

RESOLUTION NUMBER 302160

DATE OF FINAL PASSAGE JAN 08 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO PLACE A ROPE BARRIER AT THE LA JOLLA CHILDREN'S POOL DURING HARBOR SEAL PUPPING SEASON AND FROM DECEMBER 15th THROUGH MAY 15th ANNUALLY.

WHEREAS, on March 21, 2006, the National Oceanic and Atmospheric Administration, the federal agency charged with the protection of marine mammals under the Marine Mammal Protection Act, requested that the City of San Diego temporary close or replace the rope barrier at the Children's Pool beach during pupping season due to concerns that the signs posted on the beach warning the public to keep a safe distance from hauled-out seals, were ineffective at preventing harassment of the seals, particularly during pupping season; and

WHEREAS, on April 5, 2006, the Natural Resources and Culture Committee determined that a rope barrier during harbor seal pupping season was advisable to protect the marine mammals and the public and voted 4-0 to recommend placing a rope barrier at the Children's Pool beach during harbor seal pupping season each year; and

WHEREAS, on April 19, 2006, the Council of the City of San Diego adopted resolution number R-301368 based on the recommendation from the Natural Resources and Culture Committee, which approved the placement of the rope barrier at the Children's Pool during pupping season from January 1st through May 1st on an annual basis; and

WHEREAS, on November 15, 2006, the Natural Resources and Culture Committee determined that it is advisable to replace the rope barrier two weeks earlier, on December 15th, and keep it up for two weeks longer, until May 15th, on an annual basis to better protect the seals

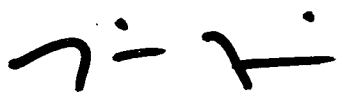
from harassment during the late stage of pregnancy and the nursing pups right after birth when they need to haul-out more often and for longer periods; and

WHEREAS, the Environmental Analysis Section of the City of San Diego Department of Development Services has determined that the replacement of the rope barrier is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section because it is a project "not to exceed five acres in size to assure the maintenance, restoration, enhancement or protection of habitat for fish, plants, or wildlife;" NOW THEREFORE,

BE IT RESOLVED by the City Council of San Diego that the Mayor or his designee is authorized to extend the period of placement of the rope barrier at the Children's Pool from December 15th through May 15th annually, and City staff is directed to replace the rope barrier as soon as possible within the time line; and

BE IT FURTHER RESOLVED by the City Council of San Diego that the City Attorney's Office is directed to determine what permits are required for the rope placement, and City staff is directed to pursue all permits, whatever they are, immediately.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

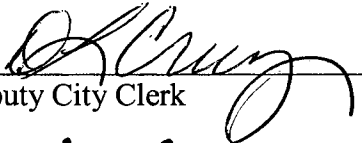
By 

Nina M. Fain
Deputy City Attorney

NMF:mm
11/21/06
12/01/06 CORR.COPY
12/12/06 REV.COPY
12/19/06 REV.COPY 2
Or.Dept:NR&C
R-2007-621
MMS#4084

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego at its meeting of DEC - 5 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1-8-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

Passed by the Council of The City of San Diego on DEC 05 2007, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 08 2007

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 302160