

Dana Point Boaters Association
Boater Liaison Program
OC DPH Responses May 2015

Boater Liaison Program Update – Responses from Harbor Management

In 2013 your Dana Point Boaters Association introduced the [Boater Liaison Program](#), which offers Dana Point boaters the means to raise any issue with harbor management, with DPBA as your advocates. [As we described when it was introduced](#), this program is aimed at improving boater satisfaction and advocacy in Dana Point Harbor. And our boaters have embraced this program... Over the past two years we have collected numerous issues raised by boaters and other members of our Dana Point Harbor community via our [online Boater Liaison Submission Form](#). We have been pleased by the quantity, quality and thoughtfulness of the submissions, which is testimony to the interest and engagement of our boating community in their harbor. We review every submission, categorize and summarize each issue, then present them in a report to Orange County Dana Point Harbor, their contracted marina operators (TBW, Dana Point Marina Company and Vintage/Embarcadero), and Dana Point Harbor Patrol.

Harbor management has recently responded to our latest round of submissions. Following below are the issues raised, DPBA's position on the matter, and OC Dana Point Harbor's response. You will find news on topics such as the Harbor Revitalization Plan, parking management, slip waitlist management, harbor finances, and more. For those remaining issues that you would like us to raise with harbor management, please let us know by visiting our [Boater Liaison Program website](#).

We wish to express our gratitude to Orange County Dana Point Harbor and their management team for collaborating with the Dana Point Boaters Association on this important initiative. While we are not perfectly aligned on every issue, we can report that they truly took this process seriously and offered their thoughtful consideration and response to each issue.

1. California Drought and Water Conservation: Rules for boat wash-downs and landscape maintenance plan

Issue: California is in the midst of a historic drought. Sacramento is calling on all municipalities and water districts to significantly reduce water usage. What impact will this have on the rules governing boaters washing down their boats, and what plans are in place to reduce irrigation for landscape maintenance?

DPBA Position: Of course DPBA supports smart and responsible water conservation. While we would resist rules that outright prohibited washing down our boats, we support measures to discourage excessive use and prevent unnecessary runoff. We encourage OC Dana Point Harbor and their marina operators to actively encourage water conservation, and rules to require automatic shutoff nozzles on all hoses.

Harbor Dept. Response: Marina staff walks the docks on a daily basis. Among the tasks included with the dock walk is to observe water usage by our boaters and to identify any leaky hose bibs, water connections and pipes. When wasteful water usage is observed we will communicate directly with the boater (or boat worker) on the docks. When we observe leaky hose bibs or pipes a priority work order is issued to address the problem. In addition, water conservation suggestions and information is often sent out to boaters in the marina monthly newsletter offering helpful water saving tips and reminding boaters of our water conservation efforts and policies. Water conservation signs are posted on each dock and in the service building restrooms.

Furthermore, all boaters sign a Boat Slip License Agreement, which includes Attachment B, Marina Rules & Regulations, which require boaters to use automatic shut off nozzles on their water hoses. Working in conjunction with South Coast Water District free hose nozzles are distributed to boaters twice each year as part of our ongoing conservation efforts. We also have installed timers on all wash down hoses that exist at the launch ramp.

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Even before the current drought, the Harbor has taken a number of measures to reduce water usage for irrigation; through use of drought tolerant plant choices, water-wise irrigation, and increased areas of hardscape that require no irrigation whatsoever. Between January 2014 and January 2015 water usage was reduced by well over 30% in the East Marina alone. We will continue to make landscape and irrigation choices in the commercial core and marinas to ensure the best possible use of our water resources. Regarding the turf/park areas, the County continues to follow the Governor's recent guidelines and those set by South Coast Water District for irrigation. As is evident by all the browning turf in the Harbor, the County is taking the updated water restrictions very seriously. South Coast Water District is now in the process of bringing reclaimed water into the Harbor. In an attempt to coincide with the conclusion of the Water District's project, the County will begin to explore connection opportunities for reclaimed water for irrigation throughout the Harbor.

2. Harbor Revitalization: Marina Boater Service Buildings

Issue: OC Dana Point Harbor is engaged in massive plan to revitalize our harbor, including a complete renovation of the commercial core, to be followed by rebuilding the dry boat storage area, docks and related infrastructure. Within the Harbor Revitalization Plan, what is the plan for the various boater service buildings? Are upgrades in order, including the installation of energy- and water-conservation fixtures.

DPBA Position: DPBA continues to believe the Dana Point Harbor is a recreational boat harbor first, and an entertainment and commercial area second. Renovation of boater amenities should be commensurate with the planned renovations of the shops and restaurants. This should include upgrades to our boater service buildings, including the use of energy- and water-efficient devices.

Harbor Dept. Response: OC Dana Point Harbor and its Operators continually develop programs to renovate the aging facilities and make efforts to conserve water and energy wherever possible. In early 2008, OC Dana Point Harbor voluntarily participated in the Metropolitan Water Districts' Public Sector Water Efficiency Program. The program involved a Harbor-wide audit of water usage, equipment, and procedures and resulted in numerous measures taken to conserve water and reduce runoff.

Many boater restrooms are equipped with water saving shower heads, timers or motion sensor on lights and fans and low flow urinals and toilets. The public restroom in the commercial core are now equipped with similar equipment and waterless urinals.

Additionally, plans for a maintenance improvement project are now in place for the West Basin restrooms. These plans include energy efficient lighting fixtures and controllers as well as even more water efficient toilets, urinals, shower heads and sink fixtures. There are also plans to replace partitions and fixtures. The West Basin restroom maintenance project will be done in four phases with phase one planned to be completed this year. In addition, within the next couple of weeks, we have a scheduled property walk through with a representative from San Diego Gas & Electric to help us identify opportunities for more efficient energy usage such as newer LED Light fixtures.

3. Harbor Revitalization: Dock Replacement Plan

Issue: Many of the docks in the east and west basins are in disrepair or degraded due to age. Routine maintenance does not seem to keep up with the pace of deterioration. What is the plan to renovate the docks within the Harbor Revitalization Plan.

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DPBA Position: As stated in the item above, DPBA believes that revitalization of boater amenities must be a priority of the Harbor Revitalization Plan. Replacement of our aged and deteriorated docks must be a centerpiece of this plan, including upgrades to utilities (water, power, lighting). To date, OC DPH has not publicized a detailed plan and schedule to renovate our docks. This continues to be a priority of DPBA, and while we welcome increases to the marina operators' funding for dock maintenance, we don't believe this is sufficient. DPBA is working hard to ensure funding is preserved and allocated within the Revitalization Plan for true renovation of our docks and related infrastructure.

Harbor Dept. Response: The County has increased the marina operators' maintenance budgets for next year by 23% so marina maintenance and improvements can continue at the current pace.

On February 1, 2015, the County implemented a West Basin dock repair project that temporarily doubled the labor and resources available for deferred repair work. That work is now complete and all of the plywood and 4x4s have been removed and 7,000 square feet of dock areas have been repaired.

4. Harbor Revitalization: Parking and boat access in East Basin Cove during construction

Issue: As construction commences in the area immediately adjacent to East Marina Cove docks, what is the plan to maintain boater parking and convenient access during construction? Will the plan to relocate the guest docks to 'O' dock, and thereby minimize parking demand, occur prior to construction?

DPBA Position: The preservation of efficient and convenient boater parking throughout our harbor has been one of DPBA's priorities from the start. And while we've regrettably incurred some losses, we have managed to protect some of the targeted boater parking. Nowhere is the impact on boater parking harsher than in the area of the East Marina Cove. Indeed, part of the plan to minimize parking demand in this area is to move the guest docks from the current location to 'O' dock, which is the nearest to the Wharf shops and restaurants, since most guest boats don't require parking. We have lobbied OC DPH to make this happen prior to construction.

Harbor Dept. Response: For the record it should be noted that the area referred to is East Marina – Cove M, N, and O docks directly adjacent to the commercial core. These docks mentioned contain approximately 122 slips or 4.9% of the total number of slips in Dana Point Harbor. Access to the other 95.1% of boats will not be affected to the same extent or at all. To mitigate access issues for those 122 boaters the plan includes relocating most of the existing O-dock tenants to slips throughout the Harbor and to the docks presently used for guest dockage and utilizing O-dock the new guest dock. To accomplish this endeavor many factors must be addressed. Slip sizes on the two docks do not correspond exactly; new guest slips still require access, and notifications need to be made; just to name a few. Once all factors have been appropriately addressed, the guest dock relocation will take place well in advance of significant changes to that area of the Harbor.

5. Boater Safety: Human Powered Craft During Christmas Boat Parade

Issue: With the huge increase in human-powered craft (kayakers, paddle boarders) in recent years, concerns have been raised for the safety of all involved, especially during the night and during the Christmas Boat Parade. Are there rules governing HPCs at night and during the parade?

DPBA Position: Users of human-powered craft are boaters, too, and are valued members of our Dana Point Harbor boating community. However, it is apparent that some HPC users are not completely familiar with right-of-way rules and other regulations pertaining to watercraft, such as navigation lights at night. Due to the significant risk of incidents, DPBA discourages HPC use in the boat parade.

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Harbor Dept. Response: Harbor Patrol has noticed the same issues and terminated several paddle boarders' excursions as well as kayakers' that either did not have lights or PFD's. The Department is working with Harbor Patrol to identify solutions such as signage at Baby Beach and at other locations in the Harbor prohibiting this activity for parade nights. Although safety of all the Harbor's water users is our paramount concern, once the parade starts Harbor Patrol is limited in their enforcement and are mostly tied up on calls for service relating to the parade.

6. Waitlist Management: Enforcing prohibition of slip transfer with boat sale

Issue: With the wait for larger slips lasting 10 to 15 years or longer and demand high, concerns have been raised by many waitlist boaters that slips have been transferred with boat sales in violation of boat slip license agreements or other prohibited arrangements. In past rounds of the Boater Liaison Program, OC Dana Point Harbor responded that they were increasingly diligent in their investigation of suspected prohibited slip transfers and enforcement of slip waitlist rules. Previously, OC DPH indicated that they may institute *"an annual fee for partnerships equal to the cost to order requisite reports to verify ownership and further refinement of the existing rules about partnerships has been recommended and is under consideration."*

DPHA Position: DPBA believes that all boat slip assignments must be based on a clear and transparent policy that ensures fair and equal access by all applicants. Harbor management must effectively monitor and enforce their waitlist and slip transfer policies. The waitlists and slip assignments must be publicly available information in order to ensure the public's trust in the process for assigning this high-demand public asset to private boaters.

Harbor Dept. Response: As stated on our previous response, the Harbor strictly prohibits the transfer of slips with the sale of a vessel and has one of the strictest policies in southern California in this regard. To ensure this policy is enforced a number of methods are utilized; for example, only allowing a tenant of record to pay slip rent or be named as billing party, as well as requiring that the tenant's name to be on insurance and registration documents. In addition there is rigorous scrutiny of vessels owned in partnerships and corporations by the Marina staff.

In the event a false partnership is suspected; an investigation is conducted. If vessel ownership is not in accordance with section 1(d) of the boat slip license agreement, OR the licensee has provided false information regarding the ownership of the vessel, the slip license is subject to immediate termination. The goal is to prevent these types of false ownership arrangements and thereby uphold the fairness and integrity of the waitlist process.

After considering fees, it was decided that a fee for ownership reports could be viewed as an unfair assumption of fault. That said if there is any reason to believe that the ownership of a vessel is not in accordance with the terms of the license agreement (namely section 1(d)) said reports will be procured and appropriate action taken.

7. Harbor Wildlife: Birds

Issue: An issue was submitted through the Boater Liaison Program to ask if there are any bird mitigation plans under consideration. A concern was raised about excessive bird excrement.

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DPBA Position: While the cleanliness of our harbor is a notable boater issue, the impact of wildlife on our harbor is not directly a boater issue and DPBA has no official position on this matter other than to continue to support OC DPH and their marina operators in their efforts to keep our harbor clean.

Harbor Dept. Response: The bird population in Dana Point Harbor is a natural occurrence. Our control efforts include signage throughout the Harbor encouraging the public not to feed the birds and regular tree maintenance. As part of our Clean Marina program, all trash receptacles and dumpsters in the harbor are covered with bird-proof lids to prevent birds from scattering the contents. Furthermore, regular weekly efforts are made to collect bird droppings from Harbor grounds using surface cleaners with built-in wash water recovery to eliminate runoff.

Individual boaters use natural bird abatement techniques such as using fake snakes or spinning wires on their boat to protect their property from visiting birds.

8. Parking control and traffic management

Issue: During holidays, special events and busy summer weekends, parking is at a premium. Further, excessive traffic can impede access to and egress from the harbor. Has harbor management considered additional means to manage parking and traffic, including enforcement of RV parking along Dana Harbor Dr.?

DPBA Position: DPBA recognizes that Dana Point Harbor is a multi-use recreational area. While dedicated boater parking should remain for boaters only, public parking is open to all visitors of our harbor. That said, DPBA supports rules and enforcement activities to prevent long-term (i.e. all day and overnight) RV parking in public areas.

Harbor Dept. Response: The Harbor has reached a critical mass for many of its special events, and each year we learn a little more how to handle the many demands on the facility with public safety being of the utmost importance.

Each special event is reviewed separately for impacts and required mitigation. For example, you will recall traffic controls were in place during the busiest nights of IllumiOcean, however, these same controls were not implemented for the Festival of Whales as they were not deemed necessary.

Regarding enforcement, we communicate regularly with Dana Point Police Services to ensure they understand the needs of the Harbor on an ongoing basis and specifically the unique demands during special events. If an issue is observed, anyone is free to, and the Harbor Dept. encourages you to contact Dana Point Police Services immediately.

9. Noise Ordinance Enforcement

Issue: Boaters commented on occasional violations of noise ordinance, such as from parties and music from local businesses. What enforcement measures are in place?

DPBA Position: DPBA strongly supports enforcement of the County ordinance prohibiting excessive noise after 10:00pm.

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Harbor Dept. Response: Music that is played at the Sailing Center for an event is kept within compliance with the County's noise ordinance and is required to end by 10pm. If you believe that any County ordinance is being violated you may contact Dana Point Police Services who will investigate and respond as appropriate.

10. Harbor Revitalization: EV Charging Stations?

Issue: Are there plans to install EV charging stations as a part of the Harbor Revitalization Plan?

DPBA Position: No position.

Harbor Dept. Response: At this point OC Dana Point Harbor does not have any plans to install charging stations. The County continues to pursue Grant Funding for such programs, should funding become available and if your presumption comes to fruition, we will be happy to consider the opportunity.

11. Harbor Finance Management

Issue: Dana Point Harbor is owned by the state of California and *entrusted* to the County of Orange by the State Lands Commission and regulated by the Tidelands Trust, which requires all revenue generated in the harbor to remain and be reinvested in the harbor. It cannot be diverted to the County's general fund or to other uses not in direct benefit to the harbor. These revenues include commercial and slip lease revenue, but excludes business and personal income taxes. What is the process to ensure OC Dana Point Harbor complies with Tidelands Trust requirements?

DPBA Position: DPBA works closely with OC Dana Point Harbor to validate that it complies with Tidelands Trust regulations, including reviewing their annual budget. At this time we have no reason to believe monies are diverted inappropriately. Fund 108 can be reviewed on the County's web site [here](#). OC DPH also has the 12K Fund for (Department of Boating and Waterways) loans and for emergency repairs. Find it [here](#).

Harbor Dept. Response: The development of the Harbor's budget, Fund 108, follows the County's budgeting process. All Harbor revenues for Fund 108 are generated from Harbor operations and are deposited into this Fund for expenditures within the Dana Point Harbor Tidelands area.

The County provides an annual audit report to State Lands for their review and comment. Any funds proposed to be expended outside of the Tidelands area would require approval by the State Lands Commission.

Fund 108 can be reviewed on the County's web site, www.ocgov.com.

12. Fishing Activities in the Harbor

Issue: Increasingly, fishing activities have been observed within the harbor and immediately adjacent to the harbor entrance. These activities include fisherman on kayaks, fishing from the seawalls, and traps laid near the harbor entrance. These activities may pose hazards to navigation. Are there any rules governing these activities and how are they enforced?

DPBA Position: DPBA has no specific position other than all hazards to navigation should be immediately remedied by OC Dana Point Harbor and Dana Point Harbor Patrol.

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Harbor Dept. Response: Fishing inside the Harbor is permitted; however, anchoring in the middle of the channels is prohibited and can be a hazard to navigation. Please notify the Harbor Patrol of any hazards and they will gladly respond and educate boaters/fishermen. Harbor Patrol is a 24/7 operation and would love to respond and rectify any hazards.

Lobster fisherman set traps near the entrance as well as any shallow areas that may have underwater structure where lobsters may habitat. This activity is monitored and enforced by the Department of Fish and Game. Please note that traps cannot be set or placed in the middle of the federal channel. Some traps may be erroneously dragged into this area, if you notice this please feel free to notify the Harbor Patrol to resolve the issue.

13. Parking Management: Valet Parking

Issue: Boaters have observed that the valet parking services engaged to serve the commercial areas of the harbor often result in significant congestion to accessing the harbor and boater parking, including possibly violating fire lane parking rules.

DPBA Position: OC Dana Point Harbor and Dana Point Police Services (OCSD) should ensure unobstructed access to boater parking lots and fire lanes without exception.

Harbor Dept. Response: Valet parking and the queuing that occurs at the busiest times of demand for the valet services is a challenge. I would point out that the valet program serves many older individuals, families with small children and those that are limited in their mobility for various reasons. As such, finding the balance between serving those members of the general public and our own Harbor community requires constant attention, and we will do our best to find a balance among all interested parties.

With this in mind, our property managers, Vintage Marina Partners and valet managers work continuously with Orange County Fire Authority to ensure the valet operations are working within acceptable parameters.

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