



April 7, 2022

California Coastal Commission
455 Market Street, Ste 228
San Francisco, CA 94105

Via Email
SanDiegoCoast@coastal.ca.gov
PtLaJolla@coastal.ca.gov

Re: Application No. 6-22-0113 (San Diego Point La Jolla Seasonal Closure)

Please accept these comments in support of the staff recommendation for Item F11c, City of San Diego Point La Jolla Seasonal Closure, on behalf of the Coastal Environmental Rights Foundation (CERF) and San Diego Coastkeeper (Coastkeeper). CERF is a nonprofit environmental organization founded by surfers in 2008 for the protection and enhancement of California's coastal resources. The purpose of CERF is to aid the enforcement of environmental laws, raise public awareness about coastal environmental issues, encourage environmental and political activism, and generally act to defend natural resources in coastal areas. Coastkeeper is likewise a nonprofit environmental organization dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of San Diego County watersheds. To further these goals, Coastkeeper and CERF actively seek federal and state agency implementation of the Clean Water Act, and, where necessary, directly initiate enforcement actions on behalf of themselves and their members.

As reflected below, CERF and Coastkeeper enthusiastically support the seasonal closure of Point La Jolla from May 1 to October 31 as it is imperative for the protection of sea lions, public safety, and the environment. In fact, a year-round closure may be more appropriate to ensure these goals are met and establish consistent compliance with the closure.

The annual sea lion pupping season begins mid to late May and continues through October. This closure would allow expectant mothers to prepare for birth and have adequate time to bond with their pups. As highly social creatures, sea lions stay with their mothers for the first six months of their lives as they learn to hunt and navigate instinctual behaviors. Human interactions can cause the potential abandonment or death of young sea lions.

As a protected species by the Federal Marine Mammal Protection Act ("MMPA"), sea lions shall not be harassed, tormented, or disturbed. The public has widely disregarded the MMPA, largely to the detriment of the mammals. There have been documented instances of humans picking up pups, swimming closely with sea lions, and invading the sea lion's natural habitat. In one reported event, a young pup was found deceased after being harassed. The closure will prevent any disruption in the sea lions' feeding, nursing, breeding, or behavioral patterns. Staffing a City Park Ranger to implement and enforce the closure is critical to the protection of these mammals and a stable marine ecosystem.

During mating and pupping season, sea lions have been known to show aggressive behaviors. When provoked, sea lions can bite and chase a member of the public, causing significant harm. Enforcement and education by City Park Rangers will reduce physical injury to the public while protecting the California sea lion species. Overall, park rangers will help provide clear boundaries and distancing guidelines.

The projected May 1st to October 31st closure will also ban the July 4th firework display from the adjacent Ellen Browning Scripps Park. Fireworks have historically contaminated our oceans with debris, toxins, and pollution. By prohibiting this display, we are protecting our waters and the marine life affected by fireworks' visual, auditorial, and environmental impact.¹ With this ban, the Commission continues its important role in the protection of marine mammals, birds, and other wildlife, as well as water quality. (See, *Gualala Festivals Committee v. California Coastal Com.* (2010) 183 Cal.App.4th 60, 70 [fireworks require CDP and have potential to cause adverse impacts to water quality, air quality, and biological resources]). Since 2010, CERF has been actively involved in efforts to ban the La Jolla Fireworks Display, in part, due to its wildlife impacts. A few expert opinions to that effect are enclosed herewith.

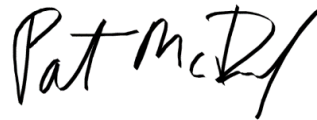
In summary, CERF and Coastkeeper fully support the seasonal closure from May 1st to October 31st (or longer) at Point La Jolla to protect California sea lions, the environment, and the public. We also strongly support the staffing of a City Park Ranger to aid with public education and enforcement of the seasonal closure and a ban on fireworks during the closure.

Thank you for your consideration.

Sincerely,



Kristen Northrop
Policy Advocate
Coastal Environmental Rights Foundation



Pat McDonough
Attorney
San Diego Coastkeeper

¹ <https://www.tandfonline.com/doi/abs/10.1080/00207237508709692> Fireworks pollution and health, Bach et al, International Journal of Environmental Studies (enclosed herewith)