

Minutes of March 9th, 2010 General Meeting

Meeting held at La Jolla Brew House – called to order at 7:00 pm by Scott Anderson, president.



1. Guest Speaker: Kathleen Stogsdall

IB Divers was began in 1989 by Ralph Stogsdall and Kathleen when he contracted to teach NAUI diving for the military. They teamed with instructors Lonnie Sharp and Malcolm Smith. Lonnie enabled them to offer technical diving instruction to the military. They chose a location near the largest base, and started offering retail sales and instruction as well.

A dive club came of it; the Southern California Divers. (How much more Southern California than Imperial Beach can you get?) They worked with the dive boat HydroDiver.

Last year Ralph Stogsdall lost his battle with lymphoma and passed away. Kathleen was always a full partner, knows what it takes, and IB Divers will continue to operate and grow in the years ahead.

2. A statement of plan to the City Council for Children's Pool 3/17

Club presidents and delegates were invited to 3 meetings craft a statement of actions the City should carry out to administer that beach as a joint use beach per long standing City policy. No sooner it was completed than we got wind Donna Frye had called a meeting with APRL (Animal Rescue), and LJFoS (Friends of Seals) to work out a management "consensus" with one FoCP (Friends of Children's Pool) woman for "the other side", so to make a broad base to the proceedings. FoCP withdrew any permission she thought she had to bargain for them and sent its own position paper instead. I just invited myself and presented our nice new position paper. The meeting did not achieve a resolution. Copies of our position paper also went into the other City Council members' mailboxes.

Frye went ahead and docketed the APRL plan for 3/17 in her NR&C Committee, to consider placing their recommendation before the City Council to:

- A. Make it illegal to access the Children's Pool during pupping season
- B. Keep the rope up year round
- C. Declare the Children's Pool a marine mammal park, encouraging MMPA enforcement

We insisted we have time to present also, and this will be the first time Frye's committee has heard from anybody besides APRL affiliates. There will be lots of other public input from those folks, offset only by any persons who will send emails to the 4 NR&C members who otherwise may have to believe "the public" is totally in favor of beach closure.

Councilmember Donna Frye, donnafrye@sandiego.gov, 619-236-6616

Councilmember Sherri Lightner, sherrilightner@sandiego.gov, 619-236-6611

Councilmember Carl DeMaio, carldemaio@sandiego.gov, 619-236-6655

Councilmember Marti Emerald, martiemerald@sandiego.gov, 619-236-6677

Our plan will have to only ask that any restriction time on a beach be balanced by guaranteed free access other times, and any plan contain guarantees no other beaches will be colonized.

3. Next General Meeting scheduled 4/13/10 at the La Jolla Brew House

Guest speaker, TBA. If you have suggestions for a guest speaker, please email us at: info@sddivers.com.

We will be looking for suggestions for new sites to do 3R's at before that meeting.

4. Children's Pool Rope Barrier Appeal to the Coastal Commission

The permit the City awarded itself to rope off Children's Pool beach every half year forever was appealed to the Coastal Commission. Three appeals of that permit went before the Coastal Commission on 3/10 in Santa Cruz.

Our local Coastal Commission office submitted a 14 page staff report with it with every argument it could find that none of the appeals contained any substantive issue and topped it with dozens of letters from beach roping advocates they had solicited to write in favor of the staff report, though none of the letters mentioned any terms of the appeals. They prevailed. The Coastal Commission has upheld the right of any city to restrict access to a public beach that seals can find their way to. Seal Viewing falls under the heading of "preferred recreation". As the staff report mentioned "There are lots of other sandy beaches". So there you are. Go pound sand, someplace else.

5. Upcoming events

Spring is here, and the Underwater Easter Egg Hunt is on at La Jolla Shores.

Saturday, April 3, 8 am to noon. Starts with the free pancake breakfast you don't want to miss. The dive briefing and buddy-up at 9 and all divers hitting the water at 9:30. Prizes given to the buddy team with the most stone "eggs". Little kids will have their own Easter Egg hunt at 11 in the bushes at Kellogg park.

3/14/2010 John Leek, Secretary

Proposal 1 - Management of La Jolla Beaches – Looking to the Future

San Diego divers want to see safeguards against undesired loss of public beach in the future. We are concerned by seal incursions into South Casa Beach in 2009 and 2007, and about future marine mammal colonizations of beaches in La Jolla and all of San Diego. Our fondness for these animals notwithstanding; the City needs a policy and management plan to prevent future colonizations of more public beaches and how to get wayward seals back to safety at Children's Pool.

We propose the City preserve its shared use policy at Children's Pool, and take steps to assure public access to all beaches on the San Diego coastline. The City can declare seals and sea lions on public beaches other than Children's Pool to be subject to removal under MMPA 109(h) so that quick action can be taken when needed. This can be modeled after the volunteer plan made in Pacific Grove when seals threatened their most valuable tourist beach. (Exhibit H)

San Diego has a history of maintaining open beaches for its citizens and tourists to share and enjoy access to its oceans for swimming, surfing, diving, sunbathing, and fishing per the State Constitution and the Coastal Act. Maintaining that policy will allow enjoyment of the beaches by locals and tourists to continue and avoid confrontations by special interest groups or law suits. San Diego is a major world class dive destination, with beautiful beaches, sunken wrecks and a wide range of businesses serving the industry.

Divers have worked with San Diego for 50 years. None advocate harm to seals, who are our dive buddies in the wild. We just want to be assured the public can respectfully and lawfully go on public land to access the ocean, per various State laws.

Derived by consensus of Dive Club delegates from all over San Diego, 1/28/2010, and 2/09/2010.

Proposal 2 - Management of Children's Pool - Effective Planning

Representatives of the dive clubs in San Diego share a concern over the future of Children's Pool. Divers are happy to have the seal colony there, but see unintended consequences without judicious steps taken. We would propose the City craft a long range plan to administer that public park to preclude new liability, contention or expense.

Our proposal requests a total City plan validated by a panel of scientists appointed by Scripps Institute of Oceanography, with California Department of Fish and Game Commission, NOAA GCSW law office, La Jolla Community Planning Association and the California Coastal Commission.

That panel can formulate ways to protect San Diego beaches for all its citizens and stay within all the terms of the amended trust and the Coastal Act and the State Constitution. Violating any one could start more protracted loss of City resources. We just got free of 5 years of litigation.

We further propose the City enforce its Public Right of Way codes (**§127.0304(b)(1)**, **§129.0802**, **§142.1206**, **§33.1406**, **§54.0105**) pertaining to vendors' tables and signs drawing crowds in the public's right of way and creating an attractive nuisance, even obstructing public, emergency and handicapped access. The City has done an outstanding job of providing clear signage in the area. Other signs by special interest groups create confusion, cause contention and should be removed per City Codes. We urge the City to enforce its signage codes (Art 2, div 12 and Art 9, div 8; **§121.0504**; **§121.0505**) to eliminate private party or special interest group signs.

The San Diego Dive Community agrees with the City of San Diego's Joint Use policy at Children's Pool, as was formulated by a Children's Pool Technical Advisory Committee on July 29, 2003. This policy was cited repeatedly to defend the City against the O'Sullivan suit. (Superior Court, Aug 2006) It makes more sense than ever.

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