



## Legislation Text

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**File #:** 11-0018, **Version:** 1

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Recommendation to authorize City Manager to execute a non-exclusive right-of-entry permit to KZO Education, Inc., to enter City-owned property commonly known as Jack Dunster Marine Biological Reserve for the purpose of engaging in a native Olympia Oyster restoration project, commencing January 1, 2011 through December 31, 2016. (District 3)

On May 21, 2010, KZO Education, Inc. (KZO), presented a proposal for the restoration of native oysters at Jack Dunster Marine Biological Reserve to the Marine Advisory Commission (MAC). KZO is a non-profit organization dedicated to the development of media technologies for education and public awareness. KZO is currently working on a similar oyster restoration project in Newport Bay.

The Olympia oyster, *Ostrea lurida*, is the only oyster native to California and has experienced substantial population declines throughout its historical range, which is Sitka, Alaska to Baja California, Mexico, since the early 1900's. Oyster restoration efforts along the west coast of the United States have augmented mudflat habitats with oyster shell in order to provide a settlement habitat for larval oysters. This restoration project will explore oyster larval settlement, shell attrition, epifaunal and infaunal community biodiversity, as well as oyster survival and growth. By restoring the native oyster beds at Jack Dunster Marine Biological Reserve (attachment), KZO will improve the integrity and resilience of the area's ecosystem. Olympia oyster enhancement will improve the overall habitat and water quality. A single adult oyster can filter 50 gallons of water a day, consuming plankton, thereby allowing sunlight to penetrate and aquatic vegetation to flourish. Oyster beds provide habitats for attracting fish, crustaceans, and other marine life. They are environmentally sustainable on their own, since they do not compete with other species for food nor consume more protein than they produce. The Marine Advisory Commission considered this project at their meeting on May 21, 2010, and unanimously approved recommending this project to the City Council for approval.

The proposed right-of-entry permit contains the following major provisions:

- Location: Jack Dunster Marine Biological Reserve located on the northwesterly side of the Los Cerritos Channel adjacent to the Rowing Center at Marine Stadium.
- Term: January 1, 2011 through December 31, 2016.
- Authorized Use: The premises shall be used for the purpose and to the extent reasonably necessary to engage in a native Olympia oyster restoration project.
- Conditions of Use: KZO shall be responsible for obtaining all necessary certificates, permits, and approvals as required by federal, state, and local authorities prior to commencing the project, and will supply copies to the Marine Bureau.
- Insurance: KZO shall provide evidence of insurance as required by the Risk Manager.

This matter was reviewed by Deputy City Attorney Gary J. Anderson on November 15, 2010, and Budget Management Officer Victoria Bell on November 17, 2010.

City Council action is requested on January 4, 2011, in order to authorize the execution of the right-of-entry permit.

There is no fiscal or job impact associated with the recommended action.

Approve recommendation.

PHIL T. HESTER  
DIRECTOR OF PARKS, RECREATION  
AND MARINE

APPROVED:

PATRICK H. WEST  
CITY MANAGER