

Minutes of May 11th, 2010 General Meeting

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



1. Guest Speaker: Rod Watkins of Scuba San Diego

Rod has worked up from instructor to entrepreneur and runs a business introducing out of town visitors to San Diego coastal wonders, by snorkel or scuba or by kayak. He has been in a push against the City about ocean access at La Jolla Shores and whether the City can apply fees there to enter the water – specifically to launch kayaks. He has been cited and dismissed.

Now his means to prevent ocean access curtailment is not to appeal local law or state law or the Coastal Commission, all of which we have tried at Children's Pool. He filed in federal court with the assertion Section 10, Art 4 of the State Constitution cannot be violated by the City without federal permission because the State Constitution was derived from the Treaty of Guadalupe-Hidalgo and its terms are the result of a standing treaty between 2 sovereign nations, which included upholding all the Spanish Land Grants and the land use conventions found in the California Public Trust Doctrine to this day. He has not won, but more than one motion to dismiss by the City have failed, which lends this case stature.

2. 3rs 2010 Check <http://www.sddivers.com/3rs.html> Scroll down to the Schedule.

3. Website Overhaul

The website <http://www.sddivers.com/> has been overhauled this last couple months. Check it out. How would you improve it?

4. City Council convenes in La Jolla solely to decide a “management plan” for Children's Pool

Councilmember Frye had docketed an Animal Protection and Rescue League (APRL) plan for the March 17th meeting of the Natural Resources and Culture Committee. APRL's recommendations which she brought were:

- 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

Our introducing the legal problems with such measures caused the committee to deadlock and no motions were carried on March 17th.

Frye called a special meeting April 5th, 2010, to introduce the plans again, after the City Attorney was able to submit a report on the issues. Not only would a new Coastal Permit be needed for a year round rope, but denial of access by force of law would require changing the Local Coastal Plan by which the City maintains some self governing of coastal areas.

On April 5, 2010 Councilmember Lightner of La Jolla was able to add a measure to replace activists with a City Park Ranger at Children's Pool. She also was able to get the issues heard by La Jolla community groups, per procedure, before it went to the City Council.

Recommendations for the City Council for May 17, 2010, became:

1. Request changing the law to allow annual beach closure from December 15 through May 15.
2. Request an emergency Coastal Permit to leave the rope up year round.
3. Ban dogs from the CP beach at all times.

4. Search for private funding for a Park Ranger at Children's Pool.

The La Jolla Town Council Committee on Parks and Beaches and La Jolla Community Planning Association reported the results of public hearings = reject the first 3 measures. John Leek spoke for shared use, and requested the City Council add our Children's Pool Beach Management plan back into the agenda as was done in the public hearings. The animal rights activists went first with films of people touching seals the day the rope came down and lots of appeals to 'protect the seals' with beach access curtailment. After the activists finished, they and the news media all left the hall, already of the outcome would be. The first 2 measures got 6 of 8 votes, but the 4th measure was unanimous. The park ranger would be funded by an anonymous donor. It was not clear if they would donate to fund a park ranger for a closed beach.

The City Attorney agreed with us that City Code §126.0718 requires the Mayor to make rigorous factual findings of emergency and take any emergency coastal permit to the California Coastal Commission.

5. Next General Meeting scheduled 6/8/10 at the La Jolla Brew House

We will also be reviewing the Incidental Harassment Authorization the Council has submitted to NOAA to allow diving at Children's Pool with federally sanctioned accessibility as well as a second IHA to sanction our beach cleanups at Children's Pool.

Submitted 5/21/2010

John Leek, Secretary