

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
Tuesday, April 1, 2003
AT 2:00 P.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Council meeting for April 1st, 2003 will come to order. 'll ask the clerk to please call the roll.

Councilmember Peters here.

Zucchet here.

Atkins here.

Lewis here.

Maienschein here.

Councilmember Frye, here.

Councilmember Madaffer here.

Deputy Mayor Inzunza here.

Mayor Murphy. here.

We will begin by asking the city clerk to deliver the invocation and Councilmember Lewis to lead us in the pledge of allegiance.....

We'll turn last to item 200, actions regarding the Seal Rock Marine Mammal Reserve. The way we will return this, we will have a staff report. I'm assuming a somewhat detailed staff report. we will then go to the speakers in opposition to the staff recommendation. We will then go to the speakers in favor of the staff recommendation and then we will go to Council discussion. I think we will get to some of the speakers this morning, but obviously we won't get to all of them, so we will have to come back this afternoon to continue the public testimony. So we will begin with the staff report.

Robin Stribley: Good morning honorable Mayor and City Council. I'm Robin Stribley, the manager for the Park and Recreation Department. Have a brief presentation, but if you need more background I can provide it. It's for amendment for Seal Rock Marine Mammal Reserve to accept the California coastal permit conditions. Seal rock is shown here at high tide, also a close up of the seals. In March 2001, the city requested a permit for establishment of a Seal Rock Marine Mammal Reserve with same boundary of the temporary reserve previously established in 1994. Coastal Commission approved permit request, one submit to executive director and sign program with limit of 8 signs and no free standing signs on the beach. Two, another five year temporary reserve, and three, revise reserve boundaries of seal rock to provide more open water for swimmers. The map shows the boundaries of the reserve as Council approved them in 1999. The next map illustrates the boundaries requested by Coastal Commission in their conditions. And for comparison purposes this slide illustrates the difference between the two reserve boundaries shown here in gray. The shaded area is open water that will be excluded from the original reserve boundaries if this is accepted. Deputy director for coastal parks and Michelle, enforcement officer are also here to help me answer any questions you may have. OK, that concludes the report.

All right. We'll begin then with those who are in opposition of the staff report. I'll begin with former Councilmember Harry Mathis, followed by Cerise Sanders. Everybody gets a total of three minutes, even former Councilmembers. [Chuckles]

Mathis: Three minute is more than adequate, your honor. Mr. Mayor and members of the Council, before I begin remarks I should comment that every single name up there is different and the picture is different too, time mores on. Marches on. I hope you have a copy of the remarks that I asked to be passed out to you, so you know pretty much what I will say, but I would like to say for the record. People here remember that I oppose giving seals free reign at the pool. I was concerned about the loss of the pool for the people. This is not natural habitat. It's a pool and beach created by manmade break water to afford generations a place to learn to swim safely in ocean environment. Instead it's arena comparable to a Zoo With seals in unnatural habitat. The seals have entrenched themselves, this has altered their behavior, because they are no longer in the wild as we know it. It troubles me that lifeguards must spend time dealing with presence of the seals. My earlier efforts were to strike a balance by returning the pool to original presence making it less attractive to the seals. It failed by one fourth margin at the time. We hear that seals have more right and preventing them from taking over was interfering with birthright. And that they would be endangered. This concept ignored the hundreds of coastline available to them which constitute their real natural habitat at the time we failed to act we were told that the marine mammal protection act would allow us to take humane measure to discourage them from taking over the pool. Now it would appear to be more problematic. One can understand the need for certain concessions, if these seals were threatened or endangered species, but they are not. We no longer need a protective sanctuary for them. I urge you to take action to let go. Of this unwarranted protectionism. Not expand the reserve to include Children's Pool, certainly, but rather to allow the reserve to lapse. Because in my opinion it has out lived usefulness. Seals will continue to thrive. But the people are entitled to use these waters as long as they are not guilty of violating federal law. Let s leave it at that. thank you.

[Applause]

I know he is an extraordinary guy. We do have a lot of speakers today. Let s observe my one clap rule. If you like what they have to say, give them one big clap. i can't stop you from clapping more than once, but we will be here 15 20 minutes if you clap after each, because we have about 50 speakers. Consider the one clap rule. Ms. Sanders, followed by Robert West.

Hi'my name is Cerise Sanders. I'm here to ask you to vote against reinstating the reserve at seal rock. I am a swim r and have enjoyed swimming there for years, I swam the English channel and chat lean in a channel. i was the first since Florence chad wick had before me, these waters were my main training ground and since them I have swam countless waters in the La Jolla area. I feel we are tipping the scales and taking away the use of the Children's Pool and waters around there as people have previously said

and more will say after me, it's unusual and the seals have truly taken hold. Many times my swims would take my by seal s rock and into Children's Pool and many times seals would try to play with me on swims. These are magical waters which I have enjoyed. I thought it would be a place to bring my family once I had one. Here we are a few years later. Many things have changed, it didn't t take long for the seals to take over. i now have 3 small children, the youngest is a year and a half old. I would love nothing more to have my Children's swim there without the threat of being hurt by seals or hurting them or waters polluted. I strongly urge you to vote against.

You must have been a little girl when you swam the English channel.

Actually I was 30.

Robert West. Followed by Charles Beringer.

The last time I was here, Councilmember Madaffer allowed me to speak on behalf of defibrillators and expansion. We have defibrillators and they are distributed through the community. I'm not a professional lobbyist, but I am a swimmer. I remember I swam at the shores when camping with boy scouts in 1947, I walked over to Children's Pool. I was 12 years old and I was mesmerized. the excitement of the sea life available that I took my mother about a month later on the trolley from north park out to La Jolla and showed her not only Children's Pool but the little cave right off of seal rock where all the shells were in the cave and it was an exciting day for my mom and I here is a picture of my daughter and her two friends, when they were kids about the same size of these tots they were Children's Pool. This is my granddaughter jumping into her dad s arms and there are seals on seal rock. I just remember this, when we were Children's Pool in the evening, morning, seals would sun themselves on the little flat rocks. They would sun themselves out on seal rock and low tide out in front of Children's Pool. And I think many of you have experienced that many were compatible. I swim every morning with a group of gray haired people. And the seals are around us. Waiting in the cove. So what I say, is we are compatible with seals. We're not compatible to put children on a beach with 200 seals. I don t know what to do with that. I hope to have time to give it thought. Today I heard awe Australians take a net and move it a foot every week towards the water s edge and slowly but surely the seals get the idea to move. I don t know if it will work. But we need time to look at that. Compatibility between seals and man. La Jolla cove, the seals are there and they swim with us. When it gets to be 300, they also need the cove sand I don t know. I worry about the expansion of all this. And I certainly support Councilmember peters position to not adopt this change. But have it relapse like it has since 1999. Thank you very much.

[Applause]

Charles Beringer followed by Alicia booth.

Good morning Mr. Mayor and ladies and gentlemen of the City Council. I have lived in and around the La Jolla area for about 28 years. As a surfer and water man, it's my right to access our coastal beaches and waters which should include the area around, and near the area known as seal rock. It is my firm belief that the protection of the harbor seals for their exclusive use of the seal rock is unnecessary, simply because there are no current threats to the harbor seal population along our coastal waters. It's also my belief this protection of the seals which I don't feel it's the city of San Diego's responsibility to sanction or enforce. Has been contributing to the over population in the area. I believe that one of the results of this over population of seals may be the attraction of more than the usual number of the seals natural predators, sharks and great white sharks in particular. While it is a known fact that great white sharks visit all our coastal areas and islands it's also a known fact that they are particularly attracted to areas where there are colonies of sea mammals such as harbor seals. Some of you, as well as some of you in attendance this morning, may have read or heard of several accounts of an alleged citing of one off Wyndham state beach. This was no citing, but an attack of greatly large white shark upon a seal. I myself, among other people witnessed this attack which occurred within mere yards of others surfing in the waters. And occurred within 100 yards of the foot of nautilus street. Since super bowl Sunday there have been several other sightings of great white shark along the La Jolla coast, all within sight of shorement one such was first week in March and may have been seen again only a week and a half ago. Week ago Saturday. Hopefully these all involve the same shark. But it's also possible thae have involved more than this one shark. While great white sharks you get one sentence to wrap up. I fear one of these sharks will focus attention on person or swimmer, surfer and over then will this become evident and stir the appropriate response and I ask that you not renew the seal reserve. Thank you very much.

[Applause]

People have been doing this, but just in case I didn't t really explain it, when I call you to be on deck, it means you should come up in the front row. Alicia booth followed by Mark Brown.

Hello. I come here to ask you not to renew the reserve. These are the reasons. The seals are already protected by federal law, local, state laws, there are five pieces of legislation, there's no need for another piece of legislation to protect them. If there's any concern, why not enforce existing laws instead of adding one more that would restrict the public from enjoying the area in harmony with the seals. The manager's report, says enforcement may be a problem, however at the southeastern portion of the reserve where California Coastal Commission has changed the boundary to be aligned through open water with no landmark to identify where that line is how is a recreational swimmer spot following the coast know he must deter further out from sea to avoid breaking the law. Is it effective use of city resources. Since the reserve lapsed 3 years ago, swimmers and seals have been sharing with no incident, no harassment has taken place. i once heard member of friends of seals say the reason we needed a reserve was because people were going out to the sea with spear guns. That s ridiculous, you know it and I know t. They are more likely to go fishing and not go after the seals. We know they don't make good fish with the summer season approaching I can see how crowded the beaches that are still open will be. Some are closed because of pollution, others because of roads blocking access and now another will be closed for no reason at all. People of San Diego are tired 95 of the people I talk to, do not want beach access blocked. We are the silent majority, people who go to work, raise children and lead normal

lives so we are too busy to collect signature to protect our rights. We expect elected city officials to do that. Believe me we make time to vote and we will remember each Councilmember's position on this when we go to the polls. When your turn comes ask yourself why do we need this. If you find honest logical reason to vote for extending the reserve please make sure you clearly explain these reasons when you vote. I can't find any. Thank you.

[Applause]

Mark Brown followed by Ann Cleveland.

My name is Mark Brown, live in San Diego, Clairemont. Used to be a lifeguard at the Children's Pool and La Jolla cove in late 70 s. Since then I have probably spent over 10,000 hours enjoying point La Jolla. I am one of the body surfers, and I've been playing with those seals for 25 years now. and we can get along. I was in on that fiasco a couple weeks ago where we tried to experiment seals to get along and we went into the middle and that's with a mistake. I went Sunday with another swimmer and we swam in very gently without any activity from the seals. they looked at us, lifted their heads and that was it. You can live with those seals but can't blow in the middle of the path like we did a couple weeks ago. We can get along because they are beautiful. And one time a seal came up and touched me and worked his way around my leg while I body surfed. It's a magical spot and we can all get along. But with 200 seals it make it's difficult to share. I suggest we go back to the drawing board and work out a compromise, instead of another five years of not being able to work our way into that beautiful area. Thank I very much.

Ann Cleveland followed by Mike Cudahy.

Good morning. My name is Ann Cleveland, I swam the English Channel and Catalina Channel and I spent a lot of time with people before me. And I believe we can share that area with the seals successfully. When I do my training swims, I'm out there swimming along and I have a kayak following. And the paddlers tell me all the time, the seals are following you and want to play with you. I believe we can share this area. I remember the Children's Pool as a child. We swam there. Families would play on one side, the seals would be there on the other. It was that way for years. I wish we could somehow go back to the drawing board like Mark says and find a way to share this area. There are reasons that, of course, it goes against the Coastal Commission's recommendation, the department of fish and game indicated the city has no authority to create a reserve from granted tide land that's would prohibit public access and express concerns with regard to the area being close today public access and conflicts with the legislative land grants. The land grant referring to seal rock being this. There is here by reserved however and the people in the state of California, the absolute right to the public use of said tide lands and to fish in the water there's off, with right to access of said waters over said tidelands for said purpose. The state grants us this right and marine protection right protects the seals. so rather than have this reserved as city manager recommended to serve as reminder not to violate the marine mammal protection act, perhaps we can follow the recommendation of the Coastal Commission and the state department of fish and game, both believe that installation of signage and implementation of the program and education program for the public would be effective managing the area and we do think

incidents of seal harassment. I think we need to take the time to study this before we make decisions. Let's not make decisions based on emotions. The world is watching us. This was covered by the New York Times on Sunday's issue. So let's take the time and let us do it right. Let us take some time to study this and really find a way, maybe to find how we can share this beach. It's my dream that people and seals can swim together. I do it all the time in my training swims, why can't we do it at the Rock and Children's Pool. Thank you.

Mike Cudahy.

I came here this morning, not part of any group or organization. I love the ocean, I live in La Jolla, I was born in La Jolla in 1948. Seals and swimmers and kids using the Children's Pool, all co-existed for years, there was never really a problem until exclusive use was created for the seals. So this whole controversy is the fact this artificial location roped off has been gathering more and more and more seals. I would like to see the preserve lapse, I would like to see joint use come back. I agree with the comments of the prior speakers and the position of Councilmember Peters. And that's about all I've got to say. Thank you.

I just want people to know it's okay to take less than 3 minutes if you can tell us your position in 2 minutes, that's fine. David Donahue followed by Steve Goldman.

Good morning, my name is David Donahue, past president Council of Divers and Central California Council of Divers. With only three easy access points in San Diego for a diver laden with gear hobbling from their car to the ocean, it's extremely difficult to access it just anywhere. Children's pool and the area around it is only accessible through those waters. It has parking that can be close by, which is impossible these days due to tourists and also easy to clean up after if you may have a little bit of seaweed on your gear, to rinse off in showers. It's where I learned how to dive. People argue it's unsafe. Anywhere can be unsafe. The Council of Divers has taught a rocks and reefs class so they can learn to identify the tides, currents and rocks when to dive and when not to. The state tidelands grants children's pool be used for bathing pool for children and many speakers have said that. Chapter 937 in statutes of 1931. The opinion is echoed in the state lands committee letter that references 937 dated 8/15/2000. While we all, swimmers, divers and citizens enjoy the seals, it's wonderful to be around them, and must be understood they are not endangered, they are far from it. California harbor seals years ago and it's been stable for years. They are not depleted. In fact, the resource managers for the department of fish and game and N.O.A. Deal with the seals describe the population at a carrying capacity. A great status sadly shared by many of the California marine species. I would urge that the Council let lapse the seal rock reserve and please urge you strongly because the entire diving community of the state of California is looking for a solid opportunity to debate Children's Pool and our access and right to those waters. Thank you.

Our last speaker before the noon recess Steve Goldman.

Good morning, Mayor Murphy and members of City Council, established in 1988, was nonprofit center for seniors, veterans and people with disabilities. Accessible San Diego established beach access program working to improve access to our beaches. Two years ago I began working in partnership with city of San Diego. Only program that provides beach access to seniors, veterans and people with disabilities. My message is it was dedicated for equal access to all persons including those with disabilities to the many visitor elements in San Diego, and access to many beaches and bays, if the City Council decide to reopen this pool to public swimming it should reopen as accessible swimming area to include people with disabilities as dedicated in 1931 by Ellen Browning Scripps. the society note that s in dedicating Ms. Scripps I have had an innate interest in children. This was created as accessible area of swimming that is protected from surf. Not only used for that, but for persons with disabilities. The vehicle access ramp at the back of the pool has served for years as access point for persons with disabilities and we would like to see ramp upgrade today provide better access to the beach for people with wheelchairs. We feel that if public access is provided than Ms. Scripps gift to the people of San Diego should be honored. thank you for your consideration.

[Applause]

Before we recess, let me indicate that there were 8 people who came down here indicating they were in opposition but did not wish to speak. Let me just call out their names so if they can't come back this afternoon we will have recorded their position. I'll will call your name, raise your hand if you are still here. Debbie Beacham, John Beaver, mary Coakly. Mark Edwards. Terry Edwards. Michael Fowler. Ida Roberts. And Virginia Thompson. And two people who said they were in favor, but did not wish to speak, let me call out your name too in case you don t want to come back this afternoon. Ellen Stanton and sue jin yun. We are hardly done. We have probably another couple hours of testimony this afternoon. We will resume at 2:00.

The City Council will come to order. I'll ask the clerk to please call the roll. [Calling roll]. Councilmember Zucchet. expected but not here now. [Calling roll] where we stopped this morning, we went through the first group of opponent to the city manager s recommendation. We were up to Blair Crugar. You are next followed by Carl Lynn. Blair Crugar, not here.

No, I'm here. Good afternoon. I'm here as a La Jolla native. I'm also a surfer, fisherman and natural resources lawyer. My first issue regarding this proposal is it doesn't t appear there is legal authority that would support the per pet waigs of the seal rock reserve. The constitution requires no laws be enacted that interfere with public access to the ocean. as noted in Coastal Commission report, this conflicts with

land grants including chapter 37 which bars the barrier that now exists at Children's Pool. The tape erected at the Children's Pool. The seals are already protected by the seal mammal protection action. It's questionable under what authority the tidelands grant the city is exercising of this area. What public policy supports this proposal every credible source has confirmed the La Jolla seal population continue to grow and is not in danger. it's been confirmed that eliminating the reserve would have no material impact on the seals. If coyotes took over, I'm pretty sure we would take over that under this, I can spear fish and stand on seal rock next to the seals but can't surf or fish within 100 feet of the rock. It makes no sense. One question is what is the long term strategic plan for the seals in La Jolla and how will the city protect those who venture in the water. the city should recognize the realities of having previously unforeseen seal population take over. We have heard of the great white shark seen by the surfers, it's not a myth. I saw a seal chomped in half evidently by a shark. It's clear that the evidence is that sharks eat seals, they also eat people and specifically divers and surfers that look like seals. To some its logical consequence of protecting previously nonexistent smack down in the urban area where people are using ocean a lot for recreational resource that a tragedy could occur if the city approves this, the city should consider budgeting for shark nets throughout La Jolla. Thank you.

all right, carl Lind followed by Janet Lind.

Thank you. It's important to understand the difference between seal rock and Children's Pool, there's a seal problem in the Children's Pool. We don't have problem with seals at seal rock. Even if you want to get rid of them, you can't do it, it's protected by state and federal law. Seals on the seal rock are not causing a problem. They don't cause us a problem or we don't cause them a problem. We get along well. The issue at seal rock is public access and for swimmers and tide poolers to swim in that area. There are questions I would like to ask, rhetorical questions to the City Council that I would also ask the same questions if the issue is still alive for possible future Mayoral candidates when they come to La Jolla and Pacific beach. Some are as follows, why would you vote on something that violates the essence, able to swim, enjoy, view the wonders there in. They would ban the users, such as wading child. it makes no sense. Why would the rules of seal rock reserve allows those who want to capture fish or lobsters in other non-passive activities. Why would you vote to pass no swimming zone when there's zero scientific evidence to justify such a closer. closure. Chris Brewster said in 2001 there's no compelling need to reinstate the seal rock reserve. How can you support closure when staff report stated there's no benefit that will be gained by making the seal rock a reserve as this time. and there's no increase in seal disturbance. By all accounts, it's almost non-existent. Allows some users, prohibits others and is therefore unenforceable. Why would you vote for this opposed by La Jolla town Council and Councilmember in which exposure will exist. Why would you close a much needed accessible safe for Children's swimming area used by people of all areas of San Diego, and why would you do so just months before the need open beaches is at its greatest. I have so many more questions, but I guess this will have to do. Thank you.

Janet Lind followed by Charles Melville.

Good afternoon. pull that mic down a little bit. The debate about Children's Pool in seal rock are often confused. Because the two locations are adjacent to each other, the differences are significant. And some of them are. There are no restrictions for swimming and snorkeling. There are no restrictions in the seal rock area. There's a pollution problem at Children's Pool. Seal rock does not have that problem. Many people want to reduce the number of seals at Children's Pool. At seal rock, the seals are very much welcome. seal rock is for the seals. The water around it is shared. Children s pool does not have special state protection. Seal rock is a part of the California off shore rocks and pinnacle ecological reserve. The seal rock is a part of the California monument. Children s pool does not have this special federal Protection. People and seals compete for use at Children's Pool. Swimmers and snorkelers don t have this problem at seal rock. They coexist with the seals. sometimes it's asked, do the seals come to the Children's Pool because of the establishment of the Seal Rock Marine Mammal Reserve and the answer is no. The seal rock reserve wasn't t created until 1994. significant numbers of seals were showing up at the Children's Pool as early as 1992. Is the current seal controversy caused by La Jolla elitism no, the La Jolla community desire for clean water and open beaches is based on common sense. it's economies thrive on welcoming fellow San Diegans and other visitors to pristine usable coastal waters. There's nothing elite about polluted water or closed beaches. Thank you.

[Applause]

Charles Melvin is not here.

First I would like to turn in a letter from Ellen Revelle. I don t know who I give this to. She is the great grandniece of Ellen Browning Scripps. My name is Melinda Merryweather. I understand Juan is downstairs trying to get a seal through security. I think it's appropriate today, its April fools, I feel this decision the previous Council made is probably one of the most foolish things this Council ever did and you all have an opportunity to correct it. I feel this is not about the seals, it's not about La Jolla. It's about clean water. And it's about our constitutional right to enter the ocean. I believe where the water meets the sand is sacred land and I do not believe that lawyers or politicians should go there. The seals are not endangered, except perhaps by sharks or depleted. They are not dependent on the rock or the surrounding area for their survival. The seals have 860 known haul out sites, there's not been one citation in 9 years. It's interesting, I can go in the reserve with a spear gun, but can't go in with a camera. This is how dumb this thing is. There has not been a seal reserve in three years. And nothing has happened. three years, no reserve, nothing has happened. I feel the rock was a huge mistake. I feel it was man interfering with nature and I feel it has caused some huge problems. You're going to have two choices. Decide do you want to be the seal rock babysitters, or do you want to protect our right to enter the ocean. Please don t fall for the warm and fuzzy trap. The reserve has served its purpose, and it will only create, I believe, future problems. please, please, please, preserve our ocean access. Thank you.

Betty Morrison followed by Noel Newdeck.

I'm Betty Morrison and I have a lot of things I wanted to say, but many have said them, so I don't want to repeat them. The thing I would like to say, I have lived in La Jolla for 45 years and worked there at the high school during that time. And also, I have raised two children who swam at the Children's Pool. And I do feel that one thing that has not been emphasized enough is that the Children's right to swim in a wonderful place that was designed for them, and even extra protection given to them by Ellen Browning Scripps when she donated \$50,000 in 1920 to build that water break so there would be less of a chance of anyone drowning because a little girl had just drowned right before then. So I would like to say these children would have a wonderful opportunity. Excuse me. To be able to enjoy it again. And I really would like to speak up for them. And you know what -- children are mammals too. Maybe they need our protection. You have heard the rest, I'm not going to repeat. Thank you.

Noel Newdeck followed by Hans Newman.

My name is Noel Newdeck. I'm a voter living within the city of San Diego. For the record I'm severely disabled. My representative representing me is Jim Madaffer, district 7. I'm urging everybody, elected officials today to vote no on the seal rock application and allow the swimmers to use Children's Pool area. The lady that gave the area to the city to use years ago, gave it to use for children and adults to use the water. Now the last past City Council voted to deny that. If you don't reverse that bad decision, then in the future donors to the city of San Diego, might think three times before giving it to the public because the city can't be trusted. In administering the gift to the city as the original gifter intended. also, on the T.V. News about last night was two or three males in the water being attacked by a seal and had quite a bit of footage. Yes, the seals will attack swimmers in the area. Thank you.

Hans Newman followed by Thomas hood.

My name is Hans Newman. my grandfather moved here in 1908 as a child and had an opportunity to swim when they were living in tent cabins. I have a 9 year old son as well. When I was a scout I collected signatures for the marine biological preserves there, which is being depleted. I feel as mentioned before, the act is being used as a weapon rather than a tool right now, gents people. It protects against harassment, harassment is repeated torment. Then of course, have you to look up torment. It's been a black eye for the former Mayor and former City Council having received national news attention for closed beaches and polluted water. I have been elected as trustee for La Jolla town Council. I'm very involved in this area. I believe beach access for San Diegans Californians and all visitors is a very important issue. I think there was a bad precedent set, give them an inch and they will take a mile. I think it's time for this City Council and Mayor to correct the situation and have it go away, less headaches for all of you. Thank you.

[Applause]

Thomas orad. followed by Valerie O'Sullivan.

Mr. Mayor and Council, my name is Thomas orad I'm here to address the Council on Children's Pool and Casa cove. As a resident since 1945, I would ask Council who My grandparents first move today San Diego in 30s. Lived in pacific beach in 19 35 where I also resided. I remember my parents and grandparents going to the beach for the day. Normally Children's Pool because it was protected and enjoyed the safe haven of a nice beach. After my brother was born, only my grandparents took me to the beach. Most of my fondest memories with my grandparents at Children's Pool. I would ask the Council to consider the children of San Diego. Let them have same fond memories I had by returning the Children's Pool to the children of San Diego. Second is based on my experience. I'm active master diving instructor with one of the oldest shops in San Diego. I'm still teaching, so I believe I can speak with some degree to this matter. For many current past instructors we appreciate what Children's Pool has offered for the diving community. Whether its new or certified student it has the added safety of life quards. Shallow water, found on sandy patches and rocky reefs. After completed required lifesaving skills on sandy patches we would continue with other training. This included buoyancy control. Not only does it protect diver but reef worldwide. Many of the fishes of the reef community. Sometimes would be able to swim with seals. Seals would swim with you at the whim of the seal, not you with the seal. Most weekends you can find recreational divers coming from all over. not only the reef area but coastal dives where they can encounter the seal during the dive. Both at seal rock and surrounding area, but you have to return the seals to the rock and people to the beach. I dive with the whales so small you could t see until you blowup pictures. Diving with seals is a lot of fun. I ask Council to lift restrictions or bans and return Children's beach to the public. Thank you.

Valerie O'Sullivan.

I just ask that people swim back at children's beach. I swim there every summer. I have a business in La Jolla. I taught my daughter how to swim in children's beach in mask and snorkel. I am concerned about the possible attack by sharks onto the people who enjoy swimming there. I thank you very much.

pull the microphone up to your mouth. Speak right into it. We want to hear what you have to say.

Good afternoon Mr. Mayor and Councilmembers. my name is Bryan Perry and I have written a persuasive essay. I like seals, I don't like not having a place to swim because grownups took it away and gave it to the seals. Scripts donated so seals would't come into the Children's Pool. Ellen Browning Scripps loved children and was a school teacher. She wanted a safe place for us to use. She spent 50,000 on something for us out of her own pocket. And now we disrespected her by refusing a gift. Some want the seals to stay because they think they are cute. One girl came to the school with a sign to save the seals. She said if we relocated the babies would drown. Baby seals are born in water and they can swim at birth, so the drowning story is false. She also said it's their only home and don't have anywhere else to go. Actually there are 816 hauling spots for harbor seals in California alone. That is a lot more beaches than we kids have. No one is telling them that they don't have other beaches to lie on. We only have one Children's Pool to call our own. It's a safe place to swim. People say that kids can swim everywhere else. Not a swimming beach. how about a beach called wipe outright around the corner from the Children's Pool. Does it sound like a safe place to swim. This is a great place to meet people all over the world. Because it was a public beach and everyone was welcome. Most kids my age don't even know what it was like to swim because it was taken over when we were babies. They don't know what they are missing because they never knew what it was like. My friend knows that it's against the law to close up public beaches. He read about the California coastal act that protects the rights of everyone to use the beaches. That includes all people, not just one who's live in La Jolla. Remember if you want the seal to stay and are signing a petition, you are signing away your right to the beach. What will happen when the seals want the cove next think about it.

[Applause]

Don Perry, followed by Jean Perry.

Hello Mayor Murphy and City Council members. My name is Don Perry and my family and I have lived in La Jolla for 25 years. My dad grew up and knew Ellen Scripps and saw him at the Children's Pool when it was completed. Spoke highly of her. I would like to bring to your attention another species protected under the California state marine act. and that is the garibaldi. That's the California marine state fish and if you will look at your handout that was passed to you, you will see a few facts about this fish that lives in shallow waters around seal rock. The only way to view this fish is to go into the waters and find them in reef habitat. And the safest way and best way is enter through the Children's Pool Beach. This area has been traditionally one of the best introductions to the ocean for the beginning snorkeler. They will discriminate not only against the recreational swimmer, but the camera wielding diver as well. The only person who will be allowed in the water is fisherman or diver with a spear who paid for a fishing license. That means any of your constituents visiting this beach for the afternoon, swimming or diving could swim into this area and could be cited or fined for a violation for invisible boundary line. How welcoming is that. They will have protection whether or not this is called a reserve. The rest of the ecosystem surrounding seal rock. March begins the spawning season for garibaldi and she watches over eggs until they hatch. Scripps institute is doing first ever under water and I think they will be discouraging. Not smoke and mirrors enhanced sense. The Chula vista wildlife and bird sang wary is a good example of

well-balanced preserve. I recommend anyone go and visit, it's located off I 5 e street, you can park and they will have a free shuttle to take you there. Lastly I want to commend scott peters. you have one sentence. You can commend scott peters in your last sentence. Okay, for standing up for our rights for clean water and clean beaches. Thank you.

[Applause]

jean Perry followed by Stephen Roberts.

Good afternoon Mayor, Councilmembers and staff. This is my first time here, so in a little bit nervous. I wanted to read you a quote. The management of eco systems need to be well designed instead of using political opportunities. No one would think of doing surgery on kidneys if the trouble is on the heart. We can't place reserves in site where s no one would complain, because we might be wasting opportunities, time and resource to protect a place that does not need protection. We need to be strategic in the same way we are strategic in the way we build an airport or harbor. this is a quote from deputy director of the wildlife fund when he joined up with the Scripps institute to have a Baja the channel islands reserve, a publicly accessible forum was designed for all stakeholders equally. That advisory body, called the marine reserves working group spent over 22 months and hosted 36 public meetings and forums to discuss the possibility. When the last San Diego City Council made a decision on this reserve, one group of schoolchildren performed a save the seals rap to keep the reserve. A few minutes of cuteness through away every child s right to a safe, free, dedicated beach and waters. An overriding decision that a state legislative title grant could be set aside. A few minute to decide an unaccountable fluctuating seals were more important than coastal water access. Seals that are neither endangered, threatened nor depleted but will always have as equal protection as the most endangered marine mammal. Please don t let any child grow up with the memory of segregated beach access. That is what this amounts to when you choose single group to be pushing ambassadors and gate keepers. This is not how San Diego gives it s best to all. You as Councilmembers protect public rights and assets for your districts. Everyone of your constituents is a stakeholder in this proposition. Please let the reserve remain lapsed. Thank you.

[Applause]

Stephen Roberts, followed by John Steel.

Hi, my name is Steve Roberts, I live in La Jolla. I don t really represent any group or organization, I'm just expressing my own views on this. And I just wanted to make a few brief comments centered around the biological need to establish a reserve and if there is a need some cost and continuing commitments that

would imply. Briefly, I feel harbor seal population are not in decline and not an endangered species. harbor seals and other marine wildlife are already afforded protections by existing federal and other legislation, without the establishment of reserves at the local level. Establishing a local sea reserve brings about other commitments and responsibilities I don't feel are appropriate commitments and responsibilities for the city to take on at this time. And very briefly, at present there's not a mandate requiring the establishment of such a reserve. Of course establishing reserve in seal populations would make sense if they were endangered or in decline. But the consensus is they are not really declining. And it could be quite costly to administer and maintain a reserve. I would recommend the Council not approve status for seal rock at this time. I would hope they would keep an eye on other future seal dynamics and revisit this in the future if future seal populations warrant a revisiting and possibly establishing some additional protections. Thank you.

[Applause]

John Steel followed by George Taylor.

Honorable Mayor and Councilmembers. I like seals. My children like seals. My grandchildren like seals. And so do many other people, Young and old. I am those representing this position do not want to get rid of seals. We like seals. We just want to be able to exist with them as have human beings with other animals, dogs, cats, sea turtles. You name it. There's a natural tendency to co-exist. A mam and mammal or animal. I think we should not try to prohibit this. the previous speakers have well made the case for issues why these reserves should not be reinstated. As everybody should know, the seals and rock are already protected by federal, state and local ordinances. They are already protected. I swim with the seals. In fact this past Sunday I spent the morning swimming around seal rock and about twice a week in the summer I swim around seal rock and there are three or four seals that come to know me. Some play with my fins, that is my extension of my hand. I was swimming not too far last summer and I'm swimming along and I feel something rubbing my tummy here, it's a mid-sized seal trying to introduce itself. I think we get along well with seals. Why would any City Council at this point in time approve of a reserve that has enforcement boundaries. This really raises the issue of the unconstitutionality of such a reserve. I think it would be a nightmare. So my conclusion to save you all time, and my last statement would be I have seen the previous City Council, now this City Council, the Coastal Commission and number of other state agencies spend thousands of hours on this issue, an absolute waste of time for a solution to a problem that does not exist. The seals are not being harmed, they are in good protection and they are safe. I thank you very much.

George Taylor followed by Terry Upton.

My name is George Taylor. I'm a native San Diegan. I moved to La Jolla when I was in second grade. Today I am representing the wind and sea surf club. We are a nonprofit organization recognized by the state in 1963 and founded in 1943. I'm representing over 400 members. We would like to say that our family, fun, and freedom is our constitutional right. Our access to the beach is part of this right. Families, surfers, body surfers and divers should be able to enjoy the right of access to clean water and all of our beaches. The California Coastal Commission report the harbor seals are not endangered or threatened. They are not dependent on the area for their survival. In fact the area is being mismanaged. The tide pools have been depleted and the water is unhealthy. Renewing the reserve is not necessary and should not be expanded to the adjacent man made beach known to be the Children's Pool. We ask you to leave open the waters and beaches and put the matter behind us as soon as possible. Thank you.

Terry Upton followed by Rick Wildman.

Thanks for the chance to talk. I think so much what I have to say has been said by the people previous, so again I won't waste the time. I have been here my whole life spent stacks of time at the Children's Pool. I can confirm about the sharks, have I seen pictures of the great white. They are out there, that's for sure. The issue of diving, I was certified, first time going out at Children's Pool. I don't dive as much now. But it's a great area for the divers, I feel bad they have got that cut off. I like to surf the area around that place. Quick story, about two years ago, around larger south swells my leash broke out there and I needed to swim back into the area around the Children's Pool. My board was gone, so that was it. I'm very familiar with the area around, I knew the best chance was going in through the Children's Pool. Did I have the option of swimming around the south swell, that wasn't a good option. Long story short I went through Children's Pool. I was followed by the friends of seals. I don't know what they did. Couple weeks later I got a citation in the mail for harassing the seals. I did not harass the seals. I came in, it was smart to come in that way. I was cited for that. I think that's very wrong. Apart from other issues. I will make biggest issue access. We need access through the pool, whether for safety or pleasure. It doesn't matter. Just access at the pool. That's my statement. Thank you.

[Applause]

Rick Wildman followed by Tom Brady.

Honorable Mayor and members of the City Council. I guess I have been a resident off and on for 53 years here. Use the waters from P.B. Before mission beach, mission bay was really completed. I have been fortunate enough to travel 7 continents. We have one of the most pristine places well recognized in La Jolla. That people do not come to see a fowl next. I think there's something ridiculous going on quite frankly. We are building more than a million dollar lifeguard station, I guess to guard the seals. Because there won't be any kid to see there. And I don't understand how the City Council and Mayor can justify

spending that kind of money to watch the seals and protect the seals when no one is swimming in the Children's Pool. It's almost like saying we need a mountain lion habitat and we will spend a million dollars to build a watch tower to watch over the mountain lions to make sure no one bothers them. To people who want to use resources, it's not about swimmers versus seals, or athletes versus spectators. It's about residents versus nonresidents. We see petitions being signed. People don't ask if these people are from San Diego. They ask if they like the seals. These are not the people that use the area. They are not the residents of La Jolla, particularly. Who have just a pristine area. We have to think about future generations and preserving this jewel for everybody in San Diego and in the world. Thank you, Mr. Mayor and members of the City Council.

[Applause]

Tom Brady followed by Ronald Dolan.

I'm Tom Brady, I'm a resident, a property owner and landlord in La Jolla. And I won't reiterate what everybody else has said. I'm very much in favor of dual use for the Children's Pool. The fact the water is shown as pollution, and contaminated water signs are not a good foot forward for San Diego. It's an embarrassment to see that. And I firmly believe we can have dual use for that beach. Thank you very much.

Ron Dolan followed by Matt Peterson.

I have lived in La Jolla since 1957 have been swimming around La Jolla for 45 years. Three days a week. I was part of the group who tried to enter Children's Pool about a week ago. A lot of good points have been made and I don't want to take time to restate the same thing. I want to say it's very surprising when the safest and most protected beach is made a private beach for seals. They can swim a hell of a lot better than I can. Why do they need protection thank you.

Matt Peterson.

With the law firm of Peterson and Price, B Street Suite 1700. I grew up in La Jolla and learned how to skin dive. I was certified at age 14 and have scuba dived ever since. It's not an issue whether you love or hate seals, whether you live in La Jolla or not. Or great white sharks will eat you. Those risks are with any ocean. Donna knows we swim and surf with dolphins all the time and I have been saddened by the fact I

have two girls, ages 7 and 9, and I have never been able to take them to Casa pool, Children's Pool, my kids love to see the seals too. But I would love to have the opportunity to teach them how to snorkel and ultimately scuba dive. There's no location protected like that. I'm not against the seals. I don't like the idea of having humans there and nobody else. But that is an area special to me as a child. Still special to me and I think it should be opened up so children have the opportunity to be in a safe and protected area. Thank you.

all right, that concludes the speakers in opposition to the city manager's report. We'll go to the speakers in favor. Well begin with, I think it's Samer Hansmyer.

Thank you. I'll be reading a letter by Ph.D.. She is a consultant humane society of united states. Dear Councilmembers I write this letter on behalf of the more 7 million members of earth island institute and humane society. We write out of concern that the Children's Pool May be managed inappropriately based on erroneous assumptions. I write to offer what I hope will be helpful comments to address issues that have been in the news about this issue. We appreciate that you want to make this beach available for use by people and in particular, children. However, to do so at the risk of harming wildlife would not only be illegal but also unfortunate not only for seals but adults who benefit from the rare opportunity to view wildlife in a natural environment. We are concerned that you would want to move the seals from this beach if you thought it was necessary to make the beach more suitable for human recreational use. This violates the marine mammal protection act. We believe your attempt would also set a poor example regarding respect for federal law. Further in a recent edition in the San Diego union newspaper a quote, there's plenty of ocean space for the seals. Where harbor seals can go on land are increasingly along the California coast. Suitable haul out sites are available. The availability of predictable sites is of particular importance for pup survival. There's also evidence that group success. Moving harbor seals cannot be accomplished without a severe disruption to the social group. This is why continued protection for seals at haul out site is so important. We respectfully remind you the seals natural habitat and it's not unusual for fecal level to be higher than usual, what is dangerous are contaminants, organic and non-organic that humans deposit. The welfare of seals and population is regarded highly by the public. This demonstrating the importance of marine mammal is what helped to develop the protection act in the first place. We urge you to follow the federal law. it will threaten their survival In contrast human swimmers have a variety of options already available to them for their recreation, thank you.

[Applause]

one side understood the one clap rule and the other didn't. I can't throw you out for failing to follow my rule. But what I suggest, if we're going to get out before 6:00, if you like what somebody says you try one clap, instead of 10-15 seconds of clapping. we have a lot of speakers this afternoon and I would like to

let everybody get this resolved sometime today and not have to put it over. So think about one clap, the opponents seem to understand that rule. Okay. Let's go onto Marjane Aram, followed by Betsy brak.

Good afternoon, Mr. Mayor, distinguished Councilmember. This is the second time I've been here to defend, won't say the seals, but children. My situation has changed. This is the first time I have honor of attending this Council of united states citizen. I come from a small town back in Europe. One of distinguished Councilmembers, May have visited from Geneva Switzerland where we have lost bulk of wildlife, and birds on lake Geneva are the only thing that s remain in the urban areas and people have learned to co-exist with these animals. We have no other options. The animals disappear or else we learn to respect and by respecting certain times of the year people know that certain areas off lake Geneva are close today any kind of recreation because these are nesting areas for the remaining swans and looms. I would like to thank Mr. John steel and also Mr. Matt Peterson who did express what a valuable education opportunity the seals are at the Children's Pool or Casa Beach. I commend our Councilmembers to think. We have over 50 million feet of public beaches in San Diego area. The seals at the Children's area occupy only 180 feet. Becoming a citizen I learned that one of the most valuable things we cherish in our country is generosity and tolerance, are we becoming stingy over 180 feet. Whoever says, this is the seal beach, this is not the seal beach. This remains the Children's Pool Beach remains and will remain the Children's Pool Beach on any day of the week. If any of you have been down there you will see loads of children with their parents. I have seen many children with school teachers who go there and study marine mammals. I am sad to hear comments like we have SeaWorld. There is definitely something wrong in that message. I have been told the elite of the city, extremely conservative, that they are narrow minded. I would like to say no, because I definitely know of people who have more common sense that that and they know what a great educational opportunity this beach provides for our children. I would like to thank you.

[Applause]

Betsy brak followed by Jane Bradford.

My name is Betsy brak. Mayor Murphy, Councilmembers. I have come to really speak from my heart. One of the most wonderful experiences my daughter and I have ever had was watching a seal pup born on that beach. We have here, you can't even just call it a local treasure. It's really a national treasure. It's a place where you can be within 15 50 feet of mother and baby seals interacting in a wild, natural way. This is unique, certainly to this part of the country and maybe nationally. I can't urge enough for you to let this opportunity remain. We have so many visitors who come. For instance, someone who from a cross country a group of people and they said well we heard there was this wonderful opportunity to see the seals interacting. It's a treasure. Don t trash it.

[Applause]

Jane Bradford followed by Barbara.

My name is Jane Bradford. Jane Bradford. I've lived in La Jolla for 40 years I taught at Bishop's School for 34 years and I've always been proud to live in La Jolla and I'm proud now because La Jolla has a treasure. It's a treasure of this colony of 200 seals which is unique. I always take my visitors there. but you know, it's not only visitors from La Jolla who come to this beach. All from San Diego. I talk to them because I'm there every week. And we San Diegans are not expert swimmers or divers or snorkelers. they know there are plenty of beaches in San Diego where they can enjoy their normal recreational swimming. But they know there's only one beach, the Casa Children's Beach where they can see these seals. And they can see mother and pups together. They can see seals interacting with each other. If they are lucky, like Betsy they can see a seal born on the beach. But you know, there's another reason why San Diego City Council should consider keeping the seals on the beach. And that's an economic reason. People come to San Diego because of their attractions. The seals on this beach are a very strong attraction for visitors. You know how I know that because I looked at the travel guides. Foeders is a national travel guide, page 151. It's a place for harbor seals and it's the best place on the coast. That means all California coast to view these engaging creatures. People come to San Diego for lots of things. One of them is the seal colony, but it's not only the fodders travel guide. You can find paragraphs of description of the harbor seals and urging travelers and tourists and visitors to come to San Diego to see this. It's in the best places in San Diego travel guide. It's in lonely planet access. Travelers California companion and access guide. When people come to San Diego, they spend money. For hotels, for restaurants, for shopping. We need the seals. they are a treasure, they are a natural treasure and they are a fiscal asset. I urge you to keep the seals on the beach.

[Applause]

Barbara caleary. Not here. Art Coolly. Followed by Sean Ericson.

Good afternoon Mr. Mayor and members of the San Diego City Council. I would like to thank you for the opportunity to speak about the seals. I'm a founding trustee of environmental defense fund. Now environmental defense and still on board of trustees secretary. they have a long history of protecting wildlife, banning of D.T. We have pioneered use of safe harbor agreement to protect species on private lands. Protection of seals. Only colony that could be viewed so closely without disturbance over coastline is of paramount importance this. colony is unique for this part of the world. I'm a national lift with exhibition company to take people far reaches of the world. We travel to the ant art tick. We go to southeast Alaska for group feeding of humpback whales. We go to ga lap goes island. and watch polar bears and cubs. These places represent remarkable wildlife for those who have the time and means to

visit these extraordinary places. Even in these places our guests may need binoculars. And sometimes telescope. Sometimes with under water remote vehicle we use technology to bring the natural world closer for our guest to appreciate. But here in La Jolla is the most remarkable group of animals lying undisturbed on the beach doing what all species must do to survive. Giving birth, suckling young molting and resting. without the need of technology people can enjoy these very touching scenes. It's as remarkable as any of the places I visit as a naturalist. It's indeed unique and should be declared a city treasure. Thank you.

[Applause]

Sean Ericson. Followed by Nina Fain Newman. Two speakers

just one. I'm Mr. Mom today, Mr. Mayor. But he is part of the reason I'm here. I'm a native San Diego born at mercy hospital. Ironically my son was born three months ago at U.C.S.D. I'm a resident of La Jolla and I support the seals. Great white sharks will eat everyone except of lawyer out of professional courtesy. The only reason in here is because of Councilmember peter s comments in the La Jolla light. Referring to harbor seals as an invasion. Comparing to gangs, Adolf Hitler, Saddam Hussein, the former japanese empire and napoleon. i did t know that for the first time in the history of the united states, just happened right here in San Diego, we have been invaded and taken over, dog gone et by harbor seals. Let us get the navy seals, seal versus seals. Councilmember peters while I appreciate what you have done for San Diego, the terminology is the reason I'm here. I would like this little boy when he is older to have the opportunity to go down and see wild animals without having to go to the zoo or SeaWorld in a safe environment where he doesn't t have to worry about getting attacked by anything. Yes there are sharks out there. And one of the best dives coming back from Baja is down by Cabo san Lucas. I don t see them by passing only coming back because they found out we have harbor seals in La Jolla. They have been here the whole time. I would like to see them stay. We lost 180 foot of beach but gained a tourist a track. The one place I take him a lot is La Jolla cove to see the seals. Watching seals feeding their young and being born. our travel agent said if we come to La Jolla we can see seals, where is that. The swimmers, surfers divers and snorkeler. I'm a diver and snorkeler. I have La Jolla shores and La Jolla cove. We have 180 foot section of beach we lost. a girl came up here and said Ellen Scripps built this for the children, shouldn't t the children have a right to say whether they stay or go. For my son and his future sister. Thank you very much. God bless America.

[Applause]

I'm very pleased to know that I'm immune from a shark attack. [Chuckles] All right Nina Faye Newman.

I'm the vice President Of the California Western Society. on behalf of our members I would like to say we are dismayed of the possibility of removing the barrier that protects the harbor seals at Children's Pool. This is the only place for the seals are able to care for young, it's a place they can rest and have a safe harbor. They are the harbor seals. On the other hand, there are many, many beaches available for traditional recreation, human use in our traditional sense as far as swimming and that kind of thing. It's not like we are lacking in that capacity. You can go to La Jolla shores and cove and enjoy that. Moreover, 80,000 people come to San Diego, or live in San Diego, they just want to visit the harbor seals at the Children's Pool Beach. If they are here and go together local area are boosting our economy, buying food, staying at hotels. It's beauty and natural ecology ins t going to sway you, I would like you to think of the boost to our economy. I oppose the removal of the protective barrier at the Children's Pool and we vote for the renewal of the Seal Rock Marine Mammal Reserve and expansion to include the Children's Pool Beach. Thank you for your time.

[Applause]

Marco Gonzalez followed by Pat Granger.

I'm here at private san diegan In particular our two big issues are water quality and beach access. We feel this issue is squarely within our mission statement to comment on, on behalf of the 4,000 members I will give you my take. I'm very concerned with what I call the people perspective we have embarked on here. I almost expect to see Councilmember peters down there with SeaWorld and trainers inviting the public to come and see what the seals can be trained maybe we will designate it as portion of mission bay park. The last time I heard this outcry, we eliminated our 30 foot height limit. That s another issue, but we have petitions we will talk about. sharks, I have been surfing in this county for 30 years, but the last speaker identified why I haven t been attacked. The attorney. Pollution issue. Have you to be kidding me. Let us take up that sea wall we have sitting out there. let us get flushing in this previously tidal zone and eliminate the pollution there. Obviously that s not going to happen. When we deal with pollution that we as humans contribute. Then we can talk to seals about the poop they leave behind. access. We don t always agree with the Coastal Commission. They said access is a condition of us touching our toes to the water. That is not what it's about. It's you and I being able to get to the ocean to view what it has to offer. Waves, tide pools, fishing and viewing nature in its natural state. What we need to focus on is unique opportunity to return whatever we have left amongst . There s been a lot of talk previous speakers about why do we need to protect them. They are not in danger. It begs the question, you have to ask, why as humans we constantly find ourselves something is only valued to protect when we have already destroyed it. It's that type of short sightedness where we are trying to fix things every time we turn around. For once let s turn around and do the right thing. Let s expand protections for them and accept the city staff and Coastal Commission s recommendation. We urge you to take your hands off the seals and give them more protections. Thank you.

Pat Granger followed by Beverly Grant.

As a family, we move to La Jolla in 1964 and lived in the Bird Rock area. My children were 6 and 10 and we used many beaches in the area. We found children's beach was nice area, to collect shells and see tide pools. But found it wasn't a good place to swim. The rocky bottom made it unattractive and difficult place to swim. Most children were just paddling on the edge of the water. We use the coast to snorkel and shore to swim. We asked our children how they feel about this being taken over by seals. Both sons thought it was great. I host international visitors to UCSD. And seals are on my list of the 5 cent tour of La Jolla. And this is known around the world. It appears to me this issue is driven by divers rather than children of La Jolla. For children who can afford to go to SeaWorld or zoo this is a great opportunity to see the wildlife. I have three questions for Councilmember, if you vote to remove, what method would you use to discourage the seal to leave Children's Pool what would you do if the seals relocated La Jolla shores and the country club, are you ready for the negative publicity and possibly featured on segment of 60 minutes. I feel the seal issue is much more than a local La Jolla issue, unless you bear citywide referendum and voted on by the people. Thank you for your time.

Beverly Grant, followed by Patrick Lee Hord.

Mayor Murphy, City Councilmembers, ladies and gentlemen, recently a friend and I visited the children's pool, we saw a newly born pup. The afterbirth lay on the sand still attached to umbilical cord. The pup's mother was close by attentive by placid. Apart from blood on her nose, she seemed almost detached. The pup began moving its head and soon the call fell away. The mother moved to lick the pup, reassuring it of its presence. The people stood transfixed. While the breakwater was built to keep ought a Children's Pool it now offered a haven for southern California's only seal pupping beach. Who could have left that day without feeling an emotional attachment to the parent seal and her pup and struggles of an animal we share living space with. Who could not have felt the moral high ground is to find place for the seals. And yes, there are laws that protect the seals. Yes, there are numerous beaches for human swimmers and divers, some more safer than Children's Pool. Yes there's a nostalgia for what Children's Pool has been and economic advantage and yes educational advantage to watching the seals live their life's in such a public place. But overriding all else is the emotional and even the spiritual feeling of watching the birth that gives direction to the effort to leave the seals undisturbed. Thank you.

Patrick Lee Hord followed by Jerry Hord.

Hello, how are you I'm feeling very warm and fuzzy. In brief, in the story of the seals, there are three things that have realized the best possible course of action for seals and people, and I'll be very brief

about this. I'm here representing La Jolla Friends of the Seals. I probably hammered this all to you many times we provide public education and outreach to thousands of visitors that have been eluded to here today. The three things. That have been the most effective course of action for both seals and people, and think that is the creation of the Seal Rock Marine Mammal Reserve. the installation of the rope barrier on the Children's Pool or Casa Beach which I consider is shared use, the rope area does constitute shared use in my mind and I watch it effective. The presence of volunteers in our group from all over San Diego, and they drive from everywhere. We even have the new volunteer from Temecula who comes down here to educate the public about the seals. I say protect the seals where ever they are, either on the beach or rock or where ever they are. And continue to help us and other nonprofit groups in educating the public about all the treasures in San Diego that we really have. So that s about it, and thank you very much.

I hope you consider all these arguments today. Thanks. I'm a tax payer and homeowner here in San Diego. I'm also a surfer and beach goer. I live here basically because of the beach. But I feel that given up one beach to the opportunity to gain by seeing all these animals in their natural environment is an opportunity we can't afford to let go away, because there aren t many places like that where you can see wild animals in their environment. I'm volunteer with friends of the seals. There's two beaches directly adjacent to that pool. A little beach north of there, actually north and south. I have never witnessed overflow, I have never seen people turned away because it was too crowded or they didn t have a place to go. It's not really the safest place for swimming, but there are people that wade in those two beaches adjacent. I have never seen overflow or people leaving because they couldn't get on the beach. What I hear is why would you want to move the seals. I hear that from visitors from instate and out of state and local. And really that is the question. Why do we want to move the seals, it's a unique opportunity and I think we should promote it. Thank you.

James Hudnall, La Jolla resident. My family has been here for a long time. Great grandfather was Ellen Scripps' attorney and confidante. We believe she would be in favor of the seals today if she was alive. I grew up in La Jolla. I learned to swim at the Cove. I have heard from a lot of La Jolla people that have forgotten about the Cove. It's our safest swimming beach for our children. My four girls have learned there. That is a place to see garibaldi. I can attest to the number of water entry points in La Jolla for divers. Later on I established the first whale and seal watching business. I can tell you seals draw public attention which draws money. During the winters I worked at naturalist cruises down to Baja California and I was attempting to show people a very small colony of harbor seals. They were difficult to see them all because they were so shy. Today I stand before you representing over 11,600 people who have signed this petition. The one you heard about earlier. All these people have been down to Children's Pool to see the seals. This petition strongly supports the renewal of the Seal Rock Marine Mammal Reserve as do I and it urges the addition of the Children's Pool to the Seal Rock Marine Mammal Reserve to create the San Diego Seal and Wildlife Reserve. I submit this petition to you at this time. Over 860 people signing this petition are from La Jolla alone. More than 3700 of the petitioners are from the city of San Diego. 32% of the total number here. These San Diegans are working middle class people from all walks of life and all over your districts who cannot be here today, but they want you to hear their wish which is to protect the seals in La Jolla, on the beach and on the rock for all San Diegans. 68% of them are from visitors, people outside the city. Those people represent dollars coming into our community. Therefore I urge you on behalf of 11,630 people including 860 La Jollans to do the

right thing for the seals by renewing the Seal Rock Marine Mammal Reserve and including in it large reserve the Children's Pool Beach to create the reserve. Thank you.

[Applause]

Linda Keelson followed by Julie Kederman.

I'm Linda Kelson, I live in San Diego. I moved here over 20 years ago. I have been listening to a lot of people saying they are native San Diegans or La Jollans. People born in California sometimes become a little, let us say jaded or maybe they start to take all the wonders that you have here for granted and sometimes you don't realize what wonderful things you have here. When I came to San Diego I was just in awe of what was here. I came deliberately to San Diego because I had been here once before and saw how wonderful it was. The beauty and incredible closeness of nature. That was the main thing that drew me here. To see it up close in La Jolla was so magnificent. The last time I was there was for a rally for the seals. It was cloudy, raining and cold. and yet there were people there from all over the world. Tour buses were pulling up and people in rain coats were getting out. You wouldn't see this someplace where it was just a place to swim for little children. This is the Children's Pool. children can use that pool all year round, day and night. They don't have to use it to swim. They can use it every single day to see beauty of nature up close. Where I come from and others can only see on national geographic or discovery channel, they can see it ten feet away. It's incredible. Please don't forget what you have here. Save it. I was listening to some of the things some people on the opposition side were saying. ex Councilmember said it was unnatural for the seals to be there. How could he possibly say something like this. They are ocean creatures, the beach is part of the ocean. Someone else mentioned this was sacred land. Someone else mentioned it was their constitutional right to use the beach. I would say it's the natural right of the seal to use the beach and we really don't have the right to shoe them away because we want to swim there. If there was a way to share the use of the beach, I would say fantastic. but I have seen what happens when we try. Before the rope was up, I saw children on the beach hitting a photo opportunity. It was an accident waiting to happen. People were getting too close. They didn't respect the space that was necessary. So please think about that.

[Applause]

Julie Kiderman, followed by Camille Kalinter.

Good afternoon. I'm here today because I regard the presence of the seals that has developed over time at Casa Beach as a gift. A tremendous gift. Not only for La Jollans and San Diegans but all people who

have had an opportunity to experience their presence. My own experience of the seals has been nothing short of amazing. I believe my experiences shared with others 10,000 signatures, 85,000 in revenue generated every year, 20,000 hits per month on the website provided by La Jolla seals. I regard the lack of appreciation for this unique situation as a loss. An incredible loss. This is an opportunity for us to protect something that is a gem. I think San Diego should be proud to be blessed with it and proud to protect it. And as someone said earlier today, the world is watching. I urge the City Council to make the right decision and set an example. Two points that came up. Numbers of the seals are not growing, they are decreasing. Just as a point to make. The garibaldi are one of the many species that would be harshly affected by dredging the Children's Pool. You need to consider the rights of all things that come to pass here. Thank you.

Camille. You have very pretty handwriting, but it's not totally legible. Followed by Catherine Krell.

Good afternoon, Mayor and Councilmembers, I have lived in La Jolla for 25 years and am a former docent. I would like to read this letter and then submit the signatures. It's dated February 19th. 2003. We the undersigned long time La Jollans who walk across Coast Boulevard everyday want to go on record as allowing the seal to go undisturbed at Casa Beach, Children's Pool. Thank you. And I submitted 15 signatures. And they are all La Jollans. thank you.

Catherine Krell. Good afternoon, Mayor Murphy and City Council members. I would like to read a letter on behalf of Julie regarding the ruling on Seal Rock Marine Mammal Reserve. We are a network of rehabilitators and environmental educators who work with wildlife in San Diego, Council of rehabilitators. Rehabilitation Council and national wildlife rehab a bill tores association. We consider the renewal of the Seal Rock Marine Mammal Reserve a vital step in protecting this region's population. We support the inclusion of Casa Children's Pool Beach with the Seal Rock Marine Mammal Reserve. This would ensure that people maintain a safe viewing distance from the colony that inhabits this beach. And others that visit this area as well. As wildlife rehabilitators we are called upon to educate the public how to co-exist and act humanely with wildlife. Understanding appreciation and working with our wildlife species. The only mainland haul out area in all of southern California. By including Casa Children's Pool Beach, the City Council would show the world that the city of San Diego truly supports sustainable growth and habitat protection. Creating the San Diego seal and wildlife preserve would be a landmark decision that preserves opportunities for children and adults. It would show all San Diegans that conserving and valuing this region's natural resources are a priority for local government. Please let the seals remain there. Thank you very much.

Florence Lambberry.

Lambert. thank you Mayor, for introducing me to the two hour luncheon. That's a lovely custom. I live in La Jolla. I'm native San Diego and lived in La Jolla for over 30 years. I like, many visitors to America's finest city have been fortunate to visit the seals at the Children's Pool and have been delighted by the opportunity to view a group of wild animals in their natural habitat. In our fast paced world it's a welcomed diverse show to watch these creatures move in and out of the ocean and rest contently on the beach. Observing the trust peace and harmony of the seals is not only pleasant but brings it to our souls as well. Councilmember Scott Peters, quote, seal excrement at Children's Pool was cause of 28 of beach closures in San Diego county and bacterial pollution is single largest source of beach closures and postings. Finding this hard to believe I decided to call the San Diego department of environmental health and found there is no evidence to support that claim. There is 73 miles of recreational coastal beaches within San Diego county. The Casa Children's Pool has only 300 feet under advisory that equals 0.56 miles. Not the misleading 28 stated by Scott Peters. Also according to San Diego county report, the ongoing advisory at the pool in the year 2000 impacted only 1 of Days. The 1 statistic, from the department of environmental health is derived by using the formulas state of California uses to calculate the duration water quality. The second half of the statement along with the first is not only misleading but untrue. I'm saddened and ashamed there's a small vocal minority in our community who wants to destroy this habitat. We have a 385,440 feet coastline. Can't we allow the seals to have just 300 feet. We have seized, polluted, and destroyed much of their environment. It's my belief protecting the seal is right thing to do. I would like to end with a quote, from into the blue. give me your quote. we can no longer pass through paradise in a dream, it's vanishing, before it's gone forever, we must try to rekindle a spiritual awareness and recognize we are sharers of the earth and we are compassionate protectors, not masters, thank you.

Anybody whose name I mispronounce gets that extra few seconds.

What happen is Councilmembers. You commented on the two hour lunch. They have districts to go to. Mr. Peters has to drive to La Jolla to give a speech in La Jolla. have lunch there. Do the speech and come back. And a shorter lunch hour is difficult for Councilmembers who feel the need to be out in their district to accommodate requests. Just in case anybody thought you were serious I thought I would explain why we do that. Okay.

As father of Kate who was not able to come due to computer class in the afternoon. When the issue of Children's Pool and seal rock concern came up, I was extremely annoyed, not only did people want to take it away from the public, but doing it in the name of children in La Jolla. I was upset children had no say in the matter, so I set up petition, 9 to 1 ratio, over 1,000 students they wanted to allow the seals in Children's Pool. Combining seal rock and Children's Pool. shared use is unlikely. As far as we are concerned, you can imagine what it's like being her father. As far as we are concerned, the seals can remain. It's an amazing opportunity to view wild animals up close. None of these other beaches is harbor seal rookery. All they might have been. While I'm glad that Scott Peters describes himself as pro kid, next time I hope he checks with more of us. Okay, that was Caitlin, I have a couple comments on

my own merits now. I personally support the idea of shared use. As Mark Brown and others noted, the other groups can have minimal impact, my only concern is legal liability when someone is injured. Second, there are no seals in this room. A few people on both sides have tried to cast this as human rights versus seal rights urban shoe. That's clearly false. It's different perspectives. Charles Beringer noted the protection is not needed because there's no current threat. He is absolutely right. But if we teach our children that nature only needs consideration when it's currently threatened, we're going to lose a lot more than just the seals. Thank you.

maybe it's Deanne. Its dean oberstolin. Rene Owens on deck.

I just flew in, so I'm not really prepared. I will do the best I can. I was on the ad hoc committee which established the Seal Rock Marine Mammal Reserve, a little bit of history before I go on, I will say the seals are using that particular piece of land long before San Diego was even a city as a hall out sair ya. Area. It wasn't until the people came that the sea wall was built. It's a misnomer to call it Children's Pool, because the design and the orientation of the sea wall was very bad. It turns out the long shore North to south along the coast and automatically filling in the pool. That is why you now primarily have beach and just a narrow strip of water behind the sea wall. So there really isn't much left for anybody to swim and also meetly drops off and there's a lot of seaweed. It's not what I would call an optimum or safe place for children to swim. The other thing is that not well, not only have the seals been using that, and they need to use it because they need a hall out place and they have had a number of live births over the past years. it's now a rookery. It gets special attention. And also it's against the federal law to harass, in any way, any marine mammal regardless of where it is along the coast and this also applies to this area. Before we decided to establish the reserve. Scientific studies were done by marine mammal experts at hubs institute. And several things were noted. One is, and I can speak to this personally as well as I know a number of people in the room have. The seals coming on shore were being terribly harassed, rocks were being thrown, they were running downtown beach thinking it was great fun to spook them back in the water and spooking them to get action pictures. That was a violation of the marine mammal act. They need that rest time and to be chased and have things thrown at them and be stampeded is unthinkable. the reserve was because the seals needed to be protected. one sentence completion. I strongly want to urge the Council to continue and make it a permanent reserve and to add the beach. Thank you.

Renee Owens followed by Billy Paul and Ellen Stanton.

Hi, thanks for hanging in there on this long discussion. I'm representing the Sierra Club, chair of the wildlife committee. I have a letter from the Sierra Club, I'm not going to read it, I will just hand it over to you. I would like to speak on a more personal basis and respond quickly to couple comments made today. I'm a marine life biologist. I'm a biological consultant and have done research throughout

the U.S. And in south America and I've worked on a lot of marine mammals anacondas and crocodiles. I have been filmed a lot by national geographic and discovery channel. I have had the opportunity of giving slide shows and talking to people about what I do in wildlife and the really amazing thing I see over and over again is the response by people, kids of all ages who I talk to and there's this incredible Thursday and hunger for viewing wildlife. Constantly, the response is that's wonderful. I love seeing that, I would love to do that. I love your job, that's really neat. Over and over. It seems people are starving for the chance to view wildlife. No matter where they live, no matter where they are from. I can't help but think over and over, an opportunity like viewing the seal is a really unique opportunity, as you have heard over and over today. And I can't emphasize that enough. And in saying that, I wanted to respond to a couple of things as a wildlife biologist. Dual use is really not an option. If we took all the people and said we want to swim with our kids with the seals let us take them all, the seals will leave. The mothers with pups will defend their pups. There's increased mortality of the pups as the moms are off defending them as people seen as predators. It's not a good idea, it doesn't work. Contrary to some opinions stated today, seals species including harbor seals are on the decline worldwide. Due to human induced habitat degradation and haul out and pupping sites. No they are not endangered yet. They are on the decline. Shall we wait until they are endangered. We know how many millions of dollars go into recover program of endangered species. Do we want to wait until that happens, or save these species before they are endangered. one sentence. On a personal note, I would like to say, maybe these people who are oppose should go to this site, check out the sites, watch them, and maybe they would understand why those of us who really value this place find it a special and precious wildlife viewing opportunity. Thank you.

we have a duet with billy Paul and Ellen statin. You are requesting a combination of 6 minutes between the two of you. Rather than three minutes each.

My name is billy Paul, I'm here representing a group called S.E.A.P.A.W.L. to start with, during the lunch hour, I donated 35 to the general fund. Parking ticket, so I feel good about that. thank you very much. The seals need a safe place to go and they found t. It's interesting for an invisible barriers people understand the nature of it. We have taken over most of California coast which makes it unusable for seals. There used to be colony that lives in cove and surrounding rocks. I know there were 4 6 seals that lived in La Jolla cove in the 1950 s. And La Jolla shores beyond the edge of the pier, that was years ago. There used to be a number of seals who lived in the devil s Area. If you are a diver you know where that is. numerous areas along ocean beach and sunset cliffs. I remember the park along sunset cliffs where there was a sandy beach, bridge, and stairs that went down to the beach. There was funding, I'm not sure, a million dollar that's depleted in 1950. As a four year old I remember going to a heard of seals in this park there were 20 30 and I remember my mother yelling stop, come back and I wasn't t harassing. There were pocket beaches made by ocean erosion. now these natural beaches have houses on the cliffs and slopes above. So what has happened to save these developed areas, the cliff tops have dumped into the natural pocket beaches we used to have. They no longer exist. A lot question why do the seals come here. because we have taken away the environment where they used to go and filled it with riffraff. You can see it all over the place. We can mitigate some of this rip rap we dumped on our coastlines by giving

back and dedicating the area at Casa pool for the seals as we have taken their natural habitat. as a matter of fact, I have been told the rock which we call seal rock is not the original seal rock which was noted on the map in 1884 map and another map made in 1887. The original seal rock was taken from the seals and buried by the sea wall used to build Casa pool. Some could be seen today. what we have now is the seals want their rock back and they are using the closest usable location. This is the beach that was made from the wall placed on the original seal rock. And we now, rather than having a rookery, we have a rookery. When we recognize the seals want some of this usable space too. When do we recognize this when I last talk world seals they asked me, can't we humans share. Humans have taken La Jolla cove and they don't share it with us. What is wrong with this picture. seal rock is a jagged piece of rock. Gets over washed in high surf and will cut your feet if you attempt to walk on it. I know that because I have walked on it and cut my feet upment we need to look at opportunity for children to view seals in their natural habitat. this is a world class area that gives residents and tourists alike an opportunity to view these wonderful animals. Many visitors have come to San Diego and commented on how wonderful this area is and how it's unique location in all of the world. This unique area is where we need to allow the seal to swim in their natural habitat and not be bothered by humans harassing them. If seals want to swim with humans they can come over to La Jolla cove and swim with us. We need to share the owe shared not take all of it. We need to share the beach and not take all of it. as a diver, there are a lot of areas to dive off La Jolla that are great, but not of this area of the reserve. If you have been in it, the current reserve is not a prime diving spot, there's too much surf, full of foam and bubbles and the water is not clear. Off the tip of the sea wall there's a rip current that will suck you out in the ocean and is not a safe place for children to swim. Children can safely swim in La Jolla cove if they want. And the seals can come swim with us. Thank you.

your partner was quite quiet, but that s fine. She said I concur. Let us do Christine Perez.

We will probably have to take a break before we finish the speakers. One more.

First I would like to thank you for making a resolution for our military. I'm here to urge you to keep harbor seals on Casa Beach. My husband is overseas who believes fighting for others. I fight to protect the harbor seals from being terrorized from human interference. Since I'm limited on time, I will only go over a few. We humans do not depend on this beach for survival. Seals do. This hall out site is one of the most beautiful close up areas. We are blessed to have this nature in our backyard. Children and adult from all over the world enjoy seeing seals and pups up close and personal. I'm a Midwesterner, and feel this is the best place on earth. We don't have anything like this in Illinois. I realize a lot of people are upset because they swam here as a child and or took their child there to swim. We have to remember that things change. Life is about change. Good and bad. Keeping this reserve is a good change. Remember it's up to us to protect our wildlife. thank you. I hope the Council will vote to preserve nature.

all right, folks we have been going for about 2 hours. It's 4:00, we will take a break. ,,,,,,

the City Council meeting will come back to order. I'll ask the clerk to call the roll. [Calling roll] All right, we're going to, we have about a half hour of testimony left before we go to Council discussion, we will start with tammy sams, followed by Christine Perez.

Christine already talked. No she did yeah. so followed by Claire peters.

Hi, I had hoped to be witty and eloquent, but that was four hours ago. You can see what it's like for us at the end of the Council meeting. I understand, but do you have to go and change your parking spot every hour and a half. you can just pay the ticket like billy Paul. I am making a donation to the fund. There's not a lot I can say that is original at this point. Thankfully my counterparts have given you a lot. I don't have a lot besides my own personal thing. I have lived in San Diego 15 years I have only seen a seal over by corvero basin. I go to La Jolla like everybody else when I want to see seals. When I have visitors I spend a couple hundred on dinner, but only if it's in conjunction with the seals. I don't know how those restaurants would feel about losing that money if the seals are gone. but if not for that, I would t go in there. It's a revenue issue. It's great to see the seals. I didn't know seals were opportunistic and deliberately poop and pollute the coastline. that is something I will take with me. I didn't know something had to be endangered to be protected. I thought San Diego was more into nature. We are tree huggers, that s what my redneck dad says from Pennsylvania. We need to hug the seals. I'm probably running out of time, so all I want to say is the poor diver having so much trouble lugging his equipment, so if he wants help, I will help you. I appreciate you all letting me speak today. thank you very much. Have a good afternoon.

I'm sure your dad doesn't get our city access T.V. Channel, does he in Pennsylvania. Claire peters followed by Zackary ravanor.

Mr. Mayor and City Council members, I would like to say I'm not related to scott peters. We are on two different sides of this issue. I was going to name my daughter Claire, but she turned out to be a son. Sorry about that. I also can't say anything too new. We have already discussed so much pertinent about this issue. But I just want to say that personally, I get so much pleasure out of being able to see a bit of wildlife in a world that s paved over, planted, organized, and as a person who grew up where we had no sidewalks, we had woods, we had a place just to go and get away from humanity, to be able to go down and just watch the seals doing their seal things, and to see the other people who come, I see people

who are elderly, retired, they come down and watch the seals. I see disabled people in their wheelchairs watch the seals. I see tourists come from out of town. I see local people bring their friend to the seals. There's so much pleasure that it's gotten from visits to the seals. I just want to say there will be people all over the world who will be all over San Diego and La Jolla who will be disappointed when they can no longer come and view the seals. Please keep them there.

Zachery followed by Bruce Resnick.

Mayor Murphy and City Council members, thank you for giving us this time to speak. My name is Zack Ravanor. Here at citizen, tax payer of San Diego. And as the conservation coordinator for group called Wild Coast based here in Imperial Beach California. On the personal side, I have been living in southern California ten years and San Diego for more than five. I lived in Los Angeles for the first five. As everybody here love to express, it's very different here in San Diego than Los Angeles. It's more beautiful. There's more open space, more intimate contact with nature. I think San Diegans pride themselves in being in touch with nature. The dolphins, whales, the seals. Little by little, I have seen San Diego become more Los Angelesized. More traffic, less open space, less respect for those type of feelings of openness and from what I know these ten years is nothing compared to previous history. So on a larger scale, I worked as an adventure travel guide throughout South America and I saw these paradise places and you see them get ruined. A very unique place of San Diego, is the beauty, the laid back pace, compared to sister county Los Angeles and Riverside. And we're losing that slowly. And one of the amazing magical things and whether you put a value economically with the seals and how much money they bring or not. It's amazing to go down and see the seals. People come from all over the world to see that and it does give San Diego special flavor and feeling and San Diego a special pride. Now on a more formal note, as a representative of Wild Coast, I would like to make our stance and our stance is that we have taken a strong position in favor of defending the U.S. Marine Mammal Act and allowing animal to occupy their natural habitat in San Diego. We believe it's important for San Diego and elected official to understand they are part of our eco system and ask fishery service. Councilmember Peters and other citizens have made points about the pollution in the Children's Pool. And these arguments are the same arguments taken by the Japanese industry for blame whales and sea lions. These are variances from fecal matter. We hope the Council takes a strong position for this. Thank you for your time.

Bruce Resnick, followed by Claire Roberts.

Honorable Mayor Murphy, City Council members, future candidates. I'm speaking on behalf of San Diego Bay Council and I have a letter including auto bond, Sierra Club [Listing many

organizations] Urge you to follow your own staff recommendation and continue to reserve at seal rock. Sometimes the community seems divided. I want to urge I'm speaking on behalf of all organizations that represent 25,000 people in San Diego, you have heard from project wildlife and 11,000 petitions. You have heard through the passive voice of tens of thousands of people who come to seal rock and children who voted 91 in petitions in the La Jolla schools that we want to keep and protect this habitat. And you have heard from opposition side as well. That it's not about seals not about La Jolla nimbysm. I would ask for a little honesty here. And folks up there, I think you realize that. It's not about water quality. Let us be honest about that as well. With all the problems, the toxic sea pool that is San Diego bay and mission bay and problems along our coast. The daily fights, it's a little disingenuous and dishonest to make this water quality issue. I would urge the folks making that an issue and garibaldi, we are on the opposite side of this issue, maybe you should join a group like bay keeper, because we are there on a daily basis. It's not about that, or access either. Access has to be looked at in a number of ways, it's the passive access of thousands and tens of thousands who come out every day and every year to see these seals. Really, I just urge you once again to look at this and figure out what this issue is about. It's about protection of what was such a natural beautiful eco system of in San Diego's protection of that and vast majority of children and larger community and it's not, not about an early Mayoral campaign pledge. Thank you very much.

[Applause]

Claire Roberts. Followed by Ronald Roberts.

I Roberts. maybe we are having a Mayoral campaign. I will be very brief because I can't be as eloquent as all the people who came before me. La Jolla area of San Diego is never going to be the sleepy village it was in the 1950s. So pragmatically speaking, what the Council ought to consider, the money making proposition, because they bring an awful lot of tourists, 70,000 80,000 a month, and I'm down there every week end and I visit with people from all over the world. But on the other hand, California is looked to as a leader both environmentally and economically. we don't want to read in the new york time that San Diego dislodges seals so some elite can keep La Jolla an enclave devoid of tourists and wildlife so they can swim and surf when they have the entire coastline to do so. That's all I have to say. Thank you for listening to me.

[Applause]

Ronald Roberts followed by leis shindler.

I have met people from all over the world, every state almost. Many from different parts of California and believe me, every Councilmember, there are people from the district that go down on the weekend to see the seals. Down there, we explain what is going on. We are very honest. People understand there's a controversy over the Children's Pool. Now what I found today in my listening, I thought the controversy was that some of the people want the children to have the pool back and my observation is now that maybe some divers, maybe the La Jolla swim club would like to get the thing back. But I did t hear a whole lot said about children. And I think children today, with the numbers we see get more enjoyment and education from going to the pool. There's 80,000 a month, don t create traffic problems. Only one time did I see a rowdy crowd when the La Jolla swim club swam in the middle of the seals and one got attacked. There was a tour bus, what do you think their observation is when people come ashore in front of children to prove their point. I think that s wrong and I maintain we keep this as a reserve. Thank you.

[Applause]

lesil shindler followed by tammy wolet. Tammy already spoke okay, followed by Nancy ware.

Hi, I'm a docent with La Jolla friends of the seals. I am 19 and have been since 15. when I first started being docent I lived in san Bernardino and drove 2 and a half hours to come and talk to people about the seals and see the seals myself. I wouldn't have been driving that far as well as dedicating my weekends for four years to see them if it wasn't something I thought was important and special. And in those past four years I have been down there, I have never seen a child say they would rather swim at that beach than see the seals and I have only heard good things from children, even if their children are opposed to seeing seals there. Children always seem to be entranced by seeing these animals and happy and smiling. And look at that, can I take a picture. The children just seem to love this. So I think the Children's Pool is really still for the children if they can go see these animals there, see them in natural environment without having to pay money or go to a zoo. They can just go right there and see that. So many people have spoken today that wanted to keep the seals there, and I agree with them. and I also think it would be important to have us all stand up as a group right now to just show our support for the seals, so if you would like, stand up. Thank you. So I would just like to say, as a child and still really being a child, I love the seals there and I love going to see them and I think they are really important treasures that we need to keep there. And some day I would like to be able to take my children and grandchildren there to see the seals. So thank you. [Applause]

Nancy ware. Not here. Laurie Watkins. followed by Yvonne shindler.

Hello. I'm here on behalf of my daughter. She is two years old. Although she can probably speak for herself, because some of her first words has been go see seals. Has been her favorite thing over the past year. I don't want her to lose this opportunity, it's incredible to be able to take her down there and see these seals up close in the wild. It's an amazing experience that we have all been blessed with. and as a mother, I was shocked with the recent news coverage and only really became actively involved recently in seeing the swimmers out there and I was shock today see that people were trying to get rid of the seals. I was really amazed and find out further they were swimmers and diver that s were opposed to the seals being there. People that should love and appreciate the ocean and its inhabitants. I'm a diver, my husband surfs, my toddler love to play and swim at La Jolla shores in different parts of the cove. and we want to teach her to love the ocean, respect it and not destroy it. I have a list here of some of the organizations who have spoken today. I'm probably the last one up here. I will just run them off. I think it speaks volumes about what we should be doing for our children. These groups are either here today or sent letter to be read. In support of renewal of the Seal Rock Marine Mammal Reserve and expanding it to include Casa Children's Pool Beach. National wildlife federation, humane society of united states. Sierra Club. Save the seals coalition. La Jolla friends of the seals. I think I heard someone say S.E.A.P.A.W.L. Bay keepers, San Diego chapter of surf rider foundation, earth lie and institute. Wild coast and members of protect, project wildlife and California Council of wildlife rehabilitators and California western environmental law society. These are just a few of the names have I gathered. I think that s quite incredible and we thank you for hearing from all of us.

[Applause]

I guess, Yvonne shindler did not ask to top. I see that on the slip. Did you change your mind I should have known better than to the reason why I wasn t going to speak is because most of what I have to say has already been said. I'm a docent and I have been with the group since it started. I was so excited the seals are there. I grew up in San Diego and I would have to say I learned to swim at the cove. Never really went to Children's Pool until one day I was going by there and saw the seals and I have been going back ever since. I'm leslil s mother. We did go and help docent because we want to share with the public what a wonderful thing it is. That is one reason we moved to San Diego. I would be upset to have them be gone. I think we need to take a look at what we have and it's a special wonderful thing. I have seen so many children and busloads of children come. I have had people write to me after they have gone home to new york or where ever commenting about how it was the best part of their trip and when they come back it will be the first thing they return to. Basically that s all I have to say and I'm for renewing the reserve and beach and taking care of our seals.

we will close the public hearing and go to Council discussion. Mr. Peters

thank you, your honor. And first I want to start by thanking everybody for coming out and expressing your opinions on what is a very personal issue to many people, including me. And I don't want to repeat the very eloquent comments by the public. But I don't want to start off with a couple clarifications on a couple pieces of testimony. First Mr. Ericson who referred to my use of the word invasion I want to assure you all and make sure Mr. Ericson is reminded I never referred to Saddam Hussein or Adolf Hitler. He gets pretty jazzed up about topics. I did use the word invasion but none of the other things and Ms. Lambert is correct. The 28 number is incorrect and we apologize for that meant the beach has been closed 365 days per year because of fecal matter. This has been closed because of the contamination from a very concentrated population of seals in a very small area. Let me read my motion and I would like to speak to it. My motion is that we not accept the Coastal Commission change to the seal rock reserve. Instead we accept educational signage in the area and continue the docent program and direct marine life protection act working group about the marine resources in the area and let the working group advise us on the appropriate steps in their comprehensive review of California marine resources and second we direct the city manager to return to the natural resources and culture committee with a report on how, in compliance with federal law, to reduce pollution levels and to return the Children's Pool for recreational use to children including accessible uses.

is there a second to that motion okay there's a motion and a second.

Thank you. I think it's important to remember that today there is no reserve in effect. That it has expired. So if you want to keep it exactly the way it is today, there would be no need for the Seal Rock Marine Mammal Reserve to be extended, when it was first established it was created under a five year trial to determine if it was necessary to reduce the harassment of harbor seals. There's now a state process for identifying and maintaining these reserves that's going to happen state wide under the marine life protection act. My motion would refer this issue to the state wide body working on these things. Here's what we know locally about the rock. The city manager report in 1999 after five years of experience with the reserve included there's no indication it achieved objective of reducing instances of humans disturbing seals. and the three actions include educational signage, docent program. Let it lapse at that time and increase signage and encourage the docent program. The California Coastal Commission report decline aid permanent reserve because the proposed project raises the issues of conflicts between public access and protection of the harbor seals. That is the end of the quote. And note that establishing seal rock as permanent Marine Mammal Reserve would be inconsistent... Department of fish and game indicated to the city attorney in a letter of March 15th we conclude it has no right that would ordinarily prohibit public. It attempt to regulate subject that has been preempted by federal and state law and suffers from infirmities, given this we doubt the ordinance could withstand a challenge. That raises issue of enforcement that people mentioned. Fish and game also noted the

conflict with article 10 section 4 that no one claiming or possessing the frontage of tidal lands shall exclude the right of way of such water, whenever it's required for public purpose nor destroy or obstruct free navigation of such water. They noted it's a constitutional right and I appreciate we may disagree about what access means. But this is an access issue and it's addressed in the constitution of the state of California and issue of beach access by humans is something that is in the constitution and sprouted the coastal act in the first place, one of the things. The state lands commission indicated in a letter to the city attorney August 15, 2000, the appropriate trust use for public trust lands on temporary basis or limited periods is authorized by chapter 688 and we would recommend any extension be approved before a limited period. After five years of experience, what all these organizations concludes is that the seal rock reserve had not turned out to have reduced the harassment of harbor seals. Which was its intended purpose. What was effective were signs and docent program which we are great full for. But not this particular reserve. People here who oppose the city manager's recommendation testify to a great loss. Loss of beach access. Loss of history of this area and diminished quality of their life. And I think to say it doesn't do it justice. That is what's happened. Some people might think that's a good thing, but I don't. And I think it's a loss of access to people. When I campaigned for City Council over two years ago, it was remarkable to me how many times I would go to a door in La Jolla and the only two things were mentioned, one was undergrounding power lines, thank you Mayor and my colleague Ms. Atkins. that's important issue in La Jolla. But people also said, we used to go out there with my family. This is where I taught my daughter to snorkel, this is where I learned to swim, and can't we find a way to get it back to the way it was. so when people come out and say joint use won't work, I have to say it's the observation of so many people, so many San Diegans that it did work and it worked for decades. It just strikes me that there's no harm in trying to see what we can do in compliance of federal law to strike that balance that once existed here. And you did't hear anyone testify that they want to harm the seals or that they want to get rid the seals even. What you heard like from people Ann Cleveland, we want it find a way to share again. that is what I'm looking for. For. If you want to see examples of what I'm talking about, go to sandiego.gov. We had seals in the background and foreground. That's the way it was, because of the contamination people aren't able to use it anymore. Finally there were a lot of comments from people claiming to know what Ellen Browning Scripps would wanted to. I guess we don't know that. But one reference was to J.C. harper, one of the speaker's grandparents who wasn't in support of the city manager's recommendation. August 19th, 1922 he is writing a letter to Ms. Scripps, he was the lawyer, your brother called attention to this, the inadequacy of the cove is becoming every year more apparent. There's a special need for safe bathing place for the children. Construction of a concrete sea wall or rock break water along the general line of present rock formations that now line the pool. the same gentleman Mr. Harper, in 1931 at the dedication said, adults must recognize here at the pool, the children have a primary claim. No one referred to the contents of the letter from Ms. Revel, the great grandniece of Ms. Scripps, I won't read the whole thing but a couple points, she too uses the word, the term invading seals. Without reference to tyrants. But she did quote Mr. Joseph Cordaro, he says, I think it's safe to say harbor seals have colonized Children's Pool. It's a unique situation because it's the only public beach a sea lion has colonized. We need to not allow them to establish a beach head. She laments why didn't we do something about that. Further down she says, the seals used to be apparently quite content with just seal rock. Since it and the area around it were protected by banning swimmers in too close proximity and any harassment can be fined. Whether we have a reserve or not, it's illegal to harass these mammals. Many of us would like to see returned to this situation when swimmers and seals got along nicely together. Seal supporters point out there are other beaches available to children. Have you to remember that Ms. Revel is over 90. It's one reason she couldn't come here. don't think of it as a 40 year old man. She says May I ever ask if they go in the ocean themselves, and what beach and what children it's become steeper and rockier. It's far less child friendly than it used to be. It's for surf boarding mostly and many don't like the shores because of having to walk

so far out before being able to swim. Ellen Browning Scripps loves animals because she gave to the zoo. I'm tired of having people who don't know her, say that she would rather have seals than children enjoy Children's Pool. That area that was a dangerous spot was made safe by the curving sea wall that deflects the waves. Children do enjoy the seals, but so do they like splashing about. There's too much watching in the lives of modern children. A gift is a gift and the generous one she gave to the children, not just La Jolla children, but anyone who wants to come to the Children's Pool should not be ignored. The other thing that got me is testimony that we should leave these animals in the natural habitat. This is a problem. This break water has created a very unnatural place that, by the way, today we would never allow to be created, but in the 1930s, could be created. And it was made for children to learn to snorkel and swim and now it's been a place where too many seals are concentrated where it prevents the activity for which it was intended and dedicated. So I ask today that we recognize that if we could find a way to return to the situation where children and seals and families and divers and fishermen can use the area together, which is the way it was for decades we ought to look at that. My motion asks for that study. I don't suggest this is easy. I don't suggest we are successful. All I ask is if there's a way to restore this to joint use of seals, children and their families that existed for so many decades and for which this area was dedicated. I don't think it's too much to ask, I think it's the right thing and I ask my colleagues support.

all right. Are there any other requests from the Council to be heard Ms. Atkins

thank you. I could certainly appreciate and I certainly recognize the dilemma that Mr. Peters has in terms of trying to find the right solution. I think there are many competing interests on the coastline and I guess today I'm most convinced having followed this for years not as closely, certainly as Mr. Peters or Mathis before him. But I happen to think that the use that has now occurred because of the increasing seal population is the best use for small portion of our coastline. And I think, you know, we talk about the history and I think it's cyclical. At one point I think it was mostly a natural situation, by natural, I mean there were probably seals, a few people, then there were more people and I see the pictures down here of the beach when it was inhabited by mostly beach goers and swimmers. And now, it's reverted back. I think it's an appropriate use. And so I certainly understand what Mr. Peters is trying to do to get a solution that reaches some type of compromise, but I guess I happen to think that the seals at the pool and reserve are an exciting natural attraction. Loved by tourists. Typically when I get tourists from other parts of the country on an issue, like I did for dog park and grape street park, I have to think, why am I getting these kinds of emails for this issue or that issue. But I certainly understand it in this case. It was the constituents from my own district actually that weighed in pretty heavily. With all due respect I won't be supporting the motion today.

Ms. Frye

thank you. I think there were some comments, and I won't repeat the testimony because it's getting onto 5:00. I think one of the things that was said today that we would like to put this area back to where it was, how far back to we want to go I think that is the question. I would like it to go the way it was where we did t have, you know, 200 foot high rise buildings along the coast. I would love to go back. But you know what, I guess were not going to be able to. And that's the way it is. There was a reason. there absolutely was a reason that the reserve was put into place and I remember this many, many years ago. So it was a problem the way I remember it that was a problem with this co habitation. This past weekend or the one before, probably more so than ever when I saw the news, I won't say which T.V. Channel it was, it was all of them I watched. But in any case, the footage that I saw was pretty appalling. To see people that were talking about coexisting with something to be so fool hearty to believe they can descend on mothers with pups and not have some sort of reaction. It was sort of amazing to me. But is this legal I believe it's legal. For five years, in the manager s recommendation, I don t believe there's a problem with legality, I don t agree, and don t think it's accurate, because I'm looking at letter of intent to issue permit with three conditions being enforced. So absolutely it is legal and it can be done for a five year period. But finally, I guess the question I will ask myself today and I know many people will agree and I know many people will disagree and that s the joys of being an elected official. Is what do I really believe that the children, the children want. And I will guaranty you that if a child is down there at that beach and saw seals, that would be one of most joyous moments for that child than I think they could ever imagine. I used to get excited seeing a lizard when I was a child or road runner. so a giant marine mammal. The thought of seeing that when I was a kid, that would have been amazing. And I am not going to be supporting Mr. Peter s motion. It's just two ways of looking at the world. And I happen to look at it a little bit differently.

okay, there's no other speakers, Mr. Peters motion is on the floor. Please vote.

Call the roll. It passes 6 to 3. With districts 2, 3 and 6 voting no. that is the conclusion of the hearing.