unlawful Mooring in Harbor District. It is unlawful to place, erect, construct or maintain a Mooring in any area of the Harbor District without a current and valid Mooring Permit issued by the Waterfront Director or without the express permission of the Waterfront Director.
2. Unlawful Anchoring in Santa Barbara Mooring Area. It is unlawful for any person having charge of a vessel to Anchor a vessel in the Santa Barbara Mooring Area without express permission of the Waterfront Director.

B. MOORED VESSELS MUST BE OPERABLE.

1. Unlawful to Moor Inoperable Vessels. It is unlawful to Moor a vessel in the Santa Barbara Mooring Area that is not Operable.
2. Moored Vessels Must be Maintained as Operable Vessels. Vessels assigned to a Mooring Site in the Santa Barbara Mooring Area must be continuously maintained in an Operable condition. If, at any time, based upon the appearance of the vessel, inspection by the Waterfront Director, or other facts, the Waterfront Director determines that a vessel is not Operable, the Waterfront Director shall give notice to the Mooring Permittee requiring the Mooring Permittee to demonstrate that the vessel is Operable within 15 days of the date of the notice. If the Mooring Permittee does not demonstrate Operability of the vessel within the 15 day period, the Mooring Permit shall be terminated and the Mooring and vessel shall be removed from the Santa Barbara Mooring Area as required in the Mooring Permit Rules and Regulations. Vessels issued Special Activity Mooring Permits may be exempt from this provision, based on a determination of exemption by the Waterfront Director.

C. SANTA BARBARA MOORING AREA USE AND REGULATIONS.

1. Use of Mooring Sites. The Santa Barbara Mooring Area is divided into separate designated Mooring Sites. Mooring Sites shall be used only for the Mooring of Operable vessels and Dinghies by vessel owners who have been issued a Mooring Permit by the Waterfront Director. Mooring Sites shall not be used for commercial purposes without the express permission of the Waterfront Director. Mooring Permittees shall at all times use the Mooring Site in compliance with the Mooring Permit, Minimum Ground Tackle Specifications, this chapter, and all local, state and federal rules. Failure to comply with all rules and regulations shall be cause for termination of a Mooring Permit.
2. Mooring Permit Administration.
 - a. Mooring Permits may be issued by the Waterfront Director in accordance with the Mooring Permit Rules and Regulations adopted by Resolution of the City Council of the City of Santa Barbara.
 - b. Special Activity Mooring Permits may be issued by the Waterfront Director.

- c. Mooring Permit, Term. A Mooring Permit shall be issued for a period of one year and may be renewed annually thereafter by the Waterfront Director.
 - d. A Mooring Permittee shall hold no more than one permit. No person shall at any time be issued or hold more than one Mooring Permit.
 - e. Slip Permittees Not Eligible for Mooring Permits. Slip Permittees in Santa Barbara Harbor are not eligible for assignment of Mooring Permits in the Santa Barbara Mooring Area, and Mooring Permittees in Santa Barbara Mooring Area are not eligible for Slip Permits in Santa Barbara Harbor either through assignment or transfer, unless one of the permits is relinquished prior to issuance of the other permit.
 - f. Transfer of Permit. Mooring Permits are not transferable or inheritable.
 - g. Rental of Mooring Sites Prohibited. It is unlawful for any person issued a Mooring Permit to rent or lease (whether or not for compensation paid or other value), sublease or loan a Mooring Site to any other person or entity.
3. Termination of Mooring Permit. Mooring Permits may be terminated either by the Waterfront Director or the Mooring Permittee as provided in the Mooring Permit Rules and Regulations. Upon termination of the Mooring Permit, the vessel and Mooring shall be removed from the Santa Barbara Mooring Area in accordance with the Mooring Permit Rules and Regulations.
4. Failure to Timely Remove a Vessel or Mooring from the Santa Barbara Mooring Area. If the Mooring is not removed within the time provided for such removal in the Mooring Permit Rules and Regulations, title to the Mooring shall vest in the City. The City may, thereafter, remove and sell or dispose of the Mooring and recover the removal, storage or disposal costs from the Mooring Permittee. If the Mooring Permittee fails to pay such cost, the Waterfront Director may collect such costs in any court of competent jurisdiction or may recover any costs from the proceeds of sale of the Mooring. Vessels not removed from the Mooring Site within the time provided in the Mooring Permit Rules and Regulations shall be impounded by the City and subject to storage fees, disposal or lien sale proceedings as provided by law.
5. Appeal of Mooring Permit Termination. If the Waterfront Director terminates a Mooring Permit, the mooring permittee may request a waiver of the termination from the Waterfront Director. To request a waiver, the mooring permittee must file a written request setting forth the grounds upon which the waiver is requested with the Waterfront Director within 10 days of the date of termination under paragraph D.1 or D.2 of the Rules and Regulations of Mooring Permits. If the Waterfront Director denies the waiver, the Mooring permittee may appeal the Waterfront Director's decision to the Harbor Commission. The appeal shall be filed in writing with the City Clerk within 10 days of the date of the Waterfront Director's decision on the waiver. The Harbor Commission's decision on the appeal shall be final. If no waiver request is filed, the mooring permittee may appeal the termination to the Harbor Commission. The mooring permittee shall file a written appeal setting forth the grounds upon which the appeal is based with the City Clerk within 10 days of the date of termination under paragraph D.1 or D.2 of the Rules and Regulations of Mooring Permits.

D. MOORING INSTALLATION REQUIREMENTS AND ANNUAL INSPECTION.

1. Mooring Installation. If offered a Mooring Permit, an individual shall place a Mooring and vessel in the Mooring Site designated in the Mooring Permit within 90 days of acceptance of the Mooring Permit offer. The Mooring placement shall be made in accordance with the Minimum Ground Tackle Specifications by a City-Approved Mooring Inspector. If the Mooring and vessel are not timely placed in the Mooring Site, or if the Mooring is not approved as required by the Mooring Permit Rules and Regulations, no Mooring Permit shall be issued.
2. Mooring Position. Any vessel moored in a Mooring Site within the City of Santa Barbara Mooring Area shall be firmly secured to a Mooring in such a manner as to prevent the vessel from drifting, dragging or otherwise moving off the Mooring Site. If the Waterfront Director determines that the migration of a vessel off the Mooring Site may cause an immediate threat or danger to life, property or the environment, the Waterfront Director may take action deemed necessary to abate such hazard. Any costs incurred by such abatement shall be borne by the Mooring Permittee.
3. Mooring Inspections. Moorings shall be inspected by a City-Approved Mooring Inspector upon installation at the Mooring Site and annually thereafter on each anniversary date of the issuance of the Mooring Permit (or more frequently at the Permittee's option or as deemed necessary by the Waterfront Director) to determine compliance with Minimum Ground Tackle Specifications. The installation and inspection shall be performed in accordance with the Mooring Permit Rules and Regulations by a City-Approved Mooring Inspector at the Mooring Permittee's sole cost and expense. (Ord. 5696, 2015; Ord. 5528, 2010; Ord. 5386, 2006)