

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



Click here to go to
original staff report

W14a

Addendum

June 8, 2015

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W14a**, Coastal Commission Permit Application
#6-15-0223 (City of San Diego Park and Recreation Department), for
the Commission Meeting of June 10, 2015

The purpose of this addendum is to address administrative issues brought up in several letters of opposition received recently; to provide clarification on the monitoring plan required by Special Condition No. 3; to add [additional letters of support](#) and [opposition](#) to Exhibit 10 and Exhibit 11 to the staff report, respectively; and to add a new [Exhibit 12 – Ex Parte Disclosures](#). Staff recommends the following corrections be made to the above-referenced staff report, with deletions shown in ~~strike through~~ and additions underlined:

1. On Page 3 of the staff report, the following language shall be added before the last paragraph of the Summary of Staff Recommendation:

Commission staff has received correspondence from Bernard King representing Friends of the Children's Pool (FOCP) claiming that FOCP did not receive notice of this item as an interested party. However, the president of FOCP is on the list of interested parties for this item and, as with all interested parties, was duly noticed within the legal timeframe for providing notice. Staff has also received letters objecting to the hearing location in Newport Beach rather than in San Diego on the August 2015 agenda. However, hearing items cannot always be scheduled in the same area as the proposed project. This item was scheduled on the June hearing because the existing guideline rope approval expires on July 11, 2015, and Newport Beach is a southern California location.

2. On Page 7 of the staff report, Special Condition No. 3 shall be corrected as follows:
3. **Monitoring Plan.**
 - A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and written approval of the Executive Director,

a Monitoring Plan for the management and monitoring of the ~~seasonal beach closure~~ guideline rope at Children's Pool Beach. The plan shall include, but not be limited to, the following criteria:

- i. A physical description and exhibit delineating the precise location of the ~~public access restrictions~~ guideline rope and associated signage at Children's Pool;
- ii. A discussion of the goals and objectives of the plan, which shall include the method by which the applicant will assess the level of use by seals of the haul-out site at Children's Pool Beach throughout the year and the method of determining the effectiveness of the guideline rope at minimizing harassment of hauled-out seals with both methods employing, at a minimum, the procedures described in section A(iii) and A(iv), below, of this special condition;
- iii. Upon issuance of this coastal development permit, a qualified biologist, environmental resources specialist, park ranger, lifeguard, and/or City-trained volunteer shall record the number of seals hauled out at Children's Pool Beach, the number of injured or ~~abandoned~~ sick seals if present rescued by SeaWorld, the number of people present on the beach, the number of people present in the water from the tip of the breakwater across to the point of rock directly below the gazebo, the number of harassment instances, the number of citations and warnings issued, the outcomes of issued citations and warnings if feasibly available, the tide, the weather including water and air temperature, and the date. Recording according to these directions shall take place at least 16 days per month, including at least two weekend days and one holiday, if the month contains a federal or state holiday. Measurements shall be recorded a minimum of 3 times per day, at 10 AM, 1 PM, and 4 PM or as close to those times as feasible...



**DAVID ALVAREZ
COUNCILMEMBER**

CITY OF SAN DIEGO

May 28, 2015

California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
Attn: Brittney Laver, Coastal Analyst

RE: File 6-15-0223

Dear Coastal Commissioners:

As a member of the San Diego City Council, I encourage the California Coastal Commission's support of maintaining the year-round rope at Casa Beach. The existence of a rope boundary at Casa beach has helped prevent human harassment of the seals and reduced potentially harmful interactions between seals and humans.

I encourage the Coastal Commission to join the City of San Diego and thousands of individuals and numerous organizations by voting to maintain the year-round rope at Casa Beach.

Thank you for your attention to this issue. Should you have additional questions, please contact my Chief of Policy Gabriel Solmer at (619) 235-6688.

Sincerely,

Councilmember David Alvarez
City of San Diego, Eighth District

EXHIBIT NO. 10

APPLICATION NO.

6-15-0223

Letters of Support



California Coastal Commission



**COUNCILMEMBER
MARTI EMERALD**

CITY OF SAN DIEGO

June 2, 2015

Brittney Laver, Coastal Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Coastal Commissioners,

I am writing to urge the California Coastal Commission (CCC) to vote in favor of maintaining the year-round rope at Casa Beach. There are many compelling reasons to maintain the rope including its success in helping to prevent human disturbance of the seals, whether intentional or unintentional. These disturbances are a direct violation of the Marine Mammal Protection Act (MMPA) and the San Diego City Ordinance. The seals need the beach in order to live and thrive in their natural habitat and disturbances can disrupt their normal behavior causing malnutrition, pup abandonment, premature births, etc.

We have the responsibility to protect and preserve natural resources throughout our community. These include plant and animal habitats. In order to meet our responsibility we need to protect the harbor seals on our coast.

I stand by La Jolla's Local Coastal and Land Use Plan that lists community goals to, "conserve and enhance the natural amenities such as its views, open space, open beaches, wildlife and natural vegetation and achieve a desirable relationship between natural and developed components of the community" (8). The rope achieves this goal by protecting the seals and providing a desirable relationship between the people and the seals.

I respectfully ask the California Coastal Commission to join the City of San Diego, thousands of citizens and numerous organizations and support the year-round rope at Casa Beach.

Warm Regards,

Marti Emerald
Council President Pro Tem, Ninth District
City of San Diego

RECEIVED
JUN 08 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



THE CITY OF SAN DIEGO
COUNCILMEMBER TODD GLORIA
THIRD DISTRICT

June 10, 2015

California Coastal Commission
Attn: Brittney Laver
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108

Dear Coastal Commissioners,

As the San Diego City Councilmember representing the Third District, I am writing to urge you to vote in favor of maintaining the year round rope at Casa Beach.

Located within the City of San Diego, Casa Beach serves as a major haul out site for harbor seals in the region. In fact, it is the only birthing area south of Ventura County. This also means that Casa Beach is one of the few safe places for the seals to rest, nurse and raise their pups, and thermoregulate.

Since the seals began inhabiting Casa Beach, we have learned that they are instinctively shy mammals and can become frightened when humans get too close. Naturally, the sheer volume of harbor seals on Casa Beach living in their natural habitat attracts spectators. Because of this, the rope at Casa Beach is an essential safety precaution for both the public and the seals, ensuring the seals are not disturbed while allowing visitors to observe from a distance without threatening the animals.

Again, I encourage you to maintain the year round rope at Casa Beach. This is a common-sense solution that benefits everyone and will protect a precious natural resource and animal habitat in the City of San Diego.

Thank you for your consideration.

Sincerely,

TODD GLORIA
Councilmember, Third District
City of San Diego

Form email: 1 of 15 more submitted

From: [Crystal Delgado](#)
To: Childrenspool@Coastal
Subject: Please Save the Year Round Rope at Casa Beach
Date: Friday, May 29, 2015 10:15:24 PM

Dear Coastal Commissioners,

Please support saving the year round rope at Casa Beach to protect the Seals.

The rope has been very successful in helping to prevent human harassment of the seals. Without the rope, people get too close to the seals and flush them, try to pet them, try to take selfies with them, and many, many other inappropriate antics. The rope is critical to preventing such harassment.

For all of these reasons, please vote to save the year round rope at Casa Beach to protect the Seals.

Sincerely,
Dr. Crystal Delgado

From: [christiane vander motte](#)
To: Childrenspool@Coastal
Subject: Keeping the rope is a MUST !
Date: Friday, May 22, 2015 9:15:29 AM

To whom it may concern.

Seals need no harassment. Hence the rope is a must to prevent from coming too close and annoying these wonderful animals.

Thank you for keeping the rope so that seals are not too close to human being and have a little bit of privacy.

Yours respectfully,

Christiane Vander Motte
B-1083 Brussels, Belgium

RECEIVED

Edward Kane
4736 Edison Street
San Diego, CA 92117

AM 11:02

OFFICE OF
THE CITY CLERK
CITY OF NEWPORT BEACH

May 20, 2015

City of Newport Beach
City Council Chambers
100 Civic Center Drive
Newport Beach, CA 92660

Attention: Coastal Commissioners
Subject: Year-round rope to protect the seals at Casa Beach

The rope at Casa Beach has been very successful in helping to prevent human harassment of the seals. Without the rope, people get too close to the seals and flush them, try to pet them, try to take self portrait photos with them and many, many other inappropriate antics. The rope is critical to preventing such harassment!

Please consider allowing the rope to become a permanent year-round feature at Casa Beach in San Diego.

Thank you for your consideration.

Respectfully,



Date 5/26/15

Copies Sent To:

☒ City Council
☒ City Manager
☒ City Attorney
☒ File

From: [Bill Kuni](#)
To: Childrenspool@Coastal
Subject: Permit No. 6-15-0223 Children's Pool Item No. W14A
Date: Monday, June 01, 2015 7:22:58 PM
Importance: High

Dear Coastal Commission Members:

I live 1/4 mile from Children's Pool in La Jolla and am there 4-5 times each week on a daily walk.

I am strongly in favor of the re-authorization of the guideline rope and informational signs on a year-round basis.

Prior to the installation of the rope, deliberate harassment of seals by a determined activist group was common as was incidental harassment by tourists wishing to "pet" the seals, sit on them, or photograph from a foot away with their children adjacent to a seal. Seals were kicked, stabbed and hit. These actions have been shown on a shocking video to the San Diego City Council during a meeting many of us attended.

Disputes including fistfights between parties were common with police called frequently. The lifeguards were disinterested in monitoring behavior, the Ranger was intimidated by the harassers, and marine mammal resource agencies were ineffectual in enforcement, claiming it was a local City of San Diego enforcement problem.

The use of a guideline rope has measurably reduced all these human and animal conflicts. Please re-authorize and extend its full use.

Thank you.

H. W. Kuni
H. William Kuni
450 Arenas St.
La Jolla, CA. 92037
Phone/Fax: 858-459-4191

From: vashti.fn@gmail.com
To: Childrenspool@Coastal
Subject: Please Save the Year Round Rope at Casa Beach
Date: Monday, June 01, 2015 9:48:33 PM

Dear Coastal Commissioners,

As a visitor, I can tell you just how important the rope is. I have seen so many people trying to pet the seals, or try to take pictures with them. They have no respect for these animals or the fact they are visiting the seals' home.

With the ropes in place the majority of people respect it, and when the rare person does cross over, many people will yell at them to get behind the rope. So, the ropes are working.

As a visitor I would love to see this program expanded to somehow include the sea lion area, as well. If funding is an issue, then rope off both areas and charge permit fees for divers. Although this may make some unhappy, it is needed to the animals' protection. This also protects people, too, as many people are either foolish, or disrespectful, and don't know how to give the animals their space.

Another way to bring in funding, which could help provide someone to enforce these rules, is to charge permit fees to allow real photographers access. As a photographer, I'd be willing to pay if I knew this money helps keep them safe.

I have seen people chase and "pet" the sea lions, even after being directly told not to. At least the seal area has something in place to offer some protection. It would be best to see it expanded. The worse thing you can do is take away this simple protection.

Please vote to save the year round rope at Casa Beach to protect the Seals.

Sincerely,

Alexis Scheel
414-750-4959

Sent from my iPad

Petition to the CCC to Save the Year-Round Rope at Casa Beach

I support the City of San Diego's application to keep the guideline rope up at Casa Beach from May 15 to December 15 annually. (CCC File #6-15-0223)

RECEIVED

JUN 02 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

1	DATE 5/3/15	YOUR NAME (PLEASE PRINT) Josh Irish	EMAIL ADDRESS jirish23@gmail.com
	STREET ADDRESS / PO BOX 65023 Carmel Ridge	CITY, STATE / PROVINCE, ZIP, COUNTRY CA, San Diego 92128	PHONE NUMBER
2	DATE 5/12/15	YOUR NAME (PLEASE PRINT) Phil Birkhahn	EMAIL ADDRESS pbirkhahn@outlook.com
	STREET ADDRESS / PO BOX 18269 High Mesa Ct	CITY, STATE / PROVINCE, ZIP, COUNTRY San Diego CA	PHONE NUMBER 858-683-6002
3	DATE 5/12/15	YOUR NAME (PLEASE PRINT) Nick ERVIN	EMAIL ADDRESS doretsuz1@stglad.net
	STREET ADDRESS / PO BOX 47201 Mt. St. Helens	CITY, STATE / PROVINCE, ZIP, COUNTRY San Diego, CA 92119	PHONE NUMBER 658-565-9522
4	DATE 5/12/15	YOUR NAME (PLEASE PRINT) Michael R Bullock	EMAIL ADDRESS mike_bullock@earthlink.net
	STREET ADDRESS / PO BOX 1800 Bayberry Dr.	CITY, STATE / PROVINCE, ZIP, COUNTRY Oceanside, CA 92054	PHONE NUMBER 760-754-8025
5	DATE 5/20	YOUR NAME (PLEASE PRINT) Karenlee Robinson	EMAIL ADDRESS KL.ROBINSON@COX.NET
	STREET ADDRESS / PO BOX 4783 Adair St. SAN DIEGO, CA 92107	CITY, STATE / PROVINCE, ZIP, COUNTRY San Diego, CA 92101	PHONE NUMBER 619-572-8457
6	DATE 5/20	YOUR NAME (PLEASE PRINT) Anna Meruani	EMAIL ADDRESS annamiruani7630@yahoo.com
	STREET ADDRESS / PO BOX 7630 Rainwater Lane San Diego Ca.	CITY, STATE / PROVINCE, ZIP, COUNTRY 92119	PHONE NUMBER 619-698-1417
7	DATE 5/20	YOUR NAME (PLEASE PRINT) Andrea Marwah	EMAIL ADDRESS andreafinch@gmail.com
	STREET ADDRESS / PO BOX 6553 Reflection Dr, #110	CITY, STATE / PROVINCE, ZIP, COUNTRY San Diego CA, USA	PHONE NUMBER 512-658-8606
8	DATE	YOUR NAME (PLEASE PRINT)	EMAIL ADDRESS
	STREET ADDRESS / PO BOX	CITY, STATE / PROVINCE, ZIP, COUNTRY	PHONE NUMBER

Petition supporting proposed project: Page 1 of 16

I support the City of San Diego's application to keep the guideline rope up at Casa Beach from May 15 to December 15 annually to help protect the harbor seal colony. (CCC File #6-15-0223).

	Date	Last Name	First Name	City	State / Province	Country	Comment
1	04/09/2015	Forbes	John	Edinburgh		United Kingdom	
2	04/09/2015	Salgado	Natasha	Toronto		Canada	
3	04/10/2015	Andries	Anneke	Raamsdonksveer		Netherlands	
4	04/10/2015	Archibald	Carol	San Diego	CA	USA	
5	04/10/2015	Barnes	Carolyn	Greene	NY	USA	
6	04/10/2015	Baumann	Diana	Solingen		Germany	
7	04/10/2015	Bechmann	Elisabeth	St. Pölten		Austria	
8	04/10/2015	Ben Izhak	Vera	Tel Aviv		Israel	
9	04/10/2015	Branco	Andréa	São Paulo		Brazil	
10	04/10/2015	Brewer	John	Marietta	Ohio	USA	
11	04/10/2015	Brigitte	Hoin	Herzogenrath		Germany	
12	04/10/2015	Brunschot	Ankie	Veldhoven		Netherlands	
13	04/10/2015	Buijs	Monique Angela	Hoorn		Netherlands	
14	04/10/2015	Buslot	Chantal	Hasselt		Belgium	
15	04/10/2015	C	Bill	Kempten		Germany	
16	04/10/2015	C.	Mary	Toronto		Canada	Respect The Life in All Beings - YouTube
17	04/10/2015	Cambria	Joan	Rumson	NJ	USA	
18	04/10/2015	Camello	Nancy	Apple Valley	CA	USA	
19	04/10/2015	Campos	Eduardo	Santiago		Chile	
20	04/10/2015	Cowley	Teresa	Kingsville	TX	USA	
21	04/10/2015	Cuk	Jasmina	Solna	NY	USA	
22	04/10/2015	de Ryck	Mona	Mortsel		Belgium	
23	04/10/2015	de Saedeleer	Veerle	Edegem		Belgium	
24	04/10/2015	de Waard	Lisette	Lelystad		Netherlands	
25	04/10/2015	de Waard	Yvonne	Lelystad		Netherlands	
26	04/10/2015	Delannoy	Emmanuel	Paris		France	
27	04/10/2015	Deleone	Celeste	Montevideo		Uruguay	
28	04/10/2015	Dewitt	Erica	Kingston	NY	USA	
29	04/10/2015	Done	Fay	Llangybi		United Kingdom	
30	04/10/2015	Edgar	Alison	Edinburgh		United Kingdom	
31	04/10/2015	Elsherbini	Azza	Alexandria		Egypt	
32	04/10/2015	Fanton	Beatriz	Bariri		Brazil	
33	04/10/2015	Fellows	Sue	Hereford		United Kingdom	

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MAY 26 2015
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO BEACH DISTRICT

Patrick Alee
535 Woodlawn #14
Chula Vista, CA 91910

29 May 15

Permit # 15-0223

"IN FAVOR"

To Whom it May Concern: Commissioner
I had filed a brief and
is following up on Item, NO: W14A
for the hearing June 10th, 15 regarding
re authorizing use of the 4 ft rope
on the beach at Children's Pool
and restrict the public from
harming animals on Jenner st.
I wish the area would be closed
yearround



From: [Alan Bennett](#)
To: [Ellen Lirley](#); Childrenspool@Coastal
Subject: I support staff findings & recommendations for App. #6-15-0223
Date: Friday, June 05, 2015 11:07:08 PM
Importance: High

I fully support protecting the harbor seals at the La Jolla Marine Park and the statement on page 14 of the staff report: "The proposed project would permanently maintain the year-round guideline rope approved through CDP No. 6-11-078, which is set to expire in July 2015, in order to provide continued protection of the harbor seals during the times the beach is open to public access."

There is no reason to arbitrarily impose a four year limit on this worthwhile coastal management strategy for marine mammals. Let's just do it and stop the insensate diatribe that has been going on for over a decade. The public likes it. The tourist like it. And the merchants are making lots of money off this wonderful natural attraction.

You people have got to have something better to do with your time rather than gum this issue to death! I do strongly recommend you face up to reality and acknowledge the area was a seal pupping beach and mother nature has returned the area to that natural condition. Live with it! And stop calling it the Children's Pool Area. The people and the harbor seals have voted: It is the Seal Pupping Beach now and forever!

I would love to testify in person but a ninety mile one-way trip at rush hour to your hearing in the Newport Beach City Council Chambers seems like a heavy burden on the innocent public to support an incontrovertible good.

Alan Bennett

Native Plant Steward
Assoc. Forester
4160 Louisiana St., Unit # F
San Diego, CA. 92104-1647
(619) 955-3275
alanbennett@hotmail.com

"The creation of one thousand forests is in an acorn." [Ralph Waldo Emerson](#)

From: [Joe LaCava](#)
To: Childrenspool@Coastal
Subject: Item # W14a: Application No. 6-15-0223 (City of San Diego Park and Recreation Department, Children's Pool)
Date: Saturday, June 06, 2015 7:27:48 PM
Importance: High

California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive #103
San Diego, CA 92108

RE: Agenda Item # W14a. COASTAL PERMIT APPLICATIONS:
Application No. 6-15-0223 (City of San Diego Park and Recreation Department, Children's Pool)

Honorable Commissioners,

I write in support of the City of San Diego's proposal to continue the use of a year-round guideline rope at Children's Pool.

I qualify my support recognizing that the City had an opportunity to manage the wildlife in the 1990s but did not. Further, the joint use management employed in the 1990s and 2000s could have succeeded with the joint cooperation of the City and the public but did not. With no other viable option to provide meaningful separation between the public and the harbor seals, we must concede acceptance of the year-round rope.

I believe the proposed 3-foot opening is too small and there should be an allowance for a slightly larger, say 5-feet, opening.

Sincerely,
Joe

Joe LaCava
5274 La Jolla Boulevard
La Jolla, CA 92037
619.972.4705

BL



SAN DIEGO STATE
UNIVERSITY

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JUN 05 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Department of Geography
College of Arts and Letters
San Diego State University
5500 Campanile Drive
San Diego, CA 92182-4493
Tel: 619-594-5437
Fax: 619-594-4938

California Coastal Commission
Re: File 6-15-0223
7575 Metropolitan Dr., #103
San Diego, CA 92108-4421

May 26, 2015

Dear Coastal Commissioners:

As a professor of Geography at San Diego State University, I study human-environment interactions. I have visited Casa Beach twice with students from my Honors seminar to teach them about the seals at Casa Beach. I have observed firsthand how the seals can be disturbed by people approaching too closely. I have also seen how well the guideline rope works to give visitors the suggestion of viewing the seals from the NOAA recommended 50' distance.

As a scientist, I appreciate the statistics in the CCC staff report supplied by the Ranger and the Seal Conservancy in support of the year-round rope, which clearly show a decrease in the disturbances of the seals by people.

Please accept the Coastal Commission staff recommendation in support of the City's CDP application for the rope and vote to approve it as submitted to you by your staff.

Sincerely,

Dr. Arielle Levine
Department of Geography
San Diego State University
5500 Campanile Dr.
San Diego, CA 92182-4493

✦ LA JOLLA PARKS AND BEACHES, INC. ✦

www.lajollaparksandbeaches.org

30 May 2015

California Coastal Commission
San Diego Area
c/o Ms. Brittney Laver
7575 Metropolitan Drive, Suite 103
San Diego CA 92108 4421

Subj.: June 10-12 Agenda Item W14a
Application No. 6-15-0223

Dear Commissioners:

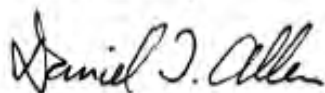
La Jolla Parks and Beaches is a citizen advisory group, designated to provide public input and make recommendations to the City of San Diego's Park and Recreation Department. We are made up of users of La Jolla area parks and representative members of the La Jolla community.

The City of San Diego has applied for renewal of the permit for a year-round guideline rope for protection of harbor seals at Children's Pool Beach. La Jolla Parks and Beaches has favored shared use of the beach at Children's Pool (ref. LJP&B resolution April 2010). We continue to see the rope barrier as an unnecessary restriction on public access to the sand and sea.

Therefore, we wish to state our opposition to the continued presence of the rope barrier and opposition to the permit renewal.

The above position was voted on at our April 2015 meeting with a vote count of 10 in favor, two against and two abstentions.

Yours sincerely,



Dan Allen, President, LJP&B

La Jolla Parks and Beaches, Inc., P. O. Box 185, La Jolla, California 92038
lajollaparksandbeaches@gmail.com

Regular Meetings: 4th Monday of the Month
La Jolla Recreation Center - 615 Prospect Street, La Jolla

EXHIBIT NO. 11

APPLICATION NO.

6-15-0223

Letters of Opposition



California Coastal Commission

Form email: 1 of approx. 30 submitted

From: [Mark Harvey](#)
To: Childrenspool@Coastal
Subject: I object to holding a hearing outside San Diego and request notification of hearing dates.
Date: Sunday, May 24, 2015 11:41:52 AM

Coastal Commission:

I am an interested party concerning the upcoming decision to impose a rope barrier on our beach forever. Please send me notice of the pending hearing to the address below.

Please accept this message with the following, as public input from me for the Commissioners:

Going to Newport Beach would be a daunting hurdle, which you know. You could issue a variance to extend the rope barrier permit a month to have the hearing in San Diego, so this is deliberate.

The rope barrier is a defacto closure. The only clean part of the beach is the shoreline which is off limits and is enforced. The ranger will force everyone to retreat behind the rope, so nobody wants to expose their family to that.

Your office required signs be posted stating the beach was open, and then said during part of the year the beach had to be closed because people were going there. The same entrapment can be used to close the beach the rest of the year, so the public loses either way.

Because of your August 2014 ruling that animal life on a beach must be protected over all other considerations, the Coastal Act has become a vehicle for closing beaches all over the state where a pinniped decides to go.

San Diego is set to lose access to La Jolla Cove and more. Not surprising you don't want to face us.

Mark Harvey
7924 La Jolla Shores Dr
La Jolla, CA 92037
(619)886-3700

Sent from my iPhone

From: [Marie Hunrichs](#)
To: Childrenspool@Coastal
Subject: I object to holding a hearing outside San Diego and request notification of hearing dates.
Date: Wednesday, May 27, 2015 11:41:37 AM

Coastal Commission:

I am an interested party concerning the upcoming decision to impose a rope barrier on our beach forever. Please send me notice of the pending hearing to the address below.

Please accept this message with the following, as public input from me for the Commissioners:

Traveling to Newport Beach is not easy for a lot of people. Many folks work and the price of gas is not cheap. Why not issue a variance to extend the rope barrier permit a month in order to have the hearing in San Diego? Why discourage public participation in the process?

The rope barrier is basically a "closure". The only clean part of the beach is near the shoreline which is off limits to human use. The ranger has and will continue to force everyone to retreat behind the rope unless a person is only going into the water. Who wants to be singled out by a person in uniform?

It is hypocritical for the CCC to say that the Children's Pool is only closed during pupping season and then humans have access the other 7 months if the CCC allows the "rope" to continue to be up during those 7 months. The rope is a psychological deterrent to most people.

Because of the CCC August 2014 ruling that seals on a beach must be protected over all other considerations, the Coastal Act has become a vehicle for closing beaches all over the state wherever a seal, sea lion or elephant seal may decide to plant its heavy body.

In this day and age, people seem to believe that animals are more important than humans. As a State agency the CCC should be making wise decisions based on factual information. Sadly it

seems that many commissioners are afraid of animal activists and therefore some decisions are made without much thought. The CCC will be remembered for their action on La Jolla Children's Pool or rather La Jolla Seal Pool.

*Marie Hunrichs
6530 Springfield St.
San Diego, CA 92114*

PS: I just received the Staff Report for Application No.: 6-15-0223 and saw it was dated 5/21/15. Why did you, Brittany Laver, not release it to interested parties? One person is Ken Hunrichs whom you have had recent email correspondence with, in regards to an address to send Children's Pool comments. I would like you to answer my question, please. This failure to send out the report when it was first produced seems to indicate lack of diligence to inform the public of an important upcoming hearing, already of short notice, of which you know many people are interested in.

From: [Ken Hunrichs](#)
To: Childrenspool@Coastal
Subject: Application No 6-15-0223, Children's Pool Rope Barrier Permit
Date: Saturday, May 30, 2015 11:05:10 PM
Attachments: [SD Lifeguard Plan letter from Cal Teamsters local 911.pdf](#)

While reviewing the CCC staff report for Application No 6-15-0223, Children's Pool Rope Barrier Permit, I discovered that an extremely important letter from the lifeguards in San Diego was missing. The attached letter should be included in the report for the Commissioners to consider. The lifeguards prepared a management plan to provide for seal protection without unnecessarily restricting public beach access. It is as valid now as when first offered in June, 2012.

Unfortunately after three years, and with the lifeguard plan's author being appointed to the San Diego City Council, this plan still has not been given serious consideration by the City of San Diego. It is the only plan that has any chance of public acceptance and willing compliance. It would effectively put off limits portions of the Children's Pool Beach for the seals with seasonal adjustments to fulfill all the City desired results. The public should not have to wait for the seasonal beach closure permit renewal in 2019 for this plan to be implemented. Please deny the renewal of the current barrier rope to allow this alternate plan to be used.

The year round barrier rope up for renewal does not allow for adjustment for the presence or absence of seals. A more reasonable plan like this lifeguard proposal must be considered before any action is taken to renew a rope described by the applicant as a failure requiring beach closure. It is unthinkable that the current rope permit would be renewed because it is not effective at blocking beach access enough to satisfy the City of San Diego,

Ken Hunrichs
San Diego, CA



Raymond B. Whitmer
Secretary-Treasurer

CALIFORNIA TEAMSTERS LOCAL 911

PUBLIC, PROFESSIONAL & MEDICAL EMPLOYEES UNION, THE COUNTIES OF LOS ANGELES,
ORANGE, RIVERSIDE, SAN DIEGO, IMPERIAL, SAN LUIS OBISPO, SAN BERNARDINO, SANTA BARBARA AND VENTURA

9900 FLOWER STREET • BELLFLOWER • CALIFORNIA • 90706

(562) 595-4518 • Fax (562) 427-7298 • teamsters911.com

An Affiliate of the International Brotherhood of Teamsters

June 11, 2012

Kanani Brown
Coastal Commission File 6-11-078
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Re: Suggestions for Children's Pool

Dear Kanani:

It is my understanding that the Coastal Commission will be considering whether to approve a year round rope at the Children's Pool. I would like to weigh in on behalf of the Lifeguards that have worked at the area for years. I want to make it clear that I am speaking as the union representative, and I am in no way speaking on behalf of the City. I feel that my fellow Lifeguards and I have valuable information that the commission should hear prior to making such an important decision.

We believe that a year round rope will not help the current situation. There truly is no reason to have it and the ability to compromise on a common sense solution needs to be considered. There are two simple facts that should be looked at: seals do not like the beach when it is warm out or during extreme low tide and during these times, they prefer to be on the rocks. People, especially children, do not use the pool when it is cold. The rope was somewhat effective until it became clear that there is no legal way to enforce it. People pass freely over, under and around it. Lifeguards, Rangers and Police receive countless calls about those crossing over. It takes up resources and distracts us from our primary mission.

We propose that rather than putting up the rope, we instead use large moveable boulders. The boulders would create a separate pool within the pool. During the winter months, the seals use the beach more frequently. During pupping season, it would be logical to block approximately seventy-five percent of the beach. The rocks would be adjusted so that twenty-five percent of the beach would be left open to the public. It would include an area on the east side close to the stairs that would have water

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JUN 14 2012

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

File # 6-11-078
June 15, 2012
attached

access. Seventy-five percent of the beach would be blocked off for the seals.

During the summer months, beginning after the pupping season, the rocks would be adjusted to the west. Twenty-five percent of the beach would be roped off for the few seals that use the beach during the warmer months. The rest of the beach would remain open for the public. By doing so, there would be no reason to cross into the protected area. Access and protection would be achieved so you would have more acceptance from the community. The seals naturally gravitate towards the wall, this would be the area reserved for them.

It is important to note that the Lifeguards have remained neutral. We enjoy the seals and the public equally. There have been copious amounts of misinformation put out from both sides. We believe the seals need space during the pupping season. We have observed the people and seals cohabitating far before this was a newsworthy debate. Contrary to what is often portrayed, the seals do not fear us. They frequently follow swimmers, snorkelers and divers for hours. They play with our fins and playfully bump us with their bodies.

On another note, we are deeply concerned about contamination of the water and sand. If one were to visit a local dog park, there are signs encouraging all to pick up after their pet. The signs provide information about the dangers of bacteria due to fecal matter. Imagine if no one picked up after his or her pet in your local park. There has been no cleanup of seal feces at the Children's Pool that I am aware of. We have had several hundred seals defecating on the beach daily for over ten years. The bacteria have percolated through the sand and have polluted the water. As part of the plan, we suggest that each time the rocks are moved, several feet of sand should be moved out. We would like the Coastal Commission to address this issue and consider recommending a low cost solution.

The Children's Pool has an unnatural structure that traps sand and bacteria like no other place in San Diego. Natural flushing is prevented even during the largest swell and tide. On most beaches, large quantities of sand shift from one beach to another. Large swells can take ten to fifteen feet of sand off a beach in a day. Smaller swells push sand up and can replace it in equal time. The north swells of winter often take sand from various beaches and then the south swell brings it back. The


Page three
Kanani Brown
June 11, 2012

movement of sand is most noticeable at Windansea, Boomer and Shell Beach. Clean up does not require expensive dredging and hauling. The City moves sand and cleans beaches year round.

As a solution, we suggest to use City bulldozers to scoop sand out of the pool after pupping season. The bulldozer can easily dump the sand over the wall. The south swell will clean the sand and replace it. Seal feces are a natural element that will no longer pollute the area once dispersed into smaller quantities.

Please take these matters into consideration. Thank you for your time.

Sincerely,



Chester Mordasini
Teamsters Local 911 President

Enclosures

c: Jerry Sanders, Mayor
David Alvarez, Councilmember
Carl DeMaio, Councilmember
Marti Emerald, Councilmember
Kevin L. Faulconer, Councilmember
Todd Gloria, Councilmember
Sherri S. Lightner, Councilmember
Tony Young, Councilmember
Lorie Zapf, Councilmember
Ed Harris

June 1, 2015

To: California Coastal Commission
Public input for June 10 hearing on Application 6-15-0223

From John Leek
3090 Admiral Ave
San Diego, CA 92123

Honorable Commissioners,

The primary need of the Commission has been to stabilize and button up the situation at the Children's Pool. To that end it has given every benefit of the doubt to San Diego to allow it remarkable leeway. But the situation is still not stable, because the terms of the rope barrier permit are false and misleading and the public cannot figure out what is required of them.

The Commission allowed itself to establish a barrier that was not to be a barrier and then had no choice but to override state and federal law to close the beach because San Diego came back whining their rope "did not work". Giving San Diego an extra 4 years with no requirements it resolve anything is not going to get us anywhere but older. Because San Diego does not know what it is doing, the Commission does not either.

Allowing the proceedings to be held at a remote location to let San Diego avoid public scrutiny of its actions will not benefit the Coastal Commission. San Diego's most attractive beaches and shore access sites are being inundated with marine mammals the federal scientists did not know existed. The decade long fight San Diego had finally won to forbid shore access in favor of cultivating animals on beaches is beginning to engender unforeseen consequences.

Of course San Diego is pressing for a distant venue on a reviewless renewal. In 4 more years some more Council members will term out in the interval. I am sorry I cannot be in Newport Beach on the 10th. Likewise a lot of other San Diego citizens would have preferred you decide their fate after taking a look at the situation for yourselves. You could join the majority of people who walk on past the rope and climb up the sea wall over the railing (advisory steel barrier?) to access that public tideland to get a closer look at both of our seal colonies at once. You can get a better look at our new resident elephant seal from there.

Local staff took original jurisdiction of all of the Children's Pool as historic tideland but then could do nothing more than repeat whatever the City said on its applications, so the Commission has all the responsibility for the mess and no independent investigatory powers.

May 31, 2015

To: California Coastal Commission
Public input for June 10 hearing on Application 6-15-0223

From John Leek
3090 Admiral Ave
San Diego, CA 92123

Honorable Commissioners,

I have to state first, I am speaking as an individual. I was Secretary of the San Diego Council of Divers for 10 years and worked with them on preserving public access at Children's Pool. No dive club has sponsored a dive there in over 4 years and 95% of divers had given up going there and never looked back. The rope worked very well as a deterrent to shore access from day one or there would not have been conflict.

The Council of Divers was only trying to preserve access there per the Coastal Act and the State Trust. We were trying to undo a defacto closure that emptied the beach long before the Commission made closure legal last August. Anyone knows there will be other beaches, most likely for sea lions and there is nothing to be done for it.

It was I who asked Chris Yates of NOAA to come to San Diego and see for himself what had happened. There followed his letter reminding you that enforcement of marine mammal protective laws on a state (or municipal) level was a violation.

It was I who continued to cross the rope that was "not intended to affect beach usage" after other divers had quietly ceded loss and just got up earlier to use the 2 other beaches in La Jolla suitable recreational diving. I received a citation for disturbing wildlife as the ranger had seen or had reported to him that seals had left the beach while I was there. Such is City enforcement protocol, still on the books. I got to court prepared to act as my own attorney to find the citation had never been processed. I never got to see the evidence against me or confront my accusers. Word got around. You can't fight City Hall.

I helped to do beach cleanups on Children's Pool beach when the seals had left due to the head of the day. That prompted a letter from the local CCC enforcement officer stating disturbing wrack makes beach cleaning at the Pool a violation of the Coastal Act. So has ended any "consideration" of San Diego finding a way to clean the sand in the next 4 years per your closure permit conditions.

I was asked, as an individual, to present facts to the La Jolla Town Council regarding how our iconic La Jolla Cove could be kept open in the face of a sea

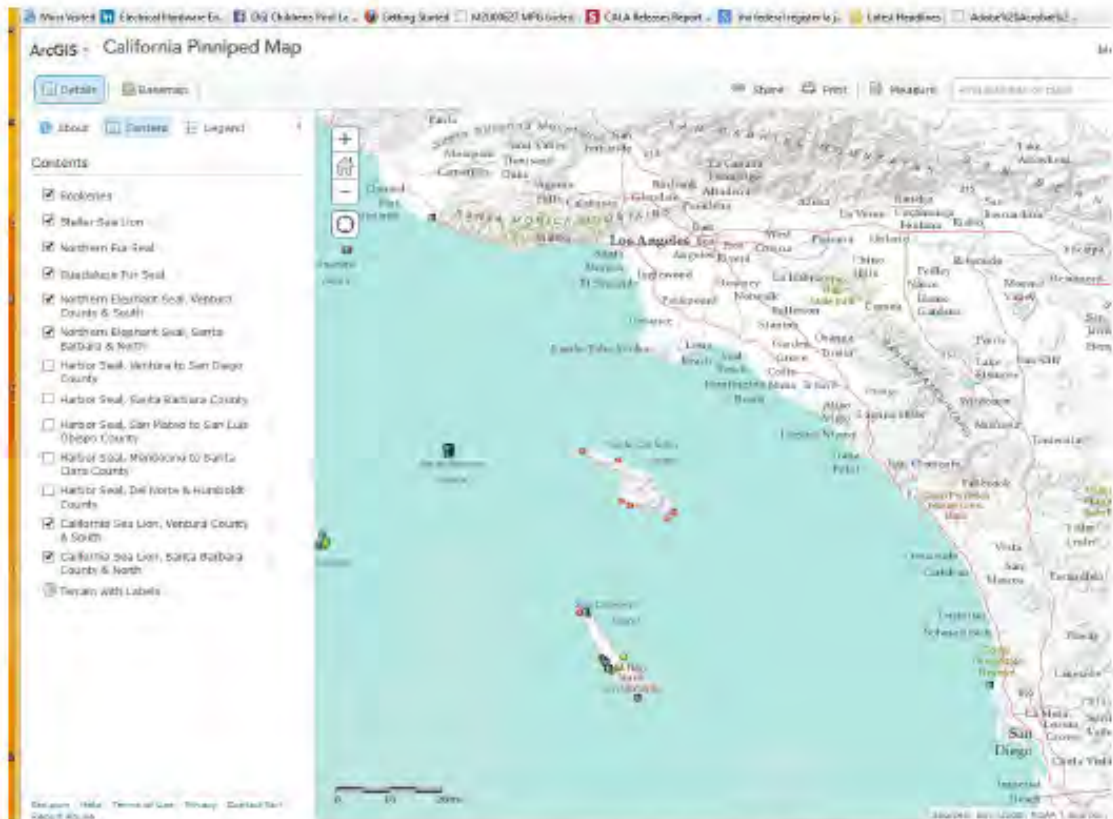
lion invasion. I was not believed when I told them the MMPA was no problem and NOAA would allow running the sea lions off that beach any time. They had to go to Long Beach and heard it themselves. Now the problem is revealed. The sea lions have become a tourist attraction and busloads of tourists come there to stand next to or lie next to acclimated sea lions and take selfies. The Coastal Commission may intervene to prevent disturbance of a valuable animal resource. Indeed, how can it not?

I obtained the ranger's original data for both years of monitoring for the rope permit. The Commission only got a report summarizing that data as the City saw fit. These interim results were given to the Staff ecologist who told me he only accepted them as is and was not concerned with the accuracy. There are serious questions about who actually supplied the data which the Ranger refuses to answer. A CPRA to the City is running late.

It was 1 year ago who showed video of a seal pupping on our other City beach rookery to the City Council. I warned them closing any public beach for seal pupping would cause our other rookery and other beaches to also be closed. The result was San Diego hid the existence of the other rookery from the Commission last August. The ranger could not count pups there and ignored complaints of seals and pups surrounded by tourists. But the seals stayed, for the same reason they are at the Pool. Nobody hurt them.

The proposal for June 10 to change a 3 year permit to a 7 year permit is only temporarily sweeping violations under the rug. The Commission brings itself no honor with such a move. A simple waiver would allow the rope to continue its deterrent role for another month so the matter could be considered in San Diego. This hearing staging has all the appearance and substance of hiding open discussion of past flawed actions or any obligation of the Commission to preserve the last shreds of shore access.

La Jolla is worried about how to preserve its other beaches. Again, speaking only as an individual, I have to observe the community has already lost that battle too. The reason Children's Pool could be closed in the August hearing was because a website showed there were no harbor seal habitats on the mainland from La Jolla to Pt. Mugu. That made them an imperiled treasure. That same website shows there are no sea lion habitats from Mexico to Pt. Mugu. The sea lions in La Jolla are clearly a resource to be treasured and protected from any stress or human proximity per section 30230 of the Coastal Act. According to all you know.



Here is the webpage that showed the Children's Pool had to be closed because there were no other harbor seal habitats on the So. California mainland. This view is the same website with data selection showing NO mainland sea lion habitats or rookeries anywhere from Mexico to Malibu. The -one gray square in San Diego is the harbor seal rookery at Children's Pool.

I would invite you to try it yourself at

<http://www.arcgis.com/home/webmap/viewer.html?webmap=2ff3fabe20cf4c83959cae1597500b09>

You may also use the website to home in on Pacific Grove, to prove to yourself they never needed their variance to close public beaches for harbor seals. There are no harbor seals in Pacific Grove.

So please let this renewal take place in San Diego where facts can be presented to you and persons can be questioned, because giving San Diego 4 years on its own recognizance is a mistake. You need to set real goals, milestones, and independent validation when dealing with a destitute and dysfunctional corporation.

From: [Dina'sGmail](#)
To: [Childrenspool@Coastal](#)
Subject: I object to holding a hearing outside San Diego and request notification of hearing dates.
Date: Monday, May 25, 2015 3:09:37 PM

Coastal Commission:

I am an interested party concerning the upcoming decision to impose a rope barrier on our beach forever. Please send me notice of the pending hearing to the address below.

Please accept this message with the following, as public input from me for the Commissioners:

Going to Newport Beach would be a daunting hurdle, which you know. You could issue a variance to extend the rope barrier permit a month to have the hearing in San Diego, so this is deliberate.

The rope barrier is a defacto closure. The only clean part of the beach is the shoreline which is off limits and is enforced. The ranger will force everyone to retreat behind the rope, so nobody wants to expose their family to that.

Your office required signs be posted stating the beach was open, and then said during part of the year the beach had to be closed because people were going there. The same entrapment can be used to close the beach the rest of the year, so the public loses either way.

Because of your August 2014 ruling that animal life on a beach must be protected over all other considerations, the Coastal Act has become a vehicle for closing beaches all over the state where a pinniped decides to go.

San Diego is set to lose access to La Jolla Cove and more. Not surprising you don't want to face us.

Since the law protecting pinnipeds went into effect years ago, populations of seals & sea-lions EXPLODED along the California coast. Nowhere is their proliferation as damaging to the marine ecosystem and to human beings as along the La Jolla coastline where those living, visiting or doing business are exposed to environmental pollution & even physical danger. La Jolla was San Diego's erstwhile (but no longer) 'jewel' before the pinniped invasion. Their voracious appetites decimated La Jolla Cove's world-famous underwater Marine Preserve and trashed the beaches & scenic coastline which used to attract millions of local & INTERNATIONAL divers, snorkelers, fishing enthusiasts, marine scientists, swimmers, snorkelers, surfers, painters, photographers & sightseeing tourists. Now, with marine life destroyed & the beaches turned into pinniped sewers, mostly local (inland San Diego) visitors show up for day trips that do not benefit La Jolla merchants—although even their numbers are fast dwindling, while international & other paying visitors from far & near are nowhere to be seen in this once thriving resort area.

Now seals & sea lions are starving to death along La Jolla's beaches—while hungry and aggressive pinnipeds attack swimmers & cause a huge stench & public health hazard to people living in, and visiting the area, as well as bankrupting restaurants & other commercial businesses lining the coast & which were built at great expense.

Also let's not forget the danger posed by Great White Sharks & their other increasingly hungry cousins, for which pinnipeds are their natural prey, & which the latter attract to beach & shore areas that these predators never used to venture to this close before.

Just like deer are culled with the permission of communities when they overpopulate & exceed their area's ability to sustain them, proliferating pinnipeds along the California coast—especially San Diego's—should be either humanely culled, or moved to uninhabited offshore islands where food is still available & where they do not harm to the ecosystem nor interfere with the lives of human beings.

What is happening now, because of the Ca. Coastal Commission's neglectful behavior & disregard for both animal & human suffering, is a clear demonstration of lack of care & compassion for ALL marine & land-based species living along the area you are responsible for.

Dina & Lewis Robinson

From: [James Murray 619-508-1526](mailto:James.Murray.619-508-1526)
To: Childrenspool@Coastal
Subject: Permit Number 6-15-0223
Date: Monday, June 01, 2015 9:37:01 AM

Dear Sirs,

Please, please do not allow this proposal to be approved. This beach has historical significance as a `CHILDREN`S POOL` not a seal pool. The barrier was created so that less competent swimmers (children) could swim in the ocean. My children and thousands of others learned to swim and snorkel in the ocean at this location. The area is now one of the few in San Diego County that is constantly on the `POLLUTED BEACH` list. The only other is at the Mexican Border due to Mexican pollution.

In addition, the seals throughout the area are starving because of over-population. I am all for animal protection, but this is on the verge of animal cruelty not protection. Again, this is a man made barrier to protect children not seals.

Sincerely,
James Murray
16947 Old Espola Rd.
Poway, Ca. 92064
858-674-4925

June 1, 2015

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Re: Opposition to Application No 6-15-0223, Children's Pool Rope Barrier Permit

The long delayed Children's Pool Lifeguard Tower project is an important component to protect public safety along the rocky La Jolla coastline. The sheltered ocean pool behind the Children's Pool seawall is also vital to safe beach use but only if it is open for use. Both shoreline features allow lifeguards to more effectively protect human lives.

Beach closures, delayed public safety projects and misleading rope barriers are all symptoms of failed City policy. These policies have placed human lives at greater risk when people use the more hazardous beaches surrounding the Children's Pool. City policy and Coastal Development Permits granted by the Coastal Commission have removed the choice to use the safest ocean beach in San Diego. By doing so, the City has knowingly endangering human lives. The Coastal Commission must consider all the cumulative impacts any development has had on public beach access and ocean safety. At Children's Pool there are many.

The Marine Mammal Protection Act (MMPA) was intended to restore and maintain marine mammals at a population in balance with their environmental limitations. It was not designed to be a tool to create a tourist attraction for a local municipality or fuel a twenty year old controversy over seals.

When the MMPA was passed into law its goal was to protect species that had suffered declines of their numbers in the wild for a variety of reasons. With only a few exceptions, marine mammal species covered by the Act have recovered to historic levels and are putting pressure on marine ecosystems in the competition for food and space along our coast. The failure to recognize this dramatic recovery has become a failure in the Federal Law.

The Marine Mammal Protection Act section 109(a) prohibits states and local municipalities from enforcing the "taking" (intentional and incidental disturbance) of marine mammals. Enforcement of the "taking" of Harbor Seals is the sole responsibility of the Federal government by the National Marine Fisheries Service. The MMPA is intended to protect marine mammals through consistent enforcement policies by preventing the irregular and capricious enforcement by unqualified and unauthorized public agencies. In San Diego, this enforcement has been under the direction of unqualified and unauthorized local politicians.

The City of San Diego has intentionally failed to justify the impact of their policies on the surrounding marine ecosystem or other valuable recreational and public safety resource. This two decade long management failure by the City demonstrates the problems with a local municipality trying to manage marine mammals through their irregular application of the MMPA.



Dr. Doyle Hanan is the City's own harbor seal expert monitoring construction activities at Children's Pool. Dr. Hanan has determined that activities at Children's Pool, including construction sounds and resulting disturbances cause no significant harm to the harbor seal colony or to individual animals disturbed by that activity. It would therefore follow that regular beach use at the Pool has also had minimal impact on the seals at Children's Pool. Excessive restrictions by a rope barrier are not justified.

The rope permit should not be renewed. The seals have become habituated to the typical human activities at this location. There is no intentional "taking" of seals at this site; only occasional incidental disturbance which is tolerated exceptionally well by the seals at Children's Pool. They willingly return here in great numbers year after year and the seal colony here is thriving and spreading to surrounding beaches.

There is great inconsistency in the City's analysis of unsubstantiated human impacts on this seal colony. Dr. Hanan and other experts including the Commission's own staff ecologist, Dr. Dixon, have formed the opinion that there are no significant impacts on the seals at Children's Pool by typical human activity occurring at Children's Pool. There is no justification to continue to unnecessarily restrict beach access at the Children's Pool with a barrier rope.

However, there is significant environmental degradation caused by the fecal waste overload caused by the steadily increasing number of seals in this man made pool. The City chooses to ignore this condition as they request permission to cause even greater environmental imbalance. They are misusing regulatory authority limited to the Federal government by managing protected marine mammal species. The rope permit renewal must be denied.

In an internal memorandum, former San Diego Mayor Bob Filner ordered all City law enforcement department leaders to strictly enforce an obscure San Diego Municipal Code intended to prevent the intentional mistreatment of animals. It has no applicability to the incidental disturbance of wildlife especially animals covered in the MMPA. Filner's order directed City law enforcement personnel to violate Federal law contained in the MMPA (sec. 109a) when a local municipal code was applied to harbor seals. Although Filner is long gone, his order still remains in effect. All City law enforcement personnel have been specifically ordered to issue citations and to even arrest anyone thought to be disturbing seals at Children's Pool. The illogical extension of a pupping season rope barrier past pupping season, accompanied by the mayor's heavy handed enforcement order, has prevented the public from using the pool. State law and conditions of the beach closure permit require a "joint use policy" allowing access and use of the pool by beachgoers in the non-pupping season. The rope barrier prevents this use of the pool.

A rope across the entire beach is a physical and psychological barrier to ocean access at Children's Pool. Current City policy breaches the special conditions of the Coastal Development Permit authorizing the placement of an "advisory" rope barrier. Vigilante "animal rights" organizations harass and intimidate visitors to the Pool and so discourage legal passage to the ocean beyond the rope barrier. Those same organizations are attempting to insert "so called" research data into the City's monitoring program and will corrupt the impartial data needed by the Coastal Commission to fully evaluate project impacts.



The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Miss Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego, County of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.

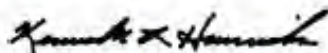
By renewing a permit for a rope barrier that even the City acknowledges does not work, the beach has effectively been closed for public ocean access and recreation. The tower IHA and rope barrier permits states the beach must remain open for public access. This should cause great concern to agencies responsible for the protection of coastal access rights for the people of California.

Friends of the Children's Pool objects to the inconsistent policies of the City of San Diego in their management of Children's Pool Beach. The City's monitoring efforts have altered the baseline monitoring data required by the Commission for the rope barrier permit. The National Marine Fisheries Service has spoken out against unnecessary beach access restrictions in its January 2014 letter from Chris Yates. It is not consistent with the enforcement provisions in the MMPA.

This rope barrier project is part of a misguided quest to close a public beach without justification to avoid court ordered Children's Pool restoration costs for the convenience of a local municipality. Please require the City to fully examine the cumulative impacts of their actions over the past 15 years where they have attempted to convert this popular man made bathing pool into a defacto seal reserve. Only by denying this renewal of the rope barrier permit will better management strategies ever be considered.

Please remember, it's called Children's Pool for a reason.

Sincerely,



Kenneth L. Hunrichs
President, Friends of the Children's Pool
kenhunrichs@cox.net
3090 Admiral Ave
San Diego, CA 92123



"As a gratuity to children"

Ellen Browning Scripps



The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Miss Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego, County of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.

From: [Ken Hunrichs](#)
To: Childrenspool@Coastal
Subject: Application No. 6-15-0223 Children's Pool rope barrier permit extension, W14a
Date: Monday, June 01, 2015 10:30:58 AM
Attachments: [yates_on_behalf_of_stelle.pdf](#)

Coastal Commission:

I am sending you this June 13th, 2014 letter from Chris Yates to me on behalf of the National Marine Fisheries Service. Mr Yates is the Assistant Regional Director for Protected Resources. In his letter he is responding to my inquiry about his agency's position on the proposed restrictions under consideration at Children's Pool. Please note that he is in full support of the MMPA but with no unnecessary restriction on beach or ocean users. Please include the attached letter from Mr Yates in the staff report for the pending application for the rope barrier at Children's Pool

The rope barrier is a defacto closure. Due to City neglect, the only clean part of the beach has been made off limits by the City's policies. The ranger keeps everyone behind the rope and away from the shore. Seals are so acclimated to people they can no longer be considered to be "harassed" by humans simply looking at them. No documented harm from human contact has ever come to a seal at Children's Pool. Never.

Signs are posted stating the beach was open at all time for public use. You then allowed the beach to be closed because people were going on that open public beach.

Because your ruling that marine resources must be protected over all other considerations including the State Constitution, the Coastal Act will become a vehicle for closing beaches all over the state. San Diego is set to lose access to La Jolla Cove from a building pinniped problem. A Closure of Children's Pool is without justification. We can do much better by considering alternate beach management plans.

Ken Hunrichs
Friends of the Children's Pool



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
West Coast Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

JUN 13 2014

Kenneth L. Hunrichs
President, Friends of the Children's Pool
3090 Admiral Avenue
San Diego, CA 92123

Dear Mr. Hunrichs,

Thanks you for your letter to Mr. William Stelle dated April 21, 2014, expressing your concerns regarding actions at Children's Pool Beach in La Jolla. Mr. Stelle has asked me to reply to your letter on his behalf.

As you noted in your letter, on January 2, 2014, I sent a letter to the City of San Diego explaining my perspectives regarding alternatives they were considering at Children's Pool. It remains my opinion that the most preferable outcome is one of shared use – where the MMPA is complied with but no unnecessary restrictions are placed on other beach or ocean users.

As I stated, the MMPA does not require that beaches be closed, or that people maintain any specific distance from the animals. Rather, the MMPA generally prohibits the harassment, hunting, capturing, or killing of marine mammals. As these terms relate to the pinnipeds at Children's Pool, the primary concern is the harassment of these animals that could occur as a result of human activities. Harassment would be acts of pursuit, torment, or annoyance that have the potential to injure the animal(s) or disrupt natural behavior patterns. I clarified that I do believe that pupping season is a particularly important time for ensuring that harbor seals are not impacted by human activities, but do not believe that complete closure of the beach is the only way of achieving that protection.

I also recommend the City, in making decisions to addresses the conflicts at Children's Pool Beach, review the pre-emption provisions of MMPA Section 109 (a), 16 U.S. Code Section 1379(a). In general terms, Section 109 (a) prohibits enforcement of laws or regulations relating to the taking of marine mammals except by a state to which the Secretary of Commerce or the Secretary of the Interior has transferred authority for the conservation and management of the species. That authority has not been transferred to the City.


Sincerely,

Chris E. Yates
Assistant Regional Administrator
for Protected Resources

cc: Administrative File: 151410WCR2014PR00135



Petition to the California Coastal Commission and San Diego City Council: Preserve human access and enjoyment of the Children's Pool in La Jolla, CA

 <p>Petition summary and background</p>	<p>Eco-groups and "friends of the seals" have orchestrated a campaign of harassment and intimidation against divers, fishermen and the beach-going public for over a decade now. Actions such as throwing rocks, spitting, stealing, vandalizing, punching, shoving, yelling profanity and even assaults with a stun gun perpetrated by animal-extremists against beach-goers and tourists are commonplace and often ignored by the police and the City of San Diego. Additionally, despite court orders and in violation of state law, the City of San Diego has continuously ignored its obligations to the citizens of the State of California and residents of San Diego. These obligations are set-out in the so-called Children's Pool Trust and the State Constitution. Among these obligations is the guaranteed right of "convenient access" to the Children's Pool beach for fishermen. Despite this constitutional right to access, the City has, in the past, closed this beach and continues to post rope barriers and warnings across the beach. The City has even sought to outright close the beach and pool for part of the year in violation of State law and the Constitution.</p> <p>Unfortunately, what was once recognized as a true San Diego treasure and originally built primarily for a Children's bathing pool and playground has been neglected and virtually destroyed. Hollywood once shot movies there. Detroit shot a car commercial at the Children's Pool. The first permanent San Diego Lifeguard Station was constructed there. National Geographic once wrote of the Children's Pool: "Even Alice, fresh from Wonderland, would have gasped at the landscape spread below me". However, we have a lifeguard station which has been condemned. We have "port-a-potties" on the sidewalk. The sea wall and stairs are literally crumbling. The cliff-side has collapsed onto the beach and undermined the sidewalk. Extremists populate the sidewalk shouting obscenities at anyone with the temerity to step foot on the beach. The City Police Department has a special "policy" not to enforce many City codes and ordinances at the Children's Pool. The sand is polluted with seal feces. This San Diego treasure has nearly been lost.</p> <p>A proposal to either close the beach and/or further encroach on public access is before the Coastal Commission and San Diego City Council.</p>
<p>Action petitioned for</p>	<p>We respectfully petition that the rights of the citizens of the State of California be recognized and the Children's Pool beach remain open and be quickly restored to its original condition. Please do not allow this treasure entrusted to us from previous generations to be destroyed and sold to environmental activists. Keep the Children's Pool open! Do not approve any proposal to close or limit access at the Children's Pool beach.</p>

NOTICE TO THE PUBLIC THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.

<p>Printed Name 1. Amy Guinn</p> <p>Signature <i>Amy Guinn</i></p>	<p>Residence Address Only 39992 Ranchwood Dr.</p> <p>City Murietta State CA</p>	<p>Official Use Only</p>
<p>Printed Name 2. Seth Spaul</p> <p>Signature <i>Seth Spaul</i></p>	<p>Residence Address Only 7346 La Jolla Blvd</p> <p>City La Jolla State CA</p>	<p>Official Use Only</p>
<p>Printed Name 3. Carol Golumbo</p> <p>Signature <i>Carol Golumbo</i></p>	<p>Residence Address Only</p> <p>City State</p>	<p>Official Use Only</p>
<p>Printed Name 4. RACHEL WEISH</p> <p>Signature <i>Rachel Weish</i></p>	<p>Residence Address Only 7777 Lookout Dr</p> <p>City La Jolla State CA</p>	<p>Official Use Only</p>
<p>Printed Name 5. Barbara Whelan</p> <p>Signature <i>B. Whelan</i></p>	<p>Residence Address Only 7660 Fay Ave # H-186</p> <p>City La Jolla State CA 92037</p>	<p>Official Use Only</p>

DECLARATION OF CIRCULATOR
 I, DAVID P. FERRA (print name) declare that my residence address is in SAN DIEGO County, California, and I am a registered voter in JAN 13/2013 County, and I personally circulated this initiative petition for signing, and I further state that I witnessed each of the appended signatures on this initiative petition being signed, and to my best information and belief, each signature is the genuine signature of the person whose name it purports to be; and the signatures were obtained between the dates of 5-4-13 and 5-14-13 inclusive, I, declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on 5-14-13 (date) at La Jolla, CA.
 (City/town where signed), California. *David P. Ferra* (Signature of Petition Circulator)

From: [Phyllis Minick](#)
To: Childrenspool@Coastal
Subject: Fwd: Opposition to Application No 6-15-0223, Children's Pool Rope Barrier Permit W14a
Date: Monday, June 01, 2015 1:38:27 PM

*From: Phyllis Minick
La Jolla resident
Community activist*

**Re: Item W14a,
Opposition to Application No 6-15-0223, Children's Pool Rope Barrier Permit,
Permit**

Please include this letter in the local San Diego Coastal Commission staff report and provide it to all the Commissioners well before the meeting in Newport Beach.

The initial CCC Staff Report clearly contained only information in support of this project, and no advanced notice was supplied to me or others who oppose this ruling. I am not able to attend the hearing because of illness in my family, but I have attended all local hearings on this issue regarding management of Children's Pool to express my disapproval. In support of open access and shared use of the Children's Pool, I show below the testimony of Council President Sherri Lightner on this issue. That document clearly presents the salient, documented facts [▼], whereas the Staff report contains only unverified, nonscientific opinions.

I request that review of the rope barrier permit application be postponed and rescheduled in San Diego during the regular CCC meeting in August when proper notice of the hearing is made to all interested parties so they can be heard.

***Phyllis Minick
pminick@aol.com
858 459 5939***

**From San Diego City Council President Sherry
Lightner:
partial official transcript from City Council website 2/24/14
[▼designates proven facts]**

I got involved in community activism over 20 years ago because of my passion for supporting neighborhoods and assuring physical public access. ▼The balance between people and marine mammals has been going on in our community for 2 decades. ▼The **La Jolla Community Planning Association, La Jolla Parks & Beaches, La Jolla Town Council**

have **never supported** a seasonal beach **closure** and believe there are better ways to **balance** the needs of humans and marine mammals **through shared use**. We are already addressing the situation at the children's pool with the ranger program. In 1931, 83 years ago, this one-of-a-kind man-made pool was funded, built and entrusted to the city of San Diego by Ellen-Browning Scripps with the condition that the city maintain it. I **▼can't imagine that** anyone believed seals would eventually occupy the area and **people would not be allowed to use it**. I can't imagine that in 1976 when the **▼coastal act** was put into place to protect public access to our beaches that it **would** be interpreted to **eliminate our long access to the beach**. With this beach closure, **I▼cannot imagine how many seals would be there in 5 years much less 83 years** from now. This is especially true given that we've seen an **▼exploding population of seals**, **sea lions and birds** along the California coastline in recent years. **▼Seals are not an endangered or even threatened species**. In fact their **▼population growth may affect other marine resources** in our area. The negative declaration does not adequately address the **▼impact of this beach closure on other marine resources** in the immediate vicinity. And I cannot justify certifying it. It **▼does not provide adequate information** to meet the criteria of California **Coastal Act section 30230**, which says "special protection shall be given to areas and species of special biological or economic significance. **Uses** of the marine environment shall be carried out in a manner that will sustain the biological productivity of the coastal waters and will **maintain healthy populations of all species of marine organisms adequate for long-term commercial, ▼recreational, scientific and educational purposes**. There has been no evaluation of the impact on other marine resources and marine environments related to the marine protected areas and special reserve. That's why this [ordinance] is inadequate and can't be certified. I'm concerned we are drawing a line on the sand we do not need. I **▼shudder to think of the precedent** the suggested action steps and the effect it will have on public physical access guaranteed by the Coastal Act. In its recent letter to the city, **▼NOAA** is clear. They prefer education and do not want to see the beach closed to people. The **▼elimination of a long-standing public physical access** is unwarranted and is regulatory over kill. To more effectively address the issues we face along our entire San Diego coastline, I have **▼requested budget funding and development of a citywide comprehensive coastal management plan** to address our shore lines, our

areas of special biological significance, our marine protected areas and ecological preserve. This coastal management plan can help the city more effectively address the explosion in our marine mammal populations which is causing a ▼ **flood of health and public safety issues** ranging from foul odors to shark sightings and human conflict and blocked access to our public beaches. Meanwhile, we should be already half way through the **coastal commission's required 3-year study** at the year-round children's pool. ▼ **Let's look at the results and look at the objective facts to determine how we are going to proceed with the balanced needs of the people and marine mammal and coastal sea life.**

What we don't want are unnecessarily and rules and restrictions and narrowly targeting piece meal community plan amendments such as before you today. With that, I move to reject staff recommendations and continue with the city's collection of data for the existing 3-year coastal development permit.

From: [George Greer](#)
To: Childrenspool@Coastal
Subject: Permit #6-15-0223 & Item #W14a
Date: Monday, June 01, 2015 4:56:50 PM

George Greer
34221 San Simeon St.
Temecula, CA 92592-5593
858-231-5455
ggreer4@yahoo.com

June 1, 2015

California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

RE: Permit Number 6-15-0223
Item Number W14a
Childrens Pool

Dear Sir or Madam:

As a local citizen, environmentalist and long-time Sierra Club member I wish to contest the issuing of this permit for the Children's Pool in La Jolla.

There are few places in San Diego better suited for youngsters, especially those just learning to swim or too small to swim.

The seals, on the other hand, have multiple places to haul out all along the coast including San Miguel Island, home to about a quarter million pinnipeds.

Their presence in La Jolla is a health hazard and an attraction for sharks.

We co-existed before. We can again.

A permanent barrier is uncalled for, unnecessary and an insult to the public.

A temporary barrier during pupping season (which is not swimming season) may be a viable compromise.

Sincerely,

George Greer

From: [John Leek](#)
To: Childrengroup@Coastal
Subject: Public input and special message concerning the June 10 rope barrier permit hearing.
Date: Monday, June 01, 2015 10:29:06 PM
Attachments: [CDP Year Round Rope Notice of Acceptance CC staff May 14, 2013.pdf](#)

GOOD NEWS! There is no reason to push a rope permit renewal through up in Newport Beach.

The rope barrier permit 3 year life did not begin in July 2012. Before the permit could be issued, San Diego had to agree to the conditions. That took at least another month. Just check your records. Renewal need not be considered prior to the August meeting in San Diego, or even the following San Diego meeting next winter.

San Diego still did not accept the permit until May 14 of 2013. That is why the first year of mandated data did not get turned in until a year later after that. Not only the renewal of the rope permit would be premature in this coming June, but would be without the 3 years of data required for the permit to be allowed to be renewed, (or exist). The terms of the permit have not been met nor will the rope permit expire until May 14, 2016.



This email is free from viruses and malware because [avast! Antivirus](#) protection is active.

June 1, 2015

California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
(619) 767-2370 FAX (619) 767-2384

Opposition to Item No. W14a, Application No. 6-15-0223: Children's Pool Rope Barrier renewal

Dear Commissioners,

While reading this report, I could see that many unsubstantiated claims continue to be repeated by the local CA Coastal Commission office (CCC). This brings to mind the quote, "If you repeat a lie often enough, people will believe it". Contrary to many assertions in the local CCC staff report, I believe these are the facts:

1. Children's Pool (CP) is not the only mainland beach south of Ventura County that supports an established harbor seal rookery. There is another rookery/haulout below the wastewater treatment plant in Pt. Loma and another haulout site at Torrey Pines State Beach. National Oceanic & Atmospheric Administration (NOAA)/National Marine Fisheries Services (NMFS) has been informed of this and has not offered anything contrary. NOAA has a pinniped map online showing rookeries/haulouts in California. However, the website shows only the established baseline survey locations and does not necessarily show all known seal rookeries/haulouts on the mainland.
2. The rope serves as a physical and psychological barrier for people who want to access the beach or ocean. People look down from the sidewalk and assume the beach is closed. This statement is confirmed in a report dated May 15, 2014 submitted by the City Ranger to the CCC. The rope discourages public access to the beach and ocean. This violates Access section 30210 which refers to maximum access and violates Access section 30211 which refers to development not interfering with access.
3. The City does not have an established docent/volunteer program. So-called City-trained volunteers are not identified. They may not be objective members of the public and instead be members of a biased animal rights group.
4. Ocean bacteria levels are in excess of health standards many days. The City has yet to demonstrate any ideas or plans to clean the ocean waters or beach littered with seal poop and trash. The polluted conditions discourage public access which violates sections of the Coastal

Act. Recreation section 30220 refers to water-oriented recreational coastal areas and states that these areas shall be protected for such uses.

5. Historic maps from 1887 and 1894 identifying Seal Rock Point and Seal Rock do not prove that seals most likely utilized Children's Pool as a natural haul out site prior to the breakwater's construction. The breakwater is what currently makes the CP attractive to seals. A dry sandy beach only formed after construction of the breakwater. Before the breakwater was built, the ocean surf pounded the rocky bluffs most days of the year in the CP area, making it unsuitable for a seal rookery.

6. The court order to dredge the pool was not vacated. Only the court order to "remove the seals" was vacated. The seal removal order had been approved by NOAA.

7. The statement in the report about a video camera showing several nights of people crossing the rope at night and intentionally harassing, kicking, and sitting on the seals is not a fact. No video ever showed anyone kicking any seal. Only one girl was seen simulating sitting on a seal while she posed next to a seal. The incident was overblown with the intent to use this incident to close the beach. The knee-jerk reaction of politicians was predictable and gave rise to speculation that this was a staged event.

8. The federal government gave the City an IHA to disturb seals during construction of Lifeguard tower. Yet the local CCC staff report alleges that any disturbance is so harmful to seals so it must be stopped at all costs.

9. The seals are not a fragile coastal resource. The City of San Diego has no proof or evidence that the seals natural behavior or well-being has been significantly affected by human disturbance. The opposite is true since more pups are born and the rookery is expanding around the breakwater with pups born at South Casa for the last 4 years.

10. Seal pup abandonment at Children's Pool is part of a normal life cycle and appears to happen much less frequently than the typical mortality rate in the wild.

11. The local CCC staff report includes information from the Seal Conservancy whose members are primarily animal rights extremists. The current President was convicted of battery of a pro-access advocate for CP when she spit in his face. This staff report seems to cater to a band of emotionally unstable individuals attempting to take control of the Children's Pool beach.

12. The permit application is not consistent with several sections of the Coastal Act. Specifically the balancing sections of the Coastal Act, such as:

Chapter 1 Section 30007.5 The Legislature further finds and recognizes that conflicts may occur between one or more policies of the division. The Legislature therefore declares that in

carrying out the provisions of this division such conflicts be resolved in a manner which on balance is the most protective of significant coastal resources.

At this location the significant coastal resource is the historic Children's Pool. The trust allowed for the building of the breakwater and defined the uses of the pool at this popular recreation area. It created a safe ocean pool for family and children to safely use behind the protection of the breakwater. The Trust is being violated by the access restrictions caused by the rope and seasonal closure at Children's Pool.

The permit application is also not consistent with the State Constitution and the Children's Pool Trust in regards to protected fishing rights.

The local CCC staff report interprets Coastal Act sections to favor a particular position and disregards the intent of the Coastal Act itself. The Coastal Act is a state law and it applies equally to every area in the coastal zone. The local staff's selective application of the Coastal Act is inconsistent.

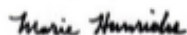
Coastal Act section 30001.5 identifies goals including restoring the quality of the coast and maximizing public access along the coast. Children's Pool has always been a low cost recreational visitor amenity and now has been converted to a single purpose venue to the exclusion of all previous uses. Children's Pool provides ocean safety which cannot be provided at other beaches.

13. The City wrongfully determined that the proposed development (building a rope barrier) is categorically exempt under CEQA, Class 15333 which has to do with "Small Habitat Restoration Projects". Line (c) states "The project will not result in impacts that are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects". The City was allowed to get away with 2012 baseline data even though seal protective measures began long before that date and have already changed the environment.

Without an Environmental Impact Report (EIR), foreseeable *and* cumulative ecological consequences have been ignored. This violates CEQA policies.

Based on the above facts, I respectfully ask that the Commissioners vote NO on the renewal of the Children's Pool rope barrier project.

Sincerely,



Marie Hunrichs
mariehunrichs@cox.net

FRIENDS OF THE CHILDREN'S POOL
Protecting an 80 year old San Diego heritage.



June 2, 2015

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105

Re: Opposition to Application No 6-15-0223, Children's Pool Rope Barrier Permit, W14a

In 2009 the City of San Diego lost a Superior Court case after four years of appeals in the O'Sullivan v. City of San Diego lawsuit. The judge's final order required the City to restore the Children's Pool to 1941 conditions and be suitable once again for human use after years of illegal beach closure. It has been the goal of the City ever since to ban public access thereby avoid the restoration costs. They went to extraordinary lengths to amend a nearly eighty year old State Tideland Trust and began the process of transforming a children's bathing pool into a seal reserve. They took advantage of the sudden increase of human habituated harbor seals from Sea World's rehabilitation program. Most were released in the waters just off shore from Children's Pool. Ever since, the City has attempted any flimsy coastal resource protection scheme as cover for cost avoidance from compliance with the judge's order from the lawsuit. They are back again using that same ploy to inch Children's Pool beach even closer toward full time, year-round closure.

For the taxpayers of San Diego, millions of dollars from the City treasury have gone toward this unwise scheme. The restoration cost City officials sought so desperately to avoid was far less than the cost to ram this harbor seal reserve plan through to an unknown end. Sadly, the true cost to the community has been enormous in the resulting discord and conflict between competing interests. It has been a shameful chapter in the history of San Diego. This has only been possible with the cooperation of the Coastal Commission through poorly analyzed City development project impacts.

The City's scheme continues with this latest request to obtain approval to continue coastal access restrictions at this treasured recreational facility. Needless restrictions have been imposed on the people for whom the Children's Pool was built. A rope barrier should never have been approved for the summer months when there is the highest demand for safe ocean access and far fewer seals.

The Coastal Commission has the opportunity to correct the City's past errors and deny the rope barrier permit renewal. Until the Coastal Commission can stand up to the City's illogical request to rope off a public beach, there is no beach safe from closure in San Diego. Seals are found everywhere along the La Jolla coast. One has only to look to South Casa beach right next to Children's Pool and the huge sea lion colony forming at the La Jolla Cove to see where this action creates a danger for future beach closures.

The amended Children's Pool Trust and the Coastal Act protects park uses named in the Trust and doesn't authorize conversion to a seal reserve. The City's plan to maintain a year round rope barrier does just that and the permit for it should not be renewed.

The specific purpose of this corporation is to educate the public as to the use of the Children's Pool in accord with Ellen Scripps' charitable intent in 1931 in order to protect La Jolla Children's Pool surroundings as a public park, a bathing pool for children, and public recreational usage in accordance with chapter 937 of the deed of trust between Miss Ellen Browning Scripps, the State of California, and the City of San Diego. Publicize the return of Children's Pool to public recreational use. Promote water quality and safety. Facilitate cleaning the beach and adjacent areas to make it attractive and convenient for public use.

The rope was described by City officials as being ineffective during the “sensitive pupping season”. That was a false claim made by the City to justify closing Children’s Pool. What will the City do differently during the non-pupping season that would make that rope barrier more effective? The City hopes to continue to use the rope as a visual and psychological deterrence to public access to trick the public into thinking the rope across the entire beach means the beach is closed. It’s a false claim that the rope does not significantly hinder public access to the shore. Crowds of people standing behind the rope barrier on an empty beach prove otherwise.

My belief is the rope will continue to be a significant physical barrier and psychological deterrence to beach access. A barrier rope misleads the public into thinking the beach is closed. In that regard, it has been very effective blocking access to the shore. It’s time to hold the City accountable to prove otherwise because the facts on the ground don’t support their claim that beach access is maintained with the rope barrier in place.

Children’s Pool was created as a public park not a seal sanctuary. This is a place where families with children should be able to freely use and take advantage of the sheltered ocean pool behind the protective seawall. It was Ellen Browning Scripps gift to the children of San Diego. The City has trashed the honor of the Scripps legacy in their mismanagement of the Pool. The rope barrier creates a line in the sand to pose one radical animal rights group against the citizens of San Diego who understand the importance of the Children’s Pool to the people of the community.

The following comments are in response to quoted statements found in the Staff Report

Under the Coastal Act the Commission is to insure that all projects approved will not be in conflict with any other State Statutes. Beach closures and unnecessary access restrictions from rope barriers conflict with the California Constitution that protects the right of the people to coastal access and fishing along our coastline.

- ❖ *“The standard of review for the proposed project is the Chapter Three policies of the Coastal Act.”*

What has the City done to evaluate the real impact on public access? There still are not monitoring requirements to evaluate the significant impact on coastal access the barrier rope has caused. Where is the consideration for beachgoers who no longer use the beach because of the deterrent effect of the rope barrier? The City’s blatant lie about beach access is repeated by the CCC staff in the Staff Report. Of course they will claim this even though it is untrue. How else could this application be approved if the true impact on coastal access were recognized? This statement by the City is absolute nonsense.

- ❖ *“Individuals are not prohibited from crossing the guideline rope, and the rope is not expected nor is it intended to keep people off the beach or out of the ocean. Thus, the proposed project will not have a significant impact on the public’s ability to access or recreate at Children’s Pool during non-pupping season.”*

The CCC recognizes the visual impact of the rope and supporting posts and signs and yet is requiring only that the rope itself be removed during the closed season. (*Special Condition #1*) Why not remove all the visual distractions including the foundations, posts and signage that cannot be read by the public anyways when closed.

- ❖ *"The rope shall be removed during the seasonal closure each year, which currently runs from December 15 to May 15, in order to reduce visual impacts. The foundations, posts, and signage may remain."*

Did the total count of new pups significantly increased this year over previous years? If not, the growth of the seal colony during the previous 10 years with public access shows the beach closure had little to no effect on anything except curtailing public access. Seal counts have steadily increased for the past 10 years while the beach was open for use year round.

Was monitoring data made invalid because of the introduction of additional counts by unqualified or potentially biased sources not previously authorized or requested? Do those counts reflect a bias for closure from the organizations providing those supplemental counts? Who are they and what are their qualifications to have any input into the monitoring process?

The City and CCC continue to mischaracterize the public beach access ramp as an emergency vehicle access ramp. This is a obvious attempt to justify the continued closure of the ramp gate. It's an urban myth crafted by the applicant to further restrict beach access to Children's Pool.

- ❖ *"and an emergency vehicle beach access ramp that has remained closed by the City via a gate." "The City has indicated that this gated ramp was installed for emergency purposes, including for Park & Recreation and lifeguards vehicles, not for public access."*

The ramp was installed in the 1940's and was the historic primary public access to the beach for forty years. Only after the seal controversy arose was the gate locked blocking access to the beach via the ramp. The ramp is identified in the Community Plan as a beach access ramp and was never limited to an emergency access ramp. A wheelchair bound swimmer has repeatedly asked for the gate to be reopened to allow him access to the beach. With simple maintenance the ramp could be used as it had been the previous fifty years. The City refused and is currently fighting an ADA lawsuit from that swimmer. It appears the City has no intention of complying with the special condition of the beach closure permit to find a way to accommodate access for the disabled.

Is there any doubt what is coming next for Children's Pool from this statement in the CCC Staff Report. Where is any concern to strike the right balance for beach access as required in the Coastal Act?

- ❖ *"It is the Commission's expectation that any future restriction of public access at Children's Pool will be developed as a comprehensive, year-round beach management program that addresses protection for the seals during both the pupping and non-pupping season."*

The CCC staff report fails to consider the legislative intent in balancing the uses of the coastline where there are conflicting interests under section 30007.5 of the Coastal Act. It is especially inappropriate to close a public beach when there are overriding considerations for coastal access required in the Coastal Act.

Where are the required studies and plans about beach cleaning from the City to fulfil the special conditions of the beach closure? Will this suddenly arrive for consideration four years from now? Was the intent to simply "study" the problem without ever finding solutions to seal waste pollution problems such as reopening the sluiceways? Children's Pool beach reopened this year in the worst condition ever. Trash and dead animals litter the beach. Hundreds of pounds of seal waste were ground down into the sand by the unknowing crowds of visitors and is now out of reach of any cleaning effort. How bad does it have to get for the City to accept responsibility to clean up after the animals they shelter at the Pool?

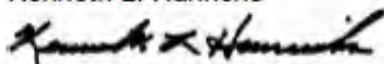
- ❖ *"Pursuant to Special Condition No. 5 of the seasonal closure permit, CDP No. 6-14-0691, the City is required to analyze the water quality at Children's Pool and assess methods for improving water quality, including assessing the feasibility of opening the sluiceways in the breakwater. The City is also required to analyze the sand quality and methods for improving sand quality at Children's Pool, as well as the feasibility of providing ADA-compliant access to the sandy beach area as part of Special Condition No. 5 of CDP No. 6-14-0691. The City has indicated that they are in the process of developing this study and will submit the study with any request for re-authorization of the seasonal closure, as required. The proposed rope will have no effect on the existing water quality, sand quality, or ADA access conditions at Children's Pool."*

This astonishing statement from the City's second monitoring report. Is it now the purpose of the Coastal Act to close beaches to prevent bad behavior from emotionally unstable people?

- Possibly the most important reason, the presence of the rope greatly reduces human to human conflict. The Ranger has observed that there are a number of people who get upset at other people who get close to seals to the point that verbal confrontations occur. The Ranger has had to intervene on several occasions to keep verbal conflict from escalating further. The rope greatly reduces human/seal interaction which is responsible for reducing human/human confrontation.
- ❖

This application to extend a barrier rope on a public beach needs to be rejected outright in favor of better plan to lawfully manage all the uses of the Children's Pool Beach. There was never a problem with sharing the beach until extremists moved in to claim the beach as their own. Seals don't mind sharing the beach. It's time for the charade to stop.

Kenneth L. Hunrichs



Friends of the Children's Pool
3090 Admiral Ave
San Diego, CA 92123

From: [ryan.sweeney](#)
To: [ChildrensPool@Coastal](#)
Subject: Children's Pool rope barrier permit extension, Application No. 6-15-0223
Date: Tuesday, June 02, 2015 9:32:13 AM

Dear Coastal Commission,

Please object to the extension of the Children's Pool rope barrier permit extension. This rope barrier continues to be used as a tool to keep people off of the beach during the supposed "open access" season. The ranger is actively exercising authority to keep people behind the rope, inferring that it is illegal to pass it. The activists are also still there yelling and intimidating lawful beach goers. This rope is a powerful tool empowering the city and activists... yet there is no effort being done to let the public know that this is actually a beach they are legally allowed to access. It is quite the opposite.

Additionally, scheduling the hearing for this permit in Newport Beach adds a level of complexity for San Diego citizens to share their voice on this issue. It goes with out saying that the 20 year passionate and often volatile history surrounding this issue shows that the community cares about the outcome of this beach. It is just simply not right to hold this meeting in Newport Beach and we request that this agenda item be moved to the upcoming August meeting in San Diego.

San Diego has a pinniped management issue. The sealions at LJ Cove and the harbor seals at the Children's Pool both have rapidly increasing populations. Each location has seen up to 400 animals present at one time. Somehow the city is supporting human access at the cove, where the more aggressive Sea lions reside, yet is actively trying to keep people off of the Children's Pool beach where the more gentle Harbor Seals live. Does this make any sense? Why is the Coastal Commission continuing to support this nonsensical leadership?... Although I did notice that you have included this special condition in what one can only assume is intended to have the city cover your liability in perpetuating what you know is an illegal closure of a beach for human use due to it's protection outlined in the tidelands trust and state constitution...

"**Special Condition #5** requires the applicant to accept liability for costs and attorney fees that the Coastal Commission may incur in defending its action should there be litigation challenging its approval of this permit."

Isn't it time we put an end to this and demand that the city takes responsibility for creating a truly well thought out pinniped management plan for the entire La Jolla area? Isn't it time for us to understand that these animals are being used as pawns in a political game? Please stop pandering to this nonsense... change the meeting location to be held in San Diego so we the people can continue to participate in the legislation happening in our back yards. and Please do not grant the year round rope permit, giving the city the tools needed to intimidate unknowing beach goers. This is not right.

Best regards,

Ryan Sweeney
San Diego Freedivers

From: [David Valentine](#)
To: Childrenspool@Coastal
Subject: Letter is attached
Date: Tuesday, June 02, 2015 9:30:16 AM

David W. Valentine, PhD
7305 Monte Vista Avenue
La Jolla, CA 92037
dave_valentine_92037@yahoo.com

2 June 2015

California Coastal Commission
Childrenspool@coastal.ca.gov

Subject: Permit Number 6-15-0223, Agenda Item 14a
Coastal Permit Application by the City of San Diego to
Re-authorize a temporary beach guideline rope impediment
To restrict human access on a year round basis in perpetuity

Commissioners:

I received notice of this meeting today, Tuesday 2 June. I thought notification had to be *received* 10 days before a government meeting such as this, not *mailed* 10 days before the meeting. The cavalier manner in which this most important meeting was announced is disturbing as is the subject itself. The short time frame does not allow me to change my schedule to attend this meeting. I also strongly object to having a meeting which impacts the community within which I reside to a distant location. I respectfully request the decision making process be delayed until it can be held in San Diego.

That the City of San Diego is asking for perpetuity at the Children' Pool is a bad joke. I hope you realize that the City specifically broke the public Trust at the Children's Pool such that it no longer had to defend its actions. Nor spend any money to address sand and water pollution issues resulting from the ballooning harbor seal population. In effect, the City engineered an end run around the existing law to meet its own needs and not those of La Jolla residents.

I must express my distaste with your Staff's positive recommendation of the City of San Diego's proposed guideline rope extension approval action.

I assume you know that this 'guideline' rope is not a legal guideline. The MMPA makes no mention of guidelines for separating people from pinnipeds. The guideline concept arose from actions of seal activists to delineate a distance **THEY** thought people should remain from harbor seals. There is **NO** legal requirement for this rope. None.

At the Children's Pool the City has taken the position that the harbor seals deserve protection. They contend they are doing this as an educational benefit for children.

I find it very curious that the City has *refused* to take any action with respect to health and safety challenges at the Children's Pool or at the Jolla Cove from an explosion of the sea lions. As with the Children's Pool, The City claims sea lions are wild animals and they have no control over them. The City can, at any time, legally use section 109(h) of the MMPA to permanently remove the harbor seals or sea lions. And, in my opinion, they are controlling these pinnipeds and are breaking federal law with respect to the MMPA.

What the City is obviously doing is to minimize spending money to clean up either the Children's Pool of harbor seals or the Cove of sea lions. The impact of having a dirty swimming beach controlled by harbor seals will eventually back fire on them. The duplicity of failing to take action at the Cove and taking action at the Children's pool is inane. I can only hope you do not participate in this injustice.

I should also like to remind you that *you* granted the 5 month complete closure of the Children's Pool **AND** a 7 month humans only use of this popular swimming beach. Leaving the rope up and maintaining a small opening is crazy. That implies that the beach can only be accessed through this opening. The harbor seals don't recognize the rope as a barrier so why should people? Take the rope down in perpetuity. The City has permission to chain off the beach; they do not need a permeant barrier to discourage human use the remaining 7 months of the year as originally promised.

I implore you to reject the City of San Diego's request for a year round guideline rope barrier (and *it is* a barrier). Harbor seals are NOT in need of protection as they are not rare, endangered, or threatened. What is threatened is free access to a public beach that was originally established as a safe swimming area for children. It is now a beach on which children cannot venture without arousing the ire and rancor of environmental activists or risking sickness due to polluted conditions that the City refuses to address.

Yours truly,

<<< sent via email>>>>

David W. Valentine, PhD

Retired UCSD Marine Biologist

From: [diverdavid](#)
To: Childrenspool@Coastal
Subject: Children's Pool rope barrier permit extension, Application No. 6-15-0223
Date: Tuesday, June 02, 2015 4:01:41 PM

Coastal Commission:

I object to this rope barrier, last August the cost of commission promised the beach would be open to the people after popping season I have observed several occasions where the Ranger is making people go back beyond the rope so they cannot enjoy the beach he only preys upon those unaware but its only a few that know by attending these hearings what our rights are and the city is using their power to deny access to this man made beach dedicated for swimming for children and signs on the beach tell people there is a 50 foot distance from seals that is not true by federal law and regulations but because of the signs animal rights activist use the signs and yell at people and disturb the beach atmosphere and incite people to fight and riot, the city should remove the wording that is proper as the federal government National Marine Fisheries have told the city before there is no 50 foot guideline distance. I myself was one of those that was yelled at by someone that thought by reading the signs posted on the beach of a 50 foot distance. Ranger did not educate this harasser as he yelled over the Ranger down on to me after I finish to swim in the pool. The CCC should instruct the city to correct the wording and eliminate the 50 foot distance as this incorrect sinage just leads to harassment of citizens trying to use a public beach that this committee has said it shall be open for 7 months of the year.

David Pierce
9344 Leticia Drive
Santee, Ca. 92071
Sent from my Verizon Wireless 4G LTE smartphone

Name: Tom Reid
AGAINST
Item No W14A
Permit # 6-15-0223
Rope Barrier at the Children's Cove

I am against the permit for the rope barrier. The Harbor seals do not need protecting. They are overpopulating the area now, with no natural predators, and the Children's Cove is already polluted and contaminated with fecal matter from so many seals.

Use common sense and let the humans observe the seals on the nearby rocks and other areas they have been using for decades. The seals do not need the Children's pool as much as the humans need the Children's pool.

This sets a dangerous precedent for allowing animal rights activist to take away land rights from other citizens.

Thank you for your consideration of this letter.

Very respectfully,

A handwritten signature in blue ink, appearing to read 'Tom Reid', followed by a long horizontal flourish.

Tom Reid
5252 Balboa Ave #500
San Diego, CA 92110
858-495-3100

Electrical Hardware En... 3Rs (36) Childrens Pool Le... (13) San Diego Council... http://www.google.co... CP-Secret Group Getting Star

San Diego Council of Divers

David Pierce
Yesterday at 6:47 am

Snorkeling report for the 1st of June children's pool, came down on the afternoon, beach chair and umbrella set up on the cleanest part of the beach which would be passed the rope of course, when I arrive there is no seals on the beach but some on the rocks as I settled in and started reading a book, an elephant seal hauled out and all the little guys followed, i say no more than a dozen in all after about an hour or so of reading I decided to go for a swim, the viz was good, about 15-20 feet, water temperature warm I just wore a shorty, booties, mask and snorkel wish I had my gloves as my hands were chilled. afterward I exited. the Ranger was there and ran off everybody that pass the Rope except for me. He told me that everyone was yelling at him because I was passed the rope, then an old man from above yelled over the ranger saying 50 feet, I yelled it's not a law or regulation, I was at least 200 feet from the near Seal, the Ranger made a comment about me yelling. I told the Ranger if somebody is going to yell at me I'm going to yell back. what he should have done was told the old man that was legal for me to be there but he did not. that's the sad thing about it, he should educate the public but because he doesn't disturbances like this will always happen.



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Matt Berry
Jerald Pratt
Ashley Freeman
Christopher Hoynh
Anthony Putino
Ryan Sweeney
Liberty Zabala
Bratt Berry
and 6 more...

PEOPLE YOU
Bry
Jos
Mi

SPONSORED

This was 6/1. I observed the same thing the day before as the ranger drove people back behind the rope because they flushed sea gulss which flushed seals. You require the ranger to enforce a rope that has no legal meaning. A symbolic and provocative line in the sand. You require he record citations, but those already given do not hold up in court. I know, I got one but it vanished mysteriously. There has never been a seal hurt on that beach. There is no ordinance posted to allow bullying people away from the shore. The ranger cannot educate the public because the truth is the beach is an open public dedicated and trusted tideland. He cannot enforce federal law, and he cannot enforce the Coastal Act, especially a singular exception to its purpose. Have your local CCC enforcement officer come down and enforce your rope barrier. This is your doing.

You claimed original jurisdiction here so enforcement has to come from your authority. You do not have to wait for San Diego to produce a plan. Produce a workable tideland management system compatible with state and federal law now, not 4 years from now. There is no exuse for adding 4 years pretense that San Diego can handle this. They lack jurisdiction as well as ability, funding, personnel and will. You closed the beach based on San Diego's failures.

From: [diverdavid](#)
To: Childrenspool@Coastal
Subject: Children's Pool rope barrier permit extension, Application No. 6-15-0223
Date: Wednesday, June 03, 2015 8:32:54 AM

Coastal Commission:

I object to the scheduling of this hearing out of San Diego so locals opposed of this project cannot attend if this is not illegal it should be by holding these hearings out of the town or location of this project. I object to this year-round rope and request that the cost of commission forces the city to start clean up immediately after pupping season so the water will be clean and healthy for humans to use again.

David Pierce
9344 Leticia Drive
Santee, Ca.92071
Sent from my Verizon Wireless 4G LTE smartphone

Agenda Item Number 14. COASTAL PERMIT APPLICATIONS.

a, Opposition to rope barrier on children's pool beach during designated as "open to the public".



6/1/ 2015

Dear California Coastal Commissioners,

For 60 years the San Diego council of Diver has represented and fought for the rights of divers, snorkelers, and swimmers We would like go on record concerning the upcoming decision to impose a rope barrier on Children's Pool Beach during the months which the coast commission designated as open to the public by making the following statements

1. We request the coastal commission does not allow a rope on children's pool beach during the months that the commission designated as "open to the public"
- 2 We agree with the La Jolla Community Planning Association when it rejected such a rope barrier in several public hearing several public hearings, that it "causes more problems"
- 3 We agree with the San Diego planning commission decision that a permanent rope barrier is in an "encroachment on public beach" and so disallowed under Coastal Act
- 4 We agree with the decision by the coastal commission in 2001 that a permanent structure on a public trusted beach is inappropriate and not allowed
- 5 We agree with the State lands commission and Department of Fish and wildlife who contributed to the above decision that a marine mammal reserve on a public trusted beach is also not in keeping with California law
- 6 The dive community of San Diego has abided by the closure established by the coast Commission from May 15th to December 15 for puppy season. Members of the coastal commission who spoke at the August 14 meeting stated that after the closure of Pupping season the beach would be open to people Since May 16 the full-time ranger at children's pool beach has kept all personnel from accessing the beach pass the rope.
7. Allowing a rope to be maintained a crossed the beach during the designated time for people will once again allow activists to create problems with people using the beach.

In closing, the San Diego Council of Divers requests the coastal commission not approve a rope barrier during the months the beach is open to people We also request that the coastal commission abides by their ruling of August 14 ensure that the beach remains open for people to access the beach and the water from May 16 to December 15

A handwritten signature in black ink, appearing to read "Volker Hoehne". The signature is fluid and stylized, with a long horizontal line extending from the end.

Sincerely,

Volker Hoehne
President
San Diego Council of Divers
619 994 4175
7711 Primavera Way, Carlsbad CA 92009

Opposition to Children's Pool Rope Barrier Permit
Application No 6-15-0223

June 3, 2015

California Coastal Commission
45 Fremont St. Suite 2000
San Francisco, CA 94105



Friends of the Children's Pool, established in 2004, advocates for over 800 people who use Children's Pool and are seeking to restore the Pool to it's intended and historical uses as a park, playground, bathing pool for families with children, swimmers and divers.

We oppose the year round rope barrier.

The Children's Pool Trust

In 1931, Ellen Scripps donated a seawall to provide safe access to the ocean for San Diego's children . . . **Forever**

On the condition that the State have San Diego hold the Pool in trust for the Children . . . **Forever**

To be protected for that use as a playground, park, bathing pool primarily for children.



Ellen Browning Scripps donated much of her time to the welfare and safety of La Jolla's children.

The Children's Pool Trust protects convenient access to the beach for recreational activities including sightseeing, wading, swimming, diving and fishing. The State, The City and Ellen Browning Scripps entered into an agreement to create a safe tidal pool for the people of San Diego.

The Trust is a state law, not a private agreement.



It allowed the creation of a gift of greater safety to generations of children using a hazardous, rocky coast.

The Trust was intended to span generations and withstand the whims of political favoritism.

The protection the seawall provides surely has saved countless lives. Surrounding beaches can be treacherous.

The animals here have chosen to live among us or they would have left long ago. Rope or no rope, that will not change.

The Trust is a state law, not a private agreement.



It has served generations of San Diegans.

This is a wonderful place you all should visit.

But the Children's Pool has become the tarnished "Jewel of La Jolla". It is besieged by activists and neglected by the City. It can be restored with wise management and respect for the history, traditions and culture of this community.

The Trust is a state law, not a private agreement.



Today we still treasure it.

Children's Pool is right in the middle of a large city. This man made beach is appreciated by all that see and use it. The demand to use this unique beach will not go away.

It has a dark history though. Families have been driven away by the intimidation of animal activists.

The people want their beach back to use and enjoy.

In 2004 a lawsuit was filed against the City of San Diego.

In 2009 the City was in legal trouble. It had violated the Trust

- It had cultivated a seal colony to the exclusion of the public
- Captive / Rehabilitated seals from Sea World had been secretly released in the area for 11 years



By 2009 the City was in legal trouble for violating the Trust

It had cultivated a seal colony to the exclusion of the public by forcing people to abandon the beach at Children's Pool.

Captive / Rehab seals from Sea World had been secretly released in the area for 11 years.

In 2009 the City was in legal trouble. It had violated the Trust



- The seals brought tourists and legal liability to the City under the Trust
- To avoid the cost of restoring the Pool and losing part of a man made tourist attraction, San Diego tried changing the Trust.

The seals brought tourists and legal liability to the City under the Trust

To avoid the cost of restoring the Pool and losing part of a man made tourist attraction, San Diego tried changing the Trust.

The amended Trust was clearly for shared use of the beach

(a) That said lands shall be devoted exclusively to public park, *marine mammal park for the enjoyment and educational benefit of children*, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of such purposes ;

(b) The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California.

The O'Sullivan lawsuit exposed the City's negligence. The City was ordered to restore the beach.

The Trust was written with language that is clear and unambiguous and in the case of fishing rights, is absolute; A protected right from the State Constitution.

Where coastal access rights are being restricted, the Commission's leadership could offer a solution. A year round rope will perpetuate the conflict to year round status.

Opposition to Children's Pool Rope Barrier Permit
Application No 6-15-0223

The City cannot be trusted to protect coastal access.

City officials ignore vigilantes blocking beach access and
by their inaction, condone the lawlessness at the pool.



The City has a DUTY to preserve this site as a public park, playground and bathing pool for Children. That binding obligation remains and cannot be forfeited for political expediency.

A rope barrier encourages lawlessness by those who do not care if they violate the rights of others.

The City has failed to protect the rights of citizens using this beach. It has ceded its authority to a mob of angry activists determined to steal Children's Pool from the children of San Diego.

The rope barrier is ineffective and creates more problems than it solves.

Does the Trust still bind the City?

It does. Condition #2 highlights the liability concerns.

(2) assumption of risk, waiver of liability and indemnity

- Let San Diego do what it wants but avoid the consequences because this thing is legally toxic and questionable.
- The State of California is already named in a lawsuit over part (b) of the Trust. (fishing rights)
- Any permit issued will be a State action under Coastal Commission jurisdiction with precedent setting and legal consequences.

The City IS still bound by the Trust and must assume liability for its malfeasance.

Your Staff Report says: let San Diego do what it wants while the State avoids legal liability.

What applies here must be applied throughout the State where seals have hauled out on man made structures.

Why Condition #2? What could go wrong?

(2) assumption of risk, waiver of liability and indemnity

- Last time the City violated the Trust it cost the City millions of dollars and was affirmed in a review by the California Supreme Court.
- The California Legislature changed the Trust to bail out San Diego. Would it do it again?
- It can't change the Public Trust Doctrine or State Constitution just for San Diego.



The City was hoping to pawn off liability to the State. Your staff caught them.

City officials have wasted millions of dollars on their failed management. Taxpayers were promised an end to the excessive spending on Children's Pool but it will not happen until the City returns to compliance with the Trust.

Opposition to Children's Pool Rope Barrier Permit
Application No 6-15-0223



Thank you for your time. Please stop this shortsighted and overly restrictive project.
Require the City to develop a workable plan to manage this beach for all users.

There are alternatives to be considered. We oppose the rope. We do not oppose the seals.

Just say NO to the rope.

Kenneth L. Hunrichs, President

Friend of the Children's Pool



Contrary to what you may have heard:

- Our seals have been saved since 2009
- Guaranteed a place here by State law
- Federally protected from harm since 1972
- Population is growing despite more human interaction this last year than ever
- New record of 47 successful births this season on the beach
- Tabling this permit will do no harm

The only things in danger are:

- Vertical public access to the shore
- The Shared Use promised the people of California in the amended State Trust for this beach
- Ability to use science and common sense to manage the beach
- Local control and influence
- San Diego's legal resources

If you approve a year round rope

- Contention will escalate
- Everybody in La Jolla knows the rope is not enforced. The **disrespect** will be all year.
- The **beach closure** measure the City has not yet posted will come next.
- The seals will still stay off the beach in hot weather
- People will **continue to fight** over the rope, seals present or not

Last season, a human chain to block the opening in the rope



Or - occupy the easement, and restrict the whole beach



§30230 and §30240 do not support cordoning off public beaches to enhance animal displays

- Those 2 sections **do not have ascendancy** over all other statutes
- **Neither works** in this situation
- This is **not a natural habitat**
- There is **nothing to restore**
- Discarding all other statutes is **not “balance”**
- This is an **“artificial embayment”** per Commission Staff

If you ratify limiting access to an artificial beach with tame animals on it:

- Then any boat, wharf or pier where a sea lion fancies to stay is a natural habitat
- This is to be a State jurisdiction interpretation of the law. Please take care.
- It can affect every beach in California and every tidelands structure
- The coast is to be guarded FOR the people of California, not FROM the people of California

And to ignore these?

- § 30211; Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization....
- § 30212; (a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects....
(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.
- (Hopefully San Diego will pay the legal fees)

And to ignore these?

- § 30213; Lower cost visitor and recreational facilities shall be **protected, encouraged**, and, where feasible, provided.
- § 30214; (b) ...Nothing in this section or any amendment thereto shall be construed as a limitation on **the rights guaranteed to the public** under Section 4 of Article X of the California Constitution.
- § 30221; Oceanfront land suitable for **recreational use** shall be **protected** for **recreational use** and development...
(Looking from behind a barrier is not recreation)

About that Federal Marine Mammal Protection Act (MMPA)

Everybody has to obey the MMPA, but only a federal officer can interpret or enforce it. The Act specifically requires federal enforcement only. Section 109(a) “No State may enforce, or attempt to enforce any State law relating to the taking of any species of Marine Mammal..... “

Animal rights activists twice sued the City and National Oceanographic and Atmospheric Administration (NOAA) to force direct MMPA actions at Children's Pool.

Both **cases were dismissed for lack of jurisdiction.**

The City has nothing from the State Lands Commission or DFG

- The permit application says **the applicant is responsible** for obtaining permissions from SLC, DFG, etc.
- It did not happen.
- Staff was asked repeatedly to look into this matter
- No answer. No condition that it happen.

One must walk down the stairs and across the beach to find out you could



It became necessary for others to inform the public. They believe in public access. Doesn't everybody?



From: ddburleigh@aol.com
To: Childrenspool@Coastal
Subject: Childrens" Pool rope barrier
Date: Thursday, June 04, 2015 8:40:42 AM

Dear Coastal Commission

Please do not extend the permit for the rope barrier at Children's Pool.

There is no reason for it and there is no reason to give a perfectly good beach to a bunch of seals. The seals have been in the area for many years and they were perfectly OK on the rocks and other places in the area.

If there is a problem with people bothering the seals, the best solution is to remove the seals from the beach, not remove people from the beach.

There is no problem with people bothering them; this is just a myth promulgated by the animal fanatics and bolstered by film clips they made themselves with their own people dancing around the seals. These people will tell any lie and will create any "evidence" they need to support their story.

The animal fanatics are a very vocal, but very small minority of oddballs.

The seals do not need protection; they will find another place or will adapt. The beach needs protection and the people need protection from the oddballs who want the beach to become an animal viewing area.

It is your responsibility to assure access to the ocean for the majority of California residents.
Doug Burleigh

From: [R.H.Boyce](#)
To: Childrenspool@Coastal
Subject: NO MORE SEALS IN THE CHILDREN'S POOL!
Date: Thursday, June 04, 2015 8:35:01 AM

It is time to return the Children s' Pool to the Children of our community and recognize the beautiful gift that was given to all the families, visitors and specifically the children of San Diego.

As a resident in the neighborhood it is clear that there are seals everywhere and there are plenty of places to observe them.

There is only ONE place where it is safe and fun for a family with small children to explore the ocean in a calm and gentle environment, the Children's Pool.

I rode my bike past this last weekend and stopped for a while. I talked to several visitors, even took a few pictures for them and with out probing or front-loading any comments, I heard many discussions along the lines of: "it is too bad we could not play in the water"with their group, or "wow, this is boring, wish we could use this beach", or "I would never go there, all that seal sh&t everywhere".

These lovely animals have the whole coast and can easily adapt to just about any beach they want. Not always the case with small children.

Please remove this unconstitutional rope barrier and firmly, yet with consideration, remove the seals from the Children's pool area, clean up the awful mess they have created in the delicate micro environment that is the beauty of the Children's pool and make the area open to the people for whom it was intended 24/7, 365 days of the year.

The seals will be fine, they will move and find plenty of safe places to sleep and give birth. As I understand the recent reports, they are not an endangered species. This place, this **Children's Pool** is a unique and well thought out gift to the families of the WORLD who live in and visit San Diego, let it be just that.

Again,there are plenty of opportunities to observe wildlife and sea life in San Diego - but there is only one designated **CHILDREN'S Pool**. I ask that you act on behalf of the people you serve, return this pool to the children so that people from all the communities in southern California have this incredible little place to nurture future generations of stewards of our global environment by having safe, clean, and total access to the water.

Rick Boyce
858-386-9533

From: [Kathy Simmons](#)
To: Childrenspool@Coastal
Subject: NO ROPE BARRIER YEAR ROUND!
Date: Thursday, June 04, 2015 9:19:29 AM

To Whom it may Concern,

I would like to voice my opinion that I am vehemently opposed to having the barrier rope @ Children's Pool year around. I am both an ocean swimmer and a diver (nonhunter), and encouraging the lack of access to the Children's Pool beach directly impacts mine & my communities safety. Just this week another harbor seal was bitten by a Great White Shark.

Lee's discount those of us with the opposing view on this matter!

Sincerely,
Kathleen Simmons

Sent from my iPhone

Matthew Poole
13567 Chaco Ct.
San Diego, CA 921219

June 4th, 2015

Coastal Commission file 6-11-078
7575 Metropolitan Drive Ste 103
San Diego, CA 92108-4402

Dear Coastal Commission staff,

The Commission should not consider a permit for a perpetual rope barrier across a public beach at Children's Pool because:

The proposed barrier ignores a Coastal Commission's ruling in 2001 that a permanent structure or a marine reserve on a trusted public beach is not allowed, per the State Lands Commission and the Department of Fish and Game. It would be a violation of the Local Coastal Plan as unanimously ruled by San Diego's own Planning Commission (Later bypassed). The rope is a tool for activists to intimidate the public and mislead people to believe the beach is closed; which is why they want it so bad. The Coastal Commission should not bow to special interest groups determined to convert historic tidelands solely to their desired use. We can share. They cannot.

California Constitution: No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet, estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose. The CCC has a proud history of preventing greedy corporations with seaside holding from preventing public access for convenience. San Diego is just such a corporation. Protect us using the Coastal Act. Though the public trust doctrine can include protecting wildlife, the State is required to balance that against its overall goal of protecting the public good. Where a prolific species denies access to public land, the Coastal Commission especially has no business participating in denial of access to enhance an unnatural habitat.

Lastly, the seals are doing fine on that beach or they would have already left. They can swim.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Poole', with a long horizontal flourish extending to the right.

Matthew Poole

From: [Portia Wadsworth](#)
To: Childrenspool@Coastal
Subject: NO YEAR ROUND ROPE BARRIER
Date: Thursday, June 04, 2015 3:03:15 PM

PLEASE DO NOT PERMIT THIS AT ALL

I live in La Jolla and love the beaches where my children played and swam in the waters and collected shells, etc.

The seals have had their fun for the last 15 -20 years (rent free) and it is time for them to move on. They are cute and even sometimes move a fin or go in the water, but mostly they rest.

Why they haven't been encouraged to move on by now is a mystery to me. They leave aromas and other items:

in the water and attract sharks, as well as proliferating rapidly as we speak!

The open, fresh waters of the Pacific Ocean would be the right place to raise their young, not being 'protected'

by human beings. (there are a few who feel the need to 'mother' the seals)

I repeat PLEASE DO NOT PERMIT THE ROPE BARRIER AT ALL—
RETURN OUR BEACHES TO US WHO PAY TAXES AND LIVE HERE AND ENJOY THE OCEAN WATERS.

Sincere Regards,

Portia S. Wadsworth
5619 Chelsea Ave.
La Jolla, CA 92037 (for 50 years)

From: 7seas@san.nv.com
To: Childrenspool@Coastal
Date: Thursday, June 04, 2015 12:07:35 PM

Dr. Jack Robertson
8578 Cliffridge Avenue
La Jolla, CA 92037
7seas@san.nv.com
858-531-8054

Dear Coastal Commission,

I am Dr. Jack Robertson, living at 8578 Cliffridge Avenue La Jolla, CA 92037. I am unable to attend the Newport Beach hearing concerning Children's Pool. It would cost me a day of work to describe 3 minutes of concerns and struggles at Children's Pool. This letter is what I can do for now. Hopefully it will be read and acted upon.

I am a keenly interested party regarding issues at Children's Pool. I am an avid marathon swimmer and use a wheelchair. The lifeguard station and stairs are being refurbished. The first set of stairs will be converted into a ramp, however, the second set of approximately 10 steps are Not currently scheduled to be rebuilt into a ramp extending to the beach. With such a major remodeling project of this area, surely All ADA needs have to be met. The artificial wall would protect the ramp from damage. There is space for the ramp without interfering with the natural bluffs. Plus, it is the right thing to do and Now is the time.

Also, there is no reason you could not extend the rope permit a month, so its value and purpose could be examined in public. This hearing is being scheduled for the wrong reason and for a bad purpose.

The rope barrier permit being extended with no review of its inconsistencies for 4 years is just a free pass for San Diego and inappropriate to the stated goals of the Coastal Act. The conditions of the even more crushing winter closure permit are not being met. Yet, the Commission maintains this slider for the City's rope permit is in order to assess the total set of permits granted at Children's Pool. So why not do that? You can - the Children's Pool was declared historic tidelands and under original Coastal Commission jurisdiction, so the area above the mean high tide could be closed to the public on your authority. You can examine the situation anytime and amend any permit at Children's Pool without San Diego's cooperation.

I have direct experience with the harm you are overlooking at the Children's Pool. One of the conditions of continued control of Children's Pool by San Diego was to produce a plan to provide ADA access to the sand. However, San Diego already has to face the issue and it is fighting tooth and nail in federal court to make sure NO such ADA access will ever be installed. I am crushed as an avid ocean swimmer with a significant disability. I have been carried down the stairs by four adults (a harrowing experience), wheelchair and all, so I could enter those protected waters. My friends and I were warned by the ranger that we could cited and severely fined because this strange sight may have caused seals to move.

I had everything in my computer subpoenaed and my friends were deposed and hundreds of their emails sent to me demanded, so the City could build its case against any ADA access that you said the City should be prepared to produce.

Please reschedule your hearing to the August meeting and use it to create a total plan for management of the Children's Pool that does not violate the Coastal Act or other state and federal laws. You say you want to do that in 4 years. Do it now before it is too late. Four years of slack time for San Diego to evade its responsibilities are not in keeping with the Commission's powers and obligations to California and its citizens.

With all respect,

Sincerely,

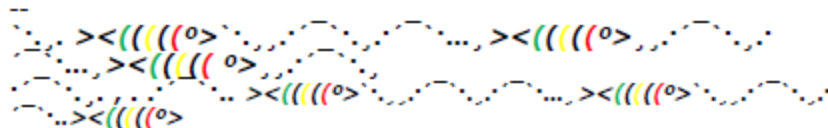
Dr. Jack Robertson
Digitally Signed
http://articles.latimes.com/1988-09-18/local/me-3224_1_english-channel

From: [Dana Joseph](#)
To: Childrenspool@Coastal
Subject: No Rope Barrier Year Round!
Date: Thursday, June 04, 2015 11:54:14 AM

I am an open water ocean swimmer and would like access to the children's pool to enjoy the safety of that calm entry to the ocean. Divers and swimmers and children need a safe place to access the ocean and that pool was designed for that purpose, not as seal rookery. It has become a cesspool of seal excrement that smells and also attracts sharks! The seals are also devastating the endangered populations of abalone and the inshore fish populations as well. Are you going close La Jolla Cove next??? The sea lion populations are out of control there too! There is almost no fish left in La Jolla Cove. I remember when the cove was loaded with fish and there were even large schools of juvenile white sea bass. Not any more, and the smell is disgusting! When will this end?

Thank you for listening.

Dana Joseph
3302 Ogalala Ave.
San Diego, CA 92117
858-775-1273



"How inappropriate to call this planet Earth when it is quite clearly Ocean" ~ Arthur Clarke

From: hannu.mikkonen
To: Childrenspool@Coastal
Subject: letter of opposition to closing Casa Cove-Children's Pool
Date: Thursday, June 04, 2015 12:07:31 PM

Dear Coastal Commissioners, I am opposed to closing Children's Pool Beach because . . . Children's Pool is a man made human recreation area donated and protected by State Law to provide safe and convenient access to our coast. There is no scientific evidence of harm to the animals that willingly share this beach with their human admirers. The seal colony is growing rapidly. The colony has spread to surrounding beaches endangering beach access there as well. The City of San Diego has a fifteen year track record of mis-managing the Children's Pool. This closure plan continues that failing effort. It will have grave consequences for human safety when the safest ocean beach in San Diego is closed to the people who actually enter the water and not just stand by and look at it. Please deny the City's application to close the beach and the associated Local Coastal Program amendment because it goes against everything the Coastal Act was intended to protect. COASTAL ACCESS is a significant resource that must be defended from all threats from public and private development. At Children's Pool access to the safety of this sheltered cove is THE MOST SIGNIFICANT RESOURCE.

I had the privilege, as a young immigrant from Finland, to enjoy Children's Pool or Casa Cove when my parents brought me there in the 60's. I learned to swim there, learned to skin dive there and also was able play on all of the rocks and go through the caves. I traversed all of the beach and rocks from Hospital Beach to Boomer beach. I body surfed at Boomer and dove for abalone there, at Shell beach and also outside the breakwall. Casa Cove-Children's Pool was where my sister's families(5 sisters) came to bring their children to swim whenever they visited us from Canada. My mother picked mussels off of the breakwall, then cooked and ate them. I jumped off of the breakwall when I was a kid(at high tide). I lived for the beach when ever mom would take me and my brother there. My older brother, Henry Velli Risto Mikkonen, taught me how to dive for

abalone there and how to spearfish.

We continued to go there as a family and brought the neighbor kids. We played and went from rock to rock, jumping or diving in. From Hospital Beach to Casa to Shell beach, to Boomer and La Jolla Cove, that was our playground. The seals, the few that there were, lounged on the large rock in Shell beach and really, there were hardly any. I dove from that rock into the water all of the time, never had an issue with seals.

Fast forward to 1998, when I was able to show my daughter the wonders of the Ocean looking from a skin diving mask. She was 8 years old and had the opportunity to see firsthand, a school of fish under the water at The Children's Pool, right next to the rock in a 3-4 foot deep area. That was my duty, honor and privilege to pass on what I had been privy to as a youngster at Casa Cove-Children's Pool.

We (the Public) had access to Casa Cove in the 60's, 70's, 80's and the 90's. There was never any issue sharing the beach with the few seals that came around. They usually stayed on the rock at Shell Beach and came around when they wanted to.

Now, something has happened to the Beach I so loved and it has been ruined. The Life Guard Tower and Bathrooms are in a state of ruin and the beach has been taken over by activists. Never in my life would I have imagined that the people would do such a thing because of a seal. Taking away a Family Beach for the sake of seals is unconscionable. They used to have their pups on the rocks and it was warm for the pup. They could go to a sandy beach if they wanted to or needed to have seclusion.

But to take away a gift from a wonderful Lady and the Children that are supposed to enjoy it in perpetuity for the sake of the few is a crime. I am sure that the motive behind all of this is \$. Shame on you for stealing the gift of life and a wonderful Beach from the Children it was gifted to.

Hannu Arvo Mikkonen

From: [Michael Costello](#)
To: Childrenspool@Coastal
Subject: Children's Pool W14a
Date: Thursday, June 04, 2015 4:50:41 PM

Dear Commissioners and Staff,

I Request a continuance, and / or a hearing in San Diego County of the Coastal Permit Application Number 6-15-022, W14a, for a year around rope at the Children's Pool in La Jolla , CA.

a. The City has been writing this application for several months, yet only very recently were opponents notified of this application. Clearly, we were intentionally given the shortest notification period possible.

b. Having the hearing away from San Diego is an attempt to allow as little opposition as possible to attend the hearing.

c. Obviously, the City has attempted to disenfranchise its opposition. In fairness, I request that this application be presented to the La Jolla Community before it goes to the CCC. Therefore I request a continuance.

d. This application (No. W14a) is a significant departure from simply having a rope during the pupping season. Now, the City wishes to have a year round rope for an entirely different purpose. This change in purpose requires a separate hearing for the new purpose. I request that you send this application back to the City to go through the discretionary review process.

e. Request that all hearings on this issue of Community importance be scheduled in San Diego County.

Thank You!
Michael Costello
626 Wrelton Dr
La Jolla, CA 92037

CENTER FOR DISABILITY ACCESS

A Law Firm

9845 Erma Road, Suite 300
San Diego, CA 92131
(858) 375-7385
(888) 422-5191 fax

Mark Potter
Isabel Rose Masanque
www.potterhandy.com
isabelm@potterhandy.com

June 5, 2015

Brittney Laver
California Coastal Commission
San Diego District Office
E-mail: childrenspool@coastal.ca.gov

Via E-mail Only

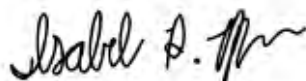
Re: *City of San Diego's CDP - Public Input*

Dear Ms. Laver:

I am writing on behalf of our firm to request that public input be permitted regarding the City of San Diego's application for a CDP prior to the June 10, 2015 hearing date. We do not believe that the City's CDP should be granted, largely in part because the City has failed to fulfill its obligations in providing ADA access to the beach.

Thank you for your consideration.

Sincerely,



Isabel Rose Masanque
Attorney

From: [LJCPA](#)
To: Childrenspool@Coastal
Subject: Item # W14a: Application No. 6-15-0223 (City of San Diego Park and Recreation Department, Children's Pool)
Date: Saturday, June 06, 2015 1:12:53 PM
Importance: High

California Coastal Commission
San Diego Coast District Office
7575 Metropolitan Drive #103
San Diego, CA 92108

June 6, 2015

Dear California Coastal Commissioners,

This letter is respectfully submitted on behalf of the La Jolla Community Planning Association (LJCPA), and we request that it be entered into record as an aspect of community comment. The LJCPA is recognized by the City Council to make recommendations to the City Council, Planning Commission, City staff and other governmental agencies on land use matters, specifically concerning the preparation of, adoption of, implementation of, or amendment to, the General Plan or a land use plan when a plan relates to the La Jolla Community Plan and Local Coastal Program Land Use Plan boundaries. The LJCPA also advises on other land use matters as requested by the City or other governmental agency.

Within the boundaries of the San Diego Coast District aforementioned La Jolla Community Plan is the "Children's Pool Beach". An issue relevant to the Pool appears on the docket of your June 10, 2015 Agenda, which is being held at the following location:

City of Newport Beach City Council Chambers
100 Civic Center Drive
Newport Beach, CA 92660

Agenda Item # 14. COASTAL PERMIT APPLICATIONS:

[Application No. 6-15-0223 \(City of San Diego Park and Recreation Department, Children's Pool\)](#)
Application of City of San Diego Park and Recreation Dept. to re-authorize year-round guideline rope with 3-ft. opening for ocean access in perpetuity for protection of harbor seals at Children's Pool Beach, La Jolla, San Diego, San Diego County (BL-SD)

We write you today to address our concerns in regard to the timing and venue of this particular Notice of Hearing for a Coastal Permit. As this is a land use matter located within the LJCPA's jurisdiction, we request a near-term continuance on this Agenda item # W14a and with that a change in Hearing venue to a location within San Diego. This will enable us, as the City of San Diego ordained body for land use policy in La Jolla, to review the current status of Application as part of the Community Planning process and reasonably attend any Hearing on the topic at this time.

Sincerely,

Cindy

Cindy Greatrex

Vice President, La Jolla Community Planning Association

Email info@lajollacpa.org

34

LAW OFFICES OF BERNARD F. KING III

A PROFESSIONAL CORPORATION
4747 Executive Drive, Suite 700, San Diego, California 92121
858-737-3046 | bking@bernardkinglaw.com

RECEIVED

JUN 05 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

June 2, 2015

Via First Class Mail

Dr. Charles Lester, Executive Director
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, California 94105-2219

Re: Objection to June 10, 2015 Hearing on the Children's Pool Rope Barrier
Coastal Development Permit Application No. 6-15-0223

Dear Director Lester:

I represent Friends of the Children's Pool ("FOCP"), a community group dedicated to protecting public access to the Children's Pool beach in La Jolla, San Diego. FOCP objects to the June 10, 2015 Coastal Commission (the "Commission") hearing on the City of San Diego's (the "City's") application for a coastal development permit, allowing it to erect a year-round rope barrier at Children's Pool beach. FOCP specifically objects to the Commission's failure to notify FOCP as required under California law. FOCP also objects to having this issue heard in Newport Beach and to the Commission's June 3, 2015 deadline for inclusion of written comments in the staff report addendum. FOCP further notes that the hearing is premature as the City's current three-year permit does not expire until May 14, 2016.

Accordingly, FOCP objects to the June 10 hearing, and requests the hearing on this matter be continued to the meetings currently set for August 12-14, 2015 in San Diego. FOCP further requests that proper notice be mailed to all interested parties, and that everyone is given sufficient time to have their comments included in the staff report addendum.

1. The Commission Failed to Mail Notice to FOCP As Required By Law

The Commission has long known of FOCP's interest in any development at the Children's Pool. On numerous occasions, FOCP members have raised pointed objections about the specific issue of a rope barrier being installed on the beach. Nevertheless, the Commission neglected to mail FOCP notice and copy of the June 10, 2015 meeting agenda.

June 2, 2015

State law requires that "[n]otice of regular meetings of the commission shall be by first class mail or other reasonable means, dispatched not later than 10 days preceding the meeting and containing an agenda listing each item to be considered." (14 Cal. Code Regs. § 13015.) "Such notice shall be mailed to commission members, to all parties to proceedings on the agenda, to others known to be interested in specific agenda items, and to any person who requests such notice in writing." (14 Cal. Code Regs. § 13016.)

Here, the Commission is well aware of FOCP's particular interest in this permit application. Yet the Commission failed to mail FOCP notice and an agenda listing each item to be considered at the June 10, 2015 meeting. Noncompliance with the notice requirements is but one example of how the Commission is ignoring its duty to allow the public a full and fair opportunity to be heard on this issue.

2. The Commission Is Stifling Public Participation And Attendance At The Hearing

The placement of rope barriers at the Children's Pool has long been a hotly contested issue in San Diego, and the people of San Diego have a right to participate and be heard before another rope barrier is approved. The Commission, however, has frustrated the public's right to participate by (1) holding the hearing in Newport Beach; and (2) requiring comments to be submitted by June 3 to be included in the addendum to the staff report for the Commission hearing.

The law requires that "all dates for public hearing shall be set with a view toward allowing adequate public dissemination of information contained in the application prior to the time of the hearing, and toward allowing public participation and attendance at the hearing." (14 Cal. Code Regs. § 13062.) Holding the public hearing for the City's application on June 10 violates the laudable policy goals of this law. As noted above, the lack of adequate notice to FOCP substantially prejudices its ability and the ability of its members to be heard on this important issue. Moreover, the Commission's refusal to include in the staff report written comments submitted after June 3, 2015 virtually guarantees that the views of FOCP and its members will not be heard. Finally, the fact that this agenda item is being considered outside of San Diego County significantly impairs the ability of FOCP members to attend and participate at the meeting. Instead of facilitating public participation and attendance, the Commission has deprived FOCP, its members, and the residents of San Diego of a meaningful opportunity to be heard on this issue.

3. The Hearing Is Premature

Finally, it is important to note that the City is seeking to renew a three-year coastal development permit that was not issued until after the City formally accepted the additional conditions imposed by the Commission. Here, the City did not file its Notice of Acceptance of these conditions until May 14, 2013. Thus, the three-year coastal development permit does not need to be renewed until May 14, 2016, and there is no reason to rush a hearing on the matter.

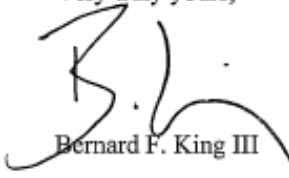
June 2, 2015

4. Conclusion

For the reasons stated above, FOCP objects to having this issue heard at the June 10, 2015 Coastal Commission meeting in Newport Beach. We request that the matter be heard during the upcoming Coastal Commission meetings slated for August 12-14, 2015 in San Diego. We further request that notice and an agenda for this hearing be mailed to all interested parties as required by law, and that interested parties be given sufficient time to submit written comments for inclusion in the staff report addendum.

There is no reason to rush this issue and it is in everyone's interest to make sure this is done right. Moving the hearing from Newport Beach to San Diego will ensure FOCP, its members, and all stakeholders have timely notice of the hearing, sufficient time to submit written comments, and a fair opportunity to attend and participate in the process. Ultimately this will protect the public's right to attend and participate on an important community issue, and neither the City nor the supporters of the City's application will suffer one iota of prejudice. Accordingly, FOCP respectfully requests the Commission reschedule the hearing on the City's application for the August 2015 Coastal Commission meetings in San Diego.

Very truly yours,



Bernard F. King III

Cc: Coastal Commission, San Diego Coast District Office

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Carole Groom

1) Name or description of project: Item W14a - App. No. 6-15-0223 (Children's Pool)

2) Date and time of receipt of communication: May 29, 2015 at 1:30 p.m.

3) Location of communication: Redwood City, CA

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Adrian Kwiatkowski

5) Identity of person(s) on whose behalf communication was made: Seal Conservancy of San Diego

6) Identity of persons(s) receiving communication: Carole Groom

7) Identity of all person(s) present during the communication: Carole Groom, Adrian Kwiatkowski, Dr. Jane Relden

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

The representatives of the Seal Conservancy of San Diego explained that this item is the renewal of an existing rope barrier during the months that the beach is open in order to protect seals and beach visitors. They indicated that the city staff and many of the local elected officials are in support. They also indicated that the current permit expires in July, which is the reason that it is coming to Coastal Commission at this time. They maintained that the rope barrier has been very successful and going forward its renewal will be aligned with the pupping season closure. All materials provided have been submitted to Coastal Commission staff.

May 29 2015
Date

Carole Groom
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EXHIBIT NO. 12

APPLICATION NO.

6-15-0223

Ex Parte Disclosures



California Coastal Commission

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



W14a

Filed: 3/24/15
180th Day: 9/20/15
Staff: B. Laver-SD
Staff Report: 5/21/15
Hearing Date: 6/10/15

STAFF REPORT: REGULAR CALENDAR

Application No.: 6-15-0223

Applicant: City of San Diego Park and Recreation Department

Agent: Daniel Daneri

Location: Children's Pool Beach, west of Coast Boulevard, southwest of Jenner Street, La Jolla, San Diego, San Diego County.

Project Description: Re-authorize use of an existing 4 ft. high, 152 linear ft. guideline rope with 3 ft. opening for beach and ocean access, support posts, foundations and informational signs, on a year-round basis, in perpetuity, to provide a buffer between humans and harbor seals at Children's Pool Beach.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending **approval** of the proposed project with special conditions limiting the term of the permit to 4 years to allow for future reassessment of any impacts to public access and marine resources.

The City of San Diego Park and Recreation Department proposes to continue the use of the existing guideline rope that is currently installed at Children's Pool Beach in the La Jolla community of the City of San Diego, on a year-round basis, in perpetuity, to provide a buffer between people and harbor seals at the 0.7-acre beach. The rope is proposed to remain in its current configuration: installed directly upland of the mean high tide line (MHTL), with a ½-inch diameter rope strung through four 4-foot tall posts with concrete foundations and attached informational signs extending 152 feet from the breakwater to the inland extent of the beach, with a 3-foot opening for public access at the east end near the access stairway.

The subject site is unique in its location and characteristics: Children's Pool is located in a highly-visited, easily-accessible coastal urban setting; is the only mainland beach south of Ventura County that supports an established harbor seal rookery; and has a 328-foot long artificial breakwater protecting the beach from wave action. Since construction of the breakwater with funding from philanthropist Ellen Browning Scripps in 1931, Children's Pool has been a popular recreation site for swimmers, divers, fisherman, and tourists, as the breakwater provides a public walkway and creates a calm beach environment. However, these circumstances also created a habitat for harbor seals to haul out, meaning to exit the water onto the sandy beach area for essential biological functions such as rest, thermal regulation, molting, giving birth, and nursing and weaning pups. As a result of the seals' increased use of Children's Pool Beach as a haul-out and pupping site since the early 1990s, there has been ongoing controversy about how the seals and their habitat should be protected, how public access should be preserved, and whether seals and people can share the beach without harm to the people or the animals.

The existing guideline rope was approved by the Commission in July 2012 with a three-year permit term expiring in July 2015 (ref. CDP No. 6-11-078/City of San Diego Park and Recreation). However, last year, the City presented evidence to the Commission that the guideline rope was not sufficient to protect the seals from harassment during the sensitive pupping season. Therefore, in August 2014, the Commission approved the annual closure of the subject beach each year from December 15 to May 15, with a five-year permit term to expire in August 2019 (ref. CDP No. 6-14-0691/City of San Diego Park and Recreation). During this time period, the sandy beach area is entirely closed to the public, although the public can still view the beach and the seals from the breakwater and surrounding walkways.

The objective of the proposed project is to continue to provide guidance to the public and a level of protection to the harbor seal colony by maintaining the existing guideline rope during the times the beach is open to public access, May 16 through December 14. Although the rope does not prohibit the public from crossing the rope or approaching the seals, it serves as a visual reminder to remain a safe distance from the wild animals.

Staff is recommending approval of the project with several minor modifications to minimize any potential impacts to public access, marine resources, and visual resources. [Special Condition #1](#) requires the City to submit final plans, with a provision that the rope will be taken down from December 15 to May 15 of each year to reduce the visual

impact of a rope barrier on the beach during the time when the beach is closed to public access. Rather than maintain the rope on a year-round basis in perpetuity as proposed by the City, [Special Condition #2](#) limits the authorization of this permit to the non-pupping season months for a period of four years, so that the expiration of this permit will coincide with the expiration of CDP No. 6-14-0691 for the seasonal closure. This will allow the Commission to re-evaluate a single, comprehensive, year-round program for protecting the seals if the City wishes to maintain either the beach closure or rope barrier in the future. [Special Condition #3](#) requires the City to prepare a monitoring plan and submit annual monitoring reports throughout the four-year permit term that continues data collection on the level of use by seals of the haul-out site and the effectiveness of the rope in reducing or eliminating harassment of the seals. With these two conditions, the City and the Commission will have the opportunity to determine if the rope and seasonal closure are effective in providing the necessary amounts of protection for the harbor seals, and whether any changes in the long-term management of this beach are necessary, when the respective permits expire in summer 2019. Commission staff is also recommending [Special Condition #4](#), requiring the City to acknowledge the proposed development may be subject to hazards from waves, storm waves, and flooding, and to assume the risks of such hazards. [Special Condition #5](#) requires the applicant to accept liability for costs and attorney fees that the Coastal Commission may incur in defending its action should there be litigation challenging its approval of this permit.

The proposed project is located in an area where the Commission has retained coastal development permit jurisdiction, even though the City of San Diego has a certified LCP. The standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified La Jolla Community Plan (LUP) serve as guidance. As conditioned, the proposed project is consistent with all applicable Chapter Three policies of the Coastal Act.

Commission staff recommends **approval** of coastal development permit application 6-15-0223 as conditioned. The motion and resolution can be found on page 5 of this report.

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APPENDICES

[Appendix A – Substantive File Documents](#)

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

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[Exhibit 4 – Existing Rope and Signage](#)

[Exhibit 5 – Jurisdiction Map](#)

[Exhibit 6 – CDP #6-11-078 Staff Ecologist Memorandum](#)

[Exhibit 7 – CDP #6-11-078 First Annual Monitoring Report](#)

[Exhibit 8 – CDP #6-11-078 Second Annual Monitoring Report](#)

[Exhibit 9 – June 27, 2012 NMFS letter to CCC](#)

[Exhibit 10 – Letters of Support](#)

[Exhibit 11 – Letters of Opposition](#)

I. MOTION AND RESOLUTION

Motion:

*I move that the Commission **approve** Coastal Development Permit Application No. 6-15-0223 subject to the conditions set forth in the staff recommendation.*

Staff recommends a **YES** vote on the foregoing motion. Passage of this motion will result in conditional approval of the permit and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution:

The Commission hereby approves coastal development permit 6-15-0223 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Final Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval by the Executive Director, final site plans for the proposed development. Said plans shall be in substantial conformance with the plans submitted with this permit application by the City of San Diego on March 4, 2014, except they shall be revised to reflect the following:

A. The rope shall be removed during the seasonal closure each year, which currently runs from December 15 to May 15, in order to reduce visual impacts. The foundations, posts, and signage may remain.

The permittee shall undertake development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. **Permit Term.**

A. This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of four (4) years, commencing upon the date of Commission approval of CDP No. 6-15-0223, after which time the authorization for continuation or retention of any development approved as part of this permit shall cease. After the authorization for the development expires, the retention of a guideline rope at Children's Pool Beach will require the issuance of a new coastal development permit or an amendment to this coastal development permit.

B. If the applicant does not obtain a coastal development permit or amendment from the California Coastal Commission to continue installation and maintenance of a guideline rope at Children's Pool Beach prior to the date that authorization for the development expires, the City shall cease use of the guideline rope.

C. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions. Any deviation from the approved project plans must be submitted for review by the Executive

Director to determine whether an amendment to this coastal development permit is legally required.

3. **Monitoring Plan.**

A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT**

PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a Monitoring Plan for the management and monitoring of the seasonal beach closure at Children's Pool Beach. The plan shall include, but not be limited to, the following criteria:

- i. A physical description and exhibit delineating the precise location of the public access restrictions and associated signage at Children's Pool;
- ii. A discussion of the goals and objectives of the plan, which shall include the method by which the applicant will assess the level of use by seals of the haul-out site at Children's Pool Beach throughout the year and the method of determining the effectiveness of the guideline rope at minimizing harassment of hauled-out seals with both methods employing, at a minimum, the procedures described in section A(iii) and A(iv), below, of this special condition;
- iii. Upon issuance of this coastal development permit, a qualified biologist, environmental resources specialist, park ranger, lifeguard, and/or City-trained volunteer shall record the number of seals hauled out at Children's Pool Beach, the number of injured or abandoned seals if present, the number of people present on the beach, the number of people present in the water from the tip of the breakwater across to the point of rock directly below the gazebo, the number of harassment instances, the number of citations and warnings issued, the outcomes of issued citations and warnings if feasibly available, the tide, the weather including water and air temperature, and the date. Recording according to these directions shall take place at least 16 days per month, including at least two weekend days and one holiday, if the month contains a federal or state holiday. Measurements shall be recorded a minimum of 3 times per day, at 10 AM, 1 PM, and 4 PM or as close to those times as feasible;
- iv. Provisions for taking measurements of the number of harassment instances, including noting activities that would likely qualify as harassment consistent with relevant regulatory definitions of harassment (e.g. seals flushing into water) under the Marine Mammal Protection Act (16 U.S.C. 1631 et seq.; 50 C.F.R., § 18.3).

B. The City shall submit, for the review and approval of the Executive Director, on an annual basis, a written monitoring report from a qualified biologist or other qualified experts, as necessary to comply with the requirements of the monitoring report. Each monitoring report shall contain the following:

- i. All records of measurements, analyses and conclusions created in conformance with the approved Monitoring Plan;
- ii. An evaluation of the condition and performance of the approved development, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the development;
- iii. Recommendations for repair, maintenance, modifications, or other work to the development; and
- iv. Photographs taken from pre-designated sites that are annotated to a copy of the site plans indicating the condition, performance, and effectiveness of the development.

If a monitoring report contains recommendations for repair, maintenance, modifications, or other work on the project, the permittee shall contact the San Diego Coastal Commission Office to determine whether such work requires an amendment or new coastal development permit.

C. The permittee shall undertake development in accordance with the approved final Monitoring Plan. No changes to the approved final Monitoring Plan shall occur without a Coastal Commission-approved amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required.

4. **Assumption of Risk, Waiver of Liability and Indemnity Agreement.**

A. By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards from waves, storm waves, and flooding; (ii) to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury of damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.

B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

5. **Liability for Costs and Attorney Fees.**

By acceptance of this coastal development permit, the Applicants/Permittees agree to reimburse the Coastal Commission in full for all Coastal Commission costs and attorney's fees including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorney's fees that the Coastal Commission may be required by a court to pay that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Applicant/Permittee against the Coastal Commission, its officers, employees, agents, successors, and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

IV. FINDINGS AND DECLARATIONS

A. PROJECT AND AREA DESCRIPTION

The City of San Diego Park and Recreation Department proposes to continue the use of the existing guideline rope that is currently installed at Children's Pool Beach in the La Jolla community of the City of San Diego, on a year-round basis, in perpetuity, to provide a buffer between people and harbor seals at the 0.7-acre beach. The rope is proposed to remain in its current configuration, as previously approved by the Commission: installed directly upland of the mean high tide line (MHTL), with a ½-inch diameter rope strung through four 4-foot tall posts with concrete foundations and attached informational signs extending 152 feet from the breakwater to the inland extent of the beach, with a 3-foot opening for ocean and beach access at the east end near the access stairway ([Exhibit 3](#) and [Exhibit 4](#)).

The purpose of the proposed guideline rope is to reduce the number of conflicts between beach visitors and seals, while maintaining public access to the beach and ocean via the proposed 3-foot opening. The access stairway leading to the beach and the beach upland of the rope would remain open and available to the public. The ocean would remain open for swimming; however, warning signs are posted that advise against swimming due to bacteria levels in excess of health standards. The guideline rope is not intended to keep people off the beach or out of the ocean, but rather to provide direction to the public on how to keep a safe distance from the hauled-out seals. This is both for the protection of the seals and of the public. Individuals are not prohibited from crossing the rope; however, the rope serves as a guideline to alert people of the haul-out site and the appropriate distance for safe and respectful viewing of the seals. The City contends that without such a rope guideline and informational signage, visitors are more likely to approach the seals, which has in the past resulted in seal harassment. The rope serves only as a rough visual barrier for people, as seals do not always haul out into the area roped off, but sometimes haul out further up the beach, especially during high tide events.

The project site is located at Children's Pool Beach (also known as Casa Beach), west of Coast Boulevard and southwest of Jenner Street in the La Jolla community of the City of San Diego ([Exhibit 1](#) and [Exhibit 2](#)). Children's Pool Beach is a 0.7-acre artificial pocket beach held in place by a breakwater constructed in 1931. Children's Pool Beach is designated as "Parks, Open Space" in the City's certified Land Use Plan. Children's Pool

Beach provides recreational opportunities for swimmers, divers, fisherman, tourists, and the general public through its provision of lifeguard facilities, access stairway from Coast Boulevard, parking along Coast Boulevard, viewing gazebo along Coast Boulevard, benches, portable restrooms, pedestrian walkway atop the breakwater, and an emergency vehicle beach access ramp that has remained closed by the City via a gate. It is bounded on the north and west by the Pacific Ocean; on the east by Coast Boulevard and Casa de Manana Retirement Community; and on the south by South Casa Beach. In addition, an adjacent haul out site, Seal Rock, is located approximately 500 feet northeast of Children's Pool Beach. Several beaches are located adjacent to or in close proximity to Children's Pool, including La Jolla Shores, Marine Street Beach, La Jolla Cove, Whispering Sands Beach, Shell Beach, South Casa Beach, Ravina, Boomer Beach, and Windansea.

It was initially unclear whether the Children's Pool area was in the City or the Commission's coastal permit jurisdiction; thus in the past several permits were issued by the City and reviewed by the Commission on appeal. However, a jurisdictional boundary determination conducted by the Commission's mapping department determined that the entire sandy beach area is located in the Commission's original coastal development permit jurisdiction, and the City's jurisdiction begins at the bottom of the lower stairs ([Exhibit 5](#)). Therefore, the proposed development is entirely within the Commission's original jurisdiction and the standard of review is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified La Jolla Community Plan and Local Coastal Program Land Use Plan (LUP) serve as guidance.

B. PROJECT HISTORY AND PAST COMMISSION ACTION

Addressing the conflicts between people and seals at Children's Pool Beach has a long history. In 1930, philanthropist Ellen Browning Scripps provided funding for the construction of a 300-ft. arced concrete breakwater at Children's Pool Beach in order to create a safe bathing pool for children. In 1931, as a condition of the California Legislature's tide and submerged lands grant, in which the State of California granted Children's Pool area tide and submerged lands to the City of San Diego, the area was to be devoted to "...public park, bathing pool for children, parkway, highway, playground and recreational purposes, and to such other uses as may be incident to, or convenient for the full enjoyment of, such purposes." (Statutes of 1931, Chapter 937.) The grant also provided for "The absolute right to fish in the waters of the Pacific Ocean over said tidelands or submerged lands, with the right of convenient access to said waters over said lands for said purpose is hereby reserved to the people of the State of California." Subsequent to this grant, the State of California relinquished its trustee responsibilities over these public trust tide and submerged lands and the City of San Diego became the successor trustee for these tide and submerged lands. Since the completion of the breakwater in 1931, the public has used Children's Pool Beach for sunbathing, playing, swimming, fishing, and diving.

Controversy arose in the early 1990s when harbor seals began to regularly "haul out," or exit the water to rest, onto Children's Pool Beach, and in greater numbers. Historic maps from 1887 and 1894 show that the sandstone reef and adjacent rocks on which the

breakwater was built were originally identified as Seal Rock Point and Seal Rock. These maps demonstrate that seals most likely utilized this area as a natural haul out site prior to the breakwater's construction. As a result of the seals' increased use of Children's Pool Beach as a haul-out site, there has been ongoing disagreement on how the seals and their habitat should be protected, how public access should be protected, or whether seals and people can share the beach without harm to the people or the animals. For years, the City has been trying to develop a solution to resolve the competing uses in a safe and environmentally-sensitive manner.

Harbor seals have also used a flat-topped, offshore rock that is known as Seal Rock, located between Children's Pool Beach and Shell Beach, as a haul-out site. In 1993, the Commission approved the City of San Diego Park and Recreation Department's permit application (CDP No. 6-93-026) to establish Seal Rock Marine Mammal Reserve for five years. In 2001, the Commission approved another five-year permit (CDP No. 6-00-126) to continue the reserve. The reserve protected 1.35 acres of open coastal waters, prohibiting human access within reserve boundaries except for permitted commercial fishing, emergency access, and other fishing consistent with the federal Marine Mammal Protection Act. Signs were installed for identification purposes and for public education and information.

Since the seals started using this area more heavily, the water quality of the "pool" has deteriorated to such a point that the San Diego County Health Department has deemed the water unsafe, as it poses a serious health risk. It was determined that due to limited tidal exchange in the pool and use of the area by so many seals, the water has become contaminated with high levels of bacteria that exceed health standards. Since September 1997, a water quality advisory has been posted at Children's Pool Beach advising against water contact.

After a number of legal challenges, the City was ordered to clean the water in the pool and return the beach to its 1941 configuration. As such, the City began the environmental review and permitting process to dredge the pool and return it to its historic configuration (ref. withdrawn CDP Application No. 6-05-098). Subsequently, Senate Bill 428 was passed by the State Legislature and signed by the Governor into law effective January 1, 2010. This law amended the conditional uses of the 1931 Tidelands Grant of the tide and submerged lands at Children's Pool, giving the City Council the discretion to allow Children's Pool Beach to be used as a "marine mammal park for the enjoyment and educational benefit of children." (Statutes of 2009, Chapter 19.) As a result of this law, the court order to dredge the pool was vacated and the City Council was no longer required to dredge the pool and return it to its 1941 configuration.

However, while the City was pursuing the necessary permits for the dredging project, a new issue arose, which was the need to protect the seals from human disturbance by separating the seals from people on the beach during the seal pupping season. To address this issue, the City first installed a guideline rope directly upland of the Mean High Tide Line (MHTL). After consultation with Commission staff, the City was informed that installation of the guideline rope constituted development (physical development and change of intensity of access to the water) and thus required review pursuant to a coastal

development permit. Subsequently, in 2006 and 2007, the City issued emergency coastal development permits for the temporary installation of the guideline rope during seal pupping season. A subsequent legal challenge prevented the installation of the guideline rope for the 2008 pupping season. However, on March 10, 2008, the Ninth Circuit Court of Appeals stayed the earlier ruling preventing the placement of the guideline rope and allowed the rope to be placed until May 30, 2008. The City then issued an emergency permit for the temporary guideline rope and the rope was installed.

Subsequently, the City approved a regular coastal development permit (CDP No. 545642) as a follow-up to the emergency permit for the installation of the guideline rope during the 2008 seal pupping season. On July 7, 2008, the Coastal Commission's San Diego District Office received a Notice of Final Action from the City of San Diego for this after-the-fact coastal development permit and the 10 working day appeal period was opened. On July 15, 2008, an appeal was filed by John Leek (Appeal No. A-6-LJS-08-065). Because this was a follow-up to an emergency permit, and the emergency permit allowed the guideline rope to remain only until May 30, 2008, by the time the follow-up CDP was approved and the Notice of Final Action was received in the Commission's San Diego District Office, the guideline rope had already been removed, making the appeal moot and no longer in need of review by the Commission. The applicant (City of San Diego Park and Recreation Department) had waived the right to a hearing within 49 days and thus, the matter was never brought before the Commission. Because that appeal was for essentially the same development as a subsequent appeal (Appeal No. A-6-LJS-10-009 discussed in the following paragraph), Appeal No. A-6-LJS-08-065 was determined to be moot and no longer in need of review by the Commission.

On December 2, 2009, the City of San Diego approved Coastal Development Permit No. 701673 for the annual placement of a temporary guideline rope at Children's Pool Beach to provide a buffer between people and seals during the seal pupping season (December 15 to May 15). The guideline rope was installed on December 16, 2009. The City's decision on the coastal development permit was appealed to the Planning Commission; however, on January 21, 2010, the Planning Commission upheld the Hearing Officer's decision for the annual placement of the guideline rope. On February 3, 2010, an appeal was filed with the Commission by John Leek (Appeal No. A-6-LJS-10-009) and on March 10, 2010 the Commission determined that there was no substantial issue with respect to the grounds on which the appeal was filed.

On May 17, 2010, the City Council adopted Resolution No. R-305837 establishing a new Seasonal Shared Use Policy at Children's Pool Beach directing City staff to: 1) acquire a coastal development permit to maintain a year-round rope barrier; 2) amend the Local Coastal Program (LCP) to prohibit public access to the beach during pupping season; 3) prohibit dogs on the beach year-round; 4) seek grant or private funding for a full-time Park Ranger or Lifeguard position and create a Volunteer Docent Program led by this Park Ranger or Lifeguard; and 5) establish clear signage explaining the rules to the public. The Shared Use Policy was intended to act as a combination of adaptive beach management strategies that in their collective implementation would protect the seals by discouraging access during pupping season while allowing for public access during non-pupping season, providing a visual buffer and guideline with a year-round guideline rope,

eliminating disturbance from dogs, educating the public on how to respectfully share the beach with the seals, and providing a qualified expert to specifically oversee further public education and enforcement at Children's Pool. To carry out this resolution, the City acquired funding for a park ranger assigned specifically to Children's Pool and installed informational signage on how to share the beach by staying a respectful distance from the seals and moving slowly to avoid disturbing them. In May 2011, the City adopted an ordinance amending the Municipal Code to prohibit all dogs except for service dogs in service on the beach area and the immediate beach areas of Children's Pool, including the breakwater, ramp, and stairways.

Subsequently, the City of San Diego Park and Recreation Department applied for CDP No. 6-11-078 for the installation and maintenance of a year-round guideline rope at Children's Pool Beach, submitted on October 19, 2011. The permit was approved on July 11, 2012 with a three-year permit term to expire on July 11, 2015. Special Condition No. 3 of the permit required the City to obtain all local discretionary permits prior to issuance of the CDP. The City subsequently approved Site Development Permit No. 782184 for installation and maintenance of the guideline rope on a year-round basis in perpetuity. The guideline rope was put into effect once the City fulfilled their "prior to issuance" conditions on May 14, 2013.

On January 25, 2013, the City installed a "Seal Cam" video camera at the Children's Pool lifeguard station so people could access live video footage of the seals and the birthing process on the Internet at any time. Shortly after installation, the video camera captured several nights of footage of people breaching the rope at night and intentionally harassing, kicking, and sitting on the seals. These egregious harassment events and likely violations of the Marine Mammal Protection Act (MMPA) prompted the mayor to authorize an emergency CDP on March 7, 2013 for the closure of Children's Pool Beach from sunset to sunrise through May 15, 2013-- the remainder of the pupping season. The emergency permit was issued on March 19, 2013; however, due to the jurisdictional boundary assumed at the time, the City's emergency permit was adequate to close the stairs leading to the beach but required Coastal Commission approval to close the actual beach. Thus the City applied to the Coastal Commission for emergency CDP No. 6-13-014-G on March 29, 2013, which was subsequently approved by the Commission and put into effect on April 10, 2013. As conditioned, the City was not required to apply for a follow-up coastal development permit with the Commission as the emergency permit was only in effect through May 15, 2013.

There were numerous harassment events observed and recorded by the Park Ranger assigned to Children's Pool throughout the 2013-2014 pupping season as well as outside of the pupping season months, despite the year-round protective guideline rope. Following continual reports of seal harassment, the City determined that a seasonal closure was necessary to provide undisturbed protection during the vulnerable months of their pupping seasons. Thus, the City applied for CDP No. 6-14-0691 for a seasonal beach closure at Children's Pool, which was approved by the Commission on August 14, 2014 with a five-year permit term to expire on August 14, 2019.

The proposed project would permanently maintain the year-round guideline rope approved through CDP No. 6-11-078, which is set to expire in July 2015, in order to provide continued protection of the harbor seals during the times the beach is open to public access.

C. MARINE RESOURCES

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30240 of the Coastal Act states, in part:

(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

In addition, the certified La Jolla Community Plan and Local Coastal Program Land Use Plan contain policies regarding the protection of marine resources which include the following:

The City should limit public access in open space areas that contain sensitive resources to scientific or educational use. Access should be confined to designated trails or paths and no access should be approved which would result in the disruption of habitat areas.

The City shall ensure the preservation of portions of public and private property that are partially or wholly designated as open space to the maximum extent feasible. Development potential on open space lands shown on Figure 7 shall be limited to preserve the Park, recreation, scenic, habitat and/or open space values of these lands, and to protect public health and safety...

The City should preserve and protect the coastal bluffs, beaches and shoreline areas of La Jolla assuring that development occurs in a manner that protects these resources, encourages sensitive development, retains biodiversity and interconnected habitats and maximizes physical and visual public access to and along the shoreline...

The project site is Children's Pool Beach, a 0.7-acre artificial pocket beach held in place by a seawall/breakwater constructed in 1931. Children's Pool Beach is designated as

“Parks, Open Space” in the City’s certified Land Use Plan. Children’s Pool Beach provides recreational and educational opportunities for swimmers, divers, tourists, scientists, and the general public through its provision of lifeguard facilities, access stairway from Coast Boulevard, parking along Coast Boulevard, viewing gazebo along Coast Boulevard, benches, restrooms, pedestrian walkway atop the seawall, and a closed, gated emergency beach access ramp. The City has indicated that this gated ramp was installed for emergency purposes, including for Park & Recreation and lifeguards vehicles, not for public access. In addition to being a public beach, Children’s Pool is a “marine mammal park for the enjoyment and educational benefit of children” as declared by the amended 1931 Tidelands Grant (Statutes of 2009, Chapter 19).

Harbor seals (*Phoca vitulina*) and other pinnipeds used Seal Rock (located approximately 500 feet northeast of Children’s Pool) and Children’s Pool Beach as haul out sites prior to the construction of the breakwater, but greater numbers started to haul out in the early 1990s. Historic maps from 1887 and 1894 show that the sandstone reef and adjacent rocks on which the breakwater was built were identified as Seal Rock Point and Seal Rock. These maps demonstrate that seals utilized this area as a natural haul-out site prior to the breakwater’s construction. In response to the increased use of Seal Rock as a haul-out site, the Coastal Commission approved the City of San Diego’s request to designate that area as a Marine Mammal Reserve in November 1993 pursuant to CDP No. 6-93-026. As of 1996, when National Oceanic and Atmospheric Administration’s (NOAA) National Marine Fisheries Service (NMFS) began to regularly survey the number of seals present at Children’s Pool Beach, data indicates that haul-out numbers ranged from as little as 11 seals on a day in November 1996 to as many as 160 seals on a day in June 1996.¹ More recent data, collected by the Park Ranger assigned to Children’s Pool pursuant to the annual monitoring reports required by Special Condition No. 4 of CDP No. 6-11-078, indicates that it is not unusual for over 200 seals to haul out onto Children’s Pool Beach during pupping season (December 15 to May 15) as well as outside of pupping season months. The first of three annual monitoring reports submitted by the Park Ranger on June 2, 2014 provides similar data, with peak seal haul-out counts reaching into the 200’s occurring on April 16, May 28, October 24, December 4, and December 8 of 2013 and on March 1, March 17, April 26, and May 6 of 2014. Seal count data from the second of three annual monitoring reports observe seal counts often reaching into the 200’s through the beginning of June 2014, and often into the 100’s between June 2014 and December 2014. Thus, although peak haul-out numbers have been recorded predominantly during the pupping season, this monitoring data indicates that seals use Children’s Pool Beach as a haul-out site on a year-round basis.

Harbor seals are generally non-migratory and are found on both the U.S. east and west coasts. On the west coast, harbor seals are found in near-shore coastal and estuarine waters off Baja California, north to British Columbia, west through the Gulf of Alaska and in the Bering Sea. Since the passage of the Marine Mammal Protection Act (MMPA)

¹ NOAA’s National Marine Fisheries Service Southwest Regional Office. *California Pinniped Rookeries and Haul-out Sites*. <http://www.arcgis.com/home/webmap/viewer.html?webmap=2ff3fabe20cf4c83959cae1597500b09>. May 30, 2012.

of 1972 (16 U.S.C. 1361 et seq.), the California coast stock has begun to stabilize at approximately 34,233 seals.² NOAA's National Marine Fisheries Service (NMFS) is the agency that manages the California stock of harbor seals and is responsible for enforcement of the MMPA. The Southwest Region of NMFS has created a map depicting pinniped haul out areas and rookeries (pupping sites) in California. According to NMFS data, the Children's Pool Beach is the only mainland rookery and haul-out site in San Diego and Los Angeles Counties. The next closest mainland rookery is located at Point Mugu Lagoon within the Point Mugu Naval Air Weapons Station. Public access is restricted at that site. The City of Carpinteria is also home to a mainland rookery; this beach is not readily accessible to the public, as people must walk over half a mile to reach the bluff top overlook. Additionally, the City of Carpinteria closes that beach 750 feet to the east and west of the site during pupping season (December 1 through May 31) pursuant to the City's Municipal Code 12.23.090. Offshore, there are harbor seal rookeries located at the Channel Islands. In Northern California, Fitzgerald Marine Reserve is a very publically accessible state marine reserve that has been a haul-out site and rookery to harbor seals since the mid-1900's and requires visitors to remain 300 feet away from all marine mammals for their year-round protection.

The Legislature enacted the MMPA to prevent the extinction or depletion of marine mammal stocks as a result of human activity. (See 16 U.S.C. § 1361(1); *Natural Resources Defense Council, Inc. v. Evans* (2003) 279 F.Supp.2d 1129, 1141.) In achieving this goal, the MMPA generally prohibits the "taking" of marine mammals, with limited statutory exemptions, with an act of "taking" meaning "to harass, hunt, capture, collect or kill, any marine mammal." (50 C.F.R. § 216.3; 16 U.S.C. § 1362(13); as cited in *Natural Resources Defense Council, Inc. v. Evans, supra* 279 F.Supp.2d at 1141.) Harassment, as defined under the MMPA, is:

...any act of pursuit, torment or annoyance which – (i) has the potential to injure a marine mammal or marine mammal stock in the wild; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering.

(16 U.S.C., § 1362(18)(A).) No person has an authorized incidental take permit from NMFS to incidentally take the seals at Children's Pool, nor is there an option for intentional take (See 16 U.S.C. § 1371(5)(A)(i) [procedures related to permits excluding intentional take]). The City currently has an Incidental Take Authorization (IHA) from NMFS to take small numbers of marine mammals incidental to construction activities at the Children's Pool Lifeguard Station from June 28, 2014 through June 27, 2015 and has applied for a one-year extension of this authorization, as the construction is now scheduled for completion by December 2015. NMFS found that the construction activities would have negligible impacts on marine mammals and their habitat in this

²NOAA's National Marine Fisheries Office of Protected Resources. *Harbor Seal Population Trends*. <http://www.nmfs.noaa.gov/pr/species/mammals/pinnipeds/harborseal.htm>. Updated April 24, 2012. Accessed May 30, 2012.

area, and conditioned the IHA to prohibit construction activities during the harbor seal pupping season.

Unlike the state's other pinniped haul out areas and rookeries, the seal rookery and haul-out site at Children's Pool Beach is unique due to its location in an urban setting that is easily accessible to the public. As a result, over the years there has been ongoing disturbance and harassment of the hauled out seals. While a distance of at least 100 yards, or 300 feet, is recommended by NMFS's "Guidelines for Viewing Seals and Sea Lions in California," due to the relatively small sandy beach area available at Children's Pool Beach, NMFS Regional Administrator Rodney McInnis has recommended in a letter to the Coastal Commission dated June 27, 2012 that people maintain a minimum distance of 50 feet for viewing hauled out seals while standing on the sandy beach area at the subject site ([Exhibit 9](#)). McInnis also asserted that although this is a guideline that does not have the force of law, unauthorized harassment is a violation of the MMPA regardless of the distance from which it occurs. Efforts by the public to closely approach or otherwise interact with seals have led to unauthorized harassment of the hauled-out seals, which is illegal under the MMPA. According to observations by the park ranger assigned to Children's Pool, although the seals at this location are more acclimated to human presence than other areas of the coast, harassment and flushing of the seals into the water does occur, which disturbs the seals' behavior pattern of hauling out so that they can rest, sleep, thermal regulate, maintain skin and molt, socially interact, evade predators, give birth, and nurse and wean pups. However, due to the shared use nature of the beach, NMFS has historically pursued harassment penalties only in cases of extreme or malicious harassment. Activities that have caused hauled-out seals to flush into the water, disrupting their behavior patterns, include people making loud noises, approaching or surrounding seals to take pictures, pet, feed, chase, follow, throw rocks/sand/seaweed, and entering and exiting the water. A study conducted at Children's Pool found that disturbances associated with construction activities (for the replacement of the wall and bluff improvements) only caused seals to flush into the water once during the week when demolition and heavy debris removal was conducted; however, humans in the water or on land resulted in 144 flush events.³ Not only are the seals at risk, but public health and safety are also at risk from defensive seal bites and nips when people attempt to interact too closely with the seals.

Although Harbor seals are neither endangered nor threatened, the haul out sites and pupping sites that they use, otherwise known as rookeries, provide valuable habitat for the seal life cycle that warrant protection under Section 30230. Harbor seals may use rocks, reefs, beaches, intertidal sandbars, and drifting glacial ice as haul out and pupping sites. Harbor seals can haul out any time of the day or night on a year-round basis; however, the number of seals hauled out at a certain moment may vary dependent upon several factors, including tide height, weather, time of day, season, and level of disturbance.⁴ Haul out sites provide essential habitat that seals utilize for a variety of

³ Yochem P. 2005. Summary of conclusions regarding the harbor seal rookery at Children's Pool Beach, La Jolla, CA. La Jolla Cove Wall Replacement and Bluff Improvements Project (Sept 21, 2004 – Jan 1, 2005). March 25, 2005. Hubbs-SeaWorld Research Institute Paper.

⁴ Watts, P. 1993. Possible Lunar Influence on Hauling-Out Behavior by the Pacific Harbor Seal (*Phoca vitulina richardsi*). Marine Mammal Science 9(1):68-76.

functions, including but not limited to rest, sleep, thermal regulation, skin maintenance and molting, social interaction, predator evasion, giving birth during the spring and summer, and nursing and weaning pups.^{5 6}

The seals at the haul out site at Children's Beach are especially fragile coastal resources because they are more vulnerable to harassment by the public at this site than other haul out sites along the coast. This higher vulnerability is present because there is a very high potential that great numbers of people from the densely populated San Diego Metropolitan Area and beyond will visit the popular downtown La Jolla area and Children's Pool, and attempt to interact with the seals, which leads to frequent harassment and flushing of the seals into the water. As noted, the park ranger and the Seal Cam have witnessed several incidents of harassment, leading to frequent flushing which significantly affects the behavior patterns of the seals. Therefore, the seals at the haul out site are considered a fragile coastal resource because they are highly vulnerable to frequent flushing which significantly affects their well-being.

As the Commission found in their August 2014 action on CDP No. 6-14-0691, the potential adverse impacts of disturbance to hauled out seals are particularly significant during pupping season when seals haul out and remain on the beach for longer periods of time in order to prepare for birth, go through the birthing process, and nurse the seal pups once they are born. Thus, the Commission approved a seasonal beach closure to protect the seals during their most vulnerable time of the year. Through the entire range of harbor seals, pupping is typically from January to October; however pupping season occurs earlier in southern areas such as San Diego.⁷ As determined by the City in consultation with NMFS representatives as part of the permit approval for the annual placement of a rope barrier during seal pupping season, pupping season at Children's Pool Beach is generally from January through April but can start as early as mid-December and ends as late as mid-May. Pups are typically born and weaned during the late spring, and nursing lasts about 3-6 weeks. Thus, per the recommendation of the NMFS, it was determined that the seal pupping season at Children's Pool Beach is December 15 to May 15 in order to bracket the general time when vulnerable pups are present. Pups are capable of swimming immediately after birth and they are weaned from their mothers after approximately three to six weeks of nursing.⁸ During that time, seal pups are frequently left on the beach by their mothers, who spend time in the water foraging for food.

⁵ NOAA's National Marine Fisheries Office of Protected Resources. *Species: Harbor Seal*. <http://www.nmfs.noaa.gov/pr/species/mammals/pinnipeds/harborseal.htm>. Updated April 24, 2012. Accessed May 30, 2012.

⁶ Terhune, J.M. and M. Almon. 1983. Variability of Harbour Seal Numbers on Haul-Out Sites. *Aquatic Mammals* 10(3):71-78.

⁷ NOAA's National Marine Fisheries Service Southwest Regional Office. *California Seal and Sea Lion Viewing Guidelines*. <http://swr.nmfs.noaa.gov/psd/rookeryhaulouts/CASEALVIEWBROCHURE.pdf>. May 30, 2012.

⁸ NOAA's National Marine Fisheries Service Southwest Regional Office. *California Seal and Sea Lion Viewing Guidelines*. <http://swr.nmfs.noaa.gov/psd/rookeryhaulouts/CASEALVIEWBROCHURE.pdf>. May 30, 2012.

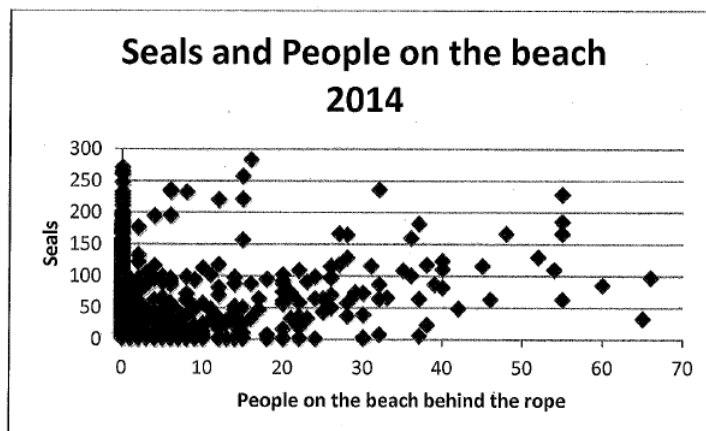
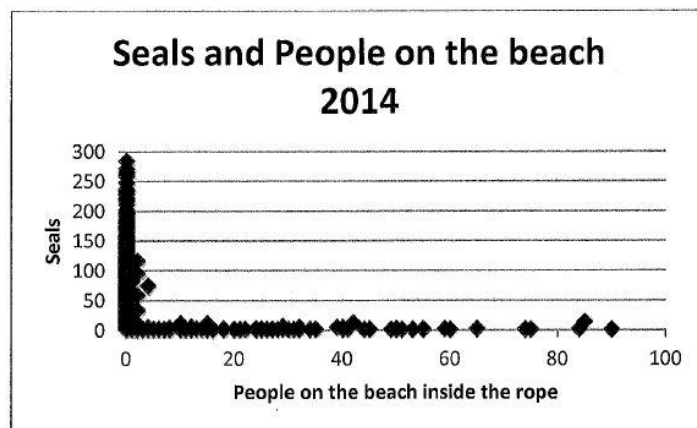
Additionally, during this period, the mother seals become more aggressive due to their instinct to protect themselves and their pups from people who get too close. Harbor seals will usually return to breed in the same location as they were born, unless frequent disturbances cause them to abandon the site. Further, harassment during the pupping season may cause mothers to abandon their pups. When a disturbance causes the seals to flush quickly into the water, a seal pup may become separated from its mother and abandoned. Additionally, too many disturbances on the beach may prevent a mother from returning from the water to reunite with her pup after hunting. Abandonment severely decreases the pup's chance for survival. According to the City and volunteer docents, there have been several cases of seal pup abandonment at Children's Pool. Avoiding potential adverse impacts such as seal pup abandonment is the goal of the seasonal closure during pupping season. The City has indicated that the first annual beach closure was effective at significantly reducing or eliminating seal disturbance and harassment with only 10 observed flushing incidents in the five pupping season months, primarily caused unintentionally by people lawfully swimming, boating, or kayaking in the tideland waters near the beach.

Although the potential adverse impacts of harassment to hauled out seals are not as significant during the non-pupping season, disturbance and flushing does have the potential to disrupt the natural habitat that seals require for a variety of life cycle functions throughout the entire year. As discussed above, as a part of seals' behavior patterns, they use haul out sites on a year-round basis for rest, sleep, thermal regulation, skin maintenance and molting, social interaction, predator evasion, giving birth during the spring, and nursing and weaning pups into summer. A high number of seals were consistently observed hauled out on the beach by the park ranger outside of the pupping seasons of 2013 and 2014, particularly in May and June as the seals haul out to molt after their breeding season. The number of hauled out seals also increases as the cooler fall weather arrives.

Therefore, in order to avoid potential adverse impacts from human disturbance such as seal pup abandonment, the City has considered and implemented a variety of alternatives to protect the seals while maintaining public access. The City has installed a guideline rope with an opening for public access for the duration of the seal pupping season annually since 2006. In 2010, the City established the Shared Use Policy at the beach consisting of several adaptive management strategies to provide the public with guidelines on proper marine mammal protection and to provide the seals with protective measures to prevent harassment and disturbance. Additionally, the City has hired a park ranger who works Saturday through Wednesday year-round for about six hours a day to educate visitors about the shared use policy at Children's Pool Beach, ensure visitors are respectful of the seals, inform visitors and ensure visitors follow all regulations, and provide a visible presence to deter any unlawful acts. With CDP No. 6-11-078, the City asserted that the installation of a guideline rope on the beach on a year-round basis would extend the protection offered by the existing permit (CDP No. 701673) and provide a necessary visual barrier between the public utilizing the sandy beach and accessing the ocean at Children's Pool Beach, and the seals that haul out on the sand on a year-round basis to enhance the public's awareness that the seals deserve particular treatment and special protection under the MMPA and the Coastal Act. The current proposal would

provide continued seal protection and public awareness after the permit authorization for CDP No. 6-11-078 expires in July 2015.

Special Condition No. 4 of CDP No. 6-11-078 required the City to monitor the beach and collect data on the use of the beach by seals and the effectiveness of the guideline rope. Monitoring was undertaken by the Children's Pool park ranger after the City completed their "prior to issuance" conditions, and two monitoring reports have been submitted since then. The first report ([Exhibit 7](#)) covered the period between May 15, 2013 and May 14, 2014; the second report ([Exhibit 8](#)) covered May 15, 2014 through December 14, 2014, as the seasonal closure took effect on December 15, 2014 and requires a different monitoring program through CDP No. 6-14-0691. In the first report, the ranger indicated that the rope performed as expected, greatly reducing the amount of seal disturbance by beach visitors. A total of 28 harassment incidents were observed during the first monitoring period, about half of which occurred during non-pupping season months. The second report compared the amount of people seaward, or inside of the rope to the amount of people landward, or behind the rope to the amount of seals hauled out on the beach. As depicted in the graphs below, the collected data shows that when there are seals hauled out on the beach, people tend to stay behind the rope. Thus, the ranger concludes that the rope is generally effective at keeping people separated from the seals as people mostly stay behind the rope when there are hauled out seals present, and go inside of the rope when there are no seals on the beach.



In addition, the Seal Conservancy, a non-profit that advocates for protection of the harbor seal colony at Children's Pool, indicated that the average number of seals flushed per day was 54% lower between September 1 to December 15 of 2014 when the guideline rope was present, compared to the same time period in 2012 when no guideline rope was present ([Exhibit 10](#)).

Therefore, as the rope has been generally effective at reducing human/seal interaction by providing a visual guideline with informative signs about seal protection and sharing the beach, the City has proposed to maintain the rope on the beach year-round, in perpetuity. The Commission's staff ecologist, Dr. John Dixon, has reviewed the proposed project and concurs with the staff recommendation that the rope barrier is necessary to ensure that the use of the marine environment, Children's Pool area, will sustain the biological productivity of coastal waters and will assist to maintain healthy populations of the seals, as mandated under Section 30230, because it will reduce or eliminate the existing periodic harassment of the seals ([Exhibit 6](#)). When the beach is open to the public, the guideline rope provides for a maximum amount of public access while maintaining a reasonable level of natural resource protection for the seals.

However, rather than allow the rope to remain in perpetuity as proposed, [Special Condition #2](#) limits the authorization of this permit to a four year period, to coincide with the permit term of the seasonal beach closure. This will give the Commission the opportunity to review the City's monitoring and analysis of the effectiveness of implementing both the guideline rope and seasonal closure in conjunction, and the City's assessment of long-term beach management options for Children's Pool. To support this, [Special Condition #3](#) requires implementation of a monitoring plan throughout the four-year permit term, with the intention of assessing the level of use of the beach by seals and the effectiveness of the guideline rope at minimizing harassment of hauled out seals. It is the Commission's expectation that any future restriction of public access at Children's Pool will be developed as a comprehensive, year-round beach management program that addresses protection for the seals during both the pupping and non-pupping season. With these conditions, the City has the opportunity to apply for such a year-round program when the respective permits are due to expire in summer 2019. Additionally, [Special Condition #4](#) requires the City to acknowledge that the subject site may be subject to hazards from waves, storm waves, and flooding, and to assume the risks of such hazards in connection with the permitted development.

In conclusion, the Commission's action approving the seasonal beach closure of Children's Pool from December 15 to May 15 protects the seals during the most vulnerable stage of their lives when they are pupping, nursing, and weaning pups. However, human harassment of these marine animals has also occurred other times of the year, and the Coastal Act policies regarding marine resources require that the seals be afforded the protection necessary to support other important life functions and behavioral patterns including rest, sleep, thermal regulation, skin maintenance and molting, social interaction, and predator evasion. By providing a guideline of the appropriate distance for safe and respectful viewing of the seals, the proposed rope would minimize human-seal interaction and help maintain a healthy seal population at Children's Pool Beach to

protect marine resources, serve visitors, and fulfill recreational, scientific, and educational purposes, consistent with Section 30230 of the Coastal Act. Furthermore, the proposed rope has been sited and designed to prevent adverse impacts that would degrade this habitat and the adjacent parks and recreation areas, consistent with Section 30240 of the Coastal Act.

Therefore, the Commission hereby finds that the proposed permit application, as conditioned, is consistent with the applicable Coastal Act policies regarding protection of marine resources.

D. PUBLIC ACCESS AND RECREATION

Section 30604(c) of the Coastal Act states:

Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200)

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212(a) of the Coastal Act states, in part:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby...

Section 30213 of the Coastal Act states, in part:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred...

Section 30214(a) of the Coastal Act states, in part:

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain sue and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses...

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Upon reliance of these policies of the Coastal Act, the certified La Jolla Community Plan and Local Coastal Program Land Use Plan contains policies to protect public access as well, which include the following:

La Jolla's relationship to the sea should be maintained. Existing physical and visual access to the shoreline and ocean should be protected and improved...

The City should preserve and protect the coastal bluffs, beaches and shoreline area of La Jolla assuring development occurs in a manner that protects these resources, encourages sensitive development, retains biodiversity and interconnected habitats and maximizes physical and visual public access to and along the shoreline...

The City should ensure that new development does not restrict or prevent lateral, vertical or visual access to the beach on property that lies between the shoreline and first public roadway...

New development should not prevent or unduly restrict access to beaches or other recreational areas...

The City's beach and parkland along the shoreline should be expanded wherever possible...

Construction, grading, or improvements of any sort, except those mentioned in this plan, should be discouraged at beach areas. Public access to the shoreline should be increased (or improved) wherever possible...

The proposed project is for the installation and maintenance of a year-round, 152 ft. guideline rope to provide a buffer between the people and seals using the beach; however, public access to the beach and ocean would remain open via a 3 ft. opening in the guideline rope near the east end of the beach, adjacent to the access stairway, during the times the beach is open to public access. As mentioned above, Children's Pool Beach is currently authorized for a seasonal closure from December 15 to May 15 of each year to provide absolute protection to the harbor seals during their pupping season, until CDP No. 6-14-0691 expires in August 2019. The guideline rope, as proposed by the City of San Diego Park and Recreation Department, would remain in its current location on the sandy beach, which allows public access to a large sandy beach area inland of the rope, while maintaining a safe distance, or at least 20 ft., from the seals during most tidal levels ([Exhibit 3](#)). However, at the highest spring tides, seals may be forced to haul out on the landward side of the rope.

The City has indicated that since the seals started hauling out on Children's Pool Beach, there have been ongoing conflicts between people who want to defend the seals and people who want to approach the seals or use the beach and ocean at this location without maintaining a reasonable distance from the wildlife. According to the City, observations by the City's park ranger show that the greatest number of disturbances of seals by people occur on the weekends, often when visitors are encouraged onto the beach by people in support of unimpeded beach access. The City has indicated that without the presence of individuals opposed to the rope, visitors tend to observe the seals from behind the rope and maintain a safe distance that varies with the tide and also the location of the hauled out seals. The Children's Pool park ranger indicated in the second annual monitoring report for CDP No. 6-11-078 ([Exhibit 8](#)) that the reduction in the number of people who go inside the rope when seals are present in 2014 compared to 2013 may be due to a reduction in beach visits by pro-access advocates.

The rope is intended to reduce the number of conflicts between beach visitors and the seals by providing guidance for a safe distance, or buffer, from the hauled out seals, while maintaining public access to the beach and water. During the seven non-pupping season months of the year, the stairway leading to the beach and the beach upland of the rope will be open and available to the public and the beach will be open for swimming; however, warnings are posted that swimming is not recommended due to bacteria levels exceeding health standards. Individuals are not prohibited from crossing the guideline rope, and the rope is not expected nor is it intended to keep people off the beach or out of the ocean. Thus, the proposed

project will not have a significant impact on the public's ability to access or recreate at Children's Pool during non-pupping season.

To ensure that the public is aware of the shared use policy at Children's Pool Beach, the existing informational signage is proposed to be maintained on the support posts of the guideline rope, conspicuously posted as consistent with Section 30210 of the Coastal Act ([Exhibit 4](#)). The signage states, in part:

Be respectful of the seals in this area. SHARE THE BEACH WITH THE SEALS but keep a safe distance. The beach and waters are open for public enjoyment. Please view seals from behind the rope guideline. 50 feet is the minimum recommended viewing distance.

This signage, as well as existing signage at the stairway leading to the beach, encourages visitors to maintain a safe and respectful distance from the seals, as mandated by federal and local law, and advises against contact with the water, as the San Diego County Health Department has an ongoing advisory warning due to the water's high bacteria levels in this location. It was determined that due to limited tidal exchange in the pool and use of the area by so many seals, the water has become contaminated with high levels of bacteria that exceed health standards. Since September 1997, a water quality advisory has been posted at Children's Pool Beach advising against water contact as it poses a serious health risk. Pursuant to Special Condition No. 5 of the seasonal closure permit, CDP No. 6-14-0691, the City is required to analyze the water quality at Children's Pool and assess methods for improving water quality, including assessing the feasibility of opening the sluiceways in the breakwater. The City is also required to analyze the sand quality and methods for improving sand quality at Children's Pool, as well as the feasibility of providing ADA-compliant access to the sandy beach area as part of Special Condition No. 5 of CDP No. 6-14-0691. The City has indicated that they are in the process of developing this study and will submit the study with any request for re-authorization of the seasonal closure, as required. The proposed rope will have no effect on the existing water quality, sand quality, or ADA access conditions at Children's Pool.

As noted above, ever since the seals began hauling out on the beach at Children's Pool, they have become a major tourist attraction and a public access and recreation amenity in and of themselves. The ability to closely yet respectfully observe seals in a natural environment from the shoreline and breakwater at Children's Pool is unique to this location, and the seasonal beach closure would protect this passive public access and recreation amenity. Viewing the seals is often the primary purpose of a visit to Children's Pool Beach, and visitors will continue to be able to view the seals from several areas above the beach as well as from behind the rope. These areas include the gazebo along Coast Boulevard, the walkway along Coast Boulevard, the access stairway at the east end of the beach, the access stairway landing, and the breakwater. From the breakwater, visitors can view the seals up close, and due to the breakwater's height above the sand, the seals do not flush as easily when viewed from this location. Viewing the seals has drawn huge numbers of people to this coastal area, both locally and from around the

world. According to the San Diego Convention and Visitors Bureau, approximately 2.6 million people visited La Jolla in 2009. This figure includes day visitors, visitors staying overnight in La Jolla, and visitors staying in other parts of San Diego, but visiting La Jolla at some point during their trip. Thus, the seals by their presence encourage public access by attracting the public to the shore and providing a lower cost visitor amenity, consistent with Coastal Act Section 30213.

As noted in Sections 30212 and 30214 of the Coastal Act cited above, in implementing the public access policies of the Act, the Commission must take into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case. This is one circumstance where it is appropriate to rope off a portion of beach in order to provide a buffer between people and seals. The facts, as described above and in the Marine Resources section, support the need for continued use of the guideline rope to minimize human/seal interactions and seal harassment incidents. Again, the intent of the rope is not to keep the public from reaching the beach or ocean at Children's Pool Beach, but to provide a buffer to help protect the seals that haul out on the beach year-round and the people who use the beach. The public will still be able to access the beach and ocean at Children's Pool Beach.

As discussed in the Marine Resources section, the Commission imposes [Special Condition #2](#) to limit the authorization of this permit to a four year period, and [Special Condition #3](#) requires the preparation, submission to the Executive Director for review and approval, and implementation of a monitoring plan. The monitoring plan requires the City to continue data collection throughout the four-year permit term, with the intention of assessing the level of use by seals of the haul out site at Children's Pool Beach and the effectiveness of the guideline rope at minimizing harassment of hauled out seals. Thus, the Commission finds that placement of the guideline rope on the beach, as proposed, does not result in adverse impacts on public access and the proposed project, as conditioned, is consistent with all of the applicable Coastal Act policies regarding Public Access and Recreation.

E. VISUAL RESOURCES

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of the setting.

The area above Children's Pool Beach is identified as a viewshed area in the La Jolla Community Plan and Local Coastal Program Land Use Plan; however, the proposed

project will not result in any adverse impacts to visual resources. The rope is proposed to remain in its current configuration: installed directly upland of the mean high tide line (MHTL), with a ½-inch diameter rope strung through four 4-foot tall posts with concrete foundations and attached informational signs extending 152 feet from the breakwater to the inland extent of the beach, with a 3-foot opening for public access at the east end near the access stairway. Given this height and diameter, the rope will not block any public views from Coast Boulevard or Jenner Street as identified in the La Jolla Community Plan and Local Coastal Program Land Use Plan.

However, it is not necessary for the rope to be in place year-round as proposed, as the beach is currently closed off to public access during the pupping season months. Therefore, in order to improve the visual quality of the beach during the pupping season, the Commission imposes [Special Condition #1](#) requiring the City to submit, for review and approval of the Executive Director, final site plans stating that the rope shall be removed from December 15 to May 15 of each year during the annual closure. The foundations, posts, and signage may remain in place year-round.

Thus, the proposed project, as conditioned, is consistent with all applicable policies of the Coastal Act regarding visual resources.

F. REIMBURSEMENT IN CASE OF CHALLENGE

Coastal Act Section 30620(c)(1) authorizes the Commission to require applicants to reimburse the Commission for expenses incurred in processing CDP applications. Thus, the Commission is authorized to require reimbursement for expenses incurred in defending its action on the pending CDP application in the event that the Commission's action is challenged by a party other than the applicant. Therefore, consistent with Section 30620(c), the Commission imposes [Special Condition #5](#) requiring reimbursement for any costs and attorney's fees that the Commission incurs in connection with the defense of any action brought by a party other than the applicant challenging the approval or issuance of this permit.

G. LOCAL COASTAL PLANNING

Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

The proposed project is located within the City of San Diego; however, based on a jurisdictional boundary determination conducted on August 19, 2011 by the Commission's Mapping Department, Children's Pool Beach is located in an area where the Coastal Commission has retained permit jurisdiction (Exhibit 3). The Commission's permit jurisdiction is based on the existence of tidelands, submerged lands, and public trust lands. According to the Commission's Coastal Zone Boundary Determination No. 14-2011, the subject site, including the sandy beach, is located on tidelands submerged

land and land that is potentially subject to the public trust. Based on this boundary determination, the Coastal Commission is asserting jurisdiction over Children's Pool Beach, even though the City of San Diego has a certified Local Coastal Program (LCP). Thus, the standard of review for the proposed project is the Chapter Three policies of the Coastal Act. In addition, the policies of the certified City of San Diego Land Use Plan (specifically the La Jolla Community Plan and Local Coastal Program Land Use Plan) serve as guidance. As conditioned, the proposed project is consistent with the certified LCP and all applicable Chapter Three policies of the Coastal Act and will not prejudice the ability of the City of San Diego to continue to implement its LCP for the La Jolla area.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT

Section 13096 of the Commission's Code of Regulations requires Commission approval of Coastal Development Permits to be supported by a finding showing the permit, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the Chapter 3 policies of the Coastal Act. As the proposed project would provide increased protection of marine resources, no significant adverse effects on the environment are anticipated. Mitigation measures, including conditions addressing assumption of risk, a four-year permit authorization period, and a monitoring plan to record and monitor the effectiveness of the seasonal beach closure in preventing seal harassment, will minimize or prevent all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. In addition, the City determined that the proposed development is categorically exempt under Class 15304 and 15333 of CEQA. Therefore, the Commission finds that the proposed project is the least environmentally-damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

Appendix A – Substantive File Documents

- CDP No. 6-11-078/City of San Diego Park and Recreation Department
- CDP No. 6-14-0691/City of San Diego Park and Recreation Department
- CDP No. 6-93-026/City of San Diego Park and Recreation Department
- CDP No. 6-00-126/ City of San Diego Park and Recreation Department
- LCP Amendment No. LCP-6-LJS-14-0607-1/City of San Diego
- La Jolla Community Plan (certified Land Use Plan)
- 1931 Tidelands Trust
- Senate Bill 428 effective as of January 1, 2010
- City of San Diego Resolution R-305837 passed by City Council on May 17, 2010
- City of San Diego Resolution R-308759 passed by City Council on March 12, 2014
- Withdrawn CDP Application No. 6-05-098
- Appeal No. A-6-LJS-08-065
- Appeal No. A-6-LJS-10-009
- City of San Diego CDP No. 545642
- City of San Diego CDP No. 701673
- City of San Diego Site Development Permit No. 782184

Subject Site

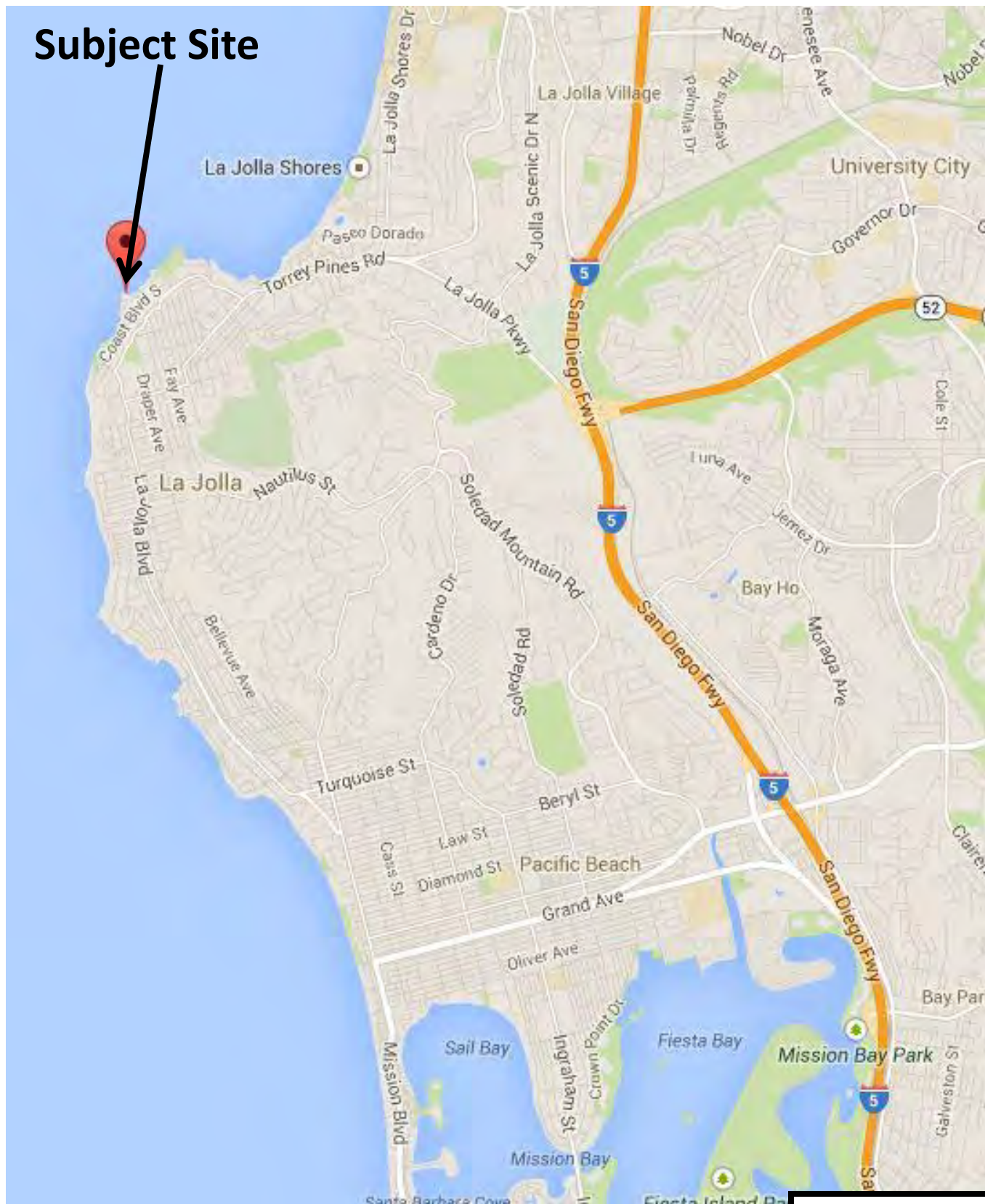


EXHIBIT NO. 1

APPLICATION NO.

6-15-0223

Vicinity Map



California Coastal Commission

Subject Site



EXHIBIT NO. 2

APPLICATION NO.

6-15-0223

Aerial View



California Coastal Commission

Site Plan



NOT TO SCALE
 THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE USER ASSUMES ALL LIABILITY FOR ANY USE OF THIS MAP. THE USER AGREES TO HOLD THE CALIFORNIA COASTAL COMMISSION HARMLESS FROM ANY AND ALL CLAIMS, DAMAGES, LOSSES AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING OUT OF OR IN CONNECTION WITH THE USER'S USE OF THIS MAP.

EXHIBIT NO. 3

APPLICATION NO.

6-15-0223

Site Plan



California Coastal Commission



THE CITY OF SAN DIEGO
WELCOME TO THE CHILDREN'S POOL
Be respectful of the seals in this area
SHARE THE BEACH WITH THE SEALS but keep a safe distance.

The beach and waters are open for public enjoyment.
Please view seals from behind the rope guideline.
50 feet is the minimum recommended viewing distance



STAY BACK - MOVE SLOWLY

Wild animals are unpredictable and may bite.
Get too close and you may frighten the seals.
This could cause pups to be abandoned.



Harassing, disturbing, or causing seals to flush is a violation of Federal and
Local Law and may lead to a citation.

WARNING/ADVISORY

Contact with water may cause illness as bacteria levels exceed California
State health standards. Call the San Diego County Department of
Environmental Health @ (619) 598-2073 for more information.

EXHIBIT NO. 4

APPLICATION NO.

6-15-0223

Existing Rope

And Signage



California Coastal Commission



Coastal Commission Permit Jurisdiction
For illustrative purposes only.



EXHIBIT NO. 5
APPLICATION NO.
6-15-0223

Jurisdiction Map



CALIFORNIA COASTAL COMMISSION

TH COAST DISTRICT
"E" STREET, SUITE 200
EKA, CA 95501
) 445-7873



MEMORANDUM

FROM: John D. Dixon, Ph.D.
Ecologist

TO: Kanani Brown

SUBJECT: San Diego Children's Pool

DATE: June 21, 2012

Document reviewed:

Carretta, J.V. and 15 others. 2011. U.S. Pacific Marine Mammal Assessments: 2011. Chapter entitled "Harbor Seal (*Phoca vitulina richardii*): California Stock. NOAA National Marine Fisheries Service, Southwest Science Center, La Jolla, CA.

Cottingham, D. (Marine Mammal Commission). 2005. Letter to R.R. McInnis (National Marine Fisheries Service) dated 3 November 2005 regarding incidental take of harbor seals during dredging of the Children's Pool.

Lecky, J.H. (National Marine Fisheries Service). 1999. Letter to T. Williams (City of San Diego) regarding an Incidental Harassment Authorization to dredge the Children's Pool dated October 19, 1999.

Lecky, J.H. (National Marine Fisheries Service). 2002. Whose beach is it anyway? Managing seals at Children's Pool, La Jolla, CA. Background paper prepared for the Workshop on the Management of Hawaiian Monk Seals on Beaches in the Main Hawaiian Islands, 29-31 October 2002 cosponsored by the Marine Mammal Commission, National Marine Fisheries Service, and Hawaii Division of Aquatic Resources.

Hanan & Associates. 2004. Biological letter report and recommendations for Construction regarding pinniped surveys at Children's Pool, La Jolla, California. A report dated May 1, 2004 submitted to the City of San Diego.

Ragen, T.J. (Marine Mammal Commission). 2008. Letter to C.C. Lautenbacher (U.S. Department of Commerce) dated 25 August 2008 regarding harassment of harbor seals at the Children's Pool and public safety.

EXHIBIT NO. 6

APPLICATION NO.

6-15-0223

CDP 6-11-078 Staff

Ecologist Memo



California Coastal Commission

Yochem, P.K. and B.S. Stewart. 1998. Behavioral ecology and demography of seals and sea lions at the Seal Rock Marine Mammal Reserve. Final report dated 2 January 1998 to the Seal Rock Marine Mammal Reserve Ad Hoc Committee convened by the City of San Diego Park and Recreation Department.

Harbor seals (*Phoca vitulina*) have a cosmopolitan distribution in the coastal waters of the northern hemisphere. As was the case for populations of most pinniped species, harbor seal populations along the west coast of North America were decimated by commercial hunting during the 19th and early 20th centuries. In 1951, the Department of Fish and Game estimated that there were only about 500 individuals along the California coast. Fortunately, the numbers of most populations have strongly rebounded since the Marine Mammal Protection Act was enacted in 1972. Today, the International Union for Conservation of Nature (IUCN) estimates the worldwide population as being between 350,000 and 500,000. The National Marine Fisheries Service's estimate for the California stock is about 30,000, which is probably approaching the regional carrying capacity. The species is of "least concern" for the IUCN and is considered either stable or growing in California.

In the La Jolla area, harbor seals have long used seal rock as a haul-out site (one of about 1,000 such sites in California) and the City of San Diego designated that area as a Marine Mammal Reserve. In the early 1990s, harbor seals also began hauling out on a regular basis, and in greater numbers, onto the sand beach at the nearby Children's Pool, a protected area created by the construction of a seawall in 1931. By 1995, the seals were more-or-less continuously utilizing the site for hauling out and as a rookery to give birth to and raise their pups. The average number of seals on the beach is around 75, with abundance highest from around January through July. Dependent pups are present from around March through June. The persistent presence of relatively large numbers of harbor seals within this artificial embayment has resulted in high levels of coliform bacteria that exceed that state water quality standard.

Federal law would allow the City to address the water quality problem by harassing the seals (a federal "take") in order to get them to leave the area and haul out elsewhere. Indeed, the National Marine Fisheries Service discourages closing public beaches to the general public because of use by common pinniped species. However, the Service cautions against the shared use of beaches by people and seals. At the Children's Pool their major stated concern was not the effect of people on seal behavior, but that the members of the public could be cited for harassment or even be bitten. In fact, there is ample evidence that curious people are harassing the seals, creating an illegal and dangerous situation that is of concern to the Marine Mammal Commission. The intrusive behavior of the public would be much more disruptive were it not for the unusual behavior of seals at this beach.

Over much of their range, harbor seals tend to be extremely shy and will flush into the water when people approach within a 100 m or so and will react to boats at an even greater distance. At some locations, human disturbance has even caused complete abandonment of a haul-out site. At the Children's pool, people are closely present at all hours moving about and making loud noises. There is also a complete complement of loud urban sounds on the street above. However, for the most part, the seals only tend

to flush when very closely approached and the number of seals present after a significant disturbance has little effect on the numbers present a short time later.

Although there are unlikely to be population consequences regardless of what actions are taken at the Children's Pool, it is nonetheless important that steps be taken to prevent the harassment of individual seals and to avoid forced flushing, especially during the period when dependent pups are present. Due to the fact that the numbers and distribution of seals on the beach varies both seasonally and from day-to-day, an adaptive management plan that could respond to changing circumstances would be most useful. Since a year-round rope barrier at the Children's Pool will have no negative biological impacts and will help protect the harbor seals using the beach, I concur with staff's recommendation to approve the proposed project, as conditioned.



THE CITY OF SAN DIEGO

Date: May 15, 2014

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool

Subject: Children's Pool Year-round Rope Annual Monitoring Report

First Annual Written Monitoring Report

For the Children's Pool Beach Year-Round Rope

Coastal Development Permit Application No.:6-11-078

Coastal Development Permit Application No.:6-11-078 granted the City of San Diego permission to erect and maintain a year-round guideline rope on the Children's Pool beach to provide a buffer between humans and seals. The permit was accepted by the City on May 14, 2013. Special Condition 4B of the granted permit requires the City of San Diego to submit a written report annually summarizing the condition and performance of the approved structure, make recommendations for modifications, and establish baseline data that will be used to determine the level of use of the beach by seals as a haul out location throughout the year and to also assess the level of effectiveness of the rope at minimizing visitor disturbance of hauled out seals. The following is submitted in fulfillment of that requirement.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the past year is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1. This is the first year's worth of beach usage by seals data and will be used as a baseline for comparison with subsequent years data. Review of the past year's data does show year-round usage of the beach by seals as a haul-out location but with significantly less usage during the day from mid-June through October 1, 2013. There were 109 consecutive days from June 14, 2013 to October 1, 2013 where less than 100 seals were counted on the beach during daylight hours. From June 16, 2013 to December 14, 2013 data observations recorded 0 seals on the beach or the rocks 217 times. Since December 14, 2013 there have been seals present at every count, with 2 being the least amount and 275 being the maximum counted. The data also shows that on a daily basis the number of seals hauling out tends to increase from morning to afternoon.



Developed Regional Parks Division • Park and Recreation

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EXHIBIT NO. 7

APPLICATION NO.

6-15-0223

CDP 6-11-078

1st Monitoring Report



California Coastal Commission

Harassment Incident Forms are included in digital format as PDF files on CD as Attachment 2. These documents record seal harassment incidents directly observed by the assigned Park Ranger while on duty at the Children's Pool. The Ranger observed 28 incidents of human activity that resulted in seals flushing in response. Of these incidents, 9 were due to snorkelers, scuba divers, and/or spear fishermen entering or exiting the water, 11 were due to people crossing the rope to get closer to the seals and the remaining incidents were from various causes such as low flying military helicopters, people fishing from the end of the breakwater, a loud noise from the stairway, and a lifeguard rescue boat that entered the pool area while training. Many other seal harassment incidents have been witnessed, photographed, and video recorded by visitors and reported to the Ranger but date and time of those incidents could not be verified and therefore were not documented on the Harassment Incident Form.

Requirement #2: An evaluation of the condition and performance of the approved structure, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: Several repairs to the rope and poles have been performed over the past year. The most common repair has been the need for grounds maintenance personnel to reseal rope pole 1, the pole closest to the rock, deeper into the sand. Children pulling or hanging on the rope cause the base of the pole to loosen and pull up out of the sand and the rope to get excessively slack. Reseating has had to be done about once a month.

The rope was found cut between poles 3 and 4 the morning of December 16. There was enough excess rope coiled at the seawall end to reconnect the rope at pole 3. However, the rope was cut again two nights later. A new rope was installed December 19. There has been no further rope cutting incidents to date.

Very high tides and high surf washed out pole 1 the morning of December 31, 2013 and again March 2, 2014. Grounds maintenance personnel replaced the pole after each washout as soon as practical after the tide receded and hauled out seals moved away.

The rope has performed as expected, greatly reducing seal disturbance by beach visitors. The amount of reduction cannot be statistically measured due to lack of baseline data. Personal observations by the assigned Park Ranger have shown that when seals are hauled out on the Children's Pool beach the vast majority of visitors will automatically view them from behind the rope. There have been instances of the rope being overly effective (see photos). Instances, predominantly in the summer, when there were no seals on the beach as well as no visitors yet Shell beach just to the north and South Casa beach just to the south were crowded with beachgoers. Visitors have reported to the Ranger that they saw the rope on the beach and just assumed that the beach was closed.

The rope is ineffective when certain tidal conditions occur. The rope and poles are installed at the mean high tide line. When high spring tides occur in conjunction with new and full moons seals haul out on the "people" side of the rope. Since there is nothing separating visitors and seals human/seal interaction is much more common. It is interesting to note that the majority of these highest high tides occur at night or early in the morning and not during peak visitor hours.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device: In order to reduce the number of times pole 1 has to be reseated because of rope pulling and washouts it is recommended that poles 1 and 2 be replaced with longer poles that can be buried deeper into the sand while still maintaining the four foot maximum height above the surface.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure: Seven photographs demonstrating the performance and effectiveness of the rope are included on the following pages. Additional photographs are included on the attached CD.

Submitted by:



Richard Belesky
Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101



Rope effectiveness: Top photo is Shell Beach taken from Children's Pool Gazebo. Bottom photo is Children's Pool beach also taken from the gazebo 2 minutes later.



Rope effectiveness: Top photo is South Casa beach just south of the Children's Pool taken 2 minutes after the bottom photo.



Rope effectiveness 1/21/2014



Rope effectiveness 2/2/2014



Seals across rope 3/2/2014



THE CITY OF SAN DIEGO

Date: February 10, 2015

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool La Jolla

Subject: Children's Pool Year-round Rope Annual Monitoring Report

6-15-0223

Second Annual Written Monitoring Report

MAR 04 2015

For the Children's Pool Beach Year-round Rope

Coastal Development Permit Application No.:6-11-078

Coastal Development Permit Application No.:6-11-078 granted the City of San Diego permission to erect and maintain a year-round guideline rope on the Children's Pool beach to provide a buffer between humans and seals. The permit was accepted by the City on May 14, 2013. Special Condition 4B of the granted permit requires the City of San Diego to submit a written report annually summarizing the condition and performance of the approved structure, make recommendations for modifications, and establish baseline data that will be used to determine the level of use of the beach by seals as a haul out location throughout the year and to also assess the level of effectiveness of the rope at minimizing visitor disturbance of hauled out seals. The following is submitted in fulfillment of that requirement.

Although CDP No. 6-11-078 was granted to the City of San Diego July 18, 2012 it was not accepted until May 14, 2013, when all the conditions of its issuance had been met. The first Annual Written Monitoring Report covered the period from May 15, 2013 to May 14, 2014 and was submitted May 15, 2014. The California Coastal Commission granted Coastal Development Permit No. 6-14-0691 to the City of San Diego on November 7, 2014 which authorized a seasonal closure of the Children's Pool during harbor seal pupping season. The seasonal closure is now in effect from December 15 to May 15 each year for a five year trial period. A condition of this permit is the implementation a monitoring program during the closure period. Since the requirements of the beach closure monitoring program are slightly different than the year-round rope program this Second Annual Written Monitoring Report will cover the period from the end of the previous report, May 15, 2014, to the start of the seasonal closure, December 14, 2014.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the monitoring period is entered on the Data Collection Form and is included in digital

Developed Regional Parks Division • Park and Recreation

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EXHIBIT NO. 8

APPLICATION NO.

6-15-0223

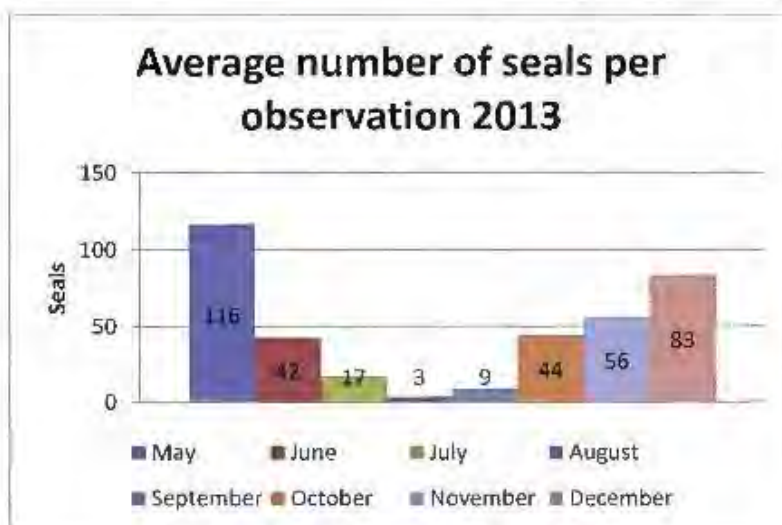
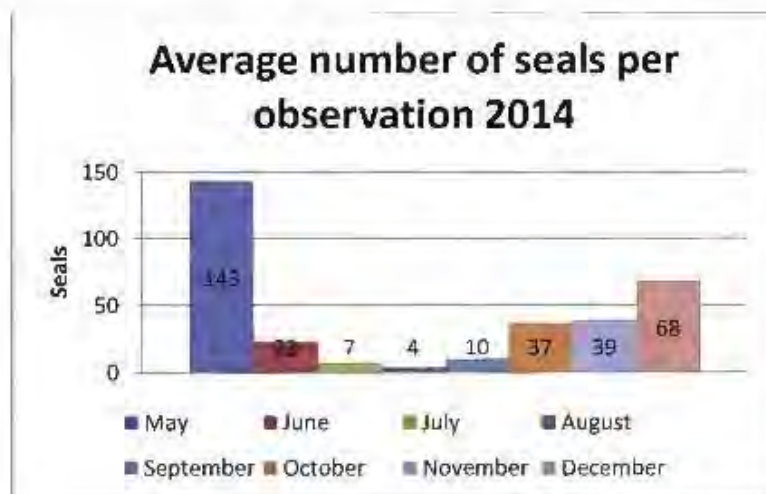
CDP 6-11-078

2nd Monitoring Report



California Coastal Commission

Excel file on CD as Attachment 1. There were 779 observations recorded during this monitoring period. Comparisons will be made with the 578 observations from the same time period in 2013. Review of the past year's data does again shows year-round usage of the beach by seals as a haul-out location but with significantly less usage during the day from mid-June through October 1, 2014. The following are graphs of the number of seals per observation per month that illustrate the numbers:



As can be seen in the graphs, while there is some variation each month from year to year, the seasonal haul out pattern has remained consistent. A note on the 2014 average graph above: in order to accurately compare 2014 data to that of 2013 all early morning observations made by a trained volunteer were omitted from the 2014 data for this graph. This was done because there were no early morning, or non-Ranger made, observations done in 2013. The following graph includes all 2014 observations:

Average number of seals per observation 2014

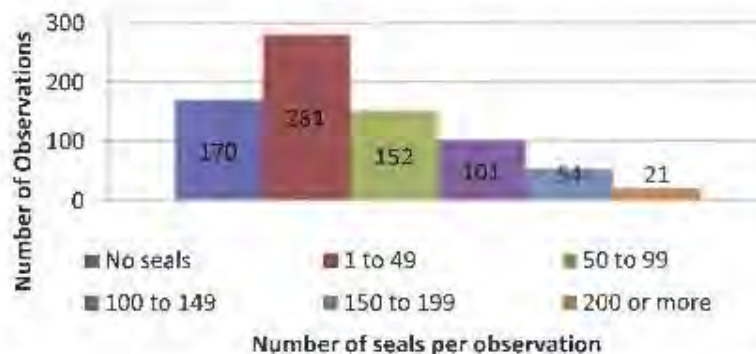
(with early morning counts)

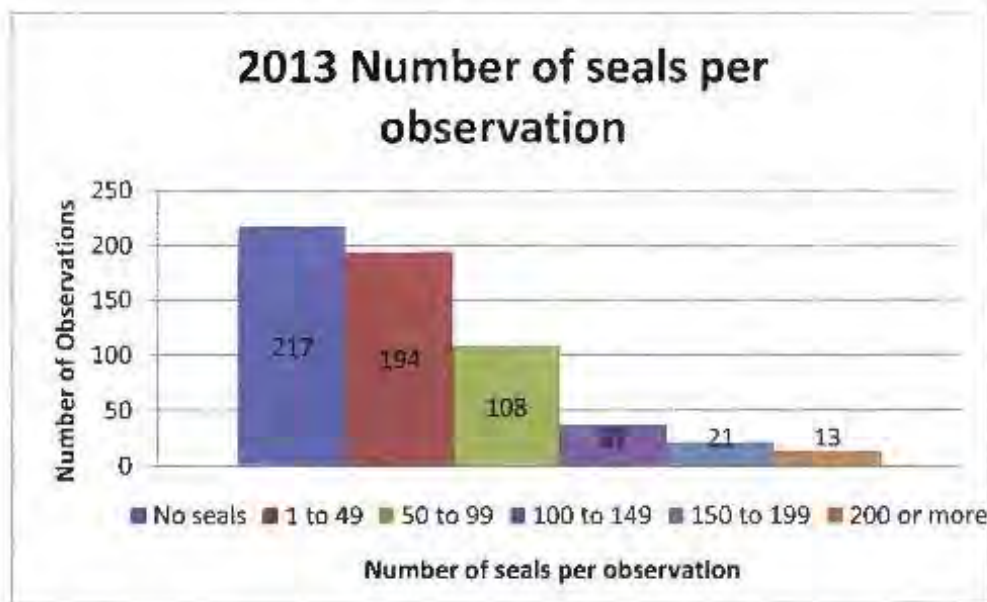


As this graph demonstrates, the inclusion of the early morning seal counts significantly increases the average count per month, especially in the warmer months of June through October. The graph also shows that while seals are generally not seen on the beach during the day they are still in the area in significant numbers. The seals seem to prefer hauling out at night during warmer months and start heading into the water shortly after sunrise to spend hot days in the water.

The preceding graphs displayed the average number of seals per observation per month. The following graphs show the number of seals counted per observation divided into groups. This graph can be read as follows: example, in 281 of the 779 observations made in 2014 between 1 and 49 seals were counted.

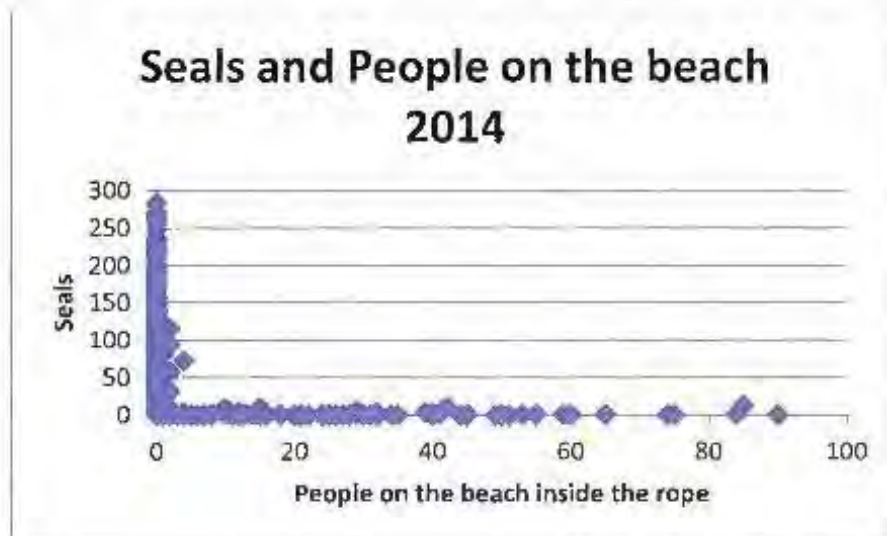
2014 Number of seals per observation



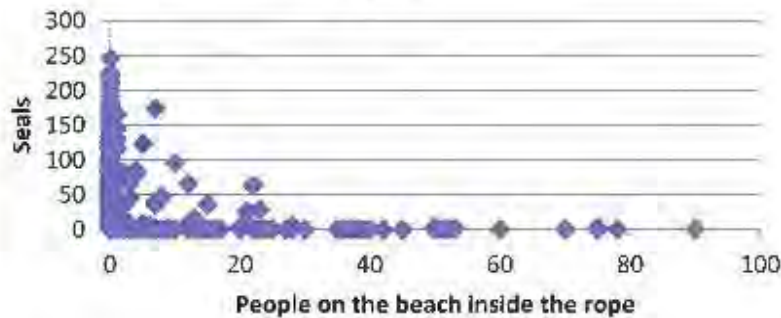


In comparing the two years, it can be seen that in 2014 there were at least one or more seals on the beach or rocks within the pool more often than in 2013. There were also fewer observations of no seals on the beach in 2014 than in 2013.

The next sets of graphs are scatter plots of seals and people on the beach. There are two plots for each year. The first shows the number of seals counted and the number of visitors *inside* the rope for each year. The second set shows the number of seals and the number of visitors *behind* the rope. Each data point represents one observation of seals and people on the beach at that time:



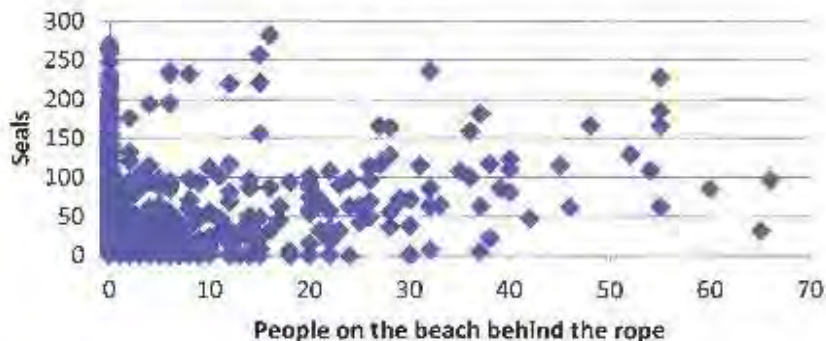
Seals and People on the Beach 2013



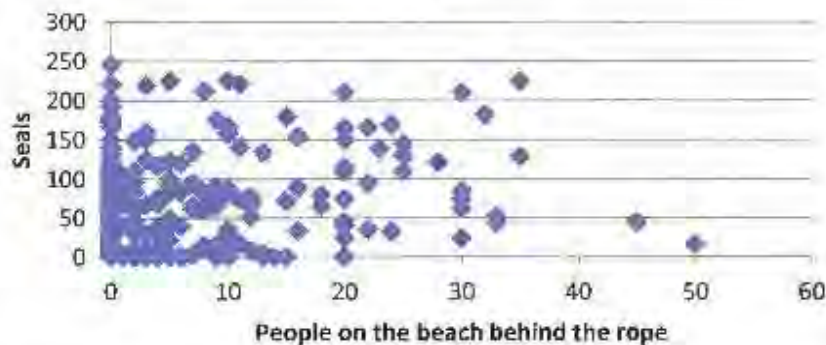
The above graphs illustrate that in 2014, with just a few exceptions, when there are seals on the beach there are few to no people inside the rope and conversely, when there are people on the beach inside the rope there are few to no seals. 2013's plot shows more instances of people inside the rope when seals are hauled out. This difference is probably due to the reduction in beach visits by pro-beach advocates during 2014 as compared to 2013. Although impossible to prove with the data, the Ranger has observed that the presence of people inside the rope is mainly due to the absence of seals, meaning that if there are seals on the beach people tend to stay behind the rope. People generally will use the beach when the seals have left. There have been people expressing concern that the presence of large numbers of people on the beach inside the rope keeps harbor seals from hauling out but the Ranger has made numerous observations where there were no seals and no people on the beach for hours at a time.

The next two graphs plot the number of seals hauled out and the number of people on the beach behind or on the people-side of the rope:

Seals and People on the beach 2014



Seals and People on the Beach 2013



The two graphs above show that when seals are on the beach people either view them from behind the rope or chose to stay off the beach entirely. The rope is generally effective at keeping people separated from seals.

Harassment Incident Forms are included in digital format as PDF files on CD as Attachment 2. These documents record seal harassment incidents directly observed by the assigned Park Ranger while on duty at the Children's Pool. The Ranger observed 31 incidents of human activity that resulted in seals flushing in response. Of these incidents, 15 were due to snorkelers, scuba divers, and/or spear fishermen entering or exiting the water, 12 were due to people crossing the rope to get closer to the seals and the remaining incidents were from various causes such as people fishing from the end of the breakwater, workers repairing railings on the breakwater, and a man running on the beach behind the rope early in the morning. Two non-human caused flushing incidents are interesting to note. A heavy rain shower in August caused the flush of all hauled out seals and a visiting elephant seal and in October a large male sea lion hauled out of the water onto the seawall rock and startled all the smaller seals into the water. Many other seal harassment incidents have been witnessed, photographed, and video recorded by visitors and reported to the Ranger but date and time of those incidents could not be verified and therefore were not documented on the Harassment Incident Form. It should be noted that entering and exiting the water at Children's Pool Beach was permissible during this monitoring period. The divers entering or exiting the water did not appear to do so to intentionally harass hauled out seals. It has been observed that that activity, people entering and exiting the water, is what is most likely to disturb resting seals.

Requirement #2: An evaluation of the condition and performance of the approved structure, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: The rope and poles have

performed has designed and expected during this reporting period. Pole 1, the pole closest to the rock, has needed to be resealed deeper into the sand occasionally. Children pulling or hanging on the rope cause the base of the pole to loosen and pull up out of the sand and the rope to get excessively slack. Resealing has had to be done about once a month.

As reported last year there were two incidents of the rope being cut. There was no rope cutting incident during this monitoring period.

Very high tides and high surf washed out pole 1 the morning of September 10, 2014. Grounds maintenance personnel replaced the pole after the washout as soon as practical after the tide receded and hauled out seals moved away.

The rope has continued to perform as expected, greatly reducing seal disturbance by beach visitors. Personal observations by the assigned Park Ranger have shown that when seals are hauled out on the Children's Pool beach the vast majority of visitors will automatically view them from behind the rope.

It is the Assigned Park Ranger's recommendation that the rope remain on the beach during the shared use period, May 15 to December 15, for the following reasons:

- Although seals are generally off the beach during the day during warm summer months they are present in large numbers at other times during non-pupping season. May and early June is molting season and that is when the largest number of seals hauled out is observed. Seal numbers increase in the fall once cooler weather arrives.
- The vast majority of people who come to the Children's Pool do so to see seals. The rope provides a visible guideline that greatly reduces human/seal interaction. The rope is very effective in keeping the beach from becoming a petting zoo.
- The approved signs posted on the rope poles explain to those who choose to read them the status of the rope and beach and their responsibilities. Many confused visitors have asked for and been given clarification and then made their choice to use or not use the beach.
- Divers have been and will continue to use the Children's Pool to enter or exit the water during the shared use period. Only malicious attempts at seal harassment will result in enforcement action.
- Possibly the most important reason, the presence of the rope greatly reduces human to human conflict. The Ranger has observed that there are a number of people who get upset at other people who get close to seals to the point that verbal confrontations occur. The Ranger has had to intervene on several occasions to keep verbal conflict from escalating further. The rope greatly reduces human/seal interaction which is responsible for reducing human/human confrontation.

The rope is ineffective when certain tidal conditions occur. The rope and poles are installed at the mean high tide line. When high spring tides occur in conjunction with new and full moons seals haul out on the "people" side of the rope. Since there is nothing separating visitors and seals human/seal interaction is much more common. It is interesting to note that the majority of these highest high tides occur at night or early in the morning and not during peak visitor hours.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device: In order to reduce the number of times pole 1 has to be reseated because of rope pulling and washouts it is recommended that poles 1 and 2 be replaced with longer poles that can be buried deeper into the sand while still maintaining the four foot maximum height above the surface.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure:
Photographs are included on the attached CD.

Submitted by:



Richard Belesky
Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE
Southwest Region
501 West Ocean Boulevard, Suite 4200
Long Beach, California 90802-4213

JUN 27 2012

RECEIVED

JUN 28 2012

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Kanani Brown
Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, California 92108

Dear Ms. Brown:

Thank you for contacting NOAA's National Marine Fisheries Service (NMFS), Southwest Regional Office, regarding the City of San Diego Park and Recreation's (City) application to the California Coastal Commission to install and maintain a rope barrier at Children's Pool Beach (CPB), located in La Jolla, California. The hearing will be held on Wednesday, July 11, 2012 in Chula Vista, California. Based on the application and subsequent amendment, the City plans to install a 4 foot high by 152 foot long rope barrier, to be placed in perpetuity, to provide a buffer between people and harbor seals (*Phoca vitulina richardii*). The rope would be attached to the seawall and extend westward 152 feet, leaving a 3 foot opening for public access at the east end near the access stairway. Per your request, this letter provides our comments on the City's application. In order to provide some context for these comments, we have added some background on the Marine Mammal Protection Act (MMPA), harbor seal biology and life history, and the historical and current use of CPB by harbor seals (Appendix 1).

The presence of a harbor seal colony at CPB has been the focus of several lawsuits in the recent past. In 2009, the California State Legislature passed Senate Bill 428, which amended the conditions of the 1931 State trust granting the CPB area tidelands to the City of San Diego. Effective January 1, 2010, the trust was amended to allow for an additional use of the tidelands: a "marine mammal park for the enjoyment and educational benefit of children." While, there is no definition or recognition of the term "marine mammal park" under the MMPA and NMFS' implementing regulations, this amendment of the trust provides the City of San Diego with greater latitude in implementing management actions regarding the harbor seal colony at CPB. In addition, the term "rookery" is not defined in either the MMPA or through its implementing regulations. The American Heritage Science Dictionary (2002) defines a rookery as: "A place where certain birds or animals, such as crows, penguins, and seals, gather to breed." Harbor seals have been observed giving birth at CPB for over 10 years, and the timing

EXHIBIT NO. 9

APPLICATION NO.

6-15-0223

NFMS letter to CCC



California Coastal Commission

and numbers of pups born are generally predictable from year to year. Therefore, NMFS considers CPB to be a harbor seal rookery and year-round haulout site.

NMFS supports the City's application to install and maintain a rope barrier year-round at CPB, with some reservations, as maintenance of the guideline rope does not ensure that harbor seals will not be harassed. For example, if a harbor seal hauls out on the "human" side of the rope, harassment of that seal may still be considered a violation of the MMPA, even if one is on the "correct" side of the rope. NMFS recommends that the public maintain a distance from any seal, regardless of where they are regarding the guideline rope. For most harbor seal haulout sites along the West Coast of the United States, NMFS recommends a distance of 100 feet. However, with the relatively small area at CPB, NMFS has recommended that the public maintain a distance of at least 50 feet from any seal, while standing on CPB (as opposed to standing on the breakwater). As this is a viewing guideline and not codified in the regulations, NMFS has the flexibility to modify it to meet the individual circumstances of the geographic area and the natural history of the species. However, as a guideline, the distance also does not have the force of law. Harassment is a violation of the MMPA regardless of the distance from which it occurs.

Therefore, NMFS supports establishing the guideline rope year-round, as it would allow at least some measure of public awareness and protection to the harbor seals hauled out on the sand. However, we note that merely abiding by the guideline rope (standing on the "human" side) does not guarantee that a person will not violate the MMPA.

While NMFS has enforcement authority under the MMPA, limited staffing creates a challenge. NMFS has a toll-free hotline (1-800-853-1964) to reports violations of marine laws (including the MMPA). In 2009, this number received a total of 154 calls regarding CPB. Although only three of the 154 calls resulted in a full investigation, all of the calls represent a significant investment for the local NMFS enforcement agent. Under MMPA Section 109(a), no State may enforce a State law or regulation relating to the taking of marine mammals without a transfer of management authority from the Secretary of Commerce or Interior, depending on the species. However, States and local governments are not impeded from taking actions to manage their land consistent with the MMPA, such as erecting rope barriers to protect marine mammals.

Thank you for the opportunity to provide input on the application sent before the California Coastal Commission. We hope that our comments and recommendations will help inform your discussions. If you have any further questions, please do not hesitate to contact Sarah Wilkin at Sarah.Wilkin@noaa.gov or 562-980-3230 or Christina Fahy at Christina.Fahy@noaa.gov or 562-980-4023.

Sincerely,



for Rodney R. McInnis
Regional Administrator



SEAL CONSERVANCY OF SAN DIEGO

P.O. Box 2016 • La Jolla, CA 92038
www.sealconservancy.org

ELLEN SHIVELY
PRESIDENT
CAROL ARCHIBALD, PH.D.
VICE PRESIDENT
JANE RELDAN, MD
TREASURER
ARMANDO FLORES
SECRETARY
DEB SARACINI
DOCENT COORDINATOR
ADRIAN KWIATKOWSKI
EXECUTIVE DIRECTOR

April 15, 2015

Brittney Laver
California Coastal Commission
San Diego District Office
7575 Metropolitan Drive #103
San Diego, CA 92103

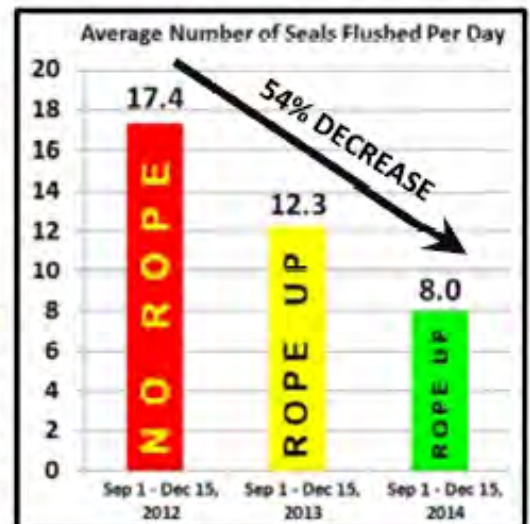
RE: Application # 6-15-0223

Dear Ms. Laver,

The Seal Conservancy of San Diego supports the City of San Diego's application to renew Coastal Development Permit 6-11-078, allowing the City to "install and maintain year-round, in perpetuity, a guideline rope....to create a buffer between humans and harbor seals that haul out on the La Jolla Children's Pool [also known as Casa Beach] sand beach area."

Our recommendation is based on the following facts:

- The City of San Diego Ranger's Monitoring Report states that, "The vast majority of the [1.5 million] people [annually] who come to [Casa Beach] do so to see seals. The rope provides a visible guideline that greatly reduces human/seal interaction. The rope is very effective in keeping the beach from becoming a petting zoo." Please see photos on pages 2 - 5.
- When the viewing guideline rope is present, incidents of human-caused harassment of the harbor seals decrease. The average number of seals flushed each day was 54% lower in 2014, when the guideline rope was up, compared to the same time period in 2012, when no guideline rope was present. Please see pages 6 - 20 for statistical comparison of flushing incident data.



The past 3 years have conclusively shown that the guideline rope effectively reduces human/seal interactions, while still allowing access to the water through the 3-foot opening east of the rope.

Sincerely,

Ellen M. Shively
Ellen M. Shively
President

Carol Archibald
Carol Archibald, Ph.D.
Vice President

Jane Reldan, MD
Jane Reldan, MD
Treasurer

Armando Flores
Armando Flores
Secretary

Deborah Saracini
Deborah Saracini
Docent Coordinator

Adrian Kwiatkowski
Adrian Kwiatkowski
Executive Director

EXHIBIT NO. 10
APPLICATION NO.
6-15-0223

Letters of Support



California Coastal Commission







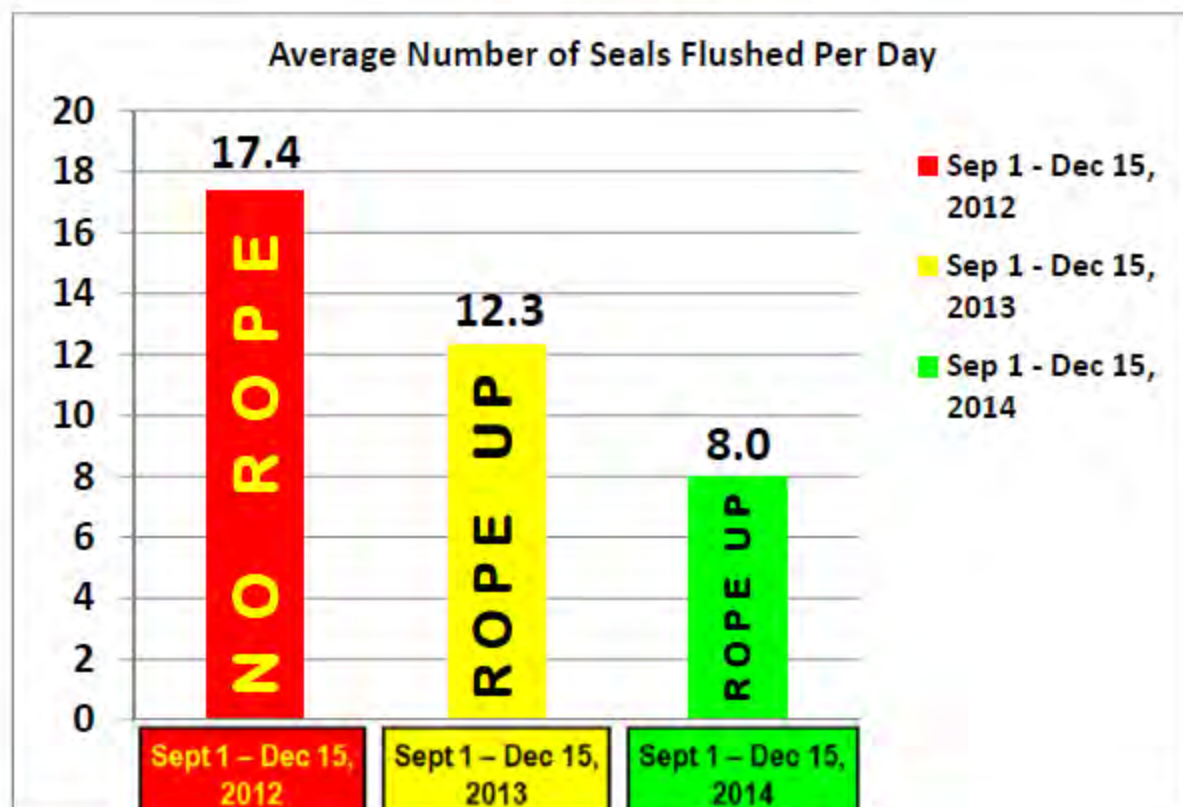


Comparison of Average Number of Seals Flushed Per Day

9/1/12 – 12/15/12 (NO ROPE)

9/1/13 – 12/15/13 (ROPE UP)

9/1/14 – 12/15/14 (ROPE UP)



Time Period	Rope Up?	Total Number of Flushing Incidents	Total Number of Seals Flushed	Total Number of Days with at least 1 Observation	Average Number of Seals Flushed Per Day	% Decline in Number of Seals Flushed
Sep 1 - Dec 15, 2012	NO	44	1,076	62	17.4	0%
Sep 1 - Dec 15, 2013	YES	44	1,289	105	12.3	29%
Sep 1 - Dec 15, 2014	YES	32	793	99	8.0	54%

Flushing Incidents 9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

	Observer Name	Day of Week	Date	Time	# SEALS FLUSHED	Notes
1	Claudia	Thurs	09/06/2012	07:00	80	6:50a - A single diver walked towards about 90 hauled-out seals, flushing all but about 10 of them
2	Claudia	Fri	09/07/2012	07:00	65	6:55a - Gentleman with a camera walks down to beach to take pictures of seals; he flushes about 65 of 80 seals.
3	Claudia	Sat	09/08/2012	07:00	30	7:04a - 4 divers with spears go towards the water and flush most of the seals off the beach. Only about 5 remain after
4	JR	Mon	09/10/2012	14:30	28	2:05p - Couple on sand, woman walked to west wall and sat down, flushing 8 seals from the beach. Gradually more people followed the couple down to the sand and moved west paralleling waterline at 20'. Came to within 20' of the 38 seals left on the sand: one half of them suddenly flushed in to the water.
5	Claudia	Sun	09/16/2012	07:00	8	7a - David Pierce sets up his signs, one of them falls, several seals leave beach (about 8) 8:14a - David Pierce walks up to me and says hello
6	Claudia	Sun	09/16/2012	08:30	21	8:19a - David Pierce does "clean up" on the beach (raking seaweed in to piles) and all seals on the east side (about 20) flush
7	Claudia	Sun	09/16/2012	09:15	7	8:35a - woman walks on beach with camera, gets very close to seals and flushes about half of the remaining ones. After this - many people coming and going on the beach between this time and the time I left (at 10am). The last 5 or 6 seals on the beach, left on their own.
8	Claudia	Tues	09/18/2012	07:45	26	7:30a - Alex, with blower, cleaning up top, turned blower up and some seals (about 25) flushed.
9	JR	Mon	10/15/2012	17:30	2	5:30pm - Toddler runs at seals - mother runs after the toddler, 2 seals flush
10	JR	Mon	10/15/2012	17:45	2	5:45pm - 2 spear fishermen swim in, last 2 seals on the sand are flushed
11	A1	Sat	10/20/2012	14:00	10	1:58p - David Pierce puts a large "OPEN" banner on beach - about 10 seals flushed
12	A1	Sun	10/21/2012	11:00	60	Between 10a and 11a, dozens of people on beach got very close to seals and chased them in to the water, more than one person filmed touching a seal. Many seals swam near the shore, clearing wanting to return to the sand, but visitors repelled them each time the seals would try to crawl on to the beach. I have never seen anything like this. All of this is captured on video. 12:40p - half-dozen divers/snorklers entered pool, several others with spear guns later. They swam with seals.
13	A1	Sun	10/21/2012	12:00	6	No notes
14	A1	Mon	10/22/2012	09:00	8	No notes
15	A1	Mon	10/22/2012	16:00	10	3p - 4p - Numerous instances of harassment. One trio was chasing and teasing a lone seal and touching him. They drove

Flushing Incidents 9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

	Observer Name	Day of Week	Date	Time	# SEALS FLUSHED	Notes
16	A1	Tues	10/23/2012	09:00	65	8:40a - Lifeguard carried large surfboard to beach and leaned it against the wall at bottom of steps. More than half of the seals (about 65) left the beach. Surfboard remained there all day.
17	A1	Tues	10/23/2012	10:00	30	10:08a - David Pierce sets up chair and umbrella in middle of beach, flushes 30 seals.
18	A1	Weds	10/24/2012	09:00	30	8:44a - Lifeguard lowers surfboard over wall to beach below and leans it against wall, this causes about 30 seals to flush.
19	A1	Weds	10/24/2012	16:15	50	3:52p - Lifeguard rushes in with surfboard and rescues diver just outside the pool area. About 25 seals flush. 3:57p - Another approx. 25 seals flush when lifeguard and the diver he rescued return to beach.
20	A1	Sat	10/27/2012	08:00	30	7:19a - 2 divers enter water, they seem to be trying to avoid the seals, however, all but 10 seals are flushed anyway.
21	A1	Sat	10/27/2012	09:00	10	8:30a - "Dave" rakes the seaweed on the beach and near the cliff area, flushing the last 10 seals off the beach.
22	A1	Sun	10/28/2012	09:00	50	8:55a - Lifeguard talks to Dave and leans RESCUE BOARD against wall at bottom of stairs; about 50 seals are flushed.
23	A1	Mon	10/29/2012	09:00	30	8:38a - Lifeguards arrive, and shortly thereafter, the RESCUE surfboard is placed on beach in same location. Approximately 30 seals rush in to the water as a result.
24	A1	Tues	10/30/2012	09:00	20	8:47a - Lifeguard places RESCUE surfboard in usual place and about 20 seals leave beach.
25	A1	Tues	10/30/2012	15:00	4	2:05p - A man, later identified as Bob Ewing, sets up a chair in middle of beach and reads and while periodically taking photos and/or video of me. While there, he talks to 6 people on beach who look up at me, then he deliberately walks towards seals, flushing 4 of them.
26	A1	Weds	10/31/2012	08:00	25	7:00a - The same older man seen yesterday (Bob Ewing) sets up chair on beach - about 25 seals rush in to the water. He remained on the sand for one hour taking photos/video of beach and of me.
27	A1	Weds	10/31/2012	11:00	65	10:46a - Woman from unknown rescue group uses net to pick up injured pelican from beach. All remaining seals flushed.
28	A1	Weds	10/31/2012	14:00	15	1:55 Spear diver enters pool, flushing 20 seal
29	A1	Sat	11/03/2012	10:00	70	9:15a - Dave put his large "OPEN" banner on the beach. A few seals leave. 9:45a - 2 divers enter pool - the rest of the seals on beach rush in to the water.
30	JR	Weds	11/21/2012	08:27	20	8:27am - Lifeguard Gonzalez balances Rescue Board on his head at mid-landing and carefully lowers it quietly, nose down, and still 20 seals flush (video)

Flushing Incidents 9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

	Observer Name	Day of Week	Date	Time	# SEALS FLUSHED	Notes
31	A1	Sat	11/24/2012	07:00	2	7:30a - David Pierce arrives and sets up table. He places more signs out and rearranges the others which were already there. Andrea arranges them back & Pierce screams at her. They argue, and Pierce screams at the seals on the beach and 2 seals are flushed (VIDEO).
32	A1	Sat	11/24/2012	09:00	6	No notes
33	JR & A2	Sat	11/24/2012	19:30	20	Upon initial arrival at 19:30, I observed one man and one woman shining their lights at the seals, waving their arms and yelling at the seals to leave the beach. The seals (which I estimate to be 18 - 24) hurried in to the water. When the people observed me setting up my observation post, they departed and the seals slowly returned to the beach, as noted above.
34	GMN	Sun	11/25/2012	08:30	9	As noted in the brief video - as a diver swam in from outside the cove and a man photographed on the beach, there was a flush, concurrent with several seals remaining off-shore.
35	GMN	Sun	11/25/2012	10:00	4	A second diver coming on-shore caused a second lesser flush. Both divers exited along the seawall.
36	A1 & JR	Sun	11/26/2012	08:00	8	No notes
37	JR & A1A	Weds	11/28/2012	09:30	2	No notes
38	JR & A1A	Weds	11/28/2012	10:15	30	No notes
39	RW & JR	Fri	11/30/2012	15:17	3	(JR): 3:15pm - Over 100 seals (photo). Rainy day. Family of 4 arrived; little girl stood on concrete wall in father's arms and squealed. Several seals noticed and 3 flushed (with these people at a distance of about 100 feet from the seals.)
40	JR	Sun	12/02/2012	16:30	17	4:30pm - 2 snorklers flush 10 seals 4:40pm - Lifeguard comes down and talks to the 2 snorklers 4:47pm - 6 seals attempt to return - 8 people on the beach - Johnson leaving, David Pierce packing up
41	JR	Sat	12/08/2012	11:35	23	11:30a - "Open" Flag up. Many people close to the few remaining seals who left progressively, leaving zero. 8 minute video at 11:35 shows first people going on beach, 2nd people approaching seals, 23 flushed
42	JR	Sun	12/09/2012	17:00	7	(JR): 5p - Flush on video. When I left, David Wayne Pierce was still waiting around to take down his OPEN flag.
43	MS	Thurs	12/13/2012	14:45	19	2:40pm - A family of 4 came on to the beach and close to the seals. 19 seals fled in to the water.
44	AK	Sat	12/15/2012	04:00	49	5:00am - TV crew arrived and put strong lights up - lighting up the beach - all seals flush
Total Flushing Incidents 9/1/12 to 12/15/12:						44 Flushing Incidents / 1,076 Seals Flushed
45	Deb	Weds	09/04/2013	21:00	20	I dropped by the beach around 9:00 pm. Three divers were in the water just outside the pool with very bright lights flashing them all over, speaking loudly and laughing. When they came into the pool they shone their lights on the beach where a group of about 20 seals flushed.

Flushing Incidents 9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

	Observer Name	Day of Week	Date	Time	# SEALS FLUSHED	Notes
46	Roxann	Fri	09/06/2013	07:45	70	7:45am - A gust of wind picked up and tumbled 2 huge vision bards down the wall by showers & accidentally flushed 70 seals. The boards will be secured from this point on.
47	Roxann	Tues	09/10/2013	07:10	30	7:10am - I accidentally flushed 30 seals.
48	Deb	Sat	09/14/2013	06:55	17	6:55am - 17 seals flushed by tourist slapping shoes together to get sand off of them.
49	Deb	Sat	09/14/2013	08:40	9	8:40am - A car pulled up near lifeguard trailer and revved engine several times, loudly, 9 seals flushed.
50	Jane R.	Sat	09/14/2013	10:45	65	10:45am - Flush of about 65 seals by brand new lifeguard carrying rescue board down on his head.
51	Jane R.	Sat	09/14/2013	11:00	32	11:00am - Bob Ewing set up 2 chairs and closed umbrella, flushed 32 seals from east end.
52	Roxann	Mon	09/16/2013	07:05	12	7:05am - 1 fisherman on wall flushed some seals (about 12); most returned within a few minutes.
53	Roxann	Mon	09/23/2013	06:45	45	6:45am - 45 Seals flushed because of city's blower machine
54	Roxann	Weds	09/25/2013	07:00	2	7:00am - 2 seals flush when wind pushes sound boards over
55	Ranger Rich	Weds	09/25/2013	15:30	25	3:30pm - 25 year old white male crossed rope, walked towards 40 seals, got to within 10 feet of them at which point he flushed 25 of 40 seals.
56	Roxann	Thurs	09/26/2013	07:00	2	7:00am - 2 seals flush when sound board fell because of the wind.
57	Roxann	Fri	09/27/2013	06:50	50	6:50am - 50 seals flush because of lady posing on the beach. A lady went down to the beach right behind rope (did not pass the rope) laid down posing so that her husband could take a picture. The moment she went on the sand & started posing at least 50 seals flushed.
58	Roxann	Fri	09/27/2013	09:00	7	No notes
59	TM	Sat	09/28/2013	07:20	12	7:20am - 12 seals flush due to female diver carrying big duffle bag.
60	TM	Sat	09/28/2013	08:05	5	8:05am - John Leek crossed rope on the east side, causing 5 seals
61	Roxann	Thurs	10/03/2013	09:40	50	9:40am - A family went to rope line, causing about 50 seals to
62	Roxann	Fri	10/04/2013	08:50	65	8:50am - A huge flush (65 seals) occurred when a dog jumped over the wall by the bench.
63	Ranger	Sat	10/05/2013	08:10	20	8:10am - Man walked on to beach behind rope, flushed 20 of 80
64	Tamara	Sun	10/06/2013	08:20	18	8:20am - All seals flushed from beach. Unknown cause - nobody on beach - perhaps loud boat motor in ocean (?)
65	Ranger Rich	Sat	10/12/2013	07:18	100	7:18am - 1 male, 1 female, lobster fisherman / snorklers exited water at mid-beach, flushing 100 of 220 seals.
66	Deb	Sun	10/13/2013	18:15	23	6:15pm - There were three fishermen and two young guys with lobster traps on lines in the pool at the end of the seawall. One of the lobster fishermen pulled a trap out of the water, while the other one threw seaweed from a bucket into the pool. 23 seals flushed.
67	Ranger Rich	Fri	10/25/2013	08:40	80	8:40am - 2 snorklers exited water at mid-beach, walking right through the seals, flushing all 80 of them.

Flushing Incidents 9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

	Observer Name	Day of Week	Date	Time	# SEALS FLUSHED	Notes
68	Pam	Sat	11/02/2013	11:25	7	11:25am - Three more divers arrived. Caused a flush of 7 seals when they were swimming close by.
69	Ranger Rich	Sun	11/03/2013	12:25	12	12:25pm - White female about 65 years old crossed rope and walked to water, about 50 feet from closest seal, flushing 10 of 80.
70	Ranger Rich	Sun	11/03/2013	12:57	35	12:57pm - Man pulled hoop net out of water from end of breakwater, flushing 35 of 62 seals.
71	Deb	Sun	11/03/2013	16:00	13	4:00pm - Seaworld rescued adult seal (black with white spots) with rope around neck. They were able to catch seal in a net, and cut off rope, and then release seal. 13 seals flushed.
72	Deb	Sun	11/03/2013	16:35	3	4:35pm - 2 divers flushed 2 seals off beach, and 1 off submarine rock, when entering water.
73	Deb	Sun	11/03/2013	16:50	6	4:50pm - 2 divers flushed remaining seals by going in/out of water.
74	Ranger	Mon	11/04/2013	14:25	80	2:25pm - D. Johnson swam in to Pool, flushing 80 of 175 seals.
75	RG	Thurs	11/07/2013	14:00	2	2:00pm - (Nancy) There was a group of people from Italy picking up stones off the seawall & throwing them at the seals. They flushed 2 pups.
76	Lisa	Sat	11/09/2013	08:20	10	8:20am - 10 seals flushed, cause unknown
77	Lisa	Sat	11/09/2013	08:48	61	8:48am - Lifeguard flushed 61 seals by banging his paddle board. About 15-20 onlookers told him to stop and expressed outrage.
78	RG	Thurs	11/14/2013	08:30	60	8:30am - Fighting seagulls scared seals & flushed about 60 of them.
79	Pam	Fri	11/15/2013	11:40	60	11:40am - a backhoe started up and flushed about 60 seals. They slowly returned.
80	Tamara	Sun	11/17/2013	08:30	6	8:30am - small flush (6) when 2 people went down to take
81	Ranger Rich	Sun	11/24/2013	12:07	9	12:07pm - 2 unknown swimmers swam in to Pool and then swam out without coming ashore, flushing 9 of 10 seals.
82	Pam	Sun	11/24/2013	12:10	8	12:10pm - 2 swimmers came in from the cove & caused a flush of 8 seals.
83	Roxann	Mon	11/25/2013	07:50	30	7:50am - Accidental flush when photographers light screen fell off seawall & dropped in ocean. The guy was very apologetic.
84	RG	Tues	11/26/2013	08:00	25	7:30am - 25 flushed because of city worker cleaning trash by gazebo (Unintentional).
85	Ranger Rich	Mon	12/02/2013	14:23	18	2:23pm - Lifeguard rescue boat approached to within 50 feet of breakwater tip, flushing all 18 seals.
86	Pam	Sat	12/14/2013	09:15	20	9:15am - Major flush by 3 divers who were informed of the risk of a flush before they continued on down the stairs
87	Pam	Sat	12/14/2013	10:30	25	10:30am - Major flush as same divers returned
88	Ranger Rich	Sat	12/14/2013	11:30	40	11:30am - 3 divers exited water 100 feet from closest seal, flushing 40 of 65.
Total Flushing Incidents 9/1/13 to 12/15/13:					44 Flushing Incidents / 1,289 Seals Flushed	
89	RG	Thurs	09/11/2014	08:30	73	Possibly left due to construction tremors
90	RG	Fri	09/12/2014	07:20	40	A paddle boarder went by outer edges of ocean alerted 40 seals west side & they took off around 7:20am

Flushing Incidents 9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

	Observer Name	Day of Week	Date	Time	# SEALS FLUSHED	Notes
91	RG	Tues	09/16/2014	08:00	40	Jogger climbed over back of seawall jogged by fence seals alerted west side and all flushed.
92	RG	Thurs	09/18/2014	08:30	40	A lady walked down stairs to pony wall and since it was high tide it alerted all east side and the seals took off.
93	RG	Fri	09/19/2014	07:30	40	Not exactly sure what flushed seals construction going, sprinkling + high tide east side
94	TM	Sat	09/20/2014	06:40	100	Flush due to SW rescue on east side of beach
						I spoke to the remaining people on the water side as the seals began to swim close to shore. One family remained on the seaward side until about 7 15 pm. As they began to leave, the adult male strode down to waters edge to rinse feet to put shoes on. Two Two seals had just come up on the water line, but flushed as he entered the water. Family left shortly thereafter. by 7:25,
95	Ellen	Sat	09/20/2014	07:25	2	2 divers exiting water caused 12 seals to flush at about 10:30am.
96	Pam	Sat	09/20/2014	10:30	12	Bird landed on sub rock and scared the seal. The other seals on west rock followed.
97	Deb	Sun	09/21/2014	11:15	9	Construction banging cement
98	RG	Mon	09/22/2014	07:45	40	2 snorklers came in near edge if seawall around corner alerted west side. Waved for snorklers to go back & they left.
99	RG	Thurs	09/25/2014	07:50	41	No notes
100	Pam	Sat	09/27/2014	13:15	10	Diver entered water on east side and caused a flush
101	Pam	Sun	10/05/2014	11:00	25	18 seals flushed due to surf crashing over the wall. Most seals returning.
102	Deb	Sun	10/05/2014	18:10	18	At 6:30 pm, Two divers entered water in middle. 2 seals on west side fled into water and 4 seals on submarine rock left. 3 remained on rock I did not take photos. When I left at 7:00pm, two seals were swimming close to sleeping colony, but not yet out of
103	Ellen	Sat	10/11/2014	18:30	6	Seals flushed with construction
104	RG	Tues	10/14/2014	07:40	20	Forgot to count seals was focused on rescue...a guy did sneak past rope west side flushed about 20 seals trying to photograph Elle & Lisa ran over stopped him & educated him about flushing. Rest of seals were leaving in packs with high tide.
105	RG	Fri	10/17/2014	08:30	20	1-2 seals flushed during a rescue.
106	RG	Fri	10/17/2014	11:45	2	1 elephant seal lobster trap out in water marine biologist there ranger counting seals and sitting in gazebo 1 pregnant seal 1 seal marked with rescue tag with rope scar? pelican flying onto rock flushed 1 seal pup and then 4 seals on beach
107	Nancy	Tues	10/21/2014	13:21	5	Seal playing on the beach flushed 4 seals
108	Nancy	Tues	10/21/2014	13:47	4	

Flushing Incidents 9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

	Observer Name	Day of Week	Date	Time	# SEALS FLUSHED	Notes
109	RG	Weds	10/22/2014	07:23	25	20-30 left with construction hammering the rest all naturally left with super duper waves going past rope line
110	RG	Weds	10/22/2014	12:50	2	Something just caused flush was typing ranger is on it!!! Seals are starting to come back
111	RG	Mon	10/27/2014	08:25	45	Some seals east side about 15 took off with tide coming in. About 30 took off with a guy putting away his tripod making clicking sounds while a dog by bench non stopped barked. The tide was also coming in.
112	RG	Mon	10/27/2014	14:30	40	Earlier around 2:30pm got 2 reports a lifeguard zipped his jet ski in Casa & flushed around 40. I'll chat with supervisor and ask why jet skis are even allowed in area when there are no rescues.
113	JR	Tues	11/04/2014	08:50	20	No notes
114	TM	Sun	11/09/2014	08:04	5	8:04am - Jogger on beach caused flush of 5 seals.
115	Ashlyn	Sun	11/09/2014	14:37	5	Some people crossing line, Ranger telling them to backup, about 5 seals flushed approx 2:37pm
116	Rocio S	Sun	11/09/2014	15:58	22	Someone was whistling and spooked the seals. Also there was a diver that swam too close to the beach.
117	Nancy	Weds	11/19/2014	12:30	10	Saw 2 mini flushes - one guy with a young squealing child on the sea wall caused 4 seals to flush off the rocks next to the sea wall, which put the seals on the beach on high alert. 6 more seals on beach flushed for no known reason.
118	Meg	Thurs	11/27/2014	09:00	5	About 5 flushed I think just because number of people who went to the beach- everyone kept a respectable distance
119	RG	Fri	12/05/2014	09:30	32	9:30am - 2 spear fishermen entered beach east side could tell one of them was a newbie brand new equipment and fiddling. Around 7-9 seals went in water. When the next spearfishmen went in total of 24 seals flushed.
120	Tamara	Sun	12/07/2014	08:15	30	8:15a - Jogger crossed rope and flushed all seals running across beach
Total Flushing Incidents 9/1/14 to 12/15/14:					32 Flushing Incidents / 793 Seals Flushed	

Summary

Total Flushing Incidents 9/1/12 to 12/15/12: 44 Flushing Incidents / 1,076 Seals Flushed (No Rope)

Total Flushing Incidents 9/1/13 to 12/15/13: 44 Flushing Incidents / 1,289 Seals Flushed (Rope Up)

Total Flushing Incidents 9/1/14 to 12/15/14: 32 Flushing Incidents / 793 Seals Flushed (Rope Up)

Daily Observation Totals

9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

Day of Week	Date	# of Observations
Saturday	09/01/2012	8
Monday	09/03/2012	4
Wednesday	09/05/2012	3
Thursday	09/06/2012	7
Friday	09/07/2012	10
Saturday	09/08/2012	10
Sunday	09/09/2012	10
Monday	09/10/2012	6
Friday	09/14/2012	8
Saturday	09/15/2012	5
Sunday	09/16/2012	8
Tuesday	09/18/2012	10
Thursday	09/20/2012	9
Friday	09/21/2012	6
Monday	10/15/2012	8
Saturday	10/20/2012	9
Sunday	10/21/2012	9
Monday	10/22/2012	10
Tuesday	10/23/2012	9
Wednesday	10/24/2012	10
Thursday	10/25/2012	9
Friday	10/26/2012	9
Saturday	10/27/2012	9
Sunday	10/28/2012	9
Monday	10/29/2012	9
Tuesday	10/30/2012	9
Wednesday	10/31/2012	9
Thursday	11/01/2012	9
Friday	11/02/2012	9
Saturday	11/03/2012	9
Sunday	11/04/2012	9
Monday	11/05/2012	2
Friday	11/09/2012	2
Saturday	11/10/2012	2
Sunday	11/11/2012	2
Friday	11/16/2012	5
Sunday	11/18/2012	2
Monday	11/19/2012	2
Tuesday	11/20/2012	3
Wednesday	11/21/2012	18
Thursday	11/22/2012	2
Friday	11/23/2012	9
Saturday	11/24/2012	16
Sunday	11/25/2012	26

Daily Observation Totals

9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

Day of Week	Date	# of Observations
Monday	11/26/2012	2
Wednesday	11/28/2012	17
Thursday	11/29/2012	3
Friday	11/30/2012	7
Saturday	12/01/2012	9
Sunday	12/02/2012	9
Monday	12/03/2012	4
Tuesday	12/04/2012	9
Wednesday	12/05/2012	7
Thursday	12/06/2012	7
Friday	12/07/2012	5
Saturday	12/08/2012	4
Sunday	12/09/2012	9
Monday	12/10/2012	3
Tuesday	12/11/2012	3
Thursday	12/13/2012	3
Friday	12/14/2012	4
Saturday	12/15/2012	24
Total Observations, 9/1/12 to 12/15/12:		478
Total # of Days with at Least 1 Observation:		62/106
Sunday	09/01/2013	14
Monday	09/02/2013	4
Tuesday	09/03/2013	3
Wednesday	09/04/2013	3
Thursday	09/05/2013	3
Friday	09/06/2013	7
Saturday	09/07/2013	6
Sunday	09/08/2013	3
Monday	09/09/2013	2
Tuesday	09/10/2013	5
Wednesday	09/11/2013	1
Friday	09/13/2013	5
Saturday	09/14/2013	11
Sunday	09/15/2013	7
Monday	09/16/2013	8
Tuesday	09/17/2013	8
Wednesday	09/18/2013	4
Thursday	09/19/2013	1
Friday	09/20/2013	2
Saturday	09/21/2013	8
Sunday	09/22/2013	13
Monday	09/23/2013	6
Tuesday	09/24/2013	5

Daily Observation Totals

9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

Day of Week	Date	# of Observations
Wednesday	09/25/2013	7
Thursday	09/26/2013	2
Friday	09/27/2013	6
Saturday	09/28/2013	15
Sunday	09/29/2013	8
Monday	09/30/2013	5
Tuesday	10/01/2013	7
Wednesday	10/02/2013	5
Thursday	10/03/2013	4
Friday	10/04/2013	6
Saturday	10/05/2013	5
Sunday	10/06/2013	13
Monday	10/07/2013	5
Tuesday	10/08/2013	5
Wednesday	10/09/2013	4
Thursday	10/10/2013	9
Friday	10/11/2013	5
Saturday	10/12/2013	8
Sunday	10/13/2013	8
Monday	10/14/2013	6
Tuesday	10/15/2013	5
Wednesday	10/16/2013	9
Thursday	10/17/2013	5
Friday	10/18/2013	2
Saturday	10/19/2013	7
Sunday	10/20/2013	4
Monday	10/21/2013	7
Tuesday	10/22/2013	10
Wednesday	10/23/2013	4
Thursday	10/24/2013	7
Friday	10/25/2013	8
Saturday	10/26/2013	8
Sunday	10/27/2013	7
Monday	10/28/2013	9
Tuesday	10/29/2013	6
Wednesday	10/30/2013	6
Thursday	10/31/2013	1
Friday	11/01/2013	5
Saturday	11/02/2013	10
Sunday	11/03/2013	17
Monday	11/04/2013	11
Tuesday	11/05/2013	5
Wednesday	11/06/2013	6
Thursday	11/07/2013	4

Daily Observation Totals

9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

Day of Week	Date	# of Observations
Friday	11/08/2013	2
Saturday	11/09/2013	10
Sunday	11/10/2013	15
Monday	11/11/2013	8
Tuesday	11/12/2013	12
Wednesday	11/13/2013	5
Thursday	11/14/2013	5
Friday	11/15/2013	11
Saturday	11/16/2013	4
Sunday	11/17/2013	11
Monday	11/18/2013	8
Tuesday	11/19/2013	8
Wednesday	11/20/2013	5
Thursday	11/21/2013	4
Friday	11/22/2013	4
Saturday	11/23/2013	7
Sunday	11/24/2013	18
Monday	11/25/2013	7
Tuesday	11/26/2013	9
Wednesday	11/27/2013	4
Thursday	11/28/2013	5
Friday	11/29/2013	4
Saturday	11/30/2013	3
Sunday	12/01/2013	12
Monday	12/02/2013	8
Tuesday	12/03/2013	6
Wednesday	12/04/2013	6
Thursday	12/05/2013	2
Friday	12/06/2013	3
Saturday	12/07/2013	6
Sunday	12/08/2013	5
Monday	12/09/2013	7
Tuesday	12/10/2013	5
Wednesday	12/11/2013	5
Thursday	12/12/2013	3
Friday	12/13/2013	5
Saturday	12/14/2013	13
Sunday	12/15/2013	10
Total Observations, 9/1/13 to 12/15/13:		690
Total # of Days with at Least 1 Observation:		105/106
Monday	09/01/2014	5
Tuesday	09/02/2014	7
Wednesday	09/03/2014	4

Daily Observation Totals

9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

Day of Week	Date	# of Observations
Thursday	09/04/2014	3
Friday	09/05/2014	4
Saturday	09/06/2014	6
Sunday	09/07/2014	2
Monday	09/08/2014	4
Tuesday	09/09/2014	7
Wednesday	09/10/2014	3
Thursday	09/11/2014	9
Friday	09/12/2014	6
Saturday	09/13/2014	5
Sunday	09/14/2014	6
Monday	09/15/2014	3
Tuesday	09/16/2014	8
Wednesday	09/17/2014	3
Thursday	09/18/2014	11
Friday	09/19/2014	4
Saturday	09/20/2014	8
Sunday	09/21/2014	9
Monday	09/22/2014	3
Tuesday	09/23/2014	4
Wednesday	09/24/2014	3
Thursday	09/25/2014	8
Friday	09/26/2014	5
Saturday	09/27/2014	7
Sunday	09/28/2014	7
Monday	09/29/2014	3
Tuesday	09/30/2014	2
Wednesday	10/01/2014	2
Thursday	10/02/2014	1
Friday	10/03/2014	1
Sunday	10/05/2014	13
Tuesday	10/07/2014	2
Wednesday	10/08/2014	2
Saturday	10/11/2014	2
Sunday	10/12/2014	1
Monday	10/13/2014	8
Tuesday	10/14/2014	7
Wednesday	10/15/2014	4
Friday	10/17/2014	5
Saturday	10/18/2014	2
Sunday	10/19/2014	11
Monday	10/20/2014	5
Tuesday	10/21/2014	10
Wednesday	10/22/2014	10

Daily Observation Totals

9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

Day of Week	Date	# of Observations
Thursday	10/23/2014	7
Friday	10/24/2014	6
Saturday	10/25/2014	3
Sunday	10/26/2014	12
Monday	10/27/2014	6
Tuesday	10/28/2014	3
Wednesday	10/29/2014	2
Thursday	10/30/2014	7
Friday	10/31/2014	4
Saturday	11/01/2014	13
Sunday	11/02/2014	8
Monday	11/03/2014	3
Tuesday	11/04/2014	5
Wednesday	11/05/2014	5
Thursday	11/06/2014	6
Friday	11/07/2014	3
Saturday	11/08/2014	6
Sunday	11/09/2014	16
Monday	11/10/2014	5
Tuesday	11/11/2014	6
Wednesday	11/12/2014	6
Thursday	11/13/2014	4
Friday	11/14/2014	5
Saturday	11/15/2014	7
Sunday	11/16/2014	5
Monday	11/17/2014	4
Tuesday	11/18/2014	3
Wednesday	11/19/2014	3
Thursday	11/20/2014	4
Friday	11/21/2014	5
Saturday	11/22/2014	7
Sunday	11/23/2014	12
Monday	11/24/2014	1
Thursday	11/27/2014	4
Friday	11/28/2014	7
Saturday	11/29/2014	6
Sunday	11/30/2014	6
Monday	12/01/2014	6
Tuesday	12/02/2014	2
Wednesday	12/03/2014	6
Thursday	12/04/2014	4
Friday	12/05/2014	5
Saturday	12/06/2014	6
Sunday	12/07/2014	7

Daily Observation Totals

9/1/12 - 12/15/12 vs 9/1/13 - 12/15/13 vs 9/1/14 - 12/15/14

Day of Week	Date	# of Observations
Monday	12/08/2014	1
Tuesday	12/09/2014	7
Wednesday	12/10/2014	7
Thursday	12/11/2014	2
Friday	12/12/2014	3
Saturday	12/13/2014	4
Sunday	12/14/2014	10
Monday	12/15/2014	10
Total Observations, 9/1/14 to 12/15/14:		540
Total # of Days with at Least 1 Observation:		99/106



SEAL CONSERVANCY OF SAN DIEGO

P.O. Box 2016 • La Jolla, CA 92038
SealConservancy.org

May 14, 2015

RE: File 6-15-0223
Attn: Brittney Laver, Coastal Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Coastal Commissioners:

The Seal Conservancy of San Diego encourages the California Coastal Commission to vote in favor of maintaining the year-round rope at Casa Beach. There are many compelling reasons to maintain the rope including:

1. The rope has been very successful in helping to prevent human harassment of the seals
2. Without the rope, people get too close to the seals and scare them off of the beach, try to pet them, try to take selfies with them, and perform many other inappropriate antics
3. The rope is critical to preventing such harassment

We encourage the Coastal Commission to join the City of San Diego and thousands of individuals and numerous organizations by voting to maintain the year-round rope at Casa Beach. Protections such as the rope work.

Sincerely,

Lt. Col. Ellen Shively (Ret.)
President

Carol Archibald, Ph.D.
Vice President

Jane Reldan, M.D.
Treasurer

Armando Flores
Secretary

Deborah Saracini, M.A.
Docent Coordinator

Adrian Kwiatkowski
Executive Director

Form email: 1 of approx. 835 sent

From: [Seal Conservancy](#)
To: [Childrenspool@Coastal](#)
Cc: [Laver, Brittney@Coastal](#)
Subject: Please Save the Year Round Rope at Casa Beach!
Date: Tuesday, May 05, 2015 9:04:04 AM

Dear Coastal Commissioners,

Please support saving the year round rope at Casa Beach to protect the Seals.

The rope has been very successful in helping to prevent human harassment of the seals. Without the rope, people get too close to the seals and flush them, try to pet them, try to take selfies with them, and many, many other inappropriate antics. The rope is critical to preventing such harassment.

For all of these reasons, please vote to save the year round rope at Casa Beach to protect the Seals.

Sincerely,

Jane Reldan, MD
jreldan@san.rr.com
858.349.0613

From: [Ken Aven](#)
To: Childrenspool@Coastal
Subject: La Jolla Seals
Date: Tuesday, May 12, 2015 8:31:01 PM

Please keep the rope. I have seen so many times when there is no barrier how people go on the small beach and harass the seals. Even with a rope, there are some who are so mean to them.

Please do the right thing. Truly, how many of our beaches in California are taken over by seals/sea lions. Not many. We, the humans, have so much already.

Thank you

Ken Aven
Concerned citizen/taxpayer

From: [Cindy Benner](#)
To: Childrenspool@Coastal
Subject: Support for year-round rope line at Casa Beach
Date: Wednesday, May 13, 2015 10:33:24 AM

Good morning Coastal Commissioners,

I was a volunteer for La Jolla Friends of the Seals for five years and President for one year. I saw first-hand what happens when there is no rope line. People get too close to the seals and many unintentionally disturb their natural behavior by getting too close while others do it deliberately. I've seen parents put their children right next to a seal to get a the "perfect" photo, ignoring the fact that these are very shy wild animals. Despite their shyness, there is no way to predict what a wild animal will do when harassed. I've seen people throw sand in their faces and do other totally unacceptable things to disturb them which violates the Marine Mammal Protection Act. Others who oppose having the seals on the beach at all do everything they can to harass them and flush them into the water.

Much progress has been made in the past few years, and I urge you to renew the permit for the year-round rope line. The rope has been very successful in preventing both unintentional and intentional harassment of the seals.

Sincerely,

Cindy Benner

3737 Kingsley St.

San Diego, CA 92106

From: [Deirdre Carpenter](#)
To: Childrenspool@Coastal
Subject: Never a Children's Pool
Date: Tuesday, May 12, 2015 11:37:11 PM

I believe that Ellen Browning Scripps would not be turning in her grave if the so-called Children's Pool was given over to the seals.

Man tried to tame that area by sluice gates then closed them, thus preventing children from being sucked in and then creating putrifaction. Now children, parents, visitors wish to see the seals.

This has been an issue for so long that even I can't believe it and I spent years trying to get legal leash-free areas in La Jolla. I even had posts in the NY Times.

I'm over it but a few people have a beef about seals on the beach. I say go seals. Humans have miles and miles of beaches and the seals have a few feet. They haul out for their pups and to keep away from the sharks that are offshore to eat them.

I spent days and nights at Council meetings, Park and Rec meetings, all kinds of public discourse to do what I wanted for my dog. She died and all I had to remember is all the days and nights I worked and was an advocate for her and our parks. It was very sad as while I was working for her, she was alone and I was spending time for her, not with her. All our neighbors and friends and even the Park and Rec Foundation Board members stopped by to water a tree our neighbors gave the City on her behalf. I monitor its growth on google earth. It's looking great and now my "new" dog of over 11 years is looking old and I have my battles but spend time with her.

The seals have a place in La Jolla. They chose it. Live with it.

Deirdre A Carpenter

RE: File 6-15-0223
Attn: Brittney Laver, Coastal Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
ChildrensPool@coastal.ca.gov

Dear Coastal Commissioners:

Please support retaining the year-round rope at Casa Beach to protect the Seals.

The rope has been very successful in helping to prevent human harassment of the seals. Without the rope, people get too close to the seals and scare them off the beach, try to pet them, take selfies with them, and perform many other inappropriate and unconscionable antics. The rope is critical to preventing such harassment.

More specifically, the following reasons are pertinent to retaining the rope year-round:

- Seals need the beach year-round for resting, re-oxygenation, thermal regulation, molting (shedding of hair), and birthing, nursing, and raising their pups.
- This 160 ft. beach is a major haul out site for all Southern CA seals and the only birthing area south of Ventura County, 160 miles away.
- Harbor seals are shy on land and easily frightened by humans.
- Scientific studies show conclusively that when humans get too close to marine mammals, they disrupt their normal behavior. This is considered harassment.
- When people unintentionally or intentionally disturb these animals, it is a direct violation of the MMPA and the San Diego City Ordinance.
- There is no legally defined "Safe Distance from the Seals" at Casa Beach. NOAA recommends staying 100 ft. away from seals at other beaches. At Casa Beach, 50 ft., which starts at the steps and means stay off the sand, used to be recommended by NOAA.
- "Shared Use" of this small beach does not work and has never been well defined. The Pro-access group drives the seals off the beach intentionally and encourages people to go on the beach. When the beach is full of people, the seals are afraid and will not come on the beach for their much needed rest.

- The rope is consistent with public access policies of the Coastal Act and the Local Coastal Plan.
 - The rope has been ruled as not an unlawful encroachment by the CCC.
 - There is a 3-foot opening for beach access.
 - The rope is a standard nylon rope, approx. 3/8 in. wide.
 - People can go under, over, or around the rope.
 - The rope does not restrict lateral, vertical, or visual access to the beach.
- Taken from La Jolla's own Local Coastal and Land Use Plan: "One of the goals is to protect and preserve sensitive natural resources including, among others, plant and animal habitats and wildlife linkages throughout the community." Community goals are listed as: "Conserve and enhance the natural amenities such as its views, open space, ocean beaches, wildlife and natural vegetation and achieve a desirable relationship between the natural and developed components of the community. Provide for the needs of visitors" (p.8).
- Approximately 1.5 million visitors from all over the world come to see the seals annually. The seals have been cited as the 6th reason to visit San Diego. This contributes greatly to our revenue from tourism. Tourists are very upset when there are no seals to see as they've been chased off the beach.
- There are adjacent beaches for swimming within a minute or two from Casa Beach.
- There is also an ADA program and equipment at nearby La Jolla Shores.
- Studies have shown that there are less flushings (humans driving seals off the beach) as well as more seals on the beach when the rope is up vs. when there is no rope.

For all of these reasons, and because it is the right, humane thing to do, please help to protect the Seals by voting to retain the year-round rope at Casa Beach.

Sincerely,

Carol Archibald, PhD

Carol Archibald, PhD
 3146 Ibsen Street
 San Diego, CA 92106
 (619) 2259076

From: [Kay](#)
To: Childrenspool@Coastal
Subject: Coastal Commissioners please renew the year-round rope in the sand to keep people and seals separated
Date: Friday, May 08, 2015 4:31:03 PM

Dear Coastal Commissioners:

I have been an active supporter since 2004 of protection for the harbor seals in what some people call the "Children's Pool" It originally was called "Casa Beach." The engineering of it didn't achieve the goal of creating a beach for children. It was never a safe place for children, with a steep shelving bottom and shore break.

When the seals began to use it as the only on-shore pupping location for dozens of miles in both directions, I and many others found this remarkable and agree it is especially valuable for helping the survival of harbor seals.

Please make permanent the rope that is strung across the beach. It is needed to keep people from harassing the seals.

There are well over ten miles of sandy beach in San Diego County that people can use, and hundreds of spots with rocky shore that divers and surfers can use, but there is only one 100' wide beach at Casa Beach that the harbor seals can use.

Please give the harbor seals the permanent protection they need.

Thank you for allowing me to make this request to you.

Sincerely,

Katherine S Stewart
MA Biology, CSU Fresno
MA research done at Moss Landing Marine Labs
619-234-2668
San Diego CA 92111
kaytaff@sbcglobal.net

NANCY LEE
1972-B Felspar Street
San Diego, CA 92109
nancyleedesigns@gmail.com

RECEIVED

MAY 12 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

May 10, 2015

California Coastal Commission
San Diego District Office
Brittney Laver, Coastal Program Analyst
7575 Metropolitan Drive – Suite 103
San Diego, CA 92108

Re: File 6-15-0223 Year-round rope at Children's Pool

To Whom It May Concern:

I support the continuation of the year-round rope at Children's Pool to protect the harbor seals from May 15 to December 14 of each year.

First, I want to tell you how very grateful I am that Children's Pool was closed this year from December 15 to May 15, 2015 to protect the harbor seals during the pupping season. It was so amazing to see the harbor seals give birth and to nurse their pups in peace. I have never seen the newborn pups be so playful before. Visitors were so happy and excited being able to see them and had no problems with not being allowed onto the beach. Again thank you from the bottom of my heart for closing this beach during the pupping season.

The issue before the California Coastal Commission now is the renewal of the year-round rope at Children's Pool to protect the seals. This rope will still be needed just as much as it was before. I am enclosing a copy of the letter I wrote to the California Coastal Commission on August 4, 2014. This letter has photos of what shared-use is like even with the rope. Without the rope, these seals have no chance at all of protection. These issues will be exactly the same issues starting on May 16 when the beach returns to a status of "shared-use".

Most people will respect the visual cue of the rope and will stay behind the rope so it is critical that this rope remains on the beach. Even with the rope, the pro-beach access people will be encouraging and inviting people to cross the rope and to walk right up to the seals.

On Sunday, May 10, 2015, I was at the beach at 9:00 a.m. and a snorkeler flushed every single seal off of the beach. This snorkeler has been coming to do this at Children's Pool every single Sunday morning for years. Once there are zero seals on the beach, the pro-beach access people cross the rope, set out their umbrellas, beach chairs and flags all across the beach, invite people to cross the rope and make sure that people walk back and forth across the length of the beach the entire day so that the seals are too afraid to come up onto the beach. I fully anticipate this behavior as well as bonfires on the beach on May 16 so they can celebrate having access to the beach again.

This is why shared-use access doesn't work and why the rope makes a critical difference because when the pro-beach access zealots are not there, people respect the rope and stay behind it. There is nothing more disheartening to see than pups only a few months old treading water for hours and trying to come up onto the beach to rest.

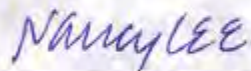
The City of San Diego and the California Coastal Commission have never defined "shared-use", which makes it difficult to enforce. A few years ago I met with the Mayor of San Diego and proposed that "shared-use" needs definition so that it is clear to all City employees what behavior is acceptable and what behavior is not. For your perusal, I have attached my "Shared-Use Definition" proposal. I believe this will clarify what some of the challenges are with shared-use beach access and why the rope is so critical to the protection of the harbor seals.

The rope serves only as a "guide-line", which people only have to abide by voluntarily. Therefore, the continuation of the rope does not interfere with "shared-use" whatsoever and there is no reason to remove it.

In closing, I would like to say that the harbor seal rookery in La Jolla is a natural resource, which deserves protection from the State of California, the City of San Diego and the California Coastal Commission. At age 54 I strongly believe that if we do not protect the harbor seals at Children's Pool then we are not doing what we need to do not only for our children and grandchildren, but for the environment in general. Providing an area with viewing of harbor seals that are protected is the right thing to do.

Please vote for the year-round rope to remain at Children's Pool.

Sincerely,



Nancy Lee

Enclosures: 8-4-2014 Letter copy and Shared-Use Definition Proposal

SHARED-USE DEFINITION THAT PROTECTS THE HARBOR SEALS

The City of San Diego designated Children's Pool Beach to have Public Access, which created "Shared-use" of the public with the California Harbor seals.

This "Shared-Use" has never been defined and there are no rules or regulations for the public to follow. Listed below are suggestions for rules and regulations.

- Shared-use beach users that disturb the seals, cause seals to flush or otherwise do not respect the wildlife may be subject to a Warning for a 1st time offense, a Citation for a 2nd time offense and an Arrest for a 3rd time offense. City Municipal Code Section 63-0102(b)(10)
- Approaching the seals for a photo or to touch the seals is strictly prohibited and will be enforced with Citation, Warning or Arrest as warranted. City Municipal Code Section 63-0102(b)(10)
- No BBQs or dogs are permitted.
- Loud noise is not permitted.
- Umbrellas are allowed, but are not recommended. If an umbrella blows over and causes the seals to flush, the umbrella owner may be subject to a Warning, Citation or Arrest.
- Shared-use beach users will not encourage visitors who come to view the seals to cross the rope and/or violate the NOAA 50 foot recommended seal-viewing guideline.
- Shared-use beach users will not stage scenarios utilizing unsuspecting visitors to violate the NOAA 50 foot recommended seal-viewing guideline. This includes encouraging and coordinating divers to enter and exit the beach on a schedule, bringing disabled people to dive with the seals when this beach has no disabled access, and coordinating parties on the beach to celebrate the beach being open at night, the rope coming down, etc. These acts will be considered protests and will require a permit from the City of San Diego.
- Any signs posted on the beach by Shared-use beach users will require a permit from the City of San Diego. Signs on t-shirts, towels, umbrellas, etc. will not be exempt from obtaining this permit.
- Fishermen on the seawall will be subject to the same regulations of the Shared-Use beach users and shall be cited if they violate City Municipal Code Section 63-0102(b)(10) and Shared-Use Beach regulations.
- Any items dropped or blown by the wind into the colony of seals will not be able to be retrieved by any person. A Lifeguard or Ranger may be able to get the items at a later time, only if they can do so without disturbing the seals.
- Items thrown intentionally onto the beach will be treated as a violation of the City Municipal Code Section 63-0102(b)(10) and people will be cited accordingly.
- Divers and visitors are prohibited from climbing onto any rocks off shore that the seals utilize for their haul outs. This is in accordance with NOAA's 50 foot viewing guidelines and City Municipal Code Section 63-0102(b)(10)
- A sign will be posted stating the rules of Shared-Use so that the public and visitors from out of town will understand the rules.

Nancy Lee
nancyleedesigns@gmail.com

+NANCY LEE
1972-B Felspar Street
San Diego, CA 92109
858-270-2012

August 4, 2014

California Coastal Commission
San Diego District Office
Brittney Laver, Coastal Program Analyst
7575 Metropolitan Drive Suite 103
San Diego, CA 92108

RE: Children's Pool Closure for the Harbor Seals Pupping Season 2015
LCP-6LJS-14-0607-1 / 6-14-0691

To Whom It May Concern:

I am requesting that Children's Pool Beach be closed to public access only during Harbor seal pupping season, December 15 to May 15, of each year.

I would like the California Coastal Commission to know that I am a disabled person and do not see the need for disabled access for Children's Pool. There are many other beaches, which have disabled access and even provide beach wheelchairs. Additionally, during the pupping season, I have seen crowds of people come specifically to view a live harbor seal birth and they are delighted at the baby seals. We have visitors from all over the world that express disappointment and anger that the seal pups are not protected. I visit Children's Pool about 4-5 times a week and support the closure of Children's Pool during the pupping season.

This closure of the beach during the pupping season to public access is necessary because **Shared Use doesn't work**. These photos are from the pupping season this year.

Once visitors cross the rope the seals are frightened off the beach. Mothers will leave their newborn pups in fear. Frequently a pup is abandoned by the mother and since it is not weaned, it will starve to death.



Abandoned pup becoming thinner every day. The mother never returned.



These people crossed the rope and frightened the seals off the beach. Mothers cannot nurse their newborn pups with human interference. All it takes is one person to cross the rope and the seals are frightened and flush.



Even one small child entering the water can flush every seal off the beach.



During winter high tides the seals will come right up to the edge of the rope and even cross over it. This is a pup left by itself while the mother goes off to fish. I witnessed people touching this pup.



Here's another incidence when the seals crossed the rope and a person is touching a wild animal to get a photo. One evening I witness women in their early 20s lying on their backs next to a seal and pretending they were a seal to get a photo. The seal became stressed and tried to bite the young woman who then backed away and laughed and laughed. These people do not step away even after being told the seals are wild animals and will bite. The visitors ignore the lifeguards telling them the same thing. They act as if it is a petting zoo. I believe that we have an obligation to educate people about wild life and to protect it at the same time.



This photo clearly taken on another day shows how many seals crossed the rope due to high tide. Note the young person getting ready to lie down next to the seal and reaching out to touch it.



Here's yet another photo taken on a different day with a mother and pup on the other side of the rope. I personally spent several hours trying to keep the crowd back from the seals. There are always people who will curse at me and tell me I have no right to keep them from getting close to the seals or touching the seals. Referring people to the sign is not helpful because the sign states the viewing distance is 50 feet. When the seals cross the rope, they have zero protection even from people who will stay behind the rope. The rope becomes useless. The pups are stressed and so are the mothers.



Seals behind the rope after dark can be stepped on by visitors. There is no restriction of people going down to the beach in the dark. If visitors frighten the seals and they flush, a pup will be left behind for people to harass it intentionally or step on it.



People seem to have no fear about walking very close next to a wild harbor seal. Requesting people to not go down to the beach when the harbor seals have crossed the rope does not work, because they will not listen. Even if the lifeguards try to tell people what they are doing is dangerous, the people will not listen. Calling the San Diego Police Department doesn't help either because as long as people have the right to public access, there is nothing that can be done to protect the seals. The only answer is to close the beach during pupping season.



I have photo after photo after photo of people touching and even kicking the seals. During the pupping season this is especially harmful to the pregnant and nursing seal mothers and their vulnerable pups that need to nurse.



This very pregnant seal is using her flipper to try to tell this young man to move away from her. This Pro-Public Access young man frequents the beach on a regular basis and loves to "perform" for the tourists who take his photo. He refuses to understand that this causes the pregnant seal stress and that she can miscarry her baby. Some of the worst offenders against the seals during the pupping season are still the Pro-Public Access group.



This woman sat as close as she could get to the seal. When I try to explain to people that this causes the seals stress and frightens them, I am told "I'm not doing anything to the seals" and they refuse to move away. As you can see, these seals are across the rope.



Harbor seals are mammals just like us. This year I saw 2 pups that died. The harbor seal mothers did not abandon their deceased pups, but stayed with them to grieve. One mother stayed with her pup for days and days. It is heartbreaking to see this. We need to close the beach only during the pupping season so these pregnant mothers can carry their pregnancy to term, give birth to a healthy pup and nurse the pup in peace until it is weaned.



This is a harbor seal pup that has just been born. These pups deserve and need protection.

The City of San Diego has approved this closure. I request that the California Coastal Commission take this action, too.

Sincerely,

Nancy Lee

From: [CNemoGlobal](#)
To: Laver.Brittney@Coastal
Cc: Sarah.Sherilyn@Coastal; Brown.Kanani@Coastal; martiemerald@sandiego.gov; jane@sealconservancy.org
Subject: Rope barrier @ La Jolla Childrens Pool
Date: Thursday, May 07, 2015 4:34:16 PM

To: California Coastal Commission

I represent CNemoGlobal, an NGO environmental watchdog. I spoke at the Commission's public hearing in San Diego in August 2014 in support of the City of San Diego's application to close Casa Beach (aka "La Jolla Childrens Pool") during seal pupping season. It is our understanding that the Commission's approval of the seasonal closure will expire in July, and that you will be voting on the issue of renewal next month. I write to **support renewal**.

Attached you will find a **photograph** taken only yesterday of a tourist at the adjacent La Jolla Shores posing next to a sea lion, oblivious of the risks to the sea lion and to herself, and oblivious of the MMPA.


We have appeared before the San Diego City Council numerous times and presented samples of graphic sign displays such as those found at Birch Aquarium and the Cabrillo National Monument's whale watching station which educate visitors on marine mammals and the coastal environment. We have urged the City to erect similar signs at LJCP to deter people from approaching the seals but nothing has been done to accomplish this, despite NOAA's recommendation that they find a way to so educate the public.

In view of ongoing public encroachment on the seals and pups, we urge the Commission to not only renew approval of the seasonal closure of LJCP, but to also encourage the City of San Diego to find the political will to erect educational signs on the site. Such protection would be 3-fold:

1. Protect seals/pups from human disturbance;
2. Protect humans from risk of injury;
3. Mitigate the City's exposure to potential liability claims arising from human injuries.

Thank you for your consideration.

C. Price
CNemoGlobal, NGO Environmental Watchdog

 @ cnemoglobal



From: [Tamara Morgan](#)
To: [Childrenspool@Coastal](#)
Cc: [Laver, Brittney@Coastal](#)
Subject: Please Save the Year Round Rope at Casa Beach!
Date: Monday, May 11, 2015 6:10:33 PM

Dear Coastal Commissioners,

Please support saving the year round rope at Casa Beach in La Jolla to help protect the Pacific Harbor seals.

The rope has been very successful in deterring human harassment of the seals.

Without the rope as a viewing guideline, people tend to get too close to the seals, try and pet them or take close up pictures or lie down next to them. This causes the seals to become frightened and flush (or flee) into the ocean.

Almost all the people who see the rope, instinctively know to stay behind the rope to view the seals-which is just common sense. Please see the attached picture as a good example of how the rope is great at keeping people a safe distance from the resting harbor seals.

Please vote to continue to keep the year round rope up at Casa Beach and help protect the seals.

Thank you for your time.

Sincerely,

Tamara Morgan

1970 Nortstar Way #251

San Marcos, CA 92078



RE: File 6-15-0223
Attn: Brittney Laver, Coastal Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA [92108-4402](tel:6194449210)

RECEIVED

MAY 12 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

May 9, 2015

Dear Coastal Commissioners,

Please support saving the year-round rope at Casa Beach to protect the Seals.

I am sure that many valid reasons have been expressed for maintaining the rope to protect the Harbor seals at Casa Beach in La Jolla, and I am sure you have heard them all already. I simply want to ask that you vote to keep the rope up year round.

I have been a volunteer docent at the beach and I can attest to the fact that the rope is a much needed guideline for people who come from all over the world to see the seals. For most, their visit is the first time they have been so close to wildlife and they do not know how to act in the situation. Just one person going too close can cause all the seals to leave the beach in a flush and then no one gets to view the awesomeness of watching the seals.

For the protection of the seals and the enjoyment of the human visitors, I request that you vote to keep the year-round rope at Casa Beach.

Sincerely,

Pamela Thomas

Pamela Thomas

7350 Golfcrest Pl. #1013
San Diego, CA 92119

Brittany Laver, Coastal Analyst

California Coastal Commission

San Diego, Ca 92108-4402

RE: File 6-16-0223, Year Round rope at Children's Pool – In Favor

RECEIVED

MAY 14 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT
May 12, 2015

Dear Coastal Commissioners;

As a frequent observer of both human and harbor seal behavior at Children's Pool in La Jolla, I am an eye witness to the validity and effectiveness of the presence of the rope to ensure the safety and welfare of both users of this beach.

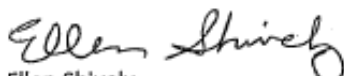
With the rope up, even during the open beach summer months, those using the sand and waters on and near this small beach are visually reminded that sharing the beach requires some modification of unfettered activities while the resident harbor seals, visiting sea lions or infrequent elephant seals are attempting to use the beach for their crucial survival needs to rest, molt and socialize among their own kind.

Sadly, during the summer months, the "shared use" policy tends to be ignored without this visual indicator. Intense and prolonged human sport most often restricts the seals entry onto the sand after swimming and diving for long periods of time. People come and go, so their comfort level is unimpaired. The seals call this their home base, and have few other alternative locations to rest. During this past winter, when the beach was fully closed, seals were seen sleeping and playing in the waters around the clock – day and night.

Why should they lose use of the beach for these same survival needs for the better part of the 24 hour period for seven months of the year? Surely, losing access to a place of rest and recuperation will have a physiological and psychological toll on the animals.

It realize that the rope is not a solid barrier. Human recreational users will still be able to walk the length of the sand, walk among the rocks and crannies, and have fun. But for the few who sense the rope is a warning to allow the marine mammals a bit of space, it will make a difference.

The seals cannot plead their case before you, so I have tried. I hope you will consider this perspective and consider voting in favor of the year round rope.


Ellen Shively
6011 Cumberland St.
San Diego, Ca 92139-3116

Re: File 6-15-0223

Ms. Irene Lopez
4986 Field St
San Diego
CA 92110

RECEIVED

MAY 14 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Dear Coastal Commission -

PLEASE!

protect our seals from the idiots
that bother or hurt them! PLEASE!

have a year - round rope at
Casa Beach to protect our seals!

Mayor Filner was great by getting
cameras but the idiots are
still out there and we must
protect these wonderful animals!

PLEASE! do this ASAP as we
are already in May! I would
be so very grateful and
would appreciate a kind reply

Sincerely
Irene Lopez

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MAY 14 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: File 6-15-0223

Attn: Brittney Laver, Coastal Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Dear Coastal Commissioners,

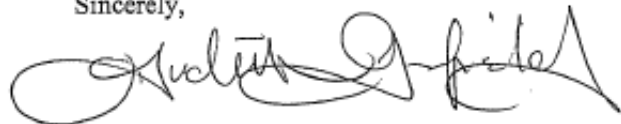
It is vital that you vote for the rope to protect the harbor seal population year round. The barrier has proven successful in reducing harassment and flushing of seals by humans (nothing can completely stop this behavior save for 24-hour human enforcement) but now there is an added urgency to ameliorate stress to the animals.

NOAA reports that, since 2013, there has been an "Unusual Mortality Event" for pinniped pup strandings. I have found it nearly impossible to walk the length of Mission Beach or La Jolla coast without seeing one dead or emaciated pinniped, both adults and juveniles. And I have direct experience as a scuba diver of 34 years that the recent, persistent "blob" of warm water off the coast has prevented true winter from arriving. Throughout the past number of months, water temperatures that should be as low as in the 40s at depth have remained in the high 50s to low 60s. We know that this has affected the food source of local pinnipeds.

Whatever demands some make regarding access to the ocean via Casa Beach, we can no longer be certain that our pinniped populations are sufficiently stable since we have no idea how long important prey resources will remain out of reach for so many.

That the harbor seals have chosen Casa Beach, often only as a refuge stop before leaving to ply the waters elsewhere, please see to it that the rope remains. The rope is not only incentive for humans to keep their distance but will solidify Casa Beach as an official safe haven for these wonderful mammals who survive by straddling both ocean and terrestrial environments.

Sincerely,



Judith Garfield

Box 293

La Jolla, CA 92038

Author: *The San Diego-La Jolla Underwater Park Ecological Reserve* books



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Ms Brittney Laver, Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4421
Sent Via: childrenspool@coastal.ca.gov

May 15, 2015

Dear Ms. Laver,

On behalf of the members and constituents of The Humane Society of the United States (The HSUS) and, in particular, our members in the greater San Diego area I am writing to support a continuation of the year round rope erected at Casa Beach in La Jolla which is intended to discourage close contact between seals and the public throughout the year. We understand that this issue is to be discussed at an upcoming meeting of the California Coastal Commission (CCC). The HSUS wrote a letter to the CCC dated May 30, 2012 supporting erection of a year round rope at Casa Beach and those comments provided citations to published studies demonstrating the adverse impacts on seals from repeated human disturbance. We incorporate those comments herein by reference.

The HSUS and its members and constituents support exposing the public to wildlife in their natural habitats in a responsible manner. This beach has been a key pupping area for harbor seals for approximately two decades and their year-round use of this area as is widely appreciated by the public which flocks there year after year to view seals resting along the shore. The seals and their young on Casa Beach provide a unique opportunity for the public to learn about these fascinating animals and to develop a respect for wildlife. A rope that defines the higher use areas for seals allows for proximity when the beach is open to the public but also provides a visual and physical reminder that wild animals should not be approached too closely, both for the protection of the animals and that of the public.

The U.S. Marine Mammal Protection Act expressly prohibits harassment which is defined as an action that "has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering..." [16 U.S.C. 1362 §3 (18)(A)(2)]. I have visited Children's Pool/Casa Beach fairly recently as well as on a number of occasions in the past when there was no rope. I have seen firsthand that, without a rope, the public routinely approaches seals closely. Their approach and/or noise sometimes caused a frantic rush into the water by individual animals or, at times, all of the seals resting on the beach. There is no question in my mind, or that of most observers, that disturbing their rest is harassment. Unfortunately, without a visible reminder that they should maintain a respectful distance from the resting seals, it is hard for members of the public to resist approaching the

seals with adults taking “selfies” with seals in close proximity and members of the public—including children—touching the seals and putting themselves in harm’s way.

Maintaining a year round rope on Children’s Pool Beach is an important way of alerting the public of the need to keep separation between themselves and the resting seals both for their own safety and that of the animals. It is important that the city and state have at their disposal, all tools necessary to prevent or discourage the public from interacting with the seals at the Beach. We applaud the CCC for concurring with the seasonal closure of the beach during the pupping season and urge you to approve continuation of the year round rope at the Children’s Pool/Casa Beach in La Jolla.

Sincerely,

A handwritten signature in black ink, appearing to read "Sharon B. Young". The signature is fluid and cursive, with the first name "Sharon" being more prominent.

Sharon B. Young
Marine Issues Field Director
The Humane Society of the U.S.
syong@humanesociety.org

From: barbara@leanandgreenkids.org
To: Childrenspool@Coastal
Subject: Support Sea Lions, Casa Beach La Jolla year round rope
Date: Monday, May 18, 2015 8:43:19 AM
Attachments: [top.letterhead](#)

<="" ;="" >

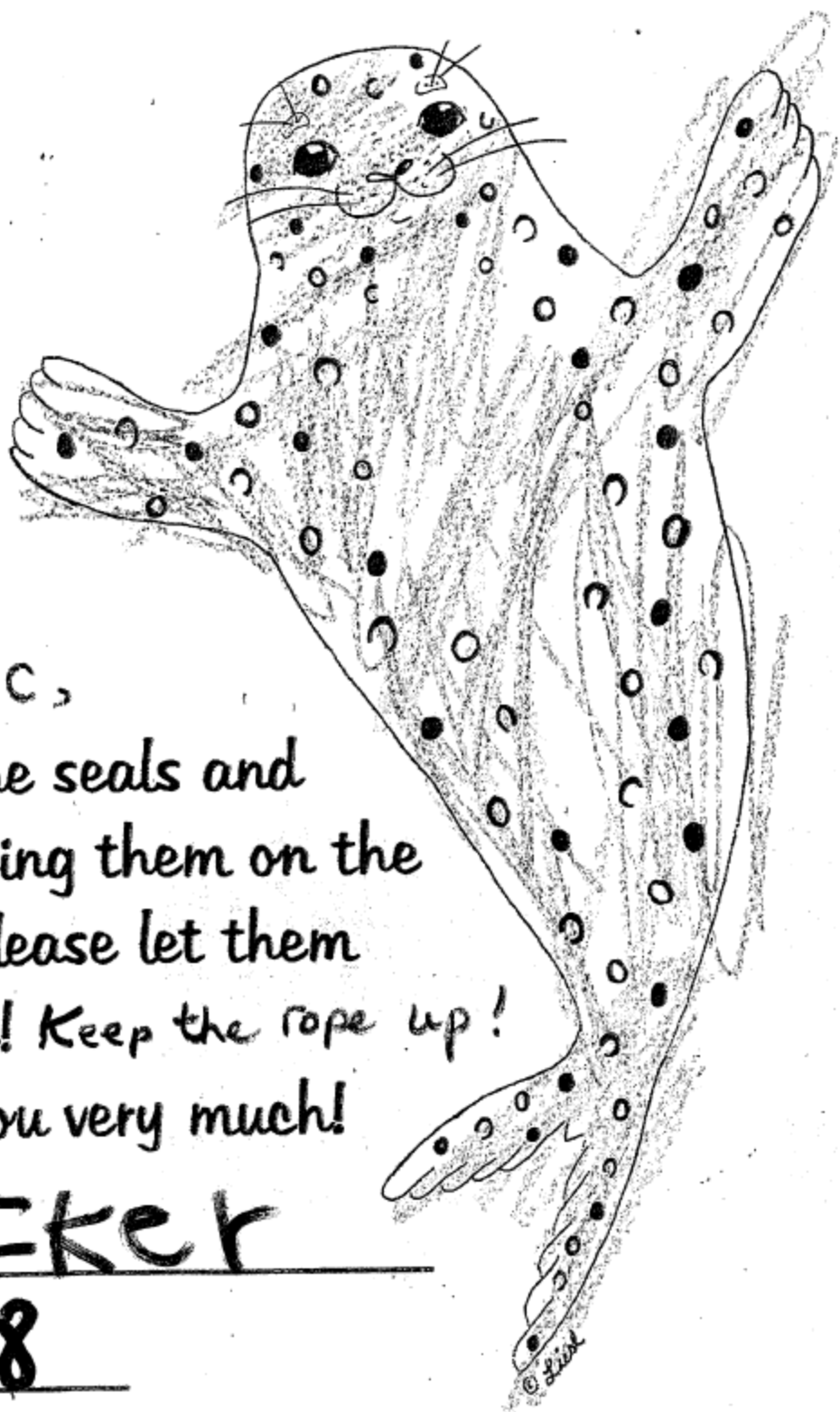
Dear Coastal Commissioners,

As a parent and educator, I urge you to support saving the year round rope at Casa Beach in La Jolla to protect the Seals.

The rope teaches the right message to visitors -and to future generations, that ocean life must be respected and protected, especially in light of human caused pollution and over-fishing that is putting our oceans at great risk.

I visit the La Jolla area and Casa Beach regularly and have witnessed harassment of the seals personally. Without the rope, people get dangerously close to the seals. The rope can serve to educate and inform people who would otherwise take part in these inappropriate and insensitive behaviors.

Thank you for your consideration,
Barbara Cole Gates
2009 Elevada Street
Oceanside, CA 92054



Dear CCC,

I like the seals and
I love seeing them on the
beach! Please let them
stay here! Keep the rope up!
Thank you very much!

name: Iker

age: 8

Petition sheet 1 of approx. 130

Petition to the CCC to Save the Year-Round Rope at Casa Beach

I support the City of San Diego's application to keep the guideline rope up at Casa Beach
from May 15 to December 15 annually. (CCC File #6-15-0223)

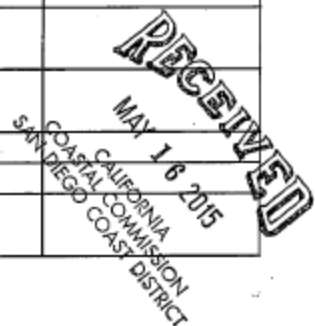
1	DATE 4-22-15	YOUR NAME (PLEASE PRINT) Mary Lemon	EMAIL ADDRESS marypool-lemon@hotmail.com
	STREET ADDRESS / PO BOX 8783 Parkplace Ct.		CITY, STATE / PROVINCE, ZIP, COUNTRY San Diego, CA 92123 PHONE NUMBER 858-337-5815
2	DATE 4/22	YOUR NAME (PLEASE PRINT) Mayra Meza	EMAIL ADDRESS mayrathemeza@gmail.com
	STREET ADDRESS / PO BOX 3717 1st Ave		CITY, STATE / PROVINCE, ZIP, COUNTRY San Diego, CA 92103 PHONE NUMBER (619) 315 3436
3	DATE 4/22	YOUR NAME (PLEASE PRINT) Tiffany Lee	EMAIL ADDRESS
	STREET ADDRESS / PO BOX 4739 Wilson Ave		CITY, STATE / PROVINCE, ZIP, COUNTRY San Diego, CA 92116 PHONE NUMBER
4	DATE 4/22	YOUR NAME (PLEASE PRINT) JH Ginnas	EMAIL ADDRESS
	STREET ADDRESS / PO BOX 1218 Mesquite St		CITY, STATE / PROVINCE, ZIP, COUNTRY 92128 San Diego PHONE NUMBER
5	DATE 4/22/15	YOUR NAME (PLEASE PRINT) Elizabeth Marquez	EMAIL ADDRESS
	STREET ADDRESS / PO BOX 4473 Louisiana St.		CITY, STATE / PROVINCE, ZIP, COUNTRY San Diego, CA 92116 PHONE NUMBER
6	DATE	YOUR NAME (PLEASE PRINT) CRYSTAL CASEY	EMAIL ADDRESS BLUEFEEDCRISTAL@gmail.com
	STREET ADDRESS / PO BOX PO Box 1544		CITY, STATE / PROVINCE, ZIP, COUNTRY Bonita 92003 PHONE NUMBER
7	DATE	YOUR NAME (PLEASE PRINT) Megan Garity	EMAIL ADDRESS garityfam@aol.net
	STREET ADDRESS / PO BOX		CITY, STATE / PROVINCE, ZIP, COUNTRY PHONE NUMBER
8	DATE	YOUR NAME (PLEASE PRINT) BRAND AMSTOTEN	EMAIL ADDRESS amst858@gmail.com
	STREET ADDRESS / PO BOX 11365 APPINITY CT. #194		CITY, STATE / PROVINCE, ZIP, COUNTRY SAN DIEGO, CA 92131 PHONE NUMBER

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MAY 16 2015
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Petition sheet 1 of 8

I support the City of San Diego's application to keep the guideline rope up at Casa Beach from May 15 to December 15 annually to help protect the harbor seal colony. (CCC File #6-15-0223).

	Date	Last Name	First Name	City	State / Province	Country	Comment
1	04/09/2015	Forbes	John	Edinburgh		United Kingdom	
2	04/09/2015	Salgado	Natasha	Toronto		Canada	
3	04/10/2015	Andries	Anneke	Raamsdonksveer		Netherlands	
4	04/10/2015	Archibald	Carol	San Diego	CA	USA	
5	04/10/2015	Barnes	Carolyn	Greene	NY	USA	
6	04/10/2015	Baumann	Diana	Solingen		Germany	
7	04/10/2015	Bechmann	Elisabeth	St. Pölten		Austria	
8	04/10/2015	Ben Izhak	Vera	Tel Aviv		Israel	
9	04/10/2015	Branco	Andréa	São Paulo		Brazil	
10	04/10/2015	Brewer	John	Marietta	Ohio	USA	
11	04/10/2015	Brigitte	Hoin	Herzogenrath		Germany	
12	04/10/2015	Brunschot	Ankie	Veldhoven		Netherlands	
13	04/10/2015	Buijs	Monique Angela	Hoorn		Netherlands	
14	04/10/2015	Buslot	Chantal	Hasselt		Belgium	
15	04/10/2015	C	Bill	Kempen		Germany	
16	04/10/2015	C.	Mary	Toronto		Canada	Respect The Life in All Beings - YouTube
17	04/10/2015	Cambria	Joan	Rumson	NJ	USA	
18	04/10/2015	Camello	Nancy	Apple Valley	CA	USA	
19	04/10/2015	Campos	Eduardo	Santiago		Chile	
20	04/10/2015	Cowley	Teresa	Kingsville	TX	USA	
21	04/10/2015	Cuk	Jasmina	Solna	NY	USA	
22	04/10/2015	de Ryck	Mona	Mortsel		Belgium	
23	04/10/2015	de Saedeleer	Veerle	Edegem		Belgium	
24	04/10/2015	de Waard	Lisette	Lelystad		Netherlands	
25	04/10/2015	de Waard	Yvonne	Lelystad		Netherlands	
26	04/10/2015	Delannoy	Emmanuel	Paris		France	
27	04/10/2015	Deleon	Celeste	Montevideo		Uruguay	
28	04/10/2015	Dewitt	Erica	Kingston	NY	USA	
29	04/10/2015	Done	Fay	Llangybi		United Kingdom	
30	04/10/2015	Edgar	Alison	Edinburgh		United Kingdom	
31	04/10/2015	Elsherbini	Azza	Alexandria		Egypt	
32	04/10/2015	Fanton	Beatriz	Bariri		Brazil	
33	04/10/2015	Fellows	Sue	Hereford		United Kingdom	



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Elora West
Scott West
Ben Zuckerman

RE: File 6-15-0223

Attn: Brittney Laver, Coastal Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Wednesday, May 13, 2015

Dear Coastal Commissioners,

We would like to let you know that the Sea Shepherd Conservation Society is in favor of continuing the current placement of the year-round rope at Casa Beach in La Jolla California to protect Pacific harbor seals from human encroachment.

The Sea Shepherd Conservation Society was established in 1977 and is an international non-profit marine wildlife conservation organization.

This rope has been proven to be very successful in helping to prevent human harassment of the seals. Without the rope, people get too close to the seals, force them back into the water and prevent them from coming back onto the sand. We humans have increasingly encroached upon the habitat of all of our wildlife. It is imperative that, when possible, we provide a safe haven for our marine mammals not just to survive, but to thrive in this world. At Casa Beach there is not only an opportunity to protect them, but a responsibility to do so as well. This is only a small beach on a coastline that has many beaches.

Please help to protect the seals by voting to continue the year-round rope at Casa Beach.

Sincerely,

Jeff & Kathe Myrick
San Diego Sea Shepherd Chapter Coordinators

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MAY 18 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RE: File 6-15-0223
Attn: Brittney Laver, Coastal Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402

Peter Maynard
7309 1/4 Draper Ave
La Jolla, CA 92037

Dear Coastal Commissioners,

The year-round rope at Casa Beach has been a great success in preventing harassment of the Harbor Seals. We have many visitors to this part of San Diego during the summer months. Some people see the seals as circus animals that they can sit on or pet. Some parents think its entertaining to watch their children chase seals off the beach into the ocean. The rope acts as a successful deterrent to stop most of this behavior and harassment.

Please continue to help protecting the seals by voting to save the year - round rope at Casa Beach.

Sincerely,



Peter Maynard

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MAY 18 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



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MAY 18 2015

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

May 12, 2015

Dear California Coastal Commissioners:

Please support the City's CDP application for the year-round rope at Casa Beach as a useful viewing guideline to visitors to see the seals. The statistics collected by the Seal Conservancy of San Diego clearly show a 54% reduction in the number of seals flushed per day during the fall of 2014, with the 152' rope in place, compared to the fall of 2012, when there was no rope present.

Thank you for your previous unanimous support of this important protection for the seals.

Sincerely yours,

Jane Reldan, M.D.
Jane Reldan, MD

From: [Ellen Shively](#)
To: Childrenspool@Coastal
Subject: Please Save the Year Round Rope at Casa Beach
Date: Tuesday, May 19, 2015 9:20:39 AM

Dear California Coastal Commissioners,

It will make a very good impression for young people to see evidence of adult caring and compassion for wild animals.

The most striking example in the San Diego area is the rope protection at Children's Pool in La Jolla. On Sunday, there were over 200 seals sleeping peacefully and about 50 visitors were all behind the rope observing, including many young people under the age of 18.

The summer "shared use" concept will work if we give the seals a chance to share the beach. When there is poor signage and no rope, people will simply not know the seals' tolerance limits for people approaching too close. They will be constantly disturbed.

Saturday, it was a very different scene - with people wandering all over as the seals were trying to use the beach. The signs which hang on the rope posts were obscured by onlookers. There is no place to read the sign at the stairs midlevel as people are coming and going.

So the rope is essential. It does not obstruct people's use of the beach, but reminds them to allow the seals some "shared use" space.

For all of these reasons, please approve the year round rope at Casa Beach.

Sincerely,

Brigitte Schmidt, PhD.
2413 SeaBreeze Dr.
San Diego, Ca 92139

From: [Brenda Carey](#)
To: Childrenspool@Coastal
Subject: protect the seals! keep the rope PLEASE!!!
Date: Saturday, May 16, 2015 9:44:20 AM

Dear Coastal Commission,

The coastline of San Diego runs for 70 miles. Most of that coastline is utilized by children (and adult humans) frolicking on the beach. Casa Beach (aka "Seal Beach" among those of us who love seals) is a very special little area of beach. As you know, the seals have been coming there for generations to have their pups. As such it must be protected from those who would harm the seals and their pups.

San Diego has a HUGE population of animal lovers, and we prefer to allow the seals to have their little area of beach so that they can have their pups without human harassment. We are willing to spend countless days at that beach doing all that we can to protect the seals from other people who would selfishly like to run them off (harming the seals as well the rights of the seal lovers who enjoy viewing the seals from a safe distance).

This situation has become very contentious in years past. Putting up this rope was a step in the right direction, although there have still been unscrupulous people who have crossed the rope to encroach on the little seal area. It would be best to put up a more permanent fence that really keeps people out, but we will settle for this rope until that can be done. What is important is that we treat the seals, and other wondrous creatures that we are lucky enough to share this beautiful area with.

Thank you,
Brenda Carey

From: [J. D.](#)
To: Childrenspool@Coastal
Subject: Please APPROVE Year 'Round Protection Rope at Casa Beach
Date: Wednesday, May 06, 2015 6:51:50 PM

Dear Coastal Commissioners:

It has been said that "Knowledge is Power.
But, in reality, mere Knowledge is only Possibility..
Action is Power
and its highest manifestation is when it is directed by Knowledge.

I urge all Commissioners to take action to approve a year 'round protective rope barrier between the seals and the public at Casa Beach in La Jolla, CA.

Video documentation and personal observation reports have repeatedly shown people and their pets knowingly and unknowingly harassing the seals at the beach at all times of the day and night when no rope barrier and information signs are in place.

The rope barrier and signs go hand-in-hand to ensure there are no illegal and potentially dangerous confrontations between beach visitors and the seals.

There is no need to rehash all of the good reasons to maintain the rope as a year 'round barrier on a tiny strip of sand at Casa Beach.

I'm certain the Commission has pages and pages of comments from this and past years discussing myriad good reasons.

Nothing has really changed except the for the boldness, ignorance and disrespect that many people exhibit when the rope is not in place.

Some people's manners and rudeness have degenerated to new lows over the past decade or so.

I respectfully urge you to exercise your leadership role to take action and approve a Year 'Round Protection Rope at Casa Beach.

We appreciate your efforts to protect our precious coastal resources.

John J. & Gail E Dommers
8285 Avenida Navidad #4
San Diego 92122

From: mstam@znet.com
To: Childrenspool@Coastal
Subject: save the Swimmers!
Date: Tuesday, May 12, 2015 5:10:43 PM

Dear Commissioners,

Perhaps I am one of the few Sierra Club members (member for more than 30 years) who is vehemently OPPOSED to the desecration of the Children's Pool by those seals.

Please do NOT allow the rope to be kept up all year.

Ellen Scripps built the breakwater for the Children, not the seals.

Thank you for resisting the tide of radical Sierra Clubbers and others and restore the Children's Pool for the Children.

Thank you for your kind attention.

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La Jolla, CA 92037

858-551-0768

EXHIBIT NO. 11

APPLICATION NO.

6-15-0223

Letters of Opposition



California Coastal Commission