

**Coastal Development Permit 6-22-0113  
Long-Term Management Plan  
for Closure of Point La Jolla Bluffs**

**City of San Diego  
Parks and Recreation Department  
San Diego, CA 92101**

**April 1, 2023**

**Prepared  
by  
Hanan & Associates, Inc.**

## **Executive Summary**

The City of San Diego Parks and Recreation Department has commissioned the development of this long-term management plan for a time and area closure at Point La Jolla bluffs. This closure was authorized to protect California sea lions, their pups, and the public in compliance with the Coastal Development Permit 6-22-0113 issued by the California Coastal Commission. The Plan complies with Special Condition No. 4.

The Long-Term Management Plan is a living document that will be amended as conditions change. The City recognizes that the federal government's final management authority for marine mammals is vested, specifically with NOAA/National Marine Fisheries. In developing this plan, we seek to work with NMFS and other agencies that share management interests for this site (*e.g.*, California Department of Fish and Wildlife, California Coastal Commission).

Herein, the City describes the shoreline habitat, the California sea lion population status, interactions between them and the public, goals and objectives, and proposed management specifics for the annual closure at La Jolla bluffs. We present management options to the California Coastal Commission Executive Director for approval that the City of San Diego will implement or maintain in the La Jolla bluffs management area.

## Table of Contents

Introduction.....	5
1.0 Purpose and Need for Action.....	5
2.0 Environmental Setting .....	6
3.0 Problem Statement.....	6
3.1 CSL Utilization of the LJ Area.....	7
3.2 California Sea Lion, <i>Zalophus californianus</i> , Life History.....	7
3.2.1 Distribution, Stock Structure, and Migration.....	7
3.2.2 Reproduction, Fecundity, and Seasonality.....	8
3.2.3 Mortality.....	8
3.2.4 Disease .....	8
3.2.5 Competition.....	9
3.2.6 Status of the Stocks.....	9
4.0 History of Coastal Use.....	9
4.1 Marine Life Protection Act Goals of the Marine Life Protection Act.....	9
4.2 User Groups and Resource Use.....	10
4.2.1 Regulatory History and Management Authority.....	10
4.2.2 Non-Regulatory Conservation of Stocks .....	11
5.0 Current Issues to be Addressed.....	11
5.1 Goals and Objectives.....	12
5.2 Authority and Responsibility.....	12
5.2.1 Marine Mammal Protection Act of 1972 (MMPA) .....	12
5.2.2 San Diego Management.....	12
5.3 Examples of Sea Lion Interactions and Subsequent Municipal Action .....	13
5.3.1 San Francisco CA Pier 39.....	13
5.3.2 Newport Beach Harbor CA .....	14
5.3.3 Crescent City CA, Harbor Mole near Chart Room Restaurant .....	15
5.3.4 San Diego Bay, Bait Receiver .....	16
6.0 Management Actions .....	17
6.1 Specific Management Actions.....	17
6.2 Year-Round Closure.....	17
6.3 Gate at the Point La Jolla Staircase.....	18
6.4 Camera Installation.....	19
6.5 Volunteer Program .....	20
6.6 Park Ranger Duties and Responsibilities .....	21
6.6.1 Park Ranger Monitoring Duties during the Seasonal Closure Period (May 1 through October 31).....	21
6.6.2 Park Ranger Monitoring Duties during the Open Period (November 1 through April 30).....	22
6.7 Park Ranger Monitoring Responsibilities .....	22
6.8 Park Ranger Response for Marine Mammal Strandings.....	23

6.10	Deceased Marine Mammals on the Beach .....	23
6.11	Duty Park Ranger and the Duty Line .....	24
6.12	Park Ranger Patrolling .....	24
6.13	Interpretation/Education.....	24
6.14	Enforcement/Protection.....	25
7.0	Conclusion .....	25
	LITERATURE CITED .....	26
	APPENDIX I. Coastal Development Permit .....	27
	APPENDIX II. Matlahuayl State Marine Reserve (SMR) .....	34
	APPENDIX III. Monitoring Plan for the Point La Jolla Seasonal Closure_05042022. ....	35

## Introduction

Managing La Jolla and nearby areas have been challenging but fragmented. Currently, two site-specific management plans exist along the La Jolla area: 1) within California's designated Marine Protected Areas, the year-round Matlahuayl State Marine Reserve (SMR), and 2) a city-implemented annual closure at Children's Pool during harbor seal pupping season. In addition, the City of San Diego (“SD” and “the City”) realizes a need to formulate a coherent, ecosystem-based management plan focusing on California sea lions (CSL). SD is working with and understands that the overarching management authority for CSL rests with the Department of Commerce/National Marine Fisheries Service (NMFS). This SD plan cooperates with federal and state agencies where authority overlaps. It provides for resource protection, ensures conservation efforts, enhances the public use of this unique area, conforms to the California Coastal Commission (CCC) Coastal Development Permit (CDP), and enhances SD resource management.

### 1.0 Purpose and Need for Action

A significant consideration in developing this plan is the recognition of growing public and CSL interactions that occur and require more intensive management to protect people and animals. Inherent to these interactions is CSL population growth, which has been growing since at least the 1920s and 1940s when the California legislature passed laws protecting marine mammals, and especially since 1972 when the United States Congress passed the Marine Mammal Protection Act. Likely the CSL population expansion reflected the ocean environment's health, including available food resources (fish and squid), open beach spaces, lack of predators, and the absence of significant CSL pandemic episodes. CSL population growth rates were estimated in the four to seven percent range during this time frame (Carretta et al. 2015), meaning that CSL populations nearly doubled every ten years. Consequently, CSL expanded to occupy additional beach locations to accommodate the increasing number of animals coming ashore, as exemplified in the La Jolla area.

According to recent research (Laake *et al.*, 2018), CSL reached a population above the maximum net productivity level (MNPL) and within the Optimum Sustainable Population (OSP) level by 2008. Thus, the CSL population was likely still increasing in 2008 as it approached carrying capacity of the environment (K, the maximum population size that the ecosystem can support). Research also shows that the periodic ocean warming event, El Niño Southern Oscillation (ENSO), is the primary environmental factor causing fluctuations in CSL pup production and total CSL population (McClatchie *et al.*, 2016).

This long-term plan aims to manage better CSL beach use and human interactions in and around the Point La Jolla bluffs, as specified in the CDP Seasonal Closure of Point La

Jolla\_SIGNED\_05-09-2022.<sup>1</sup> Finally, this plan is a living document that can and should be modified as conditions change.

## **2.0 Environmental Setting**

The project area for this plan is the La Jolla coastline at Point La Jolla bluffs. Public activities at this site have included a city park, swimming, sunbathing, SCUBA diving, snorkeling, shore/surf fishing, teaching, tide pool exploring, kayaking, surfing, boogie boarding, seal, bird and nature watching, scientific studying, and professional photography. Power and sailboat enthusiasts and recreational and commercial fishermen also use the waters just offshore of this area.

## **3.0 Problem Statement**

There has been a succession of factors that kept CSL populations at equilibrium. Historically, there were native Americans who utilized pinnipeds (seal and sea lions) for food and personal use materials. Additionally, many different animal predators, including sharks, killer whales, cougars, bears, coyotes, wolves, and eagles, ensured a sustainable CSL population. With settlement along the North American west coast by the Spanish and then the European/colonial decedents in the early 1850s, settlers hunted marine mammals for meat, hides, oil, and other uses. The CSL and other marine mammal populations decreased to low levels, near extinction for elephant seals and sea otters on the US west coast mainland and offshore islands. In the 1920-40s, the State of California passed laws to protect pinnipeds; in 1972, the US Congress passed the Marine Mammal Protection Act, and marine mammals, including pinniped populations, increased to current levels.

Before 1972, management authority for wildlife resources was initially vested with local agencies: states, counties, and cities. Gradually the federal government has assumed much of those powers. However, because of few federal agents, first responders for wildlife and wildlife problems are still the states, counties, and cities cooperating with federal agencies. Along the coast of La Jolla, the general public rarely saw pinnipeds

---

<sup>1</sup> CDP Special Condition No. 4: Prior to November 1, 2022, the applicant shall submit to the Executive Director for review and written approval a Preliminary Long-Term Management Plan for managing public access and marine mammal interaction at the project site. Prior to April 1, 2023, the applicant shall submit to the Executive Director for review and written approval a Final Long-Term Management Plan. The Long-Term Management Plan shall be prepared in consultation with a qualified biologist or marine mammal expert, as well as appropriate state and federal agencies (i.e., NOAA). The plan shall include measures for the long-term management of Point La Jolla, including outside of the seasonal closure time period, outside of the rangers' working hours (i.e., at night) and shall consider strategies to improve the enforcement capabilities of City Park Rangers, such as through citations and penalties, and engineering solutions, such as installing a fence/railing along the project area or a camera.

until the 1960s because these animals' total populations were relatively low, and they mainly occupied areas on offshore islands.

As amended, the MMPA explicitly limits human interactions with marine mammals. There can be no harassment, or injury, defined as 'take' except for permitted research, for permitted commercial fishing to protect gear and catch (non-lethal since 1994), for individuals to protect property (non-lethal), and for states, counties, or cities to protect people or the animals themselves.

As pinniped populations expanded over the past four decades, they have increasingly occupied areas used frequently by people, specifically near La Jolla. This area first emerged as a marine mammal haulout about 10 -15 years ago; Pacific harbor seals had been hauling on Seal Rock just east of Children's Pool, and SD, with CCC approval, established that rock and nearby areas as a seal reserve. The La Jolla coastline is the first on the Southern California mainland, where CSL have hauled out in significant numbers and demonstrated viable birthing and successful nursing of pups.

The main issue is human interactions with CSL at La Jolla cove and bluffs. CSL have occupied areas of Pt La Jolla since at least 2012 (Mackin-Solomon, A., Chronology of La Jolla Cove and sea lions: A look at the past ten years of people and pinnipeds. (*La Jolla Light*. July 24, 2022. <https://www.lajollalight.com/news/story/2022-07-24/chronology-of-la-jolla-cove-and-sea-lions-a-look-at-the-past-10-years-of-people-and-pinnipeds>; Hanan, 2016). A generally shared beach concept was employed, but there have been conflicts with people approaching the sea lions to pet or take photos close to the animals and even abusing them. CSL have bitten a few people, and there have been instances of sea lions aggressively keeping swimmers and beachgoers from using access stairs or entering and leaving the water at La Jolla Cove. Another critical issue is that sea lions relieve themselves wherever and whenever they are, so there are urine, stomach, and fecal deposits on the beach, rock substrates, bluffs, and sidewalks where the public visits.

### 3.1 CSL Utilization of the LJ Area

The life history of CSL includes hauling out from the Pacific Ocean to spend a portion of their time on the shoreline resting, sleeping, mating (in season), and giving birth. As the populations have expanded, CSL have occupied more and more shoreline areas, likely because of crowding in established haulout sites. The choice of haulout sites is probably related to ease of ocean access, proximity to food resources, protection from waves, and protection from predators. CSL occupy natural settings: sandy beaches, rocky beaches, boulder beaches, rocks and pinnacles, mud flats, reefs, fallen trees, and rock shelves, as well as human-made objects such as piers, docks, floats, and boats.

### 3.2 California Sea Lion, *Zalophus californianus*, Life History

#### 3.2.1 Distribution, Stock Structure, and Migration

CSL occupy nearshore areas from southern Mexico (including the Gulf of California) to Alaska and feed up to 300 miles offshore. They breed and

birth their pups in spring and summer in western Baja, California, the Gulf of California, and the offshore southern California islands. Adult (up to 800 pounds) and subadult males migrate as far northward as Alaska after breeding season (May-July), while females (up to 250 pounds) and pups tend to stay near the rookeries or the nearshore central and southern mainland. CSL feed on squid and small schooling fish, including mackerel, anchovy, and sardine. They feed on larger fish when CSL deplete catch from sport and commercial fisheries and feed naturally on salmon adults and salmon smolt in riverine habitats.

In the La Jolla area, CSLs occupy the bluffs and sand beaches adjacent to La Jolla Cove. CSL rest in these areas as they travel along their migration routes. La Jolla Cove mainland hauling sites are the first in recent history to be documented in San Diego County or along the southern California mainland. CSL mainly occupy hauling sites at all the offshore islands of the southern California bight (SCB) (San Clemente, San Nicolas, Santa Barbara, Santa Catalina, Anacapa, Santa Cruz, Santa Rosa, and San Miguel), as well as many rocks and pinnacles both offshore and along the mainland. They haul out in San Diego Bay and Mission Bay on bait receivers, buoys, docks, and boats. In 2016, SD documented the first viable CSL births, with three pups being born and cared for in early and mid-June (Hanan, 2016).

### 3.2.2 Reproduction, Fecundity, and Seasonality

CSL are polygynous, with large socially dominant bulls holding harems of up to 30 females. Females and males become sexually mature at 3 and 7, respectively. However, sexually mature males may not be socially mature (able to fight off other bulls and maintain a harem) until about ten. Males arrive at the breeding beaches in late May or June, about two weeks before the females, which give birth in May or June to a single pup within days of arrival. Pups are 20 pounds or less at birth but gain weight rapidly with the fat-rich milk. They nurse for four months to a year.

### 3.2.3 Mortality

Large sharks and killer whales are their primary predators, although some mortality results from interactions with sport and commercial fishing. During El Niño events, mortality increases conspicuously, resulting in the only detectable checks in population growth (Lowry, 1991). This mortality is a consequence of the scarcity of prey items (small schooling fish) during these warm water events. California sea lions can live for about 30 years.

### 3.2.4 Disease

CSL are subject to many parasites and viral epizootic events (e.g., San Miguel sea lion virus; (Earle et al. 2011; Gage et al. 1990). Recently, neural



toxins (e.g., domoic acid), concentrated occasionally by sardines and anchovy consuming toxic algae, caused brain damage and death in portions of the CSL population (Cook et al. 2015).

### 3.2.5 Competition

CSL compete for space on shore with harbor seals and elephant seals, with the latter winning the area in most cases. All three populations are expanding, and they prefer the same beaches.

### 3.2.6 Status of the Stocks

CSL are not "depleted" under the MMPA nor "threatened/ endangered" under the Endangered Species Act (Carretta *et al.*, 2021). In 2014, NMFS estimated the U.S. west coast population at 257,606 sea lions with an annual growth rate of 7.0% and a corresponding pup count of 47,691 pups (Carretta *et al.*, 2021). NMFS also estimated Potential Biological Removal (PBR) at 14,011 sea lions per year from the U.S. stock without impacting the sustainability of the stock. This number far exceeds the total CSL utilizing the La Jolla area and further emphasizes the fact that the existence of this small colony does not impact the west coast CSL population/resource. The MMPA defines PBR as the number of CSL that could be removed annually from a population, not including natural mortalities, while allowing that stock to reach or maintain its optimum sustainable population (OSP). This stock's annual human-caused mortality and serious injury are  $\geq 321$  animals (Carretta *et al.*, 2021). Laake *et al.* (2018) found CSL above the maximum net productivity level (MNPL) and within OSP in 2008. This stock status means the CSL population was likely still increasing in 2008 as it approached carrying capacity of the environment (K, the maximum population size an ecosystem can support). It is also likely that ENSO will cause fluctuations in pup production and total population for the foreseeable future (McClatchie *et al.*, 2016).

## 4.0 History of Coastal Use

The Matlahuayl State Marine Reserve (SMR) lies north and east of the La Jolla bluffs area, just outside the scope of consideration for this plan. This SMR is included under the umbrella of the Marine Life Protection Act program enacted by the State Legislature, signed by the Governor, and adopted by the California Fish and Game Commission, which has set forth the following conservation goals:

### 4.1 Marine Life Protection Act Goals of the Marine Life Protection Act

- 1) Protect the natural diversity and abundance of marine life and the structure, function, and integrity of marine ecosystems.

- 2) Help sustain, conserve, and protect marine life populations, including those of economic value, and rebuild those depleted.
- 3) Improve recreational, educational, and study opportunities provided by marine ecosystems subject to minimal human disturbance and manage these uses in a manner consistent with protecting biodiversity.
- 4) Protect marine natural heritage, including protecting representative and unique marine life habitats in California waters for their intrinsic value.
- 5) Ensure that California's Marine Protected Areas (MPA) have clearly defined objectives, effective management measures, adequate enforcement, and management based on sound scientific guidelines.
- 6) Ensure that the state's MPAs are designed and managed as a network to the extent possible.

## 4.2 User Groups and Resource Use

The coastal areas of La Jolla (LJ) are very high-use areas for residential and community housing; Scripps Institution of Oceanography; commercial businesses, including restaurants, hotels, small businesses; beach use (sunbathing, swimming, surfing), fishing (sport and commercial), kayaking, boating, diving, and many other types of beach and ocean enjoyment. Because weather is generally conducive to outdoor activities throughout the year, these activities are prominent year-round, peaking in late summer. The City of San Diego is a destination location for tourists from all over the world, and LJ is a famous attraction within SD, with beach visitors numbering in the millions each year.

### 4.2.1 Regulatory History and Management Authority

Marine mammal management was first vested with the State of California, implemented by the Fish and Game Commission, managed by the Department of Fish and Game (recently renamed Department of Fish and Wildlife), and enforced by Fish and Wildlife wardens. In 1972, Congress enacted the Marine Mammal Protection Act, which superseded state marine mammal management. However, there is a provision in the Act for the return of management to a state that requests and meets specific provisions to maintain the animals at sustainable population levels. The Act placed management authority for marine mammals under the United States Department of Commerce, with management authority for most marine mammals assigned to the National Oceanographic and Atmospheric Administration, National Marine Fisheries Service. States and municipalities were given power under section 109 of the MMPA to "take" marine mammals for the protection of the animal, the public, or property:

*16 U.S.C. 1372 MMPA*

**Sec. 109.** (h) [TAKING OF MARINE MAMMALS AS PART OF OFFICIAL DUTIES.] —

Nothing in this title or title IV shall prevent a Federal, State, or local government official or employee or a person designated under section 112(c) from taking, in the course of their duties as an official, employee, or designee, a marine mammal in a humane manner (including euthanasia) if such taking is for—

- the protection or welfare of the mammal,
- the protection of the public health and welfare, or
- the nonlethal removal of nuisance animals.

#### 4.2.2 Non-Regulatory Conservation of Stocks

Previously, pinniped stocks were at much lower levels than current abundance, and sea lions were infrequent visitors to the shoreline. However, as their numbers increased along the North American west coast, so did their occurrence in San Diego and especially the LJ area

In 2015, SD commissioned a study of the California sea lions utilizing shore locations in and around La Jolla Shores (Hanan 2016). That study investigated sea lion abundance by season, sex, age class; interactions with the public; and the degree of smell associated with the sea lions. It concluded that sea lion abundance increased and reflected the west-coast CSL population increase. The report recommended research on CSL feeding habits and behavior. It further presented recommendations for SD in dealing with the sea lions and accompanying public interactions.

## 5.0 Current Issues to be Addressed

Because SD has experienced increasing interactions between CSL and the public. As a stipulation in the Coastal Commission CDP to seasonally close the Point La Jolla area, SD has prepared this management plan, which addresses the following:

1. Public interference with normal CSL behavior (sleeping, resting, birthing), which includes close approaches to the animals, touching/petting, making loud, disturbing noises, or taking pictures next to the animals.
2. CSL sometimes preclude public access and create public safety issues such as biting or depositing waste, thus exposing the public to various fungi, bacteria, and parasites.
3. CSL becoming nuisance animals in parks, streets, and private property.

## 5.1 Goals and Objectives

1. Establish consistent and coherent procedures and management techniques for Point La Jolla Bluffs during the closure period.
2. Continue to monitor coastal marine animal populations and behavior.
3. Develop a seven-year review and amendment process.
4. Ensure coordination and work cooperatively with other managing authorities
5. Educate the public on living with and enjoying our wild resources

## 5.2 Authority and Responsibility

Most management plans are developed at the state or federal levels because those agencies have direct authority over the well-being of the associated land and animals. However, because marine mammals have increased interactions with the public, federal and state officials are generally less accessible; local agencies such as lifeguards, city officials, and port authorities are usually the first to be contacted regarding those interactions. As sea lion populations have increased, municipalities along the west coast have had to deal with interactions, including CSL hauling out on beaches, piers, landings, floats, and boats. CSL can and have been aggressive towards the public as they don't leave these locations when people try to occupy the same space. The counterpart to this situation is that the public often harasses the sea lions by unknowingly trying to get close for pictures or petting them, putting themselves or others too close to wild animals and in harm's way.

### 5.2.1 Marine Mammal Protection Act of 1972 (MMPA)

Currently, mammal management authority remains with NMFS. Because the MMPA does not allow for unauthorized harassment of marine mammals, there has been frustration among some groups impacted by expanding CSL populations (*e.g.*, commercial and recreational fishermen losing catch and gear to sea lions; beach users losing beach access; marina and boat landing customers losing access or use). The city of Newport Beach, California, consulted with NMFS and decided to use a preventive strategy prohibiting the feeding of pinnipeds and requiring fencing to keep sea lions off boats, landings, buoys, and other potential hauling areas. The County of Santa Cruz even passed a resolution seeking the removal of seals and sea lions from the MMPA. Pacific Grove, California, tried to be proactive by harassing harbor seals off Lover's Point Beach to prevent seal colonization of the beach by passing a city resolution and then an ordinance to secure this beach for human use.

### 5.2.2 San Diego Management

Because areas are different, management has evolved to suit the specific needs of citizens and marine resources. Point La Jolla marks the southern boundary of the Matlahuayl State Marine Reserve, and the SMR specifically manages from the

sea up to the high tide line. The public used La Jolla bluffs for a variety of recreational activities. Various wildlife management actions in this area have been fragmented and inconsistent, including multiple efforts to mitigate the smell from wildlife species waste through a cleaning/enzyme spraying program.

To moderate close interactions with the public and the sea lions, the City of San Diego issued a temporary seasonal closure of Point La Jolla through an Emergency Coastal Development Permit Number 2572053 from August 10, 2021 through September 15, 2021.

In 2022, SD applied and received a Coastal Development Permit Number 6-22-0113 from the California Coastal Commission to implement an annual seasonal closure of Point La Jolla and Boomer Beach (see APPENDIX I).

### 5.3 Examples of Sea Lion Interactions and Subsequent Municipal Action

CSL populations have increased from low abundance and infrequently encountered to often experienced, even considered nuisance animals. Research documents show that encounters with recreational and commercial fisheries (Hanan et al. 1989) result in lost caught fish and CSL entanglement in fishing gear during depredation activities. CSL recently occupied docks, boats, floats, buoys, and public beaches. Because they can be aggressive and the public gets too close to them, these encounters can become problems. Additionally, CSL deposit their waste products on these man-made structures creating biological hazards and offensive smell. In La Jolla, we experience a relatively new issue as the sea lions occupy areas used extensively by the public or are very near businesses, which are affected negatively by the noise and smell. Here SD presents four examples of CSL encroaching in other areas of California and how the associated municipalities have managed the circumstance.

#### 5.3.1 San Francisco CA Pier 39

Following the Loma Prieta earthquake in 1989, sea lions started hauling out on K-Dock at Pier 39. The numbers hauling out continued to increase, reaching over 300, and in 2009 grew to approximately 1,700 animals.

They precluded the use of walkways and landing sites for boats. Owners moved boats to other landing sites allowing sea lions to occupy all available space, San Francisco added additional floats, and CSL are now a tourist attraction.



### 5.3.2 Newport Beach Harbor CA

Sea lions became nuisance animals by hauling out on docks and vessels. The problems created were the public's access to their boats and other landing-related items, broken parts and attachments on the boats, and fouling vessel surfaces and interiors with sea lion waste products. There was much press and appeals to NMFS for help.



Newport Beach developed a website regarding CSL and passed ordinances requiring boat owners to put up barriers to keep them off their boats and prohibited feeding CSL.

Excerpt from OCRegister.com (Newport Beach City announcement)

<http://www.newportbeachca.gov/government/departments/public-works/harbor-resources/sea-lions>

#### Sea Lions

It is the season for the return of the sea lions. They may be aggressive to humans at certain times and have charged kayaks with adults and children on board.

Their primary focus has been vessels that have easy access or vessels that have no deterrents.

Call Harbor Resources (949-644-3041) or Harbor Patrol (949-723-1002) if you observe any sea lions on board a vessel, with the location or mooring number.

All mooring and dock owners must check frequently to make sure their deterrent measures are in place, are effective and kept in order at all times (see deterrent measures).



- **Information:**
- [Sea Lion Description](#)
- [Deterrent Measures](#)
- [Municipal Code](#)
- [Other Deterrent Measures](#)

**Contractors for Hire for Sea Lion Abatement:**

- Seal Stop (949)607-7050 sealstop.com
- South Mooring (949)645-0334



5.3.3 Crescent City CA, Harbor Mole near Chart Room Restaurant

CSL had hauled out on a nearby rocky substrate outside the harbor and made occasional forages into the harbor until a charter vessel owner leased a landing and walkway. The vessel operator began to clean fish and dump fish carcasses into the harbor at this location, which attracted sea lions to feed on the carcasses and crabs, which were feeding on the carcasses. CSL started hauling out on the landing, the walkway to the earth and rock mole, and then on the mole and spilled over onto the parking lot above. CSL crushed the boat walkway and kept the landing underwater. The harbor master eventually moved the vessel to a different landing; the vessel owner stopped dropping fish carcasses into the harbor, and CSL stopped hauling out on the dock and the mole.



### 5.3.4 San Diego Bay, Bait Receiver

This facility is the largest live bait provider in the US and probably the world. There are over 200 10' by 10' bait wells to keep sardines and anchovies. Sea lions are attracted to them as a haulout site and food source. There is spillage of bait when loaded into the boxes and a little spillage when sold to fishermen. The sea lions have also learned to break into the boxes. Because of the loss of fish and damage to the boxes, owner/operators have tried many methods to drive the animals away, but they always come back and are still hauling out on and breaking into the boxes.





## 6.0 Management Actions

Work on the Final Long-Term Management Plan involved the review and analysis of various inputs including data gathered by Park Ranger staff from the City of San Diego's Parks and Recreation Department; feedback from interested stakeholders, as well as directives from the CCC. The Plan was developed in consultation with both a qualified biologist and marine mammal expert as required by Special Condition No. 4.

A vital component of the Final Long-Term Management Plan is the set of management actions that the City has developed and committed to undertake. They can be seen below.

### 6.1 Specific Management Actions

1. The CCC directive of a year-round closure.
2. Installation of a gate at the Point La Jolla staircase to prevent public access onto the coastal bluffs.
3. Installation of security cameras and other surveillance technologies to monitor the area when Park Rangers are not working.
4. Reimplementation of the City's volunteer program for Point La Jolla.
5. Enhanced Park Ranger education and training to manage the area.

### 6.2 Year-Round Closure

City staff will pursue a year-round closure as per the direction provided by the CCC during its March 9, 2023 meeting. Specifically, City staff will work with the CCC to process an amendment to the City's existing CDP for the seasonal closure which would extend the closure period year-round. The CCC has also asked that the amendment be completed by October 31, 2023 to allow for an uninterrupted closure to remain in effect after the 2023 pupping season.

The City will engage with the community on the proposed year-round closure and hold, as necessary, public meetings, and interactions with stakeholder groups.

In addition to applying for the amendment, the CCC has asked the City to apply for an emergency CDP to close the area prior to May 1, 2023 (the start of this year's seasonal closure).

Doing so would require the following steps:

- City staff complete the emergency CDP application.
- City staff to obtain a CEQA determination and issue a "Notice of Right to Appeal Environmental Determination," allowing for a 10-business day appeal period.
- CCC staff review application (estimated to take approximately five (5) days).

Since the existing seasonal closure starts on May 1<sup>st</sup>, following the above-listed steps would leave only one to two weeks for the emergency closure to be in effect.

After careful consideration and consultation with relevant departments, the City has determined that this is an insufficient amount of time to allow for the necessary preparation, review, and approval of the application, as well as for significant public engagement to occur.

Therefore, the City believes the most effective way to respond to the CCC's guidance (to pursue a year-round closure) is to apply for an amendment to the existing CDP, in lieu of the emergency CDP. The City will begin that work following submittal of the Final LTMP.

It is important to note that a year-round closure would require amending the San Diego Municipal Code to change the Point La Jolla closure dates from May 1<sup>st</sup> to October 31<sup>st</sup> to January 1<sup>st</sup> to December 31<sup>st</sup>. This would involve creating an ordinance drafted by the City Attorney, a CEQA analysis and determination, as well as a City staff presentation to the City Council for review and approval. Per the CCC's recommendation noted above, the City intends to have the municipal code change in place by November 1, 2023.

### 6.3 Gate at the Point La Jolla Staircase

The Point La Jolla staircase is the primary means of access to the coastal bluffs at both Point La Jolla and Boomer Beach. However, the City closed the stairs on January 6, 2023 to repair the damage resulting from the winter storms that began days prior.

Currently, the top of the staircase is blocked off with yellow caution tape and signage has been posted alerting the public that the staircase is closed. The staircase remains closed for the foreseeable future as work is done to return the stairs to its previous condition for safety reasons. This temporary closure has resulted in a significant decrease in the number of visitors found on the bluffs, thereby, decreasing the number of interactions between sea lions and the public.

As part of its long-term strategy, the City intends to install a gate at the top of the staircase which will remain closed, but unlocked during Park Ranger hours which are 10:00am – 6:00pm and 11:00am – 7:00pm, depending on the season, seven days a week, throughout the year).

During these hours, the gate will remain closed and unlocked in order to signal to the public to not use the stairs, but at the same time, facilitate ease of access for lifeguard staff to perform water rescues in the fastest amount of time possible. Signage will be placed on the gate to indicate that access is closed to the public. But

available for use by City personnel only (i.e., “PUBLIC ACCESS CLOSED – CITY PERSONNEL ONLY”).

When Park Rangers leave in the evenings, the gate will be locked with access restricted to both Park Ranger and lifeguard staff. It will be unlocked by City staff each morning.

It is anticipated that this gate will continue to limit human/sea lion interactions and increase overall public safety in the area.

#### 6.4 Camera Installation

At the direction of the CCC, the City continues to evaluate options for cameras to be installed at the closure site.

These options center on use of live video network cameras, not webcams accessible to the public that were used before at the Children’s Pool. These cameras would work in conjunction with lighting and motion-sensing technology, as well as speakers which would help illuminate and detect intrusion into the closure area, and audibly alert intruders (via a prerecorded, tailored message) that they have entered a restricted area.

It is anticipated that 3-5 cameras would be installed onsite and used strictly for security purposes, not recreational or leisure ones. Therefore, footage from the camera would not be available to the public – only to City staff (or their designees). The cameras would be mounted onto existing infrastructure such as City facilities and lampposts and would have the ability to discern between humans and sea lions.

One option that the City is evaluating is use of private security to work in conjunction with the security camera set-up. Security guards would work during non-Park Ranger work hours and be responsible for monitoring the area and responding to calls onsite in the event an intruder remains in the closure area. These onsite visits would be subject to a monthly limit as outlined in a contract.

It is important to note that security guards do not have the ability to enforce any provision of the San Diego Municipal Code or any violations (whether at the state or local level) that can be interpreted to fall under the purview of the Marine Mammal Protection Act (“MMPA”). Therefore, security personnel would be limited to educating and encouraging compliance from the public, as well as documenting and reporting incidents to share with the appropriate authorities such as Park Rangers, the San Diego Police Department, or NOAA.

All footage concerning violations of the MMPA would be sent to NOAA for review and possible prosecution. Prior to installation of any surveillance technology onsite, work with a qualified marine mammal expert would be done to ensure that the animals are not negatively impacted. The playing of any audible, pre-recorded

messages is just some of the different options available to help manage the area when Park Rangers are not onsite.

Plans to install this technology will require a proposal to be submitted to, and evaluated by, the City of San Diego's Privacy Advisory Board which is responsible for evaluating proposals by City departments to use surveillance technology.

This is a new advisory board, as well as a multi-step process, which were both created via an ordinance signed by the City Council in August 2022. For any surveillance technology (both new and existing) to move forward, it must be approved by the Privacy Advisory Board. Once Board approval is obtained, proposals are forwarded onto the City Council for consideration. Proposals must also undergo a public input process across all City Council districts.

As of now, the Privacy Advisory Board is working to establish its by-laws, roles, responsibilities, and Board assignments. This process began during the Board's first monthly meeting held on March 15, 2023.

The Board Chair and Vice-Chair are responsible for setting the agenda for these meetings. It is at their discretion as to when a proposal is heard. Currently, it is estimated to be anywhere from 9 – 12 months before the City's proposal to install cameras at Point La Jolla is heard. More information will be available in the coming months as the Board continues to establish itself and operate.

## 6.5 Volunteer Program

The City of San Diego's Parks and Recreation Department has a robust, overall volunteer program already in place. As with other volunteer efforts across the organization, the program has been heavily impacted by COVID-19, as well as an overall staffing shortage that is being experienced across most industries today.

Prior to the pandemic, the Park Rangers maintained an interpretive table staffed by student interns who would help educate and engage with visitors to the area. These interns worked approximately 20 hours per week, primarily on weekends, during the summer months and other periods of high visitation (i.e., holidays). The table had visual displays, literature, and other educational resources available to help educate the public.

When public health restrictions were put in place, staffing of the interpretive table stopped. The City then relied on Park Rangers to staff the interpretive table on a volunteer, overtime basis. However, the staffing shortages experienced throughout the City has made it challenging to maintain the interpretive table on an ongoing basis.

To address this issue, the Parks and Recreation Department has begun aggressively recruiting and hiring staff for most job classifications, including paid interns, who

would support Point La Jolla. An example of this can be seen with the City’s recent Job Fair which occurred on March 22, 2023. This two-day event attracted over 2,000 participants who had the opportunity to meet, apply, and interview for positions on the same day with various City departments.

The Parks and Recreation Department intends to identify and onboard volunteers who can help resume use of the interpretive table and expand the volunteer program for Shoreline Parks. These volunteers would supplement, not replace, the efforts of the Park Rangers assigned to the Point La Jolla area.

## 6.6 Park Ranger Duties and Responsibilities

The City of San Diego Parks and Recreation Department’s Park Ranger Program was established in 1989 for the purposes of creating policies and procedures for Park Rangers to follow as they conduct interpretive and resource management activities, as well as perform limited enforcement functions. Today’s Park Ranger Program has expanded its focus to include interpretation, resource management, visitor assistance (including serving as First Responders), and enforcement.

Point La Jolla is part of the City’s Shoreline Parks. All Park Rangers assigned to Shoreline Parks are expected to perform and adhere to the general Park Ranger core duties and policies, but also follow procedures specific to the Point La Jolla area resulting from the passing of San Diego Municipal Code 63.0102(f), Regulations for the Use of Point La Jolla and Boomer Beach Areas. This Municipal Code provision allows the public to enter the Boomer Beach closure area using the marked “Ocean Access Corridor” to access the water. No other presence on the bluff or beach is permitted.

Special Condition No. 3 (a)(v) of the CDP mandates that a Park Ranger be present at Point La Jolla from:

- 11:00 am to 7:00 pm daily from the Saturday before Memorial Day through Labor Day
- 10:00 am to 6:00 pm daily the rest of the year.

### 6.6.1 Park Ranger Monitoring Duties during the Seasonal Closure Period (May 1 through October 31)

1. Arrive and depart the Point La Jolla area as scheduled.
2. Inspect the closure area and signage for any damage or vandalism upon arrival.
3. Enforce the closure by keeping visitors off the bluff and beach areas. Suspects may be cited for violation of 63.0102(f) if they fail to comply with Ranger instructions.
4. Collect data specified by Special Condition No. 3 (a)(iii) of the CDP and enter it on the shared Data Collection Excel spreadsheet on an hourly basis.

5. Ensure people are using the Ocean Access Corridor to enter and exit the water. Record each instance of water use for required data collection purposes.
6. Take photos and/or video of any noteworthy or unusual situations or incidents.

#### 6.6.2 Park Ranger Monitoring Duties during the Open Period (November 1 through April 30)

1. Arrive and depart the Point La Jolla area as scheduled.
2. Inspect the signage for any damage or vandalism upon arrival.
3. Retrieve the white plastic A-frames with the “No Selfies with Sea Lions” signs from the comfort station Ranger kiosk and place them on the bluff between the animals and visitors.
4. Collect data specified by Special Condition No. 3 (a)(iii) of the CDP and enter it on the shared Data Collection Excel spreadsheet on an hourly basis.
5. Monitor visitor behavior near the hauled-out sea lions. Contact visitors whose proximity to the animals appears to be causing the animal any distress and educate those contacted on how to view the animals without disturbing them.
6. Document any witnessed harassment incidents by photos and/or video, and field interview the suspect. Submit the evidence and an Incident Report to the Senior Ranger for forwarding to National Marine Fisheries Law Enforcement.
7. Remove the white plastic A-frames from the bluff and secure them in the Ranger kiosk.

#### 6.7 Park Ranger Monitoring Responsibilities

There is no permanent shelter for staff at Point La Jolla, therefore, Park Rangers are authorized to park their city vehicle on the turf in the vicinity of the Bridge Club Building when conditions permit. City Administrative Regulations prohibit running the vehicle engine (idling) when parked. Park Rangers are expected to keep the entire area of Point La Jolla in view throughout their assigned shift.

- Park Rangers will engage with members of public and provide interpretation and educational information on sea lions, seals, marine life, and helpful facts about the history of the surrounding area, and the California State Marine Preserve.
- Park Rangers will walk the area overlooking Point La Jolla every 30 minutes and ask if visitors have any questions. The only exception is when inclement weather require shelter within the Ranger vehicle.

## 6.8 Park Ranger Response for Marine Mammal Strandings

Park Rangers will report an injured or stranded marine mammal along the West Coast by calling (866) 767-6114 or Sea World of California – Animal Rescue at (800) 541-7325.

A stranded marine mammal is:

- A marine mammal that is on the shore and unable to return to the water under its own power.
- A marine mammal that is on the shore and, although able to return to the water, needs apparent medical attention.
- A marine mammal in the water that cannot return to its natural habitat without assistance.

Park Rangers will determine if the animal is stranded. Many seals and sea lions haul out and rest on land and are not in distress. Park Rangers will evaluate the animal's behavior and monitor their condition for 24 hours.

Park Rangers will report the following:

- Species or description of the animal.
- Location (region/landmarks and/or specific location like GPS coordinates).
- Date and time the animal was last seen.
- Approximate size of the animal (length and weight), take a photo with a phone if possible.
- Condition of the animal (alive, dead, wounded, entangled, bleeding, etc.).
- Human interactions (evidence of ship strike, entangled, shooting, etc.).
- Tags or branding on the animal (if present).
- Name and contact number for the person reporting the incident.

## 6.10 Deceased Marine Mammals on the Beach

Park Rangers will report all deceased marine mammals to the National Marine Fisheries Service - Southwest Fisheries Science Center at (858) 546-7162.

<https://www.fisheries.noaa.gov/about/southwest-fisheries-science-center>

Park Rangers will provide the following information:

- Species or description of the animal
- Location (region/landmarks and/or specific location like GPS coordinates)

- Approximate size of the animal (length and weight), take a photo with a phone if possible.
- Tags or branding on the animal (if present)
- Name and contact number for the person reporting the incident.

Park Rangers will take photos if possible as they are very helpful in determining species and condition, as well as serving as important supplemental data. In some cases, a deceased animal may be removed from the beach so NMFS can conduct a necropsy. If NMFS does not want the carcass, it will give permission to City staff to dispose of it.

### 6.11 Duty Park Ranger and the Duty Line

Each shift, a Park Ranger is assigned on the monthly work schedule as the “Duty Ranger.” Two Park Rangers are assigned this duty daily. Each morning, the assigned Park Ranger will forward duty line calls to their City work cell phone. The opening Ranger answers calls from 7:00am to 1:00pm. The closing Ranger answers calls from 1:00pm to 7:00pm.

The Duty Ranger will evaluate each call and decide to either respond, request assistance from other Rangers on duty, or forward to the Senior Ranger.

### 6.12 Park Ranger Patrolling

When not assigned to Point La Jolla, Park Rangers patrol all Shoreline Parks areas constantly throughout their shift. The daily goal is to monitor every portion of each park, while providing customer service, remaining visible to the public, and aiding Parks and Recreation maintenance staff as needed.

Examples of ongoing patrol tasks include:

- Greeting the public and park maintenance staff.
- Enforcing park rules, regulations, state, and local municipal codes.
- Conducting impromptu interpretive talks with visitors, while patrolling.
- Performing traffic and crowd control as necessary.
- Responding to a Park Ranger, Police radio or mobile call for assistance and/or emergency.
- Assisting Grounds Maintenance as necessary or as requested in clearing the comfort stations for cleaning.
- Entering information into your daily patrol logs while in the field.

### 6.13 Interpretation/Education

The Shoreline Park Program has an extensive collection of shoreline-related interpretive and educational materials, shade pop-up tents, tables, and chairs. Shoreline Rangers are encouraged to use these materials to set up interpretive



displays at various locations within the Shoreline Parks areas for the information and education of park visitors when duties allow.

#### 6.14 Enforcement/Protection

Park Rangers must enforce all park-related municipal codes. However, the protection of the cultural and natural resources is its top priority.

### **7.0 Conclusion**

All the strategies described above have been developed to address ongoing public safety concerns and effectively manage the area to limit interactions between sea lions and people. Through the use of physical barriers and equipment, education by Park Rangers and volunteers, as well as, the recommended year-long closure, the City will be able to balance the needs of visitors to the area, water users, as well as the marine life in a safe and sustainable manner.

## LITERATURE CITED

- Carretta, J.V., E.M. Oleson, D.W. Weller, A.R. Lang, K.A. Forney, J. Baker, M.M. Muto, B. Hanson, A.J. Orr, H. Huber, M.S. Lowry, J. Barlow, J.E. Moore, D. Lynch, L. Carswell, and R.L. Brownell Jr. 2015. U.S. Pacific Marine Mammal Stock Assessments: 2014. U.S. Department of Commerce, NOAA Technical Memorandum, NOAA-TM-NMFS-SWFSC-549. 414 pages.
- Coastal Development Permit Seasonal Closure of Point La Jolla\_SIGNED\_05-09-2022.
- Cook, P.F., C. Reichmuth, A.A Rouse, L.A. Libby, S.E. Dennison, O.T. Carmichael, K.T. Kruse-Elliott, J. Bloom, B. Singh, V.A. Fravel, L. Barbosa, J.J. Stuppino, W.G. Van Bonn, F.M.D. Gulland, and C. Ranganath. 2015. Algal toxin impairs sea lion memory and hippocampal connectivity, with implications for strandings. *Science*. 18 Dec 2015: Vol. 350, Issue 6267, pp. 1545-1547.
- Earle, J.A.P., M.M. Melia, N.V. Doherty, O. Nielsen, and S.L. Cosby. 2011. Phocine Distemper Virus in Seals, East Coast, United States, 2006. *EID Journal*. Volume 17, Number 2—February 2011.
- Gage, L.J., L. Amaya-Sherman, J. Roletto, and S. Bently. 1990. Clinical Signs of San Miguel Sea Lion Virus in Debilitated California Sea Lions. *Journal of Zoo and Wildlife Medicine*. Vol. 21, No. 1, Aquatic Animal Medicine Issue (Mar. 1990), pp. 79-83.
- Hanan, D.A. 2016. Final Report. California Sea Lion Observations at La Jolla Cove, Initial Investigation of Abundance and Behavior with Recommendations/Options. Submitted to City of San Diego Park and Recreation Department, San Diego, CA 92101. June 28, 2016. 39 pages.
- Hanan, D. A. and M. J. Fluharty. 1997. Sea lion interactions in the commercial salmon troll and commercial passenger fishing vessel fisheries. Pages 116-123 in G. Stone, J. Goebel, and S. Webster (eds.) *Pinniped populations, eastern North Pacific: status, trends, and issues*. A symposium of the American Fisheries Society 127<sup>th</sup> annual meeting. August 28, 1997. New England Aquarium and Monterey Bay Aquarium. Conservation Department. Central Wharf, Boston, MA 02110.
- Hanan, D. A., L. M. Jones, and R. B. Read. 1989. California sea lion interaction and depredation rates with the commercial passenger fishing vessel fleet near San Diego. *California Cooperative Oceanic Fisheries Investigations Reports*. 30:122-126.
- Hanan, D. A. 2016. Final Report. California Sea Lion Observations at La Jolla Cove, Initial Investigation of Abundance and Behavior with Recommendations/Options. Submitted to City of San Diego, Park and Recreation Department, San Diego, CA 92101. June 28, 2016. 39 pages.
- Lowry, M. S., P. Boveng, R. L. DeLong, C. W. Oliver, B. S. Stewart, H. DeAnda, and J. Barlow. 1992. Status of the California sea lion (*Zalophus californianus californianus*) population in 1992. NMFS Southwest Fish. Sci. Cent., Admin. Rep. LJ-92-32, 34 p. (Available from Southwest Fisheries Science Center, National Marine Fisheries Service, NOAA, P.O. Box 271, La Jolla, CA 92038.)
- Mackin-Solomon, A. 2022. Chronology of La Jolla Cove and sea lions: A look at the past 10 years of people and pinnipeds. *La Jolla Light*. July 24, 2022.

# APPENDIX I. Coastal Development Permit

STATE OF CALIFORNIA - NATURAL RESOURCES AGENCY

GAVIN NEWSOM, GOVERNOR

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO DISTRICT OFFICE  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
VOICE (619) 767-2370  
FAX (619) 767-2384



April 18, 2022

Permit Application Number: 6-22-0113

### COASTAL DEVELOPMENT PERMIT

On April 08, 2022, the California Coastal Commission granted to City of San Diego, Parks & Recreation Department this permit subject to the attached Standard and Special conditions, for development consisting of Seasonal closure of Point La Jolla bluffs during California sea lion pupping season from May 25 to September 15, including installation of a K-rail barrier to create an ocean access path to Boomer Beach, signage, and a chain at the top of access stairway, and after-the-fact authorization for the wooden public access stairway more specifically described in the application filed in the Commission offices.

The development is within the coastal zone at Point La Jolla Bluffs, La Jolla, San Diego, San Diego County (APN 350-010-0100).

Issued on behalf of the California Coastal Commission by

Sincerely,

John Ainsworth  
Executive Director

Kaitlin Carney  
Coastal Program Analyst

cc: Commissioners/File

### ACKNOWLEDGMENT:

The undersigned permittee acknowledges receipt of this permit and agrees to abide by all terms and conditions thereof.

The undersigned permittee acknowledges that Government Code Section 818.4 which states in pertinent part of that: "A Public entity is not liable for injury caused by the issuance... of any permit..." applies to the issuance of this permit.

**IMPORTANT:** THIS PERMIT IS NOT VALID UNLESS AND UNTIL A COPY OF THE PERMIT WITH THE SIGNED ACKNOWLEDGEMENT HAS BEEN RETURNED TO THE COMMISSION OFFICE. 14 Cal. Admin. Code Section 13158(a).

Date: 5/9/90A2—\_\_\_\_\_

Signature

A handwritten signature in blue ink, appearing to read "John Ainsworth", written over a horizontal line.

## 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 or 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.

## SPECIAL CONDITIONS:

1. Revised Final Plans.

PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, final site plans for the proposed development. Said plans shall be in substantial conformance with the plans submitted by the City of San Diego on March 18, 2022, except that they shall be revised to reflect the following:

- (a) The seasonal closure shall extend from May 1 through October 31 of each year.
- (b) Fireworks shall be prohibited within Ellen Browning Scripps Park during the seasonal closure from May 1 through October 31 of each year.
- (c) The seasonal closure area shall be expanded to include all of the area that was authorized to be closed by the City of San Diego Emergency CDP#695848.
- (d) The seasonal closure area boundaries shall be revised to allow ocean access only to the remainder of Boomer Beach, southwest of the expanded seasonal closure area.

The permittee shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director

provides a written determination that no amendment is legally required for any proposed minor deviations.

## 2. Permit Term.

(a) This coastal development permit authorizes development on a temporary basis only. The development is authorized for a period of seven (7) years, commencing upon the date of Commission approval of Coastal Development Permit No. 6-210113, 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 seasonal closure and associated development at Point La Jolla will require the issuance of a new coastal development permit or an amendment to this coastal development permit.

(b) If the permittee wishes to retain the project beyond the seven-year term for which this permit provides authority and to maintain the seasonal closure, then no later than six months prior to the end of that seven-year term, the permittee shall submit a complete coastal development permit amendment application for the reauthorization of the seasonal closure. The amendment application shall, at a minimum, include the results of the required monitoring reports in order to evaluate the effectiveness and impacts of the project; address changed circumstances and unanticipated impacts; consider modifications to the boundaries and timing of the closure; and consider measures necessary to minimize any adverse impacts to coastal resources or public access resulting from the continuation of the seasonal closure. Failure to either (1) obtain a permit amendment authorizing the permittee to retain the development for an additional term or (2) remove the project shall constitute a violation of the terms and conditions of this Coastal Development Permit. The Executive Director may grant the permittee additional time to file the application for good cause. If the permittee does not obtain a coastal development permit or amendment from the California Coastal Commission to continue implementation of seasonal closure and installation of associated development at Point La Jolla prior to the date that authorization for the development expires, the City shall cease implementation of the seasonal closure.

(c) All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions, unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

## 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 closure at Point La Jolla. 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 Point La Jolla;
  - (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 (frequency and spatial extent) by sea lions of the haul out site at Point La Jolla and Boomer Beach throughout the year and the method of determining the effectiveness of the seasonal beach closure at minimizing harassment of hauled out sea lions with both methods employing, at a minimum, the procedures described in section 3 and 4, below, of this special condition; Upon implementation of the seasonal closure, a qualified biologist, environmental resources specialist, park ranger, lifeguard, and/or City-trained volunteer shall record the number of sea lions hauled out at Point La Jolla within the closure area, the number of sea lions hauled out within the "ocean recreation accessway" and Boomer Beach, the number of people present on the bluffs, the number of people present on the concrete walkway at the top of the bluffs, the number of people transiting the "ocean recreation accessway," the number of harassment instances, the number of citations and warnings issued, the outcomes of issued citations and warnings if available, the tide, the weather (including water and air temperature), and the date, at least 16 days per month and specifically including at least two Saturdays and two Sundays each month, and Memorial Day, July 4th, and Labor Day. Monitoring shall be conducted a minimum of 16 days per month and measurements shall be recorded a minimum of 3 times per day, to include 10 AM, 1 PM, and 4 PM.
  - (iii) Provisions for taking measurements of the number of harassment instances, including what activities would qualify as harassment consistent with relevant regulatory definitions of harassment (e.g., sea lions flushing into water) under the under the Marine Mammal Protection Act (16 U.S.C. 1362(18)(A); 50 C.F.R., S 18.3).
  - (iv) A City Park Ranger shall be present at the site year-round, 7 days per week, and from 10 a.m. to 6 p.m. or 11 a.m. to 7 p.m., depending on the season.
- (b) The City shall submit, for the review and written approval of the Executive Director, on an annual basis and by March 1 of each year, 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) Recommendations for repair, maintenance, modifications, or other work to the development; and
- (iii) Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and effectiveness of the seasonal beach closure and associated signage.

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

- (c) Prior to submitting the formal report required per subsection (b) above, the City shall submit, for review and written approval of the Executive Director, on an annual basis and by January 1 of each year, all raw monitoring data collected during the seasonal closure per subsection (a)(iii) above.
- (d) The City shall provide an annual report to the Commission on the status of harassment reduction efforts during and outside of the closure period for the length of the permit term.
- (e) The City shall submit, for the review and written approval of the Executive Director, by August 1, 2022, an interim update that includes all raw monitoring data collected thus far during the seasonal closure per subsection (a)(iii) above.
- (f) If, based on the required monitoring report and/or first-year interim data update, the Executive Director determines that the seasonal closure is not significantly reducing conflicts between humans and sea lions and harassment incidents continue, such as due to the ocean recreation accessway to Boomer Beach, the Permittee shall apply for a coastal development permit or amendment within three months of the Executive Director's determination to evaluate and remedy any impacts.
- (g) 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 Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

#### 4. Long-Term Management Plan.

Prior to November 1, 2022, the applicant shall submit to the Executive Director for review and written approval a Preliminary Long-Term Management Plan for managing public access and marine mammal interaction at the project site. Prior to April 1, 2023, the applicant shall submit to the Executive Director for review and written approval a Final Long-Term Management Plan. The Long-Term

Management Plan shall be prepared in consultation with a qualified biologist or marine mammal expert, as well as appropriate state and federal agencies (i.e., NOAA). The plan shall include measures for the long-term management of Point La Jolla, including outside of the seasonal closure time period, outside of the rangers' working hours (i.e., at night) and shall consider strategies to improve the enforcement capabilities of City Park Rangers, such as through citations and penalties, and engineering solutions, such as installing a fence/railing along the project area or a camera.

#### 5. Revised Sign Program.

PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final comprehensive sign program in substantial conformance with the plans submitted by the applicant with on March 18, 2022 and as shown in Exhibit 7 except that the program shall be revised to reflect the following:

- (a) The "Area Closed" signs to be installed during the seasonal closure shall be revised to state: "No Access Allowed During CA Sea Lion Popping Season May 1<sup>st</sup> to October 31<sup>st</sup>."
- (b) The signs shall include a Spanish language translation.

The applicant shall undertake the development in accordance with the approved program. Any proposed changes to the approved program shall be reported to the Executive Director. No changes to the program shall occur without a Coastal Commission approved amendment to this coastal development permit, unless the Executive Director determines that no amendment is legally required for any proposed minor deviations.

#### 6. Liability for Costs and Attorney Fees.

By acceptance of this coastal development permit, the applicants 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.

#### 7. Assumption of Risk, Waiver of Liability and Indemnity.

By acceptance of this permit, the applicant acknowledges and agrees (i) that the site may be subject to hazards, including but not limited to waves, storms, flooding, bluff retreat, and erosion, many of which will worsen with future sea level rise; (ii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development;

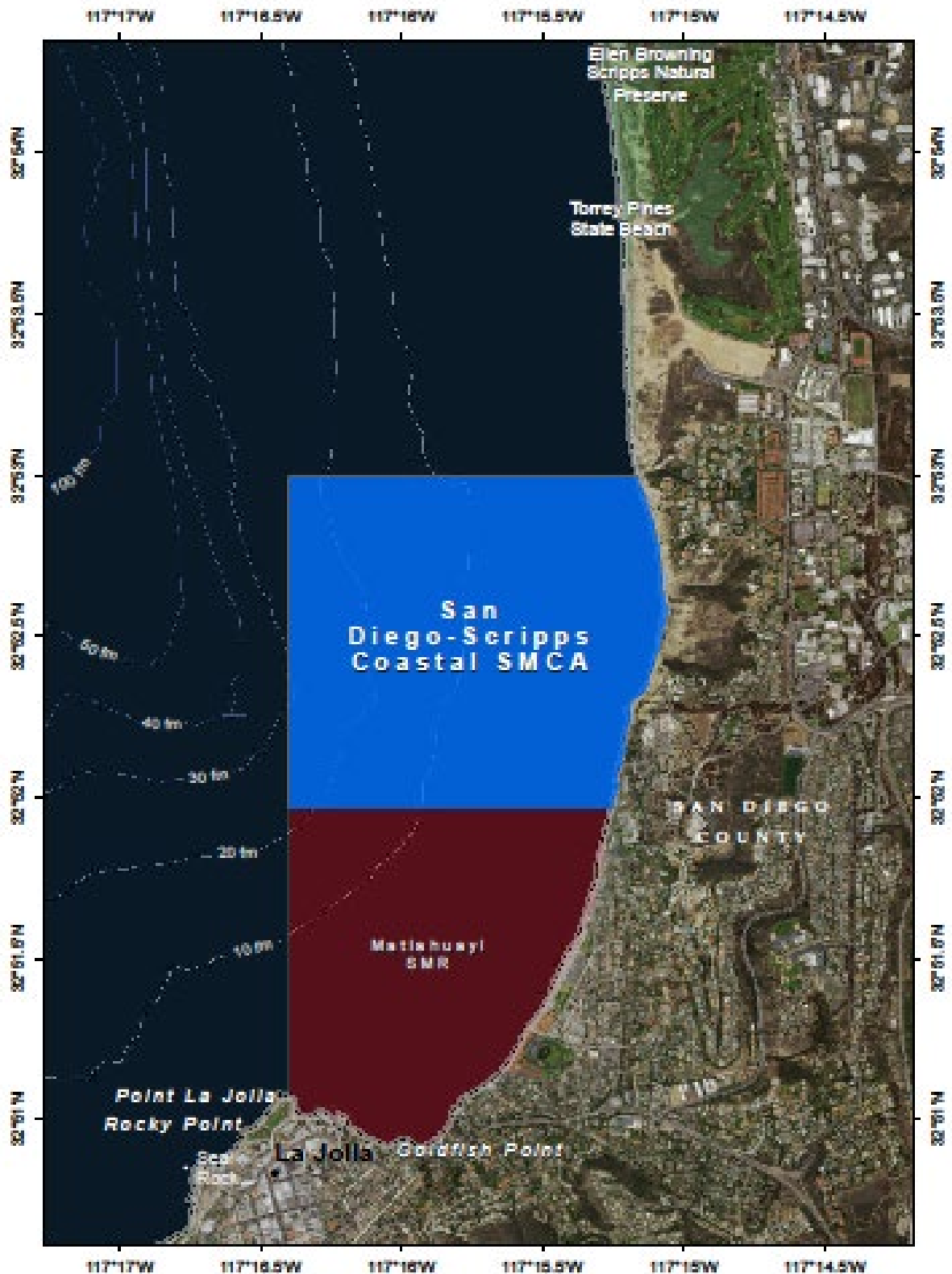


(iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; and (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of 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.

#### 8. As-Built Plans.

WITHIN 90 DAYS OF COMMISSION APPROVAL, the applicant shall submit as-built plans for review and written approval of the Executive Director for the wooden public access stairway located on the eastern portion of the site.

**APPENDIX II. Matlahuayl State Marine Reserve (SMR)**  
(<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=117323&inline>)



**APPENDIX III. Monitoring Plan for the Point La Jolla Seasonal Closure\_05042022.**

**Monitoring  
Plan**

For the Point La Jolla Seasonal  
Closure

The California Coastal Commission has approved the issuance of a Coastal Development Permit for a seasonal, pupping season (May 1 through October 31) closure of the Pt. La Jolla sea lion rookery in La Jolla for seven years commencing upon the date of Commission approval of Coastal Development Permit No. 6-22-0113. Area Closed signs will be hung from a chain at the top of the wooden steps leading down to the bluff and on an orange plastic K-rail marking the western boundary of the closed area during the closure period will alert visitors of the haul out site and the bluff closure.

**Requirement 1:** Special Condition #3(a)(i) requires a physical description and exhibit delineating the precise location of the public access restrictions and associated signage at Pt. La Jolla. The precise location of the access restrictions associated with this permit are described in the City's draft ordinance to be adopted for this project at Section 63.0102(f)(2):

**\*\*\*** *It is unlawful for any person to be upon or to cause any person to be upon the closure area of Point La Jolla and a portion of Boomer Beach, as described in San Diego Municipal Code section*

*63.0102(f)(4), from May 1 through Oct 31.*

*(3) It is lawful for persons to traverse a portion of the closure area, as described in San Diego Municipal Code section 63.0102(f)(4), designated as the "Ocean Access Corridor" from May 1 through October 31. The Ocean Access Corridor begins at the steppingstone twenty feet northeast of the first metal fence post directly to the west of the La Jolla Bridge Club located at*

*1160 Coast Boulevard, La Jolla CA 92037 and ends at the last gazebo 560 feet to the northeast along the fence and wall that separates the bluffs from the sidewalk adjacent to Ellen Browning Scripps Park located at 1100 Coast Boulevard, La Jolla, CA 92037 and extends perpendicular to the water. Any other use of the Ocean Access Corridor is unlawful.*

*(4) Closure area means the area with the following borders: from the Conrad F. Limbaugh and Harold F. Riley commemorative plaque northwest of La Jolla Cove to the last gazebo on Boomer Beach, 560 feet to the northeast along the fence and wall that separates the bluffs from the sidewalk adjacent to Ellen Browning Scripps Park and the La Jolla Bridge Club; and from the water up to the ocean side of the fence and seawall that separates the bluffs from the sidewalk adjacent to the Ellen Browning Scripps Park and the La Jolla Bridge Club.*

**\*\*\*REQUIREMENT 1 - Subject to revisions until adopted by City Council.**

\*\*\* Please see Attachment 4 regarding signage.

**Requirement 2:** Special Condition #3. (a)(ii) of the Permit requires the development and implementation of a monitoring plan that will aid in evaluating the effectiveness of the approved seasonal closure at reducing sea lion harassment, and submission to the Executive Director of an annual written monitoring report.

**Description:** The approved project includes an ordinance prohibiting the public from being seaward of the top of the lower staircase, an "Area Closed" sign attached to a chain hanging

across the top wooden step leading down to the bluff, and an "Area Closed" sign attached to an orange plastic K-rail marking the western extent of the closure area.

**Objective:** The objective of the project is to protect the seal colony from harassment during pupping season and to reduce the inappropriate human-human interactions that have been occurring during that time.

**Purpose:** The goal of this monitoring plan is to collect data that will be used assess the level of use (frequency and spatial extent) by sea lions of the haul out site at Point La Jolla and Boomer Beach throughout the year and to determine the effectiveness of the seasonal beach closure at minimizing harassment of hauled out sea lions. The collected data will be analyzed with results and conclusions submitted as part of the required annual report.

**Data to be Collected:** Special Condition #3(a)(iii) requires the recording of data upon implementation of the seasonal closure. The assigned park ranger, lifeguard, or City-trained volunteer shall, at a minimum, collect the following data year-round:

1. The number of marine mammals hauled out within the closure area
2. The number of marine mammals hauled out within the ocean access corridor which is the extent of Boomer Beach not within the closure area
3. The number of people present on the concrete walkway at the top of the bluffs
4. The number of people present on the bluffs when open
5. The number of people transiting the ocean access corridor
6. The state of the tide
7. The weather conditions
8. The water temperature
9. The air temperature
10. The date and time
11. Any relevant or descriptive comments or observations including location of people on the beach.

Harassment data (number of incidents, number of citations and warnings, and outcome of citations and warnings issued) will be collected as described below. Observations 1-11 shall be recorded at least 16 days per month (to include all weekends and holidays) and measurements shall be recorded a minimum of 3 times per day, to include 10 AM, 1 PM, and 4 PM.

**Data Collection Method:** The required data may be collected either by direct visual observation or by review of time and date stamped video or photographs of the bluff and beach area taken overlooking Pt. La Jolla. All data shall be recorded on the data collection form (Attachments 1 or 2) and then entered the computer spread sheet.

**Harassment Observations:** Special Condition #3(a)(iv) requires taking measurements of the number of harassment instances. The United States Marine Mammal Protection Act of 1972 states:

**16 U.S.C. 1372**

**Sec. 102.** (a) [TAKING. ] — Except as provided in sections 101, 103, 104, 109, 111, 113, 114, and 118 of this title and title IV, it is unlawful—

(1) for any person subject to the jurisdiction of the United States or any vessel or other conveyance subject to the jurisdiction of the United States to **take** any marine mammal on the high seas.

(2) except as expressly provided for by an international treaty, convention, or agreement to which the United States is a party and which was entered into before the effective date of this title or by any statute implementing any such treaty, convention, or agreement—

(A) for any person or vessel or other conveyance to **take** any marine mammal in waters or on lands under the jurisdiction of the United States

The Marine Mammal Protection Act defines **take** as: (13) The term "**take**" means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.

The Act defines harassment as:

(18)

(A) The term "harassment" means 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.

To fulfill the "taking of measurements of the number of harassment instances" requirement a harassment incident shall be defined as each separate action by a human while on the Pt. La Jolla bluff or Boomer Beach, that causes at least one marine mammal to flush into the water in response to that action. If there is doubt about the cause of a flushing it will be assumed that if a human is present within the areas defined above when the flushing occurred that a harassment incident did occur.

To be counted as harassment the incident must be observed by any of the authorized data collectors either directly or have been recorded by video or photograph by observers and shown to the authorized collectors. Instances of harassment shall be documented on the Harassment Incidents form (Attachment 2) recording the date and time, the activity and location codes, a brief description of the incident, and the disposition code.

Each harassment incident will be recorded on the Harassment Incidents Form. The action taken will be recorded in the Disposition column. During preparation of the Annual Report, the total number of citations and warnings will be tallied from the form. Additional research (e.g., contacting the City Attorney's office) may be required in order determine the outcome of citations written.

**Responsibilities:** Park Rangers assigned to Shoreline Parks, under the supervision of the Shoreline Parks Senior Park Ranger and District Manager, shall be responsible for acquiring and recording the data required by the Monitoring Plan.

**Training Program:** The Shoreline Parks Senior Park Ranger shall be responsible for training any volunteers who the Senior Ranger believes may be helpful in assisting in the data collection process. Training will include, but not be limited to, potential incidents of harassment, evaluation of environmental conditions including weather and surf, general beach conditions, and familiarization with various features of the area that will aid in monitoring and documentation of incidents occurring.

**Annual Written Monitoring Report:** Special Condition 3. (b) requires the City to submit, for the review and written approval of the Executive Director, on an annual basis and by January 1 of each year, 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:

1. All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan,
2. Recommendations for repair, maintenance, modifications, or other work to the development.
3. Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and effectiveness of the seasonal beach closure and associated signage

The City of



# Point La Jolla Seasonal Closure



Boomer Beach


Ellen Browning Scripps Park

Legend

 Ocean Access

 Seasonal Closure Boundary

0 50 100 200 Feet











# Sign Program


## Legend


 Seasonal Closure Boundary


 Ocean Access


 One Area Closed sign (24-inches by 18- inches) on a chain to cordon off the beach access stairs at the border of Point La Jolla and La Jolla Cove

Three Area Closed sign (24-inches by 18- inches) on telespar posts

 One Area Closed sign (24-inches by 18- inches) posted on K-rail barrier

 Two Ocean access with swimmer symbol sign (24-inches by 18-inches) on telespar posts

 Two No Dogs Allowed sign (12-inches by 18- inches) to be posted

 One NOAA No Selfies sign (18-inches by 24-inches)



# Sign Program

## Attachment 4

Area Closed signs (size 24-inches by 18-inches) in English and Spanish for Seasonal Closure located at the top of the access stairs and on K-rail barrier.

