



La Jolla Community Planning Association

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To: San Diego City Council
San Diego Planning Commission
San Diego Development Services Division
California Coastal Commission, San Diego Coast Division

About: Environmental impact of “emergency” public coastline closures

The La Jolla Community Planning Association is the City of San Diego-appointed, community-elected Brown Act group responsible for obtaining local input on planning issues in the Community of La Jolla.

The CPA requests the California Coastal Commission require the City to conduct a full environmental review and to issue an Environmental Impact Report of the present and future environmental effects, arising from its actions over the last ~25 years, a series of Coastal Development Permits, amendments of the Local Coastal Program and “emergency closures” of public coastline, which have allowed establishment breeding colonies of 2 species of pinnipeds—Sea Lions and Harbor Seals, in the urban setting of La Jolla.

On the one hand, the colonies present viewing opportunities of marine mammals, including pupping. On the other hand, the colonies require closure of beaches. The colonies present environmental challenges, the cumulative effect of which evidences the need for scientific study.

An EIR would study, document and report the past and anticipated future effects of these colonies on coastal access, the coastal environment, the underwater environment and on access rights of public users of the ocean.

Sea Lions and Harbor Seals are not “protected species” of marine mammals. They are protected from harassment under Federal Law (MMPA, NOAA and NMFS), which the City does not enforce. The colonies do not constitute an Environmentally Sensitive Habitat Area because they are not protected species. The closures of beaches and coastline do not meet “emergency” criteria set forth in the Coastal Act. The most recent “Agreement for an Emergency Coastal Development Permit” dated August 10, 2021 utilizes unspecified data in the form of “recent press reports, video recordings, as well as numerous phone calls, emails and photos documenting repeated instances of harassment of the sea lions residing at Point La Jolla” and “input received from the general public, volunteer docents [who] have submitted reports of sea lion injuries or fatalities sustained as a result of both accidental and malicious interactions by humans.” There are also reports made to the CCC that dispute these assertions.

In 2017, Hanan & Associates prepared a Marine Coastal Management Plan, requested by the City’s Parks and Recreation Department. The Hanan Report indicates that the population of pinnipeds doubles every 10 years


and “Consequently, pinnipeds need additional space to occupy on new shoreline sites” and this “pose[s] challenging management efforts for the City as it seeks to protect the ecological integrity from Scripps Pier to Windansea Beach while ensuring opportunities for public enjoyment of all that the shoreline offers.”

The City and the CCC have not determined the impact on the coastal and underwater environment resulting from these colonies. Some environmental effects are self-evident. They certainly affect access, as the City has implemented emergency coastal closures. The impacts likely include feces pollution in the air and water, decimation of sea life as food for the colonies of pinnipeds, including in the La Jolla Underwater Preserve, proliferation of predators (sharks) as a possible result of the mammals’ presence in colonies and the potential impacts of increasing numbers of predators on humans in the water.

Hanan suggested “A mix of selected management measures...expanded signage and docents to educate the public [presumably scientifically trained, neutral docents] regarding pinnipeds and...use of NMFS approved harassment techniques to try and keep sea lions off LJ Cove beach and any other selected haul-out areas.” The City has implemented neither program. This has caused the local colonies to continue to increase in size and numbers, potentially resulting in more deleterious environmental impacts and beach closures. The relationship, or lack thereof, between the establishment of these colonies and the environmental impacts demands scientific inquiry.

Continued pursuit of “emergency closures” and access restrictions, while intended to protect the pinnipeds, results in consequences that should be evaluated, using scientific studies, and reported to the citizens and particularly to the locality of La Jolla where these impacts occur.

The EIR will recommend policies going forward, to address and if possible, to balance the protection of the aquatic mammals with their impact on sea animals and plants, human populations, and other elements in the environment. All these impacts should be for the first time clearly addressed in an Environmental Impact Report, which is hereby requested.

A handwritten signature in black ink, appearing to read "Diane Kane", with a long horizontal line extending to the right.

Diane Kane, President