



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

FEB 2 1 00 P/SWR3:JGC

Mr. Patrick Lee Hord
Executive Director
La Jolla Friends of the Seals
P.O. Box 2016
La Jolla, California 92038

Dear Mr. Hord,

Thank you for your letter requesting clarification regarding the National Marine Fisheries Service, Southwest Region's (NMFS-SWR), recent decision to begin managing Children's Pool Beach (CPB) as a harbor seal natural haulout and rookery.

The NMFS-SWR defines a natural haulout and rookery as any site regularly used by pinnipeds to haul out and rest and where the birthing and rearing of pups occurs. Harbor seals first began hauling out at CPB on a regular basis in 1995. The number of harbor seals utilizing CPB have increased from under 100 animals in 1995 (Yochem and Stewart 1998) to 100-200 animals in 1999. Prior to 1999, a small number of unweaned pups were observed at CPB, but no actual births were documented. In 1999, 6 births were documented at CPB (McLatchy 1999).

Although harbor seals have frequented CPB since 1995, the NMFS-SWR has resisted managing this site as a natural haulout and rookery for the following reasons: the shared use concept employed by the City of San Diego, the City's proposal to reduce the size of CPB through dredging, and non-documentation of pupping at the site. In March 1999, the San Diego City Council decided to discontinue the City's shared use concept, decided not to proceed with the dredging project, and provided documentation of harbor seal birthing at CPB.

It is now apparent that harbor seals are utilizing CPB as a natural haulout and rookery and that we must manage the site biologically as a natural habitat for harbor seals. Therefore, effective immediately, no harbor seals of any age class, including animals exhibiting symptoms of naturally occurring disease and parasite loads, and abandoned pups, may be captured at CPB for the purpose of rehabilitation.



Animals exhibiting signs of human interaction (net entanglement, hook/line fishery interaction, boat collision wounds, or gunshot wounds) may be captured for rehabilitation, as long as other harbor seals are not disturbed. The NMFS-SWR currently employs this policy at other mainland pinniped haulout and rookery sites in California and must now employ this policy at CPB. Our goal in allowing harbor seals to fend for themselves in their natural habitat is to ensure natural selection at this and other sites, with the end result being an overall healthy and genetically fit population of harbor seals in California.

Please be aware that the NMFS-SWR is not designating CPB as a refuge, reserve, or sanctuary. A designation of this type is for the City to make, if it so chooses. We look forward to working with the La Jolla Friends of the Seals in educating the general public about this unique site and natural resource and of the importance of our policy of non-human intervention in an animal's natural habitat. Please let us know how we can be of assistance to you in achieving this goal.

Sincerely,



James H. Lecky
Assistant Regional Administrator
for Protected Resources

Enclosure

cc: Mike Gonzales-F/EN6
Terri Williams-SDPRD
Tom Goff-SW
Susan Chivers-F/SWC