



Legislation Text

File #: 20-1174, **Version:** 1

Recommendation to authorize City Manager, or designee, to execute a Right-of-Entry Permit, and any necessary amendments, with California State University Long Beach, to enter the Colorado Lagoon and Marine Stadium to conduct academic research on biological resources and perform monitoring activities, for an initial three-year term, with the option to renew for one additional two-year period, at the discretion of the City Manager. (District 3)

On June 16, 2015, the City Council authorized a Right-of-Entry Permit (Permit No. P-00037) with California State University Long Beach (CSULB), to enter the Colorado Lagoon and Marine Stadium to engage in research activities to ascertain fish foraging behavior, migration patterns, and utilization of culverts to access estuarine habitat. CSULB researchers assessed to what extent fish were able to transit the 880-foot-long culvert connecting Alamitos Bay to Colorado Lagoon to access new habitat. Their findings (Attachment A) that the culvert and grate did pose a movement barrier for some fish species at all times of day, and for other fish species at certain tide times of day, were shared with the City and helped guide decisions about ongoing restoration plans for the Colorado Lagoon and supported continuing water quality monitoring activities.

CSULB researchers have requested to engage in further study at these locations to build on previous results and understand the impacts of the planned culvert removal as the Colorado Lagoon Open Channel Restoration Project continues. The objective of the study is to determine how the habitat is affected by the culvert removal and how several economically important fish species (including Round Stingray, California Halibut, Yellowfin Croaker, and Grey Smoothhound) can utilize this newly restored urban lagoon habitat. Researchers are seeking grants from various agencies to fund the study.

To support the research, a new Right-of-Entry Permit will be required to evaluate the habitat; conduct fish sampling; and, temporarily install water quality loggers, Radiofrequency Identification (RFID) readers below sea level at both ends of the Colorado Lagoon and Marine Stadium, and RFID receptor and power boxes at both ends of the culvert. The academic research activities will be used by the City and other groups to guide management decisions and will provide feedback on how conversion from a culvert to an open channel improves conditions for fish. These activities will also support the City in its efforts to meet water quality targets as mandated by the Environmental Protection Agency, State Water Resources Control Board, and Regional Water Quality Board. The Colorado Lagoon has an active Total Maximum Daily Load (TMDL) for water, sediment, and fish tissue quality. The conditions of the Right-of-Entry Permit would include a requirement for making all research findings available to the City to inform restoration activities, coastal resource management actions, and support ongoing TMDL monitoring activities.

The proposed Right-of-Entry Permit contains the following major provisions:

- Permittee: California State University Long Beach.
- Permit Area: Colorado Lagoon and north end of Marine Stadium as shown in Attachment B.
- Term: Three years, from January 1, 2021, to December 31, 2023.
- Renewal Options: One two-year option to renew, at the discretion of the City Manager or designee.
- Authorized Use: The Premises will be used, at no cost to the Permittee, for engaging in academic research, specifically fish tagging, water quality monitoring, and other data collection.
- Conditions of Use: Permittee will 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 Department of Parks, Recreation and Marine. All data collected, findings, and reports produced from the research will be made available to the City to help inform coastal resource management policies, support existing operations, and provide feedback on improving conditions for fish as the tidal channel restoration project continues.
- Termination: Either party may terminate the Permit with 30 days' written notice. At the revocation of the Permit, the Permittee will abandon the site and remove all equipment and devices installed.
- Insurance: Permittee will maintain all applicable insurance and endorsements, as required and approved by the City Risk Manager, and submit renewals as necessary.

This matter was reviewed by Deputy City Attorney Arturo D. Sanchez on November 10, 2020 and by Revenue Management Officer Geraldine Alejo on November 12, 2020.

City Council action is requested on December 8, 2020, to ensure the Right-of-Entry Permit is in place to allow research to begin in advance of the peak fish migration months of June through August.

There is no fiscal or local job impact associated with this recommendation. All costs associated with the use of the site, including abandonment and equipment removal, will be borne by California State University Long Beach. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities.

Approve recommendation.

[Enter Body Here]

Brent Dennis
DIRECTOR OF PARKS,
RECREATION AND MARINE

APPROVED:

THOMAS B. MODICA
CITY MANAGER