

Minutes of Feb 9th, 2010 General Meeting

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



1. Composing a statement of plan to the City for Children's Pool

The Trust by which the City administers Children's Pool has been amended since Jan 1 to allow seals a permanent place there, but the City had yet to make a move to say what intends to do with it. It seems that the use of the Pool by citizens is still ensured by the Trust, but some want to read it so that it can be declared for seals only.

On Jan 28, Club presidents and delegates were invited to craft a statement of actions the City should carry out to administer that beach as a joint use beach per long standing City policy.

This Council meeting repeated that gathering and refined the proposal.

The result was actually 2 proposals, one for Children's in particular, and one for La Jolla beaches in general considering the likelihood of seals eventually wandering over to other beaches.

Those are included in the last 2 pages of this report. Supplementary documentation is to be added and a package delivered to the City Council offices.

2. Next General Meeting scheduled 3/9/10 at the La Jolla Brew House

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

3. Children's Pool appeal

The permit the City awarded itself to rope off Children's Pool beach every half year forever was appealed to the Coastal Commission. The Coastal Commission had a meeting in Oceanside on Feb 10th and several people went there to present complaints of harassment and threats denying access to Children's Pool beach. The director of the Coastal Commission agreed to send a letter of concern to the City and various other regulatory agencies.

2/15/2010 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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