

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Th21a & Th21b

6-14-0691-A1 AND 6-15-0223-A2

(CHILDREN'S POOL)

JUNE 13, 2019

EXHIBITS

Table of Contents

- [Exhibit 1 – Project Location](#)
- [Exhibit 2 – Aerial Photo](#)
- [Exhibit 3 – Seasonal Closure Signage](#)
- [Exhibit 4 – Rope Barrier Site Plan and Signage](#)
- [Exhibit 5 – Children's Pool Photographs](#)
- [Exhibit 6 – Jurisdictional Map](#)
- [Exhibit 7 – 2012 Letter from NMFS Regional Administrator Rodney McInnis](#)
- [Exhibit 8 – Seasonal Closure Monitoring Reports \(2013-2018\)](#)
- [Exhibit 9 – Guideline Rope Monitoring Reports \(2013-2018\)](#)
- [Exhibit 10 – Seal Conservancy Flushing Report \(2013-2018\)](#)
- [Exhibit 11 – Feasibility Study - ADA Alternative](#)
- [Exhibit 12 – Existing Ramp Photograph](#)

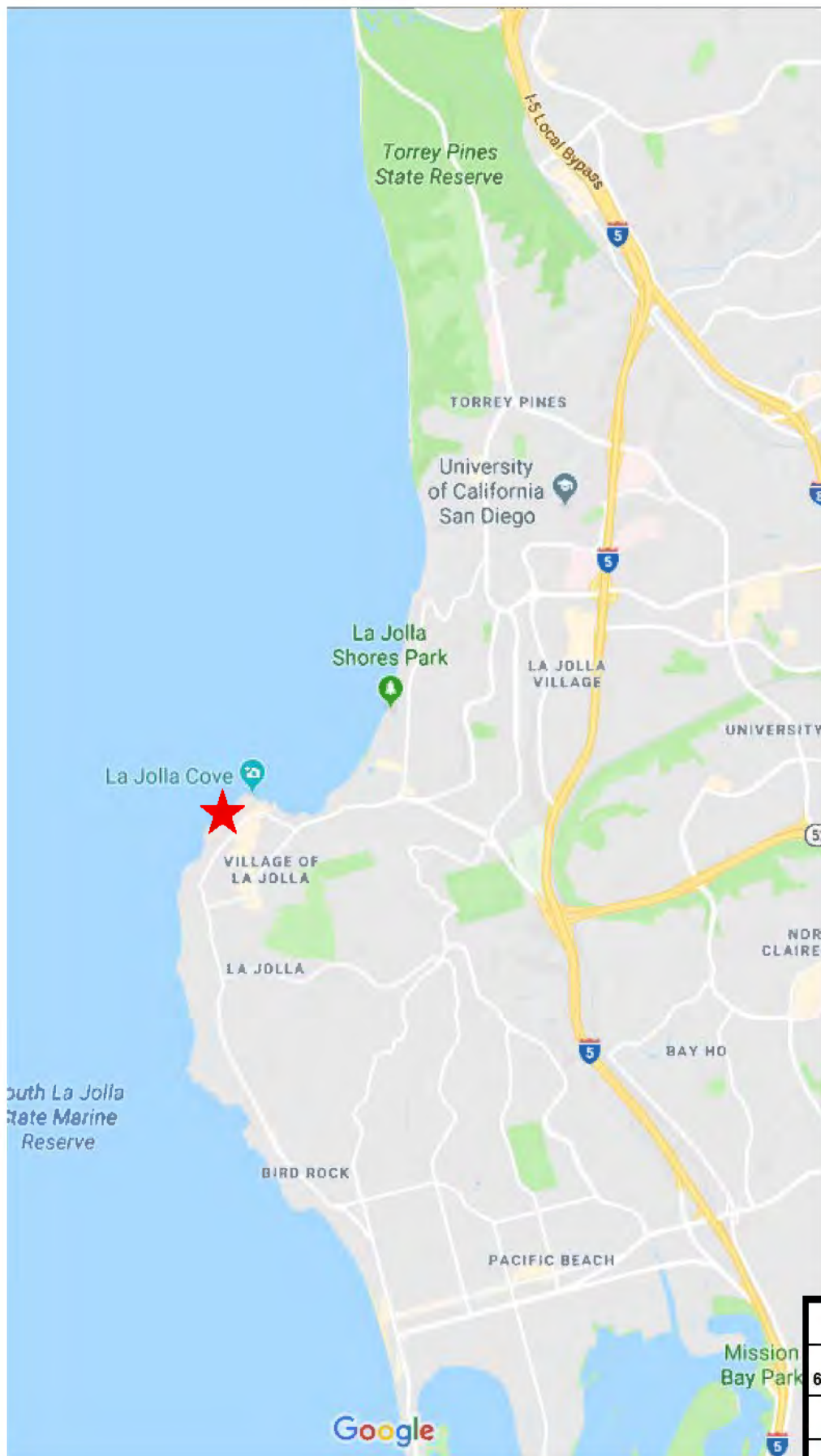


EXHIBIT NO. 1
APPLICATION NOS. 6-14-0691-A1 & 6-15-0223-A2
Project Location
 California Coastal Commission



EXHIBIT NO. 2
APPLICATION NOS. 6-14-0691-A1 & 6-15-0223-A2
Aerial Photo
 California Coastal Commission



01.25.2016

EXHIBIT NO. 3

APPLICATION NOS.

6-14-0691-A1 & 6-15-0223-A2

Seasonal Closure
Photos



California Coastal Commission

Site Plan

La Jolla - Childrens P

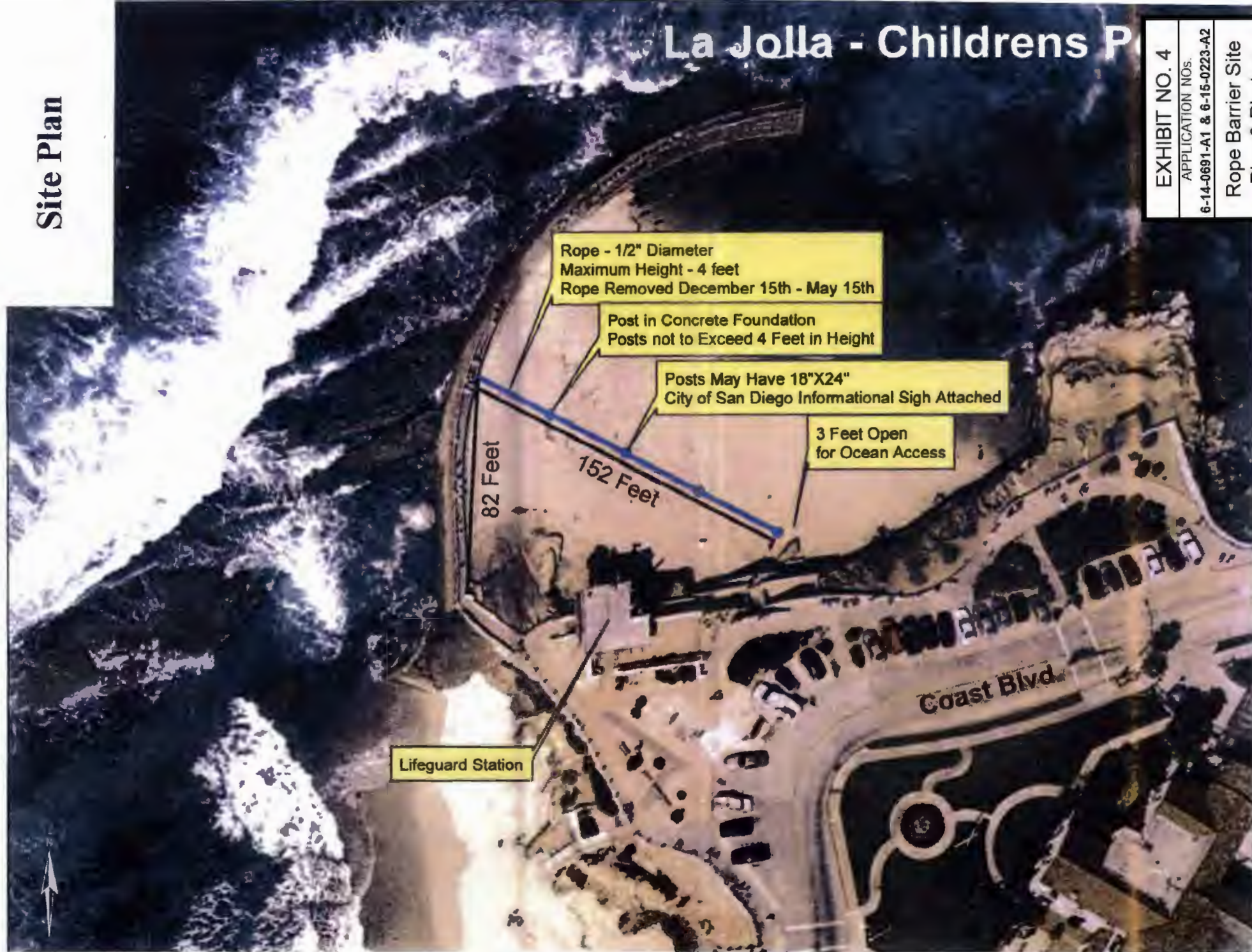


EXHIBIT NO. 4

APPLICATION NOS.

6-14-0691-A1 & 6-15-0223-A2

Rope Barrier Site

Plan & Photos

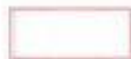
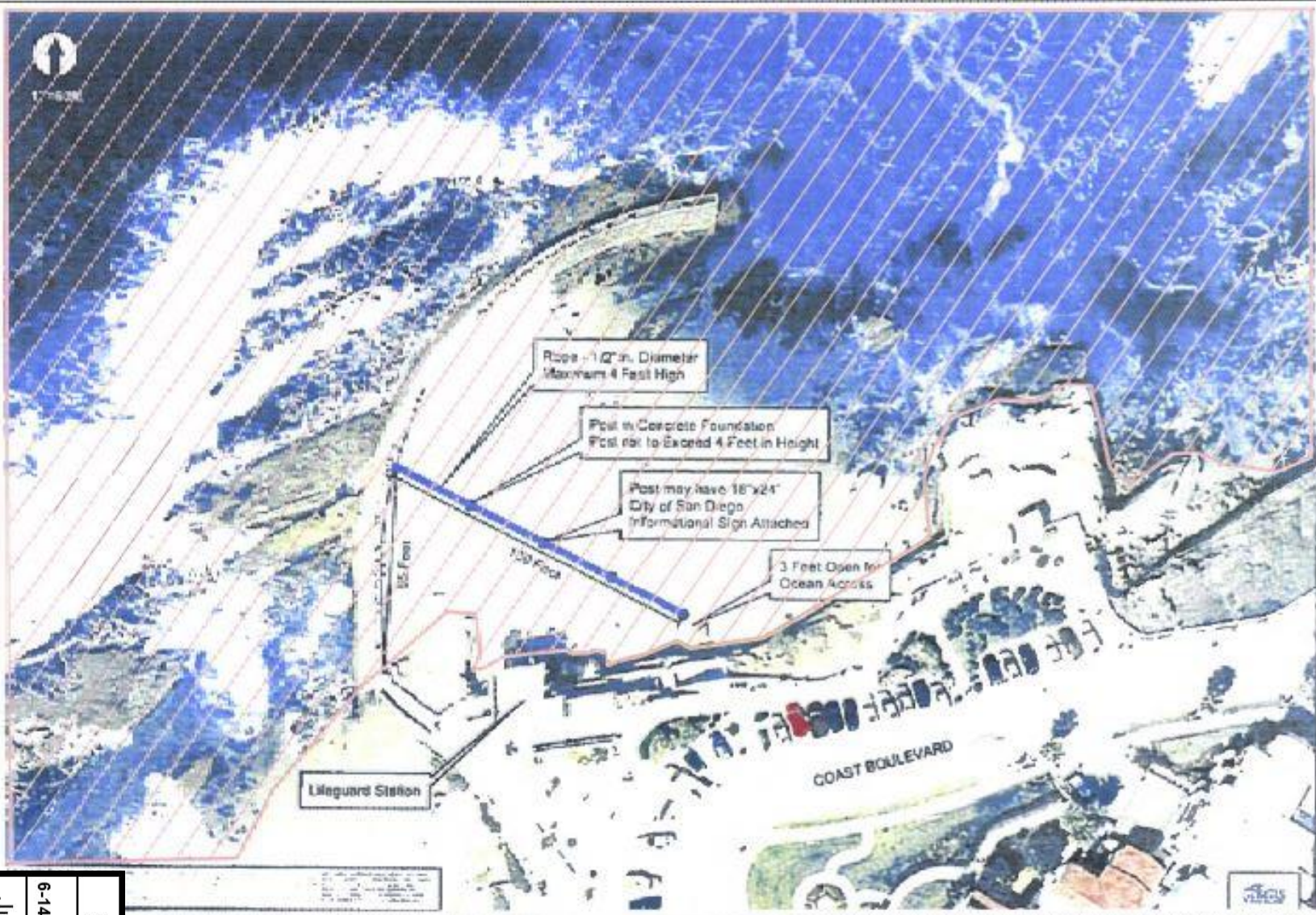
Page 1 of 2

California Coastal Commission









Coastal Commission Permit Jurisdiction

For illustrative purposes only.



Exhibit 2

DAR 07/2011

EXHIBIT NO. 6

APPLICATION NOS.

6-14-0691-A1 & 6-15-0223-A2

Jurisdictional Map



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

JUN 27 2012

RECEIVED

JUN 28 2012

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

Kanani Brown
Coastal Program Analyst
California Coastal Commission
7575 Metropolitan Drive, Suite 103
San Diego, California 92108

Dear Ms. Brown:

Thank you for contacting NOAA's National Marine Fisheries Service (NMFS), Southwest Regional Office, regarding the City of San Diego Park and Recreation's (City) application to the California Coastal Commission to install and maintain a rope barrier at Children's Pool Beach (CPB), located in La Jolla, California. The hearing will be held on Wednesday, July 11, 2012 in Chula Vista, California. Based on the application and subsequent amendment, the City plans to install a 4 foot high by 152 foot long rope barrier, to be placed in perpetuity, to provide a buffer between people and harbor seals (*Phoca vitulina richardii*). The rope would be attached to the seawall and extend westward 152 feet, leaving a 3 foot opening for public access at the east end near the access stairway. Per your request, this letter provides our comments on the City's application. In order to provide some context for these comments, we have added some background on the Marine Mammal Protection Act (MMPA), harbor seal biology and life history, and the historical and current use of CPB by harbor seals (Appendix 1).

The presence of a harbor seal colony at CPB has been the focus of several lawsuits in the recent past. In 2009, the California State Legislature passed Senate Bill 428, which amended the conditions of the 1931 State trust granting the CPB area tidelands to the City of San Diego. Effective January 1, 2010, the trust was amended to allow for an additional use of the tidelands: a "marine mammal park for the enjoyment and educational benefit of children." While, there is no definition or recognition of the term "marine mammal park" under the MMPA and NMFS' implementing regulations, this amendment of the trust provides the City of San Diego with greater latitude in implementing management actions regarding the harbor seal colony at CPB. In addition, the term "rookery" is not defined in either the MMPA or through its implementing regulations. The American Heritage Science Dictionary (2002) defines a rookery as: "A place where certain birds or animals, such as crows, penguins, and seals, gather to breed." Harbor seals have been observed giving birth at CPB for over 10 years, and the timing

EXHIBIT NO. 7

APPLICATION NOS.

6-14-0691-A1 & 6-15-0223-A2

2012 NMFS Letter

Page 1 of 2



California Coastal Commission

and numbers of pups born are generally predictable from year to year. Therefore, NMFS considers CPB to be a harbor seal rookery and year-round haulout site.

NMFS supports the City's application to install and maintain a rope barrier year-round at CPB, with some reservations, as maintenance of the guideline rope does not ensure that harbor seals will not be harassed. For example, if a harbor seal hauls out on the "human" side of the rope, harassment of that seal may still be considered a violation of the MMPA, even if one is on the "correct" side of the rope. NMFS recommends that the public maintain a distance from any seal, regardless of where they are regarding the guideline rope. For most harbor seal haulout sites along the West Coast of the United States, NMFS recommends a distance of 100 feet. However, with the relatively small area at CPB, NMFS has recommended that the public maintain a distance of at least 50 feet from any seal, while standing on CPB (as opposed to standing on the breakwater). As this is a viewing guideline and not codified in the regulations, NMFS has the flexibility to modify it to meet the individual circumstances of the geographic area and the natural history of the species. However, as a guideline, the distance also does not have the force of law. Harassment is a violation of the MMPA regardless of the distance from which it occurs.

Therefore, NMFS supports establishing the guideline rope year-round, as it would allow at least some measure of public awareness and protection to the harbor seals hauled out on the sand. However, we note that merely abiding by the guideline rope (standing on the "human" side) does not guarantee that a person will not violate the MMPA.

While NMFS has enforcement authority under the MMPA, limited staffing creates a challenge. NMFS has a toll-free hotline (1-800-853-1964) to reports violations of marine laws (including the MMPA). In 2009, this number received a total of 154 calls regarding CPB. Although only three of the 154 calls resulted in a full investigation, all of the calls represent a significant investment for the local NMFS enforcement agent. Under MMPA Section 109(a), no State may enforce a State law or regulation relating to the taking of marine mammals without a transfer of management authority from the Secretary of Commerce or Interior, depending on the species. However, States and local governments are not impeded from taking actions to manage their land consistent with the MMPA, such as erecting rope barriers to protect marine mammals.

Thank you for the opportunity to provide input on the application sent before the California Coastal Commission. We hope that our comments and recommendations will help inform your discussions. If you have any further questions, please do not hesitate to contact Sarah Wilkin at Sarah.Wilkin@noaa.gov or 562-980-3230 or Christina Fahy at Christina.Fahy@noaa.gov or 562-980-4023.

Sincerely,



for Rodney R. McInnis
Regional Administrator

Date: May 18, 2015

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool La Jolla

Subject: Children's Pool Beach Seasonal Closure Monitoring Report

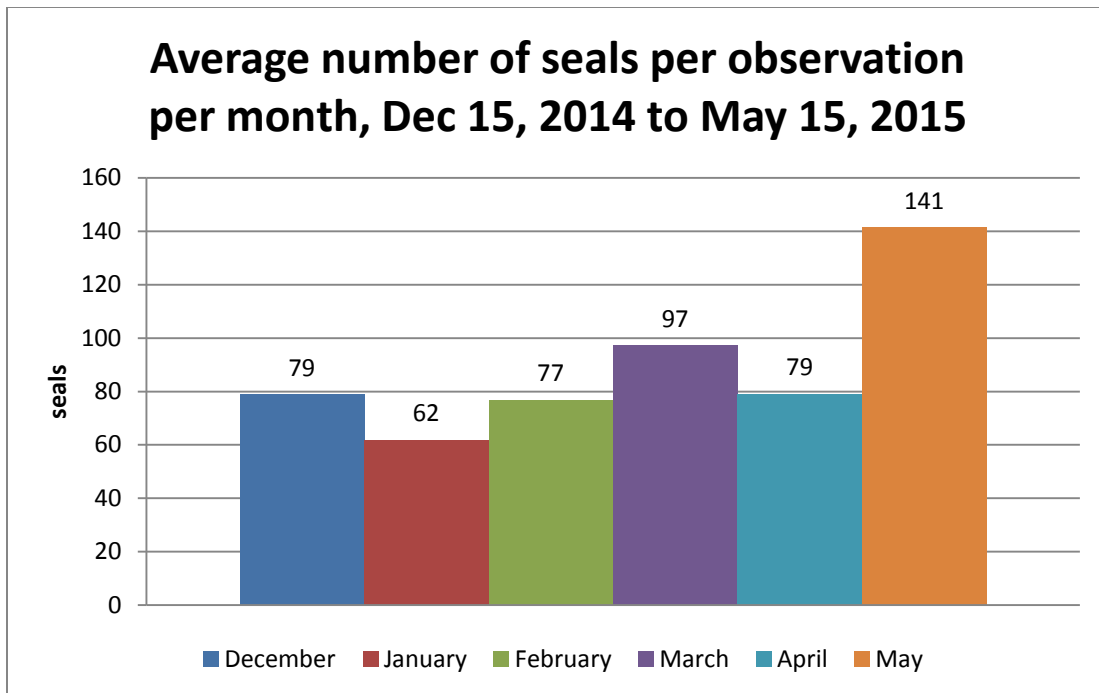
2015 Written Monitoring Report

For the Children's Pool Seasonal Closure

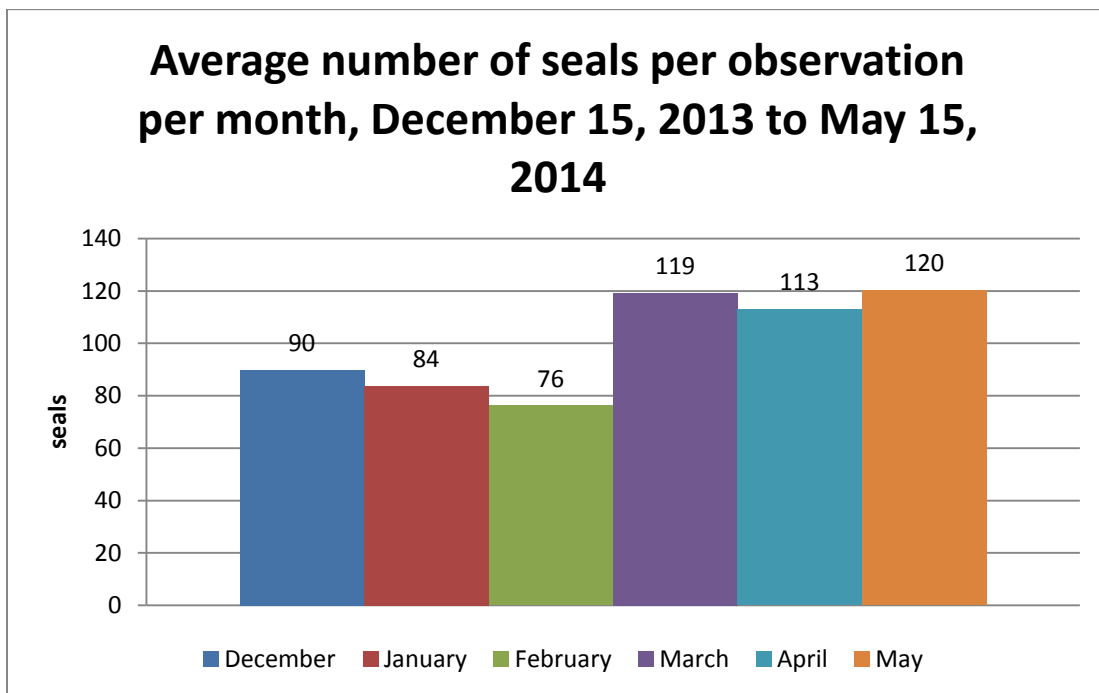
Coastal Development Permit Application No.:6-14-078

On August 14, 2014 the California Coastal Commission approved Coastal Development Permit Application No.:6-14-078 requested by the City of San Diego for development consisting of the closure of Children's Pool Beach to all public access during harbor seal pupping season, December 15 to May 15 of each year. The permit was accepted by the City on November 13, 2014. Special Condition 2B of the granted permit requires the City of San Diego to submit a written report annually summarizing the results of the data collected during the monitoring period, the condition and performance of the chain and signs, and make recommendations for modifications. The following is submitted in fulfillment of that requirement.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the monitoring period is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1. There were 461 observations recorded during this monitoring period. The observations were made during the day mainly between the hours of 10:00 am and 5:00 pm, which are peak visitor hours. Comparisons will be made with the 313 observations from the same time period the previous year, 2013-14, even though the beach closure was not in effect. The following are graphs of the number of seals per observation per month that illustrate the numbers:



Number of seals per observation during the closure period

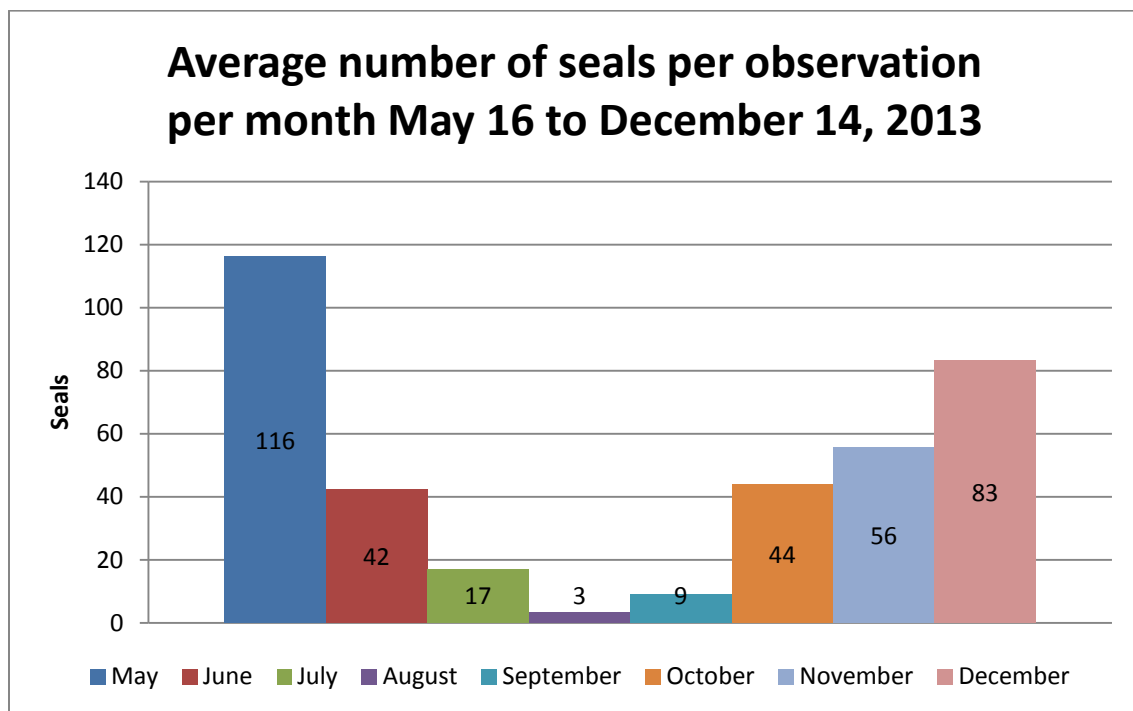
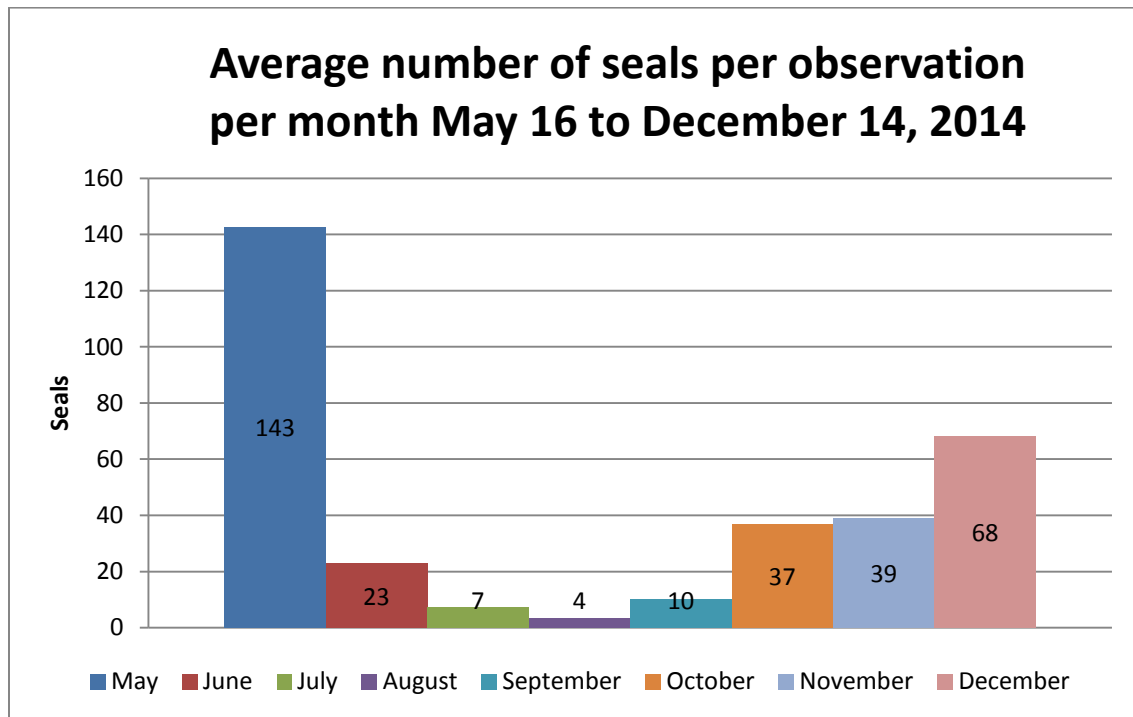


Number of seals per observation during the previous year's non-closure period

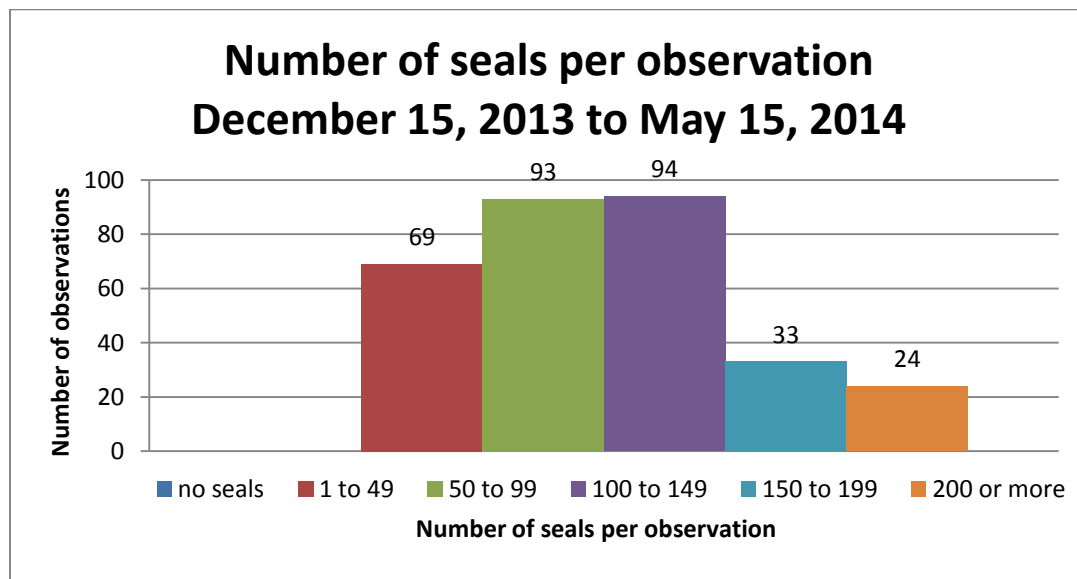
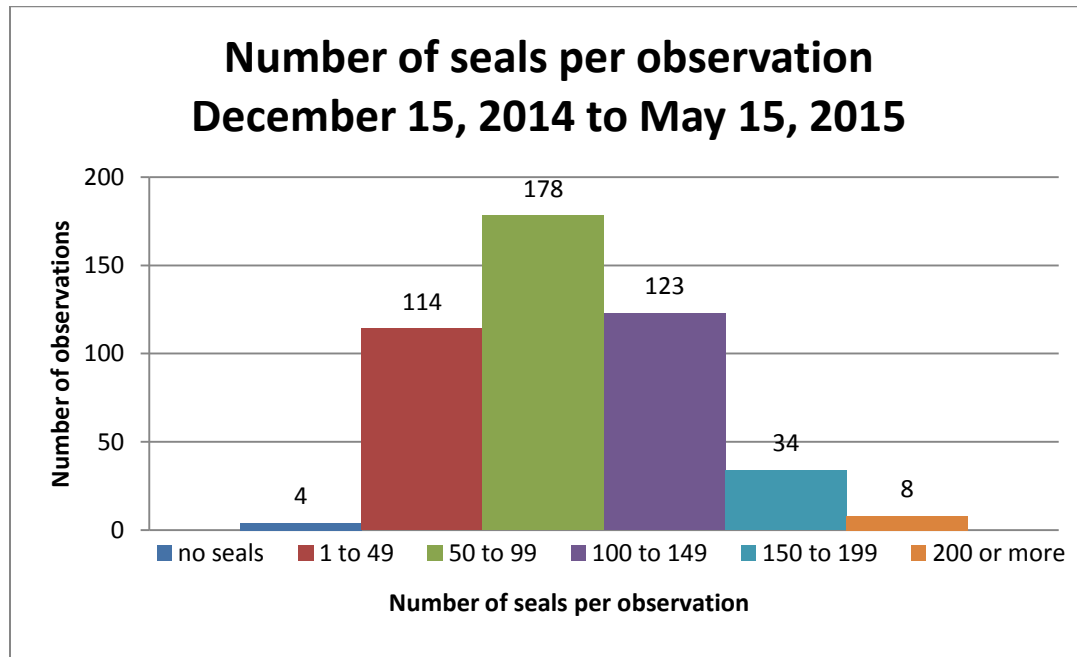
As can be seen in the graphs, while there is some variation each month from year to year, the seasonal haul out pattern has remains consistent. The majority of seal pups are born from mid-February to mid-March. The increase in seals observed in the March from the preceding

February of the past two years is due to the number of pups born during that time. The month of May is peak molting season for harbor seals and is the time of year when the most seals are observed hauled out on the beach.

Graphs of the number of seals observed during the non-closure period the previous two years are included for comparison purposes:



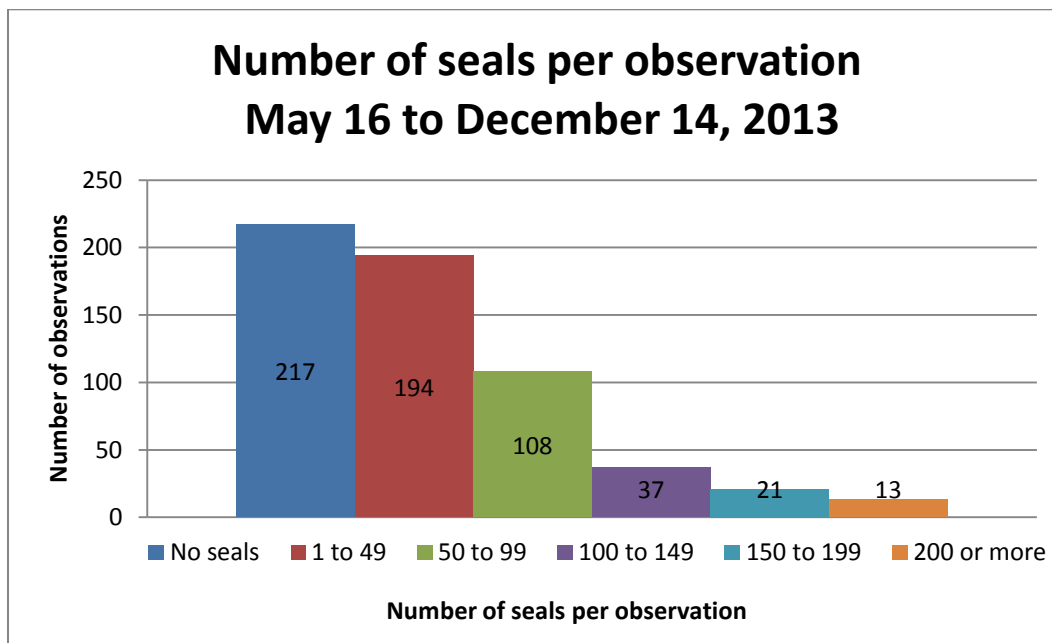
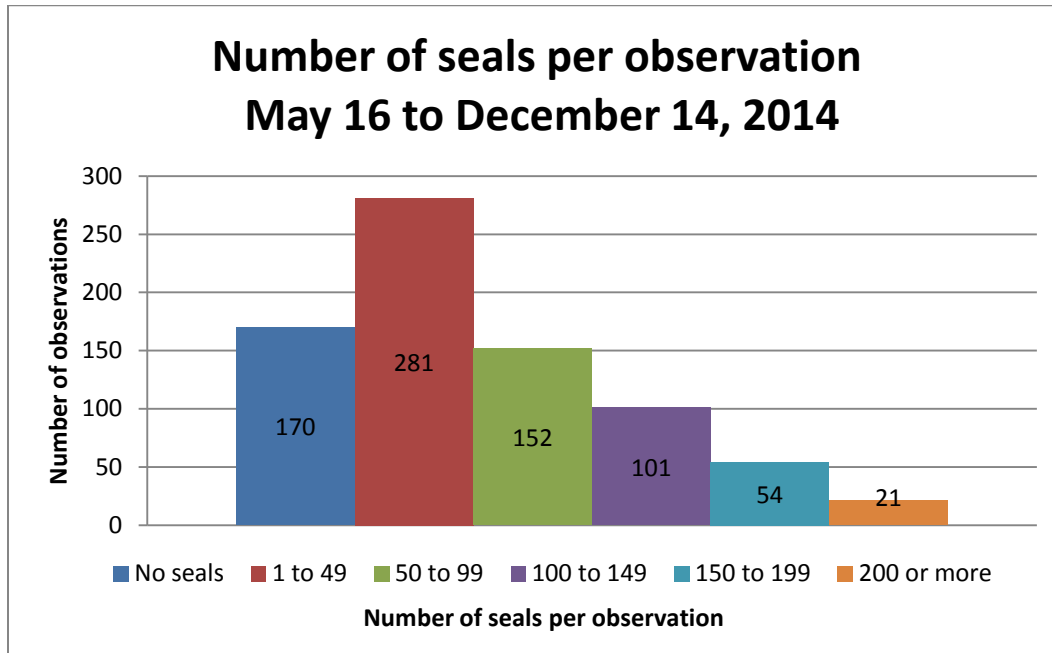
The preceding graphs displayed the average number of seals per observation per month. The following graphs show the number of seals counted per observation divided into groups. This graph can be read as follows: example, in 114 of the 461 observations made from December 15, 2014 to May 15, 2015 between 1 and 49 seals were counted.



Comparing the same period over two years it can be concluded that there are seals hauled out almost constantly during pupping season. In all observations during the 2013-14 season there were seals hauled out. During the 2014-15 season, 4 observations (less than 1%) saw zero seals. To state these numbers as a percentage, there were 50 or more seals hauled out during 74% of

the observations made during 2014-15, and 78% of the observations made during the previous year.

Graphs of the number of seals per observation during the non-closure period the previous two years are included for comparison purposes:



Seal Pup Statistics: There were 63 seal pups born alive during the season. The first pup to survive to weaning was pup #7 born January 22, 2015. The six born prior to that date did not

survive long after birth. The 63rd and final birth was observed March 14. The last pup nursing on its mother was seen April 8. In comparison, there were 54 observed births during the 2014 pupping season with the first observed January 31, 2014, the final birth on March 24, and the last nursing pup was seen May 2, 2014.

Harassment Incident Forms are included in digital format as PDF files on CD as Attachment 2. These documents record seal harassment and beach closure violation incidents observed by the assigned Park Ranger and Lifeguards while on duty at the Children's Pool. There were 10 flushing incidents and 4 beach closure violations observed during the closure period. Causes of the 10 flushing incidents were:

- 3 by people lawfully swimming within the Pool waters
- 1 by a kayaker approaching to within 150-200 feet of the beach area
- 2 by people walking around the tip of the breakwater on rocks exposed at very low tides
- 3 by divers or spear fishermen exiting the water at the Pool at the direction of Lifeguards for safety of life considerations
- 1 by a power boat that closely approached the tip of the breakwater

The 4 beach closure violations observed did not result in flushing incidents. The suspects in each incident were field interviewed and released with a warning. There were no citations issued during the closure period.

Requirement #2: An evaluation of the condition and performance of the approved structures (signs, chain), including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: The primary beach closed sign was attached to a length of chain. The chain was attached with combination locks to eye bolts inserted into each side of the wall at the top of the flight of steps leading down to the beach. This location is highly visible to all visitors and leaves no question in any visitor's mind about the status of the beach. Eggs were thrown at the sign shortly after the closure went into effect. The egg residue was cleaned off with no damage to the sign. There was no weathering or damage to the sign observed during the closure period.

The approved location of sign number 2 is on the locked gate, adjacent to the breakwater entrance, at the top of the dirt slope that leads down to the beach. This slope was formerly used for emergency access but erosion has made it unsafe for such use. The gate and the sidewalk leading to the gate and the breakwater entrance have been inaccessible to the public because they are within the construction area of the new Lifeguard Tower. Sign 2 was relocated to the breakwater inner railing at a spot directly above the point that the beach guideline rope is attached to the seawall because that is the easiest spot for visitors to climb over the railing to get onto Children's Pool Beach. This is the best location for sign 2 until tower construction is complete and public access to the breakwater entrance is restored when it can be mounted on the specified adjacent gate.

The guideline rope on Children's Pool Beach remained in place during the closure as authorized by Coastal Development Permit No. 6-11-078. Very high tides and high surf washed out pole 1

the morning of December 21, 2014. In anticipation of continuing high surf and tides Grounds maintenance personnel placed the pole at the base of the steps out of the tidal zone. The rope was coiled and attached to pole #2 for the remainder of the closure period. The pole and rope were replaced May 11, 2015 just prior to the end of the closure period.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device (signs, chain): Modification to the location of sign #2 was approved the San Diego Field Office. If Lifeguard tower construction delays prevent sign placement at the designated location at the commencement of the next closure period permission will be requested to place the sign at the secondary location.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure: Photographs are included on the attached CD.

Contents of attached CD:

Attachment 1, Data Collection Form 12-15-2014 to 5-15-2015

Attachment 1a, Data Collection Form 12-15-2013 to 5-15-2014

Attachment 2, Harassment Incidents during Beach Closure 12-15-2014 to 5-15-2015

Folder labeled Beach Closure Photos 2015

Folder labeled Seal Pup Photos 2015

2015 Children's Pool Beach Closure Monitoring Report unsigned PDF copy

Submitted by:

Richard Belesky
Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101

Date: August 1, 2016

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool La Jolla

Subject: Children's Pool Beach Seasonal Closure Monitoring Report

2016 Second Annual Written Monitoring Report

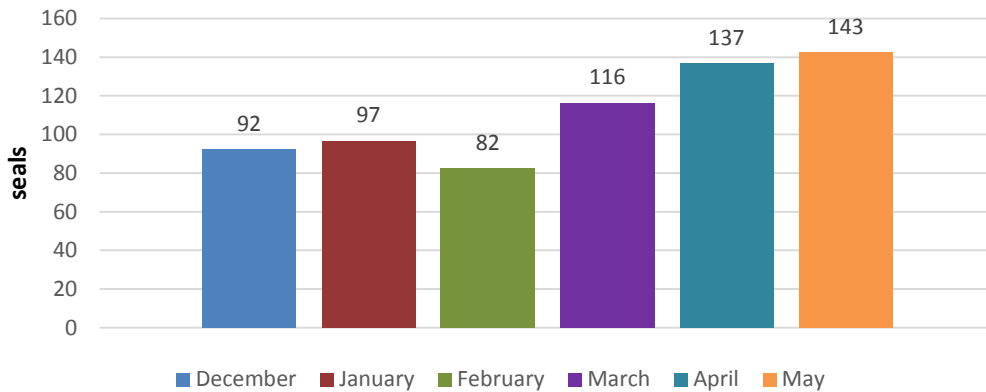
For the Children's Pool Seasonal Closure

Coastal Development Permit Application No.:6-14-0691

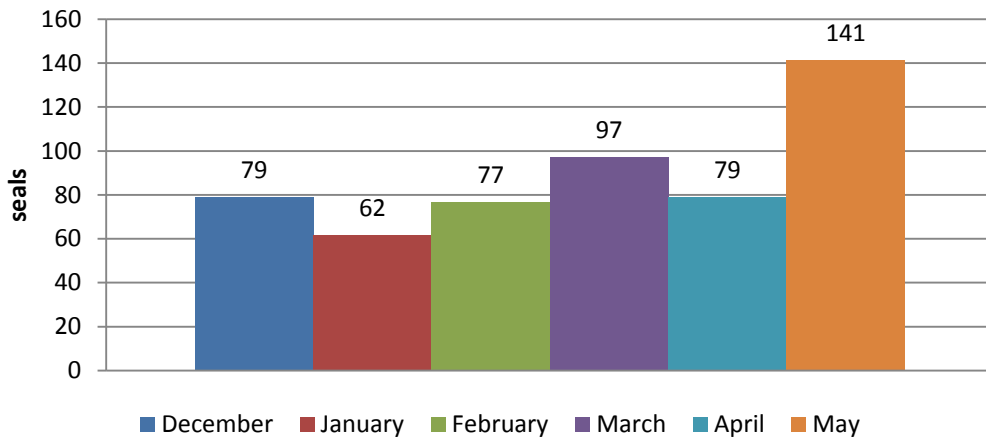
On August 14, 2014 the California Coastal Commission approved Coastal Development Permit Application No.:6-14-0691 requested by the City of San Diego for development consisting of the closure of Children's Pool Beach to all public access during harbor seal pupping season, December 15 to May 15 of each year. The permit was accepted by the City on November 13, 2014. Special Condition 2B of the granted permit requires the City of San Diego to submit a written report annually summarizing the results of the data collected during the monitoring period, the condition and performance of the chain and signs, and make recommendations for modifications. The following is submitted in fulfillment of that requirement.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the monitoring period is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1. There were 412 observations recorded during this monitoring period. The observations were made during the day mainly between the hours of 10:00 am and 5:00 pm, which are peak visitor hours. Comparisons will be made with the 461 observations from the previous closure period of 2014-15.

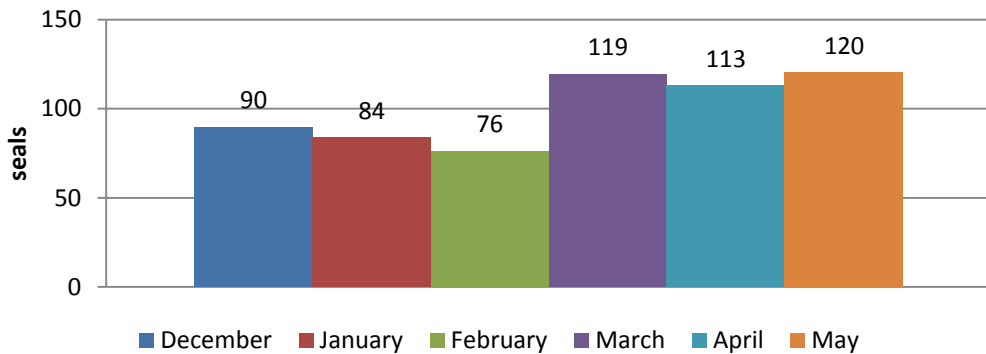
Average number of seals per observation per month, Dec 15, 2015 to May 15, 2016



Average number of seals per observation per month, Dec 15, 2014 to May 15, 2015



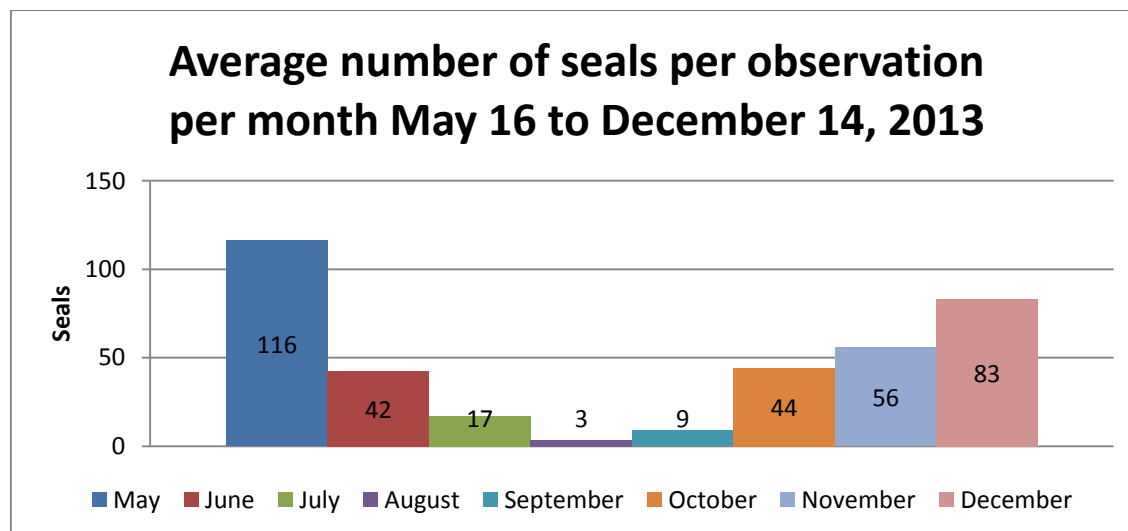
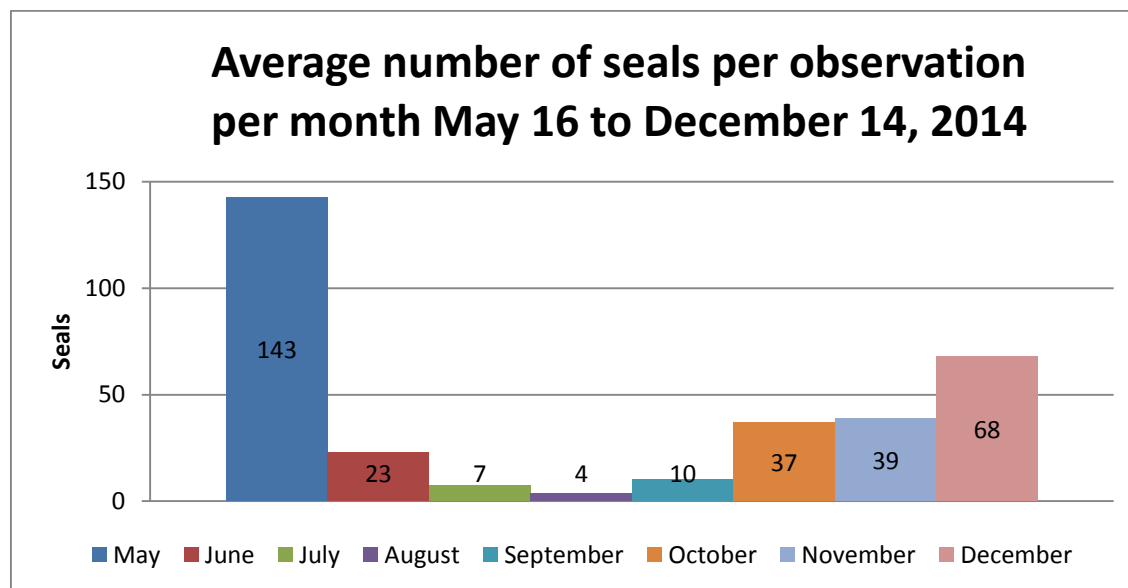
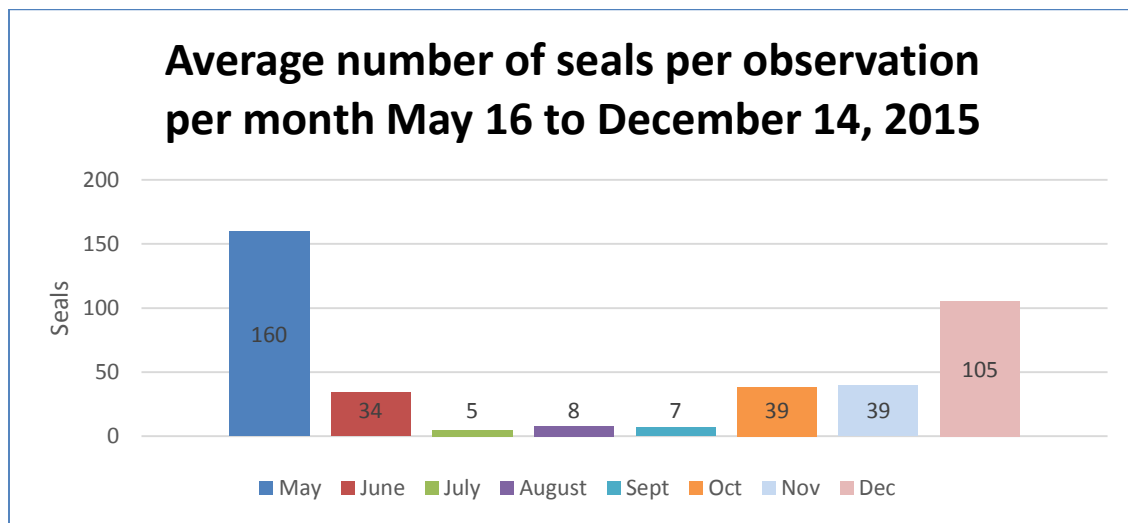
Average number of seals per observation per month, Dec 15, 2013 to May 15, 2014



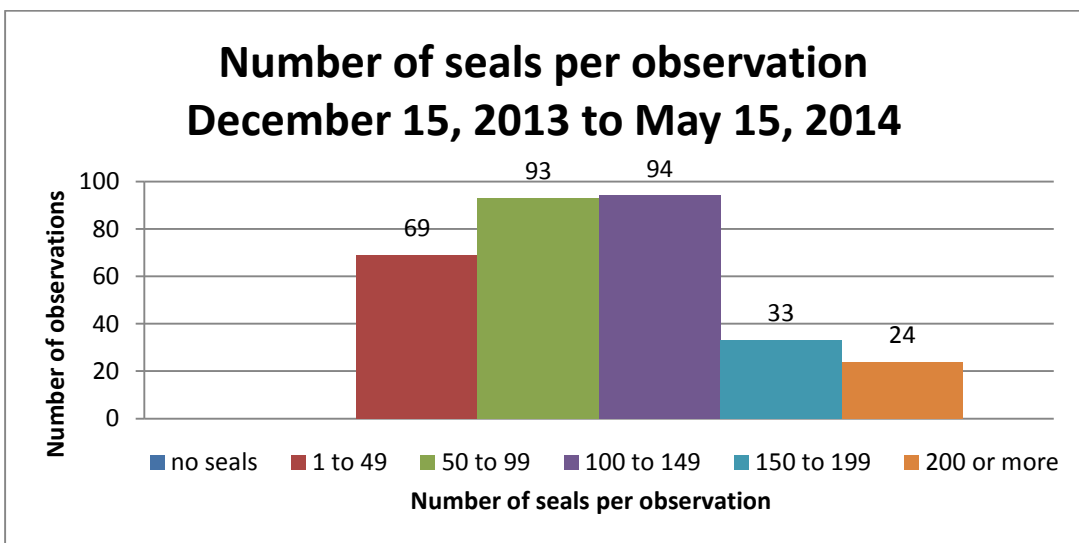
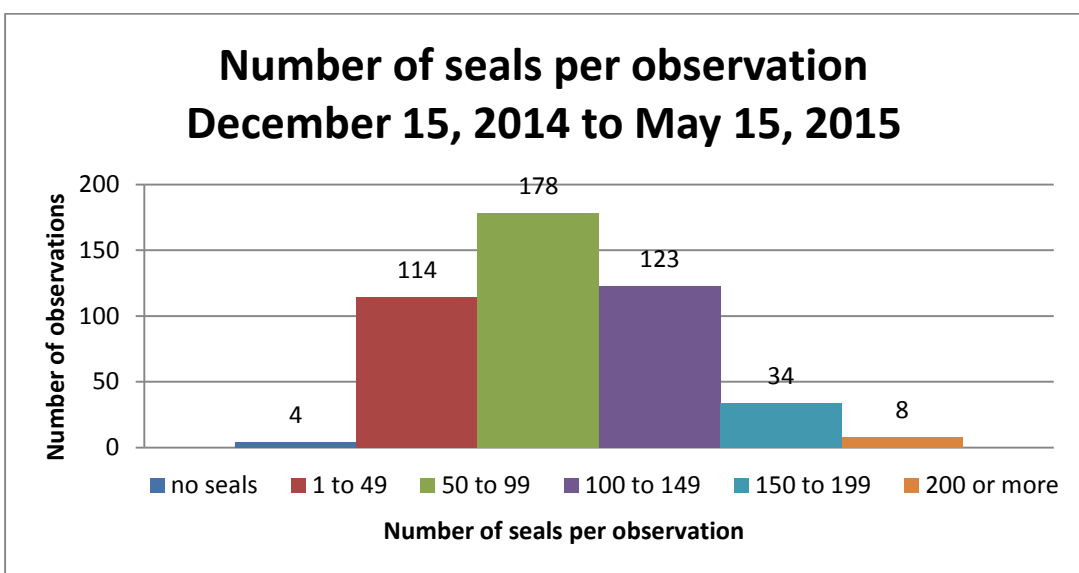
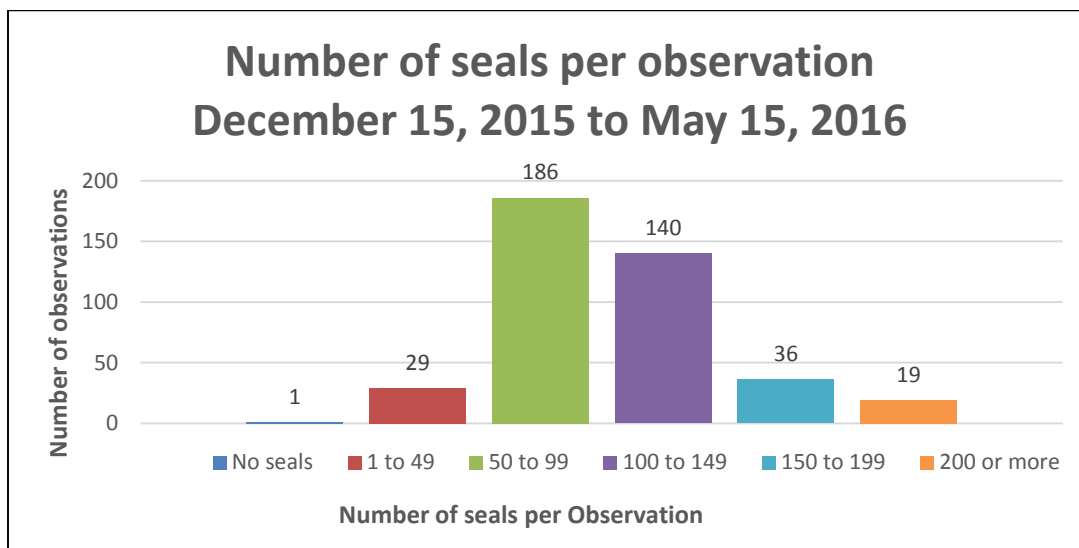
As can be seen in the graphs, while there is some variation each month from year to year, the seasonal haul out pattern has remains consistent. The majority of seal pups are born from mid-February to mid-March. The increase in seals observed each March from the preceding February

is due to the number of pups born during that time. The month of May is peak molting season for harbor seals and is the time of year when the most seals are observed hauled out on the beach.

Graphs of the number of seals observed during the non-closure period the previous three years are included for comparison purposes:

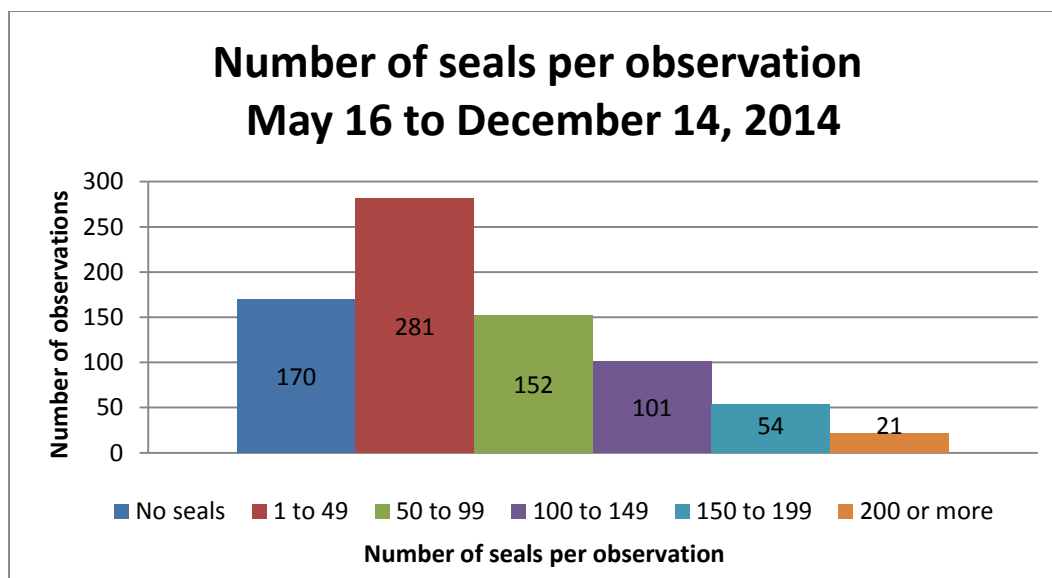
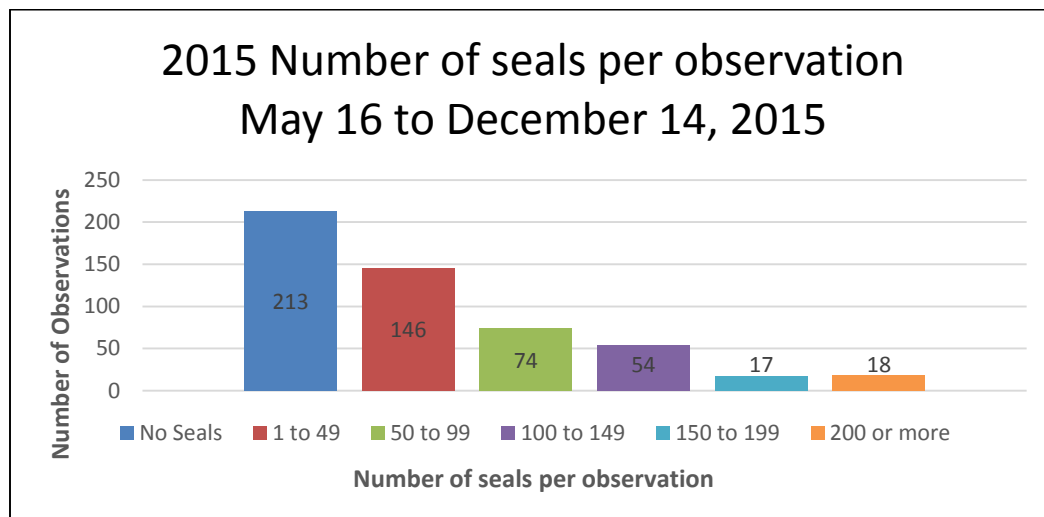


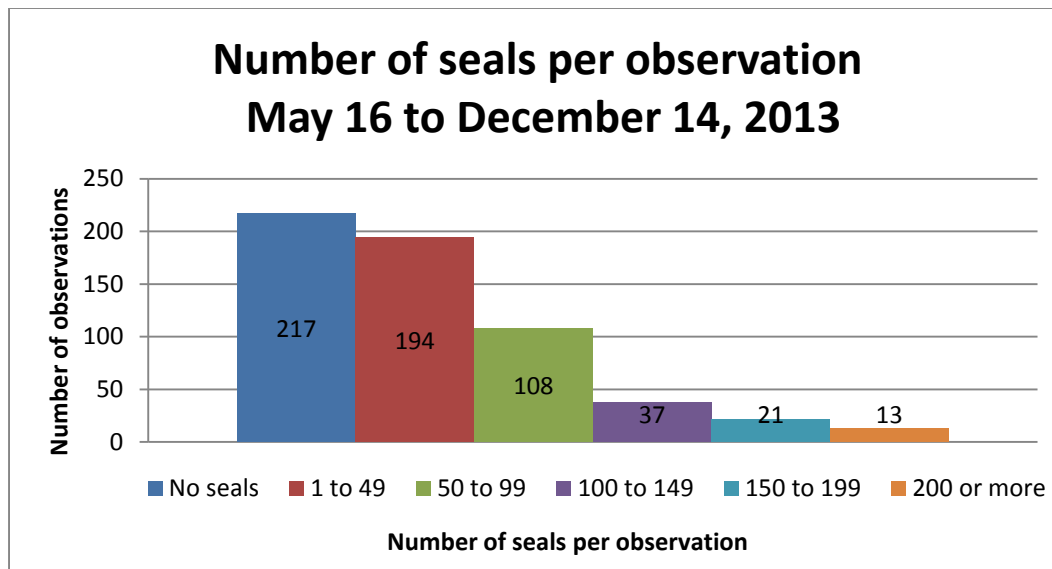
The preceding graphs displayed the average number of seals per observation per month. The following graphs show the number of seals counted per observation divided into groups. This graph can be read as follows: example, in 29 of the 412 observations made from December 15, 2015 to May 15, 2016 between 1 and 49 seals were counted.



Seals were observed hauled out on Children's Pool beach on 411 of the 412 observations made. As with previous closure periods, there are seals hauled out almost constantly during pupping season. In only one observation made during this past closure period were no seals observed. In contrast, during the summertime open period, no seals were observed in 41% of the observations made. This has been a consistent seasonal pattern since the start of the required monitoring programs began.

Graphs of the number of seals per observation during the non-closure period the previous two years are included for comparison purposes:





Seal Pup Statistics: There were 65 seal pups born alive during the 2016 pupping season. The first pup to survive to weaning was born February 9, 2016. There were 22 pups born prior to that date that did not survive long after birth. Sea World rescue staff did recover an abandoned pup from the beach at the direction of National Marine Fisheries Service on January 10. Pup #65 was observed nursing April 27th. In comparison, there were 63 pups born in 2015, and 54 births during the 2014 pupping season.

Harassment Incident Forms are included in digital format as PDF files on CD as Attachment 2. These documents record seal harassment and beach closure violation incidents observed by the assigned Park Ranger and Lifeguards while on duty at the Children's Pool. There were 4 flushing incidents and 8 beach closure violations observed during the closure period. Causes of the 4 flushing incidents were:

- 1 by a motorized parasail flying overhead which spooked hundreds of gulls on the beach whose sudden take off caused 4 seals to flush.
- 1 by a heavy rain shower. It is interesting to discover that seals do not like to be on the beach during a rain shower.
- 1 by a father who squeezed through the railing on the breakwater walkway to retrieve his son's hat which had fallen on to the top step of the seawall. This flushed 5 of 110 seals.
- 1, which was also a closure violation, by a man who went on to the beach to retrieve trash which he thought would be ingested by and be harmful to the gulls on the beach. His action resulted in 60 of 150 seals flushing.

The other 7 beach closure violations observed did not result in flushing incidents. The suspects in each incident were field interviewed and released with a warning. There were no citations issued during the closure period.

Requirement #2: An evaluation of the condition and performance of the approved structures (signs, chain), including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: The primary beach closed sign was attached to a length of chain. The chain was attached with combination

locks to eye bolts inserted into each side of the wall at the top of the flight of steps leading down to the beach. This location is highly visible to all visitors and leaves no question in any visitor's mind about the status of the beach. There were no adverse issues with the sign during this closure period.

The approved location of sign number 2 is on the locked gate, adjacent to the breakwater entrance, at the top of the dirt slope that leads down to the beach. This slope was formerly used for emergency access but erosion has made it unsafe for such use. The gate and the sidewalk leading to the gate and the breakwater entrance were inaccessible to the public during the continued construction of the new Lifeguard Tower. Sign 2 was relocated to the breakwater inner railing at a spot directly above the point that the beach guideline rope is attached to the seawall because that is the easiest spot for visitors to climb over the railing to get onto Children's Pool Beach. This is the best location for sign 2 until tower construction is complete and public access to the breakwater entrance is restored when it can be mounted on the specified adjacent gate.

The guideline rope on Children's Pool Beach was removed as specified in the CDP. Three of the four the rope support poles remained in place during the closure period. Rope pole #1 was removed and stowed to prevent washouts similar to what occurred during the previous closure period.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device (signs, chain): Modification to the location of sign #2 was approved the San Diego Field Office.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure: Photographs are included on the attached CD.

Contents of attached CD:

Attachment 1, Data Collection Form 12-15-2015 to 5-15-2016

Attachment 2, Harassment Incidents during Beach Closure 12-15-2015 to 5-15-2016

Folder labeled Beach Closure Photos 2015-16

Folder labeled Seal Pup Photos 2016

2016 Children's Pool Beach Closure Monitoring Report unsigned PDF copy

Submitted by:

Richard Belesky
Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101



THE CITY OF SAN DIEGO

Date: August 10, 2017

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool La Jolla

Subject: Children's Pool Beach Seasonal Closure Monitoring Report

2017 Third Annual Written Monitoring Report

For the Children's Pool Seasonal Closure

Coastal Development Permit Application No.:6-14-0691

On August 14, 2014 the California Coastal Commission approved Coastal Development Permit Application No.:6-14-0691 requested by the City of San Diego for development consisting of the closure of Children's Pool Beach to all public access during harbor seal pupping season, December 15 to May 15 of each year. The permit was accepted by the City on November 13, 2014. Special Condition 2B of the granted permit requires the City of San Diego to submit a written report annually summarizing the results of the data collected during the monitoring period, the condition and performance of the chain and signs, and make recommendations for modifications. The following is submitted in fulfillment of that requirement.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the monitoring period is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1. There were 333 observations recorded during this monitoring period. The observations were made during the day mainly between the hours of 10:00 am and 5:00 pm, which are peak visitor hours. An observation consists of a count of all harbor seals hauled out (out of the water) on the beach and rocks within a line drawn from the tip of the breakwater to the observation gazebo overlooking the beach, as well as weather conditions and state of the tide. Two graphs are created using the observation data. The first graph shows the average number of seals counted each observation each month. The second shows the average number of seals counted during each observation. The graph in figure 1 is read as follows: for example, there were an average of 80 seals counted hauled out during each observation made during the month of December. The same graphs (figures 2 and 3) for the previous two Seasonal Closure annual reports are included for comparison as well as figure 4, the data from December 2013 to May 2014, which was the last pupping season where visitors could go onto the beach. Also included for comparison are figures 5 through 8, which graph the average number of seals data during the non-closure or Guideline Rope period, the other seven months of the year when the beach is open to the public.

Developed Regional Parks Division • Park and Recreation

2125 Park Boulevard • San Diego, CA 92101-4792

Tel (619) 235-1100 Fax (619) 235-1160



Average number of seals per observation per month, Dec 16, 2016 to May 15, 2017

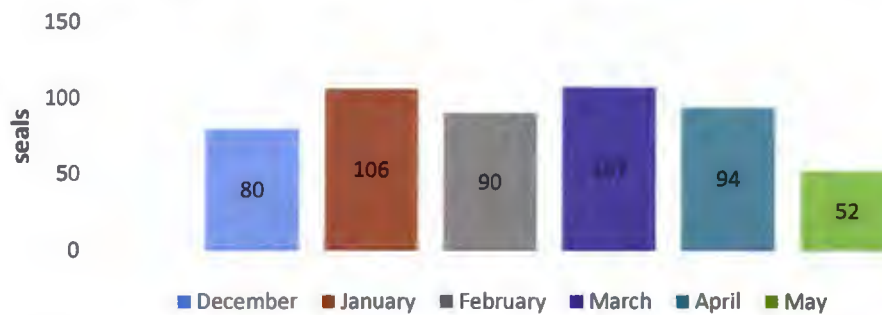


Figure 1

Average number of seals per observation per month, Dec 15, 2015 to May 15, 2016

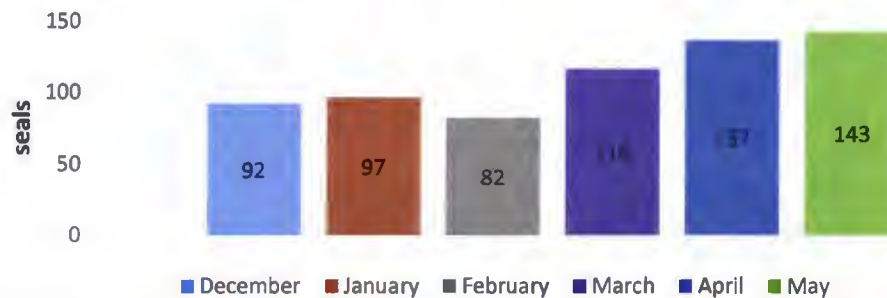


Figure 2

Average number of seals per observation per month, Dec 15, 2014 to May 15, 2015

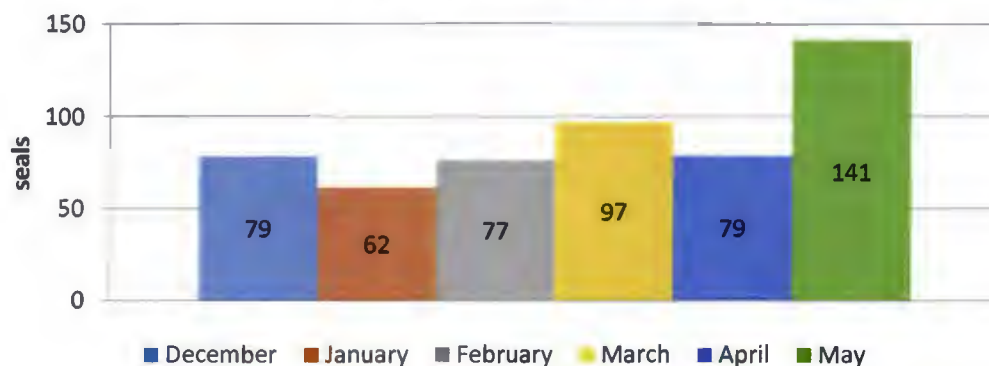


Figure 3

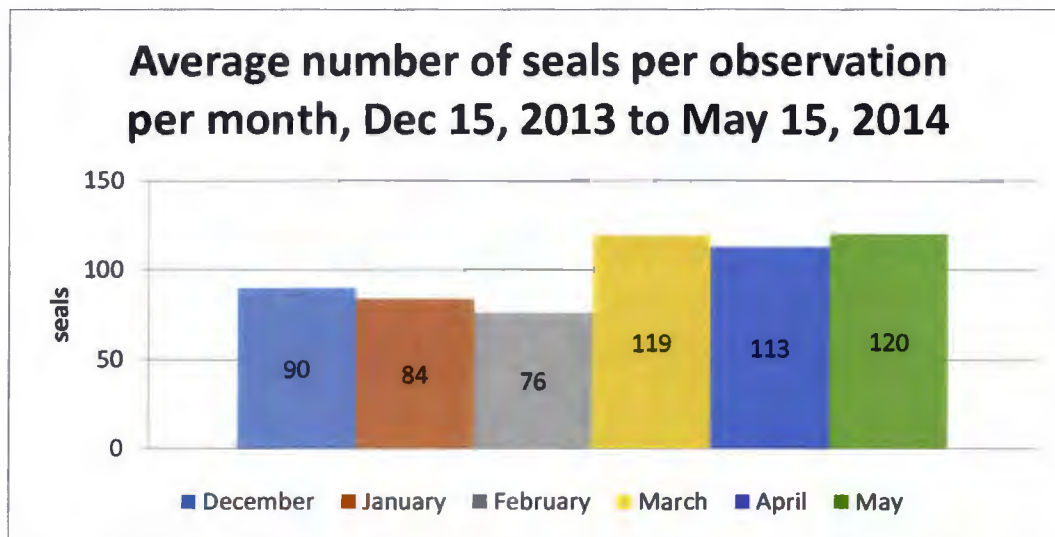


Figure 4

The data graphed on figures 1 through 4 show relatively consistent monthly and seasonal haul out patterns. More seals are observed during the cooler winter and spring months. One inconsistency occurred this past May, 2017. May is the start of harbor seal moulting season and has been historically the month when the greatest number of seals hauled out has occurred. However, in May of this year there were just an average of 52 seals per observation, a two thirds drop in the average of previous years. The cause is unknown. There were no major climate changes during the month of May, temperatures were close to average. Monitoring will continue to see if a new trend emerges.

Graphs of the number of seals observed during the non-closure period the previous three years (figures 5 through 8) are included for comparison purposes:

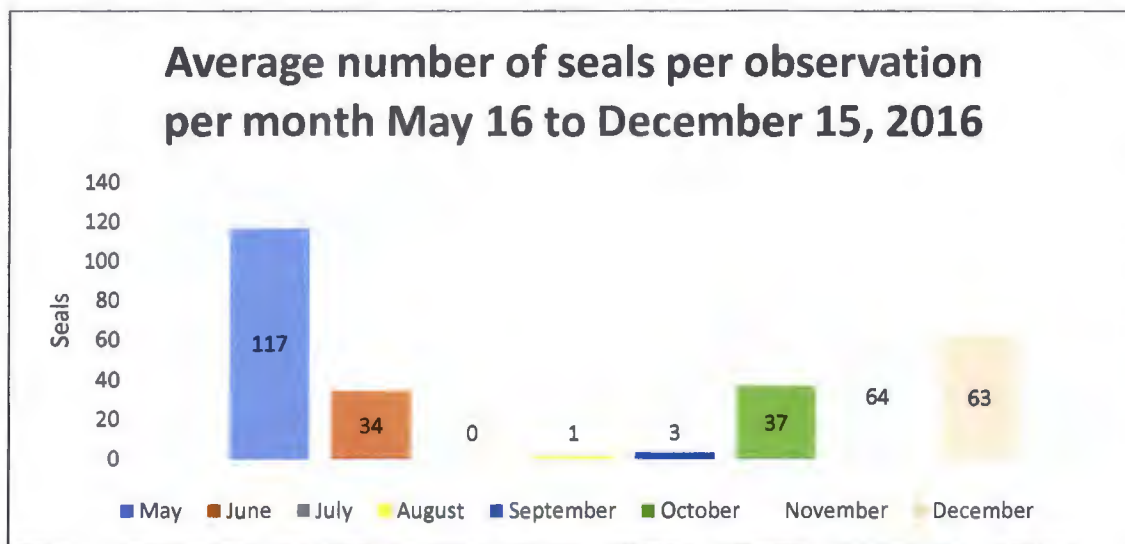


Figure 5

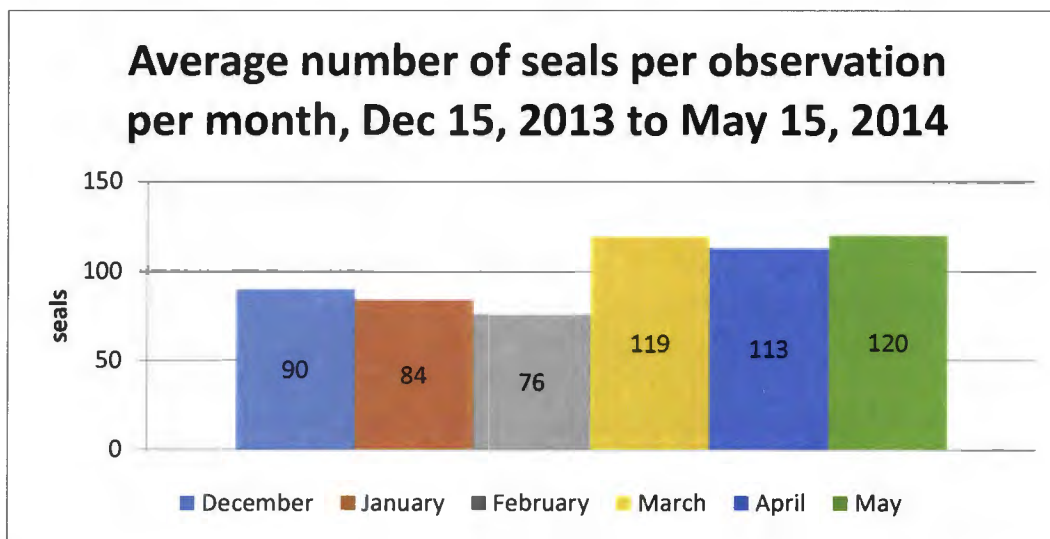


Figure 4

The data graphed on figures 1 through 4 show relatively consistent monthly and seasonal haul out patterns. More seals are observed during the cooler winter and spring months. One inconsistency occurred this past May, 2017. May is the start of harbor seal moulting season and has been historically the month when the greatest number of seals hauled out has occurred. However, in May of this year there were just an average of 52 seals per observation, a two thirds drop in the average of previous years. The cause is unknown. There were no major climate changes during the month of May, temperatures were close to average. Monitoring will continue to see if a new trend emerges.

Graphs of the number of seals observed during the non-closure period the previous three years (figures 5 through 8) are included for comparison purposes:

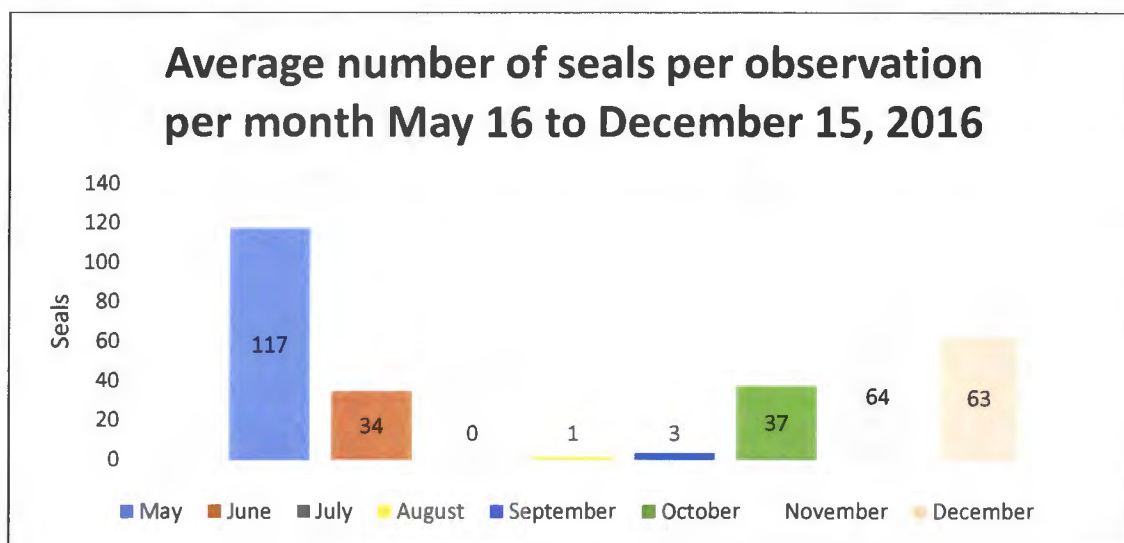


Figure 5

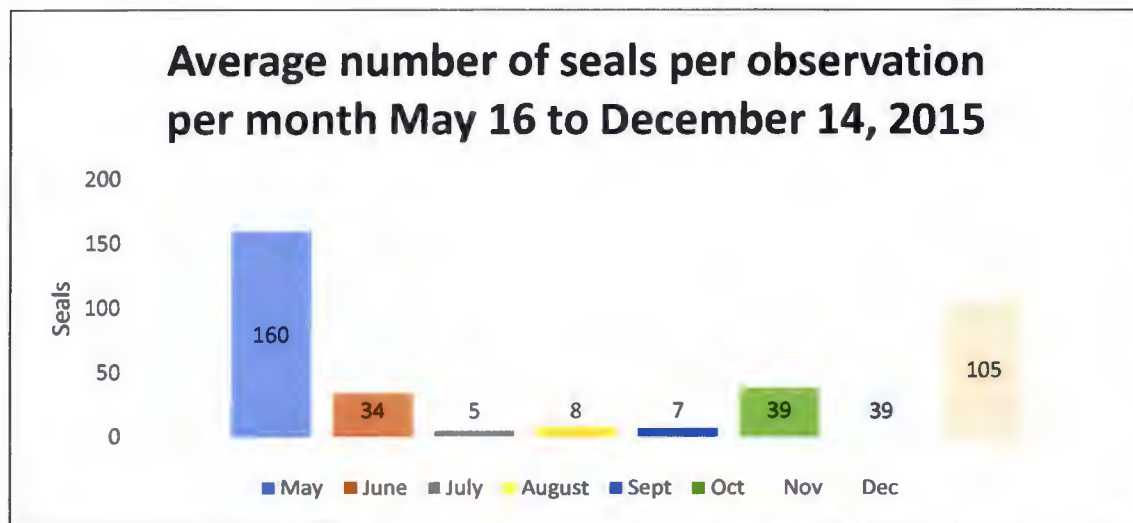


Figure 6

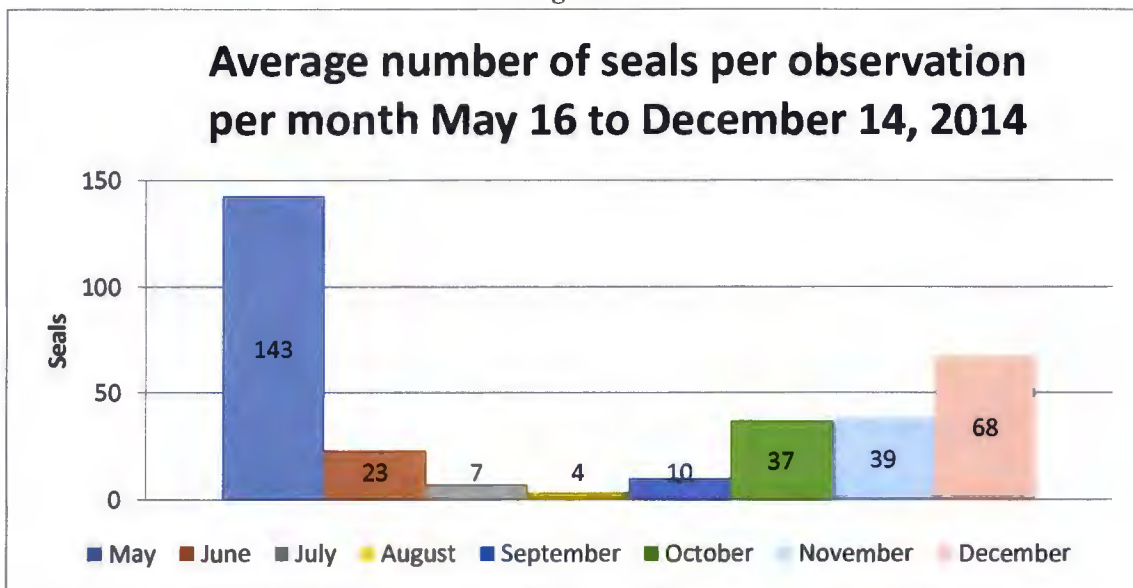


Figure 7

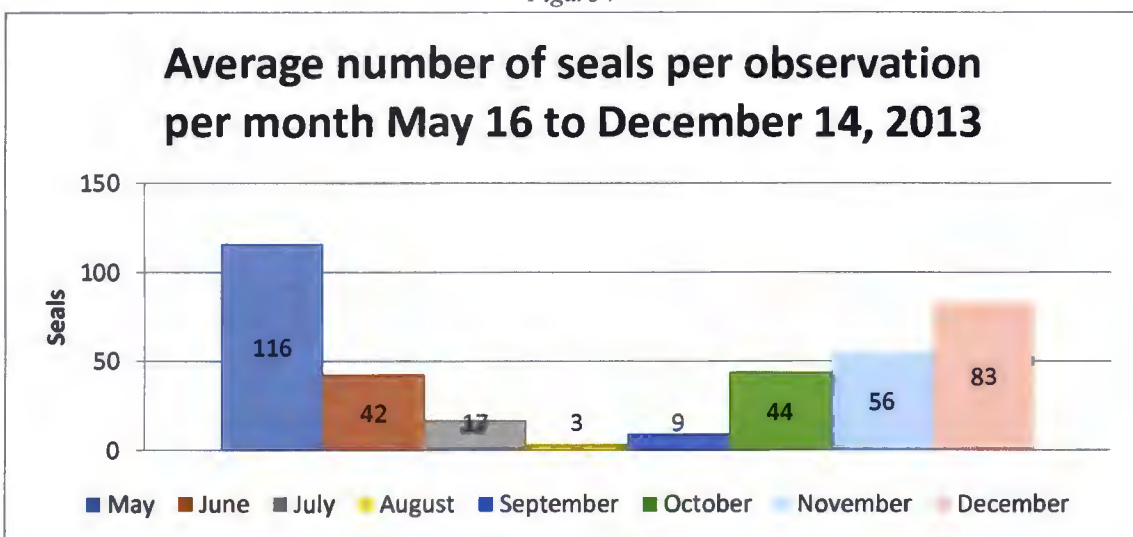


Figure 8

The preceding graphs displayed the average number of seals per observation per month. The following graph (figure 9) shows the number of seals counted per observation divided into numerical groupings. This graph can be read as follows: example, in 46 of the 333 observations made from December 16, 2016 to May 15, 2017

between 1 and 49 seals were counted. The same graphs (figures 10, 11, and 12) for the previous three pupping seasons are included for comparison.

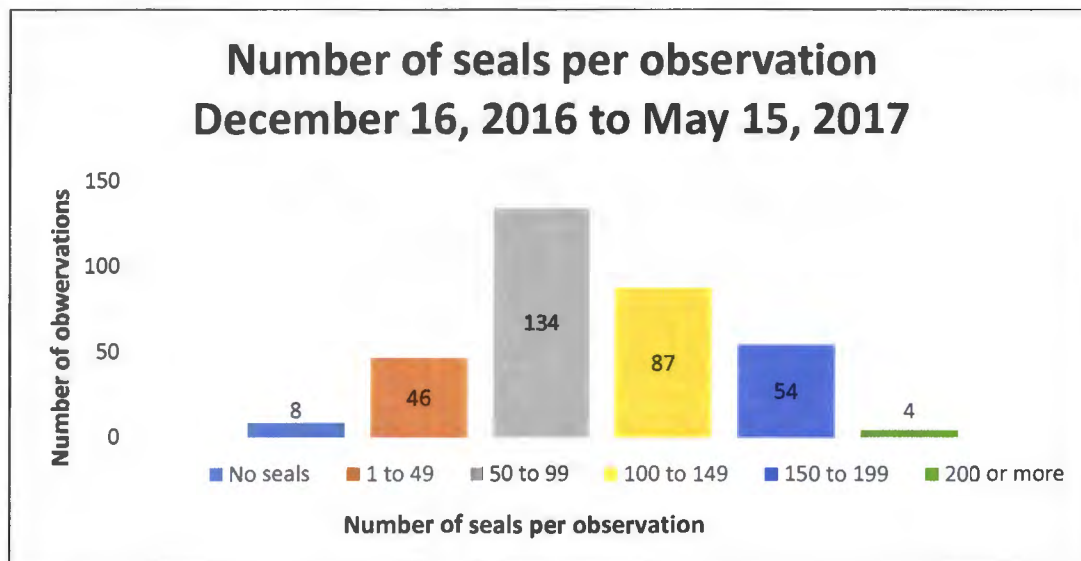


Figure 9

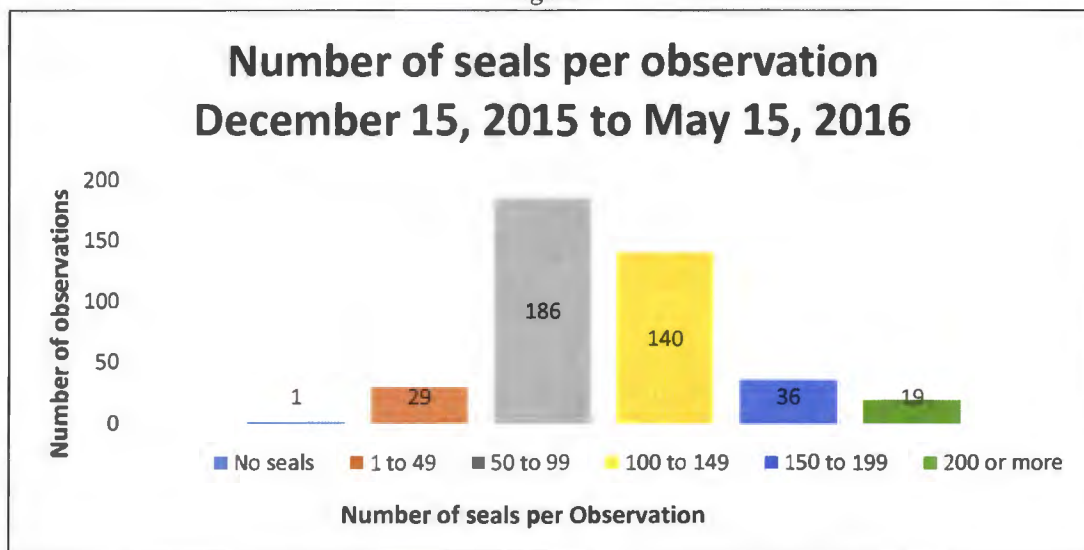


Figure 10

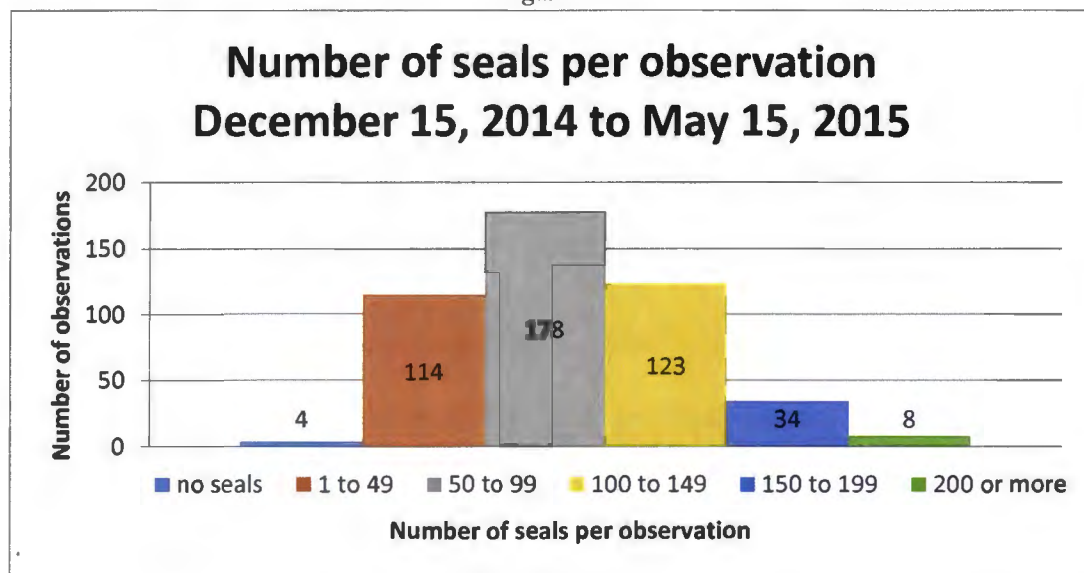


Figure 11

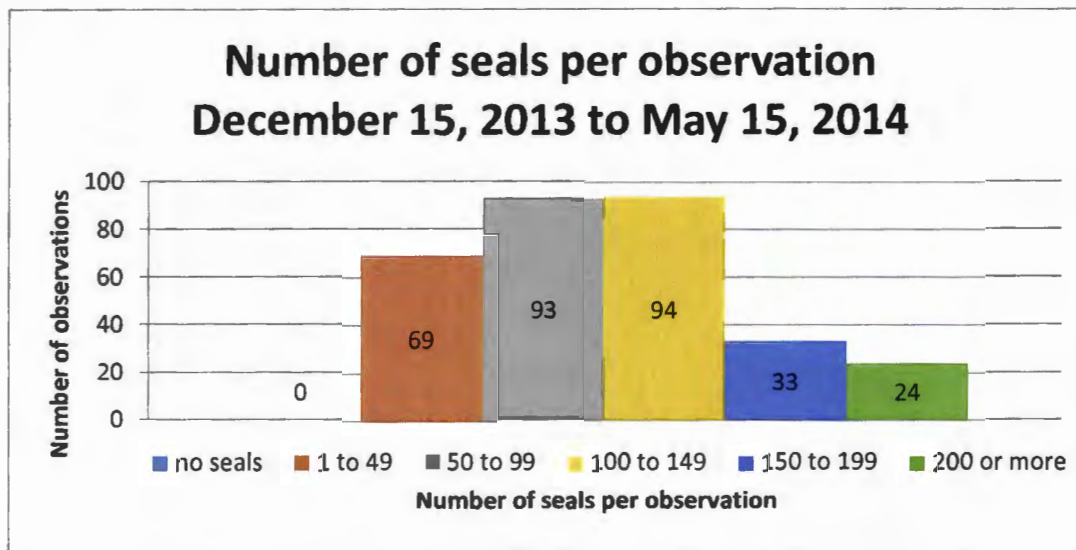


Figure 12

Seals were observed hauled out on Children's Pool beach on 325 of the 333 observations made. As with previous closure periods, there are seals hauled out almost continuously during pupping season. There were 8 observations where no seals were present. These occurred in mid-December just after the closure began and in early May, after all pups had been weaned. In contrast, during the summertime open period, no seals were observed in 41% of the observations made. This has been a consistent seasonal pattern since the start of the required monitoring programs began.

Graphs of the number of seals per observation during the non-closure period (figures 13 through 16) the previous four years are included for comparing closure period versus shared use/guideline rope period haul-out patterns:

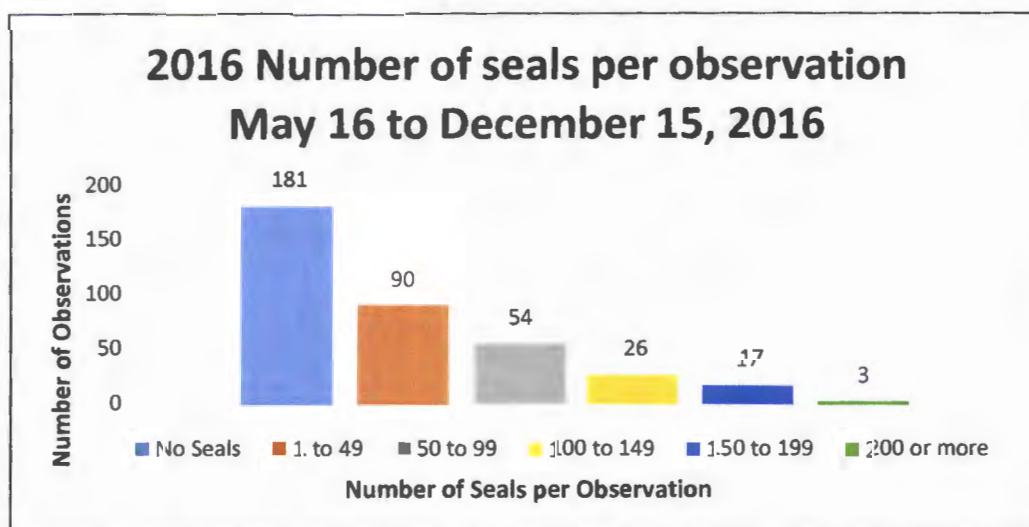


Figure 13

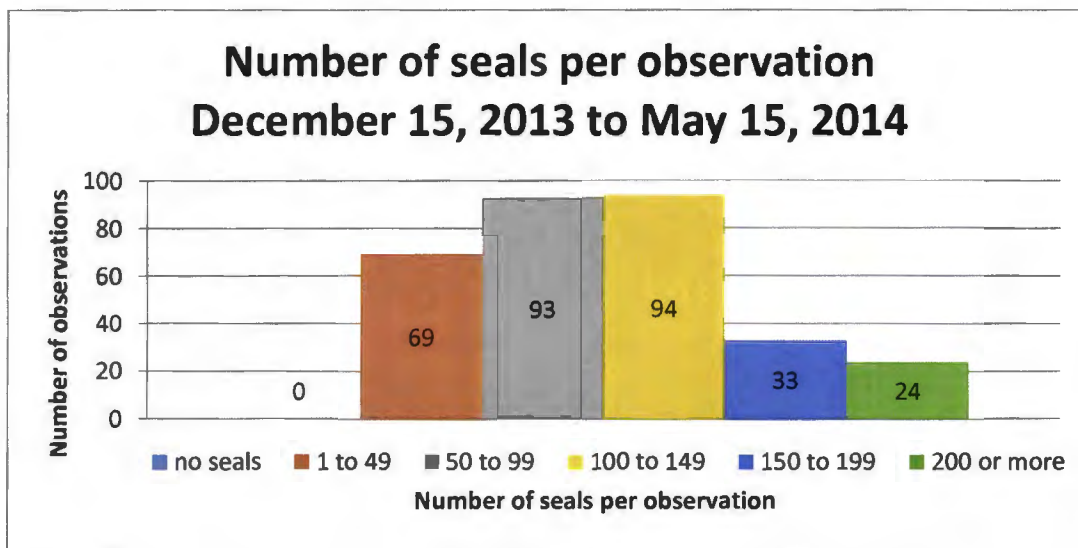


Figure 12

Seals were observed hauled out on Children's Pool beach on 325 of the 333 observations made. As with previous closure periods, there are seals hauled out almost continuously during pupping season. There were 8 observations where no seals were present. These occurred in mid-December just after the closure began and in early May, after all pups had been weaned. In contrast, during the summertime open period, no seals were observed in 41% of the observations made. This has been a consistent seasonal pattern since the start of the required monitoring programs began.

Graphs of the number of seals per observation during the non-closure period (figures 13 through 16) the previous four years are included for comparing closure period versus shared use/guideline rope period haul-out patterns:

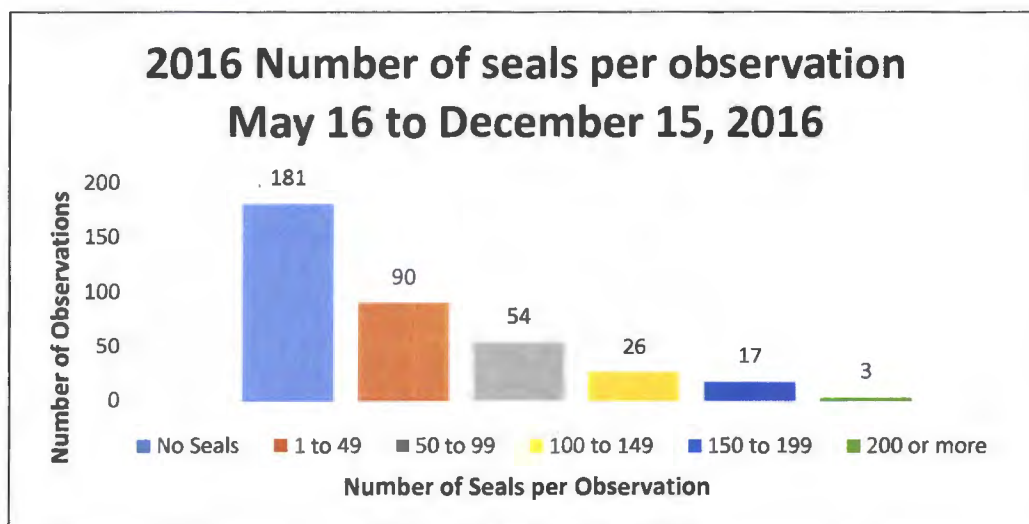


Figure 13



Figure 14

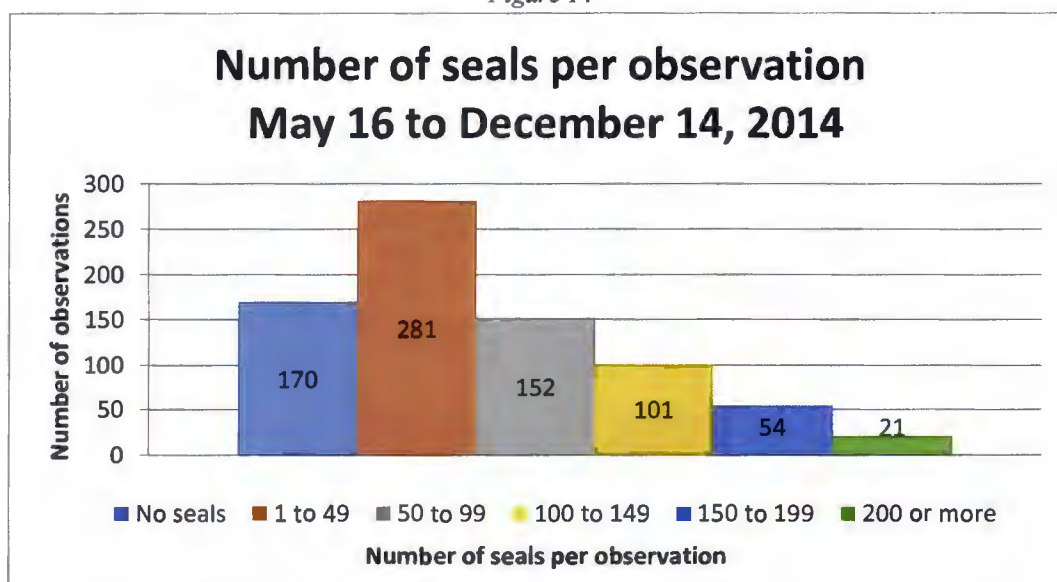


Figure 15

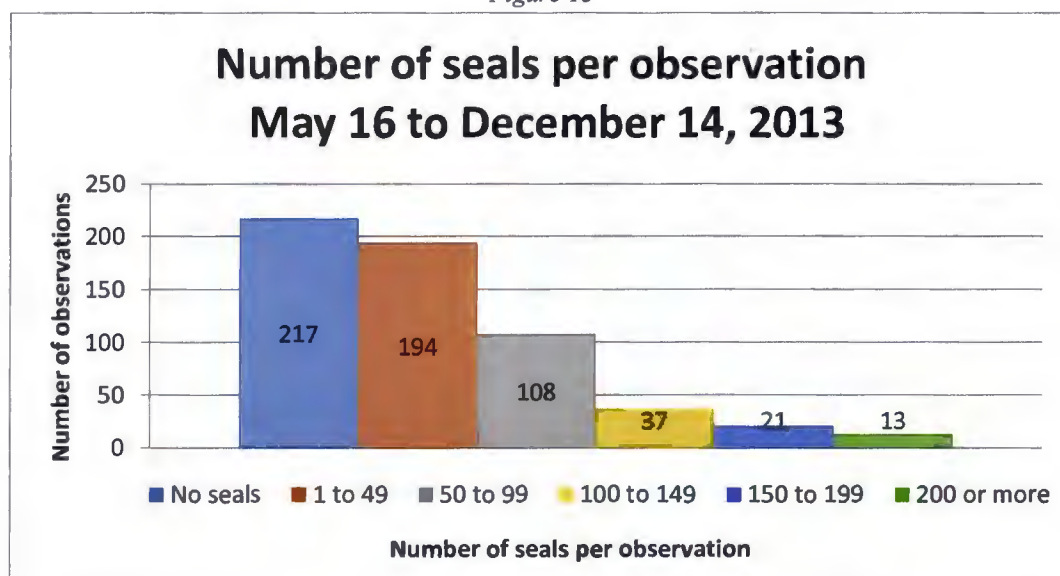


Figure 16

Seal Pup Statistics: There were 70 seal pups born alive during the 2017 pupping season. The first pup was born February 3, 2017. During the 2016 pupping season there were 22 pups that were premature or still born prior to

the first health birth. There were no premature or still born pups observed this 2017 season. Pup #70 was observed nursing April 25th. In comparison, there were 65 pups born in 2016, 63 pups born in 2015, and 54 births during the 2014 pupping season.

Harassment Incident Forms are included in digital format as a PDF file on CD as Attachment 2. These documents record seal harassment and beach closure violation incidents observed by the assigned Park Ranger and Lifeguards while on duty at the Children's Pool. There were 7 flushing incidents and 3 beach closure violations observed during the closure period. Causes of the 7 flushing incidents were:

-4 flushing incidents by swimmers swimming into the Pool area. Swimming in the Pool waters is not illegal as long as the swimmer entered the water at a location other than the Children's Pool Beach. It is only illegal to step onto the dry sand.

-1 by low flying helicopter which spooked hundreds of gulls on the beach whose sudden take off caused 60 of 120 seals to flush.

-1 by a Mylar balloon that floated into the Pool waters causing 40 of 120 seals to flush.

-1, which was also a closure violation, by three white males who went on to the beach in disregard of the closure law. One of the males laid down on the sand close to the seals causing a flush. This incident was recorded by witnesses who reported it to the police and showed the video to the Park Ranger. The subjects had departed before law enforcement arrived.

The other three beach closure violations observed did not result in flushing incidents. The suspects in each incident were field interviewed and released with a warning. There were no citations issued during the closure period.

Requirement #2: An evaluation of the condition and performance of the approved structures (signs, chain), including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure:

On May 3, 2016, in response to a lawsuit alleging the seasonal closure was illegal, an Orange County Superior Court Judge ruled that the closure was unlawful. San Diego City Council voted to appeal the Judge's decision. The Fourth District Court of Appeals granted a stay of the Superior Court decision on December 15, 2016 until the appeal is ruled on which allowed the closure to begin December 16th, a day late.

The primary beach closed sign was attached to a length of chain. The chain was attached with combination locks to eye bolts inserted into each side of the wall at the top of the flight of steps leading down to the beach. This location is highly visible to all visitors and leaves no question in any visitor's mind about the status of the beach. There were no adverse issues with the sign during this closure period.

The approved location of sign number 2 is on the locked gate, adjacent to the breakwater entrance, at the top of the dirt slope that leads down to the beach. This slope was formerly used for emergency access but erosion has made it unsafe for public use.

The guideline rope on Children's Pool Beach was removed as specified in the CDP. Three of the four the rope support poles remained in place during the closure period. Rope pole #1 was removed and stowed to prevent washout. Rope pole #2 was washed out by very high tides and high surf and had to be replaced with a new post which was put into place when the beach was reopened May 16th.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device (signs, chain): None.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure:

Photographs are included on the attached CD.

Contents of attached CD:

Attachment 1, Data Collection Form 12-16-2016 to 5-15-2017

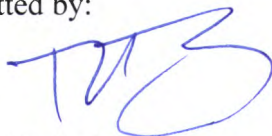
Attachment 2, Harassment Incidents during Beach Closure 12-16-2016 to 5-15-2017

Folder labeled Beach Closure Photos 2016-17

Folder labeled Seal Pup Photos 2017

2017 Children's Pool Beach Closure Monitoring Report unsigned PDF copy

Submitted by:



Richard Belesky

Park Ranger

Shoreline Parks/Developed Regional Parks Division

City of San Diego Park and Recreation Department

2125 Park Boulevard, MS 30M

San Diego, CA 92101

Date: August 30, 2018

To: Executive Director, California Coastal Commission

From: Richard Belesky, Senior Park Ranger, Shoreline Parks

Subject: Children's Pool Beach Seasonal Closure Monitoring Report

2018 Fourth Annual Written Monitoring Report

For the Children's Pool Seasonal Closure

December 15, 2017 through May 15, 2018

Coastal Development Permit Application No.:6-14-0691

On August 14, 2014 the California Coastal Commission approved Coastal Development Permit Application No.:6-14-0691 requested by the City of San Diego for development consisting of the closure of Children's Pool Beach to all public access during harbor seal pupping season, December 15 to May 15 of each year. The permit was accepted by the City on November 13, 2014. Special Condition 2B of the granted permit requires the City of San Diego to submit a written report annually summarizing the results of the data collected during the monitoring period, the condition and performance of the chain and signs, and make recommendations for modifications. The following is submitted in fulfillment of that requirement.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the monitoring period is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1. There were 147 observations recorded during this monitoring period. The observations were made during the day mainly between the hours of 10:00 am and 5:00 pm, which are peak visitor hours. An observation consists of a count of all harbor seals hauled out (out of the water) on the beach and rocks within a line drawn from the tip of the breakwater to the observation gazebo overlooking the beach, as well as weather conditions and state of the tide. Two graphs are created using the observation data. The first graph shows the average number of seals counted each observation each month. The second shows the average number of seals counted during each observation. The graph in figure 1 is read as follows: for example, there were an average of 15 seals counted hauled out during each observation made during the month of December. The same graphs (figures 2, 3, and 4) for the previous three Seasonal Closure annual reports are included for comparison as well as figure 5, the data from December 2013 to May 2014, which was the last pupping season where visitors could go onto the beach. Also included for comparison are figures 6 through 10, which graph the average number of seals data during the non-closure or Guideline Rope period, the other seven months of the year when the beach is open to the public.

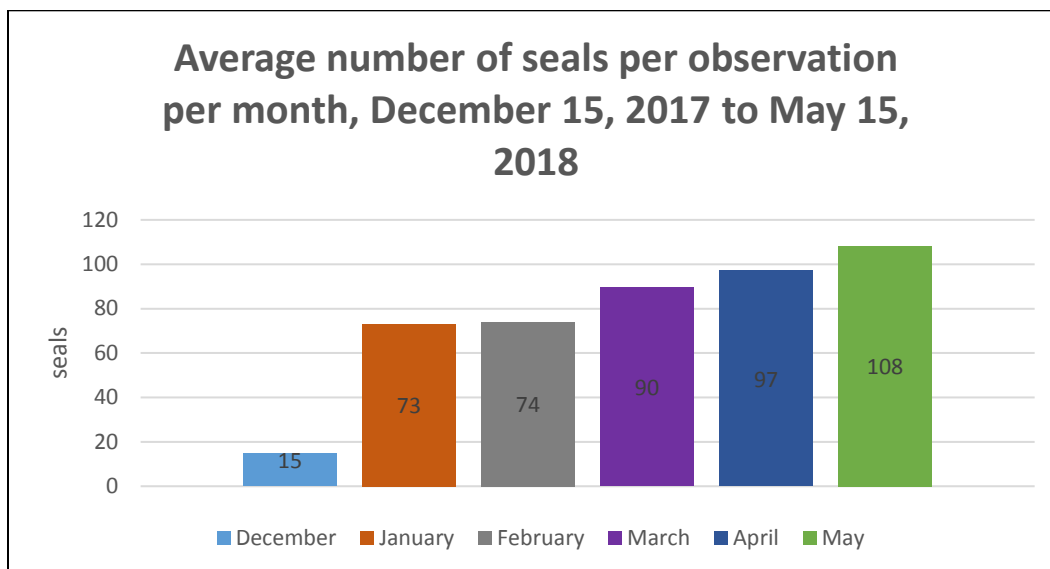


Figure 1

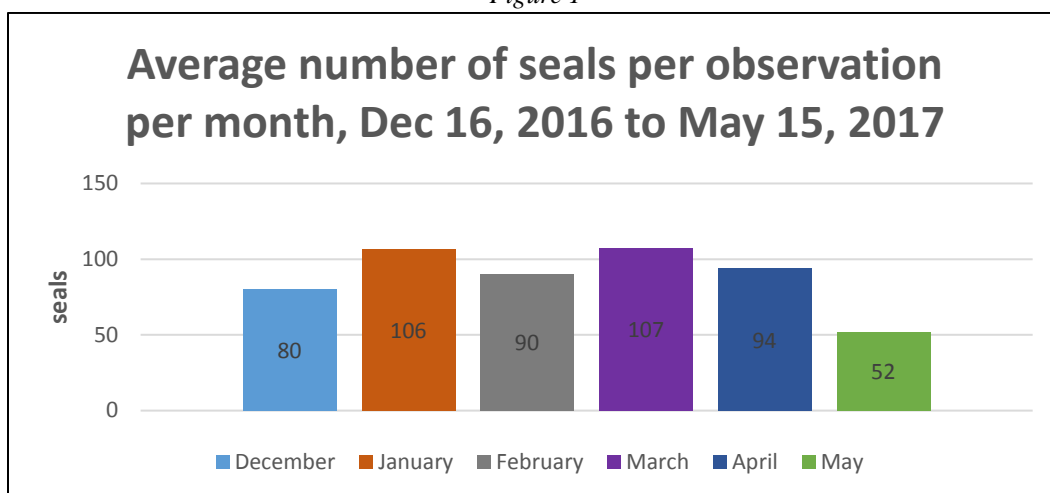


Figure 2

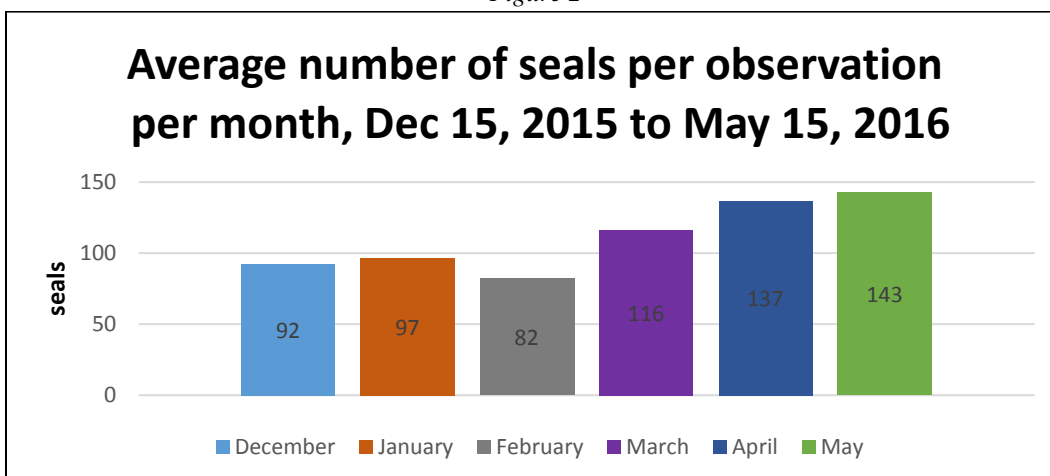


Figure 3

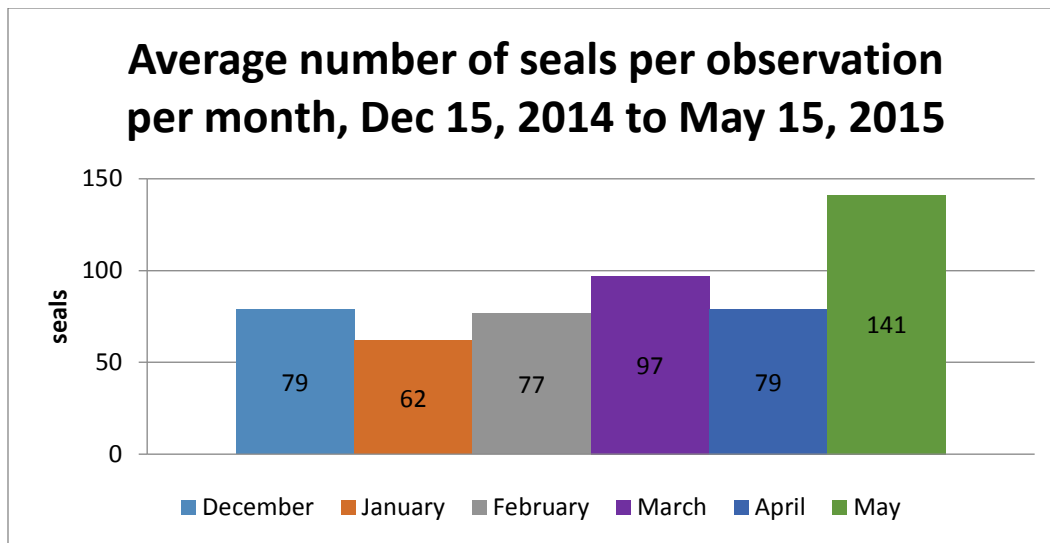


Figure 4

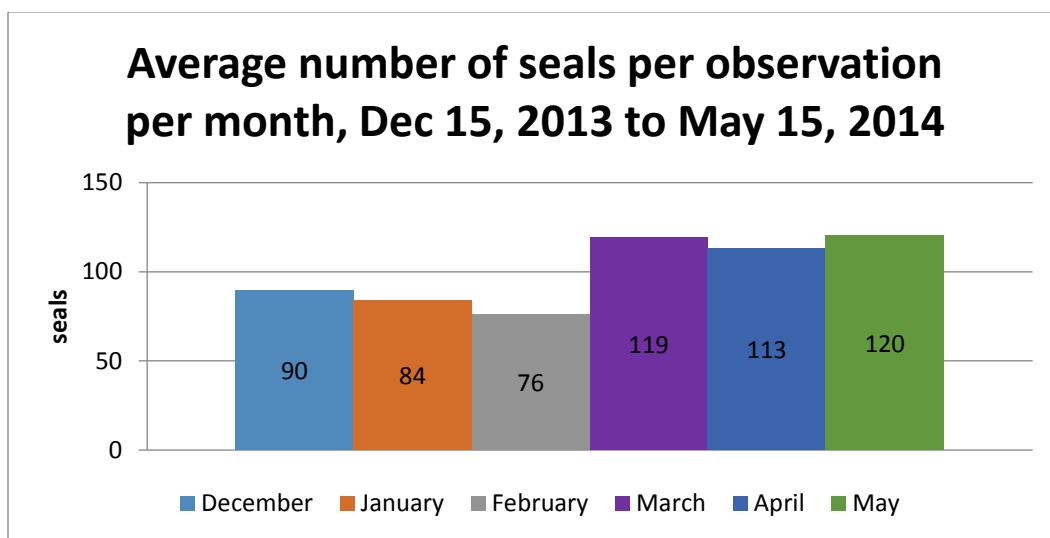


Figure 5

The data graphed on figures 1 through 5 continue to show relatively consistent monthly and seasonal haul out patterns. More seals are observed during the cooler winter and spring months. There was a below normal average of seals observed during the latter half of December 2017. A possible explanation is that December 2017 was one of the warmest and driest Decembers on record resulting in summer-like weather which data shows does not seem to result in suitable haul-out conditions for harbor seals.

An inconsistency occurred last May 2017 when a two-thirds drop in the average number of seals was observed. This May 2018, which again was an average May weather-wise, showed a return to the seasonal average observed since 2013 making May 2017 possibly a statistical aberration.

The following graphs of the number of seals observed during the non-closure period the previous five years (figures 6 through 10) are included for comparison to the closure period:

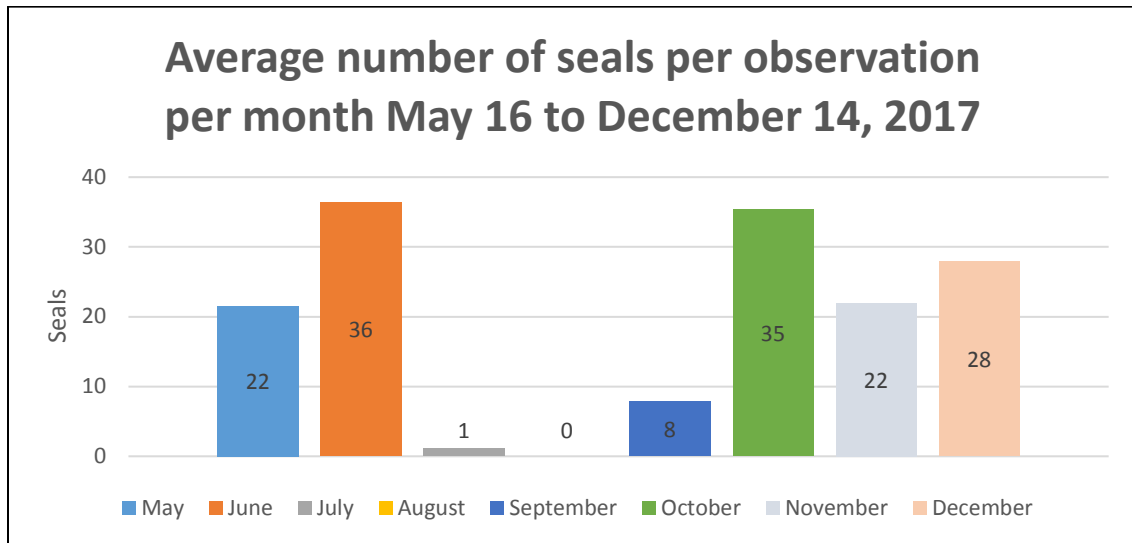


Figure 6

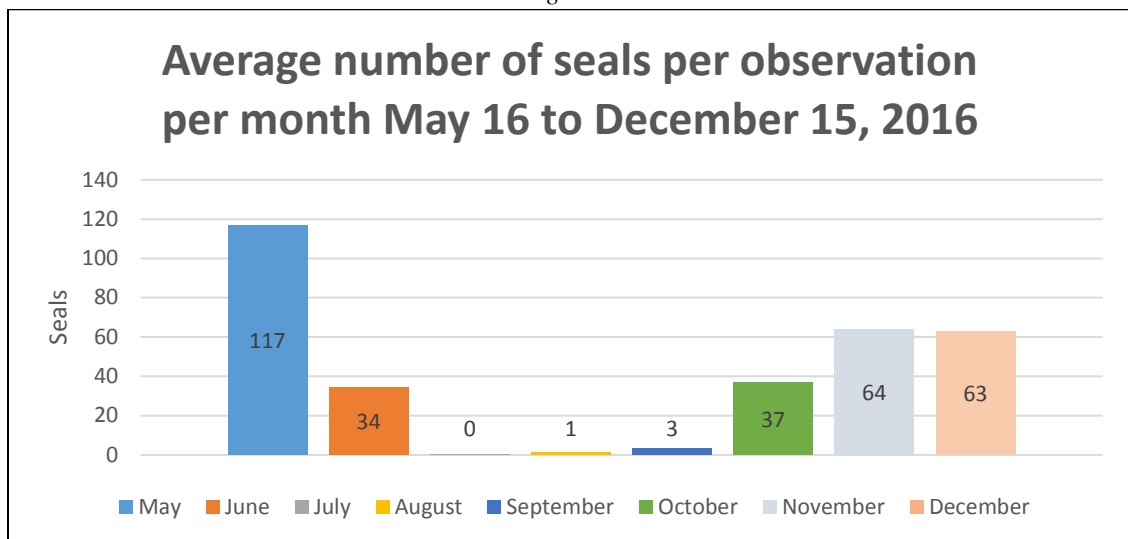


Figure 7

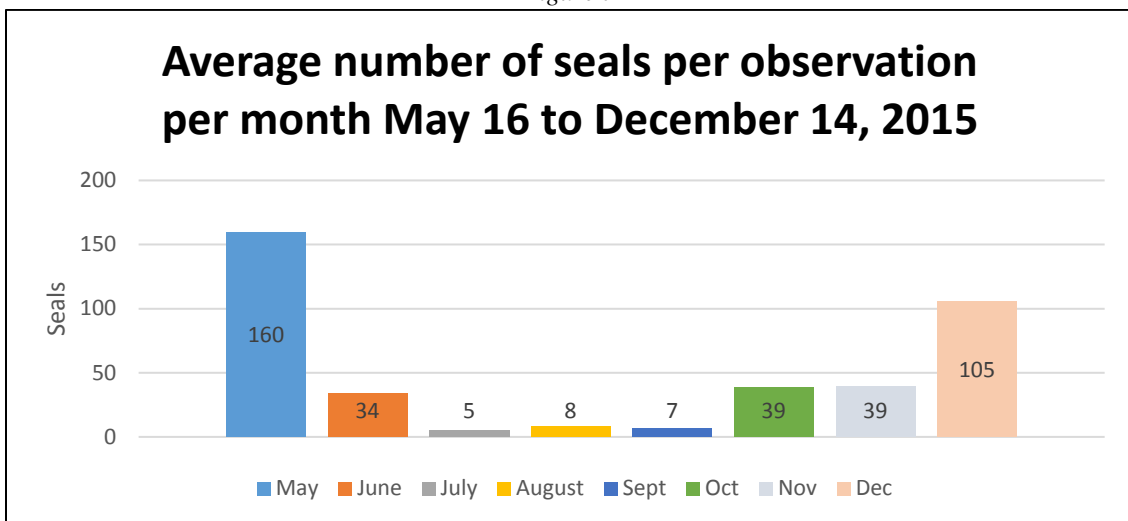


Figure 8

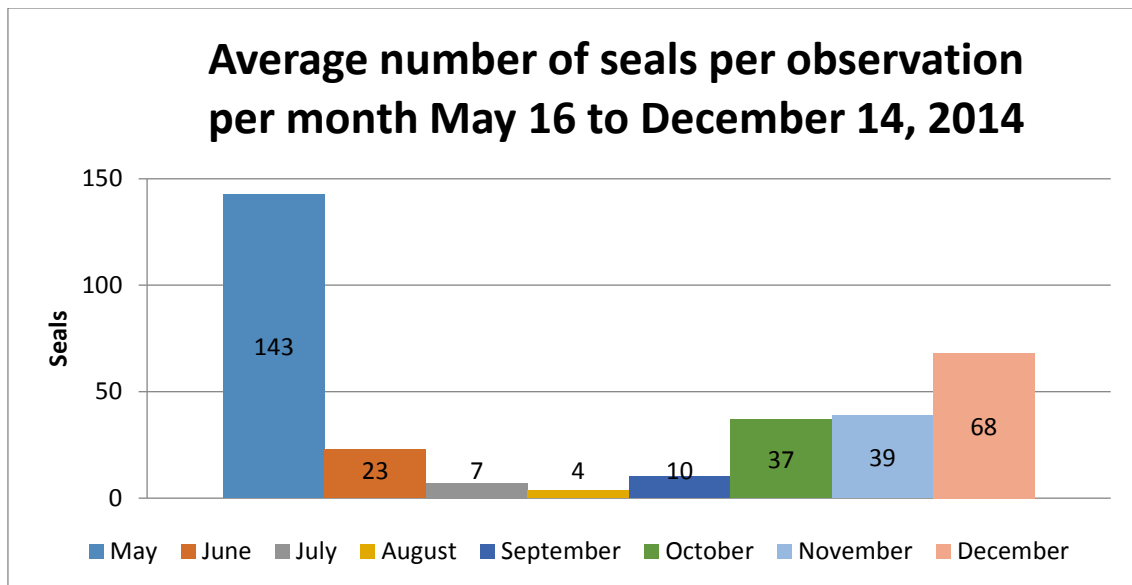


Figure 9

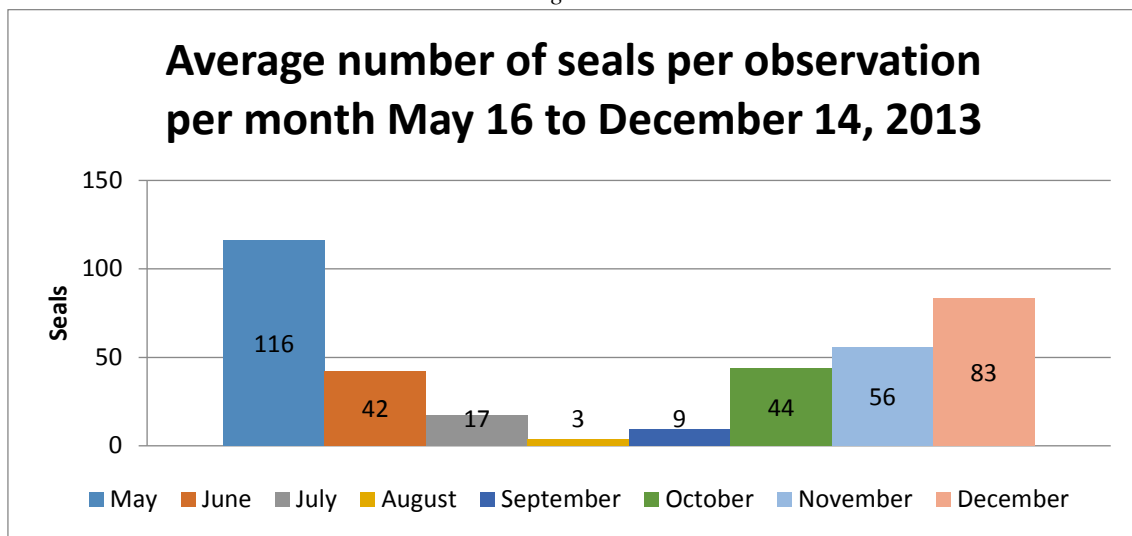


Figure 10

The preceding graphs displayed the average number of seals per observation per month. The following graph (figure 11) shows the number of seals counted per observation divided into numerical groupings. This graph can be read as follows: example, in 30 of the 147 observations made from December 15, 2017 to May 15, 2018 between 1 and 49 seals were counted. The same graphs (figures 12 through 15) for the previous four pupping seasons are included for comparison.

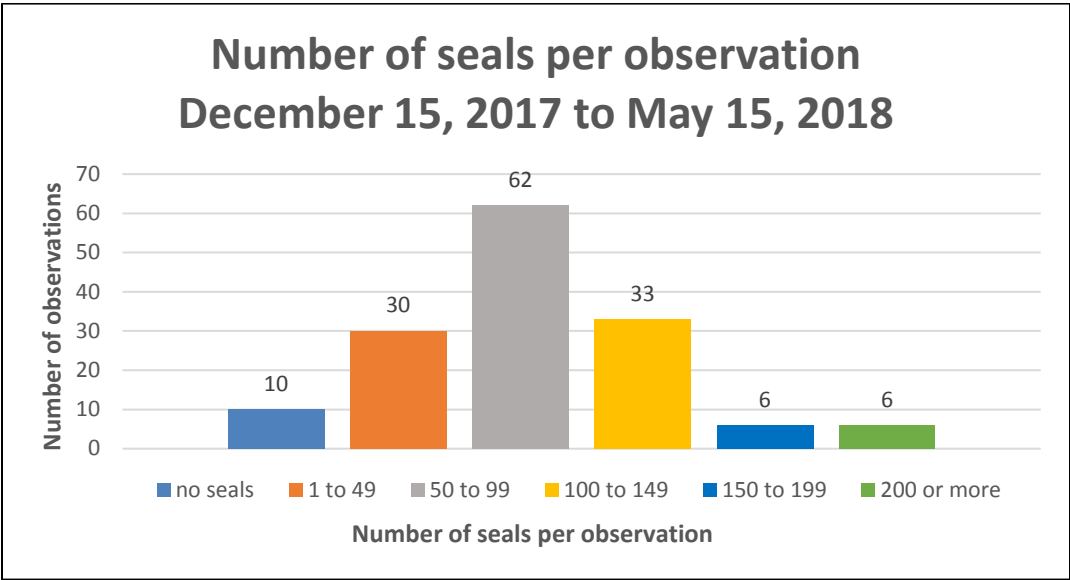


Figure 11

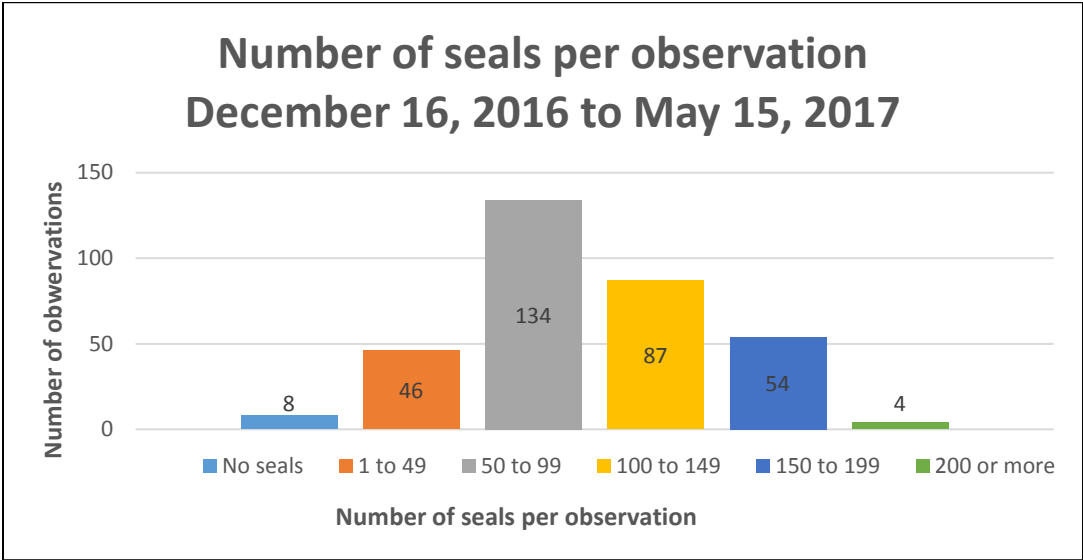


Figure 12

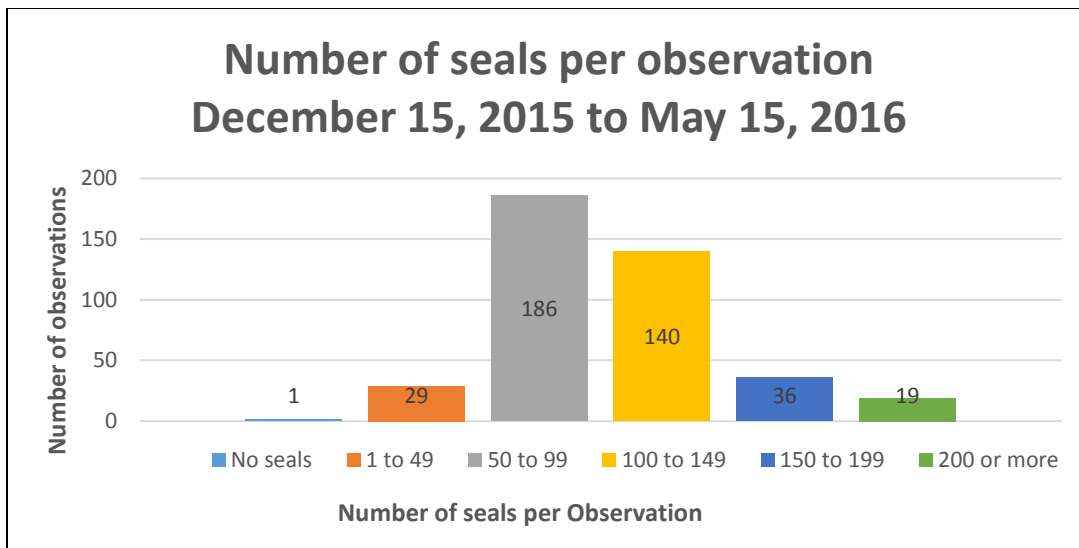


Figure 13

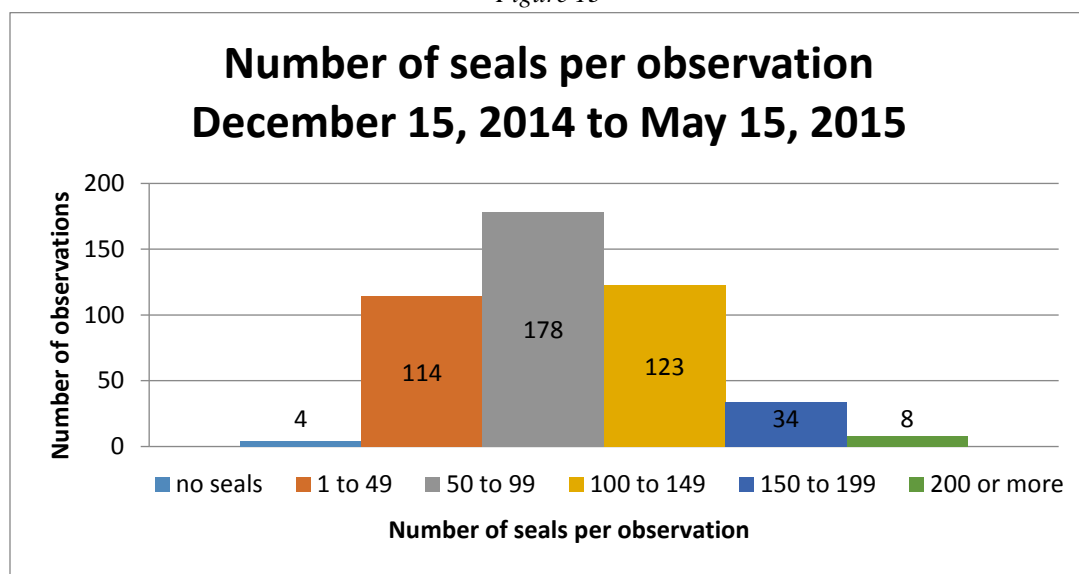


Figure 14

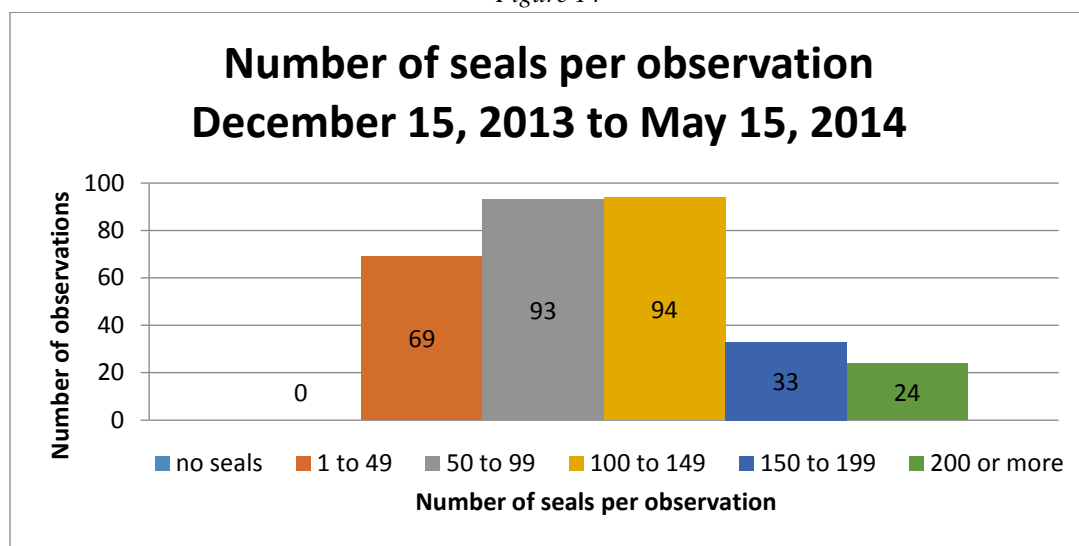


Figure 15

Seals were observed hauled out on Children's Pool beach on 137 of the 147 observations made. As with previous closure periods, there are seals hauled out almost continuously during pupping season. There were 10

observations where no seals were present. These occurred in mid-December just after the closure began and in early May, after all pups had been weaned. In contrast, during the 2017 summertime open period, no seals were observed in 68% of the observations made. This has been a consistent seasonal pattern since the start of the required monitoring programs began.

Graphs of the number of seals per observation during the non-closure period (figures 16 through 20) the previous five years are included for comparing closure period versus shared use/guideline rope period haul-out patterns:

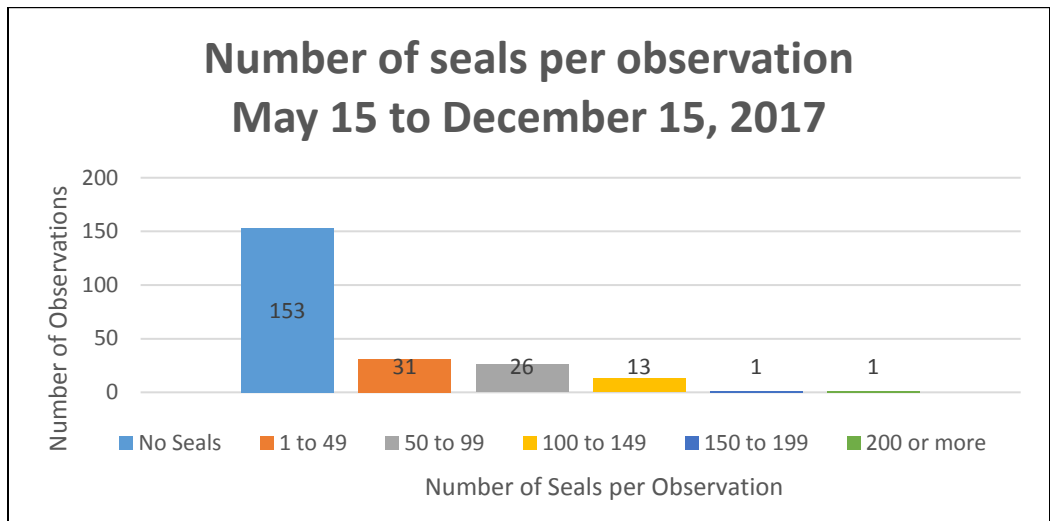


Figure 16

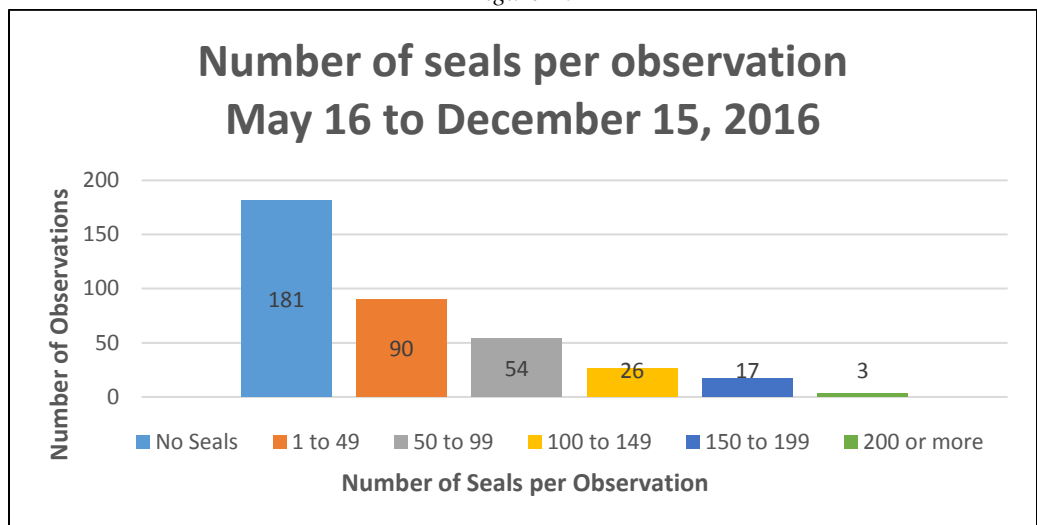


Figure 17

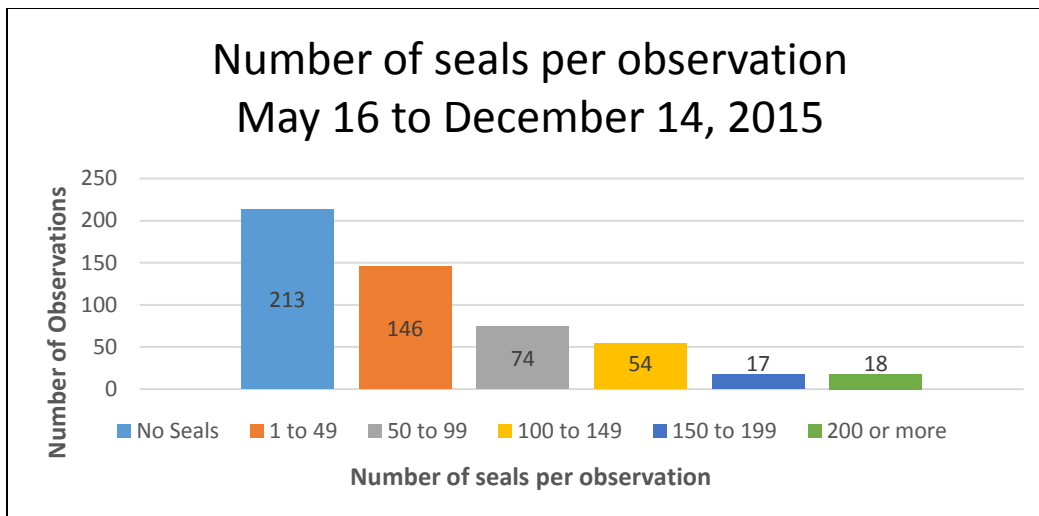


Figure 18

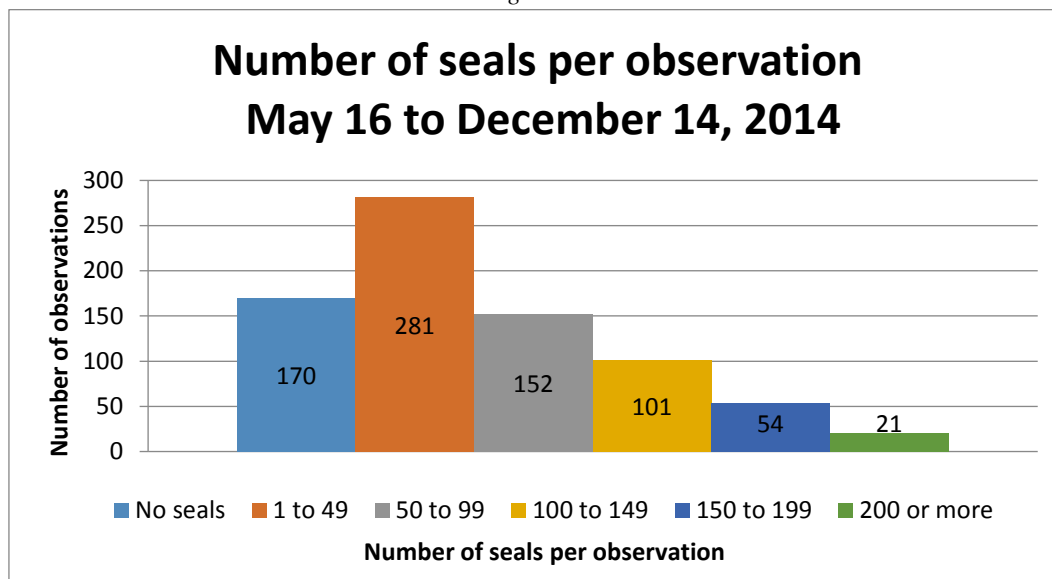


Figure 19

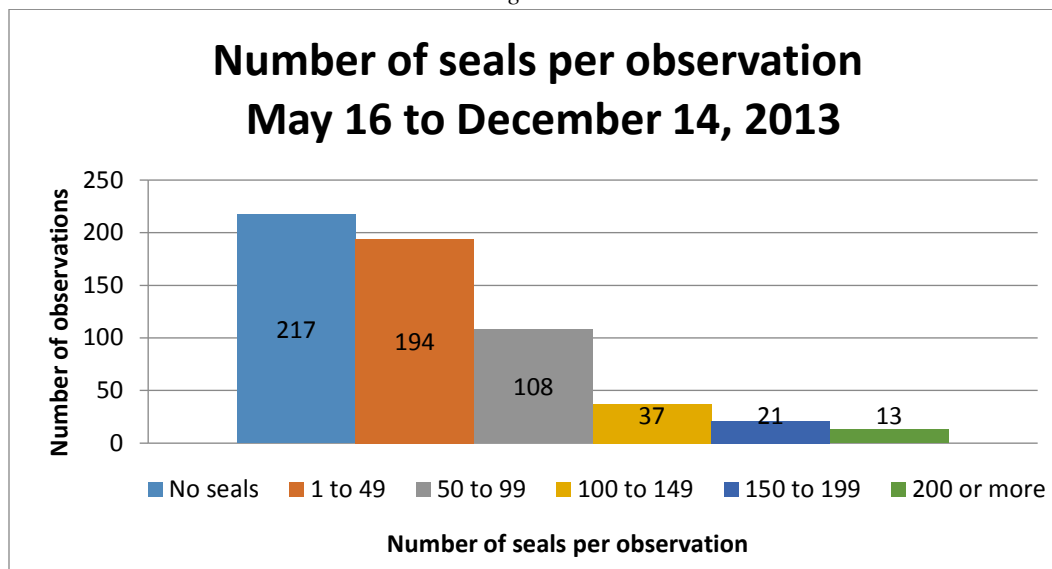


Figure 20

Seal Pup Statistics: There were 64 seal pups born alive during the 2018 pupping season. The first healthy pup was born January 3, 2018, which is very early for the San Diego colony. Pup #1 was already weaned by the

time pup #2 was born on February 8. There were 3 still births and 1 pup rescued by SeaWorld during this pupping season. In comparison, there were 70 pups born in 2017, 65 pups born in 2016, 63 pups born in 2015, and 54 births during the 2014 pupping season.

Harassment Incident Forms are included in digital format as a PDF file on CD as Attachment 2. These documents record seal harassment and beach closure violation incidents observed by the assigned Park Ranger and Lifeguards while on duty at the Children's Pool. There was 1 flushing incident and 2 beach closure violations observed during the closure period. The flushing incident was caused by swimmers swimming into the Pool area. Swimming in the Pool waters is not illegal as long as the swimmer entered the water at a location other than the Children's Pool Beach. It is only illegal to step onto the dry sand.

The beach closure violations were two instances of fresh footprints on the sand observed in December in the morning left by one or more persons going onto the beach at night. No suspects were identified. Note that there is no law enforcement or security presence or surveillance cameras to prevent this type of violation at night. There was no indication of maliciousness directed towards hauled out seals on those nights.

There were no citations issued during the closure period.

Requirement #2: An evaluation of the condition and performance of the approved structures (signs, chain), including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure:

The primary beach closed sign was attached to a length of chain. The chain was attached with combination locks to eye bolts inserted into each side of the wall at the top of the flight of steps leading down to the beach. This location is highly visible to all visitors and leaves no question in any visitor's mind about the status of the beach. There were no adverse issues with the sign during this closure period.

The approved location of sign number 2 is on the locked gate, adjacent to the breakwater entrance, at the top of the dirt slope that leads down to the beach. This slope was formerly used for emergency access but erosion has made it unsafe for public use.

The guideline rope on Children's Pool Beach was removed as specified in the CDP. Two of the four the rope support poles remained in place during the closure period. Rope poles #1 and 2 were removed and stowed to prevent washout.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device (signs, chain): None.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure:

Photographs are included on the attached CD.

Contents of attached CD:

Attachment 1, Data Collection Form 12-15-2017 to 5-15-2018

Attachment 2, Harassment Incidents during Beach Closure 12-15-2017 to 5-15-2018

Folder labeled Beach Closure Photos 2017-18

Folder labeled Seal Pup Photos 2018

2018 Children's Pool Beach Closure Monitoring Report unsigned PDF copy

Submitted by:

Richard Belesky

Senior Park Ranger

Shoreline Parks/Developed Regional Parks Division

City of San Diego Park and Recreation Department

2125 Park Boulevard, MS 30M

San Diego, CA 92101

Date: May 15, 2014

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool

Subject: Children's Pool Year-round Rope Annual Monitoring Report

First Annual Written Monitoring Report

For the Children's Pool Beach Year-Round Rope

Coastal Development Permit Application No.:6-11-078

Coastal Development Permit Application No.:6-11-078 granted the City of San Diego permission to erect and maintain a year-round guideline rope on the Children's Pool beach to provide a buffer between humans and seals. The permit was accepted by the City on May 14, 2013. Special Condition 4B of the granted permit requires the City of San Diego to submit a written report annually summarizing the condition and performance of the approved structure, make recommendations for modifications, and establish baseline data that will be used to determine the level of use of the beach by seals as a haul out location throughout the year and to also assess the level of effectiveness of the rope at minimizing visitor disturbance of hauled out seals. The following is submitted in fulfillment of that requirement.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the past year is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1. This is the first year's worth of beach usage by seals data and will be used as a baseline for comparison with subsequent years data. Review of the past year's data does show year-round usage of the beach by seals as a haul-out location but with significantly less usage during the day from mid-June through October 1, 2013. There were 109 consecutive days from June 14, 2013 to October 1, 2013 where less than 100 seals were counted on the beach during daylight hours. From June 16, 2013 to December 14, 2013 data observations recorded 0 seals on the beach or the rocks 217 times. Since December 14, 2013 there have been seals present at every count, with 2 being the least amount and 275 being the maximum counted. The data also shows that on a daily basis the number of seals hauling out tends to increase from morning to afternoon.

EXHIBIT NO. 9

APPLICATION NOS.

6-14-0691-A1 & 6-15-0223-A2

Guideline Rope
Monitoring Reports

Page 1 of 68
California Coastal Commission

Harassment Incident Forms are included in digital format as PDF files on CD as Attachment 2. These documents record seal harassment incidents directly observed by the assigned Park Ranger while on duty at the Children's Pool. The Ranger observed 28 incidents of human activity that resulted in seals flushing in response. Of these incidents, 9 were due to snorkelers, scuba divers, and/or spear fishermen entering or exiting the water, 11 were due to people crossing the rope to get closer to the seals and the remaining incidents were from various causes such as low flying military helicopters, people fishing from the end of the breakwater, a loud noise from the stairway, and a lifeguard rescue boat that entered the pool area while training. Many other seal harassment incidents have been witnessed, photographed, and video recorded by visitors and reported to the Ranger but date and time of those incidents could not be verified and therefore were not documented on the Harassment Incident Form.

Requirement #2: An evaluation of the condition and performance of the approved structure, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: Several repairs to the rope and poles have been performed over the past year. The most common repair has been the need for grounds maintenance personnel to reseal rope pole 1, the pole closest to the rock, deeper into the sand. Children pulling or hanging on the rope cause the base of the pole to loosen and pull up out of the sand and the rope to get excessively slack. Reseating has had to be done about once a month.

The rope was found cut between poles 3 and 4 the morning of December 16. There was enough excess rope coiled at the seawall end to reconnect the rope at pole 3. However, the rope was cut again two nights later. A new rope was installed December 19. There has been no further rope cutting incidents to date.

Very high tides and high surf washed out pole 1 the morning of December 31, 2013 and again March 2, 2014. Grounds maintenance personnel replaced the pole after each washout as soon as practical after the tide receded and hauled out seals moved away.

The rope has performed as expected, greatly reducing seal disturbance by beach visitors. The amount of reduction cannot be statistically measured due to lack of baseline data. Personal observations by the assigned Park Ranger have shown that when seals are hauled out on the Children's Pool beach the vast majority of visitors will automatically view them from behind the rope. There have been instances of the rope being overly effective (see photos). Instances, predominantly in the summer, when there were no seals on the beach as well as no visitors yet Shell beach just to the north and South Casa beach just to the south were crowded with beachgoers. Visitors have reported to the Ranger that they saw the rope on the beach and just assumed that the beach was closed.

The rope is ineffective when certain tidal conditions occur. The rope and poles are installed at the mean high tide line. When high spring tides occur in conjunction with new and full moons seals haul out on the "people" side of the rope. Since there is nothing separating visitors and seals human/seal interaction is much more common. It is interesting to note that the majority of these highest high tides occur at night or early in the morning and not during peak visitor hours.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device: In order to reduce the number of times pole 1 has to be reseated because of rope pulling and washouts it is recommended that poles 1 and 2 be replaced with longer poles that can be buried deeper into the sand while still maintaining the four foot maximum height above the surface.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure: Seven photographs demonstrating the performance and effectiveness of the rope are included on the following pages. Additional photographs are included on the attached CD.

Submitted by:

Richard Belesky
Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101



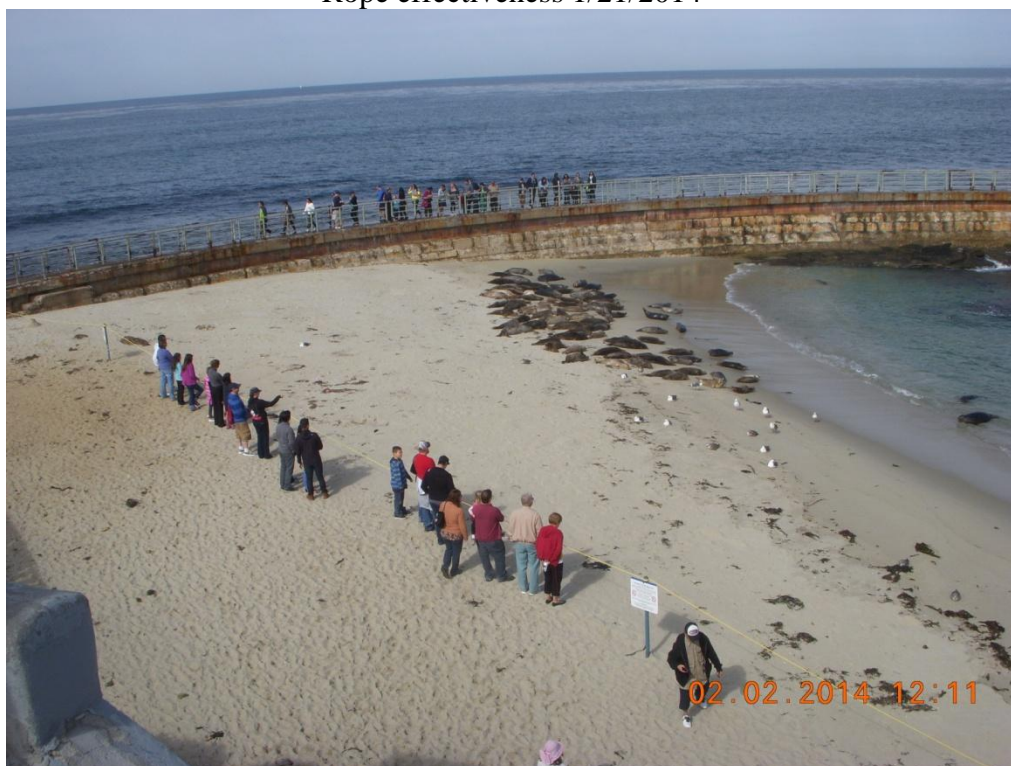
Rope effectiveness: Top photo is Shell Beach taken from Children's Pool Gazebo. Bottom photo is Children's Pool beach also taken from the gazebo 2 minutes later.



Rope effectiveness: Top photo is South Casa beach just south of the Children's Pool taken 2 minutes after the bottom photo.



Rope effectiveness 1/21/2014



Rope effectiveness 2/2/2014



Seals across rope 3/2/2014



THE CITY OF SAN DIEGO

Date: February 10, 2015

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool La Jolla

Subject: Children's Pool Year-round Rope Annual Monitoring Report

6-15-0123

Second Annual Written Monitoring Report

March 11, 2015

For the Children's Pool Beach Year-round Rope

Coastal Development Permit Application No.:6-11-078

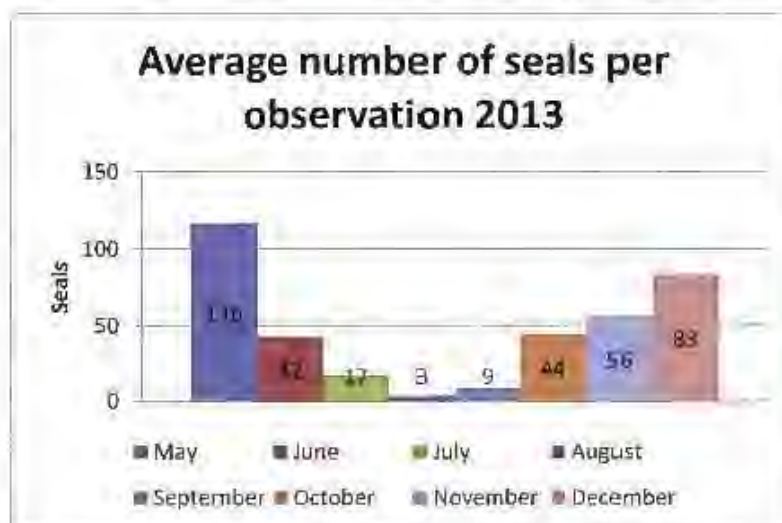
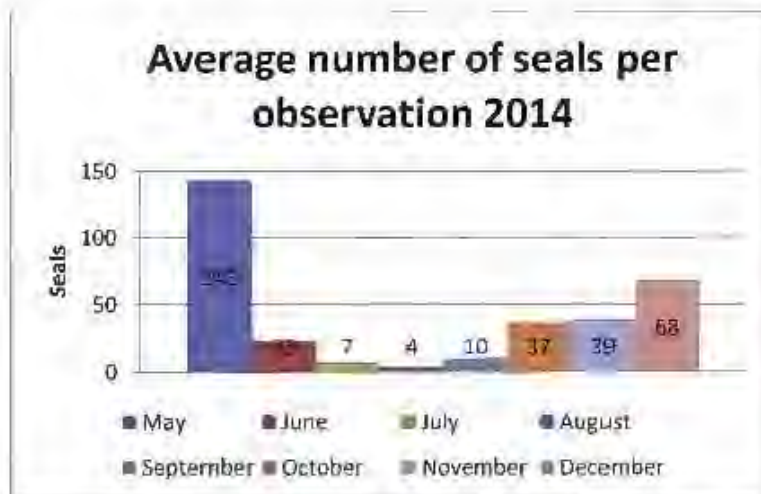
Coastal Development Permit Application No.:6-11-078 granted the City of San Diego permission to erect and maintain a year-round guideline rope on the Children's Pool beach to provide a buffer between humans and seals. The permit was accepted by the City on May 14, 2013. Special Condition 4B of the granted permit requires the City of San Diego to submit a written report annually summarizing the condition and performance of the approved structure, make recommendations for modifications, and establish baseline data that will be used to determine the level of use of the beach by seals as a haul out location throughout the year and to also assess the level of effectiveness of the rope at minimizing visitor disturbance of hauled out seals. The following is submitted in fulfillment of that requirement.

Although CDP No. 6-11-078 was granted to the City of San Diego July 18, 2012 it was not accepted until May 14, 2013, when all the conditions of its issuance had been met. The First Annual Written Monitoring Report covered the period from May 15, 2013 to May 14, 2014 and was submitted May 15, 2014. The California Coastal Commission granted Coastal Development Permit No. 6-14-0691 to the City of San Diego on November 7, 2014 which authorized a seasonal closure of the Children's Pool during harbor seal pupping season. The seasonal closure is now in effect from December 15 to May 15 each year for a five year trial period. A condition of this permit is the implementation a monitoring program during the closure period. Since the requirements of the beach closure monitoring program are slightly different than the year-round rope program this Second Annual Written Monitoring Report will cover the period from the end of the previous report, May 15, 2014, to the start of the seasonal closure, December 14, 2014.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the past monitoring period is entered on the Data Collection Form and is included in digital format as an



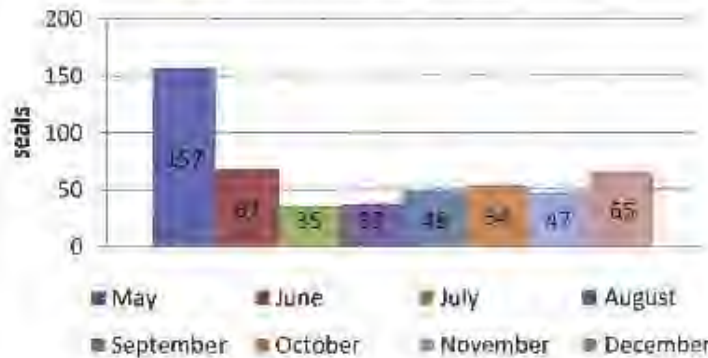
Excel file on CD as Attachment 1. There were 779 observations recorded during this monitoring period. Comparisons will be made with the 578 observations from the same time period in 2013. Review of the past year's data does again shows year-round usage of the beach by seals as a haul-out location but with significantly less usage during the day from mid-June through October 1, 2014. The following are graphs of the number of seals per observation per month that illustrate the numbers:



As can be seen in the graphs, while there is some variation each month from year to year, the seasonal haul out pattern has remained consistent. A note on the 2014 average graph above: in order to accurately compare 2014 data to that of 2013 all early morning observations made by a trained volunteer were omitted from the 2014 data for this graph. This was done because there were no early morning, or non-Ranger made, observations done in 2013. The following graph includes all 2014 observations:

Average number of seals per observation 2014

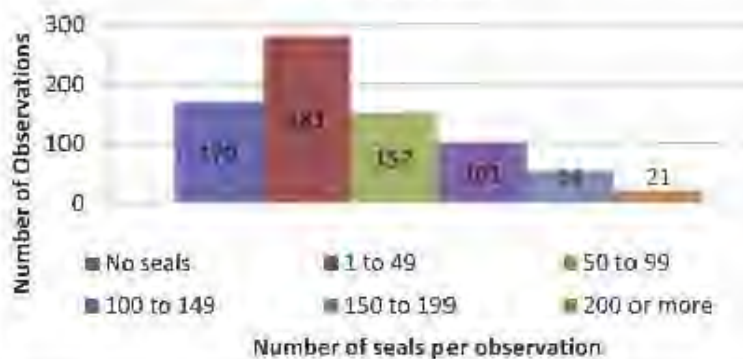
(with early morning counts)

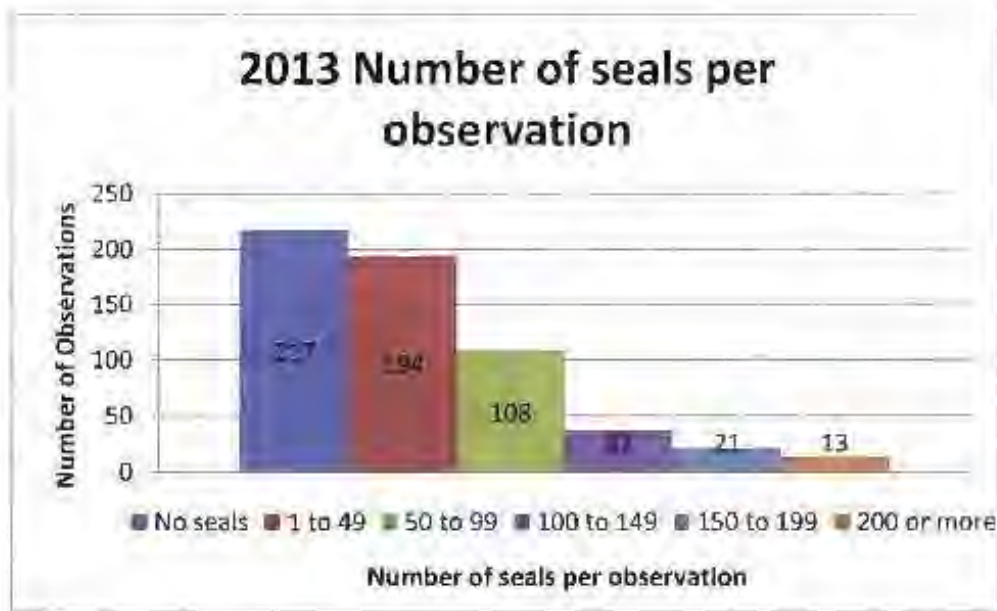


As this graph demonstrates, the inclusion of the early morning seal counts significantly increases the average count per month, especially in the warmer months of June through October. The graph also shows that while seals are generally not seen on the beach during the day they are still in the area in significant numbers. The seals seem to prefer hauling out at night during warmer months and start heading into the water shortly after sunrise to spend hot days in the water.

The preceding graphs displayed the average number of seals per observation per month. The following graphs show the number of seals counted per observation divided into groups. This graph can be read as follows: example, in 281 of the 779 observations made in 2014 between 1 and 49 seals were counted.

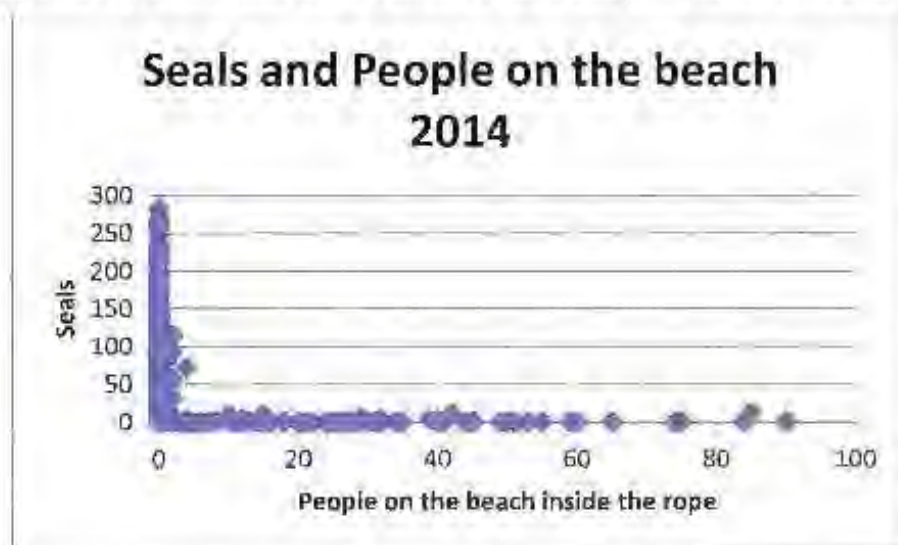
2014 Number of seals per observation



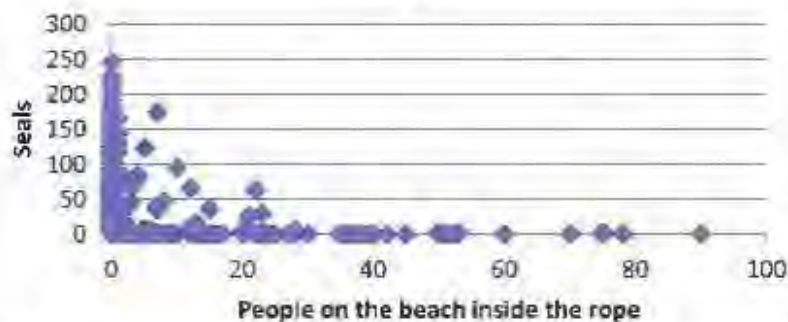


In comparing the two years, it can be seen that in 2014 there were at least one or more seals on the beach or rocks within the pool more often than in 2013. There were also fewer observations of no seals on the beach in 2014 than in 2013.

The next sets of graphs are scatter plots of seals and people on the beach. There are two plots for each year. The first shows the number of seals counted and the number of visitors *inside* the rope for each year. The second set shows the number of seals and the number of visitors *behind* the rope. Each data point represents one observation of seals and people on the beach at that time:



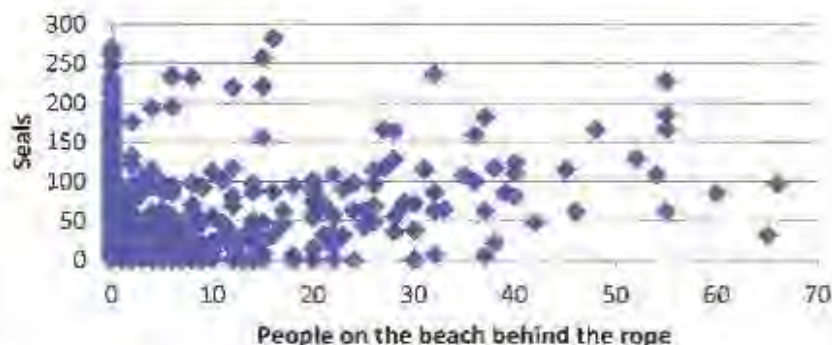
Seals and People on the Beach 2013



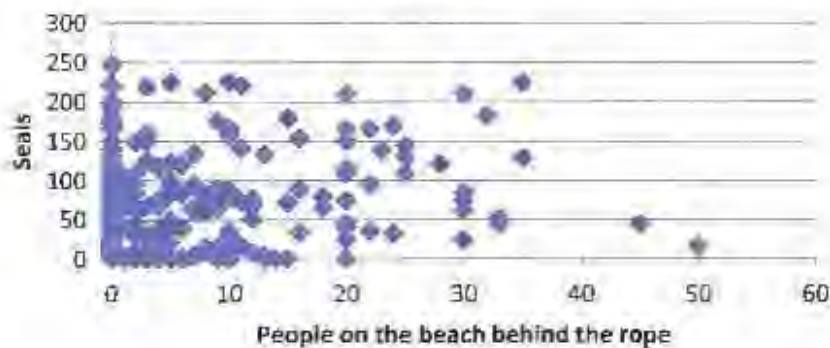
The above graphs illustrate that in 2014, with just a few exceptions, when there are seals on the beach there are few to no people inside the rope and conversely, when there are people on the beach inside the rope there are few to no seals. 2013's plot shows more instances of people inside the rope when seals are hauled out. This difference is probably due to the reduction in beach visits by pro-beach advocates during 2014 as compared to 2013. Although impossible to prove with the data, the Ranger has observed that the presence of people inside the rope is mainly due to the absence of seals, meaning that if there are seals on the beach people tend to stay behind the rope. People generally will use the beach when the seals have left. There have been people expressing concern that the presence of large numbers of people on the beach inside the rope keeps harbor seals from hauling out but the Ranger has made numerous observations where there were no seals and no people on the beach for hours at a time.

The next two graphs plot the number of seals hauled out and the number of people on the beach behind or on the people-side of the rope:

Seals and People on the beach 2014



Seals and People on the Beach 2013



The two graphs above show that when seals are on the beach people either view them from behind the rope or chose to stay off the beach entirely. The rope is generally effective at keeping people separated from seals.

Harassment Incident Forms are included in digital format as PDF files on CD as Attachment 2. These documents record seal harassment incidents directly observed by the assigned Park Ranger while on duty at the Children's Pool. The Ranger observed 31 incidents of human activity that resulted in seals flushing in response. Of these incidents, 15 were due to snorkelers, scuba divers, and/or spear fishermen entering or exiting the water, 12 were due to people crossing the rope to get closer to the seals and the remaining incidents were from various causes such people fishing from the end of the breakwater, workers repairing railings on the breakwater, and a man running on the beach behind the rope early in the morning. Two non-human caused flushing incidents are interesting to note. A heavy rain shower in August caused the flush of all hauled out seals and a visiting elephant seal and in October a large male sea lion hauled out of the water onto the seawall rock and startled all the smaller seals into the water. Many other seal harassment incidents have been witnessed, photographed, and video recorded by visitors and reported to the Ranger but date and time of those incidents could not be verified and therefore were not documented on the Harassment Incident Form. It should be noted that entering and exiting the water at Children's Pool Beach was permissible during this monitoring period. The divers entering or exiting the water did not appear to do so to intentionally harass hauled out seals. It has been observed that that activity, people entering and exiting the water, is what is most likely to disturb resting seals.

Requirement #2: An evaluation of the condition and performance of the approved structure, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: The rope and poles have

performed has designed and expected during this reporting period. Pole 1, the pole closest to the rock, has needed to be resealed deeper into the sand occasionally. Children pulling or hanging on the rope cause the base of the pole to loosen and pull up out of the sand and the rope to get excessively slack. Resealing has had to be done about once a month.

As reported last year there were two incidents of the rope being cut. There was no rope cutting incident during this monitoring period.

Very high tides and high surf washed out pole 1 the morning of September 10, 2014. Grounds maintenance personnel replaced the pole after the washout as soon as practical after the tide receded and hauled out seals moved away.

The rope has continued to perform as expected, greatly reducing seal disturbance by beach visitors. Personal observations by the assigned Park Ranger have shown that when seals are hauled out on the Children's Pool beach the vast majority of visitors will automatically view them from behind the rope.

It is the Assigned Park Ranger's recommendation that the rope remain on the beach during the shared use period, May 15 to December 15, for the following reasons:

- Although seals are generally off the beach during the day during warm summer months they are present in large numbers at other times during non-pupping season. May and early June is molting season and that is when the largest number of seals hauled out is observed. Seal numbers increase in the fall once cooler weather arrives.
- The vast majority of people who come to the Children's Pool do so to see seals. The rope provides a visible guideline that greatly reduces human/seal interaction. The rope is very effective in keeping the beach from becoming a petting zoo.
- The approved signs posted on the rope poles explain to those who choose to read them the status of the rope and beach and their responsibilities. Many confused visitors have asked for and been given clarification and then made their choice to use or not use the beach.
- Divers have been and will continue to use the Children's Pool to enter or exit the water during the shared use period. Only malicious attempts at seal harassment will result in enforcement action.
- Possibly the most important reason, the presence of the rope greatly reduces human to human conflict. The Ranger has observed that there are a number of people who get upset at other people who get close to seals to the point that verbal confrontations occur. The Ranger has had to intervene on several occasions to keep verbal conflict from escalating further. The rope greatly reduces human/seal interaction which is responsible for reducing human/human confrontation.

The rope is ineffective when certain tidal conditions occur. The rope and poles are installed at the mean high tide line. When high spring tides occur in conjunction with new and full moons seals haul out on the "people" side of the rope. Since there is nothing separating visitors and seals human/seal interaction is much more common. It is interesting to note that the majority of these highest high tides occur at night or early in the morning and not during peak visitor hours.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device: In order to reduce the number of times pole 1 has to be reseated because of rope pulling and washouts it is recommended that poles 1 and 2 be replaced with longer poles that can be buried deeper into the sand while still maintaining the four foot maximum height above the surface.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure:
Photographs are included on the attached CD.

Submitted by:



Richard Belesky
Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101

Date: February 29, 2016

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool La Jolla

Subject: Children's Pool Guideline Rope Annual Monitoring Report

Third Annual Monitoring Report

For the Children's Pool Beach Guideline Rope

Coastal Development Permit Application No.:6-15-0223

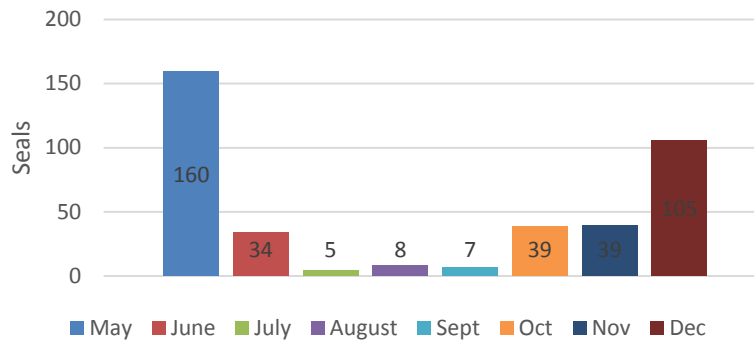
On June 10, 2015, the California Coastal Commission granted the City of San Diego Park and Recreation Department Coastal Development Permit Application No.:6-15-0223 which re-authorized the use of a guideline rope on the Children's Pool Beach to provide a buffer between humans and hauled out harbor seals during the non-closure period, May 16th to December 14th each year. CDP 6-15-0223 was authorized for a four-year period to coincide with the expiration of the seasonal closure permit, CDP No: 6-14-0691 in 2019.

Special Condition 3B of the granted permit requires the City of San Diego to submit a written report annually summarizing the condition and performance of the approved structure, make recommendations for modifications, and establish baseline data that will be used to determine the level of use of the beach by seals as a haul out location throughout the year and to also assess the level of effectiveness of the rope at minimizing visitor disturbance of hauled out seals. The following is submitted in fulfillment of that requirement.

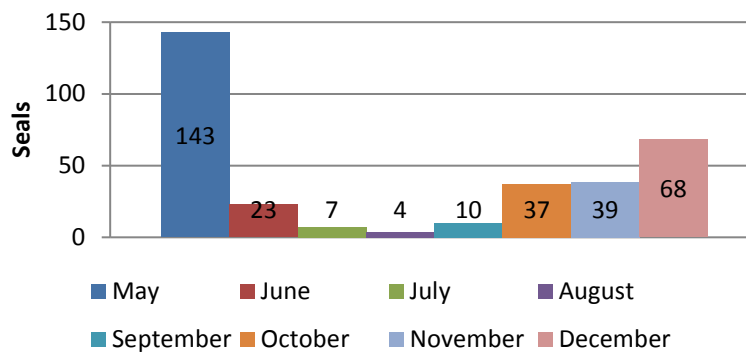
Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the past monitoring period is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1.

The following graphs show the average number of hauled out seals counted in each observation per month during the guideline rope period for each of the last three years. The vast majority of these observations were made between the hours of 10:00 am and 5:00 pm. Comparison of these graphs show a consistent seasonal daily haul-out pattern with the most seals observed in May, very few, if any, seen during the day through the warm summer months, with the number of seals hauling out during the day increasing as winter approaches.

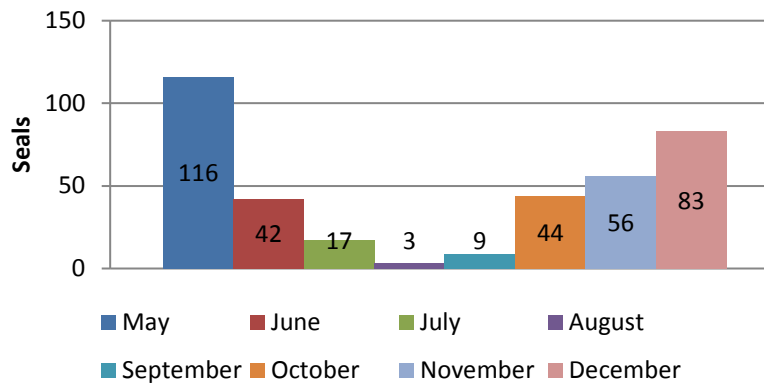
Average Number of Seals per observation 2015



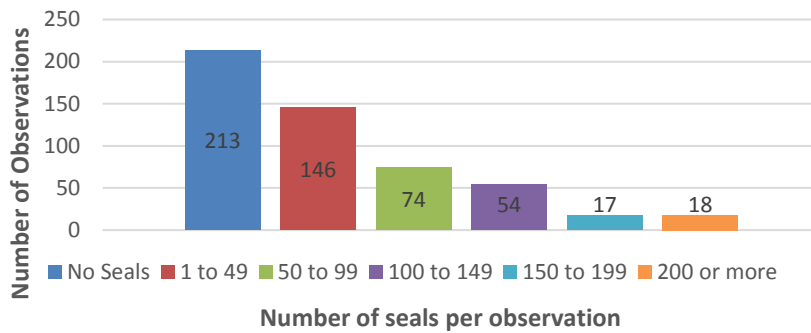
Average number of seals per observation 2014



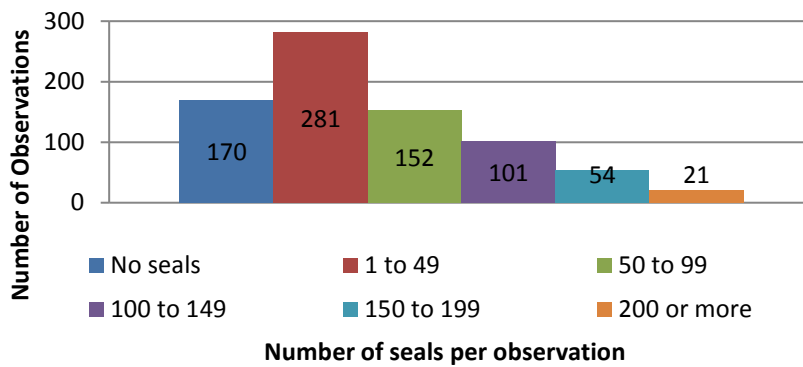
Average number of seals per observation 2013



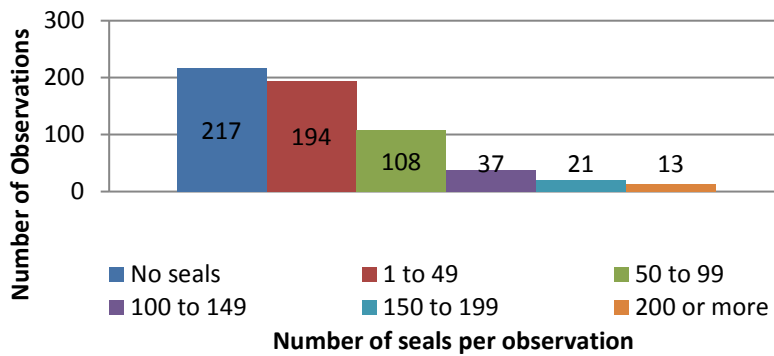
2015 Number of seals per observation



2014 Number of seals per observation



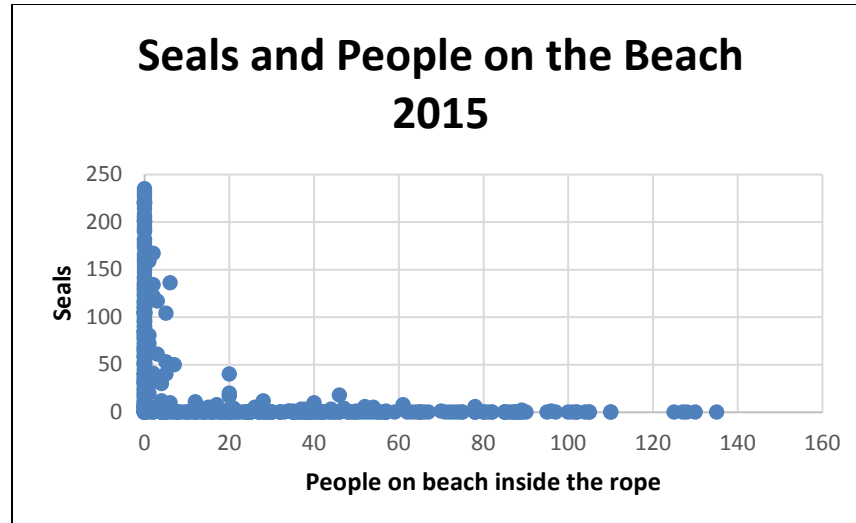
2013 Number of seals per observation

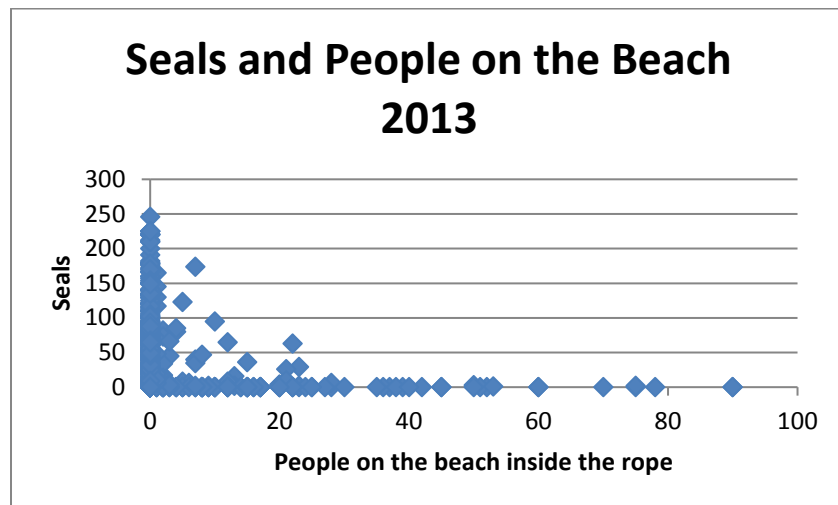
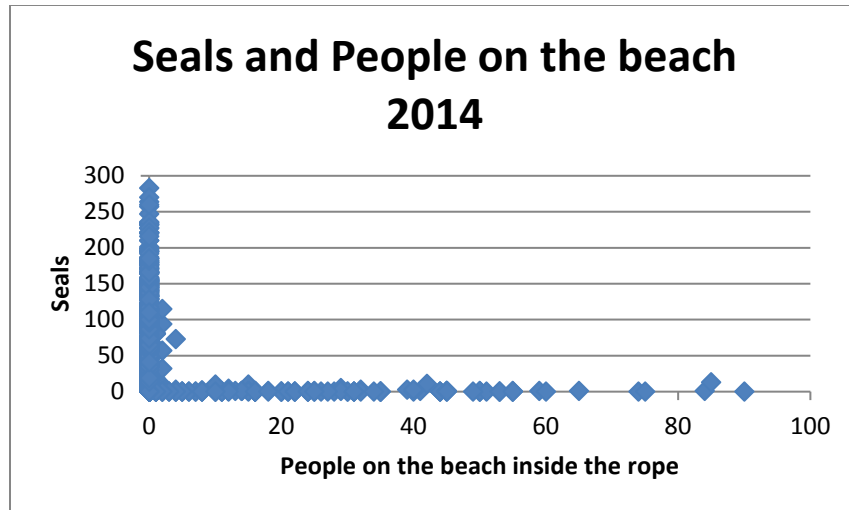


The first set 3 of graphs displayed the average number of seals per observation per month. The second set of 3 graphs show the number of seals counted per observation divided into numerical groups during the period from May 16th to December 14th.

These graphs are read as follows: example, in 146 of the observations made in 2015 between 1 and 49 seals were counted and in 18 of the observations 200 or more seals were counted. What stands out most in comparing the three years of data is the number of observations the number of observations where no seals were present: 40% in 2015, 22% in 2014, and 38% in 2013. In 2014 more seals were observed compared to 2015 and 2013, which had similar numbers of seals. If the observations for just July, August, and September are looked at the percentage of zero seals observed increases to 56%. The maximum number of seals observed in any single observation was 89 in July, 39 in August, and 85 in September, which are historically the warmest months in San Diego. Many more years of data collection along with comparison to meteorological data may possibly help in explaining year to year differences.

The next sets of graphs are scatter plots of seals and people on the beach. There are two plots for each year. The first set shows the number of seals counted and the number of visitors *inside* the rope for each year. The second set shows the number of seals and the number of visitors *behind* the rope. Each point on the graph represents one observation of seals and people on the beach at that time:



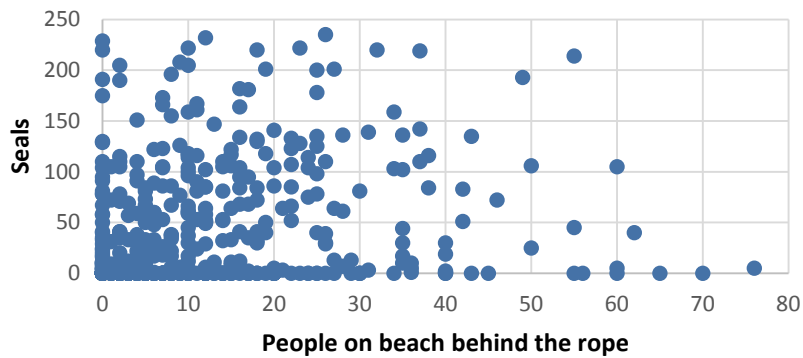


The above graphs illustrate that as was the case in 2014, again in 2015, with just a few exceptions, when there are seals on the beach there are few to no people inside the rope and conversely, when there are people on the beach inside the rope there are few to no seals.

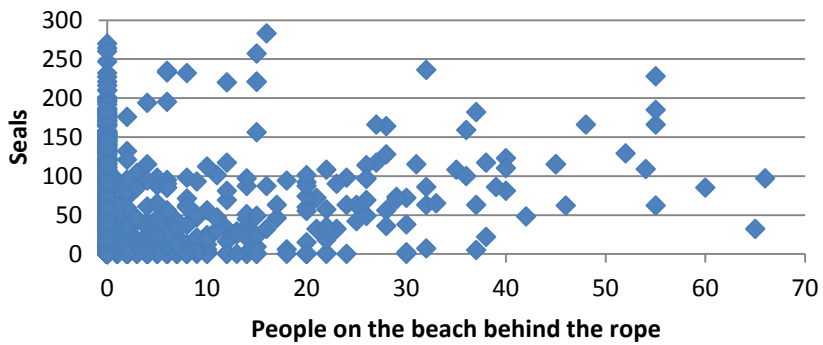
Again it has been observed that the presence of people inside the rope is mainly due to the absence of seals, meaning that if there are seals on the beach people tend to stay behind the rope. People generally will use the beach after the seals have left. Many people have expressed concern that the presence of large numbers of people on the beach inside the rope keeps harbor seals from hauling out but the Ranger has made numerous observations where there were no seals and no people on the beach for hours at a time. There have also been numerous occasions where seals have been observed to haul out onto a beach full of people, showing little regard for the attention they then receive.

The next two graphs plot the number of seals hauled out and the number of people on the beach behind or on the people-side of the rope:

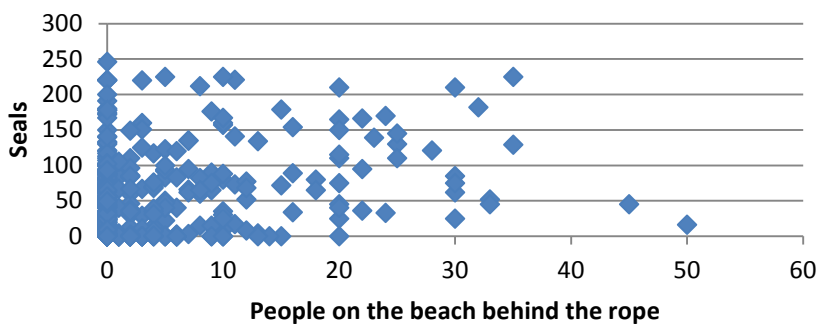
Seals and People on the Beach 2015



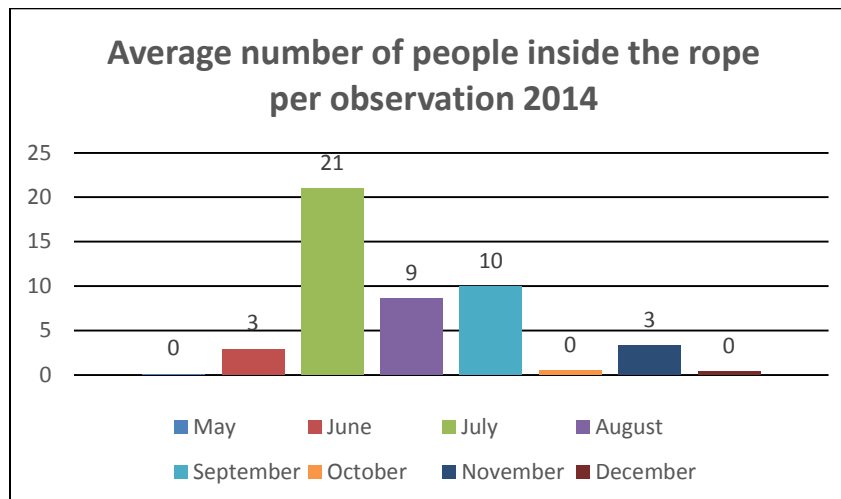
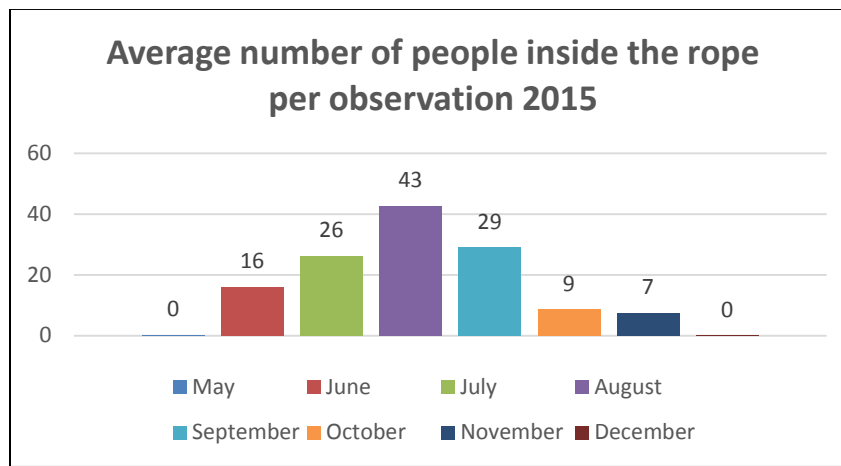
Seals and People on the beach 2014



Seals and People on the Beach 2013



The graphs above show that when seals are on the beach people either view them from behind the rope or chose to stay off the beach entirely. The rope continues to be generally effective at keeping people separated from seals.



The final two graphs show the average number of people inside the rope per observation for the last two years. There are two of interesting points illustrated by this data. The first is the increase in the average number of visitors in 2015 compared to 2014. The Children's Pool beach was observed to be used considerably more by visitors this past summer than the previous year, with a good percentage of those visitors were from out of town. The second point illustrated is that this graph shows in a different format the inverse relationship between people and seals on the beach. The most visitors observed on the beach is when the least seals are hauled out.

Harassment Incident Forms are included in digital format as PDF files on CD as Attachment 2. These documents record seal harassment incidents directly observed by the assigned Park Ranger while on duty at the Children's Pool. The Ranger observed 42 incidents of human activity that resulted in seal harassment as defined in the Monitoring Plan as compared to 31 in 2014. Of these incidents, 33 were due to people crossing the rope to get closer to the seals (12 last year). 9 were due to snorkelers, scuba divers, and/or spear fishermen entering or exiting the water (15 in

2014). It should be noted that entering and exiting the water at Children's Pool Beach was permissible during this monitoring period. The divers entering or exiting the water did not appear to do so to intentionally harass hauled out seals.

There were no citations issued by Park Rangers, City Lifeguards, or Police Department personnel. Park Rangers issued 22 verbal warnings to out-of-town visitors whose actions resulted on seal disturbance. Police Officers performed two Field Investigations (written warnings).

There were no marine mammal rescues observed at the Children's Pool during this monitoring period.

Requirement #2: An evaluation of the condition and performance of the approved structure, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: The rope and poles have performed as designed and expected during this reporting period. Pole 1, the pole closest to the rock, has needed to be resealed deeper into the sand occasionally. Children pulling or hanging on the rope cause the base of the pole to loosen and pull up out of the sand and the rope to get excessively slack. Resealing has had to be done about once a month.

Incidents involving the approved structure:

July 21, 2015: the rope was cut in two places and had to be replaced with a new one.

August 18, 2015: the sign on post 2 was found ripped off the post. New holes were drilled and the sign was remounted.

Very high tides and high surf washed out pole 1 the morning of December 12, 2015. Grounds maintenance personnel replaced the pole after the washout as soon as practical after the tide receded and hauled out seals moved away.

The rope has continued to perform as expected, greatly reducing seal disturbance by beach visitors. Personal observations by the assigned Park Ranger have shown that when seals are hauled out on the Children's Pool beach the vast majority of visitors will automatically view them from behind the rope. Additionally, as stated in previous reports, the presence of the rope continues to keep human to human conflict to a minimum by keeping those visitors with an abundance of curiosity from getting close to hauled out seals and keeping those who get upset with those visitors who do get close to seals from becoming confrontational.

The rope continues to be ineffective when certain tidal conditions occur. The rope and poles are installed at the mean high tide line. When high spring tides occur in conjunction with new and full moons seals haul out on the "people" side of the rope. Since there is nothing separating visitors and seals human/seal interaction is much more common. It is interesting to note that the majority of these highest high tides occur at night or early in the morning and not during peak visitor hours.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device: In order to reduce the number of times pole 1 has to be resealed because of rope pulling and washouts it is recommended that poles 1 and 2 be replaced with longer poles that can be buried deeper into the sand while still maintaining the four foot maximum height above the surface.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure:
Photographs are included on the attached CD.

Submitted by:

Richard Belesky
Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101



THE CITY OF SAN DIEGO

Date: April 10, 2017

To: Executive Director, California Coastal Commission

From: Richard Belesky, Assigned Park Ranger, Children's Pool La Jolla

Subject: Children's Pool Guideline Rope Annual Monitoring Report

2016 Fourth Annual Monitoring Report

For the Children's Pool Beach Guideline Rope

Coastal Development Permit Application No.:6-15-0223

On June 10, 2015, the California Coastal Commission granted the City of San Diego Park and Recreation Department Coastal Development Permit Application No.:6-15-0223 which re-authorized the use of a guideline rope on the Children's Pool Beach to provide a buffer between humans and hauled out harbor seals during the non-closure period, May 16th to December 14th each year. CDP 6-15-0223 was authorized for a four-year period to coincide with the expiration of the seasonal closure permit, CDP No: 6-14-0691 in 2019.

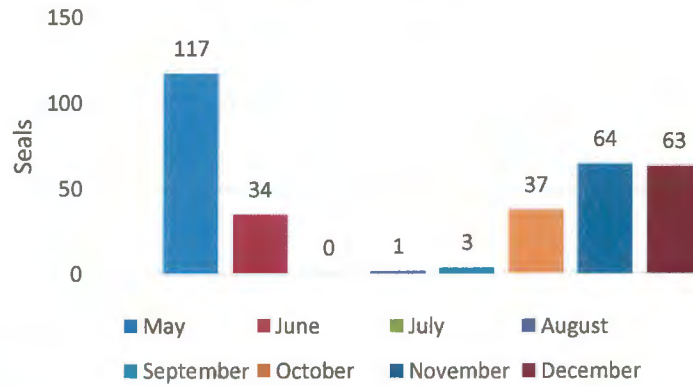
Special Condition 3B of the granted permit requires the City of San Diego to submit a written report annually summarizing the condition and performance of the approved structure, make recommendations for modifications, and establish baseline data that will be used to determine the level of use of the beach by seals as a haul out location throughout the year and to also assess the level of effectiveness of the rope at minimizing visitor disturbance of hauled out seals. The following is submitted in fulfillment of that requirement.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the past monitoring period is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1.

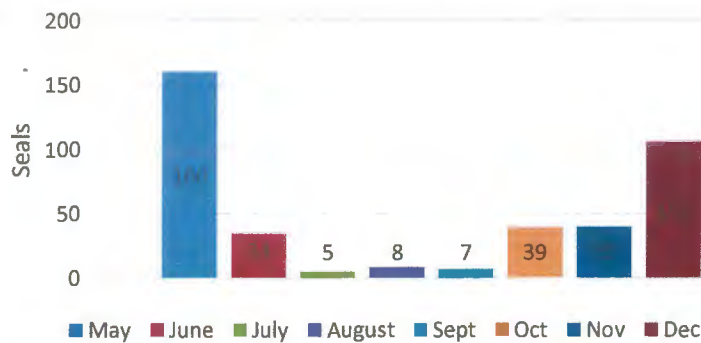
The following graphs show the average number of hauled out seals counted in each observation per month during the guideline rope period for each of the last three years. The vast majority of these observations were made between the hours of 10:00 am and 5:00 pm. Comparison of these graphs show a consistent seasonal daily haul-out pattern with the most seals observed in May, very few, if any, seen during the day through the warm summer months, with the number of seals hauling out during the day increasing as winter approaches.



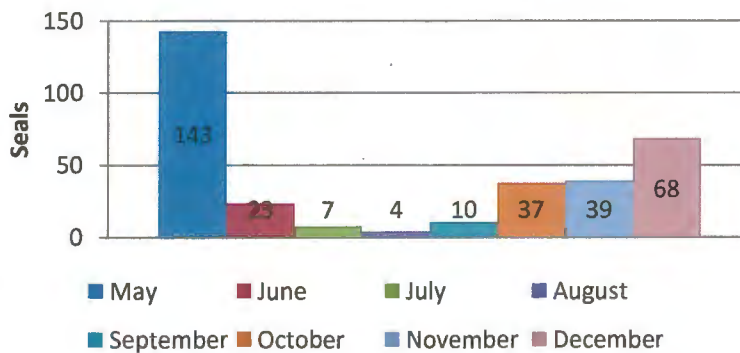
Average number of seals per observation 2016



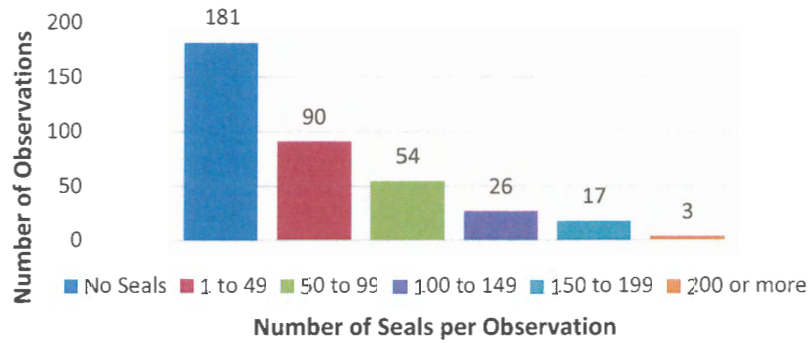
Average number of seals per observation 2015



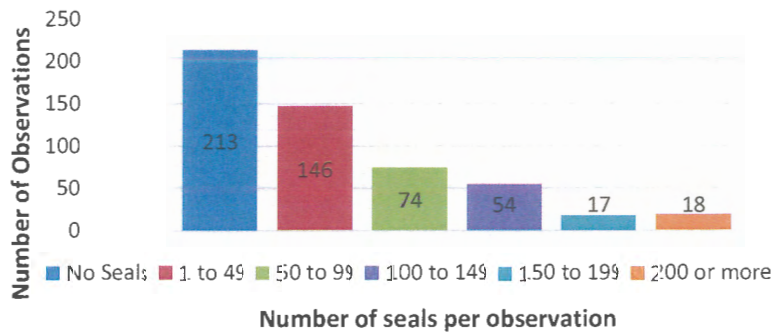
Average number of seals per observation 2014



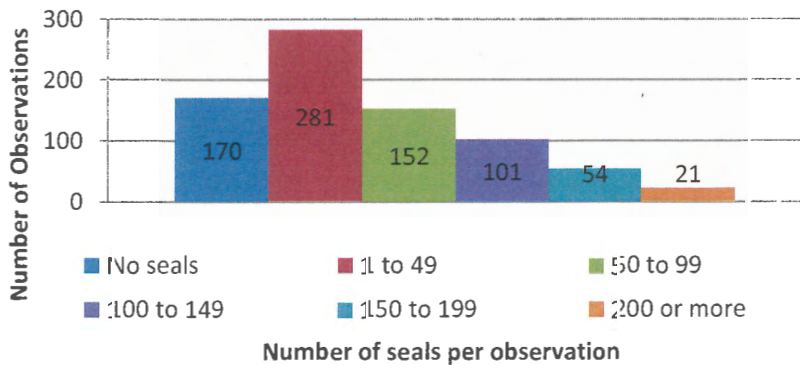
2016 Number of seals per observation



2015 Number of seals per observation



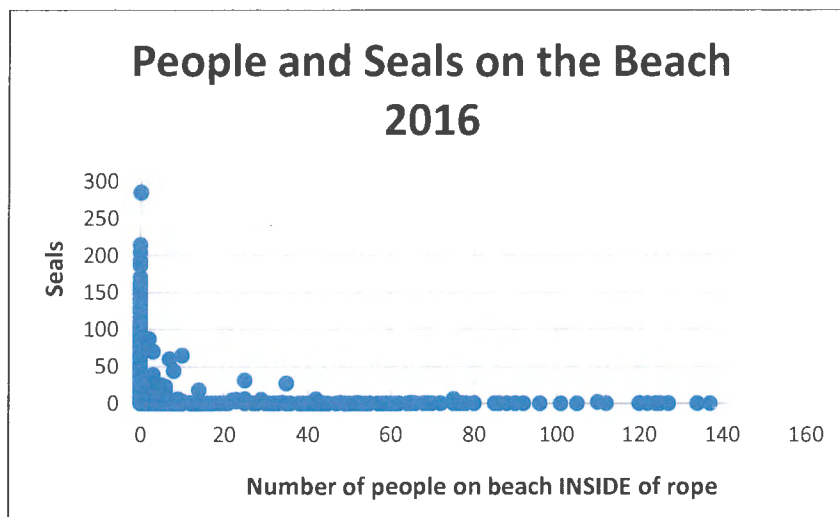
2014 Number of seals per observation

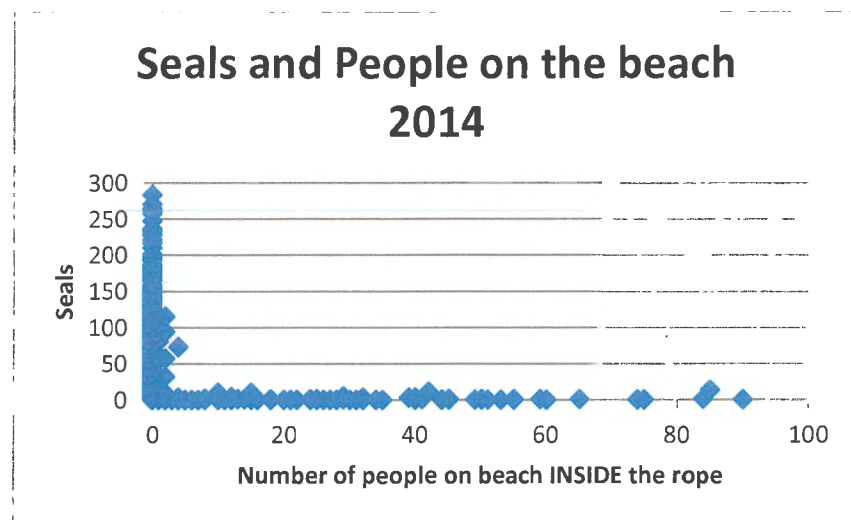
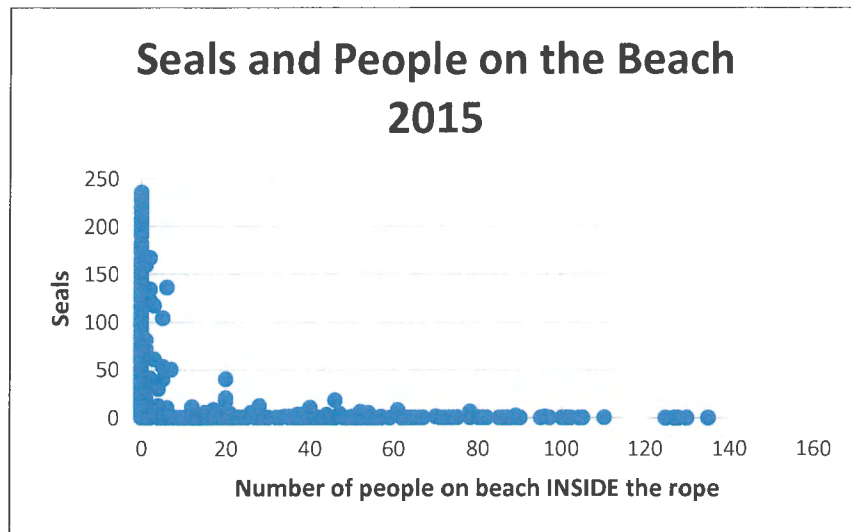


The first set 3 of graphs display the average number of seals counted during in each observation per month. For example: In May 2016 there was an average of 116 seals counted in the Pool area during each observation. These graphs show a consistent, seasonal trend in the number of seals hauled out at the Children's Pool. The greatest number of seals are hauled out in the month of May and into early June, which coincides with harbor seal molting season. Few, in any, seals are hauled out during the day during the warm summer months. The number of hauled out seals begins to increase as the weather cools down and pupping season approaches.

The second set of 3 graphs show the number of seals counted per observation with those observations sorted into numerical groups. These graphs are read as follows: example, in 90 of the observations made in 2016 between 1 and 49 seals were counted and in 54 of the observations 50 to 99 seals were counted. The data in these graphs again show a consistent year to year trend in harbor seal haul out patterns. During the warmest months, July through September, there are not many, if any, seals hauled out during the day. This past fall was unseasonably warm which could account for the few seals counted during October and November.

The next sets of graphs are scatter plots of seals and people on the beach. There are two plots for each year. The first set shows the number of seals counted and the number of visitors *inside* the rope for each year. The second set shows the number of seals and the number of visitors *behind* the rope. Each point on the graph represents one observation of seals and people on the beach at that time:



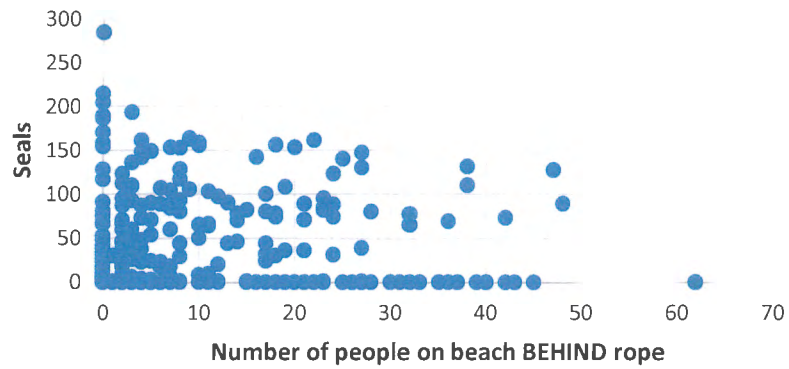


The data in the above graphs continue to illustrate that with just a few exceptions, when there are seals on the beach there are few to no people inside the rope and conversely, when there are people on the beach inside the rope there are few to no seals.

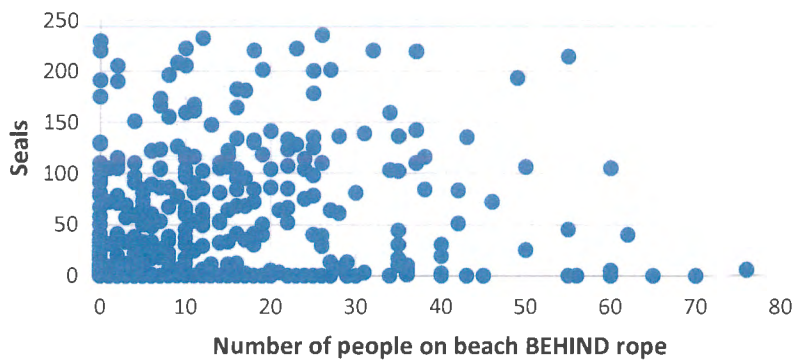
Again it has been observed that the presence of people inside the rope is mainly due to the absence of seals, meaning that if there are seals on the beach people tend to stay behind the rope. People generally will use the beach after the seals have left. Many people have expressed concern that the presence of large numbers of people on the beach inside the rope keeps harbor seals from hauling out but the Ranger has made numerous observations where there were no seals and no people on the beach for hours at a time. There have also been numerous occasions where seals have been observed to haul out onto a beach full of people, showing little regard for the attention they then receive.

The next set of graphs plot the number of seals hauled out and the number of people on the beach behind or on the people-side of the rope:

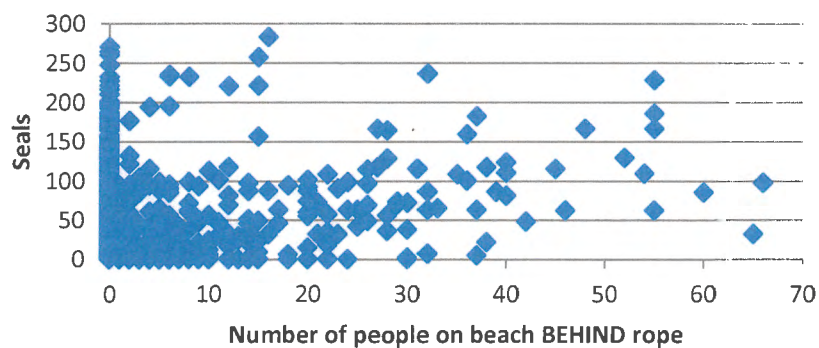
Seals and People on the Beach 2016



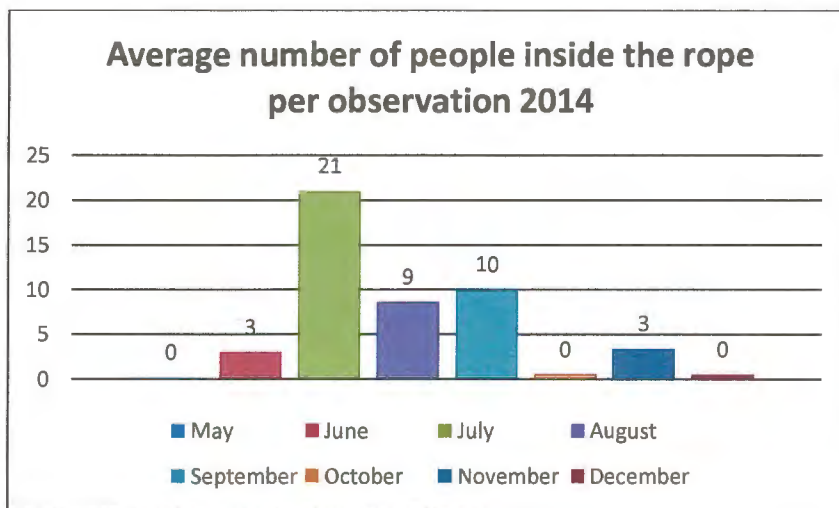
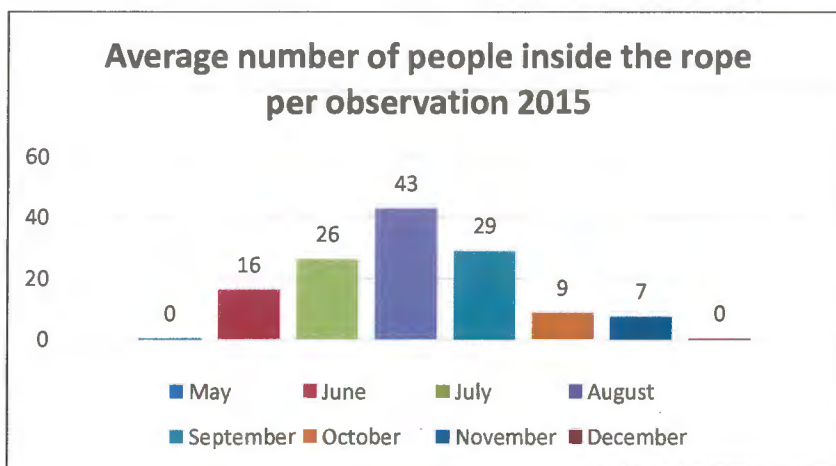
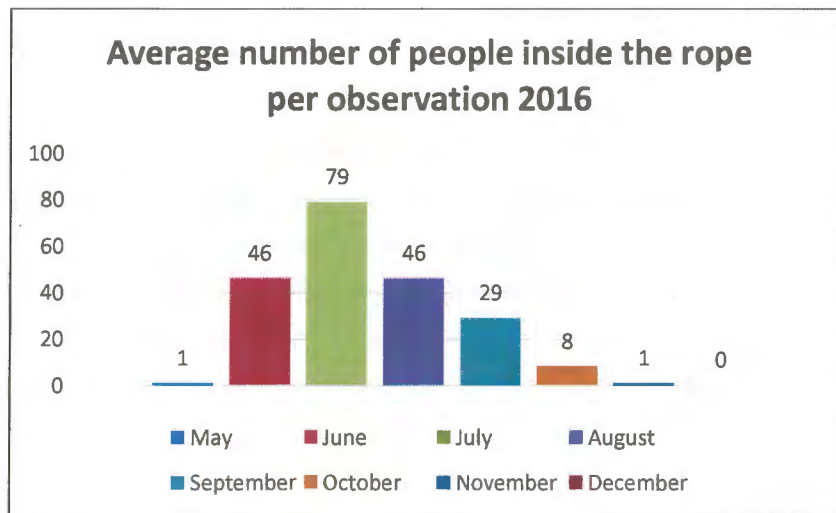
Seals and People on the Beach 2015



Seals and People on the beach 2014



The graphs above show that when seals are on the beach people either view them from behind the rope or chose to stay off the beach entirely. The rope continues to be generally effective at keeping people separated from seals.



The final set of graphs above show the average number of people inside the rope per observation for the last two years. There are two interesting points illustrated by this data. The first is the continued increase in the average number of summer visitors in 2016 compared to the previous years. The Children's Pool beach was observed to be used considerably more by visitors this past summer than the previous years, with a good percentage of those visitors were from out of town. The second point illustrated is that these graphs, when compared to the "Average number of seals per observation" graphs, show in a different format the inverse relationship between people and seals on the beach. The most visitors observed on the beach is when the least seals are hauled out.

Harassment Incident Forms are included in digital format as PDF files on CD as Attachment 2. These documents record seal harassment incidents directly observed by the assigned Park Ranger while on duty at the Children's Pool. The Ranger observed 10 incidents of human activity that resulted in seal harassment as defined in the Monitoring Plan as compared to 42 in 2015. Of these incidents, 4 were due to people crossing the rope to get closer to the seals (33 last year). 5 were due to snorkelers, scuba divers, and/or spear fishermen entering or exiting the water (9 in 2015). It should be noted that entering and exiting the water at Children's Pool Beach was permissible during this monitoring period. The divers entering or exiting the water did not appear to do so to intentionally harass hauled out seals. One other incident of note occurred when a visitor on the end of the breakwater walkway released a bundle of multicolored Mylar balloons which caused the flush of all (60) seals in the pool area. The person releasing the balloons could not be identified.

There were no citations issued by Park Rangers, City Lifeguards, or Police Department personnel for seal related issues. Park Rangers issued 7 verbal warnings to out-of-town visitors whose actions resulted on seal disturbance. One still birth of a seal pup was observed in early December.

There were no marine mammal rescues observed at the Children's Pool during this monitoring period.

Requirement #2: An evaluation of the condition and performance of the approved structure, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: The rope and poles have performed as designed and expected during this reporting period. Pole 1, the pole closest to the rock, has needed to be reseated deeper into the sand occasionally. Children pulling or hanging on the rope cause the base of the pole to loosen and pull up out of the sand and the rope to get excessively slack. Reseating has had to be done about once a month.

Very high tides and high surf washed out pole 1 the morning of October 16, 2016 and again on November 13. Grounds maintenance personnel replaced the pole after the washout as soon as practical after the tide receded and hauled out seals moved away.

The rope has continued to perform as expected, greatly reducing seal disturbance by beach visitors. Personal observations by the assigned Park Ranger have shown that when seals are hauled out on the Children's Pool beach the vast majority of visitors will automatically view

them from behind the rope. Additionally, as stated in previous reports, the presence of the rope continues to keep human to human conflict to a minimum by keeping those visitors with an abundance of curiosity from getting close to hauled out seals and keeping those who get upset with those visitors who do get close to seals from becoming confrontational.

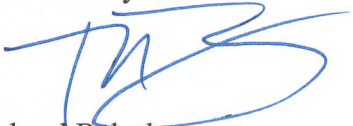
The rope continues to be ineffective when certain tidal conditions occur. The rope and poles are installed at the mean high tide line. When high spring tides occur in conjunction with new and full moons seals haul out on the “people” side of the rope. Since there is nothing separating visitors and seals human/seal interaction is much more common. It is interesting to note that during late spring and summer, the majority of these highest high tides occur at night or early in the morning and not during peak visitor hours.

Normally this guideline rope monitoring period ends on December 14th of each year because the seasonal beach closure begins December 15th. However, in April of this year a Superior Court Judge in Orange County, in response to a lawsuit challenging the legality of the closure, ruled that the law closing the beach was not valid. City Council voted to appeal the ruling in May. The 4th District Court of Appeals granted a stay of the Judge’s decision on December 16th, which then allowed the seasonal closure to begin a day late.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device: In order to reduce the number of times pole 1 has to be reseated because of rope pulling and washouts it is recommended that poles 1 and 2 be replaced with longer poles that can be buried deeper into the sand while still maintaining the four foot maximum height above the surface.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure: Photographs are included on the attached CD.

Submitted by:



Richard Belesky
Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101



THE CITY OF SAN DIEGO

Date: April 10, 2018

To: Executive Director, California Coastal Commission

From: Richard Belesky, Senior Park Ranger, Shoreline Parks

Subject: Children's Pool Guideline Rope Annual Monitoring Report

2017 Fifth Annual Monitoring Report

For the Children's Pool Beach Guideline Rope

Coastal Development Permit Application No.:6-15-0223

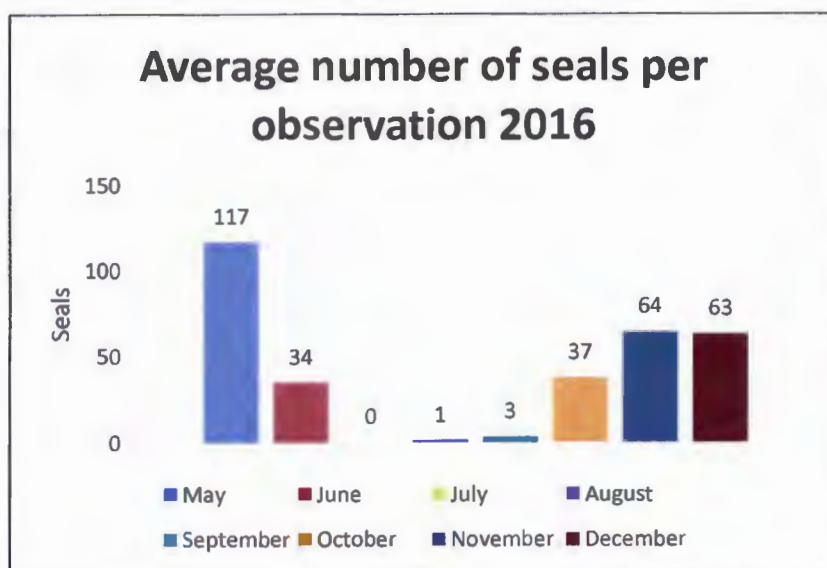
On June 10, 2015, the California Coastal Commission granted the City of San Diego Park and Recreation Department Coastal Development Permit Application No.:6-15-0223 which re-authorized the use of a guideline rope on the Children's Pool Beach to provide a buffer between humans and hauled out harbor seals during the non-closure period, May 16th to December 14th each year. CDP 6-15-0223 was authorized for a four-year period to coincide with the expiration of the seasonal closure permit, CDP No: 6-14-0691 in 2019.

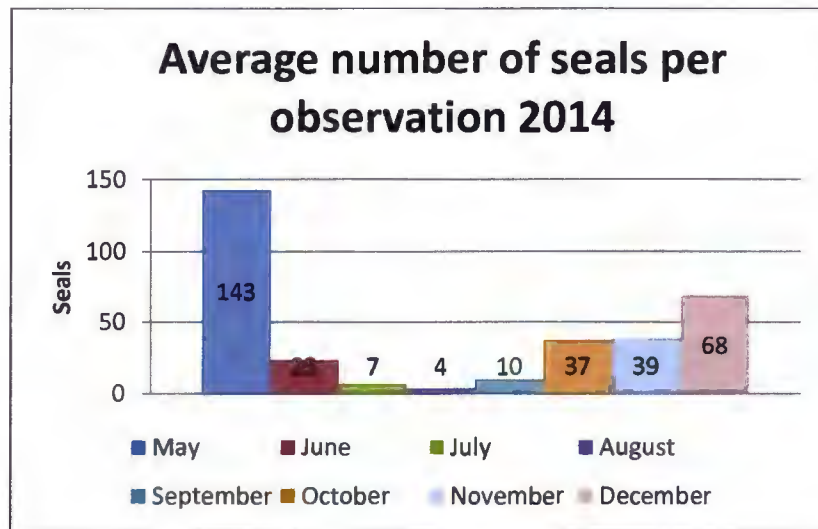
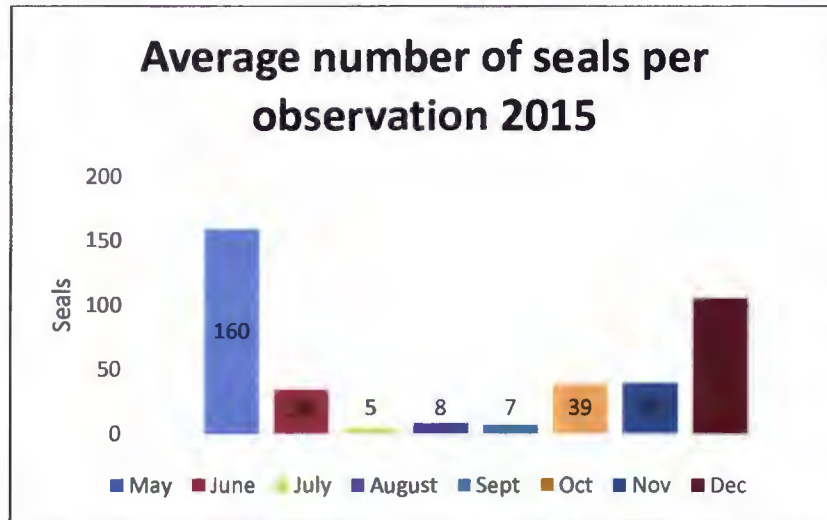
Special Condition 3B of the granted permit requires the City of San Diego to submit a written report annually summarizing the condition and performance of the approved structure, make recommendations for modifications, and establish baseline data that will be used to determine the level of use of the beach by seals as a haul out location throughout the year and to also assess the level of effectiveness of the rope at minimizing visitor disturbance of hauled out seals. The following is submitted in fulfillment of that requirement.

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the past monitoring period is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1.

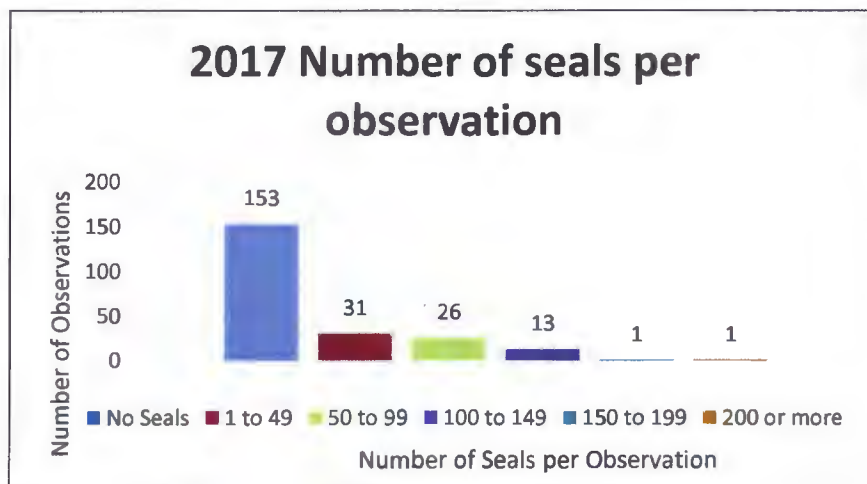
The following first set of graphs show the average number of hauled out seals counted in each observation per month during the guideline rope period since 2014. For example: In May 2017 there was an average of 22 seals counted in the Pool area during each observation. The vast majority of these observations were made between the hours of 10:00 am and 5:00 pm. Comparison of these graphs show a consistent seasonal daily haul-out pattern with the exception of May, 2017. May is peak harbor seal moulting season in Southern California and is

historically when the most seals are observed hauled out. There was a significant drop in the number of seals observed hauling out this past May. Weather conditions were normal for May so the reason for the reduction is unknown at this time. Continued data collection per the conditions of the Coastal Development Permit will help determine if this past season is the start of a new trend or just an isolated event. Haulout patterns returned to statistically normal for the remainder of the monitoring period with very few, if any, seen during the day through the warm summer months and the number of seals hauling out during the day increasing as winter approached.

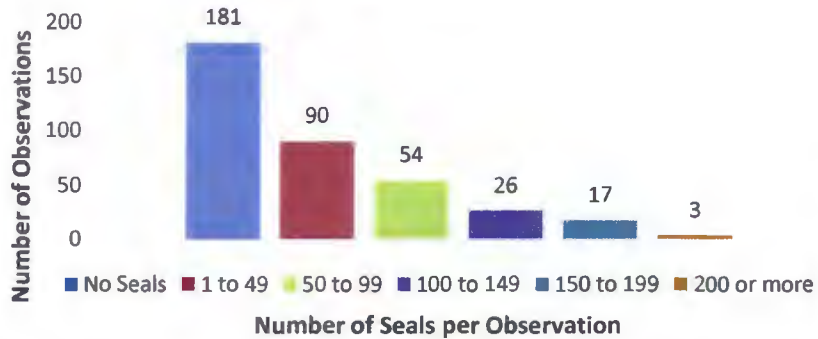




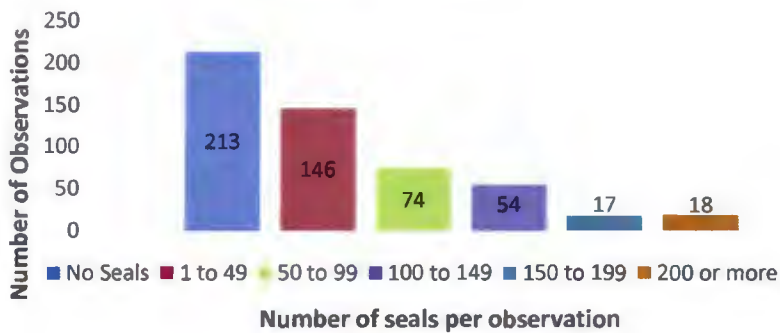
Number of Seals per Observation Graphs



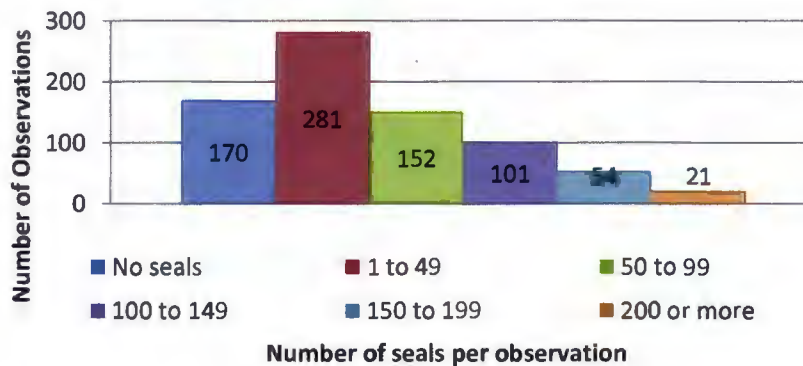
2016 Number of seals per observation



2015 Number of seals per observation

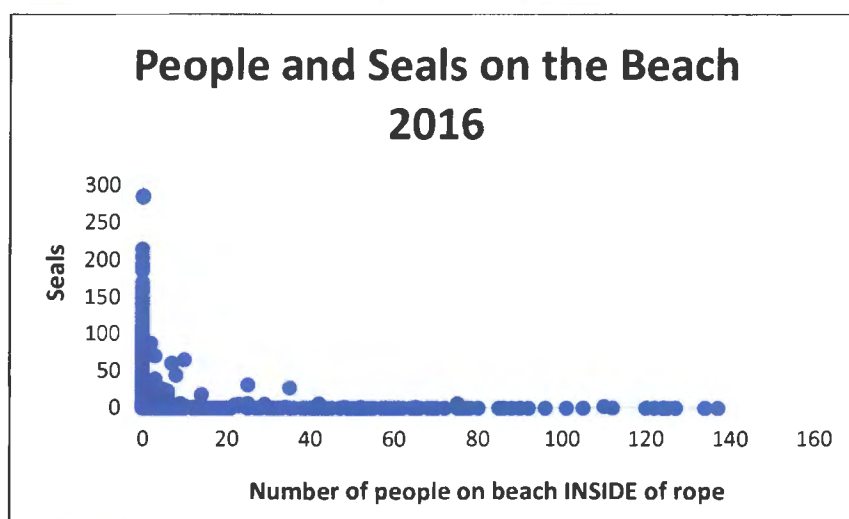
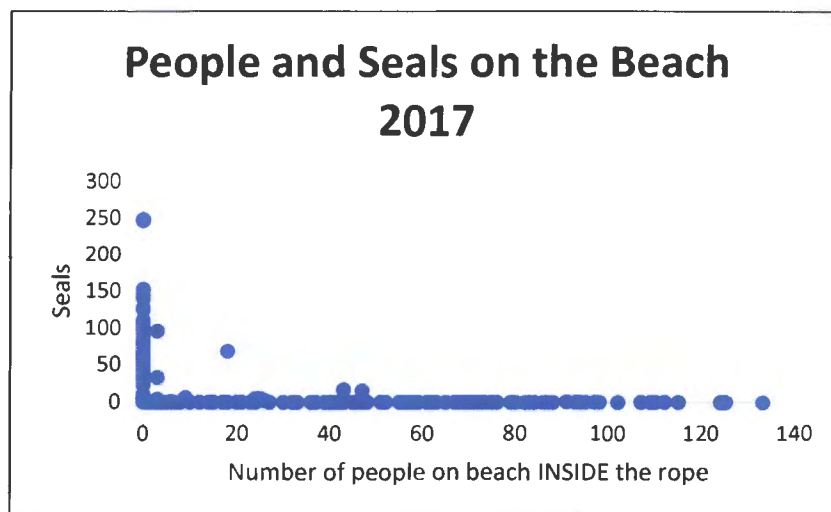


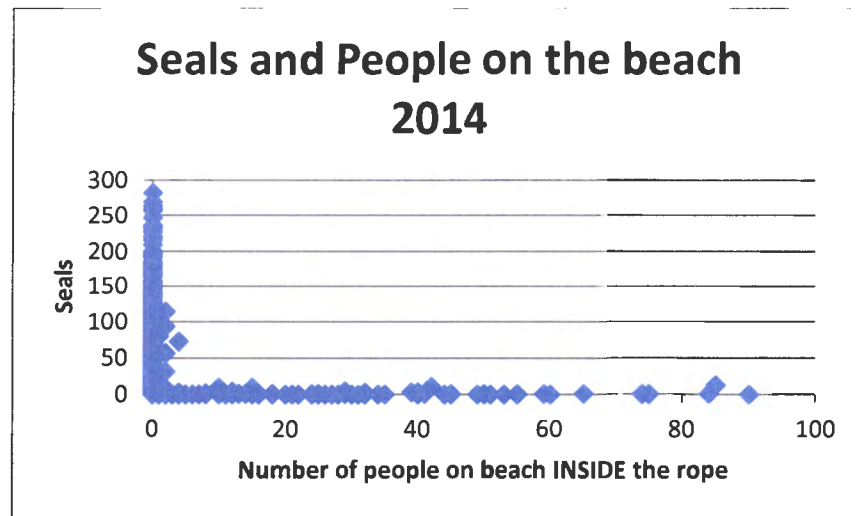
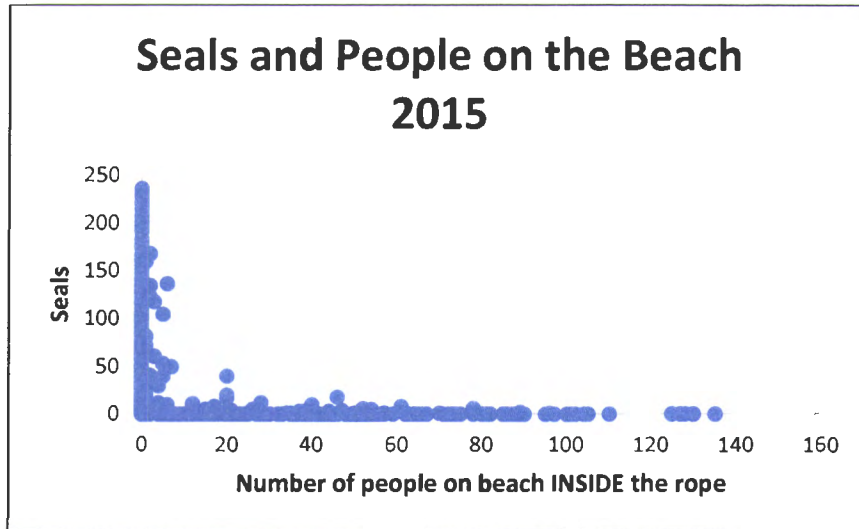
2014 Number of seals per observation



The second set of graphs (above) show the number of seals counted per observation with those observations sorted into numerical groups. These graphs are read as follows: example, in 2017 31 observations were made during this monitoring period where between 1 and 49 seals were counted and in 26 of the observations 50 to 99 seals were counted. The data in these graphs again show a consistent year to year trend in harbor seal haul out patterns. During the warmest months, July through September, there are not many, if any, seals hauled out during the day. This past fall was again unseasonably warm well into December which could account for the few seals counted during the fall.

The next sets of graphs are scatter plots of seals and people on the beach. There are two plots for each year. The first set shows the number of seals counted and the number of visitors *inside* the rope for each year. The second set shows the number of seals and the number of visitors *behind* the rope. Each point on the graph represents one observation of seals and people on the beach at that time:



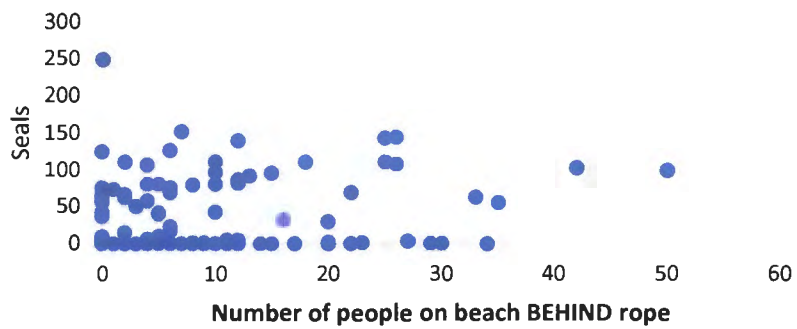


The data in the above graphs continue to illustrate that with just a few exceptions, when there are seals on the beach there are few to no people inside the rope and conversely, when there are people on the beach inside the rope there are few to no seals.

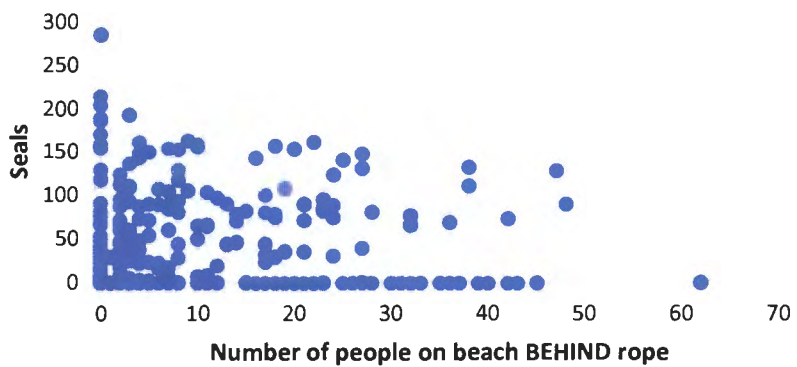
Again it has been observed that the presence of people inside the rope is mainly due to the absence of seals, meaning that if there are seals on the beach people tend to stay behind the rope. People generally will use the beach after the seals have left. Many people have expressed concern that the presence of large numbers of people on the beach inside the rope keeps harbor seals from hauling out but the Ranger has made numerous observations where there were no seals and no people on the beach for hours at a time. There have also been numerous occasions where seals have been observed to haul out onto a beach full of people, showing little regard for the attention they then receive.

The next set of graphs plot the number of seals hauled out and the number of people on the beach behind or on the people-side of the rope:

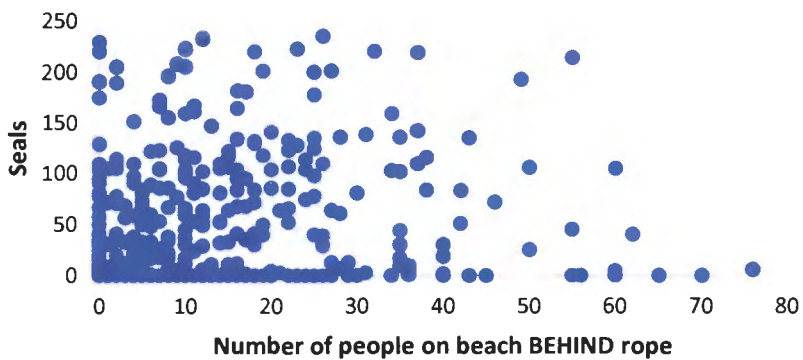
People and Seals on the Beach 2017

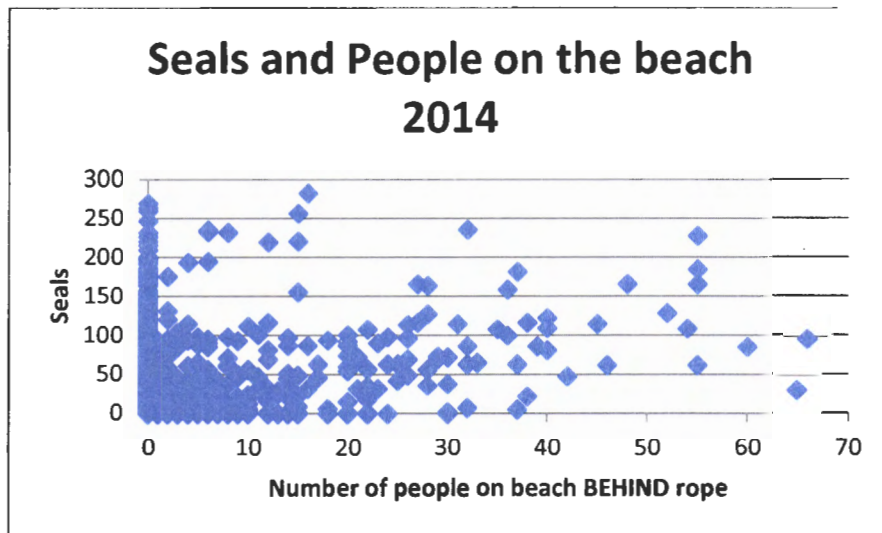


Seals and People on the Beach 2016



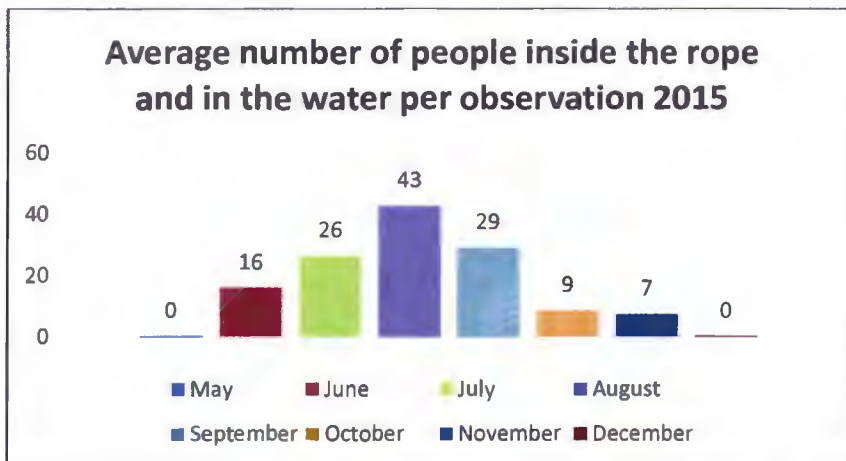
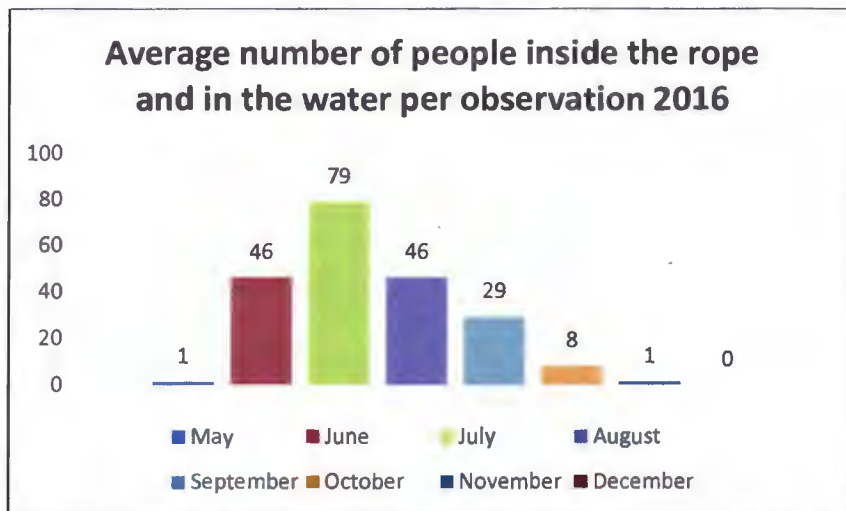
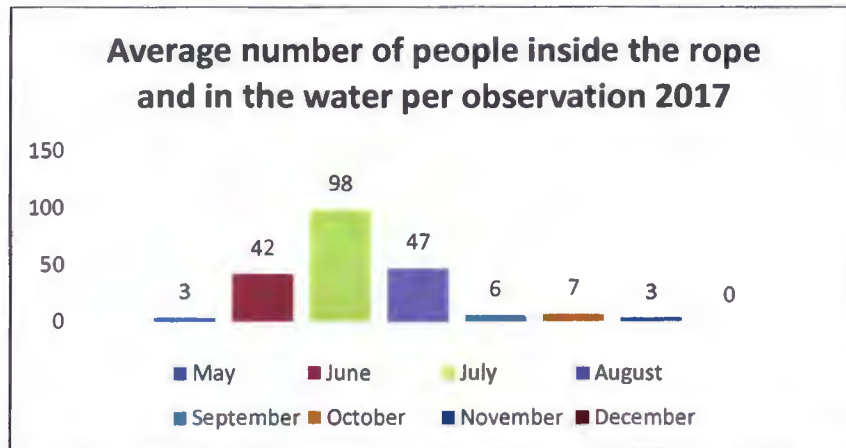
Seals and People on the Beach 2015

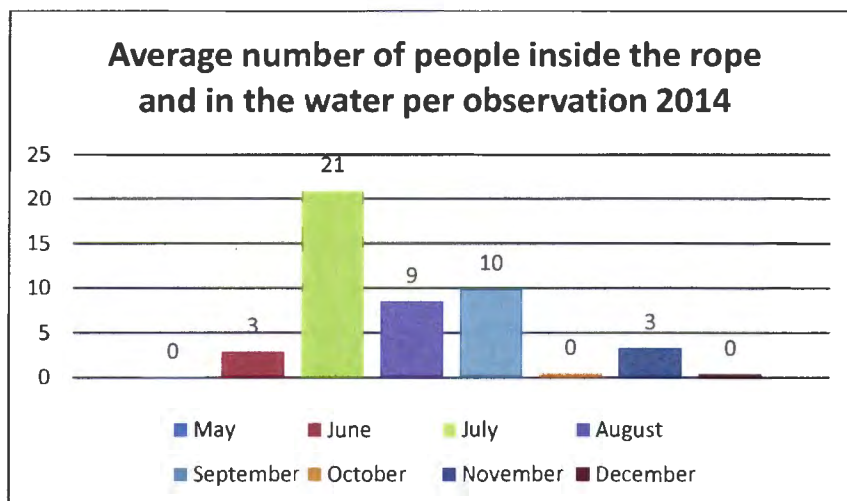




The graphs above show that when seals are on the beach people either view them from behind the rope or chose to stay off the beach entirely. The rope continues to be generally effective at keeping people separated from seals.

Average number of people inside the rope and in the water per observation





The final set of graphs above show the average number of people inside the rope and in the water per observation for the last two years. There are two interesting points illustrated by this data. The first is the continued increase in the average number of summer visitors yearly since the Permit was issued. A possible reason for this increase is with the completion of the new Lifeguard Tower Lifeguards on duty can better explain what the Pool regulations are to uninformed visitors. The second point illustrated is that these graphs, when compared to the “Average number of seals per observation” graphs, show an inverse relationship between people and seals on the beach. The most visitors observed on the beach is when the least seals are hauled out.

The Harassment Incident Form is included in digital format as a PDF file on CD as Attachment 2. This document records seal harassment incidents either directly observed by Park Rangers or recorded on video with a time-date stamp and shown to the Rangers. There were 5 observed incidents of human activity that resulted in seal harassment as defined in the Monitoring Plan as compared to 10 in 2016. Of these incidents, 2 were due to people crossing the rope to get closer to the seals (4 last year). 3 were due to snorkelers, scuba divers, and/or spear fishermen entering or exiting the water (5 in 2016). It should be noted that entering and exiting the water at Children’s Pool Beach was permissible during this monitoring period. The divers entering or exiting the water did not appear to do so to intentionally harass hauled out seals. There were no citations issued by Park Rangers, City Lifeguards, or Police Department personnel for seal related issues. Park Rangers issued 7 verbal warnings to out-of-town visitors whose actions resulted on seal disturbance. One still birth of a seal pup was observed in early December.

There were no marine mammal rescues observed at the Children’s Pool during this monitoring period.

Requirement #2: An evaluation of the condition and performance of the approved structure, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: Rope poles 1 (closest to the stairs) and 2 (next closest) were replaced with longer poles when the beach was reopened May

16th. The longer poles could be set deeper into the sand which reduced the number of times the poles had to be resealed due to pulling out.

On the morning of August 30, 2017 the rope was found to be either cut or broken between poles 3 and 4. A new section of rope was strung between pole 3 and the seawall.

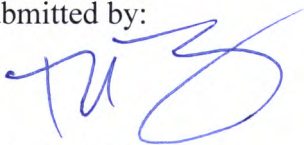
The rope has continued to perform as expected, greatly reducing seal disturbance by beach visitors. Personal observations by Park Rangers have shown that when seals are hauled out on the Children's Pool beach the vast majority of visitors will automatically view them from behind the rope. Additionally, as stated in previous reports, the presence of the rope continues to keep human to human conflict to a minimum by keeping those visitors with an abundance of curiosity from getting close to hauled out seals and keeping those who get upset with those visitors who do get close to seals from becoming confrontational.

The rope continues to be ineffective when certain tidal conditions occur. The rope and poles are installed at the mean high tide line. When high spring tides occur in conjunction with new and full moons seals haul out on the "people" side of the rope. Since there is nothing separating visitors and seals human/seal interaction is much more common. It is interesting to note that during late spring and summer, the majority of these highest high tides occur at night or early in the morning and not during peak visitor hours.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device: Poles 1 and 2 were lengthened so they could be buried deeper. No further recommendations need to be made.

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure: Photographs are included on the attached CD.

Submitted by:



Richard Belesky
Senior Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Park and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101

The City of **SAN DIEGO**



Parks and Recreation Department

Date: December 17, 2018

To: Executive Director, California Coastal Commission

From: Richard Belesky, Senior Park Ranger, Shoreline Parks

Subject: Children's Pool Guideline Rope Annual Monitoring Report

2018 Sixth Annual Monitoring Report

For the Children's Pool Beach Guideline Rope

Coastal Development Permit Application No.:6-15-0223

On June 10, 2015, the California Coastal Commission granted the City of San Diego Park and Recreation Department Coastal Development Permit Application No.:6-15-0223 which re-authorized the use of a guideline rope on the Children's Pool Beach to provide a buffer between humans and hauled out harbor seals during the non-closure period, May 16th to December 14th each year. CDP 6-15-0223 was authorized for a four-year period to coincide with the expiration of the seasonal closure permit, CDP No: 6-14-0691 in 2019.

Special Condition 3B of the granted permit requires the City of San Diego to submit a written report annually summarizing the condition and performance of the approved structure, make recommendations for modifications, and establish baseline data that will be used to determine the level of use of the beach by seals as a haul out location throughout the year and to also assess the level of effectiveness of the rope at minimizing visitor disturbance of hauled out seals. This report is submitted in fulfillment of that requirement.

For a summary the following is a list of all previously submitted Year-Round and Seasonal Rope Permit Monitoring Reports:

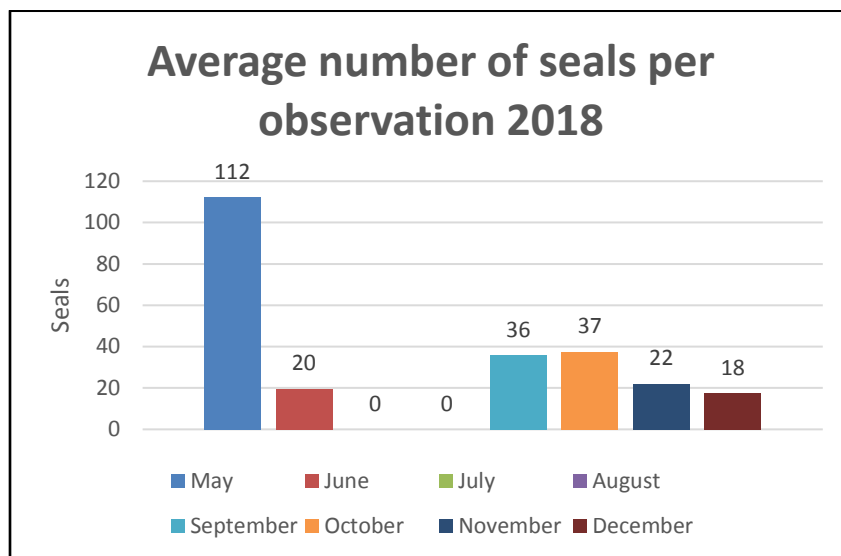
<u>Report #</u>	<u>Period Covered</u>	<u>Report Date</u>
1 st	5/15/2013-5/14/2014	5/15/2014
2 nd	5/15/2014-12/14/2014	2/10/2015
3 rd	5/16/2015-12/14/2015	2/29/2016
4 th	5/16/2016-12/14/2016	4/10/2017
5 th	5/16/2017-12/14/2017	4/10/2018

Additionally, there have been four Beach Closure Monitoring Reports submitted in accordance with Coastal Development Permit No: 6-14-0691 approved 8/14/2014:

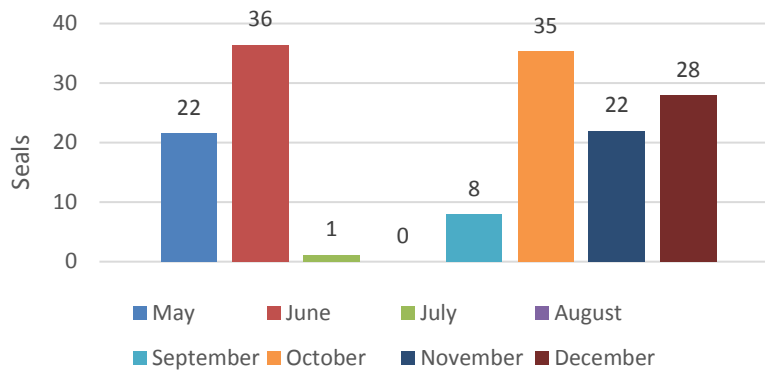
<u>Report #</u>	<u>Period Covered</u>	<u>Report Date</u>
1 st	12/15/2014-5/15/2015	5/18/2015
2 nd	12/15/2015-5/15/2016	8/1/2016
3 rd	12/15/2016-5/15/2017	8/10/2017
4 th	12/15/2017-5/15/2018	8/30/2018

Requirement #1: All records of measurements, analyses, and conclusions created in conformance with the approved Monitoring Plan: The data compiled during the past monitoring period is entered on the Data Collection Form and is included in digital format as an Excel file on CD as Attachment 1.

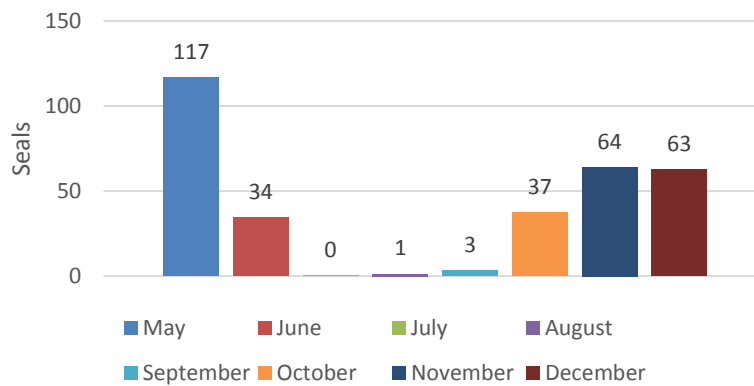
The following first set of graphs show the average number of hauled out seals counted in each observation per month during the guideline rope period since 2014. For example: In May 2018 there was an average of 112 seals counted in the Pool area during each observation. Most of these observations were made between the hours of 10:00 am and 5:00 pm. Comparison of these graphs shows a return to a consistent seasonal daily haul-out pattern. The lower average count observed last May 2017 seems to have been an anomaly.



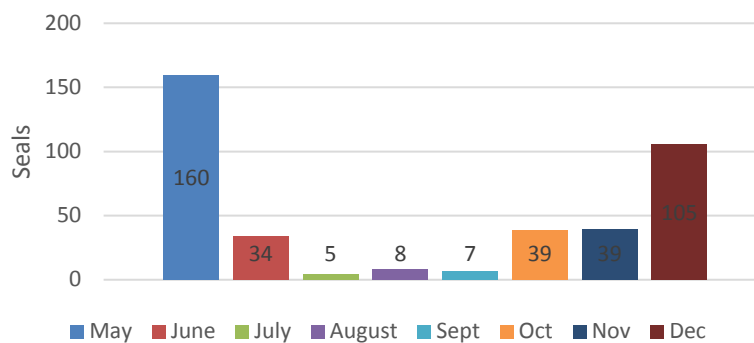
Average number of seals per observation 2017

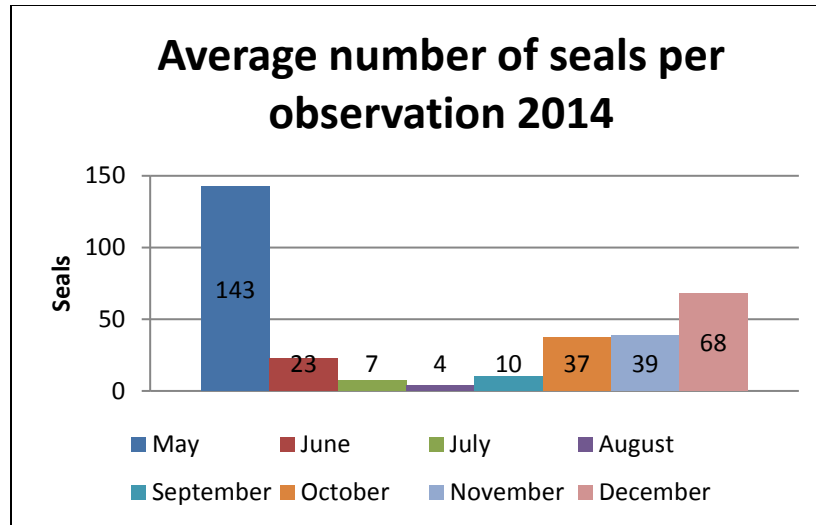


Average number of seals per observation 2016

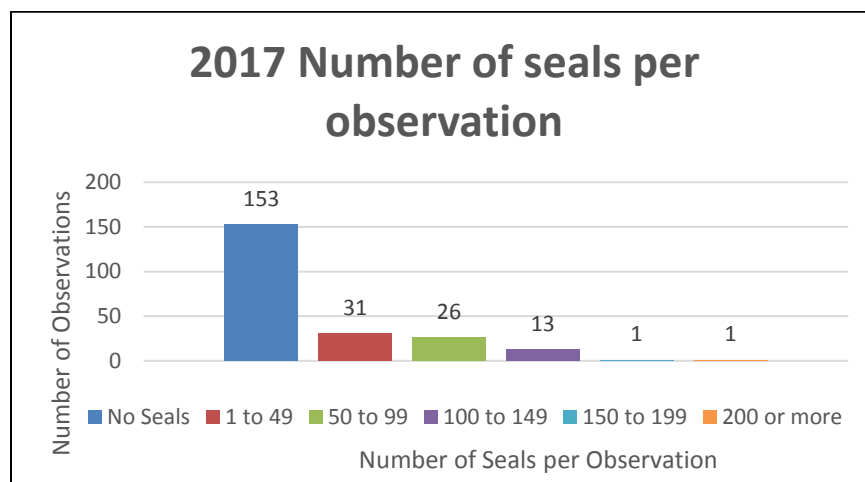
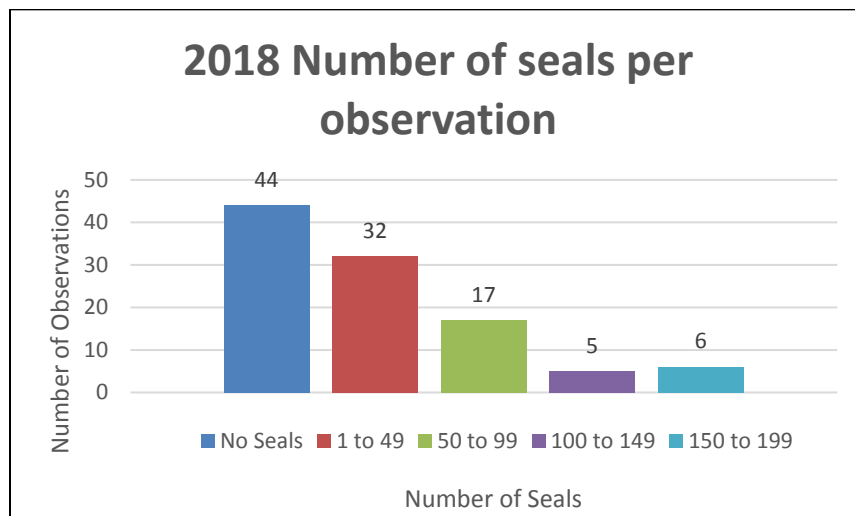


Average number of seals per observation 2015

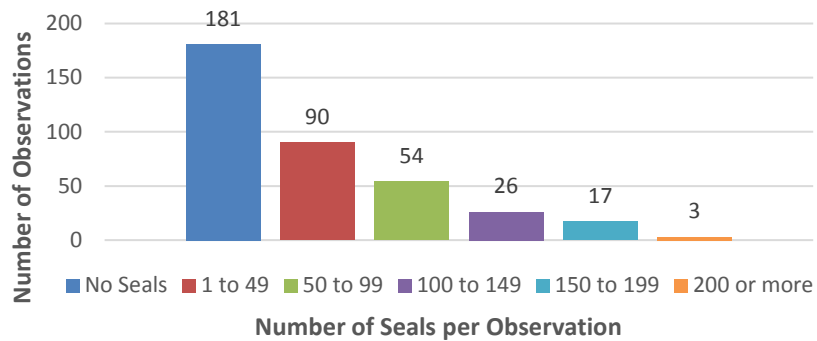




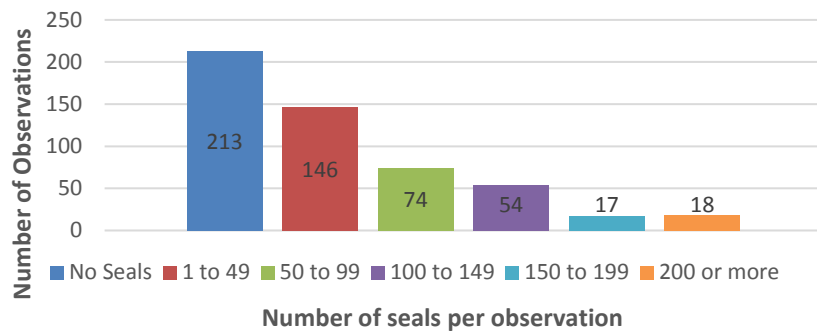
Number of Seals per Observation Graphs



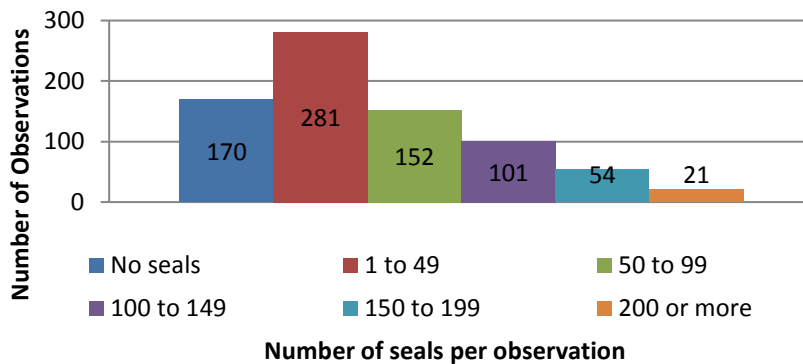
2016 Number of seals per observation



2015 Number of seals per observation

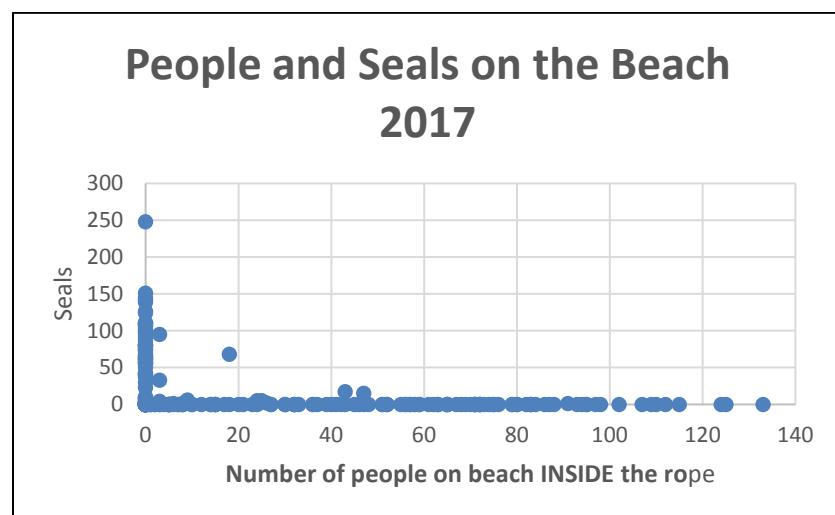
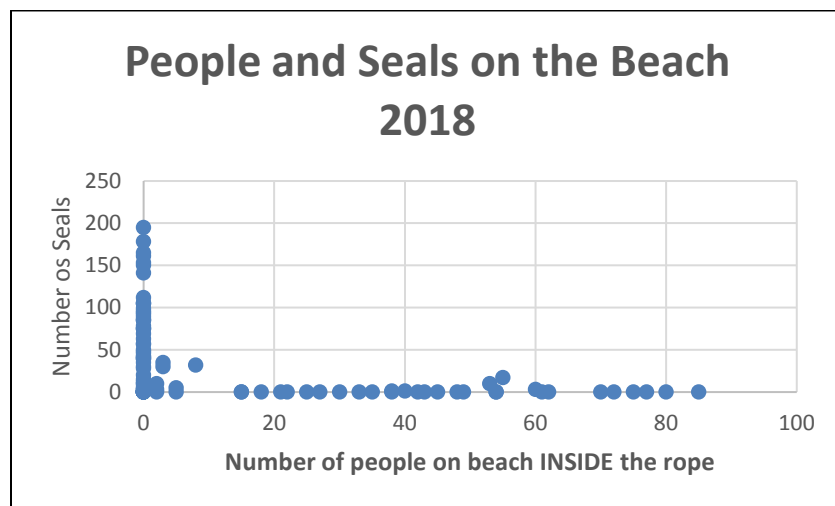


2014 Number of seals per observation

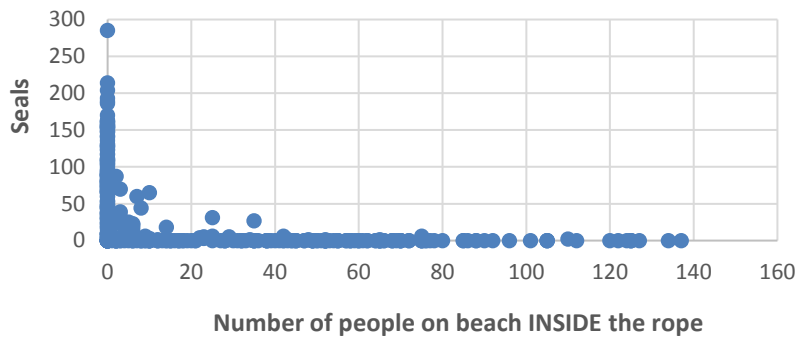


The second set of graphs (above) show the number of seals counted per observation with those observations sorted into numerical groups. These graphs are read as follows: example, in 2018 32 observations were made during this monitoring period where between 1 and 49 seals were counted and in 17 of the observations 50 to 99 seals were counted. The data in these graphs again show a consistent year to year trend in harbor seal haul out patterns. During the warmest months, July through September, there are not many, if any, seals hauled out during the day.

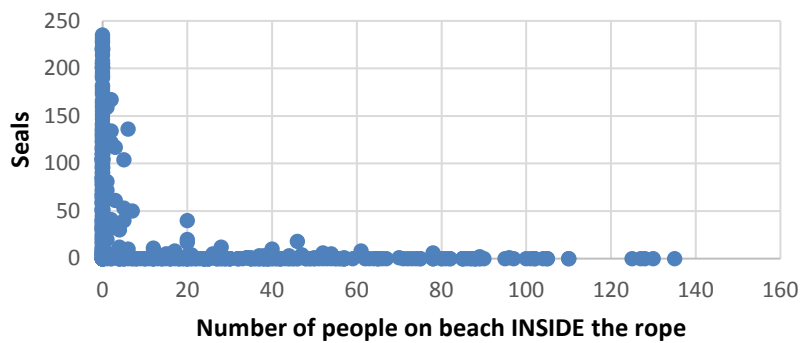
The next sets of graphs are scatter plots of seals and people on the beach. There are two plots for each year. The first set shows the number of seals counted and the number of visitors *inside* the rope for each year. The second set shows the number of seals and the number of visitors *behind* the rope. Each point on the graph represents one observation of seals and people on the beach at that time:



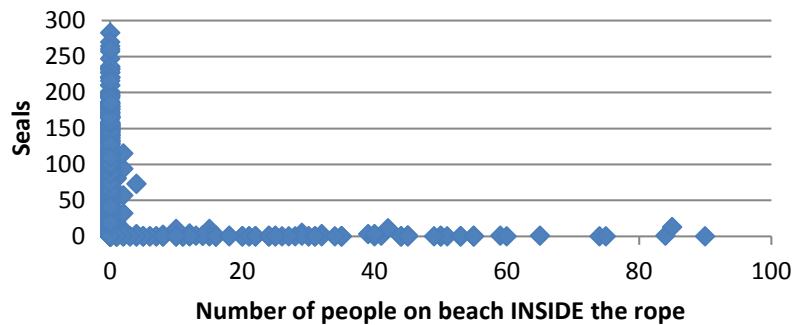
People and Seals on the Beach 2016



Seals and People on the Beach 2015



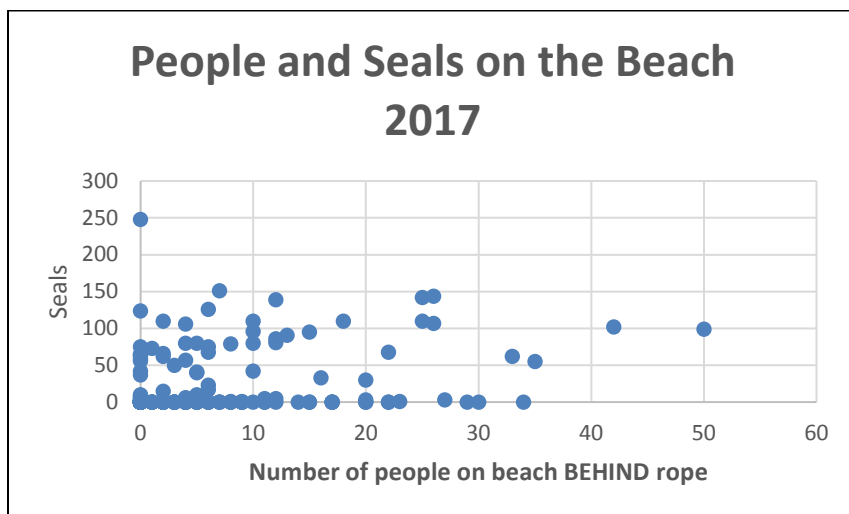
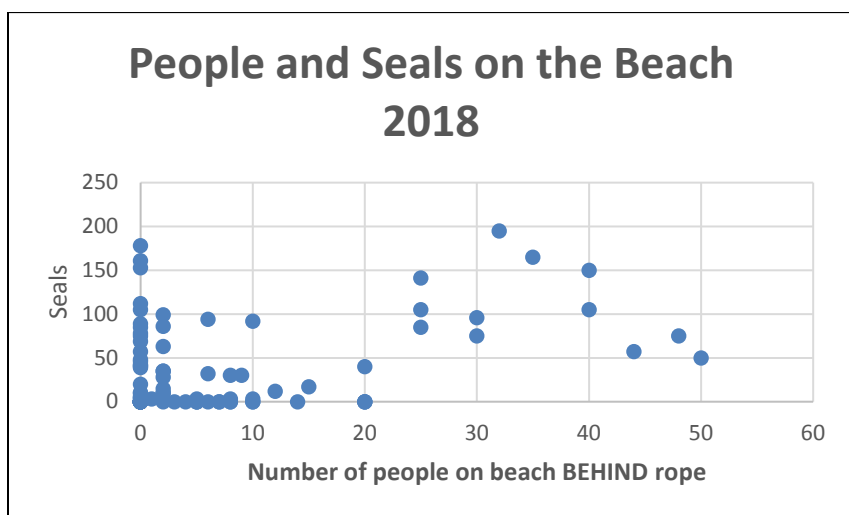
Seals and People on the beach 2014



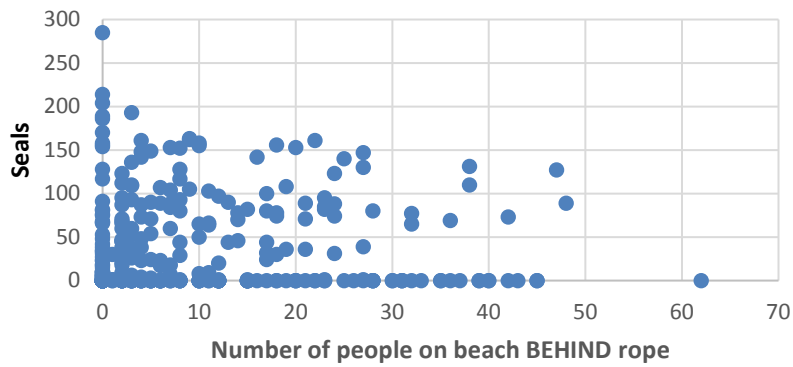
The data in the above graphs continue to illustrate that with just a few exceptions, when there are seals on the beach there are few to no people inside the rope and conversely, when there are people on the beach inside the rope there are few to no seals.

Again, it has been observed that the presence of people inside the rope is mainly due to the absence of seals, meaning that if there are seals on the beach people tend to stay behind the rope. People generally will use the beach after the seals have left. Many people have expressed concern that the presence of large numbers of people on the beach inside the rope keeps harbor seals from hauling out but the Ranger has made numerous observations where there were no seals and no people on the beach for hours at a time. There have also been numerous occasions where seals have been observed to haul out onto a beach full of people, showing little regard for the attention they then receive.

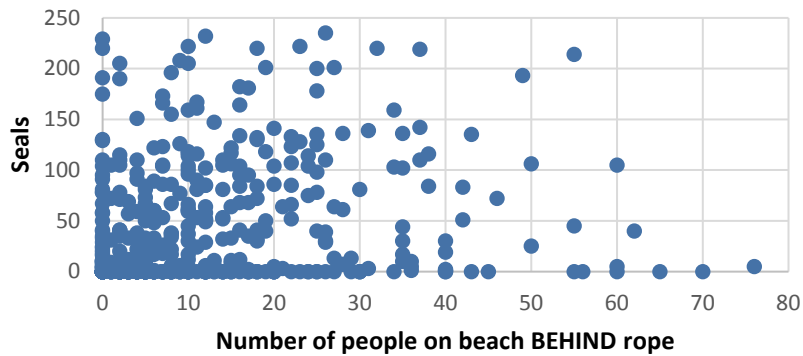
The next set of graphs plot the number of seals hauled out and the number of people on the beach behind or on the people-side of the rope:



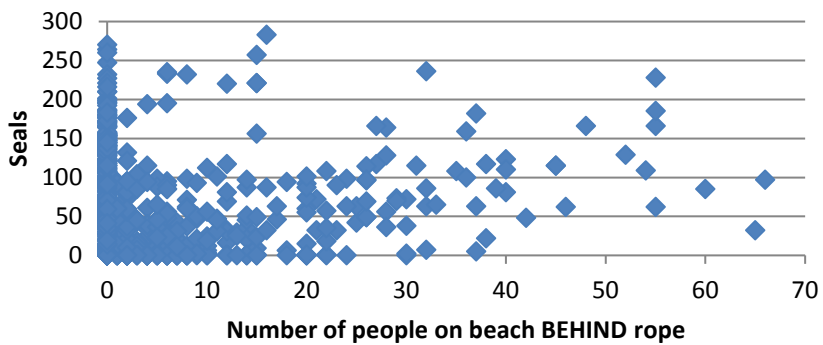
Seals and People on the Beach 2016



Seals and People on the Beach 2015

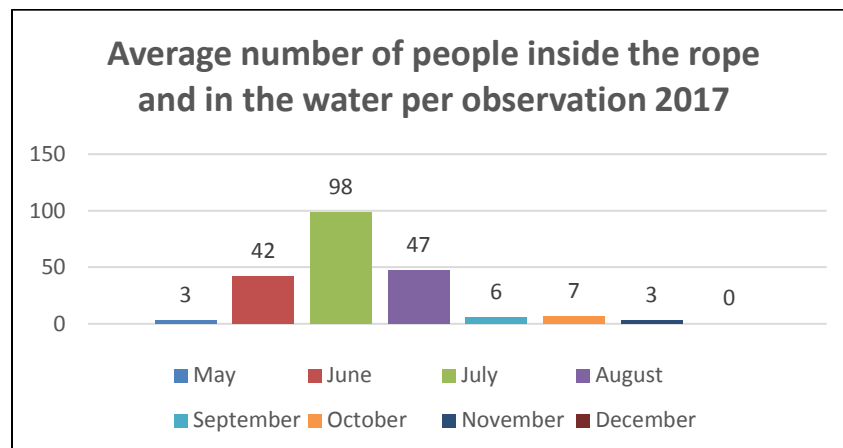
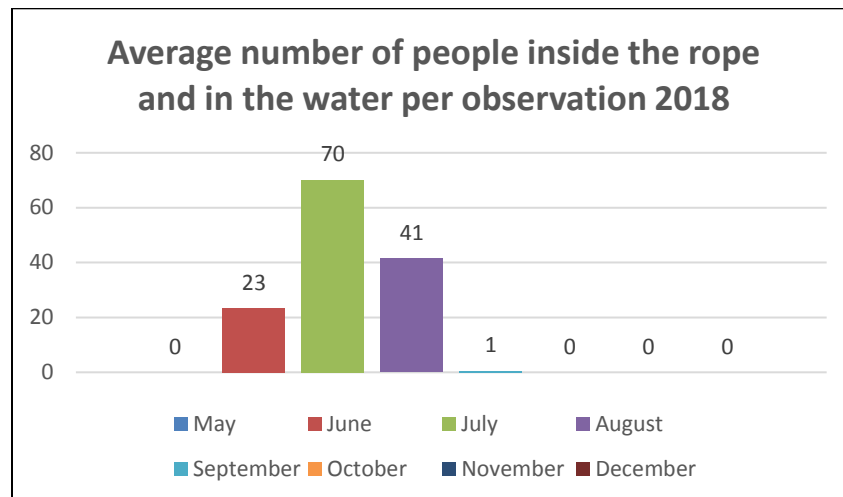


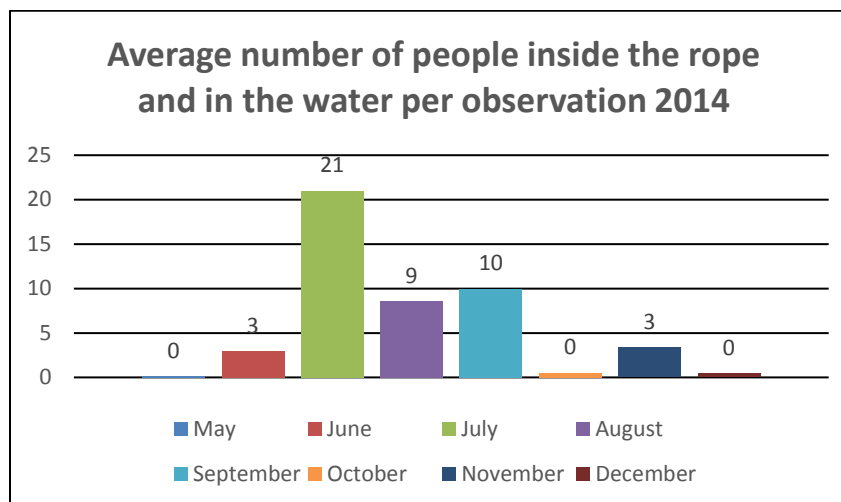
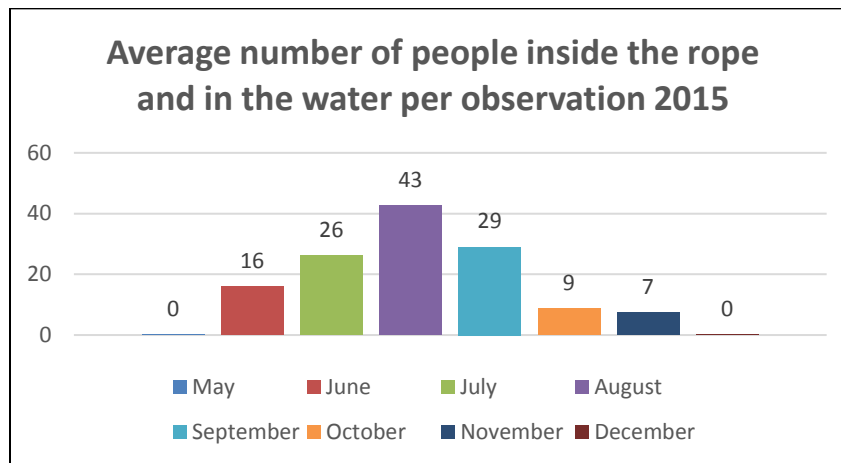
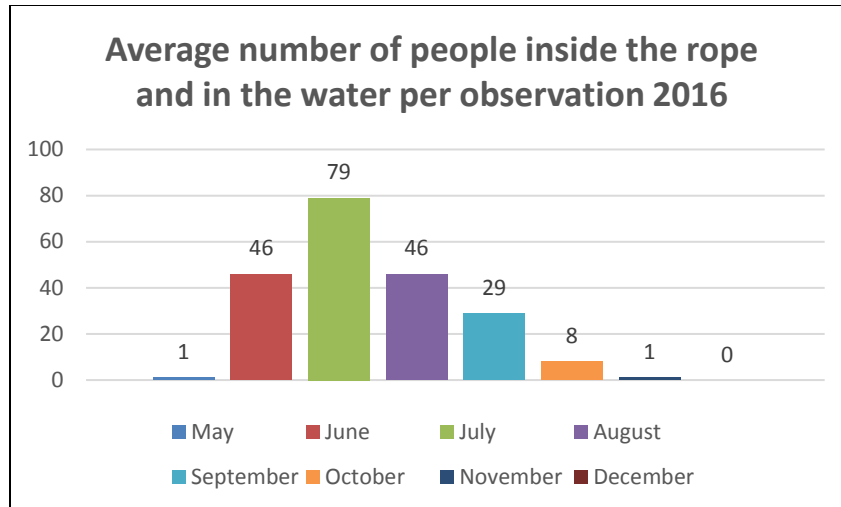
Seals and People on the beach 2014



The graphs above show that when seals are on the beach people either view them from behind the rope or chose to stay off the beach entirely. The rope continues to be generally effective at keeping people separated from seals.

Average number of people inside the rope and in the water per observation





The final set of graphs above show the average number of people inside the rope and in the water per observation for the last five years. These graphs continue to illustrate the inverse relationship between people and seals on the beach. The most visitors observed on the beach is when the least seals are hauled out. An example of this relationship can be seen in the people and seal averages

for September 2018. This past September saw an increase in the average number of seals counted compared to previous years as well as a decrease in the number of people counted.

The Harassment Incident Form is included in digital format as a PDF file on CD as Attachment 2. This document records seal harassment incidents either directly observed by Park Rangers or recorded on video with a time-date stamp and shown to the Rangers. There were no marine mammal harassment incidents observed or reported to Park Rangers during this monitoring period. There were no citations issued by Park Rangers, City Lifeguards, or Police Department personnel for seal related issues.

There were no marine mammal rescues observed at the Children's Pool during this monitoring period.

Requirement #2: An evaluation of the condition and performance of the approved structure, including an assessment of whether any weathering or damage has occurred that could adversely impact future performance of the structure: The longer poles installed on rope posts 1 and 2 have reduced the number of washouts during high surf/tide events because they can be set deeper into the sand. However, sand depth on the beach can fluctuate by three to four feet during certain tidal and surf conditions. Rope post 1 washed out August 16 because of low sand depth and had to be resealed.

The rope has continued to perform as expected, greatly reducing seal disturbance by beach visitors. Personal observations by Park Rangers have shown that when seals are hauled out on the Children's Pool beach most visitors will automatically view them from behind the rope. Additionally, as stated in previous reports, the presence of the rope continues to keep human to human conflict to a minimum by keeping those visitors with an abundance of curiosity from getting close to hauled out seals and keeping those who get upset with those visitors who do get close to seals from becoming confrontational.

The rope continues to be ineffective when certain tidal conditions occur. The rope and poles are installed at the mean high tide line. When high spring tides occur in conjunction with new and full moons seals haul out on the "people" side of the rope. Since there is nothing separating visitors and seals human/seal interaction is much more common. It is interesting to note that during late spring and summer, the majority of these highest high tides occur at night or early in the morning and not during peak visitor hours.

Requirement #3: Recommendations for repair, maintenance, modifications, or other work to the device: None

Requirement #4: Photographs taken from pre-designated sites (annotated to a copy of the site plans) indicating the condition, performance, and/or effectiveness of the structure: Photographs are included on the attached CD.

Submitted by:

Richard Belesky
Senior Park Ranger
Shoreline Parks/Developed Regional Parks Division
City of San Diego Parks and Recreation Department
2125 Park Boulevard, MS 30M
San Diego, CA 92101

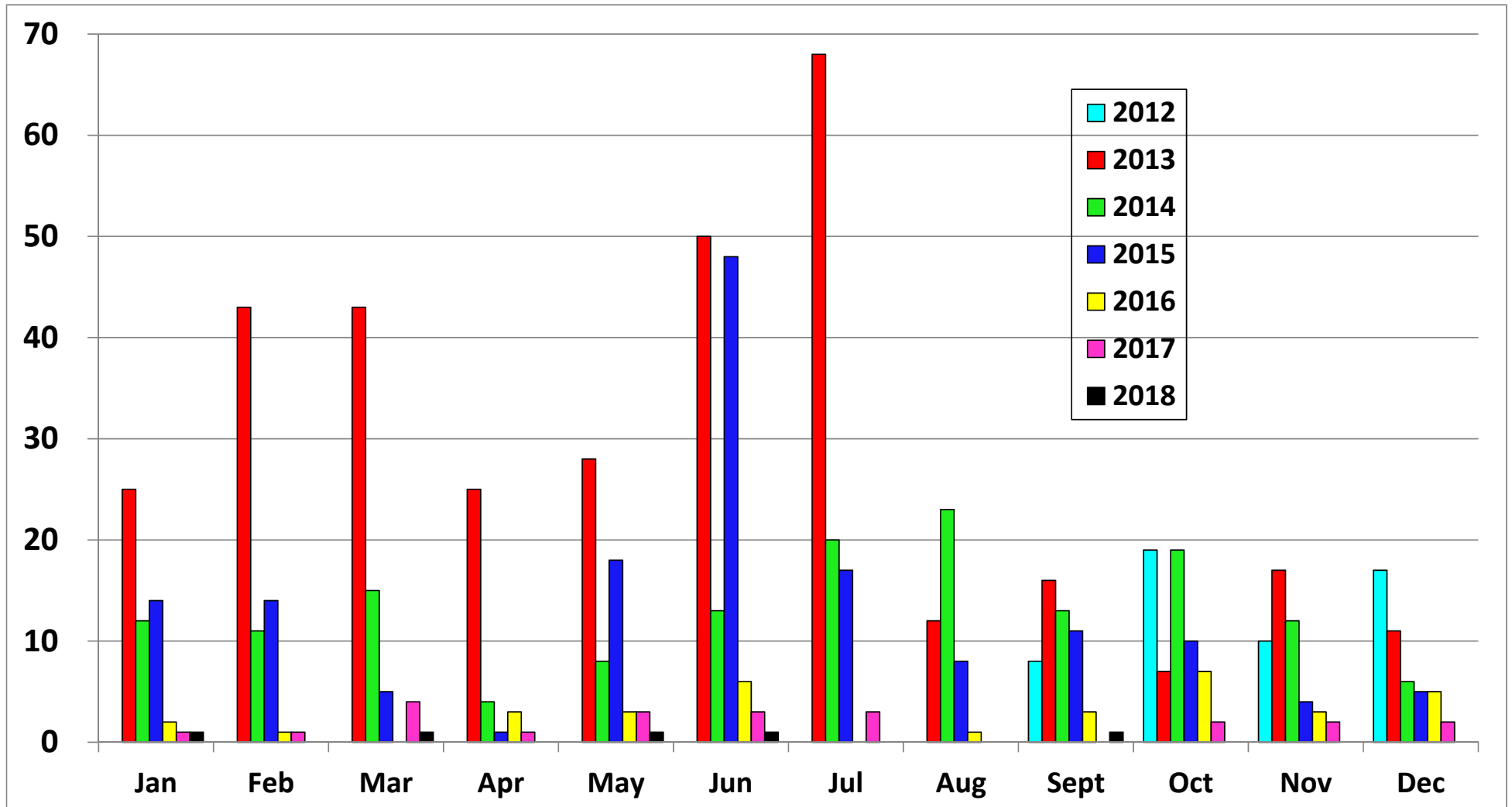
Year to Year Comparison of Total Flushing Incidents by Month

September 2012 to December 2018

YEAR	Total # of Annual Flushing Incidents	Average # of Monthly Flushing Incidents	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
2012	54	12.3									8	19	10	17
2013	345	28.8	25	43	43	25	28	50	68	12	16	7	17	11
2014	156	13.0	12	11	15	4	8	13	20	23	13	19	12	6
2015	155	12.9	14	14	5	1	18	48	17	8	11	10	4	5
2016	34	2.8	2	1	0	3	3	6	0	1	3	7	3	5
2017	22	1.8	1	1	4	1	3	3	3	0	0	2	2	2
2018	5	0.4	1	0	1	0	1	1	0	0	1	0	0	0

Year to Year Comparison of Total Flushing Incidents by Month

September 2012 to December 2018



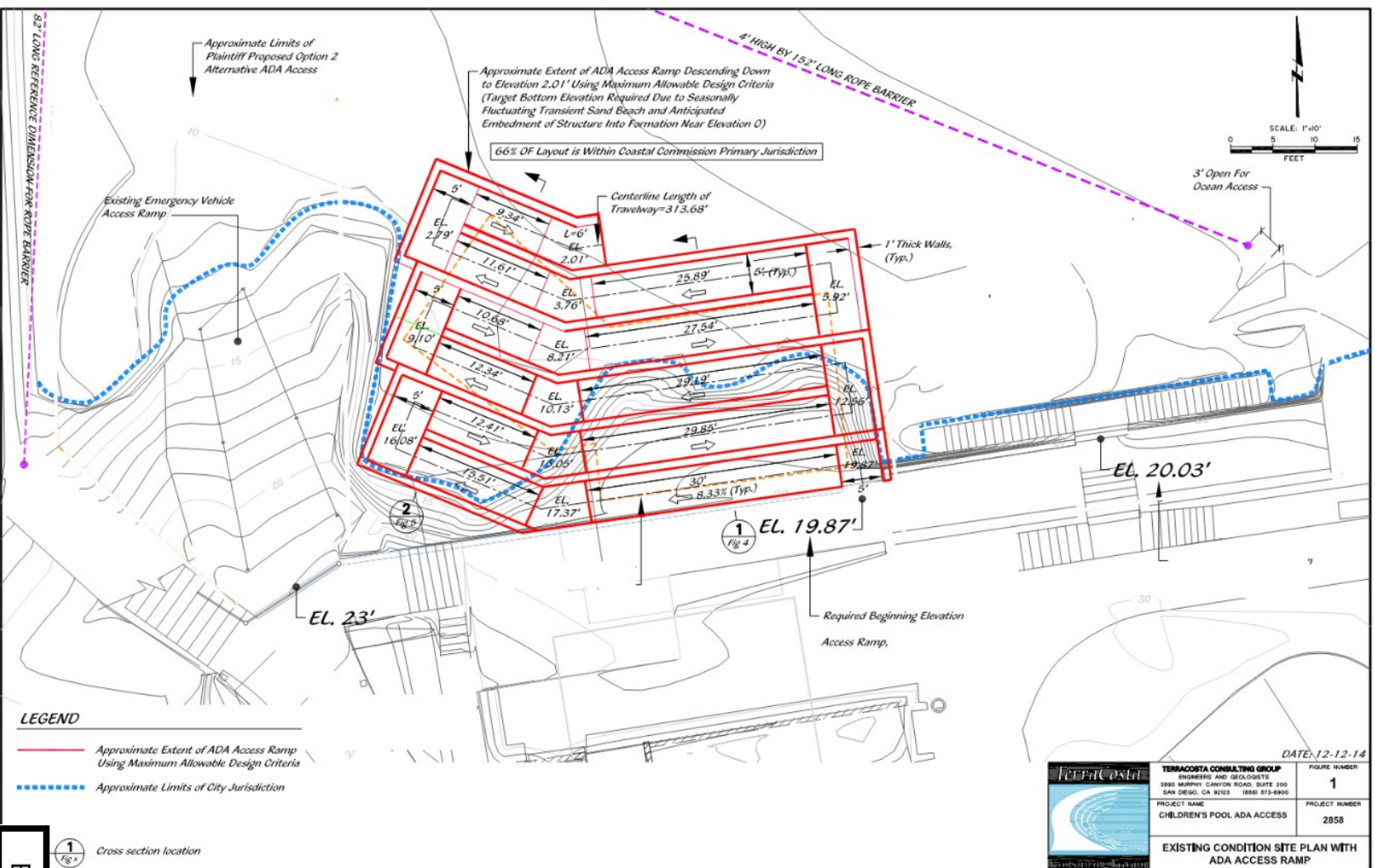


Figure F – Proposed Ramp Plan View Option 1

EXHIBIT NO. 11

APPLICATION NOS.

6-14-0691-A1 & 6-15-0223-A2

Feasibility Study –
ADA Alternative

Page 1 of 4

California Coastal Commission

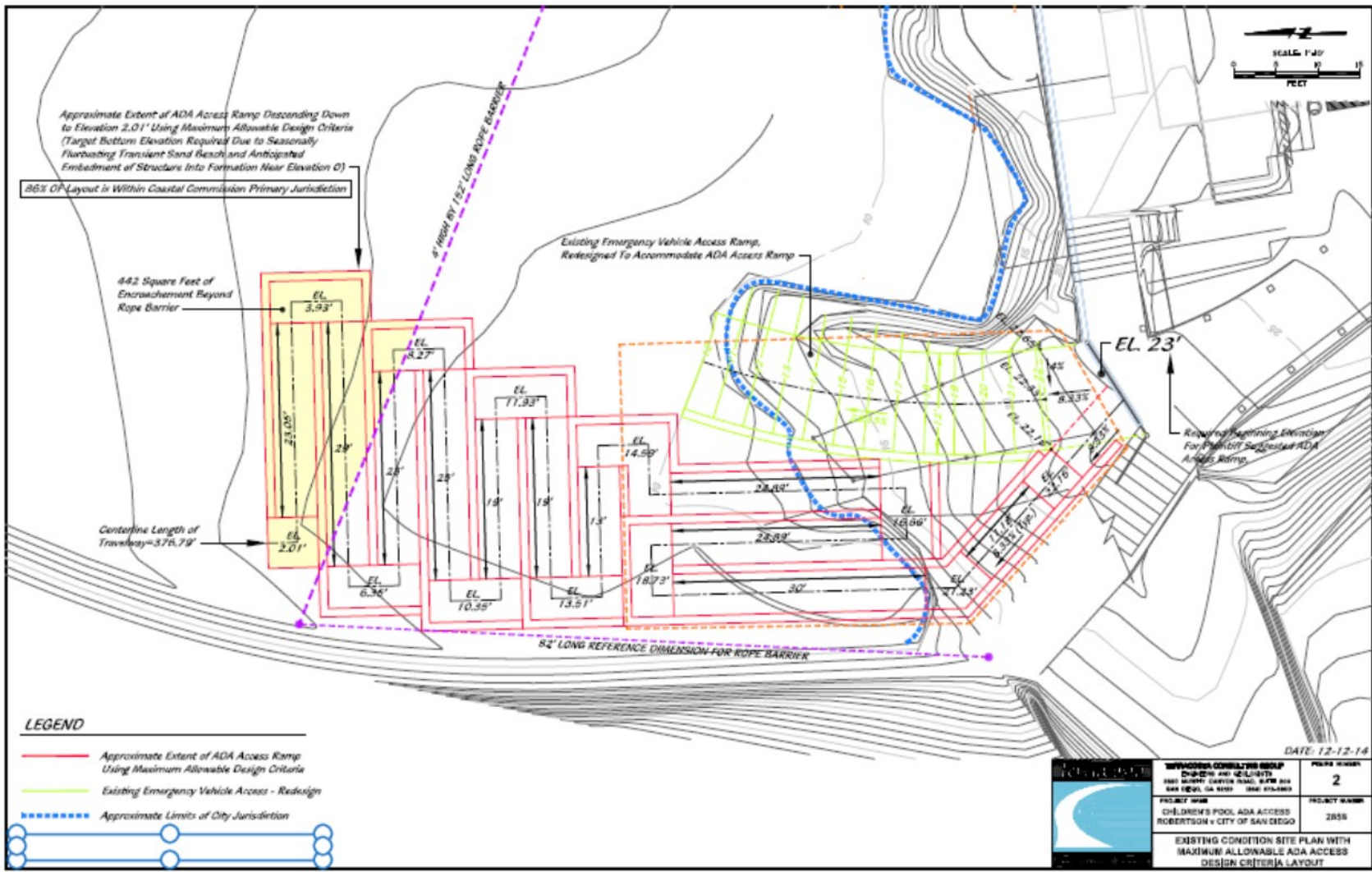


Figure G – Proposed ramp plan view option 2

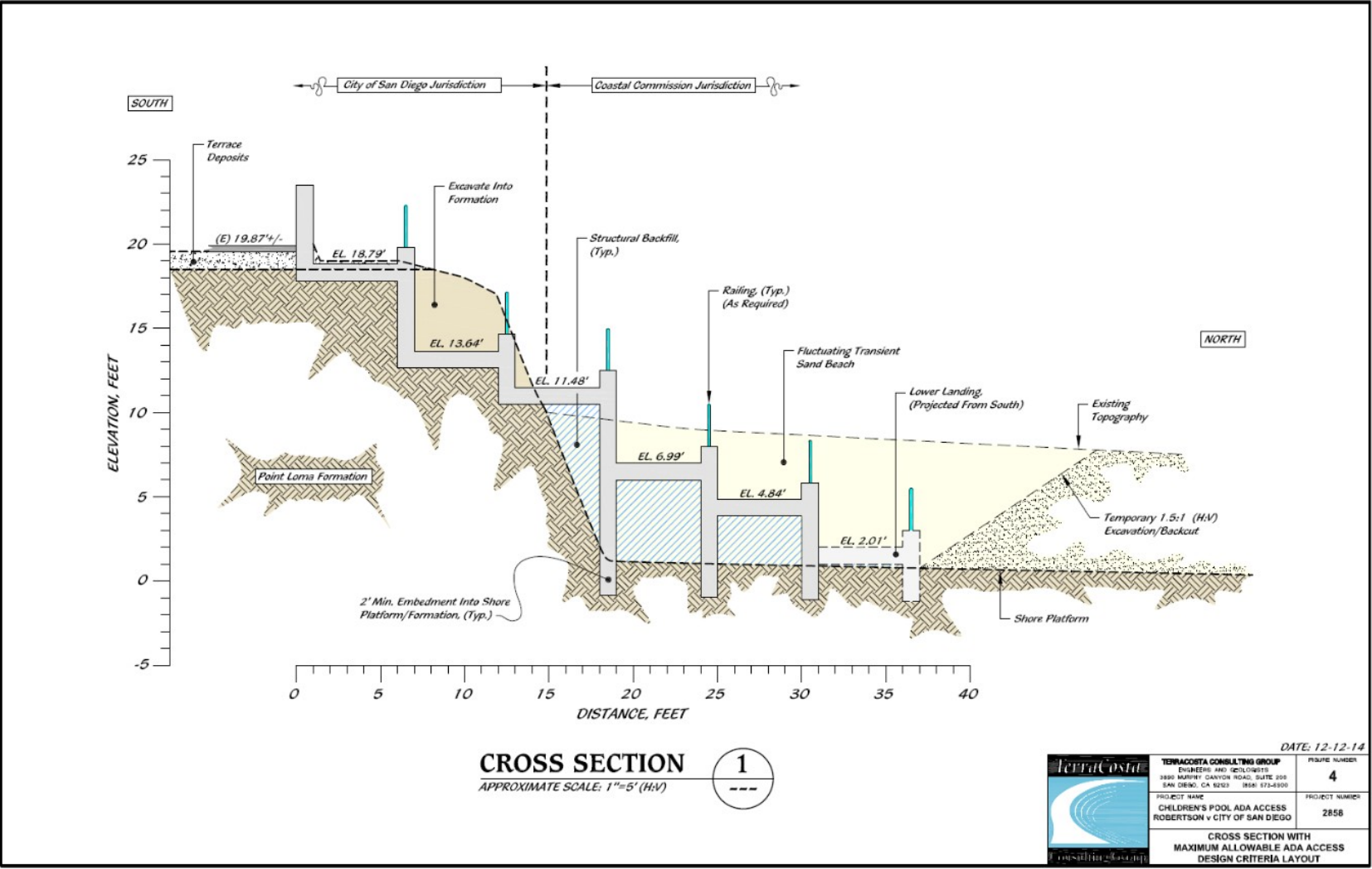


Figure J – Proposed ramp 2 Cross Section

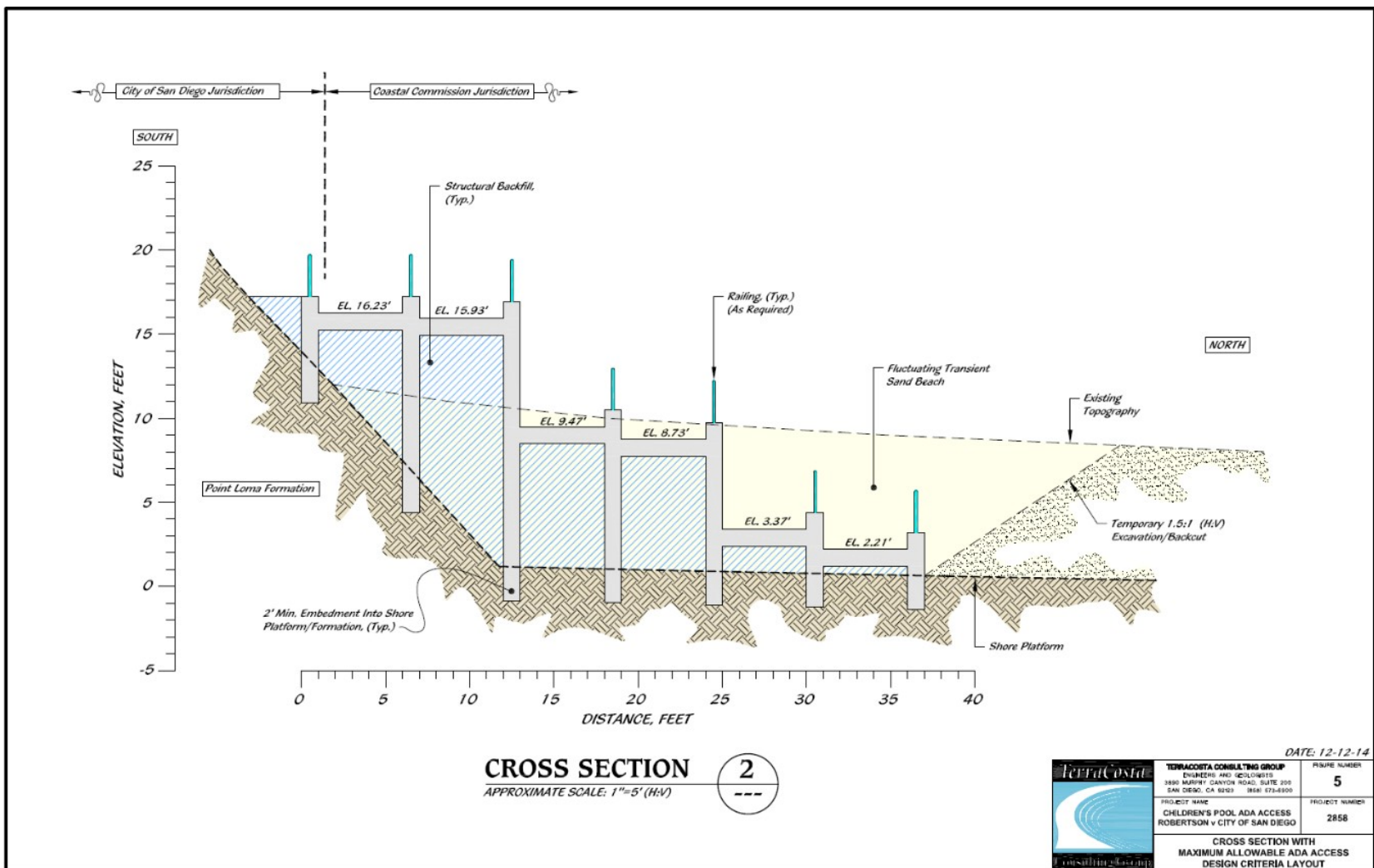




EXHIBIT NO. 12

APPLICATION NOS.

6-14-0691-A1 & 6-15-0223-A2

Existing Ramp Photos

Page 1 of 2



California Coastal Commission

