

NMA PENNANT



The Official Newsletter of the Newport Mooring Association

Winter 2006

NMA Website: newportmooringassociation.org

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Harbor Overview by the NMA Board

Much has happened since the last Pennant was published; in fact, there is so much governmental and volunteer activity in Newport that impacts the moorings and the use of the harbor's resources it's practically a full time job for many board members of the NMA that attend meetings, work in the field and meet with city officials. More dedicated people are needed to help share the load!

The Pennant is the NMA's report on activities that impact mooring permit holders in Newport. This column summarizes key issues confronting us lately while other columns report comprehensively on many of these topics.

The NMA Board welcomes and appreciates the substantial positive contributions of members which will benefit not only mooring holders but also the entire community of Newport Harbor users.

Mooring Master Plan Subcommittee

As the last newsletter stated, the NMA played a key role in forming the Mooring Study Task Group, a subcommittee of the Harbor Commission's Mooring Master Plan Subcommittee (MMPSC). This citizens' volunteer group, working closely with City of Newport's Harbor Resources Department, the Harbor Patrol, the City's GIS Department, and other governmental agencies, took on the task of studying the harbor's many mooring fields to determine how they might impact future dredging, as well as how to improve their layout.

The Mooring Study Task Group has met with much success and acceptance by not only the MMPSC, but also the Harbor Commission (HC). The results of its first study, on Field A, were endorsed, as well as its process in general, by the HC. The proposed coordinates

for "A" Field were sent to NOAA who in turn plotted them on its chart for consideration as the process evolves. Look for the "Mooring Field Study Progress" story, by Don Stoughton, on page 2, where the changes are illustrated on a NOAA chart.

Harbor Fees Study

In January City Management announced

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The arrival and departure of sea lions is a problem that gained nation wide attention this past summer.

Key Topics Face Mooring Permit Holders

As one small part of an on-going general planning process continuing over several years, the "Harbor and Bay Element" of the City's General plan has now been substantively re-written by city staff and consultant. See page 4 for additional details of recent events.

The current draft still has language of very serious concern to mooring holders:

- In the introduction (new): "Several issues... include... Improper mooring transfers, leading to lack of public access to available moorings" (5 other issues are listed.)
- Under Goal 4.4: (existing) "Limit the number of live-aboard vessels to protect the environment and impacts to the public and waterfront owners/lessees"
- Under Goal 5.6 (new) "Regulate the transfer of moorings to eliminate private profits and allow public opportunities for a permit to use a mooring through a wait list"

As compared to the "Harbor and Bay Element" in place now, which was adopted by the City Council in 2001 after a protracted drafting process involving word by word consideration by an appointed "ad hoc" citizens committee, the new version now before us was developed solely by staff and the consultant, and was first presented

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NMA Annual Meeting Slated for March 6

The Harbor Department is allowing the NMA to use its facility again this year to hold its annual meeting, March 6, at 6 p.m. This year's meeting will include the following speakers and topics, as well as others:

- Presentation by the new Harbor Master, Deana Bergquist
- Comments by Chris Miller, Harbor Resources Supervisor
- Status of Mooring Master Plan Subcommittee of the Harbor Commission
- Pump-out station status
- Dinghy float progress
- Harbor Fees Study by City
- Changes to the Harbor and Bay Element of the City's General plan

Please join your fellow mooring permit holders at the Harbor Master's facility, 1901 Bayside Dr. Coronado del Mar. For directions call (949) 723-1002.

Mooring Field Study Progress

By Don Stoughton, NMA Board member

The Mooring Study Task Group approached its mission with a number of goals. Among these goals was the desire to carry out in depth study in the field as well as to conduct outreach to enable the best adjustments to the charted mooring field boundaries. The group's basic philosophies were to reflect present and historic usage of the bay, make subtle refinements rather than wholesale unnecessary change, improve layouts where possible, look at potential new ways of better using the resource, and to resolve the suggested liability concerns of the City of Newport Beach.

The parameters of the process are to maintain the present number of moorings, minimize movement of moorings, maintain or improve clear channels for navigation and emergency access, and maintain open spaces of the bay for recreational use. The Mooring Study Task Group, with help from the Harbor Resources Department, presented their plan for Mooring Field "A" to the Harbor Commission at their meeting in September.

The group's findings and recommendations for Mooring Field A were unanimously approved by the Commission. The recommendations for Field A will be used with the results of other mooring field studies currently in progress. Eventually, as the City prepares for dredging the harbor, it will submit formal requests that the mooring field lines on official NOAA charts be changed to reflect the recommendations of the Mooring Study Task Group. This long process is progressing nicely.

Refinements

a) The border along the Balboa Peninsula has been moved to delineate on future charts the 100 foot wide channel that has been functioning as such for many years. This longstanding width of the channel is acceptable to the homeowners,

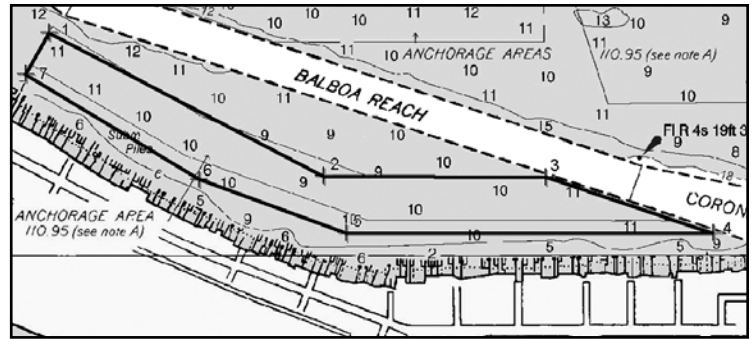


CHART 18754 - "A" Field solid line shows proposed new boundaries. Diagram prepared by NOAA.

boaters and the Harbor Department. b) The borders on the North side of the field will remain relatively the same to provide clearance of the main navigation channel, and space for recreational activities. c) The exception to this is the narrowing of the north-west corner of the mooring field by approximately 65 feet, to improve the safety of traffic flow in this constricted area of the Harbor.

The Harbor Commission requested that the process be ongoing and that the Task Group should proceed with recommendations for the remaining mooring fields. NHYC and "F" fields were presented to and approved by MMPSC, and the HC in February. Meanwhile work continues in Fields D, G, and K.

Dredging in Newport Bay

By Tom Rossmiller, Harbor Resources Director

The City of Newport Beach is focusing on four dredging projects in Newport Bay that include dredging of some main navigation channels and mooring areas in the Lower Bay, dredging to restore the Upper Bay ecosystem and dig deep sediment control basins, removal of toxic sediments in the Rhine Channel and renewal of a permit that allows for maintenance dredging under residential and commercial docks throughout the harbor.

The Lower Bay project is probably of most interest to NMA members, so most of this report will focus on that project. However, the other projects are related and following is a brief discussion of them:

Beginning in early February you will see two large dump scows transiting the Lower Bay moving sediment out of the Upper Bay. The scows hold about 3,000 cubic yards of sediment and measure 258' x 45' x 18'. (So, please steer clear of that moving football field as it transits the bay.) Initially they will restore the marsh and mudflat habitat of the Upper Bay and then progress into clean up of the basins designed to intercept the sediment

from San Diego Creek that has been filling the Lower Bay since the 1969 floods. The scows, tugs and dredge will be with us on this first phase of work for 400 working days.

The Rhine Channel at the west end of the peninsula was named a "toxic hot spot" by the State. A recent CoastKeeper/City/State study developed three viable alternatives to clean up the site. The cleanup could cost up to \$18 million and will probably be required to start within five years.

The City has applied for a five year permit called a Regional General Permit that makes it easier for local property owners to dredge under their docks. After many months of sediment sampling and analyses the City is close to permit approval. An important aspect of the analysis was development of an amphipod test protocol specific to Newport Bay. (An amphipod is a small critter that lives in the sediment and is used by EPA as an indicator of the toxicity of the sediment to other critters that live in the sediment or sea life that feeds on critters that live in the sediment.)

This is important because the Army Corps stopped dredging the

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Harbor Patrol Report

By Joel Monroe, Deputy Sheriff, Moorings/Accident Investigations

My name is Deputy Joel Monroe and I am the Accident Investigation/Mooring Deputy for the Harbor Patrol. I have been with the Sheriff's Department for 17 years and I have been assigned to the Harbor Patrol for 5 and a half years. My duties involving the moorings in Newport Beach include weekly mooring vacancy checks, mooring deficiencies and derelict boats. The vacancy checks are for mooring rental purposes, this lets our front office know which moorings are available to be rented each week. Mooring deficiencies would include any cans or lines that need repairs, or any shore posts or sea wall eyebolts that are broken. I also look for derelict boats which have been neglected or that may not be operable. I keep a file of these boats and I notify the owners of the need to attend to their boats. I am also responsible for organizing the lien sales of found and impounded boats (boat auctions).

Some of the challenges faced in my position include contacting mooring and boat owners. If a mooring deficiency or derelict boat is found, my first task is to telephone the listed mooring permittee or boat owner. This can be difficult and in one case impossible because of the lack of updated information. All too often an owner will move, or change a telephone number and not notify our office about the change. Therefore, it is very important to notify the Harbor Patrol office if any changes are made to a permittee or boat owners contact information. Another challenge that I have encountered is non-compliance. There have been instances where I have contacted a mooring permittee by telephone and advised them of a deficiency or derelict boat issue. These people have assured me that the problems will be rectified in a timely manner. When two months pass and nothing has been done, I send out a letter advising the permittee of the consequences for non-compliance.

Another issue that has become a concern in the harbor is the arrival and departure of sea lions. As we all know this was a problem that gained nation wide attention this past summer. I attended a marine mammal seminar in early December. It focused on numerous large-scale problems with seals

and sea lions on both the east and west coasts. The consensus at the end of the seminar was that there really isn't anything that can be done directly to the animals. This is because the Marine Mammal Act protects them. The biggest problem we had was when the sea lions got inside the white sea bass hatchery. Once the hatchery was repaired the Harbor Patrol concentrated on educating the public on ways to deter the sea lions from hauling out on boats and docks. If I saw sea lions on a boat, I would contact the owner and tell them about the problem. I would then suggest ways for them to keep the sea lions off of their boats. The most effective ways are to put something on the boats swim step. For example: netting, a canvas cover, chairs or a slanted wooden structure. I also suggested that sailboat owners get some construction netting and put it around the boat's safely rail. These methods worked well to deter most of the sea lions in the harbor. We also temporarily moved some of the lower profile sailboats out of the "A" mooring field. The sea lion population within the harbor has decreased dramatically. We will continue to educate the public and hope that the problem does not recur to the extent that it did last year.

I was recently asked my opinion regarding moorings that would be vacant for an extended period of time. The position of the Harbor Patrol and Harbor Resources is that we are not enforcing NBMC 17.22.100 (F), which states: "If (the mooring is) not used by the owner for a period of ninety consecutive days, it shall become the property of the City, unless such time has been extended in writing, provided that any such extension shall not exceed ninety additional days, and thereafter such mooring shall automatically become the property of the City to be removed or sold and, if sold, all proceeds of such sale are to be paid to the City." The decision to not enforce this code was made in an attempt to rid the harbor of the many derelict boats that are here. There are many small dinghy type boats that are being used as mooring holders. When I contact the owners of these boats I tell them we are not enforcing the section at this time and if they want to get

rid of the boat, they can. This has helped to get rid of several derelict boats that were in the harbor. There has been discussion about mailing this information to all of the mooring holders but nothing has been finalized. Whenever I talk to mooring holders I let them know of this decision. It is an attempt to get the word out but it is a slow process. Hopefully this article will be a way of informing more boat and mooring owners of what we are doing to improve the harbor. I can be reached in my office Monday through Friday 8:00 a.m. to 3:30 p.m. (949) 723-1005.

Dredging in Newport Bay

Continued from Page 2

Lower Bay at the Corona del Mar bend of the main channel because their amphipod analysis failed the established criteria.

With most of the environmental hurdles overcome the stage is set to bring the Army Corps back to complete another phase of the Lower Bay Dredging. The City and Corps propose to dredge the main channel from the Corona del Mar Bend to Bayshores to a depth of -15.0 MLLW; dredge the federal anchorage area and under the NHYC and F mooring fields and adjacent navigation channel to -12.0 MLLW; and dredge the D mooring area and adjacent channel to -10.0 MLLW. These are the areas of the harbor that have the greatest accumulation of sediment over the design depth. To accomplish this, about 400,000 cubic yards of sediment needs to be removed at a cost of \$4.1 million. Since a lot of federal funds have been diverted to natural disaster relief, chances of getting full federal funding are slim. So, the City is proposing to provide some local cost sharing funds to get the project jump started. In addition, with the dredging equipment in town for the Upper Bay project, approximately \$0.5 million could be saved in equipment mobilization, with the proper timing. The City is currently working with the military command of the Corps of Engineers to make this proposal a reality.

Key Topics *Continued from Page 1*

to the Harbor Commission at the January meeting, with a staff request for immediate response.

What This Means

The General Plan, with nine “Elements”, is a guide to the proposed future direction of Newport Beach. It includes goals, policies, and yet to be publicly released “implementation strategies.” What actually happens will be determined through further staff and potential consultant studies, ultimately with presentation to Commissions and Council of proposals for revisions to municipal codes. Specific

outcomes cannot be predicted. However, as the declared “vision” for the future of the city, and an intended “roadmap” to get there, the specific wording of the General Plan document is important.

Those relatively new to this topic should be aware that proposals for overhauling the mooring transfer system, driven by a combination of the non-functioning wait list, and government financial desires and control issues, have arisen about once a decade since the 1970’s. Each time the existing system has been left in place. However there does seem to be a particularly energized focus at this time, so there should be no complacency.

Harbor Overview by the NMA Board *Continued from Page 1*

plans to request funding for an outside consultant, or “economist” to conduct a Harbor-user fees study. As presented at the January City Council meeting, the study will be conducted from three perspectives: Economist, Fair Market Value, and Cost of Services. Staff is suggesting that many harbor fees are “likely out of whack.” Special mention was made of moorings, commercial permit fees, and residential pier fees, all presented as likely not at “fair market value.” Not many areas will be excluded from scrutiny.

The Daily Pilot, January 22, 2006 reports that the City of Newport Beach will commission a “first-of-its kind study” to find out whether boaters, harbor businesses and residents who live along the coast are paying enough for the benefits they get from the water. The rhetoric of approving this study reveals the perception that tidelands users - boaters, tourists, marine related businesses, water front homes, etc. – are more of a burden than a benefit to the city, financially speaking. Others, feeling that tidelands users more than pay their share by virtue of the economy they help create, have posed the question: “where would Newport be without the harbor and the economy it drives?”

This far reaching study is described by the Pilot: “A proposed study to find out how much Newport Beach’s harbor resources are worth will help city officials determine if people who work and play there are contributing their fair share to its upkeep.”

As income and costs are currently being allocated by the city, the tidelands are described as operating at a loss running into several millions of dollars every year. The city believes that all the permits and leases, public and private, need scrutiny. Most expect the study will be a stepping stone to increase all permit and lease fees paid to the city, including moorings. The city is under state mandate to return any net funds generated by state tidelands back to the tidelands, not to the city’s general fund. This extensive study will most certainly be observed closely by all.

Harbor and Bay Element of the General Plan

Many members of the NMA board attended and spoke at the Harbor Commission’s Study Session held January 18th. City staff recommended that the 2001 Harbor and Bay Element be folded into the City’s voluminous General Plan with the bulk of harbor and bay elements described and treated as a district in the land use element. In addition to disagreeing with city staff on the wisdom of thus dispersing the Harbor Element, the NMA disagreed with the need for, and tone of, staff’s proposed verbiage addressing the administration of moorings in the bay. During the course of the many hour study session the Harbor Commissioners reworded a significant portion of the proposed new verbiage including a particular needless and inaccurate reference to mooring transfers as “improper.” The Commissioners recommended that a unified and separate Harbor and Bay Element of the General Plan be retained, although it will be largely rewritten by city staff.

Where Things Stand

Members of the NMA Board have publicly expressed their views that this verbiage, quoted above, is untrue, misleading, inappropriate and offensive. The Harbor Commission has been very supportive, but their request for changes and deletions was not adopted by GPAC. As a result the Harbor Commission has scheduled this as an agenda item for discussion and public in-put at their meeting on March 8th at 6:00pm at City Council Chambers.

What’s Next

There will be further opportunity for mooring holders and others to express their views on the voluminous General Plan documents at a few specific Planning Commission and Council meetings during March, April, May or June. NMA members who have provided their email addresses will be notified.

What Can Mooring Permit Holders Do?

- Become well informed. Read documents posted on city web sites and the NMA website at www.newportmooringassociation.org.
- Provide your email address so you will receive additional information from NMA
- Participate by presenting well-founded, factual material to City Staff, Commissions and Council.
- Make contact, in particular with individuals in the positions categorized above whom are personally known to you. Learn their perspective and educate them as to yours.
- Teach the history and merits of the mooring transfer system that has been in place for the last four decades.
- Make clear the undesirable consequences that will impact the public if the prospective alternatives which diminish or eliminate transferability privileges are adopted. Many proponents of changing the current system don’t fully realize or understand the consequences of their proposed changes.
- Give some of your time and expertise to assist your fellow mooring permits holders by contacting the NMA. To contact the NMA Board by email, go to the NMA website, click on “email us”.

What Else?

Other topics affecting mooring permit holders, including annual fees, are also in the works at the city. We’ve covered most elsewhere in this newsletter, and as more arise we will present them to you. Newsletters will be sent to our members, so again, if you want to be kept up to speed, do join or re-join now.

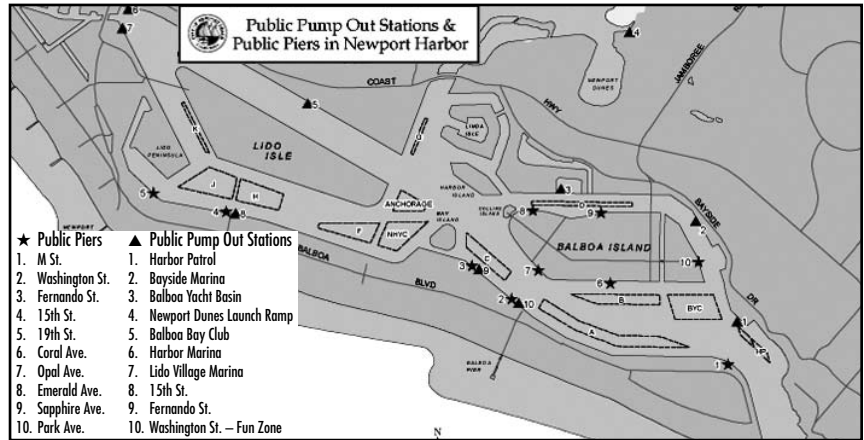
Status of American Legion Rebuilt Pump Out Facility

By Chris Miller, Harbor Resources Supervisor

As many of the boaters in the H and J mooring areas know, the pump out station on the American Legion float was relocated to the 15th Street public pier in January 2005. The reason for this move was because the City of Newport Beach felt that the American Legion dock was unsafe for public use.

Shortly after this relocation, the Harbor Resources department received many public comments which suggested the 15th street public dock was not an ideal location for a pump out facility as it competes with the other uses on the dock (fishing, swimming, loading / unloading etc...) and it does not lend itself compatible with the prevailing winds.

In response to these concerns, Harbor Resources decided to completely rebuild the original American Legion dock structure to current design standards while still keeping its original layout configuration. Funds were sought and awarded through a DBAW grant that will pay for the demolition and reconstruction of a new dock as well as an additional pump out which will allow for redundancy or, for two vessels to use the dock



Visit the Harbor Resources website at www.city.newport-beach.ca.us/HBR/ then click on Harbor Commission/HR Manager's Update for more information as the project progresses.

at the same time. Harbor Resources would like to recognize Mark Sites, NMA Board member, for assisting the City in completing the lengthy DBAW grant application.

On Jan. 3, 2006, the City received final funding authorization from DBAW to proceed with the project. The next step is to begin the bidding and permitting process with construction expected to start a few months after that. Our goal is to have a completed dock with 2 pump out stations by July 4, 2006.

Shore Moorings

By Dan Runner, NMA Board Member

While working on the Mooring Master Plan changes regarding the offshore moorings in the harbor, the subject of onshore moorings has been raised. These concerns caused a shore mooring sub-committee to be formed, and progress is monitored at the monthly meetings, usually on the first Wednesday of the month at 7:30 a.m. at the Harbor Dept conference room.

The subject of derelict boats on shore moorings, and boats on the sand, some as close as four feet or less from the sea wall have come up. Both conditions are against city ordinances. The concern is that some of the boats are a hazard to children playing on the beach and at the very least are an eyesore on an otherwise nice looking bay frontage. Derelict boats are only taking up valuable space where some one would dearly love to have a usable boat moored!

Another problem is the erosion of sand. Last winter, a derelict boat was allowed to remain on the beach where

the sand was uniformly sloped to the sea wall. The erosion that resulted has now widened to about 100 feet, with a drop-off from the top of the sea wall up to five feet. This boat was sunk, partially filled with sand and less than a boat length from the wall. This erosion can be observed between Collins and Ruby on the South Bay Front of Balboa Island.

Questions have been asked of the Balboa Island Improvement Association (BIIA), the Harbor Resources Division of the city, the county Harbor Dept, the Harbor Commission, and the Newport Mooring Association about enforcement, or lack thereof, of the city ordinances regarding mooring permit holders.

The shore mooring sub committee that has been formed is made up of Mooring Association board members, concerned citizens, a Harbor Commissioner and the Deputy overseeing moorings. At the request of the Harbor Dept a list noting possible mooring permit holders with boats not in conformance with the ordinances was transmitted to the

Deputy in charge of moorings for possible further action.

The most common problems are: Derelict boats—those that are broken, sunk or cannot be used for the purpose intended, boats on the sand—less than halfway from the sea wall to the mooring and moorings with more than one boat attached.

Mooring permit holders in violation may be receiving letters requesting correction of non-conforming items. Periods of time from 30 to 90 days are given, per ordinance, for corrective action after which confiscation of the offending boat and revocation of the mooring permit and selling of the boat and mooring to recover costs is possible. The Harbor Dept also is checking to confirm that boat registration and mooring registration match, and that the size and type conform per ordinance. County mooring rules are available at the Harbor Dept office on Bayside Drive. Most City ordinances regarding moorings are available on line and at the city hall, they are listed under Title 17.22.

Dues Increase

At a recent NMA Board meeting it was unanimously decided to raise the annual membership fee to \$25 effective January 2006. In view of rising costs the NMA is faced with it was felt that it was an appropriate time and amount for such an increase.

NMA Website: newportmooringassociation.org

The NMA is lucky that one of its board members voluntarily updates the Association's website on a frequent basis. There is much to see on the site so please visit it soon. The site provides a method to communicate with the NMA as well so if you've got something to say, let's have it! The Pennant is published normally about twice a year so visiting the website will be a better way to stay current.

Email Communications

Help us advise you of important meetings or when more urgent matters arise by sending us your email address. The NMA has not, does not, and will not sell or give our email, nor regular address list, to any entity. The NMA Board wishes to advise its members in the least expensive and quickest way as events unfold, this obviously will be best accomplished via email. SO SEND US YOUR EMAIL ADDRESS!

Contact NMA

Help us keep you up to date with the rapidly changing news. Need to get in touch with the NMA? Call the NMA Hotline (949) 222-3213. If you prefer the old fashioned way drop us a line to P.O. Box 1118 Newport Beach, CA 92659. Membership for the calendar year 2006 starts January 1. Take advantage of the NMA discounts!

Government Watch: www.city.newport-beach.ca.us

When at the city's home page, pursue both of two major options:

- 1) Click on Departments. Then on the left side, under City Manager, click on Harbor Resources. Numerous options follow. Two especially useful ones are "Monthly Calendars" (on the upper right), and "HR Managers Updates" (the top center box in a page-wide group)
- 2) When back on the City's home page, Click on "Council Agendas". From there, on the right, you can choose varied Council Agendas, or Minutes. On the left there is a listing of many other city entities and subjects, particularly including General Plan, Harbor Commission, and Planning Commission.

NMA Boating Discounts!

Show your membership card to receive the following valuable discounts:



Boat Builders & Sailors – 5% discount on all chain and line for your mooring. 879 W. 16th St., Costa Mesa 92626 • (949) 548-9618



Hill's Boat Service – Upgraded volume discounts for fuel. 814 E. Bay Ave., Balboa Island 92661 • (949) 675-0740



Island Marine Fuel 76 – Upgraded volume discounts for fuel. 410 S. Bay Front, Balboa Island 92662 • (949) 673-1103

MMI

MMI Marine Equipment – 10% discount on all in stock purchases. 2700 W. Pacific Coast Hwy., Newport Beach, 92663 • (949) 631-0518



Newport Harbor Shipyard – 10% discount to all members. 151 Shipyard Way, Newport Beach 92663 • (949) 723-6800



South Coast Shipyard – 50% discount on all haul-outs. 223 21st St., Newport Beach 92663 • (949) 675-2837



South Mooring Company – 10% discount on all South Mooring services. (949) 645-0334

Seal It With This

By Chip Donnelly, NMA Board Member

Smith & Co.'s (Richmond, CA) "Clear Penetrating Epoxy Sealer (CPES)" has delivered superior time-proven results on my boats. Compare it to the competition at rotdoctor.com Equal parts (A & B) yields a light amber solution the consistency of kerosene which you brush into stripped, sanded, wiped-clean wood. I use a denatured alcohol dampened rag and make sure the wood is dry before continuing. Cured CPES does not break down from exposure to water. CPES penetrates wood fibers as you apply it; you brush it onto the same surface over several hours, as long as the wood is drawing it in. Keep moisture off until the next day. Whatever topcoat you apply over CPES must provide u.v. protection because epoxies themselves have none. Varnish is inherently porous enough to permit the CPES to continue to cure, so when CPES feels dry to the touch, you can topcoat. However, if you do not want to have to reapply a clear finish within 4 to 6 months, you can choose to topcoat with a clear l. p. paint system. Smith & Co. makes one which I have used successfully called, "Five Year Clear." Sterling and Awlgrip offer similar products. If you topcoat with one of these systems, you'll lay on a final coat of CPES to make sure the wood is completely sealed, and you'll let the CPES fully cure before topcoating. One trick to observe with CPES application is to begin sealing wood after the heat of the day has passed, so that the wood draws the sealer in instead of pushing it out as it heats up with the sun. Use this material with gloves and suitable charcoal filter breathing apparatus, even outdoors. Do read the directions and enjoy the results.