



Legislation Text

File #: 22-0819, Version: 1

Recommendation to authorize City Manager, or designee, to execute a Second Amendment to Right-of-Entry Permit No. P-00202 with Orange County Coastkeeper, a nonprofit organization of Costa Mesa, CA, to continue to monitor the restored Olympia Oyster beds at Jack Dunster Marine Biological Reserve, from January 1, 2023 through December 31, 2025. (District 3)

On June 21, 2011, the City Council approved a Right-of-Entry Permit with California State University, Fullerton (CSUF), to restore native Olympia Oysters, *Ostrea lurida*, at Jack Dunster Marine Biological Reserve (Dunster) in Alamitos Bay. Olympia Oysters are the only oyster species native to the West Coast and their populations have plummeted due to anthropogenic causes. Oysters greatly benefit the coast, including Alamitos Bay, by not only filtering and cleaning the water, but also providing habitat for a wide assortment of organisms to use.

Dunster is a 2.7-acre park containing 1.5 acres of land and 1.2 acres of shallow water along the northwesterly side of the Los Cerritos Channel adjacent to the Pete Archer Rowing Center (Attachment A). The public can observe the oyster bed created by CSUF at low tide via access from a meandering pathway, as well as a gangway to two floating observation platforms and one floating dock. The oyster bed is partially protected from potentially erosive currents and boat wakes by a floating breakwater. The protected nature of Dunster provides ideal conditions for oyster bed habitat.

The initial CSUF project, in partnership with Orange County Coastkeeper, was a success and concluded in 2016; but, additional factors including erosion, dredging, and sedimentation degraded the oyster bed. On December 4, 2018, the City Council approved Right-of-Entry Permit No. P-00202 with Orange County Coastkeeper to both restore the damaged oyster bed and expand the oyster bed area through 2020. The First Amendment to Permit No. P-00202 extended the term to December 31, 2022.

The Parks, Recreation and Marine Department (PRM) recently received a proposal from Orange County Coastkeeper to continue to access Dunster to track the success of the restored and expanded oyster beds through 2025, and to potentially provide educational programming to discuss estuary science, marine restoration, and conservation. Monitoring is conducted between Orange County Coastkeeper, California State University, Long Beach (CSULB), and CSUF, with trained college students collecting data at least twice a year and analyzing this data for their master's degree research.

This item was presented to the Marine Advisory Commission on June 9, 2022, where it

received unanimous support for referral to the City Council for approval.

The Second Amendment to Permit P-00202 will contain the following amended terms and provisions:

- Permittee: Orange County (OC) Coastkeeper, a nonprofit corporation.
- Term: January 1, 2023 through December 31, 2025.
- Permitted Area: Jack Dunster Marine Biological Reserve, located on the northwesterly side of the Los Cerritos Channel adjacent to the Pete Archer Rowing Center at Marine Stadium.
- Authorized Use: The Premises shall be used for the purpose and extent reasonably necessary to engage in monitoring activities, and educational programming as approved by PRM.
- Condition of Use: OC Coastkeeper shall be responsible for obtaining all necessary certificates, permits, and approvals, as required by federal, State, and local authorities, and will provide copies to the PRM Marine Bureau. All OC Coastkeeper activities must occur during Dunster regular public hours, unless otherwise approved in advance and in writing by the City Manager, or their designee. OC Coastkeeper shall provide and pay for all costs associated with the activities conducted under Permit P-00202.
- Permit Fee: As the authorized use is beneficial to the health of Alamitos Bay, no Permit fee shall be charged by PRM to OC Coastkeeper.
- Insurance: OC Coastkeeper, and its agents, shall provide evidence of insurance as required and approved by the City of Long Beach Risk Manager.

This matter was reviewed by Deputy City Attorney Anita Lakhani on June 22, 2022 and by Budget Analysis Officer Greg Sorensen on June 16, 2022.

City Council action is requested on July 19, 2022, to allow execution of the Second Amendment in a timely manner.

OC Coastkeeper will be responsible for all required certificates, permits, approvals, and costs associated with this recommended action. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

BRENT DENNIS

DIRECTOR
PARKS, RECREATION AND MARINE

APPROVED:

THOMAS B. MODICA
CITY MANAGER