

NEWPORT HARBOR MOORINGS: ARE THEY HELD IN THE PUBLIC TRUST OR FOR PRIVATE PROFIT?

SUMMARY

Thousands of private dollars are involved in the transfer of boat mooring permits in Newport Harbor, although they are located on publicly owned California State Tidelands. The Harbor Patrol manages a waiting list for people seeking mooring permits, but rarely do any become available. Moorings are at a premium and most of those on the list have been waiting for years, if not decades, and the list is not updated on a regular basis. The mooring “permittee” and the vessel on that mooring must be registered to the same individual. Selling a mooring is illegal, but a loophole exists whereby a mooring permit holder may sell the boat on that mooring, and the vessel’s new owner is then able to transfer the mooring permit into his or her own name. Over the years this has developed into a fine art, with small and/or derelict boats selling at vastly inflated prices. Brokers may be involved, although they are not listed anywhere in the paperwork. “Moorings for sale” listings may be found on the internet or in newspapers. The new vessel purchaser pays an “advisor” (broker) with cash or check to be walked through the process of vessel purchase and mooring transfer in the Harbor Patrol Office. A different vessel, as long as it is registered to the same new owner, may then be moved onto the mooring.

The process of transferring public moorings permits has been usurped. Fortunately, both city and county ordinances and state statutes contain powerful tools to be used against diluting these assets. Now is the time to end this situation and reinstate proper regulations and procedures.

REASON FOR INVESTIGATION

The purpose of this report is to research and review the policies and procedures involved in the transfer of the public moorings located in Newport Harbor and to investigate whether private profits are being made from these transactions.

METHOD OF INVESTIGATION

Research the moorings in Newport Harbor to ascertain:

- what they are and who owns them;
- their perceived and actual value;
- the procedures for their transfer;
- whether these procedures are being properly followed; and
- the roles of the agencies involved in this process.

Analyze and report on the results of the information gathered through interviews, material references, and internet websites.

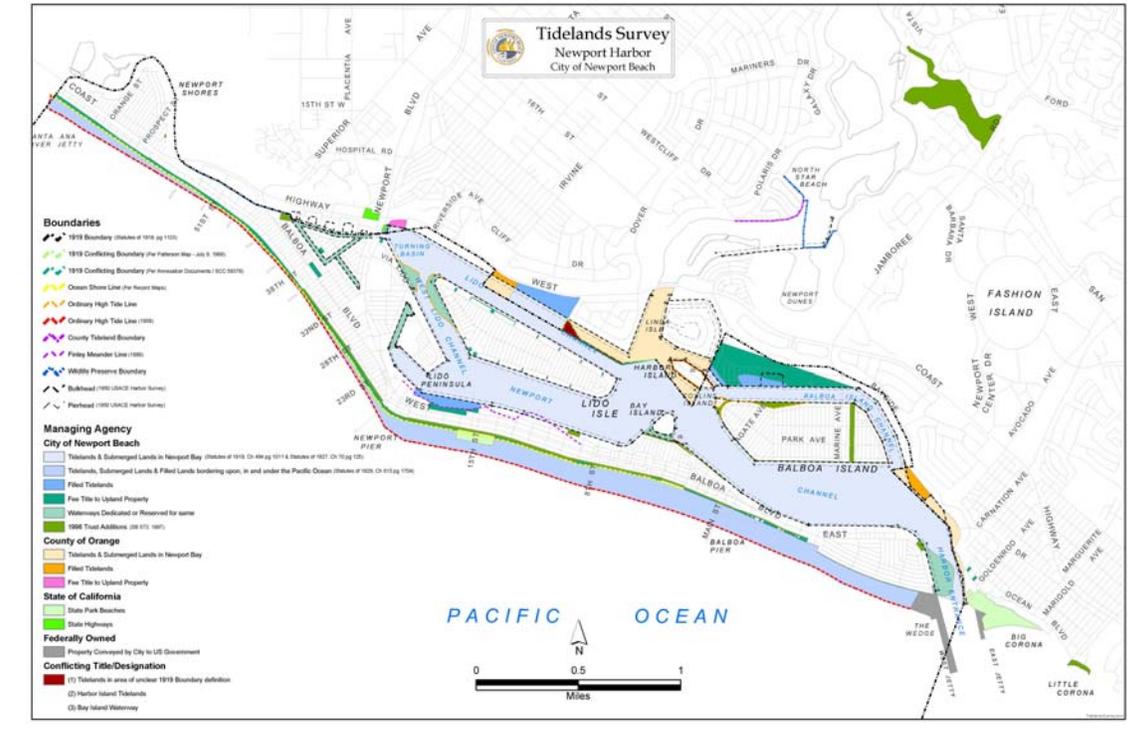
BACKGROUND AND FACTS

Tidelands: When California became a state on September 9, 1850, it acquired the nearly four million acres of land underlying its waterways. Known as “Sovereign Lands,” these are held in public trust under the principle that navigable waters are preserved for the public use and that the state is responsible for protecting the public’s right to that use. In 1919 the State granted the City of Newport Beach the management of the trust of Newport Bay including

2006-2007 ORANGE COUNTY GRAND JURY

the tidelands and submerged lands located within its municipality; this grant was approved and renewed most recently in 1987. At the same time (1919), the State also granted the County of Orange a trust to manage “that portion of tidelands and submerged lands bordering upon and under Newport Bay outside the corporate limits of the city of Newport Beach;” this grant was most recently renewed in 1975. Thus, both the City of Newport Beach and the County of Orange assumed the duties of the State. The City works with the County through (1) the Harbor Patrol and (2) the Department of Harbors, Beaches, and Parks.

Newport Bay Tidelands Map



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 1,230 piers, 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.

Moorings: There are 11 specially designated offshore mooring areas, which must be reached by boat, distributed throughout the bay above specified sovereign tidelands/submerged lands. Within these areas are approximately 800 offshore moorings, each consisting of a single or double floating buoy that is secured to the Harbor bottom by an anchor system, which is not carried aboard the vessel when underway, but rather remains in the mooring

2006-2007 ORANGE COUNTY GRAND JURY

area. The buoy is attached through a chain to ground tackle, which is the equipment used to anchor the entire system securely to the seafloor.

Additionally, there are approximately 400 onshore moorings, located along the waterfront. Onshore moorings are for small boats of up to 18 feet and are located in the near shore perimeter of the Harbor and its islands, perpendicular to the shoreline. One end of the mooring line is attached to a point on or adjacent to the bulkhead, a retaining wall that separates dry land areas and water areas, and the other end is attached to a mooring buoy located in the water.

Yacht Club Moorings: Current City ordinances specify that only individuals may hold mooring permits; however, two private yacht clubs in the Harbor hold mooring permits: the first currently maintains 100 offshore moorings and the second maintains 75. There are several theories as to how this came about, none of which are documented. Originally there was not much demand for offshore moorings, they had no value, and the areas designated for them were open water. At some point residents simply asked the Harbor Master for permission to place moorings near their homes. Once a mooring permit was acquired, buoys were installed and the areas began to develop. Along this same line, sometime between the 1920's and 1940's, the areas in front of the two yacht clubs were given over to them for rental to their members or others. Thus, they also acquired and installed moorings. Some club members also acquired individual permits in these areas; however, over time the clubs absorbed them through permit transfers. There are still a few permits in individual member's names.

Offshore Mooring Equipment and Boundaries: The mooring equipment (weights, tackle, and chain) is owned by the permittee; all of it must be "checked" (pulled up and weighed) every two years. The value of the equipment is \$1,000 to \$1,500 and the cost of this type of inspection is \$400 to \$600 each time it occurs. Several private mooring contractor companies handle this process with the vessel owner. Expansion of the mooring area boundaries has occurred over the years during these procedures as the equipment is pulled up for review and then set down. The mooring areas now extend beyond the lines originally established by the Army Corps of Engineers and the City of Newport Beach through a letter of agreement in 1941. At this time, there is a review underway by the City to either reestablish the original lines or legitimize and codify their expansion by adjusting the new mooring boundaries to the current expanded settings.

Mooring Areas



2006-2007 ORANGE COUNTY GRAND JURY

Slips: A slip is a berth where the boat has a finger, or thin pier, on one side and either another finger or adjacent boat on the other side. A side tie is a berth where the dock is alongside only one side of the boat. The cost of residential slips is hard to pinpoint because they are owned privately, are located in front of homes, and are not supposed to rent to the public. Marina sizes in the Harbor vary from ten to approximately 400 slips. Slip charges vary from \$18 per linear foot per month at public marinas (e.g., the Balboa Yacht Basin) to \$42 per linear foot per month charged at commercial slips (e.g., the Irvine Company). The Irvine Company charges more per foot for large boats and raises their fees until they achieve a 5% vacancy rate, which is one way of establishing a fair market value and could also be used by the public sector. In the public marina the vessel owner has a slip lease as opposed to a permit, the trigger for the turnover of a slip is the sale of its vessel, the slip cannot transfer, and new owners have a maximum of six months but then must vacate the vessel from the slip; the waiting list is followed in order.

Currently, slips are difficult to get and there is a domino effect on the price of a mooring permit. The supply and demand of finding a place to put a boat runs in cycles. A mooring permit did not have value two decades ago and the moorings were considered a graveyard. However, supply and demand has been more of a problem in the last seven to eight years. At this time, slips can have a two to three year waiting list. The demand for moorings follows the curve of the slips because they are more difficult to reach and maintain. As locating a vessel anywhere in the Harbor becomes more of a premium, it is changing the perception that the class of boat kept in each location is different; those on moorings were considered second class citizens, but the prestige of locating a boat on a mooring has increased along with its perceived value.

City of Newport Beach: The elective officers of the City consist of a City Council of seven members nominated from each of seven districts and elected from each district by the voters of the City at large for alternate and successive four-year terms. They meet twice each month to review, direct, and legislate on matters of land use, finance, and general governance. Council members also serve on committees, including some with other community members, to review specialized areas and make recommendations to the full City Council. The Harbor Commission was established in January of 2002 as a citizen advisory body to the City Council in all matters pertaining to the Harbor; the Committee then formed a Mooring Master Plan subcommittee in January of 2005. The City Council sets the policy and code for moorings and has a cooperative agreement with the County, which has its own set of ordinances covering their 25 revenue generating moorings which are located in county tidelands. The County funds the Harbor Patrol, which manages all of the moorings in the Harbor, according to City policy. At this time, the Harbor Commission and City are reviewing Title (or Chapter) 17 of the City Municipal Code, which covers Harbor Regulations, because the code is not consistent with the procedures currently in use. This makes the enforcement of mooring regulations difficult for the City and the Harbor Patrol. In an effort to change this situation, a rewrite of this section is currently underway and will be presented to the City Council for their vote. The City Manager's Office carries out all City policies. Harbor Resources is the division of the City Manager's Office that manages Newport Beach city issues concerning Newport Harbor. They give staff support to the Harbor Commission and one of their functions includes advisement on tidelands administration.

2006-2007 ORANGE COUNTY GRAND JURY

County of Orange: The following is an excerpt from the 2004-2005 Orange County Grand Jury report, **Harbors, Beaches, and Parks: Riches to Rags?:**

In the mid-1930's, Orange County voters approved the redevelopment of Newport Harbor as a small craft harbor. The Orange County Harbor District (OCHD) was created, and the Orange County Board of Supervisors was its governing board. The special district was established under and is governed by the California State Harbors and Navigation (H&N) Code, which provides for formation, governance, management, and financing powers of such districts. From time to time over the years, the H&N code was amended to enable changes in the structure of the original OCHD and to expand services for which district funds could be expended.

County Code Sec. 2-2-90 regarding Mooring and Buoy Permits states, " Any permit issued hereunder constitutes a privilege to use part of a limited water area for mooring purposes only and is not transferable."

In Orange County, the Harbors, Beaches and Parks division (HBP) of the Resources and Development Management Department (RDMD) manages the regional park system. In 1989, following the recommendation of the RDMD-HBP, the Board of Supervisors entered into a Joint Powers Agreement with the City of Newport Beach to define the method of administration of the moorings in Newport Harbor. Under its continuing terms, the City establishes the mooring permit rates, collects the money for all moorings in the harbor, and remits to the County the money collected on their 25 moorings. The County then provides the Sheriff's Harbor Patrol to manage a full range of services to Newport Harbor that the City funds, including the administration and above water inspection services of all moorings. In 2006 the amount that the City paid to the County for these Harbor Patrol services was \$97,091. The original agreement has been extended by amendment four times, most recently on January 23, 2007, with the current two-year extension running until December 31, 2008.

Harbor Patrol: The Harbor Patrol Division (HP) of the Orange County Sheriff-Coroner Department (OCSO) shares the mission and goals set forth by County's RDMD-HBP to (1) provide opportunities for people to safely learn, relax, recreate and interact and (2) preserve and protect Orange County natural areas and open space habitats. They do this in Newport Harbor by maintaining relationships with the County, the City of Newport Beach, and the public. In addition to their mooring duties, the Harbor Patrol are first responders to all safety issues on the water involving law enforcement, fire fighting, environmental protection, and rescue services. 40 deputy sheriffs cover 24 hour operations 365 days a year at all three Orange County Harbors: Newport, Sunset/Huntington, and Dana Point. They maintain a total of six fireboats and seven patrol boats, two of which are in Newport Harbor, located at an Administration and Management Office along with the RDMD-HBP Coastal Operations, and have the ability to immediately respond to any problems.

Mooring Fees and Regulations: Mooring permit fees were last set by a resolution of the Newport Beach City Council in 1995 as "equivalent to the fair market value for the use of said tidelands" and are due on February first of each year. The City Council has the right to change the annual fee at any time; however, annual charges currently remain at the 1995 rates with offshore permit fees of \$20 per linear foot per year and onshore permit fees of

2006-2007 ORANGE COUNTY GRAND JURY

\$10 per linear foot per year. At this time, the Master Fee Schedule is being reviewed by the City's Revenue Department. This appraisal covers fees involving all commercial property doing business on the waterfront and is in the last of three phases studying the costs of services. An economist is reviewing what fees are appropriate and a final report will be presented to the City Council. The County requires independent appraisals to update fee schedules and 10 to 20 years ago attempted to significantly raise their mooring permit fees; however, after public outcry, the Board of Supervisors elected to defer to City terms.

Mooring regulations are set by the City, managed by the Harbor Patrol, and include but are not limited to:

- telephone numbers and addresses of all mooring permittees, which must be up-to-date at all times through the Harbor Patrol Office;
- vessels on moorings, which must be registered to the permit holder and assigned to the mooring permit through the Harbor Patrol; and
- vacant moorings, which may not occur for a period longer than 90 days.

Instructions for Mooring Permit Transfer: Whenever a person wishes to cancel his or her mooring permit for re-issuance to another person, it is permissible to do so within the following parameters:

- the mooring equipment and vessel currently assigned to that mooring must be sold to the same person;
- the mooring permit can be held in the name of one (1) person only, the permit cannot be placed in a corporate name; and
- anyone wishing to transfer a mooring permit must contact the Sheriff's Harbor Patrol Mooring Department to set an appointment.

Derelict or Abandoned Vessels: In addition to being an eyesore, derelict or abandoned vessels impede navigation, leak pollutants, and destroy natural habitats. The state commissioned a task force to review the abandoned vessel problem and recommend ways to reduce them. AB 716, which went into effect on January 1, 2006, includes these codified findings:

- reduce from 90 to 60 days the maximum waiting period prior to the sale of an unclaimed wrecked vessel;
- authorize authorities to remove a vessel found or operated upon a waterway with a registration expiration date in excess of one year; and
- require that any abandoned or wrecked vessel must have an appraised value of less than \$2,000 (that value was previously \$1,500) before being sold or disposed of by a public agency.

Tax Implications: In California, transfers of tangible personal property, such as a vessel, for consideration (sales and purchases) are subject to sales tax or use tax. Generally, in Orange County, only boats valued over \$100,000 are considered real property and receive a Vessel Property Statement. The true and/or perceived value of an annual mooring permit is another matter. The California constitution allows the State and local governments to levy a

2006-2007 ORANGE COUNTY GRAND JURY

tax on a private individual or company that has possession (“occupies” and “controls”) or exclusive use of government-owned tax-exempt public property. This is called a possessory interest tax and is well established in California law.

In Orange County, the Orange County Assessor Department (OCAD) is authorized to make official valuations for the purposes of taxation and to determine the rate or amount to charge or levy. This involves defining (1) what is to be taxed, (2) who is the owner, owners, or permit user (their names and addresses), and (3) what is the value of the item, or its fair market price in a free market. The State and/or local municipality determines the tax rate within its own area, which in Newport Beach is currently 1.25% to 1.33%. OCAD has a stated policy on taxes on moorings, boat slips and tie downs (which includes pilots who rent hangars and tiedown spaces for their aircraft from publicly owned airports). The private use of public property is taxable under certain conditions. According to OCAD, they perform annual on-site inspections of all marinas and moorings in the county and “If a resident rents or leases a mooring, boat slip or tie down from a city or the county, they may receive a property tax assessment if:

- the facility is owned by a government agency;
- the right to use government-owned property is independent, durable and exclusive; and
- the user is not a government agency.”

While there is a possessory interest tax assessed on some private and commercial slips and marinas, others instead receive a higher assessed valuation of their property tax because of their waterfront location. This is further complicated because some of the property lines include docks and some include bulkheads.

Currently, there is no possessory interest tax assessed on the use of moorings in Orange County with the exception of the Yacht Clubs, which control multiple moorings. The Assessor Department last reviewed the moorings approximately 15 years ago and at that time the value of the moorings fell below the Orange County Minimum Value Ordinance of \$1,350. For these and other low value items tax bills are not issued. Since the annual permit fee of an offshore mooring for a 30-foot vessel has not changed in nine and a half years, it maintains an assessed value of approximately \$600; presently this mooring permit would continue to fall under the minimum value ordinance and a tax bill would not be issued.

Mooring Permit Procedures in Other Areas

San Diego: The Port of San Diego had a derelict vessel problem and decided to outsource their contract management. The San Diego Mooring Company is a private company that rents and maintains the 437 moorings located throughout San Diego Bay. There are four different mooring areas with rates ranging from \$123 to \$152 per month, depending on location in the Harbor. Currently, moorings are non-transferable and there is a waiting list.

Catalina: Within the harbor at Avalon, the City of Avalon Harbor Department manages the moorings; outside moorings are managed by Two Harbors Enterprises (THE), a subsidiary of the Santa Catalina Island Company, and the Harbor Patrol. The Catalina Island Conservancy approached the State Lands Commission to help control mooring transfers

2006-2007 ORANGE COUNTY GRAND JURY

outside the Harbor. They established a value for these permits by permitting a policy of one more private transfer by each current owner. The next transfer would go to the Conservancy, after which the mooring would then be added to a controlled list. This is politically appealing because all parties know what is going to happen; the current owner can step down the price and the future owner knows that his or her next transfer will lose value.

Santa Barbara: Santa Barbara Harbor had a problem with abandoned vessels and in April of 2006, the City Council cleared out their mooring field through Ordinance No. 5386 and Resolution No. 06-027, and established a lottery for mooring permits. There is a \$250 annual city permit fee, all permits have been filled, and new permit holders are in the process of bringing in their own mooring equipment. Mooring permits are non-transferable and currently there is no waiting list.

CONCLUSION

The protection of public funds, privileges, and rights is the number one rule of the public servant. Vigilance must be maintained not to grant these away. Fortunately, laws and codes contain powerful tools to be used against diluting these assets.

In 1974, the Orange County Grand Jury reported on the extent of private encroachments onto public lands. Following this report, the Board of Supervisors, through the County Executive Officer, examined county real estate and found, among other areas, the private use of public lands in Sunset Beach and tidelands encroachment on Harbor Island. The problem was addressed through both an encroachment abatement program and/or revocable encroachment permits.

The gift of public funds should involve full and fair compensation. Tangible, real property assets are generally transferable. What is on the books? What is not? The County requires independent appraisals to update fee schedules. Fair market rent should be charged. In the case of mooring permit fees and their transfers, the money collected from the tidelands can only be spent on the tidelands. The money collected belongs to the public to make the quality of life better and more effective. In this case it could go, among other things, toward dredging in the Harbor or water clean up. Additionally, equitable public access to a reinvigorated mooring waiting list could and should be achieved through the reinstatement of proper protocol and procedures on behalf of the people of Orange County.

FINDINGS

In accordance with California Penal Code sections 933 and 933.05, each finding will be responded to by the government entity to which it is addressed. The responses are to be submitted to the Presiding Judge of the Superior Court. The 2006-2007 Orange County Grand Jury has arrived at the following findings:

F-1. Private profits are being made from the current procedures used in transferring the mooring permits located on the public tidelands in Newport Harbor. Because the mooring equipment and the vessel currently assigned to that mooring must be sold to the same person, when a vessel on a mooring is sold, the new owner transfers that mooring permit into his or her name, rather than vacating the mooring and allowing the waiting list to proceed in order.

2006-2007 ORANGE COUNTY GRAND JURY

- F-2. The offshore mooring areas now extend beyond the lines originally established by the United States Army Corps of Engineers in 1941.
- F-3. Certain procedures adopted by the Newport Beach City Council regarding mooring permits are not enforceable because they are not included in the City's Municipal Code.
- F-4. The last assessment of the fair market value of mooring permit fees took place almost ten years ago.
- F-5. Although a mooring permit can be held in the name of one (1) person only and the permit cannot be placed in a company name, exceptions have been made for certain private yacht clubs. Additionally, vessels and moorings are now registered in family trusts. After a principal's death, the intent of a trust is to follow the vessel; however, there is an unjustified perception that this also includes the mooring permit.
- F-6. The County (1) follows State statutes and regulations concerning mooring and buoy permits and (2) along with the City of Newport Beach shares financial responsibility for funding the Harbor Patrol to provide management services; however, the County performs no oversight of the City's regulations and procedures on a regular basis.
- F-7. The Harbor Patrol follows the regulations and procedures set down by the City; however, they have begun re-enforcing certain, but not all, regulations, e.g., the derelict boat rule is being enforced but abandoned moorings are allowed. The result of this is that the harbor now seems cleaner; however, permittees are allowed to maintain moorings without vessels.
- F-8. The mooring waiting list has not been reviewed or updated for years.
- F-9. The majority of the current mooring permit fees fall below the Orange County Minimum Value Ordinance.

Responses to Findings F-1, F-2, F-3, F-4, F-5, F-7, and F-8 are required from the Mayor of the City of Newport Beach.

Responses to Findings F-1 and F-6 are required from the Orange County Board of Supervisors.

Responses to Findings F-7 and F-8 are required from the Orange County Sheriff-Coroner and Harbor Patrol.

A Response to Finding F-9 is required from the Orange County Assessor.

RECOMMENDATIONS

In accordance with California Penal Code sections 933 and 933.05, each recommendation will be responded to by the government entity to which it is addressed. The responses are to

2006-2007 ORANGE COUNTY GRAND JURY

be submitted to the Presiding Judge of the Superior Court. Based on the findings of this report, the 2006-2007 Orange County Grand Jury makes the following recommendations:

- R-1. Tighten the regulations and procedures involved with Newport Harbor mooring permits and their transfers to ensure that all monies received which rightly belong to the public, stay within the public arena.
- R-2. Consider public access to available moorings through adopting a more effective waiting list.
- R-3. Reestablish the original mooring boundaries.
- R-4. Independently analyze and reestablish the City's Municipal Code concerning the Harbor Regulations on moorings; have new procedures match corrected regulations rather than codifying, without review, what has become embedded as established practice.
- R-5. Review the Municipal Code on a regular basis to be sure that it incorporates the revised ordinances and procedures to allow uniform enforcement.
- R-6. Establish a regularly scheduled independent appraisal for the fair market value of mooring permit fees, e.g., based on a percentage of the cost of a slip.
- R-7. Review the inclusion of yacht clubs and trusts as mooring permittees.
- R-8. The City of Newport Beach and the County of Orange should review their ordinances to make sure that they are consistent with each other.
- R-9. Review and update the mooring waiting list.
- R-10. The Assessor Department should coordinate with the city to review the value of mooring permit fees on a regular basis to see if they rise above the Orange County Minimum Value Ordinance.

Responses to Recommendations R-1 through R-9 are required from the Mayor of the City of Newport Beach.

Responses to Recommendations R-1, R-2, R-6, R-8, and R-9 are required from the Orange County Board of Supervisors.

Responses to Recommendations R-5 and R-9 are required from the Orange County Sheriff-Coroner Harbor Patrol.

A Response to Recommendation R-10 is required from the Orange County Assessor.

REQUIRED RESPONSES:

The California Penal Code specifies the required permissible responses to the findings and recommendations contained in this report. The specific sections are quoted below:

§933.05(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.
- (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

GLOSSARY OF TERMS:

From the City of Newport Beach Harbor Code Regulations

Bulkhead: Or seawall is the retaining wall that separates dry land areas and water areas.

Ground Tackle: All equipment used for mooring or anchoring a vessel securely to the seafloor.

Minimum Value Ordinance: Low value items for which tax bills are not issued, which in Orange County is \$1,350.

Mooring: A device consisting of a floating buoy or other object that is secured to the Harbor bottom by an anchor system for purposes of securing a vessel. A mooring is an appliance used to secure a vessel, other than to a pier, which is not carried aboard such vessel as regular equipment when underway.

Mooring Area: An area designated for a group of moorings.

Offshore Mooring: A single or double buoy, weight and chain installed for the purpose of berthing a vessel.

Pier: Any fixed or floating structure for securing vessels, loading or unloading persons or property, or providing access to the water.

Pierhead Line: The harbor water area perimeter lines established in Newport Harbor by the federal government that define the permitted limit of fixed pier, floating dock and other in-water structures which may be constructed in the Harbor. The Pierhead line typically shall define the limit of pier and floating dock structures and defines the limit of construction. Vessels may extend channelward of the Pierhead line.

2006-2007 ORANGE COUNTY GRAND JURY

Public Trust Lands: All lands subject to the Common Law Public Trust for commerce, navigation, fisheries, recreation, and other public purposes – including tidelands, submerged lands, the beds of navigable lakes and rivers, and historic tidelands and submerged lands that are presently filled or reclaimed and which were subject to the Public Trust at any time. California Code of Regulations, Section 13577 (1978).

Public Trust Lands: Can only be used for public purposes consistent with provisions of the Public Trust such as fishing, water dependent commerce and navigation, ecological preservation and scientific study.

Shore Mooring: A mooring for small boats that are located in the nearshore perimeter of the Harbor and its islands, perpendicular to the shoreline. One end of the mooring line is attached to a point on or adjacent to the bulkhead, and the other end is attached to a mooring buoy located in the water, inside the Pierhead Line.

Side Tie: A berth where the dock is alongside only one side of the boat.

Slip: A slip is a berth where the boat has a finger on one side and either another finger or adjacent boat on the other side.

Sovereign Lands: Land underlying the State's navigable and tidal waterways including the beds of (1) more than 120 rivers, streams and sloughs (2) nearly 40 non-tidal navigable lakes, such as lake Tahoe and Clear Lake, (3) the tidal navigable bays and lagoons, and (4) the tide and submerged lands adjacent to the entire coast and offshore islands of the State from the mean high tide line to three nautical miles offshore – equal in size to Connecticut and Delaware combined, and managed by the California State lands Commission.

Tidelands: Lands that are located between the lines of mean high tide and mean low tide (from California Code of Regulations, Section 13577).

1. California: defined by historical mean high tide from 1850
 - a. Above or uplands may be private
 - b. Below are owned by public
2. Newport Beach and Orange County
 - a. Defined in 1919
 - b. While operated by the harbor, these tidelands belong to all of the people, with exceptions granted through specific legislation

Vessel: Watercraft used or capable of being used as a means of transportation on water – except seaplane and mechanically fixed.

Vessel owner: Owner of the vessel as shown on current registration with the Department of Motor Vehicles or the United States Coast Guard.