



## Legislation Text

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**File #:** 18-1064, **Version:** 1

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Recommendation to authorize City Manager, or designee, to execute all documents necessary to enter into a nonexclusive Right of Entry Permit with Orange County Coastkeeper, a nonprofit organization, to enhance and expand the existing Olympia Oyster beds at Jack Dunster Marine Biological Reserve, from January 1, 2019 through December 31, 2020, with one, two-year renewal option through December 31, 2022. (Citywide)

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. The Olympia Oyster is the only oyster native to California, and since the early 1900s, has experienced substantial population decline throughout its historical range, from Sitka Alaska to Baja California, Mexico. A single adult oyster can filter 50 gallons of water a day consuming plankton, thereby allowing sunlight to penetrate the water and allowing aquatic vegetation to flourish. Oyster beds also provide habitat that attract fish, crustaceans, and other marine life. The CSUF project, which was a partnership with Orange County Coastkeeper (Coastkeeper), ended in 2016. While the project was a success, stormwater sediment, erosion, and nearby dredging has degraded the Dunster oyster bed.

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. 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 in the Los Cerritos Channel by a floating breakwater. The protected nature of Dunster provides ideal conditions for oyster bed habitat.

Recently, the Parks, Recreation and Marine Department (PRM) received a proposal from Coastkeeper to both restore the damaged oyster bed as well as expand the oyster bed area (Project). The restoration and expansion of the oyster bed will allow the oysters to more efficiently respond to changing natural conditions, increase the resiliency of the existing bed, and improve the area's ecosystem including the water quality in Alamitos Bay. The Project will be accomplished through community-based restoration and education programming by partnerships with California State University, Long Beach, CSUF, Long Beach K-12 schools, and Friends of Colorado Lagoon.

The Marine Advisory Commission reviewed Coastkeeper's proposal at their meeting on September 13, 2018, and recommended City Council approval.

The proposed Right-of-Entry Permit (Permit) will contain the following major provisions:

- Term: January 1, 2019 through December 31, 2020.
- Option to Renew: One, two-year option to renew the Permit from January 1, 2021 through December 31, 2022.
- 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 the extent reasonably necessary to engage in a native Olympia Oyster restoration and expansion Project.
- Condition of Use: Coastkeeper shall be responsible for obtaining all necessary certificates, permits, and approvals, as required by federal, state, and local authorities, prior to Project commencement, and will provide copies to the PRM Marine Bureau. All Coastkeeper activities must occur during Dunster regular public hours, unless otherwise approved in advance and in writing by the City Manager or his designee. Coastkeeper shall provide and pay for all costs associated with their Project.
- Funding: Coastkeeper shall provide and pay for all costs associated with the Project.
- Permit Fee: As the Project is beneficial to the health of Alamitos Bay, no Permit fee shall be charged by PRM to Coastkeeper.
- Insurance: Coastkeeper, and its agents, shall provide evidence of insurance as required and approved by the City's Risk Manager.

This matter was reviewed by Deputy City Attorney Linda T. Vu on November 1, 2018 and by Budget Management Officer Rhutu Amin Gharib on November 8, 2018.

City Council action is requested on December 4, 2018, to enable the execution of the Permit in a timely manner.

Coastkeeper will be responsible for all required certificates, permits, approvals, and costs associated with the Project. There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

GERARDO MOUET  
DIRECTOR OF PARKS, RECREATION AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER