

RESOLUTION NUMBER R-301368

DATE OF FINAL PASSAGE APRIL 19, 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO TO PLACE A ROPE BARRIER AT THE LA
JOLLA CHILDREN'S POOL ANNUALLY DURING
HARBOR SEAL PUPPING SEASON.

WHEREAS, on March 21, 2006, the National Oceanic and Atmospheric Agency (NOAA), the federal agency charged with protecting marine mammals under the Marine Mammal Protection Act, requested that the City of San Diego either temporarily close the Children's Pool beach through the end of April or replace the rope barrier that was once in place at the Children's Pool beach. NOAA expressed concerns that despite having placed two of its signs on the beach warning the public to keep a safe distance from hauled out seals, the signs have not prevented actions that could be considered harassment from occurring at the beach, 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 as well as to prevent violations of the Marine Mammal Protection Act from occurring. The Committee voted 4-0 to recommend to the City Council that the Council replace the rope barrier at the Children's Pool beach during harbor seal pupping season from January 1 through May 1 each year and for the remainder of this year's pupping season; and

WHEREAS, the Environmental Analysis Section of the City of San Diego Department of Development Services has determined that replacement of the rope is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15333 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 Council of the City of San Diego that the rope barrier at the Children’s Pool beach will be reinstated for the remainder of this year’s pupping season and will be placed at the beach from January 1 through May 1 every year from this point forward.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By _____
Julie Teel
Deputy City Attorney

JT:mm
04/06/06
Or.Dept:NR&CC
R-2006-856
MMS#3200

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego at its meeting of April 18, 2006.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor