

Minutes of April 13th, 2010 General Meeting

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



1. Guest Speaker: Dive Heart

Alan Blake presented the plans and programs of Dive Heart in San Diego. Dive Heart trains instructors and certified buddies for getting disabled divers qualified for scuba. He showed slides of the classes being taught and field excursions to get disabled divers a chance to see the other side of the ocean. Dive heart operates all over the world. Their next training course in San Diego will be May 19 to 23rd. 3115 Ocean Front walk, San Diego Ca. 92109, 6:00 pm. Buddy certification requires first learning how to dive disabled, with legs tied together or maybe with a blacked out mask.

Check a web article in the [READER](#). or a Diver to Diver [website article](#)

Alan can be reached at (619-885-1795)

2. A statement of plan to the City Council for Beach Management

Club presidents and delegates were invited to craft a Beach Management Proposal to submit to the San Diego City Council in February. . The Beach Management proposal not only covered Children's Pool, but surrounding beaches. 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

We requested time to present also.

Our introducing the legal problems with such measures caused the committee to deadlock and no motions were carried. Frye called a special meeting 4/5, 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 4, 2010 the forces for closure were undaunted, though Councilmember Lightner of La Jolla and she 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 to be heard by La Jolla community groups, per procedure, before going to the City Council. Recommendations for the City Council, which is scheduled for May 17, 2010, are:

1. Close the beach from December 15 through May 15 by law.
2. Leave the rope up year round.
3. Ban dogs from the CP beach at all times.
4. Replace the activists with a Park Ranger to educate the public about seals and shared use of the beach.

The matters went next to the La Jolla Town Council Committee on Parks and Beaches. John Leek spoke for shared use, and requested the Committee add our CP Beach Management plan back into the matters to be recommended to the City Council on May 15, 2010. They did.

Final votes were

1. Closing the beach by law from December to May annually – unanimous NO.
2. An emergency permit for a rope across the beach all year – unanimous NO.
3. Proving a City sponsored Park Ranger at CP to replace the activists and educate the public about seals and shared use - unanimous YES
4. Banning dogs from the beach at all times. – mixed.
5. Accepting the Council of Divers beach management plan as an added option to the plans proposed by NR&C committee – unanimous YES

We will present the same diver concerns to the La Jolla Community Planning Association on May 6 and the City Council meeting on May 17, 2010.

3. Next General Meeting scheduled 5/12/10 at the La Jolla Brew House

Guest speaker: Rod Watkins of “Scuba San Diego” who conducts guided snorkel and scuba trips in La Jolla. He has an ongoing legal battle with the City about public beach access and has some stories to tell.

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 5/2/2010

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 colonization's 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 colonization's 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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