

SECTION NO. 4.09 – REGULATION OF VESSELS – TUNA HARBOR BASIN

1. Commercial Fishermen Permit Holder – A “commercial fishermen permit holder,” as referenced in Port of San Diego Tariff No. 1-G, Item No. 0525, is defined as the named owner/operator of a vessel that meets the requirements of a “Commercial Fishing Vessel” as shown in Port of San Diego Tariff No. 1-G, Item No. 0445 who has been issued a permit to moor at the Tuna Harbor Basin Commercial fishing facility. Owners of multiple vessels will require a separate permit for each vessel.

2. Permission Required - No person shall moor a vessel at the Tuna Harbor Basin commercial fishing facility without permission from the District in the form of (1) a mooring permit, (2) a temporary mooring assignment, (3) an in-transit vessel berth assignment from the Executive Director or his/her authorized representative, or the vessel is taking shelter in accordance with Section 4.09.5. The Executive Director shall have the authority to determine the terms and conditions of any such permits and assignments, including without limitation restrictions as to safety, traffic, congestion, protection of persons, and property and the environment, in addition to the requirements contained herein. Each vessel requires a separate mooring permit,

temporary mooring assignment, or in-transit vessel assignment regardless of owner.

3. Mooring Permits - Mooring permits shall be for a period of time not to exceed twelve (12) months, subject to termination at any time upon thirty (30) days prior written notice. In order to be eligible for a mooring permit the owner/operator of each vessel shall comply with all of the following requirements, prior to April 30th of each calendar year, and submit verification of such requirements to the Port District in such form as is acceptable to the Executive Director:
 - a) The owner/operator of each vessel shall submit a completed permit application form provided by the Port District.
 - b) The owner/operator of each vessel shall provide documentation to establish proof of ownership by submitting either the vessel's California Department of Motor Vehicles (DMV) undocumented vessel certificate number (CF) or United States Coast Guard (USCG) certificate of documentation.
 - c) Each vessel shall have a valid Commercial Boat Registration from the California Department of Fish and Wildlife for the forthcoming year.

- d) Each vessel owner/operator shall have and likewise present a valid commercial fishing license from the California Department of Fish and Wildlife for the forthcoming year.
- e) The owner/operator of each vessel shall submit written documentation to the Port District that the vessel is assessed at the commercial fishing vessel rate by some state and/or county within the United States of America.
- f) The owner/operator shall provide the Port of San Diego proof of commercial fishing activity sufficient to demonstrate annual qualifying amounts from the California Department of Fish and Wildlife using the “Information Request Form for Commercial Landing/CPFV Logbook information.” Annual qualifying amounts are as follows:
 - i) Vessels of thirty (30) feet length overall and below – five thousand dollars (\$5,000.00).
 - ii) All other vessels exceeding thirty (30) feet length overall – ten thousand dollars (\$10,000.00).
 - iii) A vessel exceeding said thirty (30) feet may be made subject to subparagraph i) above and not ii) if said vessel is granted a waiver by the Executive Director or his/her authorized representative because of its configuration and capacity to

engage in commercial fishing. Such waiver shall be discretionary and shall be supported by reasoning in writing, which shall be filed with the Office of the District Clerk. Denied waivers will be reconsidered with a review of all original documents and any additional evidence by the Executive Director, whose final decision will be binding.

- g) The dockage for a six (6) month period shall be paid in full, in advance, at the time a mooring permit is issued for mooring of the vessel. The dockage shall be based on the length overall of the vessel and measured in accordance with Port of San Diego Tariff No. 1-G, Item No. 0550. Dockage for any subsequent additional period not to exceed six months must also be paid in full in advance of the subsequent period.
- h) All vessels requesting a Tuna Harbor berthing permit are required to provide proof of marine insurance in the following coverage and liability limits: Owner/Operators of commercial fishing vessels shall provide proof of Protection & Indemnity (P&I) insurance with limits of liability not less than \$300,000. Such insurance shall include coverage for bodily injury including death and medical expenses as well as property damage including coverage for removal and wreck including expenses and costs to dispose of and remove

contaminants connected with the vessel. San Diego Unified Port District shall be named an Additional Insured.

- i) All vessels must meet federal requirements as found in 46 CFR Part 28 – Requirements for Commercial Fishing Industry Vessels and USCG’s “Safety Initiatives and Good Marine Practices for Commercial Fishing Industry Vessels.” In addition, all vessels must maintain a valid Commercial Fishing Vessel Safety decal (CFVS) issued within the past two years, including those that are currently exempt.
- j) A review of the prospective applicant’s financial responsibility may be required. A prospective applicant (mooring permittee) is defined as an owner/operator who has not occupied a slip at the Tuna Harbor Basin at any time during the previous 12-month period from the time of application.
- k) District reserves the right to deny a permit to any applicant that violated a previous District permit, had a previous District permit revoked, or otherwise failed to comply with applicable rules at it relates to this ordinance. District staff shall provide a written notice of denial which will include an appeals process.

- 4. Temporary Mooring Assignment - Upon application, the Executive Director

may, in his/her judgment, find that unavoidable accident, unusual occurrences, including but not limited to medical incapacity of the operator, temporary inoperability of the vessel, or other unusual circumstances may relieve the boat owner/operator from the active fishing vessel proof requirements. In such cases, a temporary mooring assignment may be issued on a month-to-month basis during the continuation of such unusual circumstances, for a total period not to exceed six (6) months. All requirements for a mooring permit set forth in Section 4.09.02 that are not explicitly waived shall continue to apply to temporary assignments.

5. In-transit Vessel Berth Assignments – The owner/operator of an in-transit commercial fishing vessel may apply for an in-transit vessel berth assignment and may be authorized to moor at the facility for a period of time not to exceed twenty (20) days within any continuous thirty (30) daytime span. At the discretion of the Executive Director this time limitation may be extended upon showing a bona fide need.
 - a) An in-transit commercial fishing vessel is defined as a commercial fishing vessel, which is not permanently home-ported in San Diego Bay. An in-transit berth assignment may be authorized subject to the following requirements:

- i) The owner/operator of each in-transit commercial fishing vessel shall submit a completed berth reservation form provided by the Port District.
- ii) The owner/operator of each in-transit commercial fishing vessel shall pay, in advance, the dockage for in-transit commercial fishing vessels as provided in Port of San Diego Tariff No. 1-G, Item No. 0570(B).
- iii) The owner/operator of each in-transit commercial fishing vessel shall comply with requirements in Section 4.09.03 subparts b, c, d, e, h, and i as referenced above.
- iv) All persons requesting an in-transit vessel berth assignment are required to provide proof of marine insurance in the following coverage and liability limits: Owner/Operators of commercial fishing vessels shall provide proof of Protection & Indemnity insurance with limits of liability not less than \$300,000. Such insurance shall include coverage for bodily injury including death and medical expenses as well as property damage including coverage for removal and wreck including expenses and costs to dispose of and remove contaminants connected with the vessel. San Diego Unified Port District shall be named an Additional Insured.

- v) All in-transit vessels berthed at Fish Harbor Pier must have a crew member aboard the vessel 24 hours a day.
6. Shelter - A vessel captain or operator using a facility of the Port of San Diego, without an application, or having taken shelter at a facility due to extreme conditions of weather or distress, will do so at his/her own risk and will immediately notify Port District of the situation. At the discretion of the Executive Director, the vessel its owner(s), agent(s), and charterer(s) may be held responsible for any and all charges, damages, and losses of any nature whatsoever that result from taking and using such facility, upon alleviation of extreme weather conditions or distress conditions, vessel shall immediately vacate Port of San Diego facilities. If vessel repair is necessary, prompt, and immediate repair of vessel shall occur and written proof of due diligence concerning the repair of vessel, such as job orders and purchase orders shall be submitted to the Port's Maritime staff.
7. Rules for Overnight Commercial Fishing Activities or Preparations – No owner/operator of a vessel berthed at the Tuna Harbor Basin shall allow any person to occupy the vessel as a place of residence or overnight accommodation, nor shall any person occupy such a vessel as a place of residence or overnight accommodation except as allowed below:
- a) If authorized by the Executive Director or his/her designated representative, owner/operators and crew members, who are

actively engaged in commercial fishing activities or preparations, may stay on their vessel overnight not to exceed 7 nights in any 10-day period. No others are allowed overnight stays on such vessels. At the discretion of the Executive Director this time limitation may be extended upon the showing of a bona fide need.

- b) If authorized by the Executive Director, or his/her designated representative, owner/operators and crewmembers of in-transit commercial fishing vessels may stay onboard overnight while the vessel remains an in-transit commercial fishing vessel. No others are allowed overnight stays on such vessels.
- c) Requests for overnight stays can be initiated by contacting the Port's Maritime Office at 619-686-6345 (24/7 contact number).

8. Environmental – All permittees must comply with the Port Code 10.5 (Prohibitions) and 10.6 (Best Management practices).
9. Sanitation Facilities - All vessels moored at Tuna Harbor are required to have adequate sanitation facilities on board at all times. Adequate sanitation facilities are considered to be fully operational Type I, II, or III Coast Guard-approved marine sanitation device or portable toilet that prevents direct discharge of human waste into the harbor.
10. Illegal Discharge – No person shall discharge, or allow to be discharged any oil, sewage, grey water, or other materials into the waters or upon the lands of the Port District and shall obey, and comply with all applicable laws, rules and regulations adopted by federal, state, District or other local government bodies, including without limitation environment laws.
11. Dock Modification – No modifications or permanent attachments shall be made to the permittee’s slip and adjacent areas except by the District or its contractors.
12. Authorization Prior to Slip Move – Permittees are assigned a specific dock slip location. Usage of unassigned dock slip location is not permitted without approval from the District’s Maritime staff. Permittees with multiple slips are

permitted to shift vessels within their assigned slips without prior authorization, as long as the slip being utilized is adequate for the size of vessel.

13. Additional Vessels/Floats – Permittees are not authorized to attach or store skiffs, floats, or other vessels to the permitted vessel, floating docks, or piers except for the purpose of active vessel operations. No long-term (longer than 72 hours) attachment or storage will be permitted.
14. Sale of Vessel – For Sale signs are allowed on permitted vessels within Tuna Harbor Basin, but sign dimensions should not exceed 24” x 36”, no more than four (4) signs allowed per vessel, and all signs may only be affixed to the vessel.
15. Transfer of Ownership - District’s Maritime Staff must be notified prior to any vessel transfer of ownership. Slip permits are not transferrable. New owners will be required to submit all applicable documentation to Maritime Staff in order to obtain a slip at Tuna Harbor.
16. Storage - No person shall store, or cause to be stored, any supplies, materials, accessories, motors, debris, refuse, or garbage on any approach ramp, head walk, or finger float within Tuna Harbor Basin, without prior authorization from the District's Maritime staff. The floating docks are

intended for vessel berthing and transferring cargo, equipment, and supplies, not for long-term storage. The District will allow up to 48 hours to transfer gear/equipment to and from the vessel. Additionally, the District will permit the usage of one dock box per vessel no greater than 35 cubic feet.

17. Parking – Vehicles utilizing Tuna Harbor’s commercial fishing parking lot must have a valid parking decal from the District. No more than one parking permit decal per vessel; however, the Executive Director or their designee is authorized to issue additional parking permits based on space availability and demand at the rate outlined in the District’s tariff.
18. Long Term Parking - Permittees parking for more than seven days must notify and receive authorization from the District’s Maritime staff.
19. Dock Gates - Gates and doors to all floating docks within Tuna Harbor Basin must always remain locked. Wiring open or impairing gates and locks is prohibited. Additionally, permittees are not authorized to share gate access codes.
20. Authorization for Common Use Areas - All commercial fishing vessels must receive prior authorization from the District’s Maritime staff for use of Tuna Harbor’s common use areas. Common use areas include Fish Harbor Pier, inner G St. Mole Pier slip, and Dock 1 loading dock slip.

Note: Fish Harbor Pier is a public pier primarily used to berth in-transit commercial fishing and to allow permitted vessels additional dock space to conduct net mending, fish offloading, and other activities related to servicing commercial fishing vessels.

21. Delinquencies – All charges for services rendered or for the use of any terminal facility are due and payable as they are incurred. The Executive Director may, at his/her discretion, require that charges, which are assessed against the vessel, its owners, operators, or agents, be paid before the vessel leaves its berth. The Executive Director may also require that charges accrued against cargo be paid before removal of such cargo from the terminal. Any firm, corporation, or person that fails to pay bills covering dockage or wharfage charges that remain due and unpaid for a period of forty-five (45) days after the first day of any renewal quarter shall be considered delinquent and must thereafter:
 - a) Pay all charges, in cash, in advance of handling any ship or cargo under any circumstances at the Port of San Diego; or
 - b) Place on deposit with the Executive Director an amount sufficient to guarantee the payment, upon presentation of all bills incurred by, for, or on behalf of such person, within a one-month period.

22. Vehicle Access, Fish Harbor Pier – No person shall drive a vehicle on Fish Harbor Pier without prior authorization from the District's Maritime staff. Failure to comply may result in a citation from the District's Harbor Police Department.
23. Vehicle Access, Tuna Harbor Mole Pier – Vehicle access on Tuna Harbor Mole Pier is authorized only for vehicles actively working against a permitted vessel. Unattended vehicles are not authorized, and all vehicles must stay within the solid red line to maintain a fire lane for emergency access. Failure to comply may result in a citation from the District's Harbor Police Department.
24. Live Bait or Catch Receivers – Any live bait and/or catch receivers will be subject to all rules and regulations pertaining to vessels and must stay within the vessel's assigned slip area. Receivers must be labeled with the vessel name in which they service.
25. Loading of Passengers - Except for vessels operating under the terms of a special permit issued by the District, no person shall load or allow the loading of passengers for hire on any vessel, commercial or otherwise, within the Tuna Harbor Basin.
26. Vessel Maintenance – Unified Port District Code Sections, 10.05 and 10.06

are applicable to any maintenance/repairs identified in this section.

Note: Net mending and removable fishing gear repair not applicable to this section.

- a) Vessel maintenance work within the Harbor shall be limited to that ordinarily required to keep the vessel seaworthy and in good condition. Minor repairs to and routine maintenance of a vessel may be made or accomplished in the assigned berthing or mooring space, provided all work is done within the confines of the vessel and not carried on in any manner whatsoever upon the floats or piers, into the water, or onto neighboring vessels.
- b) Spray painting is strictly prohibited, except for airbrush painting required for boat numbering or names.
- c) Major repairs which include, but are not limited to, construction, repair, or replacement of structural members or portions of the vessel are prohibited, except by advance request and written authorization will be given within a 24-hour period from the District's Maritime staff. The criteria used for granting such a request shall be largely based on the ability of all materials used by or produce from the project to be completely contained in or on the vessel, and that a nuisance to

neighboring vessels will not occur.

- d) Use of welding, burning torch or other open flame apparatus requires prior written permission from the District's Maritime staff.
 - e) In no event shall maintenance work performed to a vessel result in damage to District facilities, including paint marks, drill holes, burn marks, and spilled fuel, oil, paint, or solvents. The permittee shall be financially liable for the repair or restoration of any such damage, even if it is caused by relatives, employees, or contract workers of the owner. District-provided trash bins/dumpsters shall not be used for any excessive waste created from additional maintenance/repairs done to vessels. Vessel owners are responsible for disposing excessive waste from maintenance/repairs off-site.
27. Displays – Non-navigational flags or banners are prohibited from being displayed on vessels while docked at a slip within Tuna Harbor Basin.
28. Inoperable Vessels - Vessels berthed, moored, or anchored in Tuna Harbor must be operable, maintained in a seaworthy condition, and be of a design suitable for operation on the open waters of San Diego Bay in the typical range of sea conditions. If the District has cause to question the operability of a vessel, a District representative may request a demonstration of the

vessel's operability. Thirty days written notice shall be given to the vessel's owner for such a request. In cases where a vessel is found to be inoperable, the owner shall have sixty days to complete repairs to make vessel operable. If after sixty days the boat is still inoperable, the permit will be revoked, and the vessel must be removed within ten days. This section is not intended to apply to any brief period of repair common to most vessels. The District's Maritime staff may repeat the request to test operability as needed. The Executive Director or his/her designee may grant additional time for major maintenance items on a case-by-case basis. Additional time will be taken into consideration for regulatory requirements or permittees making vessel improvements through a government program or grant process. It is not the intention of this exemption to allow for long-term storage of unused marine hardware.

29. Violations – The San Diego Unified Port District may institute legal action in any court of competent jurisdiction against any person who violates any provisions as set forth in the Tariff published by the San Diego Unified Port District (Refer to Tariff No. 1-G, Item No. 0300), The Executive Director is authorized to remove any vessel from the assigned mooring area to the nearest vessel impound or other place, within the Port of San Diego, when any vessel is moored in violation of any applicable law or regulation,

including without limitation this Section 4.09 and any approved berth reservation issued pursuant thereto. In the event of removal, the registered owner shall be informed promptly of the impound location and be provided an opportunity to remove vessel.

30. Notice of Violations - Any permit holder, crew member, contractor or associate of a vessel found to be out of compliance with any of the provisions found in this ordinance shall be notified of any such violation by mail and by a Notice of Violation sticker with detailed information of such violation being placed on the vessel and/or equipment by the District's Maritime staff.

31. Appeals Process – In the event the Port District issues Notice of Intent to Evict a permitted vessel or denies a permit based on 4.09.03.k, the permit holder or denied applicant shall be given the right to file a written appeal to the Executive Director which shall be delivered or mailed to the District Clerk. The permit holder shall have 10 calendar days from the date of the Notice of Intent to Evict or denial of permit based on 4.09.3.k to file the appeal. The decision of the Executive Director shall be final.

(Enacted March 6, 1984 – Ordinance No. 1064)

(Amended December 19, 1995 – Ordinance No. 1785)

(Amended December 11, 2018 – Ordinance No. 2932)

(Amended December 14, 2021 – Ordinance No. 3032)