



THE CITY OF SAN DIEGO

May 22, 2012

Kanani Brown  
California Coastal Commission  
7575 Metropolitan Drive, Suite 103  
San Diego, CA 92108-4421

Re: Coastal Development Permit Application #6-11-078

Dear Ms. Brown:

I am submitting the following information in an effort to assist Commission staff to gain a clear understanding of the scope of this project as requested in your letter dated May 8, 2012.

1. In addition to the substantial amount of documentation already provided as to the City Council's resolution on the year-round rope the City has not completed any technical studies performed on the effectiveness of the rope.

Please see attached photos (Attachment #1 and #2) as taken in April 2012 by City Park Ranger. Attachment #1 is a photo of what the beach will look like on a typical Saturday during this time of the year. Individuals will place banners, umbrellas, and non-official signage on the beach to demonstrate that the beach is open for public use and that the rope is only a guideline, not a legal barrier. This encourages visitors onto the beach without reading the official signage that explains their responsibilities of keeping far enough away so as not to disturb the seals. In contrast to Attachment #1, Attachment #2 photo shows the beach on the following day without the umbrellas, banners and non-official signage. Visitors will observe the large number of seals, from behind the rope, maintaining a safe distance that varied with the tides and also the location of hauled out seals. It has been the observation of the Park Ranger that the rope is an effective visual deterrence from getting too close to the seals on the beach.

2. As a reminder, the rope is a visual deterrence only and as per the City's Site Development Permit (SDP), which you have a copy, is clear that individuals are NOT prohibited from crossing the rope. The only additional assistance to ensure that people adhere to standing behind the rope and not getting too close to the seals is the City Park Ranger who is assigned to the Children's Pool. He works Saturday through Wednesday and is normally on site from 11:00 A.M. to 5:30 P.M. Please note in the ranger's absence due to training, off-site meetings, vacations and other related leave time there is no replacement/back-fill. The position is budgeted in the City's Fiscal Year 2012 budget (current year) as well



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as being budgeted/proposed in the Mayor's FY 2013 budget (July 1, 2012). Again, no enforcement system is in place when the Park Ranger is not on site, other than calling the San Diego Police Department or NOAA. The Park Ranger's responsibilities include educating visitors about the City's Children Pool Joint-Use Policy, ensuring visitors are respectful of the seals, informing and ensuring visitors follow all regulations governing their conduct while at the Children's Pool, and providing a visible presence to deter any unlawful acts at Children's Pool. As stated previously, the Park Ranger can issue citations for misdemeanor violations and infractions of the City of San Diego Municipal Code, but has no jurisdiction as to enforcing any Federal Marine Mammal Protection Act (MMPA) laws. Neither Federal nor City law specifies what a "safe" distance is to prevent harassment and/or flushing. By observation, the distance at which a seal will be disturbed by a human varies with conditions and with individual seals. Some seals will flush at the sound of footsteps coming down the stairs while others will tolerate humans approaching within inches. The NOAA San Diego Office Law Enforcement Agent recommends at least twenty (20) feet distance between seals and humans.

3. No additional information was requested.
4. The rope barrier location is approximately at the mean high tide level. This location provides enough landward area to accommodate a large number of visitors. It also provides a safe distance from the seals during most tidal levels. This safe distance was determined by observation of seal activity at the Children's Pool. However, at the highest spring tides seals will be forced to haul out on the landward side of the rope. Visitors may need to wait until the tide recedes far enough to draw the seals back to the seaward side of the rope before going onto the beach. The original three (3) foot gap made the rope presence unmistakable and made its purpose clear while still providing a large enough opening for beach visitors to pass through. The current gap in the seasonal rope is approximately eighteen (18) feet from the last pole to the rock. A gap of this size causes some visitors to miss the official informational signage. Others do not see the rope at all. Many visitors are confused as to the purpose of the rope.
5. The area of the seaward section of the beach will vary from approximately three thousand (3,000) square feet. at highest high tide to sixteen thousand four hundred (16,400) square feet. at lowest low tide. The landward area is approximately three thousand five hundred (3,550) square feet.

6. The signage will remain the same with two (2) signs attached to two (2) of the rope support posts.
7. No formal surveys or studies counting the number of seals hauled out on the beach at the Children's Pool have been conducted. The Park Ranger does a daily estimate of the number of seals on the beach upon his arrival. He has observed a beach void of seals to a beach covered with more than two hundred fifty (250) seals. Seals are a non-migratory species and remain in the area year-round with the number hauled out at any given time dependent on a number of factors: including air and sand temperature, cloud cover, height of tide, sea conditions, and the number of people on the beach. No records of human impacts on seals have been kept. Observation by the Park Ranger shows that the greatest number of disturbances of seals by people occurs on the weekends when visitors are encouraged onto the beach by the pro-access individuals. Divers entering and exiting the water can also cause seal flushing. No substantiated reports of malicious or violent behavior by a human towards a seal at the Children's Pool have been filed or observed. Human impact or influence on seal pup mortalities, stillbirths, or abandonments cannot be scientifically determined at this time. Instances of seal aggression towards humans by a seal on land at the Children's Pool have not been documented. Recent observation shows seals at this location are actually quite docile. Although this a rare occurrence, instances of aggression by a seal towards divers in the water has been reported,

I hope the information provided will be adequate for the Coastal Commission staff to complete their analysis of the project and schedule it for the July Commission meeting.

If you require further information or would like to discuss issues please feel free to call me at (619) 235-5914.

Sincerely,



Daniel Daneri  
District Manager, Shoreline Parks