

Minutes of July 14th, 2009 General Meeting

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



Introduction

Scott Anderson gave a short overview of Council issues and actions. The greatest part was the 3rs, MLPA and Children's Pool

1. 3rs

Last week's 3rs was at Goldfish Point, also called The Clam, or The Caves. The Dive Animals hosted, doing a fine job of setting up tables and banners and providing snacks and drinks for the 61 happy snorkelers and scaring up some needed safety swimmers to carry floats and look out for stragglers. The Council has assumed full ownership of the 3rs after the City cut funding. The 3Rs continues due to the support of the San Diego Dive Club, Mark Brown and Mike Russell both former lifeguards. And of course the support of our local Dive Clubs.

The participants formed 2 groups with one instructor each and started the cave route in opposite directions after descending the cliff below the Shell Shop and doing the recommended belly flop entry off the rocks. The caves include the huge Emerald Cave with its smaller side tunnel, Sunny Jim's, the Crack, Twin Sisters and shooting through the Shotgun.

The next session will be Marine Street, July 25th, hosted by the Ocean Explorers. Please check our web site for further 3R's information <http://www.sddivers.com/3rs/index2009.html>

2. MLPA

Per requests, Scott showed the current six (6) proposed maps. Of those, only one reflects drastic changes to the La Jolla area south of the preserve. All preserved the La Jolla Shores preserve and did not expand it north as the Council had suggested some time back. It is important to remember the proposed area closures will only affect fishing, public access, diving and swimming. These maps are also found at <http://www.dfg.ca.gov/mlpa/scrsg-dprops-r2.asp#lapisa>

One of the study maps used was about marine mammal habitats. It is a derivative of an interactive map built by National Marine Fisheries and Scripps research <http://swfscdata.nmfs.noaa.gov/pinniped/viewer.htm> On this map, the only seal haul outs shown in Southern California are at Children's Pool. The Council found the researchers that produced this and submitted photos of the harbor seal colony at Point Loma and the sea lion colony at the Clam. Turns out they knew of these colonies, but had not taken an official observation there, so there was no record. Meanwhile, they had taken eight (8) observations at Children's Pool, all duly recorded leaving an impression Children's Pool is the only haul out site in San Diego. Our photo documentation of the rookery at Point Loma may never be acknowledged, we not sure at this time, although an offer to take researchers there and show them the colonies has not been answered.

3. SB 428, the bill to make Children's Pool a "marine mammal park"

The Council Secretary presented a summary of "how we got beat so bad", including our mistaken assumption that polls at dive club meetings showing over 90% wanted the Council to Do Something, would translate into diver readiness to help. So the Board went into action, without first getting written statements of support from the clubs. When we needed those for a show of strength in Sacramento, they were not obtainable, so the clout of nationally based animal

rights organizations endorsements held sway, even though we got slightly more individuals to write letters in opposition to the bill than did the supporting side.

The Council board devoted a lot of effort to derailing this bill in Assembly committee, where it should have been most vulnerable. It was steered to the Natural Resources Committee, with a lot of members from North California coastal regions, where marine mammals in harbors have been a huge problem. We made sure the analyst who writes an “impartial analysis” of the bill for the committee had all the documents, court records, photos, official letters and historical documents to counter the summary written by the City and Senator Kehoe boosting SB 428. Each member of the committee was sent similar documentation. To our surprise, the analysis came out with nothing but what had been submitted by City lobbyists and everything we had sent had been discarded. The Committee passed it easily.

At that point, it was clear this had even more backing than the City and the dozen animal rights groups listed as the only interested parties, and this was bigger than just seals.

The Assembly voted to pass SB 428, 71 to 0. The federal case the City used for its major argument of this bill had been dismissed. A phone call to the analyst’s office requesting the analysis be updated before it went the Assembly floor netted a refusal because it was “too late”. When the bill got to the Assembly floor, the analysis had been updated, to remove mention of any opposition, but leaving the obsolete reference to the court case intact.

The Council Secretary pointed out that the basis of legitimacy of SB 428 was that the Trust could not stand against the “absolute control” of the State over tidelands. This meant no Tidelands Trust Grant can be immune to revision by the State, as stated in a letter from the State Lands Commission to the San Diego City Attorney encouraging the City to request SB428. SB 428, to protect the seal display is carrying a legal precedent to give up control to all tidelands, even in Trusted Land grants, to the State.

Before sponsoring SB 428 Senator Kehoe had floated [SB 139](#), to remove control of tidelands like the San Diego Port Authority from San Diego in favor of the State. This includes San Diego Harbor and Mission Bay. In that bill was stated. “(b) *The state's power and right to control, regulate, and utilize its tidelands and submerged lands when acting within the terms of the public trust is absolute.*” and “*Sec. 2. It is hereby declared to be the policy of the State of California to develop the harbors and ports of this State for multiple purpose use for the benefit of all the people of the State of California.*” Senator Kehoe dropped SB 139 in favor of concentrating on SB 428. Once SB 428 establishes that the State must administer tidelands for “all the people” then the oceanfront wealth of San Diego can start being diverted into the California General Fund, “*for the benefit of all the people of the State of California*”.

4. Next General Meeting scheduled 8/11/09 at the La Jolla Brew House

Guest speaker, not yet confirmed. If you have suggestions for a guest speaker, please emails us at: info@sddivers.com

5. Open offices in the Council

We have openings for several offices and will accept nominations at any meeting. In fact we will accept volunteers on the spot. We have more projects than organizers.

6. Membership Cards

Membership cards in the Council have been made, and members in good standing are able to pick theirs up at any meeting. If you don’t know if you are a current Council member, inquire at JLeek001@san.rr.com.